

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 21st January, 2009

The House met at 9.00 a.m.

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

### PRAYERS

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, we are using the Supplementary Order Paper for Questions.

### ORAL ANSWERS TO QUESTIONS

*Question No.191*

UPGRADING OF FACILITIES AT  
NAIVASHA DISTRICT HOSPITAL

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Mututho not present? The Question is dropped!

*(Question dropped)*

*Question No.535*

NEW X-RAY MACHINE FOR KAPENGURIA  
DISTRICT HOSPITAL

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Wilson Litole not present? The Question is dropped!

*(Question dropped)*

*Question No.542*

CONSTRUCTION OF SEWERAGE SYSTEM  
IN MUMIAS MUNICIPALITY

**Mr. Washiali** asked the Deputy Prime Minister and Minister for Local Government whether he could state when he will construct a sewerage system for Mumias Municipal Council and indicate where it will pass.

**The Temporary Deputy Speaker** (Mr. Imanyara): Do we have 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, it looks like it is early. I suggest that we go through the Questions hoping that the Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government, Mr. Githae, will catch up with us.

**The Temporary Deputy Speaker** (Mr. Imanyara): Next Question, Mr. Were!

*Question No. 384*

RAID ON KTN PREMISES

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

(a) if he could give the names of the persons who raided the premises of

[**Mr. Were**]

the Kenya Television Network (KTN) in March, 2006, and explain the motives of the raid;

(b) how many people have so far been arrested and prosecuted in connection with the raid; and,

(c) if he could explain why the Standard Group and the owners of KTN have not been compensated to date and indicate when this will be done.

**The Temporary Deputy Speaker** (Mr. Imanyara): Leader of Government Business, do we have anybody from the Ministry of State for Provincial Administration and Internal Security? I can see Mr. Ojode here!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): I am sorry, Mr. Temporary Deputy Speaker, Sir. This Question was answered last time by my colleague, Mr. Lesrima. I think he was supposed to look for some documents. At that time, I was out of the country. Therefore, I seek the indulgence of the Chair that this Question be deferred until next week when Mr. Lesrima will be here. I am not quite sure what was needed.

**Mr. Were:** Mr. Temporary Deputy Speaker, Sir, I have no objection to that because the answer that I have been given now is the same one I was given last time. The Speaker had ruled that he was also not satisfied with the answer. That is why he deferred it.

**The Temporary Deputy Speaker** (Mr. Imanyara): When would you like to have this Question answered, Mr. Ojode?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, Mr. Lesrima will be here next week on Tuesday or Wednesday.

**The Temporary Deputy Speaker** (Mr. Imanyara): The week after next week!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): That is right, Mr. Temporary Deputy Speaker, Sir.  
Thank you.

(Question deferred)

**The Temporary Deputy Speaker** (Mr. Imanyara): Next Question, Dr. Eseli!

*Question No.373*

EXCLUSION OF POLICE OFFICERS FROM

## HEALTH CARE SERVICES AT AFMH

**Dr. Eseli** asked the Minister of State for Provincial Administration and Internal Security:-

- (a) why Regular and Administration police officers are denied medical services at Armed Forces Memorial Hospital (AFMH) except in extreme circumstances;
- (b) when the registration with the National Hospital Insurance Fund (NHIF) will be effected to ensure the officers are accorded affordable medical care; and,
- (c) being prone to frequent critical injuries, if a land and air ambulance system could be set up to back up the activities of the Police Department.

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

(a) The Regular and Administration Police have an existing arrangement where the officers are treated at AFMH for emergency cases, including gunshot injuries. This practice has been going on for long and has served the police very well.

(b) All police officers are automatically registered with the NHIF by virtue of being civil servants. Through the NHIF, the officers are accorded affordable medical care.

(c) The Department has an established airwing that is always deployed to attend to casualties in far-flung areas. In the event that our aircraft are not available, our military has always been handy in providing this service. The Department has a fleet of ambulances that are used to ferry casualties.

**Dr. Eseli:** Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister for that answer. However, I would like to beg your indulgence so that I can give a little background to enable the Assistant Minister understand the reason for asking this Question.

The AFMH was initially set up using funds contributed by the military, the police and the APs. At the moment, the only time the police or the APs get admitted there is when there is an extreme situation or extreme injuries. Otherwise, they are expected to go to the regular public hospitals.

We should understand that when there is a fracas somewhere and the rest of us are running away, the police and the APs head for the trouble spots. They are, therefore, exposed to injuries at any time. I believe that these people should be accorded better healthcare than this. Unfortunately, the AFMH is not registered by the NHIF. Therefore, the police cannot access it using the NHIF and yet they cannot strain the resources of the military by going there for treatment. That is why they are discriminated.

When will the AFMH be recognised as an institution by the NHIF so that all the police and the APs can access healthcare from that hospital?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, you will agree with me that this is not a public institution. It is meant to serve the military although we have a working relationship whereby they admit our police officers who get injured. What the hon. Member has said is true that they cannot be admitted using their NHIF cards.

Mr. Temporary Deputy Speaker, Sir, we are in the process of developing a group personal accident scheme for the disciplined forces. The group personal accident scheme will, among other things, offer some money in case there is death in the line of duty, harm or assault where injuries occur, incidents of gun fights with criminals, fire and accidents. The police officers are going to get those facilities once they get the insurance. The reason why we want them to get insured is due to the number of casualties occurring in their line of duty. So, the hon. Member should have no problem, because they are going to be insured.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Assistant Minister, I think the question is why not facilitate them, or enable them, to access the services of the National Hospital Insurance Fund (NHIF).

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, we were negotiating with the management of the Armed Forces Memorial Hospital to see if they could allow the police officers to be treated as and when necessary without any discrimination. I think the talks are going on very well, and in the near future all police officers will be treated there irrespective of what kind of illness they have.

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, please, remember to switch off the microphone after speaking!

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, this Assistant Minister needs our help. Dr. Eseli and I are doctors of medicine. The best you can do is to retract and go and consult. For your information, officers make their contribution to NHIF---

**The Temporary Deputy Speaker** (Mr. Imanyara): Dr. Khalwale, you are not giving information but asking a question!

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I will ask the question, but I thought I should build it first. It is so serious because the Assistant Minister seems to be lost. The officers contribute to the NHIF, which is the only existing insurance for all public servants, yet the hospital, which is meant for officers is not accessible. The idea of having a military hospital was actually borrowed from Ghana, where one is very developed and so was the NHIF. We are requesting that you merely make an application that the Armed Forces Memorial Hospital be accredited by the NHIF. It is not a very big thing and does not require negotiations. It is just a matter of policy. Could you undertake to do that so that many officers can benefit?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, I thought that Dr. Khalwale was a gynaecologist by profession. He is a friend of mine. I have consulted with the Minister, who is in charge of the military and he says that he is going to consult---

**The Temporary Deputy Speaker** (Mr. Imanyara): Are you suggesting that gynaecologists are not doctors?

**Mr. Ojode:** He is a doctor but gynaecologists in a specialised area.

I have consulted with the Minister in charge of defence, and he says that he is going to consult with his officers, so that they can register the hospital with the NHIF.

**The Temporary Deputy Speaker** (Mr. Imanyara): The best thing is for us to defer this Question to enable you to consult with the Minister and come back to the House in two weeks time.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, with due respect, I thought that---

**The Temporary Deputy Speaker** (Mr. Imanyara): You have just informed the House that you have consulted with the Minister in charge of defence. So, to enable you complete those consultations, I am directing that this Question be deferred for two weeks so that when you complete those negotiations, you can give us a full answer.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, I do not have any problem with that because the Minister is here with me---

**The Minister of State for Defence** (Mr. Haji): On a point of information, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Minister, you are out of order! You can give your colleague the information that he requires, and he can come back to the House and give us a comprehensive answer as to when they will offer this facility to the Armed Forces Memorial Hospital.

**Mr. Were:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to request the Assistant Minister that when he comes back with that answer, he has mentioned about the personal accident policy---

**The Temporary Deputy Speaker** (Mr. Imanyara): You can raise that as a supplementary

question when the Question comes.

**Dr. Eseli:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It is obvious that the Assistant Minister misunderstood the whole Question. I would like him to realise that air ambulance service is different from helicopters going to pick injured people. That is what he should concentrate on when answering the Question, because we are talking of remote areas.

**The Temporary Deputy Speaker** (Mr. Imanyara): I have indulged you sufficiently. Next Question by Mr. Mbau!

*Question No.206*

SHORTAGE OF EDUCATION OFFICERS  
IN MURANG'A SOUTH

**Mr. Kioni**, on behalf of **Mr. Mbau**, asked the Minister for Education:-

- (a) whether he is aware of the serious shortage of education officers at the Murang'a South District Education Officer's (DEO's) offices;
- (b) whether he is further aware that one officer is currently serving four positions concurrently, as acting AEO for Maragua Division, Zonal Inspector of Schools for both Ichagaki and Nginda Education Zones as well as a TAC Tutor for the two zones; and,
- (c) what urgent measures the Minister will institute to correct the situation.

**The Temporary Deputy Speaker** (Mr. Imanyara): Do you have his permission?

**Mr. Kioni:** Yes, Mr. Temporary Deputy Speaker, Sir. I have his instructions because he is away on parliamentary duties.

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

(a) I am aware of the shortage of education officers at the District Education Offices in Murang'a South District.

(b) I am also aware that due to the shortage of education officers, one officer has to shoulder heavy responsibilities of serving many vacant positions in divisions and zones, as is the case in Murang'a South, while arrangements are being made to deploy enough officers to the needy areas.

(c) The Ministry has posted two Quality Assurance and Standards Officers to Murang'a South DEO's office to alleviate the shortage. The Teachers Service Commission (TSC) has posted TAC tutors to all the 1,052 zones in the country. My Ministry is in consultation with the Ministry of State for Public Service on employment of additional education and Quality Assurance and Standards Officers in accordance with approved establishment.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, could the Assistant tell us how this has affected the performance of education in this area, given that the shortage has become a song every time we ask this Question? What is the effect of this shortage in terms of performance of education in this area?

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, I did not get the question well because there are some consultations around me!

**The Temporary Deputy Speaker** (Mr. Imanyara): Please, remember to switch off the microphone.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, I thought the Minister was looking at me in the eye. I do not know how he missed it. I was asking how this has affected the performance of education within that area.

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, definitely, if you do not have enough staff there are adverse effects. That means that quality of education may not be as we want it, but we

also do not have enough money to employ enough staff. If we get enough money, we shall give you the staff that you want in the districts. The problem is that we do not have enough money in the Ministry.

**Mr. Abdirahman:** Mr. Temporary Deputy Speaker, Sir, listening to the Assistant Minister, honestly, he has just made very general statements. Consulting the Ministry of State for Public Service is not enough to pass information to Kenyans. Could the Ministry think of deploying some of those qualified personnel even from secondary schools to fill these positions for now, as a stop-gap measure? Secondly, could he also tell us how his Ministry will want to do that practically, over time?

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, it is true that we have enough qualified people outside there who are actually not employed. In the short-term, we shall tell our staff that are out there to put a little more effort to make sure that good work is done. At least, they are performing but not to the extent we expect because of the low numbers.

**Mr. Ruteere:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell us the impact this has on education, knowing that across the country, there are many schools which are not inspected, have no administrators and are run the way the heads want? The result is what we witnessed last year when we had a lot of violence in our schools. Secondly, what is he going to do to arrest this situation knowing that it is not only in that particular constituency but across the country?

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, I think I have given an answer to that question already. I have talked about the impact. I do not know whether I have to repeat but I have talked about it. If we do not have enough staff, definitely it will affect the quality of education. But that is a problem that we can only handle with the Treasury and this House because the money that we use in the Ministry is approved by the House. If we get more money, we shall do all the work that you want us to do.

**Mr. Koech:** Mr. Temporary Deputy Speaker, Sir, we are dealing with a very serious matter. The Ministry has confirmed in the past that we do not have enough teachers. Now, the Ministry is confirming again that we do not have enough Education Officers and Quality Assurance Officers. The Assistant Minister has just confirmed that as a result of this, the quality of education has been compromised. For how long are we going to compromise this?

Could the Assistant Minister tell us the actual shortage of Education Officers and Quality Assurance Officers and the cost implication of the same is?

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, nationally, the establishment of Education Officers is 2,052. Those ones on duty as of today are 430. We have a shortfall of 1,622. We have 1,880 Quality Assurance Officers nationally. Those ones on duty today are 891, leaving a shortfall of 989. We are better off as far as TAC tutors are concerned because we have an establishment of 1,052 who are on duty today with no shortfall.

**Mr. Koech:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I asked the Assistant Minister to tell the House the cost implication of employing these people.

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, that is a different Question which involves calculating the amount. If the hon. Member wants an answer to that Question then he will have to give me time to go back to the Ministry and get the relevant data calculated and then I will bring it here.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, on the Assistant Minister's own admission, he says that this House has not approved the amount of money that he has requested. Could he tell us the actual amount of money that he has requested from this House and he has not got? Secondly, could he also inform the House when he will bring that request, so that these imbalances in the country are sorted out?

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Before you answer, hon. Members, you will have noticed that we have a new system that is in place temporarily while they are

changing our system. Therefore, your mobile phones are interfering with communication even when they are on silent mode. Please, ensure that all your mobile phones are switched off completely.

Proceed, Prof. Olweny!

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, that question is not very different from the one which I have just answered. However, every year the Minister proposes a budget that could

**[Prof. Olweny]** adequately handle the business within the Ministry of Education but what is allowable by the Treasury which then comes to the House is what we get.

**Mr. Kioni:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has said that this House has refused to approve money so that the Ministry can employ teachers across the country. Could he tell us the amount of money that he requested and when we refused to approve it because I cannot remember this House denying him any request?

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Kioni, to be fair to the Assistant Minister, that is a Question that he can go and work on. However, if you want to ask that Question then send it to him because it is a completely different Question that needs him to go and look at the budget.

Next Question by Mr. Kiilu!

*Question No.503*

NON-ISSUANCE OF TITLE DEEDS TO  
RESIDENTS OF MBITINI/KAKUTHA

**Mr. Kiilu** asked the Minister for Lands:-

- (a) whether he is aware that residents of Mbitini/Kakutha Adjudication Section, whose adjudication exercise commenced in 1974, have not been issued with title deeds; and,
- (b) if he could explain the reasons for the delay and state when the land owners will get their title deeds.

**The Temporary Deputy Speaker** (Mr. Imanyara): Is there anybody here from the Ministry of Lands? Anybody from the Front Bench or the Leader of Government Business to answer this Question? There is nobody and so I will come back to that Question in a little while.

Next Question by Mr. Kioni!

*Question No.511*

NUMBER OF SERVICEMEN RECRUITED  
FROM NDARAGWA CONSTITUENCY

**Mr. Kioni** asked the Minister of State for Defence:-

- (a) whether he could state how many youth attended the recruitment interview for servicemen and women on 4th August, 2008 from Ndaragwa Constituency and how many were recruited from the same constituency; and,
- (b) when the Ministry will start conducting recruitment within Ndaragwa Constituency instead of doing it in Nyahururu, which is in a different district.

**The Minister of State for Defence** (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

- (a) The estimated number of potential candidates who turned up for the recruitment exercise on 4th August 2008, from the whole of Nyandarua North District was between 4,000 and 5,000. The

total recruits from the Nyandarua North District were 20. Seven of them were from Ndaragwa Constituency.

(b) Recruitment for the servicemen and women is carried out at all district headquarters and not divisions or constituency level. Ndaragwa Constituency is in Nyandarua North District and the headquarters is situated in Nyahururu. Hence, the Ministry does not intend to conduct any recruitment in Ndaragwa Constituency unless the recruitment policy is changed or the Ministry of State for Internal Security relocates the district headquarters to Nyandarua.

*(Mr. Haji left the microphone on)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Haji, could you, please, switch off the microphone!

*(Mr. Haji switched off the microphone)*

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for the answer he has given. It is a fairly truthful one. You will note that there are only two constituencies in Nyandarua North; Ol Kalou Constituency and Ndaragwa Constituency. A total of 20 recruits were taken from Ol Kalou Constituency and seven from Ndaragwa Constituency. Why was that amount of discrimination meted to the people of Ndaragwa?

**Mr. Haji:** Mr. Temporary Deputy Speaker, Sir, I do not think there was that kind of discrimination because it is not our intention to discriminate. But as I said, the recruitment was done at Nyahururu. Ndaragwa falls under Nyahururu. Therefore, we would actually have discriminated if we had recruited from an individual group of people.

*(Mr. Haji again left the microphone on)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Haji, could you, please, switch off the microphone!

*(Mr. Haji switched off the microphone)*

**Mr. K. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, there are some districts which are disadvantaged in the recruitment of those officers. There are some districts which previously used to be locations. But because of political reasons, they have been upgraded to districts. There are some districts which are very large. They have about three or four constituencies and yet, when it comes to recruitment, they are given the same number of slots in the armed forces. What is your Ministry doing to ensure that either the recruitment is done through the constituencies or, even if it is being done through the districts, to ensure that constituencies are taken on board, just like Ndaragwa Constituency, which has been cited as an example?

**Mr. Haji:** Mr. Temporary Deputy Speaker, Sir, it will be recalled that some few years ago, we used to have only 42 districts. Today, we have over 140 districts. Most of those districts are one-constituency districts, like Ndaragwa and even mine. Eventually, it looks like we are going to go to the constituency level when all the constituencies become districts.

But that, notwithstanding, Mr. Temporary Deputy Speaker, Sir, I said in my earlier answer that, it is up to the Minister of State for Provincial Administration and Internal Security to tell us which district we should be going to recruit people. We do not sit there and determine where we should go. We normally go to the headquarters of districts that we have been given and recruit.



Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Mureithi:** Mr. Temporary Deputy Speaker, Sir, I would like to follow up this Question because the Minister used to be my District Commissioner (DC) at that time. At that time, Nyahururu Town used to be the district headquarters for Nyandarua District. But it was changed and Ol Kalou became the district headquarters. Until the two constituencies are separated, it is my humble request that if anything is done, it should not be done in Nyahururu because it is in Laikipia West. It should probably be done in the constituencies to avoid other people getting the slots for Nyandarua North. That is because it is being done in Laikipia West, which is a totally different district. What has happened is that the DC is only housed there.

So, Mr. Temporary Deputy Speaker, Sir, my request is: When will the Minister realize that the DC of Nyandarua North is only housed there, and order the recruitment to be done at the respective place instead of Nyahururu Town?

**Mr. Haji:** Mr. Temporary Deputy Speaker, Sir, I very much agree with the hon. Member. I was a DC there and just before I left, I had even identified a settler's house in Ndaragwa, where I wanted the district headquarters to move from Nyahururu, which is in Laikipia, Rift Valley Province. Nyandarua is in Central Province. So, I do agree with him. They should sort out that issue with the Minister of State for Provincial Administration and Internal Security and move the DC to Ol Kalou. When Ol Kalou becomes the district headquarters, we will be going there to recruit the people.

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, every year, we have heard complaints that the recruitment of recruits is pre-determined even before the recruitment takes place. I do not know what the Minister is doing to curb that in the districts?

**Mr. Haji:** Mr. Temporary Deputy Speaker, Sir, that supplementary question does not relate to the Question which I was asked. But the truth is that there is nothing like a pre-determined recruitment. Otherwise, there would be no need for us to publicise that recruitment both in the newspapers and in the media. We also inform all provincial and district commissioners that we are recruiting people. We give them the numbers to be recruited and the areas they are going to be recruited from. We also know that, sometimes, we are being accused that our recruitment officers take money. We have taken to court so many bogus officers who are either retired army officers or police officers and we are waiting for results. Hon. Members, including myself, should desist from interfering with the recruitment. That is because when you fail to get one of your persons recruited, allegations are made which are not founded.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, one of the things that I would like to inform the Minister is that Ndaragwa is the new district headquarters for Nyandarua North District. I think that is important.

Mr. Temporary Deputy Speaker, Sir, the answer that we have received from the Minister on the issue of the 20 and seven people who were recruited clearly tells us that there is discrimination. Employment opportunities are not available in this country. Recruitment into the armed forces is a source of employment for the young people. When only seven people are recruited from Ndaragwa, it is important for hon. Members, this House and the people of Ndaragwa to be told when Ndaragwa is going to receive its appropriate quota. That is a source of employment. They feel discriminated when only seven people are taken from our constituency and 20 others are taken from the other constituency. When will the people of Ndaragwa be treated equally?

**Mr. Haji:** Mr. Temporary Deputy Speaker, Sir, I take note of the fact that Nyandarua North is a district. However, as I said earlier, the hon. Member should ask the Ministry of State for Provincial Administration and Internal Security to write to us so that we instruct recruitment teams to visit Nyandarua North District. On the question of disparity, the total number of personnel recruited is 20. Seven recruits were from Ndaragwa. When we recruit at the district headquarters, we normally ask the

people to make lines according to their divisions. If the number available for recruitment can cover those divisions, definitely, they will get a slot. However, if the number is not enough for all the divisions, we go for the best qualified persons amongst those available.

Thank you.

*Question No. 603*

GRANTING OF LOANS BY HELB TO  
EAST AFRICAN STUDENTS

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, Question 603 has been removed from the Order Paper. Mr. Wamalwa is out of the country on official business. It will be reinstated at his request when he returns.

*(Question deferred)*

*Question No.299*

NON-PAYMENT OF GOLDEN HANDSHAKE  
TO RETRENCHED CIVIL SERVANTS

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

(a) whether he is aware that many civil servants were retrenched in 2000 and were to be paid Kshs240,000 as "Golden handshake"?

(b) whether he is further aware that no payments have been made to the retirees to-date.

**The Minister of State for Defence** (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, I undertake to remind the Minister about this Question. I beg to be given more time to do so.

**Mr. K. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, this morning, when you called out Question No.503, the Minister was not here. You called for the Leader of Government Business and his Deputy, but they were both not in. When you called upon anybody from the Government side to respond, nobody responded. This is another Question which has come up. I have not even been provided with a written answer, leave alone failure by the Minister to turn up to attempt to answer it. It is clear that we are dealing with a Government which is still "asleep". Clearly, they are not taking the business of this House seriously. I do not know why the Government has asked us to come back to transact business when Ministers are not ready to answer Questions. So, the Chair needs to ask the Government to take the business of this House seriously. I also want to know when this Question will be answered.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Haji, you undertook to have the Minister answer this Question. What day are you suggesting?

**The Minister of State for Defence** (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, first of all, let me clarify that the Leader of the Government Business has asked me to stand in for him. That is why I stood up and made an undertaking when this Question came up. I think it would be very unfair to blame only the Government. Even Members of Parliament sometimes have their Questions on the Order, but they do not turn up to ask them. However, I want to apologise to my brother here and undertake to ask the Minister to answer the Question on any day the Chair will suggest, next week.

**The Temporary Deputy Speaker** (Mr. Imanyara): Can he answer it today afternoon?

**The Minister of State for Defence** (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, I do not

know whether the Minister is in hospital or not. So, let us agree that he answers it on Tuesday, next week.

**Mr. Temporary Deputy Speaker** (Mr. Imanyara): Very well. The Question is deferred to Tuesday, next week.

**The Minister of State for Defence** (Mr. Haji): Thank you, Mr. Temporary Deputy Speaker, Sir.

*(Question deferred)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, it is also proper for the Leader of Government Business to appoint one of the Front Bench Members to stand in for them when they are away. There is nothing unusual about that, but the House needs to be informed as to who the person standing in for them is. That is why I deferred Question No.503 until we get somebody from the Front Bench to say when it will be answered.

Next Question, Mr. Ochieng!

*Question No.521*

FACILITIES/STAFF FOR KATITO/  
ACHEGO YOUTH POLYTECHNICS

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

(a) whether he is aware that Katito and Achego Youth Polytechnics do not have adequate staff and physical facilities; and,

(b) when the Government will post staff and provide facilities at the polytechnics.

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Katito and Achego Youth Polytechnics do not have adequate staff and physical facilities - that is classrooms, laboratories and toilets. However, my Ministry is committed to the rehabilitation of youth polytechnics countrywide. In an effort to address this in Nyakach Constituency, the Ministry is constructing a twin-block workshop at a cost of Kshs4,791,551 at Achego Youth Polytechnic. The completion of the project is expected soon as the contractor gives the final report. Currently, the contractor is putting final touches, including painting and landscaping. The Ministry has also provided training tools and equipment worth Kshs500,000 at Katito and Achego Youth Polytechnics to support training in the various trade areas.

(b) As part of its mandate, the Ministry would also like to recruit qualified instructors to be posted to all public youth polytechnics. This is in accordance with the Ministry's strategic plan, which proposes that 1,000 instructors be recruited every year for five years, beginning Financial Year 2008/2009. Once the recruitment process is finalised, Katito and Achego Youth Polytechnics will be considered along other youth polytechnics in the country.

**Mr. Ochieng:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has told us what they are doing at Achego Youth Polytechnic. However, he has not told us when they will construct a similar building at Katito Youth Polytechnic.

**Mr. Kabando wa Kabando:** Mr. Temporary Deputy Speaker, Sir, as clearly stated, Nyakach Constituency has benefitted through Achego Youth Polytechnic to the tune of Kshs4.7 million. The twin-block is now almost complete. Landscaping and painting are the final light works that are being done. Katito Youth Polytechnic will be considered in the full realisation that we are also focusing on the other 210 constituencies, whose polytechnics also need to be identified and supported. Having

given Kshs0.5 million worth of equipment to the two polytechnics within Nyakach Constituency is a major step. On average, other constituencies have received one youth polytechnic support for the equipment aspect. Nyakach Constituency is actually among the very few constituencies that have received nearly Kshs5 million for upgrading of one particular polytechnic. I am sure that the hon. Member is thrilled.

**Mr. Gunda:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister confirm to the House what criteria the Ministry is using to employ instructors as it would appear that the instructors who are currently employed by management committees are being discriminated against?

**Mr. Kabando wa Kabando:** Mr. Temporary Deputy Speaker, Sir, the criteria used to employ the instructors is based on the Public Service requirement for minimum qualifications to the respective grades. Those who were employed by management committees in the various youth polytechnics have been given consideration to apply. As we have said while answering various other Questions in this House previously, we strongly advise management committees to give information for such instructors to apply, because the process is competitive. It is public and, therefore, the criteria being used must be acknowledged to meet the standards that have been set by the Government.

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, may I kindly ask the Assistant Minister: What are the criteria used to assist polytechnics? We have Akado Polytechnic in Kisumu Town East. We have written, requested and begged but, for some reason, nothing is happening; not even a proposal as to what they would like us to do has been forthcoming. So, even if they say that they have received our letter and we will be considered, that will be something. We are saying that in the whole of Kisumu Town East, there is only one half-done polytechnic.

**Mr. Kabando wa Kabando:** Mr. Temporary Deputy Speaker, Sir, in the last Parliament, all hon. Members were requested by the Ministry to nominate one polytechnic per constituency. Therefore, one polytechnic per constituency was to be the one that would receive the minimum Kshs1 million worth of equipment as I mentioned. There are many other polytechnics that also seek support directly, or through their committees, and even through their local civic leaders in addition to the efforts that are made by hon. Members. The Ministry is encouraging hon. Members to also work in collaboration with their councillors, so that the Constituencies Development Fund (CDF) and the Local Authority Transfer Fund (LATF) are utilised to upgrade some of those polytechnics. This will ensure that when the Ministry chips in, perhaps through top-up grants or allocation of instructors, it is in addition to the local efforts. There are many polytechnics in all the constituencies that deserve to be supported.

**Mr. Gumbo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead the House? As far as I know, he is trying to impute that the CDF ought to be the main Fund for upgrading those youth polytechnics while, in fact, he ought to know that the CDF acts as a supplementary Fund to the main Government funding. Is it in order for him to try and mislead the House?

**The Temporary Deputy Speaker (Mr. Imanyara):** Mr. Gumbo, I am not sure that, that is a point of order but you have made your point. Mr. Assistant Minister, do you want to comment?

**Mr. Kabando wa Kabando:** Mr. Temporary Deputy Speaker, Sir, it is a fact and this is being done; we have the records in the office. Many hon. Members in this House, and of the previous Parliament, have utilised the CDF to add to the efforts of the central Government to upgrade youth polytechnics. In fact, currently, many councillors in the country are also putting the LATF money into youth polytechnics, in the full appreciation of the efforts that the Government has made to identify a polytechnic per constituency and top-up grants in almost all constituencies so as to support the instructors. Therefore, it is in the interests of the hon. Member, particularly in Rarieda Constituency in this case, to set aside adequate resources to support youth polytechnics, knowing that 68 per cent of the voters in 2007 were the youth and in 2012, they will be 74 per cent or more. Let us support youth

polytechnics and this will be a good thing.

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, youth polytechnics play a very important role in imparting skills, especially to the unemployed, so as to help them get into self-employment upon completion of their courses. What arrangements does the Ministry have to ensure that they provide, at least, a polytechnic to areas that do not have any?

**Mr. Kabando wa Kabando:** Mr. Temporary Deputy Speaker, Sir, as I said, we requested the nominations of the youth polytechnics by the previous Parliamentarians. But a few, as tabled in the last Session, did not submit their nominations. We would like to work with hon. Members; I am inviting those from constituencies where there is no youth polytechnic to sit down with their Constituency Youth Officer, the District Youth Officer, and if need be with us at the Ministry, the Director of Youth Affairs, so that we may identify what we need to do together with you, and see what your CDF can do to support our efforts. That is doable! Therefore, the onus is on the respective hon. Members to step forward before they raise their concerns externally, or in this House, so that we work together and make sure that something is done.

**Mr. Ochieng:** Mr. Temporary Deputy Speaker, Sir, while we appreciate very much the gesture the Government has given in terms of donating equipment, I would like to know specifically, when the Ministry is going to post staff who will use that equipment to train students.

**Mr. Kabando wa Kabando:** Mr. Temporary Deputy Speaker, Sir, in 2006/2007, the Government employed 600 instructors to be deployed to the 750 youth polytechnics across the country. We will address that particular request from the hon. Member and see what is doable, given the availability, or otherwise, of the instructors who have already been trained.

*Question No.558*

KILLING OF CATTLE BY KWS RANGERS  
IN SHABA NATIONAL GAME RESERVE

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

- (a) under what circumstances five head of cattle were shot dead by a combined force of Isiolo County Council *askaris* and the Kenya Wildlife Service (KWS) rangers on 26th September, 2008, in Shaba National Game Reserve; and,
- (b) what action he will take against the rangers, Isiolo County Council and the KWS management and also ensure that the owners of the shot animals are adequately compensated.

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

(a) I am not aware of any incident where five head of cattle were shot dead by a combined force of Isiolo County Council *askaris* and the KWS rangers on 26th September, 2008 in Shaba National Game Reserve. However, I am aware that on that material day, a combined force on routine patrol of the reserve at around 6.30 p.m. came across head of cattle grazing illegally - and I repeat illegally - inside the Reserve. Upon seeing the officers, they abandoned the animals and ran away. The animals were driven out of the Reserve, so that the owners could pick them later. No animal has ever been reported missing or even shot at Isiolo Police Station.

(b) Since no animal was reported missing or shot, it would be difficult for me to contemplate taking any action based on unconfirmed allegations.

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, it is really unfortunate that the Assistant Minister can deny what has happened. To the best of my knowledge, the area councillor has taken this matter to the Archers Post Police Station and it has been booked in the OB. So, the saying that

no animals were shot dead is untrue. It happened. I have the names of the owners of the animals and I will give them to the Assistant Minister. The question is: Killing livestock is a grave offence, because you are denying people their livelihood. Was there no other way that the rangers and the council warders could deal with the owners of the animals instead of killing the innocent animals, just because they strayed into the Reserve because of drought?

**Mr. Githae:** Mr. Temporary Deputy Speaker, Sir, I repeat that the combined force of the rangers and *askaris* did not shoot any animal. What they did was that they drove them outside the Reserve. We are not aware of what happened after that. Let me say that in that area, there are many cattle rustlers and sometimes, they even shoot the animals themselves as they fight over them. So, we are not aware of what happened to the animals after they were driven out.

**Mr. Letimalo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House by saying that the owners could have shot the animals and then claimed for them? Is that in order?

**The Temporary Deputy Speaker** (Mr. Imanyara): He said that he is not aware.

**Mr. Letimalo:** No, Mr. Temporary Deputy Speaker, Sir! He has said that sometimes, the owners shoot the animals and then they go and complain. We are saying that the information is with the police at Archers Post Police.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Letimalo, I would like you to give him the information so that he can verify it? Give the information to the Assistant Minister because he is saying that he is not aware.

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, because I have the names of the owners---

**The Temporary Deputy Speaker** (Mr. Imanyara): Give him those facts so that he can go and verify them with the relevant Ministry.

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, in view of that, I wish to seek your indulgence that this Question be deferred so that we give the information that he can verify with the police and, then he will be able to give us an appropriate answer.

**The Temporary Deputy Speaker** (Mr. Imanyara): What do you say, Mr. Assistant Minister?

**Mr. Githae:** Mr. Temporary Deputy Speaker, Sir, as far as that incident is concerned, the cattle were driven out of the park and we are not aware of what happened later. But if there is other information that the hon. Member has, I would be glad to receive it and then I will see what action can be taken. However, I take this opportunity to ask the hon. Members who come from those areas to also advise the residents not to be grazing their cattle in the game parks, because it only causes problems. In this case, the cattle did not stray. They were actually grazing there. There is a difference between straying and grazing.

**The Temporary Deputy Speaker** (Mr. Imanyara): You need to consult with the hon. Member and then you can provide further information when you are certain that this incident happened. So, you will exchange information.

I will now go back to Question No.503.

### *Question No.503*

#### NON-ISSUANCE OF TITLE DEEDS TO RESIDENTS OF MBITINI/KAKUTHA

**Mr. Kiilu** asked the Minister for Lands:-

(a) whether he is aware that residents of Mbitini/Kakutha Adjudication Section, whose

adjudication exercise commenced in 1974, have not been issued with title deeds; and,  
(b) whether he could explain the reasons for the delay and state when the land owners will get their title deeds.

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

(a) Yes, I am aware that the residents of Mbitini/Kakutha Adjudication Section, whose adjudication exercise commenced in 1974, have not been issued with title deeds.

(b) Kakutha Adjudication Section was finalised on 11th October, 2007 and the documents forwarded to the Chief Land Registrar for registration. The land owners should visit the District Land Registry to collect their title deeds upon payment of the necessary fees.

**Mr. Kiilu:** Mr. Temporary Deputy Speaker, Sir, Mbitini has eight adjudication sections and all were started at the same time in 1974. Seven adjudication sections were completed in five years. The Assistant Minister has accepted that it has taken them over 35 years to complete Kakutha Adjudication Section. Could he state the reasons it has taken him so long to complete that section?

**Mr. Githae:** Mr. Temporary Deputy Speaker, Sir, it is true that adjudication has taken 35 years. At the same time, we must appreciate that more than 50 per cent of the land mass of this country has no titles. So, let us appreciate the little that the Government has done, even though it has taken 35 years. There are others who do not have titles at all. The titles are now available. I would like to request the hon. Member to urge the residents to go and collect them and pay the necessary fees so that they can start developing their land and get loans to develop this country.

**Mr. Shakeel:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to remark that it has taken 35 years to prepare these title deeds and then go on to say that since half the country has no title deeds, we should be happy that the Government has taken 35 years to prepare several title deeds? Is he trying to justify the incompetence, inefficiency and corruption that is at the Ministry of Lands?

**Mr. Githae:** Mr. Temporary Deputy Speaker, Sir, whereas I have apologised because it has taken 35 years, I was just pointing out that there are some other sections in this country where people do not even have titles. This is because of shortage of staff and qualified personnel. But as a Government, we want to make sure that every piece of land in this country has a title deed.

**Ms. S. Abdalla:** Mr. Temporary Deputy Speaker, Sir, on the same note, could the Assistant Minister tell us what plans the Government has to do the adjudication in areas where it has not been done? For instance, in Lamu, there is a port which is going to come up and yet the people do not have title deeds. There is a big danger of people being evicted left, right and centre in the name of squatters on Government land.

**Mr. Githae:** Mr. Temporary Deputy Speaker, Sir, the intention of the Government is to give title deeds to each and every piece of land in this country. However, because of the shortage of staff and personnel, this is going to take time. Also, the area that the hon. Member is talking about is Trust Land. Under the Trust Land Act, it requires that certain actions be done by the county council as the trustee of the land. I would like to assure the hon. Member that before the Lamu Port is constructed and any land is acquired by the Government for the port, the residents will be adequately consulted and compensated.

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

**Mr. Kiilu:** Mr. Temporary Deputy Speaker, Sir, considering that it has taken the Government 35 years to finalise this adjudication section, could the Assistant Minister consider doing what he did in 2007 and issue title deeds to the members of this adjudication section or particularly to the nearest District Officer's (D.Os) office?

**Mr. Githae:** Mr. Temporary Deputy Speaker, Sir, waiver of fees is done on specific instances.

Since in this case there has been no request for any waiver of the necessary fees, I cannot confirm that it will be done, but the hon. Member can apply. If there are circumstances that would require for a waiver so that the titles can be issued to the public, it can be done. But as of now, I would like to ask him to request the residents to go and pay and get their title deeds as they wait for the other process.

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Before we move to the next Order, I would like to seek direction from the Chair. This is in respect to the recall of this Parliament from recess. We all expected that there was an urgent and specific agenda that caused the Speaker---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! We have not completed Question Time.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, you said "last question."

**The Temporary Deputy Speaker** (Mr. Imanyara): It was the last question for Mr. Kiilu! Mr. Washiali, we still have to deal with your Question.

**Dr. Khalwale:** I am so sorry, Mr. Temporary Deputy Speaker, Sir.

*Question No.542*

CONSTRUCTION OF SEWERAGE SYSTEM  
IN MUMIAS MUNICIPALITY

**Mr. Washiali** asked the Deputy Prime Minister and Minister for Local Government when he will construct a sewerage system for Mumias Municipal Council and indicate where it will pass.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I really apologize because I was half a second late when the Question was called out for the first time.

However, I beg to reply.

The construction of a sewerage system in the Municipal Council of Mumias will commence in July this year. Design works have already been completed by the Western Water Services Company (WWSC). It is in the process of identifying a supervisor before the bids are invited. The winner will start the works.

The sewerage system will cover the whole town and drain into a major treatment works which will be constructed at Mumias Site and Service Scheme.

Thank you, Mr. Temporary Deputy Speaker.

**Mr. Washiali:** Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister and the World Bank for coming up with that project in Mumias Town. On behalf of the people of Mumias, I would like to say that we really appreciate that. However, the Assistant Minister has talked of identifying a supervisor. We want to know how long it will take the Ministry to identify a supervisor to be in-charge of that project?

**Mr. Githae:** Mr. Temporary Deputy Speaker, Sir, I would also like to join the hon. Member in thanking the World Bank for giving us US \$42 million to complete some of the projects dealing with sewerage. Mumias Municipal Council is one of the councils that are going to benefit. At the moment, a supervisor is required under the World Bank funded project. That matter is in process. I can assure the hon. Member that we are really planning that, come July 1st this year, the work will start. The supervisor has almost been identified and the bids have been called for. So, it is a question of just prequalifying and a supervisor will be appointed. But I would like to assure you that before 1st July this year, the work will start.

**Mr. Shakeel:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant



Minister in order to say that the supervisor will be on the ground by July? I was a Mayor of Kisumu. I know that when it is a World Bank funded programme, even the tender for the supervisor has to go back to New York or wherever the World Bank headquarters are and that can take over a year. So, has the Assistant Minister got any undertaking from the World Bank? Has it identified the supervisor? If that is not the case, I cannot see that supervisor on the ground before the end of this year.

**Mr. Githae:** Are you doubting this Ministry? I can assure you that the work will start by 1st July.

**Mr. Washiali:** Mr. Temporary Deputy Speaker, Sir, again, I would like to thank the Assistant Minister for the confidence that he has. He has said that the work will start by 1st July and the people of Mumias will be waiting to hear from him.

Thank you.

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

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Murgor, is there something you want to raise?

**Mr. Murgor:** Mr. Temporary Deputy Speaker, Sir, I would like to ask a supplementary question.

**The Temporary Deputy Speaker** (Mr. Imanyara): On what?

**Mr. Murgor:** On Question No.535 on behalf of Mr. Litole.

**The Temporary Deputy Speaker** (Mr. Imanyara): The Question was dropped. Do you have any basis to ask for its reinstatement? If so, do you have permission from hon. Litole? You cannot ask a supplementary question before the Question is even asked!

**Mr. Murgor:** Yes, Mr. Temporary Deputy Speaker, Sir. I do because of the urgency of the problem---

**The Temporary Deputy Speaker** (Mr. Imanyara): Let me clarify. When the Question was called out three times and it was not asked, it was dropped. Now, you have indicated that you may have had information or specific instructions from the hon. Member to ask the Question on his behalf. I thought that you were standing on a point of order in order to lay the basis for asking the Chair to reverse the decision of dropping the Question. If that is not what you are doing, then you will be totally out of order. So, what is the purpose of your point of order? I want to give you this opportunity because I do not want to deny you the opportunity to ask the Question if you have instructions from the hon. Member. If you can give me the reasons or the basis for which you did not ask when the Question was called, I will allow you.

**Mr. Murgor:** Thank you, Mr. Temporary Deputy Speaker, Sir. I got the request and instructions from hon. Litole who got a call last evening to attend to an urgent situation in his constituency. He called me and asked me to ask the Question on his behalf. Then, I was caught up in a jam. I started to do some work as I was on the way. So, I got a little late and I apologise.

**The Temporary Deputy Speaker** (Mr. Imanyara): It is good that you have apologised because you may not have a good reason. Have you discussed with the Minister? I had requested you to consult the Minister concerned.

**Mr. Murgor:** Yes, Mr. Temporary Deputy Speaker, Sir. I have done that and he gave me a green light.

**The Temporary Deputy Speaker** (Mr. Imanyara): Is the Minister prepared to answer the Question.

**Mr. Murgor:** Yes, Sir.

**The Temporary Deputy Speaker** (Mr. Imanyara): In that case, I will indulge you because

you may not have been fully conversant with the procedures. I want to point out that if a Question is dropped, it is actually dropped. But because of your good reasons of urging the Chair to reinstate the Question, and because you have consulted with the Minister concerned, I will reverse that situation and allow you to ask Question No.535.

*Question No.535*

NEW X-RAY MACHINE FOR KAPENGURIA  
DISTRICT HOSPITAL

**Mr. Murgor**, on behalf of **Mr. Litole**, asked the Minister for Medical Services:-

- (a) whether he is aware that the X-Ray machine in Kapenguria District Hospital broke down; and,
- (b) considering that the patients from the greater Pokot are forced to seek x-ray services in Kitale, what steps he has taken to provide a new one.

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

(a) Yes, I am aware that the x-ray machine at Kapenguria District Hospital had not been working from 10th September to 2nd December, 2008.

(b) There is no need to provide a new x-ray machine as the existing one has now been repaired. It was repaired on 3rd December, 2008, and is working perfectly.

**Mr. Murgor**: Mr. Temporary Deputy Speaker, Sir, I thank the Assistant Minister for trying to answer the Question. There are still some problems because that machine breaks down from time to time. Therefore, its repair now does not guarantee that it will work for long. That is why the Question is seeking for a replacement with a new one. How can the Assistant Minister ascertain that, that machine will actually hold together, knowing the fact that, that machine is serving a very large area? It is the only machine that is serving three districts. So, I still cannot be really sure that it will hold together.

**Mr. Mungatana**: Mr. Temporary Deputy Speaker, Sir, when that machine broke down, we sent our people to establish the reason. What came out of the inspection was that there was a lot of power fluctuations from the generator. That affected the functioning of that machine efficiently. So, what we have done, apart from fixing it, is to ask for a power stabiliser from Solartech Company. So, I can speak with confidence and assure the hon. Member that, in future, we hope we will not have that problem.

**Mr. Shakeel**: Mr. Temporary Deputy Speaker, Sir, I would like to follow up on that question. I happen to be the Chairman of the New Nyanza General Hospital where we also have a similar problem. A new X-Ray machine was purchased and it appears that it is sub-standard. We have had a number of discussions with the Chief Radiologist. I would like to guide the Assistant Minister that perhaps, the older X-Ray machine is more reliable than some of the new ones that have been brought over the last two years. Could the Assistant Minister be kind enough to check with the Chief Radiologist the status of the X-Ray machines in the New Nyanza General Hospital since the new machines are not functioning satisfactorily?

**Mr. Mungatana**: Mr. Temporary Deputy Speaker, Sir, I will do so.

**Mr. Njuguna**: As the Assistant Minister has very ably indicated the seriousness that they took in replacing this X-Ray machine, it should be noted that they stayed for three months without taking any action and the people in the three constituencies were suffering. The Assistant Minister has indicated that a stabilizer will be supplied to that area. How soon will he act to avoid that kind of predicament?

**Mr. Mungatana:** Mr. Temporary Deputy Speaker, Sir, the stabilizer should be there by now and so it will not happen again. It is just unfortunate that, that happened. By the time the machine in Kapenguria broke down, it was new according to the information we have and it had a warranty. So, even if it has a problem right now, that warranty is still effective. We have been assured that this will not happen for a long time.

**Mr. Litole:** When the machine breaks down in Kapenguria, it takes long even for the information to be forwarded to the relevant people either in Nairobi or wherever it is. Could the Assistant Minister assure the House that this will not occur again? When it does, what measures will the Ministry take to ensure that people find alternative services so that they do not suffer? It is the only machine which is being used by three districts and some of the people come from very difficult situations. It is so frustrating when they do not get the services.

**Mr. Mungatana:** Mr. Temporary Deputy Speaker, Sir, just to give comfort to the hon. Member, we have admitted that previously, information was not flowing as it should. We have now restructured the Ministries. We have the Ministry for Medical Services that essentially deals with the sub-district and district hospitals, which is our Ministry. The structure of communication in our Ministry has improved now. It may not be perfect or where we want it to be, but I can guarantee you that if it breaks down, we will get the information and act in good time.

### POINT OF ORDER

#### AGENDA FOR RECALLING PARLIAMENT

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I rise on a point of order to seek direction from the Chair. When the House was recalled, we all assumed that there was specific and urgent agenda that necessitated this recall. However, having looked at yesterday's Order Paper and today's Order Papers, it looks to me, that maybe, the Chair should direct the Leader of Government Business to tell hon. Members exactly why we were recalled here because most of us expected to come to sort out the issue of the Waki Report, the Kriegler Report, the new Constitution and resettlement of IDPs together with famine and drought.

Mr. Temporary Deputy Speaker, Sir, we have now started debating Bills like the Merchant Shipping Bill. We are worried that probably, the urgency was basically a question of the Government playing to the gallery so that the public could think that the Government was interested in urgent issues being raised. Could the Chair give us direction on that?

### NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.20

#### COUNTRYWIDE STRIKE BY TEACHERS

Secondly, Mr. Temporary Deputy Speaker, Sir, I also rise on a point of order to request that you give us an adjournment of the House so that this order of mine serves as a notice for us to discuss the ongoing strike by teachers with a view to forcing the Government to make sure that they resolve the strike one way or the other, so that our children can go back to school. I would like to ask that if there are hon. Members who support this under Standing Order No.20, they stand up to support me.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order, Dr. Khalwale!. You cannot

dictate to the Chair the procedures. With regard to the first issue, I am aware of the concerns that you are raising. I am aware because I sit in the Speaker's Panel and we are aware that meetings have been taking place with the Minister for Justice and Constitutional Affairs and the House Business Committee which is setting the agenda. So, it is only a matter of days before those issues are addressed.

With regard to the second issue, again, the matter came before the Speaker's Panel yesterday. Apart from what you are telling me, I am aware that two other hon. Members have indeed given notices which have been approved by the Speaker with regard to that issue of the teachers' strike. Since the Minister for Education is aware of that issue, I think he is anticipating that the issue will come up this afternoon. Therefore, my direction is that the issue of teachers strike be raised this afternoon since the Speaker has approved it for discussion today. So, Mr. Muriuki or Mr. Linturi can raise the issue with the Chair this afternoon when time has been allocated and it has been communicated to the Members.

### POINT OF ORDER

#### INSTALLATION OF NEW MICROPHONES IN THE CHAMBER

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I wish to rise on a point of order. The tradition of this House is that it is only the Chair who decides who should participate in any debate or during Question Time. The House has installed some microphones which have taken the powers of the Chair. For one person to talk on this side, the other one has to put it off. So, a rogue Member of Parliament might decide not to put this gadget off and therefore, deny the other side the chance to speak. At the same time, if the gadget is not put off and the other one is still on, it interferes with the other hon. Member. I wish to ask---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order. You have already pointed out that the Chair has the prerogative. I can tell you that it is a very temporary measure. Probably by this afternoon, the new system will have been installed and that issue will not arise again. If there are no other issues, could we go to the next order?

### MOTIONS

#### SELECT COMMITTEE TO INVESTIGATE ROOT CAUSE OF CATTLE RUSTLING

THAT, aware that cattle rustling has become a

persistent security problem in the Northern Rift Valley and other parts of the country, further aware that the practice has its roots in traditional practices of the communities involved; cognizant that in order to eradicate it there is need to understand its causes, this House resolves to constitute a select Committee to investigate the root cause of the cattle rustling and those behind the vice and that the Select Committee reports its findings to the House within eight months and further that the following be members of the Committee:-

Hon. Boaz Kaino, MP

Hon. Raphael Letimalo, MP

Hon. Wilson Litole, MP

Hon. Ntoitha M'Mithiaru, MP  
Hon. Milly Odhiambo, MP  
Hon. Joshua Kutuny, MP  
Hon. Kiema Kilonzo, MP  
Hon. Maison Leshomo, MP  
Hon. Eng. Nicholas Gumbo, MP  
Hon. Lucas Chepkitony, MP  
Hon. Ekwee Ethuro, MP  
Hon. Nelson Gaichuhie, MP  
Hon. Edwin Yinda, MP  
Hon. Elias Mbau, MP

*(Mr. Kaino on 10.12.2008)*

*(Resumption of Debate  
interrupted on 10.12.2008)*

**The Temporary Deputy Speaker** (Mr. Imanyara): I think we still have one hour for this Motion. I think the Mover should be reminded that there was an oversight on our part in preparing the Motion. The tradition of the House is that the composition of this Committee should be odd numbers. So, I hope the Mover will remember that so that we can make the necessary amendments before the closure of the Motion to ensure that it complies with the traditions of the House.

**The Assistant Minister for Higher Education, Science and Technology** (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, I have some questions on the composition of this Committee. This is because I understand the Government side is supporting it. I wonder why we need to have a select committee to investigate the cause of cattle rustling. Do we not know the causes? Why is it that we have to know the people who are involved? Do we not know them? Why should we report in eight months? Cattle will still be stolen before we take any action. There are too many committees which cost a lot of money. This is an issue that the Government can take action on. I do not think we need to be talking for the sake of it when we should be taking action on those matters. I am saying this as one of the Members of Parliament who is affected very seriously.

Mr. Temporary Deputy Speaker, Sir, coming from that part of the country, as you know, cattle rustling between Meru North and Samburu is a big problem. It is such a big problem and is too frequent. Sometimes, you wonder whether some of us still live in the stone age. It is very barbaric. You just do not understand why it should still be taking place in this day and age. Members of Parliament from the region are under constant pressure from their constituents. In Meru, it is like it happens on a daily basis. Livestock rustlers from across, especially Samburu East, come to Meru North to take cattle. It has almost become a daily occurrence. I think the Members of Parliament are constantly blamed by the residents. For the last two weeks, I have been pursuing some leads with the Provincial Administration regarding livestock that was stolen by our friends from the other side of the river.

Mr. Temporary Deputy Speaker, Sir, we have livestock farmers who have absolutely nothing else. Therefore, when they lose 40 or 50 head of cattle or goats, their livelihood is basically taken away. You are making them completely helpless in terms of being able to earn basic existence, pay school fees for their children and take care of other basic needs. Therefore, it is really a very serious matter, especially when you consider that is all the farmers have.

Mr. Temporary Deputy Speaker, Sir, some of the causes include the fact that it seems that there is no organised recovery system. This can happen from time to time but you follow it up, it

seems like there is no systematic mechanism by the Government to follow the issue up and take action. There seems to be inadequate facilities. Every time you hear victims complain that they are told by the police that they do not have enough vehicles. If one requests for a helicopter to do an overhead search, he or she is told it is not available. It also seems like there is a great deal of laxity by those supposed to pursue the animals. This could be because they are directly not involved themselves.

Mr. Temporary Deputy Speaker Sir, I also think there is disinterest on the part of leadership and some kind of silent encouragement. We keep saying that if Members of Parliament can ask their constituents to stop this barbaric stone age habit, it would not be happening. Members of Parliament must have the courage to say that this should not be happening. The other day I was challenged by my friend, Mr. Letimalo, from Samburu East and told him how much trouble we are getting from his constituents. I asked him to forget the fact that he would lose votes and talk openly to his constituents and tell them that good neighbourliness requires that some of these habits are stopped. However, it is still continuing. I think as leaders, if we do not sit and address this matter, even forming committees is not the way to go.

Mr. Temporary Deputy Speaker, Sir, it is important that even before we talk about committees---

**Mr. Ruto:** On a point of order, Mr Temporary Deputy Speaker, Sir. Is the hon. Member in order to impute improper motives on Mr. Letimalo that he is encouraging cattle rustling with a view to sustaining his votes? I think the hon. Member is treading on dangerous grounds the moment he goes in that direction.

**The Temporary Deputy Speaker** (Mr. Imanyara): Unfortunately, *Mheshimiwa* Letimalo is sitting right behind you and we have not heard him complain.

Dr. Mwiria, please, proceed!

**The Assistant Minister for Higher Education, Science and Technology** (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, if I quoted this example, it is because we have some experience between Samburu East and Tigania West in terms of these rustlers coming across.

Mr. Temporary Deputy Speaker, Sir, as Members of Parliament, there are some decisions that we do not dare take. Mr. Ruto, you know how much talk you have been involved in regarding the Mau Forest. You know it is a terrible thing but you want to talk about it and say people should stay there in order to sustain your votes. So this happens and before you talk about Mr. Letimalo, you should talk about yourself.

Mr. Temporary Deputy Speaker, Sir, I will continue. Mr. Letimalo is here and he should have addressed the issue himself.

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

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

Mr. Temporary Deputy Speaker, Sir, unless we have appropriate structures to deal with this matter, however, willing Members of Parliament are, they can be helpless. Sometimes we should help them not to be hostages of their constituents. Secondly, we need to do our best to ensure that we have the relevant facilities especially constituency border points where these things take place. We should have vehicles, strong anti-stock theft units and if necessary, ensure that livestock farmers from both sides are able to defend themselves against attackers.

Mr. Temporary Deputy Speaker, Sir, if the Government cannot do that, then we need to come up with a system of compensation. We compensate victims of wildlife attacks and, I think if there are

human beings who are still attacking others and taking away their animals, we should have a system to compensate those who lose their livestock. So far, that does not happen.

Mr. Temporary Deputy Speaker, Sir, I appreciate that some of these things happen because of competition for pasture, the difficulties some of our farmers are going through and lack of alternative means of livelihood. Therefore, this matter cannot be resolved until we address the wider issue of socio-economic conditions and other alternatives that are possible to farmers. I agree that we must have stronger intervention in terms of developing those communities. With regard to others who are forced to take certain actions because of under-development, it is important that beyond what Members of Parliament, local authorities, Non-Governmental Organisations (NGOs) and donors are doing in those areas, we need to do much more so that residents of those communities do not feel that the only way for them to survive is to have livestock and if they do not, they have a right to steal from other communities.

Mr. Temporary Deputy Speaker, Sir, I started by saying that I do not see what the committee can do if the Government cannot do it. We are dealing with an issue of common thieves! We need to address that matter. If we cannot, the Members who are affected should find ways of sitting down, addressing this matter and coming up with lasting solutions so that our neighbours can live in peace and we do not have these incidences being repeated. It is the livestock farmers who suffer in the absence of any real action.

Mr. Temporary Deputy Speaker, Sir, I would like to call upon my colleague, Mr. Letimalo and others who are affected, especially in Meru North, Samburiland and other parts of this country to sit down and come up with a solution to this problem. They should also ask the Government to intervene in the best way possible to ensure that they do not leave them at risk. Some of us are being blamed for not doing enough. What can a Member of Parliament do to recover cattle that has been stolen by people who have guns? That is impossible, unless you asked your communities to retaliate by taking action that we would not want to see in a society where we believe in the rule of law and where we expect the Government to take the lead in terms of protecting victims and taking action against those involved in these kind of activities. If this will resolve this perennial problem, I will support the Motion. It is up to the Government to take appropriate measures. It is good that the Minister is here, what we need is action. That action can be taken without forming a committee because we know the causes of cattle-rustling. We know who is doing what and why it is being done. We are just not taking enough action to resolve this matter.

Thank you, Mr. Temporary Deputy Speaker.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Thank you, Mr. Temporary Deputy Speaker, Sir. This Motion comes at a time when we are having---

*(Mr. Mbadi moved to the Dispatch Box)*

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

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): The hon. Member cannot speak from here!

**Mr. Mbadi:** Mr. Temporary Deputy Speaker, Sir, I thought I am in the Government. My party is in the Government. Why am I not allowed to speak from the Dispatch Box?

**The Temporary Deputy Speaker** (Mr. Abdikadir): Order! Mr. Mbadi, the Dispatch Box is reserved for hon. Members of the Front Bench. I do not remember you being appointed as a Member of the Cabinet or an Assistant Minister.

Mr. Ojode, proceed!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal**

**Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, let me also add my voice to this very important Motion. Cattle-rustling is as old as pastoralism. There are those who are not in support of this Motion because of various reasons. This activity is found within the Rift Valley, North Eastern, Coast and Eastern provinces. There are also some isolated cases in Nyanza Province. If you look at the statistics, from February to August 2008, you will find that---

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Kipkorir): On a point of order, Mr. Temporary Deputy Speaker, Sir!

**The Temporary Deputy Speaker** (Mr. Abdikadir): Mr. Kipkorir, are you giving the Government response? Will you allow the other side to complete their contribution before you give the Government response? The Mover has time up to 11.00 a.m. He has 30 minutes to go. Unless you are willing to give up on your time---

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Kipkorir): Mr. Temporary Deputy Speaker, Sir, now that you have already given me this chance, why can you not allow me to respond? I can respond now or when the right time comes.

**The Temporary Deputy Speaker** (Mr. Abdikadir): Then give your response at the right time.

Mr. Ojode, proceed!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, this is a big problem that we are having in the country. If there is any way we can know the root causes of this problem, I would be glad to have the committee constituted. However, I want to give some statistics that were collected from February to August last year. Before I give the statistics, I am a worried man because if you look at the names of my colleagues who want to investigate this matter, you will see that quite a number of them come from cattle-rustling areas. Therefore, it will not be rightful for this committee to give a permanent solution to this problem. I believe those people whose names are included here will be called as witness and will also be asked to advise the committee on what to do. In that light, I think we should reduce the number of members of this committee. We should replace some of the names here with Members who do not hail from areas prevalent with cattle-rustling.

In February last year, Laikipia District lost about 92 head of cattle. We managed to recover 51 head of cattle. At that particular period, there were no incidences of people being injured or killed. In samburu District, for example, during the month of February, four people were killed as a result of cattle rustling. We only managed to recover 12 head of cattle. In March, in Trans Nzoia District, one person was killed. In Marsabit, two people were killed and 800 head of cattle were stolen in the same month. In Turkana District, about 600 head of cattle were stolen. It is a pity that we did not recover anything. In Turkana, about nine head of cattle were stolen. These figures are quite disturbing. That is why I support the Motion.

Mr. Temporary Deputy Speaker, Sir, there are factors that encourage cattle-rustling in this country. We spoke about some of them in Naivasha when we called all the hon. Members from cattle-rustling areas. One of them is that livestock is being seen as a symbol of wealth and status in some societies. Bride price which is paid in form of several cattle is another reason. The scarcity of pasture contributes a lot to cattle-rustling. Some affected areas is due to unemployment among the youth. Lack of access to a lucrative market for cattle aggravates poverty levels in those areas. However, what is more disturbing is access to firearms from unstable neighbouring countries. That is why we are encouraging disarmament. Obviously, clannism feuds, tribalism rivalry, porous borders, cattle stage merchants normally fuel cattle-rustling in order to acquire animals for sale. More worrisome situation is that my colleagues from cattle-rustling areas are aware of people behind this menace. We need to have the names of those who are trading in this illicit trade. The Government has so far identified those who are involved in this racket and will arrest them very soon. Once we arrest



them, we do not want the statement; one of our own is being arrested and that the Government does not want us as a tribe. Forget all that. If you are a thief, you must face the full force of the law. We all know a thief must come from a tribe. If a Luo is a thief, there is no way that---

**Hon Members:** On a point of order Mr. Temporary Deputy Speaker, Sir.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): When the Government is talking, there should be no point of orders.

*(Laughter)*

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Kipkorir): On point of order, Mr. Temporary Deputy Speaker, Sir. In January, February and March seven people were killed in my constituency. The Assistant Minister seems to be misleading the House, that in Baringo North Constituency, there were no killings associated with cattle-rustling. Secondly, my constituency has given out names of people who we believe are involved in cattle-rustling.

**The Temporary Deputy Speaker** (Mr. Abdikadir): What is your point of order?

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Kipkorir): Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister in order to give an impression that some constituencies, including my own, have not given out names of suspects? We have given out names, but no action has been taken. Is he in order to say that they have not managed to arrest anybody?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, the hon. Member is a Member of the Government. I have heard him say that; "we will inform the Government." Who is the Government? He is a Member of the Government. Why can he not give the names of the suspects to police officers, so that they can be arrested?

**The Temporary Deputy Speaker** (Mr. Abdikadir): The hon. Member is a member of the Departmental Committee on Defence and Foreign Relations. It is up to the Chair to rule which point of order is frivolous. I rule that his point of order is right. Please, respond to that point of order.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, this is the first time I have heard that he has some names. If you look at the statistics which I was reading out, for example, in Baringo, 44 heads of cattle were stolen in June, 2008 alone. I compared notes with him and I told him just that. We are yet to recover the cattle. I would like to request the hon. Member, who is also a Member of the Government, that in the event he has some names of those people who are behind cattle rustling, he should give them to the police officers. If he fears facing the police, then let him give the names to me so that I can take action.

Mr. Temporary Deputy Speaker, Sir, we have done a lot of things as the Government. Some of the Government initiatives include deployment of Anti-Stock Theft Unit (ASTU) in various cattle rustling prone areas. We have also set up provincial and district peace committees. Before undertaking some of these initiatives, we agreed with hon. Members who come from the cattle rustling areas including Naivasha to encourage other peace initiatives such as using Non-Government Organisations and involving peace processes. We have cross-border meetings by Government officials and other leaders. For example, recently, there was a meeting in Mbale, Uganda, between our Government officials and their counterparts from Uganda. We have beefed up security to deter the would-be cattle rustlers. As I mentioned earlier, the disarmament exercise must be initiated in order for us to recover the guns in the wrong hands. A number of illegal guns are in the wrong hands. The Government is going to disarm all those who have illegal guns.

Mr. Temporary Deputy Speaker, Sir, we are also encouraging the drilling of boreholes and

construction of water pans in Arid Semi Arid Lands areas. This will curb cattle rustling. When my Minister and I went to Chalbi and Wambi, we agreed with the leadership in those areas that we must sink boreholes. In fact, there are some areas where, as we speak, the Government has started drilling boreholes so that we do away with this conflict once and for all. So, the Government has really tried to bring this menace to an end once and for all.

You will remember that at one time when I was issuing a Ministerial Statement with regard to cattle rustling, I said that it started as a sporting activity. It then graduated to a commercial activity. It went a notch higher and it is now a cartel. Just as my colleague says, he has the names of cattle rustlers, but he is keeping the list of those names in his pocket. We must arrest those behind cattle rustling because that is the only way we will end this menace once and for all. The issue of passing the buck to hon. Ojode or his Ministry should not arise. He is a Member of the Government! He should just order the police to arrest so-and-so!

Mr. Temporary Deputy Speaker, Sir, the challenges that we face in our initiatives include tribalism and clannism. Some communities are socialised to believe that cattle belong to them and so they organise ways of getting them. For example, some communities from northern Kenya say that even the cattle which is kept by the Luos in Luoland belongs to them. Those are some of the things we should get rid of.

Perennial drought which leads to scarcity of water and pasture---

**Dr. Eseli:** On a point of information, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister needs to know that while some tribes might think that all cattle belongs to them, some tribes think that all the money belongs to them!

*(Laughter)*

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, that is a frivolous point order.

**The Temporary Deputy Speaker** (Mr. Abdikadir): That, I agree with you!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, what are some of the challenges to these initiatives? There is violation of traditional drought mitigation methods leading to disagreements by tribes and clans other than the owners which leads to disagreement. Another challenge is unclear resource ownership systems. Therefore, nobody feels obliged to participate in the sustainable management of resources. There is also the lack of compliance to regulations by the pastoral communities.

Mr. Temporary Deputy Speaker, Sir, so, what is the way forward? As a Government and stakeholders, we should influence the mindset of pastoralists through education to stamp out moran culture. We had started this very well when we called a meeting in Naivasha. We made quite a number of resolutions there and which we need to implement.

Mr. Temporary Deputy Speaker, Sir, we also need to provide for alternative means of livelihood and improve infrastructure in the pastoral areas. We will need to encourage communities to come up with resource grazing committees. This has already been implemented. All the pastoral areas now have grazing committees. We also want to strengthen traditional peace building mechanisms, which is ongoing. We would like to enhance ranch management in all ASAL areas so as to create ownership and, therefore, a sense of responsibility. We need to restore holding grounds and improve the grade.

Mr. Temporary Deputy Speaker, Sir, in conclusion, cattle rustling is a multifaced phenomenon and, therefore, needs multisectoral efforts in an integrated way to be stamped out. We agreed in Naivasha that the committee we had constituted must come up with the way forward. We are yet to

have a meeting where we will discuss the resolutions which were agreed on and how to implement them. If you look at the proposed names of the people in the Select Committee now--- I understand that we will have some names dropped. Those who come from the cattle rustling areas form the majority of the members of this Committee. Now that the Mover of the Motion is here, I suggest that we look again at the composition of the proposed Select Committee and remove some of the names that are there. This is because we are going to rely on some of these people once the Committee is constituted. We are going to rely on them in terms of charting the way forward. Some of them will be witnesses because they are members of the affected communities. In fact, they will tell us what to do and what not to do. We are all in agreement about the root cause of this problem.

Mr. Temporary Deputy Speaker, Sir, the Mover of the Motion has agreed that we can change some of the names, so that we bring to the list some of our colleagues.

My last warning is that if you are caught with a stolen cow, the Government will take stern action against you. We will arrest you and take you to court. Soon or later, I will be in a position to name those who are behind cattle, rustling especially in Baringo.

**The Temporary Deputy Speaker** (Mr. Abdikadir): Before we go to the next hon. Member, I heard you mention something to do with an amendment. That has to be done formally through the Clerks-at-the-Table. Since your time is up, I will give the chance to another hon. Member.

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the Assistant Minister say that he is going to name the people behind cattle rustling, especially in Baringo District. Could he name them because we want to know them?

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Kipkorir): On a point of order, Mr. Temporary Deputy Speaker, Sir. I come from Baringo and I want to support what my colleague has said. The Assistant Minister should name those people who are behind cattle rustling. I was very clear in my earlier point of order that we gave the names to the police.

**The Temporary Deputy Speaker** (Mr. Abdikadir): Hon. Member, I noted your point of order and I believe that the Assistant Minister attempted to respond to it. I will give you time to make your contribution when you catch my eye, then you can discuss the Motion at that point. Could we now move forward?

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, thank you for giving me a chance to contribute to this very important Motion. Let me take this opportunity to thank the Mover for this wonderful Motion.

The Motion is good but I am wondering whether it is necessary. We know the causes of cattle rustling; we also know how we can eradicate it. We know what happens. Today's cattle rustling is not the traditional type. That is what has brought a problem. In the traditional set-up, cattle rustling was used as a restocking measure after a drought. If there was no drought then there would be no cattle rustling; if there was drought then there would be cattle rustling with the sole purpose of restocking. The only way of restocking was by stealing another community's cattle.

But today, they are using modern guns like AK47, bazookas and so on. In the past they were using traditional weapons like bows and arrows. Even if there were cattle rustling raids, nobody would be killed or injured. Today, when there is a raid, there is mayhem, killings, injuries and even rape. In the traditional sense, there could never be rape, killing, or injuring because that was not the purpose. Today, all those things are happening. That is why we must condemn cattle rustling in the strongest possible terms. We must eradicate cattle rustling.

Today, some abominable things are being done. In the traditional sense, women were never killed. At best, you could take them and make them your wives. These days, they are killed. Children

were never killed or injured, but today if there is a raid, women and children are killed. Traditionally, you could take children to go and enlarge your family but not to kill them. That is why we must condemn cattle rustling today and say that, that has been overtaken by events. We must do all that we can to eradicate it. If it requires a Parliamentary Select Committee to do that, then let us have it. If it requires a Parliamentary Select Committee to know the leaders of cattle rustling, then let us have it. In the modern world, we cannot accept cattle rustling.

Mr. Temporary Deputy Speaker, Sir, today cattle rustling is a business. It has been commercialised. It is a business done by cattle rustlers. When they raid and steal cattle, those head of cattle end up in Dagoretti slaughterhouse for sale and slaughter. They also end up in other markets like Emali. So, we must eradicate it because it is a commercial undertaking. It has even now moved from being a commercial undertaking to a cartel. That cartel involves very senior people, even in the Government. When they are planning to go on a raid, the police are not involved, and even where cases are reported no action is taken. The cartel hires lorries and they are even protected on the roads. They pass through all the roadblocks all the way from Wajir to Dagoretti. They pass more than 30 roadblocks, yet no single vehicle has ever been impounded and the people and drivers arrested. We must condemn cattle rustling and bring the business to an end.

Mr. Temporary Deputy Speaker, Sir, cattle rustling is now causing insecurity, because when your cattle are stolen, there is counter attack. Therefore, it is a vicious circle. Your cattle is stolen today and the following month you organise a raid to go and try to get them back. That is causing a lot of insecurity. Initially, you could never get a Maasai stealing the cattle of another Maasai, but today it is happening. That means that even the traditional safe-guards are not there. When in the pastoralist communities in North Eastern Province cattle is stolen from a certain clan the following month the clan retaliates. Therefore it becomes a vicious cycle. This is one of the causes of underdevelopment. We must do whatever is required to eradicate cattle rustling. We cannot accept cattle rustling in the modern Kenya. It retards development, causes injuries and deaths. If it requires a Parliamentary Select Committee, then let us have it. As I had said, we know the causes and we should now come to eradication.

Mr. Temporary Deputy Speaker, Sir, eradication is very easy. If the Government were to buy four helicopter to be on standby, when cattle is reported stolen, within one hour the police would make a follow up and recover them. If that continued until the practice was made commercially unviable, then cattle rustling would end.

Mr. Temporary Deputy Speaker, Sir, secondly, we have the Anti-Stock Theft Unit of the Kenya Police but if they do not have vehicles and modern communication gadgets, then they are useless. You have to walk on foot to report to them and by the time they mobilise themselves, it takes more than three days after the crime has occurred and, therefore, no cattle is recovered. Surprisingly, these cattle disappear. After some time we are told that no cattle was recovered. How can cattle disappear from the ground? In some cases, we are told that some cattle were recovered but they also disappeared. So, this is a cartel which we must eradicate.

With those words, I support the Motion.

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Kipkorir): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to make my contribution on this very important Motion. I support it. Cattle rustling has become a major security threat to communities living in Arid and Semi-Arid Lands (ASALs). In the process of cattle rustling, people are killed, maimed and wounded. Innocent children and women are killed. Earlier in January last year, seven people were killed in my constituency. Their livestock was stolen and it has become a major security threat in my constituency especially in those areas where there is cattle rustling.

Mr. Temporary Deputy Speaker, Sir, learning institutions have also been closed and Internally Displaced People's camps have emerged. Last year we discussed about the IDPs as a result of the

post-election violence. In the areas where we have cattle rustling, there are other special types of IDP camps and nobody seems to deal with them. These are people who desert their homes and live in camps where they take care of their children and so on. It has also become a threat to the economic well-being of those people who live in ASALs. For them to pay school fees for their children and have food or even to pay medical bills, they rely on their livestock. When their livestock is stolen, these people are exposed and they are unable to educate their children and have food. To make it worse, these are dry areas where there is no water. The situation worsens when they lose their livestock.

So, this is a very serious issue and that is why I want to support that this Select Committee of this House be established so that they get to the root cause of this problem. We have said here that we really know the cause of cattle rustling. It is true we know but unless we actualise it as a Government and take real action, this problem will continue to affect those communities.

Mr. Temporary Deputy Speaker, Sir, I want to say that the statistics given by the Minister are just but in my view, a small portion of the problems. I remember in 1978 when my village was raided, it was more than 30 years ago and yet this problem is still on until today when I am a Member of Parliament. I think as much as we deal with the national issues that bedevil this country, the cattle rustling menace should be taken seriously so that we save the livestock of those people in those areas.

In my constituency, for example, we have an Anti-Stock Theft Unit stationed at a place called Loruk. The police officers are there. They are being paid their salaries and yet the country is facing this menace. This is because they do not have motor vehicles. Sometimes they have to walk. Sometimes I have to give money to support the same people to move from one village to another to chase the raiders. It is high time we took serious steps to eradicate this menace. I propose that, perhaps, the best way is that we form a special police force to be posted to these areas.

Mr. Temporary Deputy Speaker, Sir, last year you remember the Minister of State for Provincial Administration and Internal Security mentioned of certain places that we need to form a special police force that is actually designed to deal squarely with this issue. I think it is almost six months from that time and we have not seen action being taken and this is the right time for us to do so. If by establishing this Select Committee we are able to deal with this issue, then we need to move with speed.

Finally, there must be compensation for those people who have lost their livestock and even their lives. This is because when wildlife kill people, these victims are compensated. Yesterday the Minister for Forestry and Wildlife told us that they pay about Kshs50,000 as compensation for somebody killed by wildlife. It is high time we also considered to compensate these people who are either killed, maimed or wounded in the process of cattle rustling because it is a very serious affair.

Mr. Temporary Deputy Speaker, Sir, this Motion is important. I want to thank the Mover for moving it. Those of us from ASALs where this menace is prevalent are facing a very difficult time. I want to believe that the establishment of this Select Committee will go a long way in coming up with permanent solutions to save our people from this very unfortunate menace.

Thank you and I support the Motion.

**The Temporary Deputy Speaker** (Mr. Abdikadir): Order! I wish to alert hon. Members to the fact that this Motion is supposed to be concluded in one hour. It started at 10.30 a.m. and it is supposed to end at 11.30 a.m. I shall be calling upon the Mover to respond. I have a Motion requesting that we amend this Motion. I will probably propose to the Mover that he donates part of his time to whoever wishes to move that Motion. We have to bear in mind the fact that we have only ten minutes and that must be done. So, can the Mover then go ahead and then donate five minutes of his time to whoever wants to amend this Motion?

**Mr. Kaino:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to donate five minutes of my time to Mr. Jirongo.

**Mr. Jirongo:** Mr. Temporary Deputy Speaker, Sir, I wish to support the Motion with some

amendments. The content of the Motion should be left intact. But I wish to propose some amendments on the list of names of the Members.

Mr. Temporary Deputy Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the name of hon. Wilson Litole and hon. Ntoitha M'Mithiaru and replacing them with hon. Rachel W. Shabesh and hon. Peter L.N. Kiilu.

Also, Mr. Temporary Deputy Speaker, Sir, for voting purposes, this is an even number. We could add a 15th Member of the Committee by including hon. John Mututho.

Mr. Temporary Deputy Speaker, Sir, cattle rustling has been a menace that this country has experienced since Independence.

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member, my friend Jirongo, should actually justify why hon. Litole should be removed. If it is on the basis that these people come from that area, then I would propose that hon. Litole, together with hon. Ethuro--- At least, those people who come from those regions. Do not discriminate just like that! So, I oppose that amendment.

**The Temporary Deputy Speaker** (Mr. Abdikadir): We need to know the reasons to justify that proposal for amendment first. Yes, Mr. Jirongo!

**Mr. Jirongo:** Mr. Temporary Deputy Speaker, Sir, it is not an issue of discrimination. It is also not an issue of a person coming from that particular area. Initially, cattle rustling in the Republic of Kenya took place even in a place like Nairobi. When we come up with a Select Committee, there is no way that region expects to handle the issue of cattle rustling by even increasing security, personnel or even the army personnel. There are other factors that must be looked at. Cattle rustling ceased being an issue in Nairobi when we developed a capital city in Nairobi.

Therefore, Mr. Temporary Deputy Speaker, Sir, we need a wide representation in this Committee because, surely, if I became the President of the Republic of Kenya tomorrow, the first thing I would do is to create another international capital city either south of Suguta Valley or somewhere in Isiolo, thus opening up another development corridor in that region. It is through development that you deal with issues of insecurity! It is, therefore, not just an issue of arming police officers or increasing personnel. It is a wider issue than just the local security issues. We need to look at under development in that area as part of the reasons why we have had insecurity in the northern part of this country.

**The Temporary Deputy Speaker** (Mr. Abdikadir): Could you go ahead and move the amendment?

**Mr. Jirongo:** Mr. Temporary Deputy Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the names of hon. Wilson Litole and hon. Ntoitha M'Mithiaru and replacing them with hon. Rachel W. Shabesh and hon. Peter L.N. Kiilu.

By adding the name of hon. John Mututho to be the 15th Member of the Committee.

**The Temporary Deputy Speaker** (Mr. Abdikadir): Do we have a Seconder to that proposal so that, at least, we have a Motion formally on the Floor?

**Mr. Mwaita:** Seconded

**The Temporary Deputy Speaker** (Mr. Abdikadir): Now we have a Motion formally on the Floor. What is your point of order, Mr. Mwadeghu?

**Mr. Mwadeghu:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Naomba, tafadhali, kuzungumzia tu lile jambo lililoletwa na Bw. Jirongo la kubadilisha orodha ya majina. Hao ng'ombe wote wakiibwa wanapelekwa Taita. Wote! Na wamejazana huko! Sisi tunajuliza: Tuanze kuwaiba na sisi pia? Kwa hivyo, naomba, tafadhali, mfikirie: Kama hoo ng'ombe wote wakiibwa huko juu wanaletwa Taita na wamejazana huko na hakuna mtu yeyote anayeshughulika kuwafuata huko, kwa nini

msiweke Wabunge wote wanaotoka katika sehemu hizo ili kuchangia katika kuhakikisha kwamba ng'ombe hao wanahesabiwa na kurudishwa kule walikotoka?

**The Temporary Deputy Speaker** (Mr. Abdikadir): That was actually not a point of order. You were actually discussing the Motion. If you want to open this Motion, we have to be alert about the timing that we agreed on. You raised debate on the amendment. But that is a different matter. But that Motion is on the Floor---

**Mr. M'Mithiaru:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Abdikadir): Yes, Mr. M'Mithiaru? Please, let it be a point of order and not your views on the Motion!

**Mr. M'Mithiaru:** Mr. Temporary Deputy Speaker, Sir, my point of order is: In the list that was read by the Minister, Igembe, which is in Meru North, was not in that list at all. Which means they are saying that there is no cattle rustling in that area. Even now, when you see that my name---

**The Temporary Deputy Speaker** (Mr. Abdikadir): What is your point of order, hon. Member?

**Mr. M'Mithiaru:** My point of order, Mr. Temporary Deputy Speaker, Sir, is that I am not speaking for myself but for experience's sake. I want to shed light on our experience on cattle rustling. I do not see why we do not have somebody from my region in that list. My name should not be cancelled.

**The Temporary Deputy Speaker** (Mr. Abdikadir): That is not a point of order! Unless you have a point of order--- Time is up!

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government** (Mr. Githae): On a point of order, Mr. Temporary Deputy Speaker, Sir. It is clear that hon. Jirongo's Motion to amend has not been seconded. There is no Secunder and, therefore, we should go back to the original Motion containing the original names! There was no Secunder. Everybody refused to second the proposal for amendment!

*(Loud consultations)*

**Mr. Jirongo:** It was seconded, Mr. Temporary Deputy Speaker, Sir!

**The Temporary Deputy Speaker** (Mr. Abdikadir): I have not given you the Floor, *Mheshimiwa!* The point of order that you raised, on whether we had a valid Secunder, I agree with you. I now rule that, that Motion was not formally and properly seconded. We now go back to the original Motion and I will now ask the Mover to respond!

*(Mr. Jirongo and Mr. Mwaita  
stood up in their places)*

**Mr. Jirongo:** He seconded!

**Mr. Mwaita:** I seconded!

**The Temporary Deputy Speaker** (Mr. Abdikadir): I have already ruled on that matter, please!

*(Resumption of Debate on  
the original Motion)*

**Mr. Kaino:** Mr. Temporary Deputy Speaker, Sir, I wish to thank all my colleagues who have contributed to this Motion. You have seen and heard from the Minister about the alarming statistics on the number of people that have been killed just for the sake of animals. Comparing an animal to human beings---

Mr. Temporary Deputy Speaker, Sir, it is now 44 years down the line and Kenyans are still chasing one another, killing one another for the sake of collecting animals from communities! I wish to thank even the Minister for his contribution and for giving us the statistics, although he omitted many other people who have been killed of late.

Mr. Temporary Deputy Speaker, Sir, I am assuring hon. Members in this House that if this Motion is supported, I have a strong belief that the problem of cattle rustling will be completely eradicated! The

Members of this Committee are very strong Kenyans who are able and capable of handling that issue. They will come out very strongly to eradicate that problem.

Mr. Temporary Deputy Speaker, Sir, I thank all the hon. Members who have contributed to this Motion. They come from all the parties and across the Floor. They seriously want that problem to be eradicated completely. It is a shameful thing that Kenyans work so hard, keep great animals and then they are all taken overnight after many years of struggle! We want to know what is the problem. Is it unemployment? Could the Government create employment for the youths who are going everywhere?

Mr. Temporary Deputy Speaker, Sir, we want Kenyans to work hard. When they work hard, the Government should protect them and their property.

Mr. Temporary Deputy Speaker, Sir, the Minister has said that they have deployed Anti-Stock Theft Unit (ASTU) personnel, but they have not done anything. We still see people being killed. Livestock is still being stolen. People are being put through severe suffering. Therefore, I beg my colleagues to support this Motion. Kenyans have suffered a lot because of cattle-rustling. Notwithstanding the region from which the various hon. Members come, my intention in bringing this Motion is to help Kenyans live in peace. When you struggle and manage to have some livestock, nobody should come at night and take them away.

I am, therefore, begging my colleagues to support this Motion for the benefit of Kenyans, who have suffered for many generations.

With those remarks, I beg to move.

*(Question put and agreed to)*

#### INTRODUCTION OF LOCAL AUTHORITIES REMUNERATION BILL

**Mr. Linturi:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, cognizant that Local Authorities lack the capacity to pay salaries and allowances to councillors; conscious that poor remuneration leads to lack of moral and poor self esteem, which hampers service delivery, this House grants leave to introduce a Bill for an Act of Parliament entitled The Local Authorities Remuneration Bill to fix the salaries of mayors, deputy mayors and councillors, and for purposes incidental thereto and connected therewith.

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

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

**Mr. Linturi:** Mr. Temporary Deputy Speaker, Sir, I believe that Members of Parliament this morning will bear with me the fact---



**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government** (Mr. Githae): On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to seek your guidance on this matter. Whereas this is a very important Motion, my Ministry is actually at a very advanced stage of coming up with Bill for an Act of Parliament to set out the salaries of councillors. I wonder whether it is possible for us to postpone this Motion to enable the Ministry come up with the Bill. We are almost there. It just requires a few amendments---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order, Mr. Githae! You know the rules well. If you want to postpone any debate, the rules provide for it. As of now, the Motion is properly before the House, and it should go on. If you want it postponed, there is a provision for that in our Standing Orders. So, if you want to follow that route, read your Standing Orders and move a Motion to that effect.

Proceed, Mr. Linturi!

**Mr. Linturi:** Thank you, Mr. Temporary Deputy Speaker, Sir. I am surprised by the Government. They had all the time to do this, but they did not. Unfortunately, they may want to bring in politics in this serious matter. All the same, let me proceed.

I want to start by saying that it is important that we understand that councillors are law makers. Councillors make by-laws as provided for under Cap.265, Laws of Kenya. The by-laws that they make are binding to the Kenyan citizens. Even when we attend Local Authorities courts, we find that Kenyans, on a day-to-day basis, contravene Local Authorities by-laws, and that magistrates convict the offenders by use of Local Authorities by-laws. So, councillors play a very pivotal role in the making of laws for this country. Hence the need to respect the kind of work they do in the villages and in the areas they represent.

Mr. Temporary Deputy Speaker, Sir, we also know that all Members of Parliament in this House have councillors who really back them whenever they undertake projects in their constituencies. Councillors are very much involved in decision making on matters of importance within our areas of representation. Therefore, the crucial roles played by councillors cannot be ignored. There are many Acts which have been passed by this House regarding remuneration of public servants.

When I looked around, I found that it is only councillors for whom there are no clear rules on how they should be remunerated. This has caused them to lack the moral to effectively execute their duties. There is the Public Service Commission (PSC), which deals with the salaries for staff serving in the Central Government. There is the Judicial Service Commission which deals with remuneration and many other things to do with the Judiciary. The Parliamentary Service Commission sets out the remuneration for Members of Parliament. The Teachers Service Commission (TSC) works on the remuneration of teachers.

Mr. Temporary Deputy Speaker, Sir, I do not find it quite in order not to have in place an Act of Parliament providing for the remuneration of councillors.

Mr. Temporary Deputy Speaker, Sir, I am making this proposal because the revenue collected by local authorities is so minimal that allowances constrain their budgets to the extent that the money they have for service delivery does not do what is supposed to be done. I believe that most hon. Members will agree with me that most of the local authorities' revenues come from the barter market, fees paid for sale of cows and goats and other small things. For this reason, the money becomes very little to take care of the allowances for councillors and still pay of services. There are revenues that are raised within various local authorities in this country, and a certain percentage is sent to the central Government. It is for this reason that I feel that the remuneration of councillors should be provided for by an Act, so that the central Government can pay the allowances of councillors and also enhance them. What they are getting now is so little that at times councillors are almost left--- I really do not want to call them beggars, but you will find that, because of a lot of work and the kind of things that they have to attend to on a daily basis, they are always in serious financial constraints.

I want to disagree with some of us who have been seen on TV castigating or brushing aside the role played by councillors in the running of this country. I strongly maintain that the role played by the councillors is so important that without them, things would not be running the way they are supposed to. Because I want most of my friends to have the advantage of contributing to this Motion, I beg to move and call upon my friend, Mr. Nyambati, to second it.

**Mr. Nyambati:** Mr. Temporary Deputy Speaker, Sir, I stand to strongly second this Motion, and urge my colleagues to also do so. The issue of remuneration of our councillors is long overdue. We must realise that our councillors play a very important role in the running of this country. They do all the work and it is about time that we took them very seriously. It is about time we started thinking that these are the people who help run this country. I am surprised to see that other people are paid by the central Government; the chiefs and other officers are paid by it, while our councillors are relegated to the bottom of financial capability.

Most of our councillors never get paid, because their councils do not have enough money to pay them. They go even for a year without being paid, yet they are elected leaders. They are not different from hon. Members, because they are also elected by the people. So many at times, they cannot perform their duties, because they cannot travel even to the council headquarters to transact business for their councils. So, it is about time we started thinking seriously about their payment. When we come to what they are paid, it is peanuts, yet we expect them to deliver. It is not possible for them to deliver if we cannot enable them to do so. I, therefore, strongly suggest that they must be paid by the central Government, so that they can do their work.

Mr. Temporary Deputy Speaker, Sir, everybody in this House will agree with me that the work of our councillors is immense. They are the ones who are with our people all the time; so, we must facilitate them to do their work and not hinder them. There are many councils in this country that do not have any income to pay their councillors. How do we then expect those elected councillors to do their work? I am surprised to hear the Minister say that they have already done the work. How long is it taking? How come that the Ministry has not done anything about their payment? This House cannot be misled to agree to delay this Motion, simply because the Ministry is doing something about it. We know they are not doing anything about it. So, I am urging this House to ensure that this Motion goes through. I think we all agree that our councillors need to be paid well.

We also need to look at the Local Government Act, Cap.265. This Act gives immense powers to the Minister. It is about time that the Ministry brought the Act to this House so that we can amend it, so that there is freedom for our councillors to do their work without the interference by the Ministry of Local Government, or without facing the dictatorial powers that the Minister for Local Government has. If we are going to do that and, indeed, we need to do it; if we are going to support this Motion, which, in my opinion, should go through, we will have to call upon the Electoral Commission of Kenya (ECK) to also look at the boundaries of the local authorities, so that we have proper representation of our people in the local authorities; our people need to be represented well.

Mr. Temporary Deputy Speaker, Sir, having said this, I think it is incumbent upon this House to ensure that we are fair to our local leaders. As I said, and I am saying it again, they do very important work; they are always with our people; they have to be everywhere when need arises. Even before hon. Members reach the areas of need, councillors are there. So, it is extremely important that this Motion goes through. It is extremely important that we take care of our councillors, and that the central Government takes up the responsibility of paying our local authorities leaders.

With those few remarks, I beg to second.

*(Question proposed)*

**Mrs. Shabesh:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I rise to support

this Motion because I believe that councillors, just like Members of Parliament, are in the same predicament of living in a society and dealing with people who are poor and, therefore, if you are not able to take care of the basic needs of your voters, you are considered a failed leader. On principle, I would like to register my great disappointment in the Office of the Deputy Prime Minister and Ministry of Local Government. The disappointment is that we did promise that we would bring this amendment as soon as we came into this House last year. That was one of the key promises given by the Deputy Prime Minister and Minister for Local Government when we were debating the Ministry's vote. Therefore, the disappointment is that, as usual, this Government is telling us that until we put pressure, by Members bringing such Motions, is when they will remember that they had made promises to amend relevant Acts that will bring a great difference in the way local authorities are run.

Mr. Temporary Deputy Speaker, Sir, councillors have never hampered the delivery of service. Delivery of service is hampered by the interference of the Minister and the chief officers who are answerable to the Minister. Corruption reigns because councillors are forced out of circumstances to look for any means to show on the ground, where they are voted, that they are working. If that means looking for a way they can give their constituents plots, that is what councillors have been forced to do. It is not because they are corrupt; you have to prove leadership. If the only way you are going to prove is to show something that you are doing, how is it then that we can blame councillors for the lack of commitment of a Ministry to change an Act that allows gaps to corruption? I do not think that it is fair for us to continue a debate about councillors in this country when we are not looking at the review of that Act.

Mr. Temporary Deputy Speaker, Sir, when salaries are not paid to councillors, there are other people in that council who are not paid. I am speaking about the employees, including the cleaners, clerks, meter readers, licensing officers and nurses at the city council clinics. Who is going to bring a Bill here for the remuneration of those people? It is unfair for us to speak only of councillors because if a council cannot pay councillors, it means that all the staff of that council cannot be paid. Failure to bring the Bill, again, is failure to deliver to the people of this country.

As I support, I say yet again that the Government has failed its people, the leadership and us because we, as a House, are committed to amending that Act to return the power of the people to those who they elected.

I beg to support.

**Prof. Kaloki:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion brought by hon. Linturi. I have to admit that this Motion is long overdue. It should have been brought even during the last Parliament.

I rise to support this Motion because in every constituency, definitely, we have councillors. Every Member of Parliament is faced with a challenge where the councillors are not able to even meet their basic needs. For example, in Mtito-Andei and Makueni county councils, you will find that most councillors earn less than Kshs30,000 per month. Hence, it is difficult for them to move within their wards even to attend meetings. These particular councillors even lack basic medical cover. Most of them cannot even access basic entitlements such as loans. So, I would really urge this Government to review the Act, because as it stands at the moment, the local authorities have to move around and collect their revenue. At times, they are being pushed by the Ministry to collect revenue that is not even there, due to poverty in some areas. So, we have to find a way in which the central Government can pay the councillors, deputy mayor, mayors, chairmen of the county councils and employees.

This Motion is timely. I would urge all hon. Member to pass it so that our councillors who are in touch with the people on daily basis are paid their salaries.

I beg to support.

**Mr. Jirongo:** Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion. In this country, there are elections held for three people; the councillor, the Member of Parliament and the

President. If you look at the three people who are elected, the one who is mostly in contact with the Kenyan population is normally the councillor. Members of Parliament are mostly in Nairobi and they rely on their councillors on the ground to move around and ensure that they respond to the social problems that bedevil our people. It is, therefore, unfair for the President and Members of Parliament to be paid and, yet, other leaders, who are the councillors, are ignored.

This country cannot claim to lack resources to pay the councillors. If you look at our Budget, Kshs117 billion is allocated to support State corporations and parastatals that do not even contribute Kshs10 to the Exchequer. This is a huge amount of money that goes to waste. If you look at the other votes, you can easily come up with close to Kshs200 billion which our Government wastes. We cannot be wasting this amount of money when very many cadres that provide critical services to this country are not well taken care of. We are not only talking about councillors, but we have many other cadres including teachers and village elders. These are issues that we believe this Government needs to move swiftly and address. It should find a way of ensuring that these people are paid a decent salary.

Mr. Temporary Deputy Speaker, Sir, I want to urge hon. Linturi to move swiftly and draft a Bill to ensure that councillors in this country are treated like elected leaders. They must be treated like everyone of us who is elected. They campaign and are voted for. They are actually the backbone of any politics in this country.

As I support this Motion, I hope that in the remuneration of councillors we will be reasonable, bearing in mind what the President, Ministers and Members of Parliament earn. We should be reasonable and ensure that we put councillors in a position to handle the many social problems they deal with on a daily basis.

I beg to support.

**The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama):** Mr. Temporary Deputy Speaker, Sir, I support this Motion. I also thank hon. Linturi for coming up with this very important Motion that will go a long way in assisting our councillors who are very desperate in this country. Councillors have really lobbied for better remuneration. They have even gone as far as seeing His Excellency the President. I am happy that the President approved some allowances, but that is not enough. I think that this Motion has been brought to the House twice. This House is the last line of defence for our councillors. We must assist them to get better pay. I am even surprised that the Office of the Deputy Prime Minister and Ministry of Local Government is usually referred to as an executive Ministry. It should have given an executive order so that councillors could get a better pay. But I support this Motion.

I wish to suggest that the money that is usually collected by the local authorities should go to the Kenya Revenue Authority, so that there is that justification of having a better scheme for councillors in this country.

Mr. Temporary Deputy Speaker, Sir, I do not want to talk so much about what our councillors do. They really play a very critical role in mobilising wananchi for development at the locational level. The councillors also control what is called Local Authority Transfer Fund (LATF) the way we control the CDF. So, if we do not give them a better pay, most of them will be tempted to divert that money. So, I want to say that councillors deserve a better pay and we should have done it yesterday.

I remember that in the last Parliament, when this Motion was moved, hundreds of councillors came to this House. They were actually in the public galleries to see whether this House could assist them. I am happy that most hon. Members would support this Motion. We need to support this Motion so that hon. Linturi can proceed and come up with a Bill. I know that, at the moment, as we speak, most councillors who are in urban areas such as Nairobi, Nakuru, Kericho and Mombasa get a slightly better pay. But when you go to the ASAL regions, the situation is so chaotic that the councils are not even in a position to collect funds. Councillors take it upon themselves to go and collect the

money, so that they can get something small for their families. The situation is that unfortunate.

So, in the interest of time, I want to support this Motion. I urge all my hon. colleagues to give it a priority.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Namwamba:** Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. Let me start by commending Mr. Linturi for bringing this Motion. I would like to start by urging this House that this should, indeed, be one of the most important pieces of legislation that should emerge out of this House. I support this Motion on the basis of several factors.

Factor number one is the critical role that civic authorities play in this country. We know that there was a time that in this country when basic social services such as education and water were provided by our civic authorities as a matter of their core business. It was given that civic authorities would provide those services. But today, most of our civic authorities have lost the capacity to provide those services. They struggle not only to maintain the basic survival of the authority, but even to pay the allowances for councillors. Therefore, until we release civic authorities from the basics, including payment of allowances for councillors, civic authorities will not have the capacity to return to the critical role they once played in this country; the role of providing basic social services at the local level.

Mr. Temporary Deputy Sir, the other factor that we must consider is the necessity and imperative of harmonising the remuneration regime for various cadres of persons serving in the public service. It is unacceptable and immoral to compare the remuneration package given to Members of Parliament and civic leaders. Yet, we know that the role played complementarily between this House and various civic authorities cannot succeed if one of those levels is struggling. The truth is that today, our civic authorities are struggling and we must pull them out of that struggle. To do that, we must harmonise the remuneration regime between this House and civic authorities.

Thirdly, is the role that civic leaders play in this country. We are elected together at general elections. We go through the same harrowing experience seeking to represent our people. But after we are elected, most of us retreat momentarily to this House. We spend most of our time of the week in this House. For our civic leaders, they live with the people every single day of their service in their various wards. It is those civic leaders that listen to the problems and challenges of our people every single day, be it school fees, funerals and all other social problems. To listen to the travails of those civic leaders, you feel that we must do something to build their capacity not only to live dignified lives, but also to be able to serve their people effectively.

Therefore, I want to urge this House to rise to the occasion, treat this Motion with the seriousness that it deserves and, not only approve this Motion, but also support the subsequent piece of legislation, when hon. Linturi brings the Bill to amend the necessary provisions of the Local Government Act to allow the remuneration of civic leaders to be charged on the Consolidated Fund as a public expense. That way, we will be able not only to harmonise the expenditure in that respect, but we will be able to standardize the payments to civic leaders. Today, the payment to a civic leader in a local authority like Port Victoria in my Budalangi Constituency is incomparable to a civic leader in a civic authority like Nairobi. The only way to standardize those payments would be through a public purse that sets the standards for that. Therefore, I join my voice to those who are supporting the passage of this Motion.

Thank you.

**The Assistant Minister for Regional Development Authorities (Mr. ole Metito):** Mr. Temporary Deputy Speaker, Sir, I want to add my voice to those who have supported this Motion. I want to say that it is a very important Motion. It is long overdue.

I would like to urge my colleague, hon. Linturi, to expedite his work quickly and bring that piece of legislation. I remember that in the last Parliament, such a Motion was brought to the Floor of

this House. But we did not really see the proposed Bill for debate. As many have said, the role of civic leaders cannot be under-estimated. I want to say that they are full time workers. They work full-time for the five-year term that they are elected. As the hon. Member for Budalangi has said, most of us are in this House most of the time. But civic leaders are always with the people on a full-time basis. I want to ask Mr. Linturi that, when he brings the proposed Bill, he should take into account several factors. One is the issue of giving powers to the elected people. As it is now, councillors are actually reduced--- One hon. Members has said--- I do not want to use the phrase "they are left to beg", but that is the position. They are left to beg civil servants who are chief executives of local authorities. We should bestow the powers to run the local authorities to the elected civic leaders, just like the way it is in this House. The rules and procedures in this House are determined by the elected people, who are Members of Parliament, and not the chief executive.

Mr. Temporary Deputy Speaker, Sir, most of the money from LATF and LASDAP which is meant for development projects, hardly finds its way to those projects. That is because that money is spent to pay allowances to those civic leaders.

Mr. Temporary Deputy Speaker, Sir, I think we should leave that money to go directly to the people for projects and pay our civic leaders through the Consolidated Fund. We should harmonise the payment of civic leaders, as other hon. Members have said. If you take an example of this House, I represent Loitoktok Constituency. Somebody here represents a constituency in Nairobi, but we are paid the same allowances. The allowances and the basic pay are the same. Why should there be a difference between a councillor who serves in Nairobi and one who serves in Loitoktok? There should be harmonisation of councillors' pay.

In that proposed piece of legislation, we should include a provision for direct election of mayors, chairmen of county councils and chairmen of other committees. This should be done directly by the people to avoid the ugly scenarios that we always witness during the elections.

Mr. Temporary Deputy Speaker, Sir, I would also wish to urge the Ministry that they take into account the dynamics that have taken place in our society which are: the growth of our population, our increased needs which called for the need to take services closer to wananchi through the creation of new districts. It is also high time that the Office of the Deputy Prime Minister and Ministry of Local Government went ahead to create new local authorities that are viable based on the creation of those new districts. Some of them may not be viable and there may be need to merge some. I think there are some local authorities which are still very far from the people they serve. I would like to see that being done urgently; that we create new local authorities that are viable, based on the new districts. We should also merge the local resources that are available at the grassroots and put them under the management and supervision of local authorities. There are so many local resources that are supposed to benefit the local people through the supervision and management of local authorities that are not really under the management of local authorities at the moment. To ease service delivery, we should harness those resources, pool them together and put them under the management of local authorities.

I have an example of game reserves and national parks in some areas. Those are the resources; there is tea, coffee and maize in other areas, whereby the only agriculturally viable activity could be that. It is good that we put the national and game parks under the local authorities.

Mr. Temporary Deputy Speaker, Sir, I support the Motion.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government** (Mr. Githae): On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise under Standing Order No. 21(1). I will read it for the benefit of hon. Members. It states as follows:

"A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move that the debate may now adjourn or if it is in the Committee of the Whole House, "That the Chairman do report the progress."

Mr. Temporary Deputy Speaker, Sir, I am moving that we adjourn this debate for the following three reasons. I think hon. Members will find that the reasons are very good. As I explained in the beginning, our Ministry has done a lot on payment of salaries to councillors. Initially, the delay was because we were told that we should wait for the new Constitution which would then provide for all these issues that are under discussion today. As a Ministry, we have decided that we will not wait for the new Constitution. We will make the necessary amendments as soon as possible.

I am suggesting that we adjourn debate so that we can have an Act of Parliament jointly with the Mover of this Motion. This will ensure that the two Bills then coincide and we do not have a case where his Bill and our Bill are different to avoid a scenario where the Government side will reject this very important Motion which we support.

Secondly, even if we were to pass this Motion, under the Constitution, any Bill that has financial implications must have Presidential approval before it is even introduced in the House. This will ensure that we do not do something in a vacuum. If we pass this Motion and the hon. Member does not get the President's authority to bring a Bill which has a financial implication, it means then that Bill will not even be approved. Therefore, it will be pointless. We would have wasted our time here. I am requesting that we adjourn this debate and invite the hon. Member to come and have a look at what we have done and agree on the necessary amendments under the Local Government Act. As I said, we have now decided that we shall not wait any more for the new Constitution.

Secondly, the Treasury---

*(Several Members stood up in their places)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Order!

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government** (Mr. Githae): Let me finish. I am on a point of order.

Secondly, as the hon. Member has rightly pointed out, this Bill calls for salaries of councillors to be paid by the central Government---

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you, Mr. Githae. I think we have heard your point of order.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, lastly, it also requires the Treasury to be involved.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Githae, while I agree with you that what you are doing is in order under Standing Order No.21, you have to furnish that particular amendment and give notice to the Clerk. Until you furnish that notice, we have to continue with the debate until you get to the Clerk and provide that particular information.

**Mr. Namwamba**: On a point of order, Mr. Temporary Deputy Speaker, Sir. Judging by the mood of the House and the contributions that have already been brought forth, would I be in order to plead with the Chair that the Mover be now called upon to reply so that we bring this debate to a close?

**The Temporary Deputy Speaker** (Prof. Kaloki): I think there are more people willing to contribute and so I ask Mr. Koech to continue contributing.

**Mr. Koech**: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance.

Due to limitation of time, I will just mention one very important point. It is so sad that the Government side would want to stop a very important Motion that touches on the Kenyan people. There is no way we will have two Bills. We are dealing with the same councillors and we expect the Government to work closely with Mr. Linturi and ensure that the Bill is published and brought before

this House. We are talking about very important people, that is our councillors. We must improve their pay. We must harmonise their pay. What is important is to note that we have left our councillors at the mercy of the revenue that they collect. As a result of that, some of them get very little allowances. They also do not get those little allowances on time.

Mr. Temporary Deputy Speaker, Sir, I beg to support this Motion and request on the same note that the Mover be called upon to reply.

**Dr. Kones:** Thank you, Mr. Temporary Deputy Speaker, Sir. I thank the Mover for coming up with this Motion. It is very important. I really do not want to take up much time. I want to record my support for this Motion and say that councillors need to be remunerated just like other public servants. We know what they deal with on the ground. They have very important links to the people. I know many times they act on our behalf. Much as they want to do the much that they can, they are also constrained by their financial status.

Mr. Temporary Deputy Speaker, Sir, I think we also need to ask the Ministry and the mover of this Motion to ensure that we re-define the role of the public officers. To me, I think they are a drain on the Ministry of Local Government. The Ministry of Local Government does not want to talk about them yet they eat what would go into councillors' pay.

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

**Mr. Chanzu:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Motion which is calling for the creation of an Act of Parliament known as the Local Authorities Renumeration Act.

Mr. Temporary Deputy Speaker, Sir, there are going to be advantages on either sides. We have talked about reforms in this sector since the 1990s. There have been a lot of ideas and suggestions on the reforms that were to take place but nothing has happened. We cannot keep on waiting. Yesterday, those who watched and listened to the speech of the President of the United States of America (USA), must understand that we really must have change. It is also wrong for the Assistant Minister to say that we come here to discuss only issues that the Government would accept. We come here to debate in order to arrive at consensus. We cannot just be one-sided and take what the Government gives us. By the way, the Government does not give us anything in terms of reforms. I think this is going to help us harmonise the councillors' pay. There is no reason why a mayor in Nairobi earns Kshs200,000 or Kshs300,000 when a mayor in Vihiga earns Kshs20,000. If it is representation based on the number of people, then let it be like that.

Mr. Temporary Deputy Speaker, Sir, this "Bill" will help us to regulate the activities of the councils. It is going to help the Government regulate the activities of the councils.

With those few remarks, I would like to support the Bill.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Chanzu, are you supporting a Bill or a Motion?

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion.

**Mr. Waititu:** Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. Having been a councillor, I know the hardships councillors go through. All of us know that councillors are leaders at the grassroots level. All problems first land in their houses in the morning. In fact, some councillors go out through the back door when they see people coming for some help in their houses.

Mr. Temporary Deputy Speaker, Sir, allowances for councillors should be paid from the Consolidated Fund. This is going to eliminate the tension between councillors and workers. Sometimes councillors are paid on time but the salaries for workers is delayed. In fact, during the time that workers are not paid and councillors are paid, the councillors do not come to, say, City Hall. That tension will be eliminated by paying councillors from the Consolidated Fund.

Mr. Temporary Deputy Speaker, Sir, there are many problems facing councillors. The only way to solve these problems is to overhaul the whole of CAP.265 which governs local authorities.



Some wards should be made equal to locations so that the confusion at the grassroots level where one chief could be in charge of two locations and two wards is eliminated. I rose to support this Motion. I also support the idea that the Mover be now called upon to reply.

**Mr. M'Mithiaru:** Thank you, Mr. Temporary Deputy Speaker, Sir. Let me also add my voice in support of this Motion. First, we know that the county councils and municipalities are all created with the approval of the Government. Going by that, we have the councillors, mayors and other elected leaders in those councils. We also know the responsibilities involved. I have gone round my constituency and I have seen the way councillors are really suffering. They hop from one function to another, raising funds for harambees. Whenever there is a function taking place within their locations, they are called upon to make contributions. As we all know, they are really straining themselves.

We know very well that municipalities and county councils provide very important services to our people. Therefore, mayors and councillors must be properly remunerated so that they can deliver services to our people. I am aware that some councillors go round to market centres to find out how much has been collected in a particular day, so that they can follow up their payments with their Town Clerk's office. That is unethical because if we are to institute proper financial management among councillors, then we must remunerate them well. We also know that there is a lot of disparity in terms of payment of councillors. We cannot compare the payment of councillors who are in Nairobi, Mombasa or any other urban area with those in rural county councils. Therefore, for the purposes of harmonizing and standardizing payments and salaries, it is good that all these issues are brought to the Ministry of Local Government, so that they are all paid from the Consolidated Fund. This will bring about equity in terms of paying councillors.

My other point is with regard to election of mayors and county council chairmen. We know that somewhere, midway their terms, there is another election that takes place. We hope that when this Bill is brought, it will address that issue and ensure that when mayors and chairmen are elected, they serve a full term just like Parliamentarians. This will also bring about harmony in the councils. We have sometimes seen how mayors and chairmen of councils being held hostage by councillors. This is because if a mayor or a chairman of a county council does not support councillors in whatever they wish to do, then when it comes to the midway elections, they do not know what to do. However, if the payments of mayors, councillors and council chairmen were made from the Consolidated Fund, we would see some stability in the councils and whatever they want to do would address the real needs of people, but not to serve a few individuals.

We are aware that most of the people who elect councillors have certain expectations such as giving out of plots. However, I am sure that we are past that era of giving out plots. Councillors are there to serve people. Therefore, if they are there to serve people, it is only good that they are remunerated well.

I beg to support.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, it is now 12.30 p.m, time to interrupt the business of the House. The House is, therefore, adjourned until this afternoon, Wednesday, 21st January, 2009 at 2.30 p.m.

The House rose at 12.30 p.m.