

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 18th February, 2009

The House met at 9.00 a.m.

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

PRAYERS

NOTICE OF MOTION

CENSURE OF MINISTER FOR
AGRICULTURE: HON. SAMOEI

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

THAT, being deeply concerned with the conduct of the Minister for Agriculture in the manner he has mishandled the purchase, storage, sale and distribution of maize from the National Cereals and Produce Board, leading to the current unprecedented high cost of maize meal coupled with the scarcity of the commodity that has resulted in a national disaster, where some Kenyans have succumbed to death and left a further ten million starving; considering his disregard of the provisions of the Public Officer Ethics Act, in particular, Sections 12/4/C, 12/4/D, 17 and 19 and related regulations in the discharge of his duties, this House censures the Minister and resolves that it has no confidence in him, and demands that he resigns with immediate effect.

QUESTION BY PRIVATE NOTICE

CAUSE OF DEATH OF EXPECTANT
MOTHERS IN TURBI LOCATION

(Mr. Chachu) to ask the Minister for Public Health and Sanitation:-

- (a) Could the Minister explain the cause of deaths of four expectant mothers in Turbi Location, Marsabit North District in early January, 2009?
- (b) What measures has the Ministry put in place to ensure such kind of incidents do not recur in future?

The Temporary Deputy Speaker (Mr. Imanyara): The Member for North Horr is not here! Question No.191 by Mr. Mututho?

ORAL ANSWERS TO QUESTIONS

Question No.191

UPGRADING OF FACILITIES IN
NAIVASHA DISTRICT HOSPITAL

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mututho is also not here?
Question by Prof. Kamar!

Question No.509

NON-COMPLETION OF PRISON
OFFICERS' HOUSES BY BIC

Mr. Kapondi, on behalf of **Prof. Kamar**, asked the Vice-President and Minister for Home Affairs:-

- (a) whether he could explain why Burrel International Company which was contracted by the Prisons Department on 13th September, 2006 to construct residential blocks for prison officers has failed to complete the project after foundation trenches were excavated and foundation footing partially laid;
- (b) what the total amount paid to the contractor was; and,
- (c) what measures the Government has put in place to ensure that the houses are completed.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Vice-President and Minister for Home Affairs! Is there anybody from the Front Bench who knows whether the Vice-President and Minister for Home Affairs is on his way here?

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, this Question is partly answered. The Vice-President and Minister for Home Affairs should come and finalise it. He is on his way.

The Temporary Deputy Speaker (Mr. Imanyara): Question by Mr. Kombo!

Question No.584

GOVERNMENT POSITION ON EPAS

Mr. Kombo asked the Minister for Trade, whether he could explain to the House the Government's position on EPAs. considering that Kenya, alongside other East African Community (EAC) Partner States, recently signed an Interim Economic Partnership Agreement between the EAC and European Union:

The Temporary Deputy Speaker (Mr. Imanyara): Minister for Trade!

Mr. Mungatana, do you have any idea where the Minister is?

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, again, I beg your indulgence. The Minister for Trade is on his way.

The Temporary Deputy Speaker (Mr. Imanyara): Question by Mr. Gitau!

Question No.644

IRREGULAR SUBDIVISION OF LAND
BY KIRINYAGA COUNTY COUNCIL

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Gitau is not here!

Question by Mr. Shakeel!

Question No.635

RE-ORGANIZATION OF HEALTH
FACILITIES UNDER LOCAL
AUTHORITIES MANAGEMENT

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Shakeel is also not here!
Question by Mr. Lekuton!

Question No.663

MEASURES TO COMBAT
UNRECYCLED SUBSTANCE POLLUTION

Mr. Lekuton asked the Minister for Environment and Mineral Resources:-

(a) what measures he is taking to combat the continuing danger of unrecycled substance pollution as a result of increased dependency on petroleum-based products such as plastic water bottles and plastic bags; and,

(b) what interventions he has put in place to reduce this dependency and support recycling efforts.

The Temporary Deputy Speaker (Mr. Imanyara): Minister for Environment and Mineral Resources!

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, the hon. Minister is just in the lobby here. I beg your indulgence.

The Temporary Deputy Speaker (Mr. Imanyara): Question by Mr. Letimalo!

Question No.478

UPGRADING OF ARCHER'S POST POLICE POST

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

(a) what plans the Government has to upgrade Archer's Post Police Post to a station;

(b) what the current regular police strength at both Archer's Post Police Post and Sere-Olipi Patrol Base is; and,

(c) when the Government will post more security personnel to Archer's Post Police Post and Sere-Olipi Patrol Base.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I beg to request the Chair to allow me to answer this Question in the second round, because I am expecting the answer. Sorry about that.

The Temporary Deputy Speaker (Mr. Imanyara): Question by Mr. Wamalwa!

Question No.445

TARMACKING OF BARBATON-
ENDEBESS ROAD

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Wamalwa is not here!
Question by Mr. Kaino!

Question No.319

TARMACKING OF KAPSOWAR-ITEN ROAD

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kaino is also not here!
For the second time, Question by Mr. Chachu!

QUESTION BY PRIVATE NOTICE

CAUSE OF DEATH OF EXPECTANT
MOTHERS IN TURBI
LOCATION

(Mr. Chachu) to ask the Minister for Public Health and Sanitation:

(a) Could the Minister explain the cause of deaths of four expectant mothers in Turbi Location, Marsabit North District in early January, 2009?

(b) What measures has the Ministry put in place to ensure such kind of incidents do not recur in future?

The Temporary Deputy Speaker (Mr. Imanyara): Is the Member for North Horr still not here? The Question is dropped!

(Question dropped)

For the second time, Question No.191 by Mr. Mututho!

ORAL ANSWERS TO QUESTIONS

Question No.191

UPGRADING OF FACILITIES IN
NAIVASHA DISTRICT HOSPITAL

The Temporary Deputy Speaker (Mr. Imanyara): Is Mr. Mututho also still not here? The Question is dropped!

(Question dropped)

Question by Prof. Kamar!

Question No.509

NON-COMPLETION OF PRISON
OFFICERS' HOUSES BY BIC

Mr. Kapondi, on behalf of **Prof. Kamar**, asked the Vice-President and Minister for

Home Affairs:-

(a) whether he could explain why Burrel International Company which was contracted by the Prisons Department on 13th September, 2006 to construct residential blocks for prison officers has failed to complete the project after foundation trenches were excavated and foundation footing partially laid;

(b) what the total amount paid to the contractor was; and,

(c) what measures the Government has put in place to ensure that the houses are completed.

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, may I request that this Question be deferred, maybe, to tomorrow or this afternoon?

The Temporary Deputy Speaker (Mr. Imanyara): What do you have to say, Mr. Kapondi?

Mr. Kapondi: Mr. Temporary Deputy Speaker, Sir, this Question was asked sometime back and I would prefer that it be deferred to this afternoon.

The Temporary Deputy Speaker (Mr. Imanyara): I will give the Leader of Government Business one more chance to see whether he shows up because the Question has been asked.

Next Question!

Question No.584

GOVERNMENT POSITION ON EPAS

Mr. Kombo asked the Minister for Trade whether he could explain to the House the Government's position on Economic Partnership Agreements (EPAs) considering that Kenya, alongside other East African Community (EAC) partner states recently signed an Interim EPA between the EAC and the European Community (EC).

The Assistant Minister for Trade (Mr. Omingo): Mr. Temporary Deputy Speaker, Sir, before I respond, I want to apologise for coming late.

I beg to reply.

For the last 30 years, trade relations between Kenya and the European Union (EU) have been based on the non-reciprocal trade preferences which granted nearly all products originating from Kenya and other African, Caribbean and Pacific (ACP) countries duty free access to the European market. The above trade relations well known as the Lome Convention came to an end in 2000 due to the challenges from the World Trade Organisation (WTO) members as it was against multilateral trade regime rules.

The ACP countries and the EU agreed through the Cotonou Partnership Agreement, signed on 23rd June, 2000, in the City of Cotonou, Benin, to negotiate a new trade regime in the form of EPAs which were to be concluded by 31st December, 2007. I am endeavouring to take through hon. Members these litany of issues so that I can bring them up to speed because this has been a grey area for hon. Members and the civil society.

In order to be able to negotiate EPAs, ACP countries and the EU sought WTO waiver to enable them to continue trading in non-reciprocal trade preference regime from the 4th WTO Ministerial Conference which was held in Doha, Qatar, in November 2001. A seven year WTO waiver was granted, which was to expire on 31st December, 2007. The negotiations for EPAs were launched in 2002 at all ACP level and later regional level in six regions; Caribbean, ECOWAS, SADC and ESA. The Government initialled the agreement- and this is what is contentious - establishing a framework for EPA between the EAC and the European Commission (EC) on 27th November, 2007, in Kampala, Uganda.

The framework agreement is yet to be signed by both parties as both parties are in the process

of correcting errors and translating the agreement to the various EU member states' national languages to make it ready for signing. Initialling of the agreement was necessary to avoid disruption of trade which was imminent on 31st December, 2007 when ACP-EU Partnership Agreement was to expire. If this country never initialled that agreement, all our trade between Kenya and the EU would have collapsed upon the expiry of that agreement in 2007. Therefore, most of our flowers would not have accessed the European market.

Kenya, therefore, supports EAC/EC/EPA negotiations which, according to the agreed roadmap between EAC and EC, will be concluded in July, 2009. The interest of the country is to ensure that Kenya will get the best EPA that takes into account the country's national interests agreed by all stakeholders from the Government, private sector and the civil society in trade and trade related sectors.

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, I thank the Assistant Minister for that comprehensive answer. But like he said, this is a grey area for the House and such information should be given to Parliament on a regular basis without being prompted. However, the Assistant Minister is aware that according to the study by the Kenya Institute for Public Policy Research and Analysis (KIPPRA) on behalf of his Ministry, the country stands to lose 16 per cent of annual revenue when EPAs are implemented due to the removal of customs duties.

How will that loss of revenue be compensated so that the Government's ability to provide basic services is not compromised? Why did the Ministry opt for EPAs instead of the GAP Plus, which would have assured us of the same access to the market without reposit?

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, I agree that my Ministry has not given this House sufficient information but I want to report to this House that in the last two weeks, we had a seminar in Mombasa involving hon. Members from the Departmental Committee on Agriculture, Lands and Natural Resources and the Departmental Committee on Finance Planning and Trade to bring them up to speed on the EPA negotiations, WTO and all those kinds of issues. Unfortunately, we appreciate and regret that the hon. Member could not attend that session and he had sent his apologies.

My Ministry is taking every step to inform hon. Members at every stage of negotiations because trade is a vital component in terms of attaining Vision 2030. I agree that we have not done well as a Ministry. Again, I said here that when we took over in the Grand Coalition, there were few adjustments including splitting Ministries so that our mandates were fairly affected. We have taken up a programme to be regularly bringing up to speed hon. Members to inform them, particularly, on bilateral agreements and ratification of treaties which compromise trade if other countries have ratified such agreements Kenya has not.

As to KIPPRA's research that indicated we will be losing revenue, I can tell you that the loss without initialling EPAs could have been massive in terms of horticultural and floral industry, if we never initialled that. Why we went that way is because in WTO, nothing is agreed until all is agreed. Until the entire WTO arrangement is signified or signed, we cannot take full advantage. That is why we went for a stop-gap measure so as to have continuity. I am certainly sure that the trade links that we enjoy from the EU far supersede the 16 per cent loss in revenue.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has rightfully said that this is a grey area. I also want to remind him that when Dr. Kituyi was the Minister in that docket in the last Parliament, that Ministry was very vibrant and he used to update Parliament about the goings on. Be that as it may, the area which I would like the Assistant Minister to address himself to is the following: That when Kenya signed that agreement alongside the other East African countries, it was with the understanding that the EAC member states were going to sign into the EAC common market. But now the events are such that, the common market that was expected to take off next year, some of the EAC member countries, especially, Tanzania, are reluctant.

Could he shed light to the House how this then affects us, in view of the fact that there exists serious trade asymmetry where goods leaving Kenya for the EA countries attract duty, while those coming into Kenya do not pay duty at all?

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, I want to correct the impression that this is a grey area as far as my Ministry is concerned. It is a grey area to my colleagues in the House because we have not been briefing them on a regular basis. This is evident from the fact that every time a Question is asked about trade, there are very few supplementary questions. Arising from the seminar we had in Mombasa and I am sure Dr. Khalwale may have been briefed about the progress, that is why we are getting an interest from the Floor about the trade links.

Now the EPAs signed between Kenya and the EU, which is anticipated to be signed by the EAC and supposed to be finalised by July this year, was, as I said, away from the bilateral trade arrangement which was going to open the link between us and the EU. As to the comfort levels of our EAC trading block, it is true that Kenya stands taller than most of the EAC member countries, and particularly our sister country, Tanzania which has developed some cold feet towards bilateral arrangement. But the problem is not about Kenya but about the treaty which says that in everything that you do, there must be consensus.

Mr. Temporary Deputy Speaker, Sir, that is why we are lowering our bargaining chip to accommodate them in the ring, as opposed to causing fear about Tanzanians. We have engaged the Tanzanian Minister. Basically, that is an issue which requires a bit of politics, and not necessarily diplomacy. This is because the political class, on the other side, had made some decisions which pushed them from the East African market to SADC. So, we must be able to negotiate at a fairly personal level and extend our hand to our brothers and sisters in Tanzania, so that they can appreciate that they are better off being in the East African Community trading bloc than in the SADC.

Prof. Kamar: Mr. Temporary Deputy Speaker, Sir, I happen to sit in the ACP-EU Parliament with Mr. Kombo. We discovered that most of the countries that were initially in EPAs are retracting, because they have discovered loopholes. The discovery actually seems to have come from their own parliaments. What plans does the Assistant Minister have to bring some of these initiatives, and particularly the EPAs, to the House, so that the House can ventilate the issue and advise accordingly?

Secondly, we also discovered that we are not ventilating enough. When we go to the ACP-EU, most countries report what their parliaments have done on both the EPAs and the EDF, because that is another mammoth Fund. However, this Parliament seems ignorant. Even the two of us are not able to ventilate the issues when we go there. What plans does the Ministry have to bring this to the House, so that we take a stand on what should be done?

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, it is true that my Ministry has not done well in terms of briefing Members of Parliament. However, I would seek the indulgence of the Chair that this Ministry be given some slots to be able to brief Members of Parliament fortnightly, because this is a dynamic area. Through the meeting that we had in Mombasa, there are resolutions and recommendations made by Members of Parliament, which we intend to bring to the Floor of the House in two weeks' time to be able to ventilate on the issues and give a proper direction.

I appreciate the fact that when we were in Mombasa, the Departmental Committee on Finance, Planning and Trade, and that of Agriculture, Lands and Natural Resources gave us very valuable contributions. We intend to bring to this House a Report for discussion by Members of Parliament for decision making.

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, it is not quite true for the Assistant Minister to claim that the country is better off under EPAs. Looking at the farmers' situation, for example, he is aware that farmers in Europe are subsidised to the tune of Kshs2 billion. If we go to EPAs, the reciprocal arrangement that will come into place will entail the removal of import tariffs and, therefore, lead to a loss of livelihood to local farmers. The only tool we have to protect our

farmers is removed. Looking at the situation of our maize farmers, you will see that the moment they fail to make their ends meet, the country starves. So, what is he doing to ensure that our engagement with the EPAs will not cause our farmers to suffer?

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, I did say, in response to part "a" of the Question, that we negotiated to have a duty free and quota free access to that market. It is true that if we open our market to the European market, in terms of our national products, we stand to lose in terms of competitiveness, because of the cost of production, which is quite high in this country. It is this input that we seek from hon. Members as we engage them to be able to contribute and make necessary adjustments, so that before we sign the final agreement in July, 2009, everything can be factored. As of now, I would like to confirm to the House that the country and traders, particularly those in the floral industry, stand to benefit with the EPAs.

The Temporary Deputy Speaker (Mr. Imanyara): Next Question, Mr. Peter Gitau!

Question No.644

IRREGULAR SUB-DIVISION OF LAND
BY KIRINYAGA COUNTY COUNCIL

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

- (a) if he could clarify whether the Commissioner of Lands has consented to the sub-division and allocation of LR.No.13963 by the Kirinyaga County Council; and,
- (b) what steps he is taking to stop the irregular sub-division and allocation.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Gitau, you are completely out of order! This is the second time this Question is being called out. You have not apologised, or said where you have been. Could you, please, be orderly by saying where you have been and apologise to the House?

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, I was held up in traffic jam. Nevertheless, I apologise.

The Temporary Deputy Speaker (Mr. Imanyara): Very well!

Is there anybody from the Office of the Deputy Prime Minister and Ministry of Local Government?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, according to knowledge in my possession, Mr. Githae was scheduled to answer this Question. In the event that he is not able to make it this morning, could it be deferred for either this afternoon or tomorrow? I know that the Order Paper for this afternoon could already have been printed. So, can it appear in tomorrow's Order Paper?

The Temporary Deputy Speaker (Mr. Imanyara): What do you have to say, Mr. Gitau?

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, I have no problem with the Question being deferred.

The Temporary Deputy Speaker (Mr. Imanyara): Sorry, I did not get what you said, Mr. Gitau.

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, I said I have no problem with the Question being deferred.

The Temporary Deputy Speaker (Mr. Imanyara): Very well. We defer it to Tuesday, next week.

(Question deferred)

Next Question by the Member for Kisumu East Constituency! Mr. Shakeel Shabbir, for the third time!

An hon. Member: Absent!

The Temporary Deputy Speaker (Mr. Imanyara): The Question is dropped!

Question No.635

RE-ORGANIZATION OF HEALTH FACILITIES
UNDER LOCAL AUTHORITIES MANAGEMENT

(Question dropped)

Mr. Deputy Speaker: Next Question, Mr. Lekuton!

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, before I ask the Question, I would like to apologise for coming late.

Question No.663

MEASURES TO COMBAT UNRECYCLED
SUBSTANCE POLLUTION

Mr. Lekuton asked the Minister for Environment and Mineral Resources:-

- (a) what measures he is taking to combat the continuing danger of unrecycled substance pollution as a result of increased dependency on petroleum-based products such as plastic water bottles and plastic bags; and,
- (b) what interventions he has put in place to reduce this dependency and support recycling efforts.

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Ministry has not yet introduced a recycling programme for pollution substances such as plastic water bottles and plastic bags. However, the Ministry has done a feasibility study on this subject matter, and the project is considered to be viable as it is happening in other parts of the world.

(b) After we did the feasibility study, we are stuck with financial constraints. In this case, this project will be considered in the forthcoming financial year, 2009/210.

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, the issue of pollution and recycling of plastic bags and plastic bottles has been with us for the last few decades. Today, we produce 20 times more plastics than we did 20 years ago. Countries like the United States of America (USA) and the United Kingdom (UK) recycle 20 per cent of their water bottles. This has reduced the amount of oil they use in producing them in firms as well as the garbage. With the indulgence of the Chair, I would like to give a few facts. Even now, China exports empty plastic bottles, so that other countries can use them. Recycling a one-gallon plastic jug will save enough energy to keep a 100 watts bulb burning for 11 hours. Also, recycling a one-foot high stack of newspapers saves enough electricity to heat a home for 17 hours.

Mr. Temporary Deputy Speaker, Sir, we are losing out a lot on recycling in our country. Besides, we have a lot of cows dying from plastic bags. Now, given this huge profits being reaped by other countries, and given that the Ministry has a policy of creating a recycling programme, could he give us some of the policies they will introduce in the next one year?

Mr. Kajembe: Yes, Mr. Temporary Deputy Speaker, Sir. What the hon. Member is

proposing is what the Ministry wants to do. As I said earlier on, we are experiencing financial constraints. Right now through the feasibility study which--

Mr. Lekuton: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is talking about financial constraints. Are they lacking finances or the initiative to introduce the policy?

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, I said earlier on that we have done a feasibility study. We are ready to embark on this project as a Ministry and we are for that idea. However, at the moment, we do not have funds to start recycling waste products.

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, it is very clear that the Assistant Minister does not get it. We do not want the Government to recycle waste products. We only need a policy. Recycling is the work of the private sector. What is for the Government doing to ensure that recycling is done in the private sector? It is not the Government to do it. So, the issue of financial constraints should not arise.

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, I visited Canada which is very far ahead in recycling. In Canada, the Government does recycling of waste products through local authorities. The private sector also does it. I have said that we have a policy in place. We have even liaised with the stakeholders who are recycling waste products. If we are funded, I can assure you this will be done. We want to live with examples. We want to start with local authorities and then go to the private sector. The process is very expensive but we have talked to the private sector and they are willing to do it.

Mr. Chanzu: The question which is being asked is about the policy. I am sure that if the Assistant Minister were to listen to what hon. Members are asking--- Universities in this country are producing high level scientists. We do not want to hear Ministers telling us all the time that they have visited Canada or other countries to go and see what is happening yet this can be done locally. We want the Assistant Minister to assure this House that they can put the policy in place and everything else can work. Could he assure the House that he will put the policy in place?

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, I assure you that we will be able to lay on the Table Sessional Paper No.6 which will be enacted into law regarding recycling of waste products. I would like to assure this House that the policy has not been tabled in the House, but we will table it.

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, I do not think we need much funds to start recycling in our country. All we need is just the initiative. I would like this to start with Government offices. Could the Assistant Minister start a programme within the Government and instal recycle bins; whether it is plastic bags or bottles in each office, to show this country that they are serious about recycling?

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, that is a very good idea and it is within our knowledge. We have been discussing this idea in the Ministry. We have identified areas where we will put garbage in Nairobi, for example, Kariobangi. We will start with Nairobi. Once funds are made available, we will show a very good example. The private sector and the Government are willing to do this. We know that we will get raw materials from recycling.

Question No.478

UPGRADING OF ARCHER'S POST POLICE POST

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

(a) what plans the Government has to upgrade Archer's Post Police Post to a police

station,

(b) what the current regular police strength at both Archer's Post Police Post and Sere-Olipi Patrol Base is; and,

(c) when the Government will post more security personnel to Archer's Post Police Post and Sere-Olipi Patrol Base.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Archer's Police Post was built on a piece of land measuring about 10 acres. It is one of the police posts earmarked for upgrading into a full police station within 2008/2010 police strategic plan. During the same period, the Police Department will also construct additional police housing units and Archer's Police Post will, definitely, be considered.

(b) The hon. Member will agree with me that due to security reasons, I am not able to give the strength at Archer's Police Post and Sere-Olipi Patrol Police Base.

(c) The Government will post more security personnel in both Archer's Police Post and Sere-Olipi Patrol Base once the current recruits who are undertaking training are through.

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for the answer he has given. Archer's Post Police Post is on Isiolo-Marsabit Highway. This is an area that is prone to banditry activities and yet the police post does not have even the basic essential equipment such as radio communication sets. Suspects are sharing the same office with the officer in charge. So, you can imagine the situation at that kind of police post. Does the Assistant Minister not think it is necessary that the Ministry should give first priority to upgrading this police post to a police station in the current financial year?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, my hands are tied. This will not be possible in the current financial year because whatever funds we had have already been allocated. I am promising the hon. Member that come next financial year, Archer's Police Post will definitely be considered for funding and all that equipment will be installed in Archer's Police Post.

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, when the need arises to create police posts and police patrol bases, what do the police consider as material facts and what is the role of the area Member of Parliament in the creation of police patrol bases or police posts? What is the difference between a post and a patrol base?

The Temporary Deputy Speaker (Mr. Imanyara): You may answer one question. You may choose to answer any of the three questions that he has asked!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I want to inform my colleague that if there is any need of constructing a police post, it is the security team which sits down and agrees on where to put up what. The security team involves even my colleagues as members. They can decide to construct a police post; they can even decide to construct a police patrol base. A police patrol base is like a camp. It is from there that police officers go on patrol and return.

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I would like the Assistant Minister to tell us what criteria the police uses to upgrade police stations or police posts. The good reason why I am asking this question is because, in a place like Mutomo District, which is the district headquarters, the structures are dilapidated. Very few policemen are there and yet, they cover a whole district. What is the criteria used?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, we do not use the expansiveness of a district or a constituency to put up a police post or a police station. What we go for is the population and, secondly, the crime rate within an area. For example, my area can be so expansive and elaborate and yet, the criminal activities are minimal. So, we cannot be forced to put up a police post there and then leave an area which is not expansive, but has a very high criminal rate. So, those are some of the areas that we look into.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Last question, Mr. Letimalo!

Mr. Letimalo: Thank you, Mr. Temporary Deputy Speaker, Sir. Those are the only two security posts in that area - Sere-Olipi Patrol Base and Archer's Post Police Post. They are 100 kilometres apart. The Assistant Minister knows that, that area is prone to banditry and also cattle rustling. What is the Assistant Minister doing to ensure that the security situation is contained there? He knows the reason why he does not want to disclose the number of security personnel there. It is because they are very, very few. I may not have to give you the number because you know that they are very few! But what are you doing to ensure that their strength is increased before the recruits who are undergoing training are deployed?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I am very conversant with the area. I have visited the area myself. I was with my substantive Minister. We also promised a number of other things to assist the residents of that area.

Mr. Temporary Deputy Speaker, Sir, as I said earlier, once the recruits pass out from the college, I am sure the hon. Member will be a happy man. That is because I am going to beef up security in that area.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): The hon. Member for Saboti!

Mr. Wamalwa: Thank you, Mr. Temporary Deputy Speaker, Sir. May I, please, ask Question No.445 on today's Order Paper?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Wamalwa, this is not the first time this Question is being asked!

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, I do apologise. I was also caught up in the traffic jam. I do apologise for coming late.

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

Question No.445

TARMACKING OF BARBATON-ENDEBESS ROAD

Mr. Wamalwa asked the Minister for Roads:-

(a) what is the fate of the funds previously allocated for the tarmacking of Barbaton-Endebess Road (C44) in Saboti Constituency; and,

(b) what the Government is doing to ensure that the said road is tarmacked.

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

(a) My Ministry has not allocated any funds for the tarmacking of that road for the last five years.

(b) My Ministry is currently designing that road and it is anticipated that, that exercise will be completed in June, 2009. The Government, in the meantime, is finalizing the Roads Investment Programme and consideration will be given to upgrading of the Turbo-Barbaton-Endebess Road, that is Road C44, to bitumen standard along with other competing candidate roads in the said Investment Programme of 2009/2010.

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, my question is not about whether the funds have been allocated in the last five years. The information we have is that, that road was allocated some funds during the KANU regime. Could the Assistant Minister confirm or dig through the records in the last ten to 20 years to confirm whether the funds allocated for that road were actually diverted to another district?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, while I appreciate the question from the hon. Member, I think the Question was very specific and it asks:-

"What is the fate of the funds previously allocated for the tarmacking of Barbaton-Endebess Road (C44) in Saboti Constituency?"

I think there was no time lapse. So, in my answer, I have actually checked the records for the last five years and we have not allocated anything. So, if there was anything that was done before that, then I do undertake to give the hon. Member the answer as requested.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Dr. Eseli: Mr. Temporary Deputy Speaker, Sir, that Road C44, actually, starts from Turbo, through my constituency and into Saboti Constituency. That is a very important road in a very highly agricultural productive area. The Assistant Minister has told us that he might allocate some funds in the next financial year, but he has not given a firm commitment. Could the Assistant Minister, please, give us a firm commitment that, finally, after over two decades, that road will actually be tarmacked in the 2009/2010 Financial Year?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, I agree with the hon. Member that the road in question, classified as Road C44, starts in Turbo, that is in the Rift Valley Province, and crosses through Lugari District in Western Province and traverses through Trans Nzoia in Rift Valley Province all the way to Endebess Town. It is unfortunate that, maybe, over the years, a road of that importance has not been tarmacked. But I also want to state here that the Ministry has already given out the consultancy to do the design work. It has actually been given at a cost of Kshs31,721,360, and the completion will be by June, 2009. Thereafter, we will allocate funds to it. The estimated cost of doing that road is approximately Kshs2.6 billion. As soon as the design work is done, then I assure the House that we will prioritize that road for tarmacking.

Thank you, Mr. Temporary Deputy Speaker, Sir.

(Applause)

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, this Question raises a more fundamental issue and not just tarmacking of the road itself. The fundamental issue is this: What steps is the Ministry putting in place to make sure that budgeted projects are not changed at the whim of the Executive, depending on whether the Executive likes the hon. Member of that area or not? I ask this question because from the answer of the Assistant Minister, it appears as if funds were allocated for this project earlier on---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, Mr. Olago! You have asked your question. Allow the Assistant Minister to answer it!

Mr. Olago: I am quite obliged, Mr. Temporary Deputy Speaker, Sir.

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, I am not aware of any directives from the Executive or elsewhere, in terms of which road is to be done or which one is not to be done. I have clearly stated that we have allocated funds for the design work, and it is currently ongoing. As soon as it is complete, we will be able to get proper estimates and we will prioritise that road. That is a decision that has been made at the Ministry based on the needs of that road. As you can see, that is a Class "C" road, which means the classification underscores the importance of the road.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Last question, Mr. Wamalwa!

Mr. Wamalwa: Thank you, Mr. Temporary Deputy Speaker, Sir. Mr. Assistant Minister, you have indicated that, that road will be considered alongside others that will be competing with it. Now that the Mt. Elgon National Park has been re-branded as part of the programme for upgrading the Western Tourist Circuit, will the Assistant Minister assure the House that this road will be given

priority, given that it covers about four districts?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, I wish to give the assurance and also to reiterate that we are in the process of coming up with a Road Investment Programme, which is going to lay out the emphasis on roads that will be tarmacked on the basis of the role they play in the economy, be it tourism, agriculture and all that. That will be able to give a basis upon which roads will be developed in the next, maybe, five years to come. So, I do agree with the hon. Member that, that is an important road and it will be top on our priority list.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): The hon. Member for Marakwet West, Mr. Kaino!

Mr. Kaino: Mr. Temporary Deputy Speaker, Sir, I apologise for coming late.

Question No.319

TARMACKING OF KAPSOWAR-ITEN ROAD

Mr. Kaino asked the Minister for Roads:-

- (a) whether he is aware that although the Kapchebau-Chesoi-Kapsowar Road has been tarmacked, Eldoret remains the major commercial town for the area residents;
- (b) what plans the Government has to tarmack Kapsowar-Iten Road.

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

(a) The Minister is aware that Eldoret is a major commercial town for the area residents and the North Rift residents in general.

(b) The Ministry is planning to upgrade the road to bitumen standard. According to a consultancy design for this road that is to be completed in June, it will cost about Kshs16.5 million and the Ministry will immediately embark on financing of the programme. In the meantime, the Ministry will continue to carry out routine maintenance to ensure that the road is passable.

Mr. Kaino: Mr. Temporary Deputy Speaker, Sir, I agree with what the Assistant Minister has told the House, that the design has been done. However, this design was done long ago. This road has posed a problem to all Marakwets and even the Pokots who pass through these areas to Eldoret. Eldoret is the commercial centre as the Assistant Minister has said, whereas this road has been under construction for a long time. The tarmac road was done up to a certain place where the people who could have benefitted from its construction, did not.

Could the Assistant Minister inform the House how soon they are going to do this road? I want a specific timeframe. This work should be audited. It has not assisted anybody.

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, while I appreciate that this, indeed, is an important road and that it passes through Iten to Kapsowar and goes through all the important districts like Marakwet District which is about 23 kilometres, I also wish to state that the Ministry recognises its importance. We have had a proposal from the District Roads Committee (DRC) to upgrade the road from Class "B" to Class "C" which also signifies the importance of the road.

However, regarding previous pledges to do the road, we may not take responsibility at this particular time but I wish to assure the hon. Member that as soon as we get the consultancy report and the figures, then we will prioritise it. In the meantime, we have allocated Kshs1,056,000 for spot gravelling in the area to ensure that it is passable. So, my Ministry recognises the importance of this road.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister aware that what the Ministry tells us is totally at variance with the information they get from the officers in the field? A

good example is the Kisumu-Kakamega-Webuye Road. The former Acting Minister for Roads gave an assurance here that the work was going on. Up to today, they have hardly moved even five kilometres.

Could the Assistant Minister put in some effort and visit these places to ensure that what he is telling us here is actually in tandem with what the officers are telling us?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, I wish to concur with the hon. Member that indeed there are times when we give undertakings in the House but because the Ministry does not do the actual construction and that we have to rely on contractors who act on a given contract, then sometimes there could be a variance between what we say and what is available. However, as a Ministry, we are doing everything possible to ensure that the contracts are done on time and within the specified contract period.

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Mr. Temporary Deputy Speaker, Sir, before I speak, I would like you to take note that we wear two hats in this House.

The Temporary Deputy Speaker (Mr. Imanyara): Are you on a point of order?

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Mr. Temporary Deputy Speaker, Sir, I am not on a point of order.

The Temporary Deputy Speaker (Mr. Imanyara): What is it?

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Mr. Temporary Deputy Speaker, Sir, I want to speak as a Member of Parliament. I know I am an Assistant Minister but I want to speak as a Member of Parliament. This road is in my constituency.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Hon. Members, if you are a Member of the Front Bench, you cannot ask a question. You are out of order to stand and ask a question.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought hon. Kilimo was actually not standing to ask a supplementary question. If I heard her correctly and even now she seems to be raising an issue with a colleague for interfering with her own constituency or something like that. So, I thought that was the issue really.

The Temporary Deputy Speaker (Mr. Imanyara): I asked her whether she was asking a question and she indicated that she was asking a question.

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, while I appreciate that the Assistant Minister is trying to answer the Question, I thought I concur with the former speaker who contributed because the Ministry has committed itself to do the road and the Assistant Minister is aware that the road between Kenol and Maragwa has been committed to be patched and resealed. What is the Ministry doing to keep their promise and repair the road?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, I agree with the hon. Member that, indeed, the road from Kenol to Murang'a, we had committed to do the work but there has been a delay. Nevertheless, we have actually issued instructions for the work to commence as soon as possible and through the Provincial Works Officer, I think it will be done within the next two weeks.

The Temporary Deputy Speaker (Mr. Imanyara): Last question by Mr. Kaino and be mindful of hon. Kilimo since she is your neighbour.

Mr. Kaino: Mr. Temporary Deputy Speaker, Sir, I think my neighbour is correct because she has never benefitted from this road and it is painful to everybody. She is also pained by the non-completion of this road. Just for the fact that she is an Assistant Minister she cannot ask a question on this road. She has stood because the pain is too much. Marakwet is the only district headquarters in Kenya which does not have a tarmac road.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Finally, ask the question or I will move to the next Question!

Mr. Kaino: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister give a definite time frame when this district headquarters will be connected to a tarmac road since it is the only one in Kenya which is not connected to one?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, I may not be able to give a definite date because as I have said, we have a consultant who is already undertaking the design work and he expects that it will be done by June. However, as soon as that is done, I appreciate that we will prioritise that road and indeed, we recognise the role of the road in terms of development for the area.

The Temporary Deputy Speaker (Mr. Imanyara): Next Question by Prof. Kamar!

Question No.509

NON-COMPLETION OF PRISON
OFFICERS' HOUSES BY BIC

Prof. Kamar asked the Vice-President and Minister for Home Affairs:-

(a) whether he could explain why Burrel International Company which was contracted by the Prisons Department on 13th September, 2006 to construct residential blocks for prison offices has failed to complete the project after foundation trenches were excavated and foundation footing partially laid;

(b) what the total amount paid to the contractor was;

(c) what measures the Government has put in place to ensure that the houses are completed.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): I apologise for coming late. This is one Question that has almost been permanently on the Order Paper for various reasons and I am happy that we can now dispose of it because it has been partly answered by my colleague, hon. Mrs. Kones. I want to say that the contractor is actually now on the site.

I did promise hon. Prof. Kamar that I was going to personally get involved in finding out the goings-on about this matter and I would want to invite her when the House is in recess to join me in laying the foundation stone for these prison houses in her constituency.

Prof. Kamar: Mr. Temporary Deputy Speaker, Sir, while I thank the hon. Vice-President and Minister for Home Affairs for mobilising and getting the contractor back on site, my first supplementary question still stands. Could he inform the House what completion certificates were used to pay Kshs5 million when nothing has been done on the ground?

Mr. Musyoka: Mr. Temporary Deputy Speaker, Sir, according to the tabulation, the total amount that was paid to Burrel International Company at the Eldoret Prison site is Kshs4,501,365.70. It comprises the following: Building works, Kshs3,729,947.40; materials on site, Kshs1,271,570; total, Kshs5,000,000; less retention (this is normal for this kind of contract and is paid at the end of the contract), Kshs500,000. What was actually paid was a net of Kshs4,500,001. This particular contract was affected by, among other things, the post-election violence. They had to source materials from Kisumu. The kind of stones they were using are available in Kisumu or Dol Dol. They also factored in transport costs.

However, I would like to assure the hon. Member that every cent will be used for the purpose that it was intended. That is why there was a further inspection of the site with the hon. Member at the time of laying the foundation stone. We had to work very hard with the Ministry of Public Works in order to fast-track the claims and so on. My Permanent Secretary worked very hard. In fact, this Question should have been answered properly by the Ministry of Public Works, but we decided that

since we are in one Government, we deal with it. Since it is a matter touching on prisons, I want to assure the hon. Member that we will still continue to look at this matter with a toothcomb, if need be.

Mr. Mwathi: Mr. Temporary Deputy Speaker, Sir, the tabulation of the monies paid is very clear. I would like the Vice-President and Minister for Home Affairs to clarify one thing; when we talk of "builders works", it is the actual work done. It is not speculation. So, the point is---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Mwathi! If I may point out, this Question was answered previously and the remaining portion is what the Vice-President and Minister for Home Affairs has dealt with. You may ask a supplementary question arising from the answer given and not what has been previously answered and disposed of.

Mr. Mwathi: Mr. Temporary Deputy Speaker, Sir, I agree with you. However, according to the answer he has given us, Kshs3.7 million has been spent on work which is on the ground. The understanding is that there is no work that has been done. "Builders works" means that some work has been done. What is the breakdown of the Kshs3.7 million that was spent on works on the ground?

Mr. Musyoka: Mr. Temporary Deputy Speaker, Sir, arguing with Mr. Mwathi on matters to do with building is a tall order because he is properly schooled in these matters. However, I want to persuade him that the Permanent Secretaries from my Ministry and that of the Ministry of Public Works have looked at this matter. There are claims that were made and they looked at them seriously. I am personally willing to go to the site in order to get answers that might be of interest to this House and particularly to the hon. Member. In fact, Mr. Mwathi should join us. I see that he has a problem with what I am calling "builders works" at Kshs3.7 million. I am pretty sure that this matter has been dealt with satisfactorily.

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, part of the reason for the inordinate delay of this project, apart from the post-election violence as the Vice-President and Minister for Home Affairs has indicated, was the fact that this contractor was awarded several other contracts, including a contract in Nakuru. He had more than he could handle at the time. What is the Government doing to ensure that one contractor is not given too much while others continue to starve thus resulting in such inordinate delays?

Mr. Musyoka: Mr. Temporary Deputy Speaker, Sir, well, let us hope that there will be no starving contractors in this country. I am sure my learned friend is referring to this particular contractor who is on three other sites, including Busia and Bungoma. I think he is doing the best that he can. I would like to urge hon. Members from that region to ascertain whether he is executing these contracts to the satisfaction of the people in that region and the Ministry of Public Works so that taxpayers' money is safeguarded.

However, all these things are done on a competitive basis. Even before we came to the Ministry, this contract had been awarded. It is a matter that concerns my Ministry and that of Public Works. I believe there is an elaborate procedure. The problem I have with these contracts is that there is inordinate delay in the award of contracts. This makes the contracts take so much time. If we can cut on bureaucracy in Government--- I wish we could, for example, say, this and that contract from Mt. Elgon should be executed by this and that time. These works ought to have been completed by now. However, you find that the procurement itself takes a whole year. It is one of the issues that I would like Parliament to look into. We need to look at the building regulations and see whether we can recommend shorter periods within which matters are adjudicated upon and contractors move on site in order to deliver service to this country.

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

The Temporary Deputy Speaker (Mr. Imanyara): Last question, Prof. Kamar!

Prof. Kamar: Mr. Temporary Deputy Speaker, Sir, I am not satisfied yet again. There is no building on the ground. There are no materials worth Kshs1 million on the ground. All we have are two heaps of sand on the ground. I was on the site alongside the Departmental Committee on

Administration, National Security and Local Authorities. I wish you had allowed the Chairman of that Departmental Committee to rise on a point of order. The first time this Question was asked, the Committee wanted to take over and do investigations. They spent public funds going there to investigate this issue.

I sympathise with the Vice-President and Minister for Home Affairs because I do not think his officers are telling him the truth. There is nothing on the ground to warrant the expenditure of Kshs3.7 million. There are no materials on the ground worth Kshs1.2 million. He said that the Ministry will facilitate prompt payment. He would be paying for something that does not exist. I want to ask him to accompany me to the site so that he can see for himself. His officers are not being fair to him. Unfortunately, his answer is not satisfactory.

Mr. Musyoka: Mr. Temporary Deputy Speaker, Sir, the information I have is that two blocks are at a foundation level, that is, walling. For other three blocks, they are at foundation level and excavation has been done.

Mr. Kapondi: Mr. Temporary Deputy Speaker, Sir, is the Vice-President and Minister for Home Affairs in order to mislead the House that the construction work has reached the walling stage?

The Temporary Deputy Speaker (Mr. Imanyara): That is a valid point of order.

Mr. Musyoka: Mr. Temporary Deputy Speaker, Sir, I was actually in the process of saying that if my colleagues have issues with what I have said, that is, two blocks at foundation level walling and three blocks whose foundation and excavation has been done, I am volunteering to go on the ground. Of course, I am sure that since the time they last visited the place and now, there is progress because the contractor is already on the ground. I want them to know that there is actually progress and the completion of this contract is of paramount importance. We want to be in a position to house prison officers as expeditiously as we can.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! Next Order! Mr. Kilonzo!

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I rise to ask for a Ministerial Statement---

(Mr. Onyonka stood in his place)

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. K. Kilonzo! I better allow the hon. Member to raise his point order before you proceed.

(Loud consultations)

The Assistant Minister for Foreign Affairs (Mr. Onyonka): On a point of order, Mr. Temporary Deputy Speaker, Sir. We cannot hear what the hon. Member is saying because the consultations are very loud.

The Temporary Deputy Speaker (Mr. Imanyara): Indeed, hon. Members are consulting very loudly and I would request that you lower the level of your consultations, so that the House could participate in the discussions.

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, I am sorry for coming late. I kindly request you to allow me to ask the first Question by Private Notice.

The Temporary Deputy Speaker (Mr. Imanyara): Order! The Question was dropped. But if you want it reinstated, I order that it be put on the Order Paper on Tuesday afternoon.

POINTS OF ORDER**GOVERNMENT COMMITMENT
TO FIGHT CORRUPTION**

Mr. K. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Leader of Government Business, and who is also the Vice-President and Minister for Home Affairs.

My request for a Ministerial Statement arises from concerns of a meeting which took place the other day titled "The Kenya we Want" where the Leader of Government Business, himself, said that the bus which the President was driving actually has pick-pocketers. He received a big applause for that. I would like the Leader of Government Business to clarify to this House, as the Principal Assistant of the President, what steps the Government is taking to heed his advice of ejecting or removing those corrupt Ministers.

Secondly, - and that compounded the same problem - yesterday there was a serious quarrel between Ministers during the Cabinet meeting over the involvement of some of them in corruption.

The Temporary Deputy Speaker (Mr. Imanyara): Order! If it is a meeting at which you were present, then I would allow you to seek a Ministerial Statement. But I cannot allow you to seek a Ministerial Statement out of matters that are not admissible in this House.

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I want to go back to the issue of "The Kenya We Want", where I was present. I would like the Leader of Government Business to tell this House whether the Government is committed to fighting corruption because events which have happened---

The Temporary Deputy Speaker (Mr. Imanyara): You have asked whether the Government is committed to fighting corruption and the Leader of Government is listening to you. He is ready to respond.

Mr. K. Kilonzo: Thank you for that correction, Mr. Temporary Deputy Speaker, Sir. Indeed, I want the position of the Government over its commitment in fighting corruption.

Thank you.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, when I made my contribution at the opening ceremony of the "The Kenya We Want"----

The Temporary Deputy Speaker (Mr. Imanyara): Are you issuing the Ministerial Statement now?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): No, Mr. Temporary Deputy Speaker, Sir. I think this matter should be properly directed to the Prime Minister. It is him who had organised that conference. I will bring it to the attention of the Prime Minister.

The Temporary Deputy Speaker (Mr. Imanyara): So, when will the Prime Minister issue the Ministerial Statement?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): He will do that on Tuesday. We could even wait for the Prime Minister's Question Time, but that would be too long. That can be done next week.

**SPEAKERS RULING ON
PARLIAMENTARY PARTIES**

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Temporary Deputy

Speaker, Sir, I rise on a point of order on the issue of Parliamentary parties in this House. I am seeking a ruling from the Speaker of the House. When we tried to canvass this matter last week in the retreat of Parliamentarians, we were directed that this would be the proper place to raise the matter. In seeking the Speaker's ruling on this matter, I would like to re-state the fact that the Party of National Unity (PNU) coalition consists of almost half the number of Members of Parliament as was witnessed during the election of the Speaker. One of the PNU factions has since converted into a political party.

Secondly, hon. Members have subsequently participated in an election. For example, Prof. Saitoti, Minister of State for Provincial Administration and Internal Security was elected the Chairman of PNU. Ms. Karua, the Minister for Justice, National Cohesion and Constitutional Affairs, was elected the Chairperson for NARC-(K). In order for us to create the order in this House that is required, I raised the issue on 13th February, 2009 at the retreat of hon. Members, where we were discussing how we shall familiarise ourselves with the new Standing Orders. In the morning session, I was requested to raise the matter in the afternoon session, where it was to be discussed substantively. But in the afternoon session, the Chair of that session, Prof. Kamar said that the matter needed the interpretation and the ruling of the Speaker in person. So, there are two issues that I wanted to say. For order to be created, because the new Standing Orders are coming into effect in the new session which we anticipate will be in March after the prorogation of this House, for us to have a clear understanding, could Mr. Speaker direct that the other half that has been operating as a coalition, that we can be clear as to which ones are parliamentary parties? There is a definition of what is a parliamentary party in the new Standing Orders.

The Temporary Deputy Speaker (Mr. Imanyara): The concerns that you are raising will be reflected in the HANSARD and will be brought to the attention of Mr. Speaker. I am sure the direction will be given in the course of time. That is a matter that he is aware of and I will point out to him that the issue has again come up in the House.

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Mr. Temporary Deputy Speaker, Sir, we cannot hear anything!

The Temporary Deputy Speaker (Mr. Imanyara): I am sorry. I just indicated that I will inform the Speaker.

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, I was just about to finish because I wanted to say two things. You have already addressed the first one. The second one is that in that definition of parliamentary parties, they say that, at least, 5 per cent of the House that identifies with a political party then that constitutes it to be a parliamentary party, with the benefits that it accrues, including membership in the House Business Committee and others. In the ruling of Mr. Speaker, it would be good if he could give direction that the Press and other people who report matters here, properly refer to the hon. Members by the political parties they elect to be identified with. That is because I am personally complaining--

The Temporary Deputy Speaker (Mr. Imanyara): I think you have made your point. As I said, the verbatim record of your concerns will be brought to the attention of Mr. Speaker. The matter relates to the interpretation of Standing Orders as you have explained. I am sure Mr. Speaker will give us a substantive ruling on that matter in due course. I will bring that to his attention so that the matter could be responded to without further delay.

POOR PERFORMANCE BY NSE/CMA
AND THE SUPERVISORY ROLE
OF TREASURY

Mr. Nyammo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Thank you for giving me this opportunity.

I rise to seek a Ministerial Statement from the Minister for Finance on the poor performance of the Nairobi Stock Exchange (NSE), the Capital Markets Authority (CMA) and the supervisory role of the Treasury. I would like the Minister to furnish me with information confirming why CMA allowed Nyagah Stock Brokers, Discount Securities Limited and Francis Thuo and Partners to continue trading while they were not compliant to the rules and regulations of NSE. What is the Ministry doing to bring to book the culprits and cartels involved, so that the hard-earned investments of poor Kenyans can be refunded to them in light of the investigations released by PriceWaterHouseCoopers? In view of the very poor state of the Nairobi Stock Exchange, what is the Ministry doing to restore the confidence of the Kenyan investors?

The Temporary Deputy Speaker (Mr. Imanyara): The Leader of Government Business, when can the Deputy Prime Minister and Minister for Finance give that Statement?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, I have not consulted the Minister but I think in view of the very serious nature of the requirement of this Statement--- Indeed, Mr. Nyammo wishes to be furnished personally, but I think it is now the property of this House. So it is the House and the country to be furnished with all that information. We could allocate time sometime next week so that the Deputy Prime Minister and Minister for Finance can adequately prepare to make the Statement.

The Temporary Deputy Speaker (Mr. Imanyara): Thank you. Yes, Mr. Mwathi!

NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.20

EXTRA-JUDICIAL KILLINGS BY POLICE

Mr. Mwathi: Mr. Temporary Deputy Speaker, I seek the indulgence of the Chair to allow me to give a notice of Motion for Adjournment of the House under Standing Order No.20 in order to discuss a definite matter of urgent national importance concerning extra-judicial executions, torture by--

The Temporary Deputy Speaker (Mr. Imanyara): Let me assist you! You are quite in order. You gave notice and you have complied with Standing Orders and the Chair is satisfied. The matter you want to raise is of urgent national importance. If you have the numbers in accordance with the provisions of Standing Order No.20, I will allocate time.

Mr. Mwathi, do you have the numbers?

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

Yes, I am satisfied that you have more than 15 Members, therefore, I will allocate time from 11.30 a.m. today.

Ms. Karua, you had a Ministerial Statement on behalf of the Attorney-General, please, proceed!

MINISTERIAL STATEMENTS

MEASURES TO CURB SPIRALLING CULTURE OF CORRUPTION

The Minister for Justice, National Cohesion and Constitutional Affairs (Ms. Karua): Thank you, Mr. Temporary Deputy Speaker, Sir. Mr. Linturi sought information on the specific measures the Grand Coalition Government is taking to address the spiralling culture of corruption and the number of corruption cases involving civil servants and politicians pending in courts. He also wanted to know who the suspects are.

Mr. Temporary Deputy Speaker, Sir, initially, it was thought that this question wholly belongs to the Attorney-General. However, policy issues belong to my Ministry while pending cases issues belong to the Attorney-General. I will answer both. The Attorney-General has given me a signed Statement as he is not around. I will, however, begin by responding to issues relating to policy which are under my Ministry.

Mr. Temporary Deputy Speaker, Sir, I wish to agree that corruption is a major challenge to governance in our country. I also wish to reaffirm Government's commitment to deal with corruption cases firmly and decisively. The fight against corruption is a key priority in the Grand Coalition Government's agenda. The political pillar of Vision 2030, which was launched soon after the Grand Coalition Government was formed, commits the Government to a vision of transparent, accountable, ethical and result-oriented Government institutions. To achieve this, the Government through the medium term plans, has already elaborated the measures it will institute which include; development of the national anti-corruption plan, reform of the Governance, Justice, Law and Order Sector which is on-going and legislative agenda to give a legislative framework for anti-corruption measures which include Bills some of which are already in Parliament, for example, the Proceeds of Crime and Anti-Money Laundering Bill, The Witness Protection Bill and Freedom of Information Bill.

Mr. Temporary Deputy Speaker, Sir, at the outset, it is important to let Parliament know that my Ministry is involved in developing policy that is applicable to the entire Government. However, implementation measures relate to specific Government departments and Ministries. Therefore, some of the measures, including the legislative agenda are with specific Government Ministries.

Mr. Temporary Deputy Speaker, Sir, the Government has already developed a national anti-corruption plan through a multi-stakeholder process involving the Government, civil society, media and the private sector. We are in the third year of implementing that plan. However, I want to say that we are good at making plans but not as good in implementing them. Therefore, the implementation may not be as good as the plan itself.

Mr. Temporary Deputy Speaker, Sir, we have also operationalised the Political Parties Act which seeks to ensure transparent and accountable management of political parties and also provide funding for political parties.

Mr. Temporary Deputy Speaker, Sir, through legislation in this Parliament, we have increased the number of judges in order to speed up cases. However, judges have not been appointed yet because of lack of space. I saw an advertisement in yesterday's Press in which the Judiciary is saying the former Income Tax Building is now ready for occupation. So, perhaps, then we may expect appointments.

Mr. Temporary Deputy Speaker, Sir, we have also launched the Public Complaints Standing Committee which is like the ombudsman. This is mainly to look at administrative bottlenecks. It has so far dealt with 1,223 cases.

The Government has also committed to boost the capacity of the Attorney-General's Office in prosecution of corruption cases and my office hired five special prosecutors. This was a temporary measure and the Attorney-General is expected to improve the capacity of his staff.

Mr. Temporary Deputy Speaker, Sir, I want to admit that Kenya's governance agenda suffered a major setback last year due to the post-election violence following the December 27th General Elections. As I said before, the threshold we had achieved previously was lowered and in appointments, we flouted the law. We had achieved earlier a threshold that people with pending cases

of economic crimes nature ought not to be in the Cabinet. That was, however, lowered. We also have not as yet signed the commitments that we need to under the Public Officer Ethics Act. These are issues that we have to rectify in order to restore the pace at which the Government's anti-corruption agenda was forming.

Mr. Temporary Deputy Speaker, Sir, the expected expedition of prosecution of corruption suspects has not moved on well. So, we expect to strengthen this and also to strengthen accountability in procurement and use of public finances.

Mr. Temporary Deputy Speaker, Sir, the challenges we have include; weak capacity of anti-corruption institutions, poor public perception and differences over the constitutional review process which made it impossible for us to get a new Constitution to review our institutions. I would urge Parliament to ensure that this time round, we get a new Constitution. Without a constitutional framework, we cannot be able to completely up the war against corruption.

Mr. Temporary Deputy Speaker, Sir, I will not read all the details in the Statement. I will lay it on the Table to enable Members have a copy. I would urge all Members to join in the war against corruption.

Mr. Temporary Deputy Speaker, Sir, during constitutional review, it is important that hon. Members know that having a Ministry in charge of justice separate from the Attorney-General's Chamber, also brings in confusion perception. Having one giving policy direction and another implementing makes the public not know who is supposed to do what. During the constitutional review, we may want to borrow a leave from our neighbouring countries like Uganda and Rwanda and also Ghana. In those countries, the Ministry of Justice and the Attorney-General's chamber are merged. That way, policy direction and implementation are always in harmony. Those are some of the things Members may wish to consider during the constitutional review process. Part of the statement relating to the Attorney-General's Office, pursuant to Section 37 of the Anti-Corruption and Economic Crimes Act, the Attorney-General has laid before this National Assembly, the annual report with respect to prosecution for corruption or economic crimes, with particulars of each prosecution and status of such prosecution. The report includes factors and difficulties encountered by the Attorney-General in the prosecution. The information requested is contained in the Report tabled. I would kindly invite the hon. Members of this august Assembly to keenly read the Annual Report by the Kenya Anti-Corruption Commission, which is also laid on the Table of this Assembly, and my annual Report, in order to get a true picture of the investigations and prosecutions of corruption cases. For the period since the inception of KACC pursuant to recommendations of KACC for prosecution, the Attorney-General has received approximately 377 cases for prosecution, out of which 134 have been concluded, resulting in 63 convictions and 71 acquittals. Currently, there are 243 cases in court at various stages of trial. Those being prosecuted include, politicians, senior civil servants, chief executive officers and directors of State corporations. Attached are the lists containing details of the names of suspects and the nature of the cases.

Mr. Temporary Deputy Speaker, Sir, I lay my statement, that of the Attorney-General, complete with the attachments before the table of this House.

*(Ms. Karua laid the documents
on the Table)*

The Temporary Deputy Speaker (Mr. Imanyara): There are three clarifications. I think we can start them in the order of Dr. Eseli and Messrs K. Kilonzo and Wamalwa.

Dr. Eseli: Thank you, Mr. Temporary Deputy Speaker, Sir. I think if I heard the Minister right, she implied that there are people with pending cases of economic crimes nature in the Cabinet. Because of the Standing Orders, maybe, it might not be in order for the Minister to name them. But

could she tell us the number of those Ministers with pending cases of economic crimes nature, and who are in the Cabinet?

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, the Minister has indicated that there are about 377 pending cases, some of which have been disposed of - about 134. It is clear that there is a serious backlog. Shortage of judges, particularly in the High Court, has been one bottleneck in dealing with corruption. There were some judges that were appointed earlier. There was Abida Ali, Muchelule and the rest. But they were never sworn in. Could the Minister tell us what happened to those judges? There is a serious shortage of judges in the High Court and that has resulted in a backlog. Could she tell us what the Government is doing about those matters?

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I would like to start by thanking the Minister for that bold statement. She has said that the standards have lowered in fighting corruption in this country. Given that it is a clear admission by the Minister that the standards have been lowered, what do we expect as Kenyans from a Government that admits openly that it is unable to fight corruption?

The Temporary Deputy Speaker (Mr. Manyara): Final one, Mr. Baiya.

Mr. Baiya: Mr. Temporary Deputy Speaker, Sir, I think the country is deeply concerned about the dragging of corruption cases. We are now being told that it is now becoming a high class headed animal that is devouring the nation. Could the Minister confirm the recent report about the Anglo Leasing scandal, and why the investigations have been abandoned to the extent that one assisting external Government is openly complaining that there is no will to combat corruption?

The Minister for Justice, National Cohesion and Constitutional Affairs (Ms. Karua): Thank you, Mr. Temporary Deputy Speaker, Sir. The Attorney-General, in his guide to supplementary question, did supply me with a few names. But anybody wanting to see more names will have to go through the list that is on the table. I am not able to give the names of the Ministers in Government with pending corruption cases because that is a separate question. I will still have to refer to the Attorney-General. But he did give a number of names of both hon. Members of Parliament and Ministers who have filed constitutional references which have delayed the hearing of cases. The names he gave and I am reading directly from his paper:- Hon. Prof. George Saitoti. His court case is No.27. Hon. William Ruto, MP, No.5; Hon. Zakayo Cheruiyot, No.3; Hon. John Mututho, No.53 and Silas Mwaita, MP, No.5.

I cannot give any other names as I am not the one with the list of pending cases. I will have to depend on the Attorney-General. I am aware that they are more than that. But it is a separate question.

The backlog of cases is not mainly due to shortage of judges. Shortages of judges is an additional factor. The backlog of cases is failure by the Judiciary to dispose of expeditiously, constitutional applications which are delaying the cases. This is in spite of the Chief Justice in January, 2006, having published rules to expedite the cases. So, the judiciary has not applied its own rules to open up the delay in the cases and yes, shortage of personnel is also a factor.

There was a question about judges who had been appointed earlier. The Attorney-General is a member of the Judicial Service Commission. I am not. I am not able to give details of why judges were not appointed. But Parliament should acquaint itself with the Constitution. The President is the appointing authority and the Judicial Service Commission merely recommends. So, there may be cases where the President, for good reasons, may return the names to the Judicial Service Commission for further consideration.

Mr. Temporary Deputy Speaker, Sir, it is true that we have lowered the standards. But the country having stabilised, we should now pick the pieces. If we are to deliver services to the people, we really must up the standards on the war against corruption. I also want to urge hon. Members who I notice that this House, which I am also a Member, have lowered its standards. We need to acquaint ourselves as a political class in the war against corruption. The Government cannot manage without

the support of the National Assembly. But the Government also, which I am a member, will commit to pull up its socks in the fight against corruption.

We have not abandoned the investigations into the Anglo Leasing scandal. We suffered a major set back when the Serious Fraud Office (SFO) in Britain said it will stop the investigations. But the Attorney-General is pursuing the issue with them, with a view to going on with the investigations.

The Temporary Deputy Speaker (Mr. Imanyara): Thank you. Minister for Labour, I think you had a Ministerial Statement.

STATUS OF NSSF MONEY INVESTED THROUGH DISCOUNT SECURITIES

The Minister for Labour (Mr. Munyes): Mr. Temporary Deputy Speaker, Sir, I rise to make the following Ministerial Statement. The first issue is the status of Kshs2.3 billion that the National Social Security Fund (NSSF) invested through Discount Securities Limited. The NSSF invested through Discount Securities Kshs2.3 billion between August, 2004 and 2007 to purchase shares on its behalf. The total cost of delivered shares is Kshs1.1 billion while the cost outstanding share certificate is Kshs1.2 billion. Out of the undelivered value of Kshs1.2 billion, Discount Securities Limited has acknowledged owning the National Social Security Fund's (NSSF) shares of Kshs517,841,000, while disputing Kshs683,302,000. The NSSF maintains that the outstanding amount is Kshs1.2 billion inclusive of Kshs683 million. The NSSF has also indicated that the Discount Securities Limited remitted Kshs11.3 million being dividends to the Fund with respect to the above outstanding amount.

Secondly is the role of Managing Trustee's Investment portfolio of NSSF. The Managing Trustee is the Trustee of the Fund by virtue of his appointment as per Schedule 1 of the NSSF Act which provides for the composition of the Board of Trustees. The Managing Trustee is the Chief Executive Officer of the NSSF and is responsible for the Board of Trustees. The Managing Trustee shall be responsible for the implementation of the Funds investments policies and also chair the Management Investments Advisory Committee of the Fund. He shall also be responsible for the day-to-day operations of the Fund.

The third issue is the role of the Investments Manager and his functions. The roles of the Investments Manager under the Investments Policy are as follows:

To provide guidelines and policy for formulation of the allocation and implement investments related decisions of the Board of Trustees and Investment's Advisory Committee; to follow consistent and thorough processes making, security selections, providing due diligence and research reports to the Investments Committee when required; to maintain all documents and records; to value the Fund's assets as required and provide valuation reports; to arrange for safe custody at all times for all titled assets of the Fund and the name of the Fund in liaison with the General Manager, Finance and the Investment Finance Manager, Corporation Secretary.

The role of the Board of Trustees performs the functions assigned to it under the NSSF Act, mainly to oversee the registration of members of the scheme; collect contributions for members as described by the Act and pay claims to retirees on demand. They make recommendations to the Ministry of Labour for appointment of the Managing Trustee; appointment of the officials of the Fund as may be necessary for the efficient management of the Fund; determine investments of the surplus as permitted by the Trustee Act with the approval of the Ministry of Labour and Ministry of Finance. The Board also keeps books of accounts and other records related to the Fund.

Following the dissolution of the Board, I intend to constitute a new Board to manage the affairs of the Fund, but could not proceed when Central Organization of Trade Unions (COTU) went to court and obtained a court order restraining me to take further action. The matter is still pending in court. As I speak now, I think that the matter is being settled out of court. Consequently, the Fund has

remained under the management of the Acting Managing Trustee, Mr. Odera who is dealing with the day-today operation matters as described by the NSSF Act. Matters that were being discussed by the Board have been held in abeyance until the Board is in place.

With regard to the appointment of a new Board of Trustees, I am unable to constitute the new Board because as I said, there is a court order in place. Further action awaits the court. As I said, we will be settling this issue out of court. My Ministry has requested the Attorney-General to expedite all the matters that are pending in court. I also want to add that as soon as we got the Report of the Inspectorate of State Corporations on all the allegations concerning the NSSF, we wrote to the Kenya Anti-Corruption Commission (KACC) to forward those cases to the Attorney-General and the Court.

Mr. Mututho: Thank you, Mr. Temporary Deputy Speaker, Sir. The Minister has given us a very detailed statement. In his statement, he has confirmed that, indeed, there is only one Trustee who is controlling all these assets in excess of Kshs100 billion. Are there no contingency measures within the Act that would make the Minister have another special committee to make sure that one man who has been named is not entrusted with all these assets that belong to workers?

Mr. K. Kilonzo: Thank you, Mr. Speaker, Sir. I sympathize with the good Minister because he has tried the much he could, but it seems like his hands are tied. I would like him to clarify the following issues. How on earth has Discount Securities Limited been left lose, yet, they are not able to account for Kshs690 million? This money belongs to workers of this country. Again, I would like him to clarify why the Managing Trustee has decided not to adhere to the NSSF Act that requires him to consult the Ministry of Finance and the Ministry of Labour, given that right now, he is the only one making decisions which are supposed to be made by the Board which is not in place? Lastly, what urgent measures is he taking to make sure that he recovers the money which the NSSF lost through Discount Securities Limited and also through the former Board of Directors who have been involved in unscrupulous deals?

Dr. Eseli: Mr. Temporary Deputy Speaker, Sir, I would like the Minister to clarify the fact that the employment of the Acting Managing Trustee seems to be a game of musical chairs in the sense that he had appointed one who served briefly and terminated soon after another one was terminated. Now he is trying to replace the one who he had appointed previously who has refused to vacate. He has defied the Minister. Could he tell us what is going on in the appointment of the Acting Managing Trustee?

Mr. Mbadia: Mr. Temporary Deputy Speaker, Sir, I would like the Minister to clarify why the representative of Federation of Kenya Employers (FKE) and COTU who were Board Members during the time that the NSSF went through these problems are again being reinstated in the Board of Trustees for the NSSF. Secondly, I would also like to ask him why the same auditing firm which was auditing NSSF at the time that the Fund lost money through Discount Securities Limited is the same one which has been appointed by the Capital Markets Authority to do forensic audit on Discount Securities Limited and NSSF has not complained that this brings about conflict of interest.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I want to put it to the Minister that according to the NSSF Act, although he is supposed to get names from the Board of Trustees, he is the appointing authority. I would like him to tell us the fate of the senior officers who were suspended, but were eventually absolved by the KACC.

Mr. Kioni: Thank you, Mr. Temporary Deputy Speaker, Sir. Is it true that there are two Managing Trustees with appointment letters? There is a Mr. Rabongo who has an appointment letter. There is another one who was reinstated by the Permanent Secretary. What is the status of this issue?

The Minister for Labour (Mr. Munyes): Mr. Temporary Deputy Speaker, Sir, first, there is always only one Managing Trustee, appointed or acting. We cannot have two Managing Trustees. I want to support the Motion that is coming to the House to review the National Social Security Fund (NSSF) Act, so that in case we get into a problem like this one, the Minister or somebody else can

appoint a Managing Trustee. As I speak, the Managing Trustee in place is on an acting capacity.

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

The Temporary Deputy Speaker (Mr. Imanyara): Let him finish!

The Minister for Labour (Mr. Munyes): Mr. Temporary Deputy Speaker, Sir, the first question was why we are having one Managing Trustee. We can only have one Managing Trustee at a time. The issue of the Discount Securities Limited is a very confusing one. We, as the Government, need to take action on this. The matter has been brought to the relevant Parliamentary Committee. They have acknowledged that they will pay Kshs517 million. They have disputed the value of Kshs693 million. When they are asked whether they have the Kshs517 million, they are even ready to give it. My role is very clear on this matter. I have raised these issues and we have discussed them. They are now with the KACC. My duty ends there. I have forwarded the matter to the KACC. I have raised it with the Prime Minister's office, the Office of the President and the Attorney-General's office. I am only waiting for feedback.

The third issue is about the recovery of funds, which have been lost. We have the report. We stand to lose about Kshs9.1 billion from all the cases. These cases are with the KACC. I have done my bit. I have listed all the cases and presented them to the KACC. The audit is by the Capital Markets Authority (CMA). The CMA is auditing the funds which have been lost through the shares. The NSSF Board will not spend money on those investigations. In any case, the Board is not in place. We are waiting until the Board is in place for us to call for a forensic audit. It will not be conducted by the CMA. We will get another agency to conduct the forensic audit. We have not spent any taxpayers money on this. We are waiting until the Board is constituted and then we can call for the forensic audit. The same CMA--

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

The Temporary Deputy Speaker (Mr. Imanyara): I really want him to finish, then I will allow two points of order. We are eating into the time of a Motion that has been on the Order Paper for three weeks.

The Minister for Labour (Mr. Munyes): Mr. Temporary Deputy Speaker, Sir, there are so many issues about the CMA and the forensic audit. As far as the NSSF is concerned, we want to conduct our own forensic audit.

With regard to the Federation Kenya of Employees (FKE) and COTU, this matter is difficult. As a Minister, I cannot work without the Board. The FKE and COTU were implicated by the report. The proposal is that we should put another Board in place and suspend these institutions. The matter went to court and it will take ages in court. We cannot work without a Board. I have decided to appoint the Chairperson independently and then the KFE and COTU, our social partners, should give us names. If they give us those names, it is then for the KACC to tell us whether those people are suitable for those offices. However, we cannot just sit and fail to administer the Kshs100 billion that Kenyans have given to us through their contributions. We must protect that money. To protect that money, we need the Board in place. My role is very clear. I will get the Board in place. If the KACC thinks that there is a case, then it will take up that case and prosecute the suspects.

With regard to Mr. Odero, he is on acting capacity. The Board has recommended that as soon it is reconstituted, Mr. Odero and Mr. Akoya and all the others who want to be recruited to this position will apply afresh. The report from the Prime Minister's office has indicated that the appointments should be stopped until fresh recruitments are done. I want to go by that.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Eseli and Mr. Mbadi, please, go straight to your points of order because I must go to the next Order now!

Dr. Eseli: On a point of order, Mr. Temporary Deputy Speaker, Sir. The clarification was very clear. Who is then the Acting Managing Trustee of the NSSF?

The Minister for Labour (Mr. Munyes): Mr. Temporary Deputy Speaker, Sir, for this week,

it is Mr. Odero.

Mr. Mbadi: On a point of order, Mr. Temporary Deputy Speaker, Sir. The CMA is a Government body. Why are we allowing the CMA to appoint the same auditor who was auditing the NSSF at the time when they lost money? Why has the Minister not complained?

The Minister for Labour (Mr. Munyes): Mr. Temporary Deputy Speaker, Sir, we are not using the CMA. I have complained. The CMA is only investigating all the cases. An hon. Member has already told us about other cases like the one on the Nyaga Stock Brokers.

As far as the NSSF is concerned, we will institute our own forensic audit. I forgot to talk about the staff. The report has cleared the members of staff who were implicated in the Discount Securities Limited matter. I have been directed to reinstate them. That is what I am doing this week.

POINT OF ORDER

STATUS OF CASE AGAINST DIRECTORS OF TRITON PETROLEUM COMPANY

Mr. Kioni: Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Attorney-General on the ongoing Triton oil saga. We have been told that the case has been dropped against the directors of Triton. I would like the Attorney-General to inform this House under what circumstances the case was dropped. Why was it dropped? How far has the Government gone in trying to recover this money? Do we stand a chance of recovering the Kshs7.5 billion that was lost?

The Temporary Deputy Speaker (Mr. Imanyara): Who can undertake on behalf of the Minister for Energy?

The Minister of State for Development of Northern Kenya and other Arid Lands (Mr. I.E. Mohamed): Mr. Temporary Deputy Speaker, Sir, I undertake to pass it on to the Attorney-General.

The Temporary Deputy Speaker (Mr. Imanyara): Next Order! We have exactly 35 minutes remaining. You have only half an hour, hon. Maj. Sugow.

Mr. Kioni: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Government did not indicate when we will get the response.

The Minister of State for Development of Northern Kenya and other Arid Lands (Mr. I.E. Mohamed): Mr. Temporary Deputy Speaker, Sir, this will be done on Tuesday, next week.

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 for the unique disadvantageous circumstances of the residents of Northern Kenya arid lands and other marginalised areas and 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 and other marginalised 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 11.2.2009)

*(Resumption of Debate
interrupted on 11.2.2009)*

The Temporary Deputy Speaker (Mr. Imanyara): Maj. Sugow, you have ten minutes to respond.

The Assistant Minister, Ministry of State for Public Service (Maj. Sugow): Mr. Temporary Deputy Speaker, Sir, as I indicated last week when I started my response, the Motion is pertinent. However, currently, the Public Service does not have policies or legal statutes that relax the requirement for Kenyans from the Arid and Semi-Arid Lands (ASAL) to be given waivers on the minimum qualifications during recruitment.

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

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

The policies and legal statutes in place, namely, the Employment Act, 2007, the Public Service commission Act, Cap.185 among others, provide for equal opportunities to be accorded to all Kenyans during recruitment to any position in the Public Service. That is what is causing the current disparity because of the varying standards of education and development in the country. To correct this anomaly, the Government is at an advanced stage in preparing a district-based recruitment policy. In the new policy, the filling of vacant posts for lower cadre personnel in Job Groups "A" to "F", namely, drivers, messengers, cleaners, clerical officers, artisans, security warders, mortuary attendants and all those that have been indicated in the Motion, will be undertaken at the district level. This will ensure that there is regional balance and fair distribution in the recruitment of officers to the Civil Service at these levels. In addition, where candidates in Arid and Semi-Arid Lands (ASALs) do not have the set standards, the district-based recruitment policy will provide that they be recruited and taken through a tailor-made crush programme to enable them attain the required standards, but not just to leave it simply because we do not have somebody qualified in that area.

As I had earlier indicated, currently, where vacancies in various levels in most of the Ministries arise, especially in this particular cadre, they ask for authority from the Ministry to recruit, without necessarily specifying where those vacancies have arisen. Once we adopt this particular policy, we will require Ministries to state if, for example, there are 6 or 100 positions for clerical jobs, to specify where these vacancies are. They should specify in which area, district or province these vacancies are, so that we give priority on the basis of where those vacancies have arisen and recruitment should take place at the district level.

Madam Temporary Deputy Speaker, this requires Cabinet approval and a Cabinet Paper or Memorandum is now ready. We had to work a lot, especially on the last bit of my submission here, where we indicated that we may have to put in place some training kind of policy or programme for those who do not qualify. This measure is going to be only temporary as far as we are concerned. This is because we expect standards of development and education - which is the underlying problem in this area - to be addressed both by the Government and leaders coming from the area, so that the human

resource base, in terms of capacity is developed to be able to meet the national standards.

With those few remarks, I beg to support.

Ms. Odhiambo: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity. I wish to thank hon. Affey for bringing this Motion which is timely. I will be very brief.

Madam Temporary Deputy Speaker, the issue of marginalisation is a big problem in this country; whether it is marginalisation by gender, age, ethnicity, geographical location, disability or any other factor. Some of the issues that caused the eruption of violence last year were as a consequence of marginalisation. Therefore, as a country, if we need healing and reconciliation, we must find a way of bringing us together; by bringing different categories of people together.

Parliament recently passed the National Cohesion and Integration Bill that provides that not more than a third of people employed in the Public Service shall be from one community. This Motion goes further, not just by recognising that, but by also indicating that where we have severe marginalisation, we must do affirmative action by even lowering standards in a bid to recognise that people in those areas cannot compete in an even cue with other areas.

However, I would want to say that this House should put the responsible Minister on notice. The Minister should very soon be telling us why the National Cohesion and Integration Act has not been implemented or he has not started the process of implementing it. We will, therefore, be calling on the Minister very soon to tell us, for instance, that in the recent recruitment of police officers, why in Nyanza, there were only 60 out of over 3,600 because that perpetuates the issue of marginalisation and it is against the National Cohesion and Integration Act. So, it is no longer dependent on charity; it is a law.

Madam Temporary Deputy Speaker, I would also want to encourage the hon. Member who has brought this Motion, that at a later date, he needs to bring a more comprehensive and substantive Bill on affirmative action or equality and equity, so that we can address the issues of marginalisation comprehensively and conclusively within the life of this House.

In conclusion, I want to say that we have a very short memory. This country had a crisis last year. But this Parliament is moving on as though we are a normal Parliament. We are like a caretaker Parliament. So, every appointment that we do must take into account the fact that this Parliament actually came into being more like a caretaker Parliament. If we do not correct in appointment of even the interim bodies that we are setting up, the country will not move from last year.

With those few remarks, I beg to support.

Mr. Twaha: Thank you, Madam Temporary Deputy Speaker, for giving me an opportunity to contribute to this Motion, which I must say, is very timely or even probably too late. We welcome it.

The people of Lamu are very familiar with marginalisation. We have been marginalised since Independence. For example, the Assistant Minister has just said that he has come up with some solutions and proposals which need Cabinet approval. Ever since we got Independence in 1963, there has never been a Minister from Lamu District. That, itself, is marginalisation. We have never been represented in the Cabinet. So, I hope when the Assistant Minister goes to the Cabinet with that Paper, he will represent our interests, because we have never been represented in the Cabinet since Independence.

Madam Temporary Deputy Speaker, marginalisation in Lamu came in many ways. The first way was through insecurity. Insecurity was not accidental. We used to blame the *shiftas* from Somalia for the banditry in Lamu, but we have information that the people who were evicted from some of the villages were evicted by Kenyan men in uniform. Some of those forces were created to protect Shell and BP when they were drilling for oil in Lamu District. The General Service Unit (GSU) initially, was to protect those foreign companies and not beat up people on the streets of Nairobi and other places. Those people who were evicted are up to this date internally displaced. The purpose of their eviction

was that in the event that oil is discovered in that area, there would be no indigenous people to claim it. So, they were systematically removed from that place. That is when marginalisation began.

Now, due to this insecurity, we have been unable to attract and retain good teachers in our district. For many years, we had dubious situations of having the lowest grades in the country, when it came to primary school and O-Level results. So, this issue of introducing affirmative action is long overdue because we have been marginalised for a long time. As a way of helping us, just as we are now asking that we lower the standards, the standards for hiring teachers were also lowered. This is because nobody wanted to come from other areas and go and live in our bandit-prone area and, we had to employ our own people. So, even our own people who had D+ were being accepted in teacher training colleges. This is a vicious cycle. How can a teacher who has a D+ produce an A? He does not know how an A is obtained. So, we perpetuated the failure of our students. Very few fortunate ones managed to get good results and break out of that vicious cycle.

Madam Temporary Deputy Speaker, we are very familiar with marginalisation and we sympathise with other areas in Kenya when they talk about it. I am urging my brothers from those areas to unite. I am also offering myself so that we can unite and support this Motion. We hope that the Government will take action and employ our people in those cadres, because the chances are very slim in the higher cadres, given the rigorous requirements. Since we have been marginalised for all these years, only a few of us can aspire for those higher offices.

Madam Temporary Deputy Speaker, as far as physical facilities are concerned, resource allocation was very skewed and favoured only the bigger communities. We were told "*siasa nzuri, maisha mazuri na siasa mbaya, maisha mabaya!*" We tried *siasa nzuri* but it is only when the Constituencies Development Fund (CDF) came, that we have been able to build secondary schools. There is a day secondary school in every location. In a place where we have 30 primary schools and only one secondary school, it is disastrous but thank God for the CDF. We are building secondary schools and we hope to raise the level of education in our areas. After a while, maybe, we can do away with affirmative action but for now, it is very necessary that our people are absorbed into the Civil Service through this route which is being proposed by Mr. Affey.

Another issue that has been raised here which is very important is the inappropriate development and conservationist policies. The other day, I woke up in the middle of the night and I logged on to *The Nation* media website and I was very pleased to find a statement by the Rt. Hon. Prime Minister, where he talked about conservationists frustrating development. People want to invest in development where Kenyans will be employed and the Government will earn revenue but there are busybodies and Non-Governmental organisations (NGOs) who object, citing conservation or environmental issues as a reason for not approving the vital development. Unfortunately, that statement never appeared in the print media. It was only in the *nation.co.ke* website and so, it disappeared somewhere there.

I would like to urge the Rt. Hon. Prime Minister to come out again strongly and push this policy; that development comes first and conservation of the environment comes second. If we do not have development, then conservation is meaningless. The people who are urging us to conserve have already developed their economies to high levels. They are now in the post-industrial stage and they can afford the luxury of the idea of conservation of the environment.

Madam Temporary Deputy Speaker, on the issue of discrimination and intimidation, when marginalisation started as I stated earlier, through insecurity and the things that happened at that time, something else also occurred. There was thorough intimidation of our leaders during that time. In the 1970s, we had a very brave hon. Member, Mr. Abu Somo who once blew the whistle on illegal dealings by the powers that were, at that time in the 1970s. For his efforts, he was jailed on trumped up charges and while he was in jail, his seat was declared vacant. He was allowed to keep his life because in those days, people would be taken to Ngong Forest and shot dead, only to be discovered a

few days later. That action of jailing Abu Somo and causing him to lose his seat intimidated future hon. Members for four or five terms. They would say nothing while people suffered because they did not want to meet the same fate that Abu Somo met. It is only when I was elected to this Parliament, maybe, because I was young or the times had changed, that I confronted the Government. I told them that we did not want 50 per cent security, or 70 per cent or even 90 per cent security. If they could not give us 100 per cent security, they should leave us to govern ourselves. Then we were issued with guns in every village through the Kenya Police Reserve and we were able to contain the security situation in Lamu. Now, investors want to come to Lamu to put up a second port, a pipeline and resort hotels because security has been restored.

The people who want to come and do those development projects are being fought by vested interests who are using the environment as an excuse to eliminate competition. So, I would like to support this Motion and hope that the issues we have raised will be considered by the powers that be and proper policies will be made for the good of our country.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Muthama, you have only five minutes before the Mover responds.

Mr. Muthama: Madam Temporary Deputy Speaker, I also stand to make my contribution on this very important Motion. As a people of this country, my great concern is that we are raising issues to do with jobs which do not exist in this country. Discrimination and marginalisation is something that affects the whole country. I do not want to talk about specific areas. The whole Republic of Kenya is affected by this problem. What we should be raising here are not issues based on regional representation.

We make our people see things in a different way; that they are marginalised and discriminated against, yet we are talking about building one country, one people. What I would say about this Motion is that we need jobs. What the country needs are jobs for Kenyans in order to allow our young men, girls and old people of this country to earn income. We have what it takes to create jobs for this country if the resources can be protected. As we talk now, North Rift farmers are still keeping their maize in their stores. That is creating unemployment in that part of the country. If the money that was spent to import maize from South Africa and other areas was spent to buy maize from the North Rift farmers, today Kenyans would be having jobs. The people from that area would not be coming to Nairobi. At the moment, those who are completing their education are forced to come to Nairobi to look for jobs because their parents who are the farmers, cannot dispose of what they have, in order to earn more money, plough it back and create jobs.

Madam Temporary Deputy Speaker, when we talk about corruption, when you take into consideration all the funds that have been stolen, every Minister stands here to defend criminals who have created problems in this country; who have stolen a lot of money that could have been used to create jobs. We want all the funds that have been stolen since Independence returned. If that money is brought back to the Government and we create public institutions, we would have many jobs in this country.

As leaders, we should focus on issues that can take this country forward. Let us not deal with issues that do not exist. Even if we talk about equal distribution of jobs and go to every region and get a specific number of people yet there are no jobs, we will be dealing with issues that would never materialise. We should work towards creating jobs first and make sure that there is no stealing of public funds. There should be no corruption taking place so that those funds can be mobilised and taken to the rural areas to create jobs for our people.

Madam Temporary Deputy Speaker, on the issue of qualifications, a driver truly does not need to be a Form Four leaver. We know that in the First and Second World Wars, our people were employed as drivers by the Government at that time and yet, they had no formal education. They

turned out to be the best drivers. We continued up to 1960s and 1970s. So, if someone can qualify to write and read so as to understand the rules provided by the Government, in terms of driving, that person should not be further restricted to other qualifications in order to be a driver.

With those few remarks, I support the Motion but caution leaders to think about our country, Kenya, but not on regional basis. Thank you.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Affey, do you concede to give out some minutes?

Mr. Affey: Madam Temporary Deputy Speaker, Sir, I give him two minutes.

The Temporary Deputy Speaker (Prof. Kamar): Okay, you have two minutes, Mr. M.M. Ali.

The Assistant Minister, Ministry of State for Special Programmes (Mr. M.M. Ali): Madam Temporary Deputy Speaker, I would like to thank the Mover for giving me two minutes.

When we talk about marginalisation of Kenya and other ASAL parts of this country, I thought I would get a few minutes to expound on what I felt I should put on record, because I feel that the marginalisation of these areas is rather legendary. Successive governments, both colonial and Independent Kenya Governments have kept this region in a state of perpetual neglect, leading them to score poorly in all known parameters of human development.

Mr. Temporary Deputy Speaker, 46 years after Independence, it is shameful to note that these regions are home to illiteracy, poverty and disease. These are three vices which the Government pledged to eradicate through publication of Sessional Paper No.1 of 1965. To date, as you very well realise, it is easier to reach Kampala by road, as it takes only a couple of hours, than to reach parts of northern Kenya like Moyale, in which case one takes two days to reach there. This is shameful.

It equally takes a shorter time to reach the capital city of Tanzania from Nairobi by road, and yet, we take several days reaching parts of this country. This is like a plan to deliberately leave these parts of the country behind. We need not less than a marshal plan to bring this region at par with the rest of the country. We note the Government's efforts to tarmac the road from Isiolo to Moyale. However, the Government is doing this rather too late. We can do better than that, as a Government.

Mr. Temporary Deputy Speaker, Sir, we need the model of the Constituencies Development Fund (CDF) to develop these regions. We need to go out of our way to uplift this region. We should provide some funds, as suggested in the Bomas of Kenya Draft Constitution. In fact, even the Wako Draft Constitution suggested some funds to be provided specifically for these areas. We do not need anything less than such action.

The creation of the Ministry of Development of Northern Kenya and other Arid Areas becomes a big joke when we do not fund it. We appreciate the Government's effort in creating that Ministry, but the Kshs400 million that has been allocated to it in the current financial year is what the Kenya Army uses for training at Archers Post. So, we need proper funding for that Ministry in order for this dream development to be realised.

Mr. Affey: Madam Temporary Deputy Speaker, I want to concede one minute to my neighbour, the Member for Wajir North Constituency, so that he can make an important contribution to this Motion before I reply.

The Temporary Deputy Speaker (Prof. Kamar): The Member for Wajir North Constituency!

Mr. Gabbow: Thank you, Madam Temporary Deputy Speaker. I will use that one minute wisely. I am here to support the Motion, considering the fact that northern Kenya and other marginalised areas have, for a long time, been taken for granted. I would wish that this Motion is supposed--- Actually, a driver does not need academic qualifications. He does not even need to write his own name to be able to drive. We need to consider the fact that these areas are vast and very far away from Nairobi, and that advertising of these jobs at times takes a very long time. For example, it

takes a very long time for newspapers to reach the norther part of Kenya.

It should also be known that among these communities, there are born leaders. These are the people who can be appointed as chiefs even though they may not have gone to school. We know that one need not to have gone to school in order for one to be identified as a leader for the community.

So, I wish to support this Motion and hope that all of us do so.

Mr. Affey: Thank you very much, Madam Temporary Deputy Speaker. First of all, I would like to take this opportunity to thank the House for acknowledging that we have problems in this part of the country. I would like to thank the Government for supporting this Motion.

The Minister of State for Public Service has said that there is a policy document before the Cabinet. This is a resolution of the House. It does not require the Cabinet to discuss parity of jobs in this country. It is guaranteed under our Constitution. The Minister could not explain why they have a revised scheme of service. As I speak, there are vacancies of chiefs, drivers and clerical staff in this country. All that the Minister needs to do is provide directives to Government Departments to ensure parity of job opportunities in this country.

Madam Temporary Deputy Speaker, Sir, right now, newspapers are being utilised to advertise jobs. I am worried because newspapers reach Mandera or Moyale or Turkana three days after an advertisement is made. Therefore, there is need to provide instructions to Government Departments in order to decentralise the recruitment of this cadre of staff, so that we do not rely on newspapers. This will enable our people to apply for the jobs.

Finally, what I have suggested in this Motion is intended at achieving parity. In Turkana District, for instance, there was an advertisement for drivers. What happened is that local residents, some of whom even had Form Four certificates, were not able to access those jobs because of the threshold of Kenya Certificate of Secondary Education (KCSE) mean grade C-. Therefore, the Minister needs to ensure that we have the Kenya we want, in which our people will have equal opportunities. We do not want the Kenya where we create class structure, and create situations which cause people in certain regions feel left out of the national development. We need people in nomadic areas to be given an opportunity to access jobs as drivers and clerical staff.

Madam Temporary Deputy Speaker, the Minister for Development of Northern Kenya and other Arid Areas is in the House. There must have been a reason as to why after 40 years, the Government of Kenya decided to established this Ministry. How does this Ministry help us when the current policies are still discriminative, in terms of employment and budget formulation? In the last Budget, the Ministry was given a paltry---

(Loud consultations)

Madam Temporary Deputy Speaker, could you, please, protect me from the Minister of State for Provincial Administration and Internal Security? He is consulting in a manner that is disruptive of my contribution.

The Temporary Deputy Speaker (Prof. Kamar): Order! Order! Hon. Members, please, consult quietly!

Mr. Affey: Madam Temporary Deputy Speaker, the President and the Prime Minister established this Ministry. We do not want to be deceived again. If there is no sufficient will to fund this Ministry, please, withdraw it. Our people have been made to feel that the creation of this Ministry is the solution to all their problems, and yet, the Ministry is inadequately funded. You will be surprised, in the next financial year, by the amount of money that will be allocated to this Ministry, which is supposed to reconstruct 80 per cent of the land mass of this country. That is what the Minister is supposed to do - reconstruct from the scratch, roads, schools, universities, *et cetera* and yet, it can be allocated a paltry sum of Kshs300 million.

So, there is no seriousness even on the part of the Government in conceiving and creating this Ministry. We celebrated because we were given a Ministry. We were even given a Minister who understands our problems, and who can handle them effectively. However, there is nothing reflective in terms of financial allocation. Even President Yoweri Museveni the other day created a similar Ministry and gave it to his wife to manage it. He knows why he gave it to his wife. Perhaps, it is because the funding to that Ministry would be more.

Madam Temporary Deputy Speaker, we want the Minister to be given sufficient funding so that this Ministry can be celebrated in the manner in which we have already done. Otherwise, for Heaven's sake, they should withdraw it so that we can get a Government that is committed to establish a Ministry that it is ready to fund. I thank the Minister for supporting this Motion and I want him to implement the policy as stated

Thank you, Madam Temporary Deputy Speaker.

(Question put and agreed to)

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, earlier in the morning, Mr. Mwathi had requested for a Motion for Adjournment of the House pursuant to Standing Order No.20 and he had support. May I now invite Mr. Mwathi to move his Motion.

EXTRA-JUDICIAL KILLINGS
BY POLICE

*(Debate on the Motion on Extra-Judicial
killings by police was
conducted in camera)*