

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 26<sup>th</sup> August, 2009

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

Report of the Controller and Auditor-General on the Financial Statements of the Kenya Roads Board for the year ended 30<sup>th</sup> June, 2008.

*(By the Assistant Minister for Education (Prof. Olweny)  
on behalf of the Minister for Roads)*

Tea Board of Kenya Annual Report and Accounts, 2007/2008, and the certificate thereon by the Controller and Auditor-General.

Tea Board of Kenya Annual Report and Accounts, 2006/2007, and the certificate thereon by the Controller and Auditor-General.

Report of the Controller and Auditor-General on the Financial Statements of Nzoia Sugar Company Limited for the year ended 30<sup>th</sup> June, 2008.

*(By the Assistant Minister for Education (Prof. Olweny)  
on behalf of the Minister for Agriculture)*

Report of the Controller and Auditor General on the Abstracts of the Accounts of the Town Council of Nyamarambe for the year ended 30<sup>th</sup> June, 2006.

Report of the Controller and Auditor-General for the Abstracts of the Accounts of the Municipal Council of Garissa for the year ended 30<sup>th</sup> June, 2006.

Report of the Controller and Auditor-General on the Abstracts of the Accounts of the Municipal Council of Limuru for the year ended 30<sup>th</sup> June, 2007.

Report of the Controller and Auditor-General on the Abstracts of the Accounts of the Municipal Council of Bungoma for the year ended 30<sup>th</sup> June, 2005.

Report of the Controller and Auditor-General on the Abstracts of the Accounts of the Municipal Council of Bungoma for the year ended 30<sup>th</sup> June, 2004.

Report of the Controller and Auditor-General on the Abstracts of the Accounts of the Town Council of Kandara for the year ended 30<sup>th</sup> June, 2007.

Report of the Controller and Auditor-General on the Abstracts of the Accounts of the Municipal Council of Kisumu for the year ended 30<sup>th</sup> June, 2004.

Report of the Controller and Auditor-General on the Abstracts of the Accounts of the Municipal Council of Kisumu for the year ended 30<sup>th</sup> June, 2005.

Report of the Controller and Auditor-General on the Abstracts of the Accounts of the Municipal Council of Kisumu for the year ended 30<sup>th</sup> June, 2006.

*(By the Assistant Minister for Education (Prof. Olweny)  
on behalf of the Deputy Prime Minister and  
Minister for Local Government)*

Report of the Controller and Auditor-General on the Financial Statements of the Kenya Ports Authority for the year ended 30<sup>th</sup> June, 2008.

*(By the Assistant Minister for Education (Prof. Olweny)  
on behalf of the Minister for Transport)*

### QUESTIONS BY PRIVATE NOTICE

#### OCCUPATION OF NADAPAL BORDER POINT BY SUDANESE SOLDIERS

**Dr. Eseli:** Mr. Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

(a) Could the Minister confirm that Sudanese soldiers are currently occupying parts of Kenyan territory and explain the circumstances under which they recently stopped the Minister of State for Immigration and Registration of Persons from accessing the Kenya border with Sudan?

(b) What urgent steps is he taking to ensure that the Sudanese soldiers vacate the Nadapal border point which is one kilometer into Kenyan territory?

**The Minister for Foreign Affairs (Mr. Wetangula):** Mr. Speaker, Sir, I beg to reply.

(a) I am aware that there are SPLA soldiers present in parts of Kenyan territory. Their presence at Nadapal is a temporary situation which is a product of security arrangements that existed after the breakout of civil war in Sudan in 1983. The war caused a major human crisis in Southern Sudan which led to a UN sponsored emergency relief programme; the UN Operations Lifeline Sudan that was based at Lokichiggio. Under this arrangement, SPLA was allowed to maintain a temporary presence to escort emergency relief convoys going to Southern Sudan. This did not in any way amount to occupation of Kenyan Territory.

On 30<sup>th</sup> July, 2009, while on his way to Nadapal border post to inaugurate construction of a border control facility, the Minister of State for Immigration and Registration of Persons, Mr. Otieno Kajwang, in the company of the Minister for Labour, Mr. Munyes, were stopped by SPLA soldiers. They not only stopped the Ministers but also threatened them. The SPLA soldiers cocked their weapons and aimed at the Kenyan team but they did not fire any shot, so nobody was injured.

(a) The Government of Southern Sudan has been directed to relocate all the SPLA soldiers that were accommodated on Kenyan soil back to their territory.

**Dr. Eseli:** Thank you, Mr. Speaker, Sir. You will notice that this is an act of external aggression against Kenyans, especially top Government Ministers. I would like the Minister to tell us what the military done so far to maintain the territorial integrity of Kenya.

**Mr. Wetangula:** Mr. Speaker, Sir, in that particular case, the territorial integrity of Kenya is neither under any threat nor any compromise. It is historical and every Kenyan knows the role Kenya has played in the conflict in Southern Sudan. The SPLA soldiers were given sanctuary. We have established that the enthusiastic young soldiers who accosted the Ministers, hon. Kajwang and hon. Munyes, were acting without authority from any of their superiors. We also understand that they have since been admonished. A high level inter-Ministerial meeting between Kenya and Sudan was held two weeks ago and all the issues were thrashed out. I want to repeat that SPLA forces have not in any way occupied Kenyan territory. That cannot be allowed or condoned by the Government.

**Mr. Konchella:** Mr. Speaker, Sir, when I was the Minister for Immigration and Registration of Persons, I escorted the first repatriation of the Sudanese back to their country. I was met by their Vice-President, Salva Kiir. I informed him that I would shortly embark on the construction of an immigration facility in Nadapal to train the Sudanese, so that we can manage the movement of human beings between our two nations.

Could the Minister confirm that, indeed, the Minister for Immigration and Registration of Persons can go on and construct the immigration facility?

**Mr. Wetangula:** Mr. Speaker, Sir, indeed, money has been allocated to the Ministry of Immigration and Registration of Persons. Hon. Kajwang informed us in the inter-Ministerial meeting that he is going to construct a modern immigration office at Nadapal. That office will assist in regulating the movement of persons, goods and services between the two countries. We have no problem, whatsoever, with the Southern Sudan Government or, indeed, the Sudanese Government on the issue of the construction of that border point facility.

**Mr. Farah:** Mr. Speaker, Sir, the incident where our Ministers were harassed by the Sudanese authorities has come at the right time. Is the Minister further aware that Kenyan investors in Juba and other places are being harassed to the extent that some investors, who had all the necessary Government licenses, have lost not less than US\$5 million? Their service stations were demolished by the Government and yet, they had all that was required in terms of deeds and other licences. What is the Minister doing to make sure that Kenyan businessmen are protected in Sudan and compensated when such acts are done?

**Mr. Wetangula:** Mr. Speaker, Sir, in fact, the loss was not US\$5 million. It was US\$8.5 million. A compensation request has been submitted to my office. I have forwarded it to the Government of Southern Sudan. Discussions are on-going to compensate all the Kenyan businessmen whose investments were arbitrarily and unlawfully demolished in Juba.

**Ms. A. Abdalla:** Mr. Speaker, Sir, it was justifiable for Kenya to have given sanctuary to SPLA forces during the 18 years of war in Sudan. But what justification

does the Minister have, four years after the peace agreement was signed, to offer sanctuary to SPLA forces?

**Mr. Wetangula:** Mr. Speaker, Sir, you will realize that we still have Sudanese refugees in Kenya. Even for the SPLA combatants who have to go back to their country, it takes time to dismantle their installations. It takes time for them to relocate back to their country. That has to be done in an orderly fashion and manner. What is important is how Kenya, Uganda and Sudan should and can handle the problem of cattle rustling and the loss of lives and property that we have been witnessing, including the shooting to death of an Administration Police officer three days ago, and the loss of lives of other Turkana herdsmen, which we are dealing with. But on the question of SPLA having been welcomed here that, as I said, is historical and everybody knows about it. Between the time of the signing of the CPA and now, I would not call it inordinately or unreasonably long. It is within a reasonable time; we should give them time to relocate back to their country.

**Ms. A. Abdalla:** On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to mislead the House by mixing the issue of cattle rustling with the issue of SPLA? Is he trying to tell us that he has delegated the issue of cattle rustling to the SPLA platoon at the site?

**Mr. Wetangula:** Mr. Speaker, Sir, if my good honourable Lady listened to me, I said nothing of the sort.

**Mr. Mwangi:** Mr. Speaker, Sir, could the Minister confirm whether the Government had no information about the presence of SPLA soldiers in the area to provide adequate security to the two senior Cabinet Ministers who were travelling to the northern part of Kenya? The Government should have stopped foreign soldiers from interrupting a Government function. What action is the Government taking to ensure that our Ministers are not harassed by foreign forces?

**Mr. Wetangula:** Mr. Speaker, Sir, previously, the excited young soldiers of SPLA, in fact, had harassed Prof. Saitoti when he visited the area. This time round, hon. Kajwang and hon. Munyes were, in fact, being escorted by members of the Kenyan Armed Forces when those young men surrounded them and cocked their guns. As responsible Ministers of this Government and as good neighbours to Sudan, the Ministers did the right thing by restraining the Army men who were escorting them from engaging the SPLA soldiers. We need peace with our neighbours and even under extreme provocation, it is not worth anything to engage in combat on such issues.

**Dr. Eseli:** Mr. Speaker, Sir, there is a worrying situation about the territorial integrity of Kenya in the sense that we have got pirates harassing us off the Coast. Now, we have got SPLA soldiers some kilometers inside our territory. We have got the Migingo issue still simmering. Is it that our neighbors have perceived a weakness in us, maybe, because of our obsolete Air Force that has not been rejuvenated of late, or is it that they have perceived a weakness in us because of the obsolete leadership of the Armed Forces in the sense that the Chief of General Staff and his deputy should have retired? They have been retained in those positions for reasons that are not helping this country.

**Mr. Wetangula:** Mr. Speaker, Sir, the Rtd. Major (Dr.) Eseli seems to know more about the retirements in the Army than I, perhaps, do. However, I can assure this House and the country that our Government and our Military are not weak. They are

capable of handling any situation. The issue of Migingo is well under control. The issue of piracy is well under control. We have now reduced the seizing of ships by more than 80 per cent. We have more than 50 Naval ships present in the Indian Ocean dealing with the issue of piracy, which are co-ordinated through Mombasa. The SPLA has been operating from our country, as everybody knows. We were helping John Garang and his team. We chaperoned the CPA and we are in the process of helping them get to a settlement with a referendum coming in 2011. The Kenyan Armed Forces won against the only war that Kenya has fought against the shiftas. So, I do not know the weakness that Dr. Eseli is talking about. I do not know where that weakness is coming from. As a regional economic super-power, I do not think we should be flexing our muscles against our neighbours unnecessarily. That is because it does not help anybody. When you are a giant, your behavior is judged by your attitude towards those lesser than you, and not by how you bully them.

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

**Mr. Speaker:** Order, Mr. Konchella! We have already spent 15 minutes on this Question, because of its importance. I am afraid we cannot give it any more time.

Let us move on to Mr. Thuo's Question

DISCHARGE OF TOXIC WASTE  
INTO KARIA-INI DAM

**Mr. Thuo:** Mr. Speaker, Sir, I beg to ask the Minister for Environment and Mineral Resources the following Question by Private Notice.

(a) Is the Minister aware that there is a flower farm by the name of Kenya Planters Produce which is draining chemicals into Karia-ini Dam (along Juja Farm Road) which is used by the residents of Abba-Salama both for drinking and for their animals, thereby exposing residents to grave medical danger?

(b) What steps is the Minister taking to ensure that the chemicals do not endanger the lives of the people in the area?

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

(a) I am aware that there is a flower farm by the name "Planters Produce" which is draining chemicals into the Karia-ini Dam along Juja Farm Road, which is used by the residents of Abba-Salama both for drinking and their animals.

(b) My Ministry has taken various mitigation measures to immediately address this problem. They include the following:-

(i) The farm management was directed to immediately stop discharging into the dam and construct a barrier to contain all the wastewater on the farm before being pumped to the treatment wetland ponds.

(ii) The farm management was directed and agreed to immediately reduce the amount of drain water (water brought into the flower production). Only water required for flower production should be drawn to reduce the amount of wastewater.

(iii) The farm management was further directed to apply for an effluent discharge licence immediately, so that the effluent discharge can be monitored in accordance with the Environment Management and Co-ordination Water Quality Regulations of 2006.

(iv) My Ministry is collaborating with the Ministry of Water and Irrigation to have samples of effluent analyzed to establish contamination levels from pesticides and fertilizers and recommend remedial action to be undertaken by the farm.

(v) The farm has undertaken this year's self environmental audit submitted to the National Environment Management Authority (NEMA) on 6<sup>th</sup> January, 2009. The farm management was directed to strictly adhere to the environmental management plan recommendations in this audit.

These measures will ensure that the farm operates in an environmentally friendly manner that will not endanger the lives of the residents in the area under reference.

Mr. Speaker, Sir, failure by the farm to comply with the mitigation measures will lead to my Ministry taking an appropriate action which will include closing down of the flower farm, in line with the requirements of Environment Management and Co-ordination Act of 1999.

**Mr. Thuo:** Mr. Speaker, Sir, while I appreciate the desire by the Assistant Minister not to close down the farm and in keeping with our desire to have employment, there are several issues that arise from this answer. If the Chair allows me I will ask these questions quickly.

**Mr. Speaker:** Order, Mr. Thuo! Just ask one question.

**Mr. Thuo:** That is okay, Mr. Speaker, Sir. If you listened to me, you will discover that the Assistant Minister has answered part "b" of the Question in five different parts, each of which I feel is inadequate and I will explain why.

In part "b"(i) he says that they will contain all the wastewater on the farm before being pumped to treatment wetland ponds. The said wetland ponds do not exist. So, how can this be an adequate answer?

**Mr. Speaker:** Order, Mr. Thuo! That is the question you should have asked so that the Assistant Minister could answer! You have two opportunities!

**Mr. Thuo:** Mr. Speaker, Sir, under part "b(iv)" of the Assistant Minister's answer he says that they are collaborating with the Ministry of Water and Irrigation to have the samples analyzed. I will appreciate if he gives a time line.

Under part "b(v)" of the Assistant Minister's answer, he says that there is self-assessment environment audit. Could this be made public?

**Mr. Speaker:** Order! Member for Juja, you are out of order!

Mr. Assistant Minister, you may respond to the first question because you had not adequately answered part "b" of the Question. You can also respond to the second question on the time line. You need not respond to the third question because it is out of order!

Proceed Mr. Assistant Minister.

**Mr. Kajembe:** Mr. Speaker, Sir, my officers inspected this farm and the discharge of this water which is contaminated. I am aware that, that water is not fit for human and livestock consumption. However, the wetland ponds are there. If the hon. Member doubts that, I and my officers are ready to take him there so that he can see them.

**Mr. C. Kilonzo:** Mr. Speaker, Sir, Yatta which is my constituency has been affected tremendously by pollution of Athi River and Thika River mostly by factories within Thika Town, parts of Nairobi and the flower farms. Apart from asking the culprits to mend their bad ways, what action has the Assistant Minister taken to ensure that some of them are prosecuted?

**Mr. Kajembe:** Mr. Speaker, Sir, the management of this farm has applied for the effluent discharge licence. We are now waiting for the farm to comply. We have made it very clear to them that if they do not comply, we will take them to court.

**Mr. James Maina Kamau:** Mr. Speaker, Sir, other than the chemicals that get into the water, is the Assistant Minister aware that there are other dangerous chemicals that are found in the flower farms? Could he tell this House what the Ministry has done to monitor the health of the people who work in and around those farms?

**Mr. Kajembe:** Mr. Speaker, Sir, I am aware that this water is contaminated with chemicals and other things. My officers went to the site and created awareness among *wananchi* who live in the area to avoid taking this water and giving it to their livestock. Whatever the case, we are doing everything possible--- We have given this farm only one week to comply.

**Mr. Thuo:** On a point of order, Mr. Speaker, Sir. I rise on a point of order to question whether he is in order to suggest that the advice given to the residents is not to drink water or give it to their livestock. So, how are they supposed to survive?

**Mr. Kajembe:** Mr. Speaker, Sir, I was very clear on this issue. I said that we have advised the people not to drink that water and not to give it to their animals. Our officers are on site---

**Mr. Ngugi:** On a point of order, Mr. Speaker, Sir. This is pathetic. How can the Ministry advise the residents not to take the water or give it to their animals instead of addressing the root-cause of the contamination of the water? Is he in order?

**Mr. Kajembe:** Mr. Speaker, Sir, I said earlier on that we are taking appropriate action which is to stop that firm from discharging chemicals into the dam. We have also told them to take some measures and they have started taking them.

**Mr. Mureithi:** On a point of order, Mr. Speaker, Sir. I would like to ask the Assistant Minister to confirm how a flower firm has been operating without having done environmental impact assessment which takes neighbours into consideration.

**Mr. Speaker:** Mr. Mureithi, that is a very good question but it is certainly not a point of order. Assistant Minister, you need not respond to that.

**Mr. Kajembe:** Mr. Speaker, Sir, I have said that we are aware of the nasty activities going on and we are taking the firm to court. In the meantime, the firm has promised---

**Eng. Maina:** On a point of order, Mr. Speaker, Sir. I think we must address the issue as it is. People's lives are threatened. Their health is at risk. It is not enough for this Government to say that they are contemplating taking so and so to court or they have told them what to do. The issue is; what have they done to stop the risk to the people?

**Mr. Speaker:** Order, Eng. Maina! Again, that is out of order. You have asked a question, you have raised an argument but no point of order. Assistant Minister, you need not respond. Just proceed from where you left off.

**Mr. Kajembe:** Mr. Speaker, Sir, we have stopped the operations of this firm. They do not discharge contaminated water. The water is contaminated by chemicals and

other substances. They have stopped and now they are doing what we have asked them to do so that when they start again, pollution does not affect the water. If they do not comply, then the firm's activities will not go on. We will take this firm to court if they do not stop their activities.

**Mr. Speaker:** Last Question, hon. Member for Juja Constituency!

**Mr. Thuo:** Mr. Speaker, Sir, I had posed a question which was not answered regarding the date which they will have the analysis complete. May I also suggest that he files that report and the recommended action in this House to allow hon. Members to scrutinize and give us the opportunity to then question the next move.

Mr. Speaker, Sir, I am still baffled that he could ask people to stop drinking water and not even propose digging a well or giving them an alternative.

**Mr. Speaker:** Assistant Minister, you may respond to whatever is the question out of all that.

**Mr. Kajembe:** Mr. Speaker, Sir, we have given this firm one week to comply with our orders. I agree with Mr. Thuo. We are going to make a comprehensive report on this and lay it on the Table of this House.

**Mr. Speaker:** Fair enough!

Next Question, Mr. Mwathi!

#### STALLING OF THOGOTO-MUTARAKWA ROAD PROJECT

**Mr. Mwathi:** Mr. Speaker, Sir, I beg to ask the Minister for Roads the following Question by Private Notice.

(a) Why has the construction works on the Thogoto-Mutarakwa Road stopped?

(b) What is the contract sum of the works, total amount payable to the contractors as well as the percentage completion of the works?

(c) What measures are being taken to contain the situation considering the health hazard posed by the abandoned site?

(d) How much money has been allocated to this project in the current Financial Year and when will the works resume and/or be re-tendered?

**Mr. Speaker:** Minister, try and go through the response quickly because we are out of time. We are into Prime Minister's Time already.

**The Minister for Roads (Mr. Bett):** Mr. Speaker, Sir, I will be brief.

I beg to reply.

(a) The construction of Thogoto-Gikambura-Mutarakwa Road has not stopped. The contract sum, however, has been exhausted by the increased earth works which had been under-estimated during the time of tender.

(b) The original contract sum for the works was Kshs1,042,000,000 and the revised contract sum after 15 per cent variation order now stands at Kshs1,199,317,359. The total amount payable and due to the contractor is Kshs1.4 billion. The percentage of work done is 70 per cent.

(c) The contract has covered the earth works with quality graded crush stone material from 15 kilometres to the end of the project at the Mutarakwa 30 kilometre point.



(d)The amount allocated to this project in this Financial Year is Kshs255 million and the works will be re-tendered once the current contract is wound up.

**Mr. Mwathi:** Mr. Speaker, Sir, while I thank the Minister for the answer, it is true for a fact that for the last one year, I have been asking this Question regarding the construction of this road. The fact on the ground is that no work is currently ongoing. The contract may be in force but no works are currently ongoing. That is why the sub-disk is wearing out to the extent that the earth works are now open. That is what is causing the dust. Could he tell us, for the last one year, what work has been done, if indeed the work has been ongoing?

**Mr. Bett:** Mr. Speaker, Sir, I do agree the work has taken quite long but the estimated earth works was 50,000 cubic metres and we have ended up with 600,000 cubic metres . To move that amount of earth has taken the contractor a lot of time and has taken a lot of money that was allocated to the project. Therefore, we wish to indicate that this project shall be re-tendered because we also have a problem with the contractor. So, we intend to re-tender so that the work can be continued.

**Mr. Speaker:** Last Question, Mr. Mwathi!

**Mr. Mwathi:** Mr. Speaker, Sir, while I appreciate what the Minister is saying, I would like to know the time-frame and also indicate whether he is willing to come on the ground and inspect the road.

**Mr. Bett:** Mr. Speaker, Sir, the re-tendering will be done within this financial year and we expect to start the work this year. As to whether the hon. Member is persuading me to visit that site, I want to invite him to my office soon so that we can look at my diary and agree on the date to visit this site.

**Mr. Speaker:** Fair enough! Mr. Olago, I am afraid your Question will have to be deferred to tomorrow afternoon at 2.30 because the Vice-President has had to, at very short notice, go to attend to a function that has been delegated to him by the President.

**Mr. Olago:** Much obliged, Mr. Speaker, Sir.

DEATH OF CONVICTS/REMANDEES  
AT KODIAGA GK PRISON

**(Mr. Olago)** to ask the Vice-President and Minister for Home Affairs:-

(a)Is the Minister aware that in the past seven days there have been deaths of 18 convicts/remandees at Kodiaga GK Prison in Kisumu caused directly by lack of sufficient food, drugs, over-crowding, unhygienic conditions and poor water and sanitation?

(b)What action is the Minister taking to punish prison officers who are responsible for this state of affairs?

(c) What action is the Minister taking to ensure that all prisons in the country are not death traps?

*(Question deferred)*

ILLEGAL ALLOCATION OF ASK WATER SPRING  
LAND TO CHURCH

**Mr. Shakeel:** Mr. Speaker, Sir, I beg to ask the Minister for Water and Irrigation the following Question by Private Notice.

(a) Is the Minister aware that the large parcel of land which is a spring source of water flowing to the Nairobi ASK show ground water dam, previously occupied by the Ministry of Energy, has been allocated to a church?

(b) Could the Minister clarify whether the church had authority to construct the concrete barrier at the water source, resulting in the drying up of the dams serving the ASK show ground?

(c) What measures will the Minister take to remedy the situation?

**The Assistant Minister for Water and Irrigation (Mr. Kiunjuri):** Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Nairobi Chapel is occupying a plot adjacent to the Ministry of Energy demonstration plot for renewable energy. Motoine River flows through the plot to the ASK Showground water dam. The church has constructed a temporary bridge over the water cause and not a concrete barrier on the river as stated. The said plot is also a wetland, but is not the source of the Motoine River as stated by the hon. Member. However, the Ministry is not aware how the church was allocated the plot. The developments on the plot also include tents for the church on one side of the river and a parking lot on the other side of the river.

(b) The church had no authority from the Ministry of Water and Irrigation to construct any structure on the water source. As a matter of fact, the Water Resources Management Authority issued a stop order to the church on 17<sup>th</sup> March, 2009 to stop any development on the water source that would interfere with the river flow. The church was also directed to backfill the trenches/drains they had dug on the plot to stop any discharge of waste into the water source.

(c) The Ministry is now left with no option, but to demolish any structures which are within riparian area water source i.e. six metres on both sides of the river which must be clear. Since the church did not comply with the order given as the Water Act, 2002, demolition is being arranged with the local provincial administration and will take place anytime from now.

**Mr. Shakeel:** Mr. Speaker, Sir, I want to thank the Assistant Minister for a very comprehensive answer. However, that dam had already dried up. I would urge him to take the action immediately because the people of Kibera are suffering. I would like the Ministry to find out how that plot was allocated. I am told it was done through the Ministry of Energy.

**Mr. Speaker:** Order, Mr. Shakeel. Just ask your supplementary question. Do not answer the Question yourself.

**Mr. Shakeel:** Thank you, Mr. Speaker, Sir. Could the Ministry do all it can to repossess that plot and return it to the Ministry of Energy?

**Mr. Kiunjuri:** Mr. Speaker, Sir, we have done our part. I advise the hon. Member to find out what the Ministry of Lands is doing to cancel that allocation. Since the hon. Member is a close friend of the Prime Minister who is in charge of repossessing all the wetlands and water towers, he should go ahead and do so, immediately. That would be more urgent than asking the Assistant Minister to do so.

**Mr. Mututho:** Mr. Speaker, Sir, I wish, with your indulgence, to congratulate the Assistant Minister for the last bit of his answer.

**Mr. Speaker:** Order, Mr. Mututho! It is Question Time. Avoid side issues!

**Mr. Mututho:** Thank you, Mr. Speaker, Sir. When will the Assistant Minister demolish all the other illegal structures in other water ways falling under similar categories in Naivasha, Kirinyaga and other places?

**Mr. Kiunjuri:** Mr. Speaker, Sir, we are taking this issue very seriously. We have seen that orders have been issued. We will also consult the Prime Minister's Office and the Provincial Administration. But on this particular case, we will take action immediately once the Provincial Administration gives us the support required.

On the issue of other occupied wetlands, we are asking Members to give us information. In your constituencies where you feel we should intervene, then you should inform us immediately.

**Mr. Shakeel:** Mr. Speaker, Sir, I am satisfied. However, I plead with the Member for Langata Constituency to also take up this matter very seriously.

**Mr. Speaker:** Fair enough! Order, hon. Members! Rt. Hon. Prime Minister, please, bear with us, so that Question No. QPM/012 can be attended to because it has been coming up for a long time.

Yes, Member for Garsen.

## ORAL ANSWERS TO QUESTIONS

### *Question No. QPM 012*

#### RATE OF COMPLIANCE WITH FINANCE MINISTER'S DIRECTIVE ON OFFICIAL CARS

**Mr. Mungatana** asked the Deputy Prime Minister and Minister for Finance:-

if, following the directive by the Deputy Prime Minister and Minister for Finance that Ministers and top Government officials use one official car with an engine capacity of not more than 1800cc:-

(a) if he could state the rate of compliance with the directive and confirm how much savings are expected from the initiative;

(b) if he could table the list of the Ministers, top government and parastatal officials who have complied and those who have not and state whether escort cars will also be affected; and

(c) when H.E the President, H.E. the Vice President and the Rt. Hon. Prime Minister will start complying and lead by example.

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Mr. Speaker, Sir, I beg to reply.

In the Financial Year 2009/2010 Budget Statement, we did direct that all Ministers, Assistant Ministers, Permanent Secretaries, Provincial Commissioners and other senior public officials would be entitled to one vehicle whose engine capacity shall not exceed 1800 cc. Consequently, non-compliant vehicles attached to these officials would be surrendered by the end of September, 2009. To operationalise this directive,

Treasury has already requested Ministries and Departments to submit data on saloon vehicles and indicate those whose engine ratings exceed 1800 cc. This data will assist in identifying the number of non-compliant vehicles. To date, 24 Ministries have provided the requested data. This exercise is expected to be completed in due course, after which the Treasury will embark on collection on non-compliant saloon cars and also make arrangements for compliant replacements. It should, however, be noted that this exercise is part of a wider Government reform strategy currently being undertaken to introduce a new Government transport policy that will drastically reduce the transport budget which stood at Kshs8.3 billion at the end of the Financial Year 2008/2009 to approximately Kshs5.8 billion which translates to 29 per cent savings. Towards this end the new Government transport policy has been developed and is in the process of being submitted to Cabinet for approval. The policy aims at achieving and maintaining quality and reliability and cost effectiveness of fleet and service operations. If strictly adhered to, cost benefits will be realized in bulk purchase, discounts, fleet management and reduction in repair costs fuel and other related costs.

(b) As indicated in “a” above, the rate of compliance cannot be determined presently. It is, however, expected that all Ministries and Departments, including the Legislature and Judiciary will have complied by the end of September, 2009 as directed. The escort cars for Ministers will also have to be compliant.

(c) With regard to part “c” of the Question, His Excellency the President, His Excellency the Vice-President and Minister for Home Affairs and the Rt. Hon. Prime Minister were not included in this austerity measure.

**Mr. Mungatana:** Mr. Speaker, Sir, first of all, I want to thank the Deputy Prime Minister and Minister for Finance for his very good answer.

On 5<sup>th</sup> September, 2005, after the swearing in ceremony of State Minister Rosemary Museminali of Rwanda, the President of Rwanda announced to the Republic that almost a thousand Government vehicles are parked at Amahoro Stadium ready for public auction. She announced that the reason was to save Government money. What I am asking the Minister is why in this country it takes such a long time to take action that is obviously supportive of public initiative, especially at this time when we all have to do what is called austerity measures? Why is it taking so long?

**Mr. Kenyatta:** “Your Excellency---”

*(Laughter)*

You never know!

However, Mr. Speaker, Sir, we are in the process, like I said, of acquiring replacement vehicles to replace those that are in the process of being withdrawn. This is a process that takes time because vehicles need to be purchased in accordance with our own procurement procedures. If our procurement procedures are taking slightly longer, we still have to abide by the law. We cannot abide by directives; we need to be able to follow the rules and the laid down procedure in order to achieve our objective. However, I want to assure the hon. Member that the Government is fully committed to implementing the measure as indicated in my Budget statement.

**Mr. Ruto:** Thank you, “your Excellency”, Mr. Speaker, Sir. The Minister has not told us any reasons why the Offices of the President, the Vice-President and Ministry of

Home Affairs and the Office of the Prime Minister are not willing to get involved in these austerity measures. He has said only Ministers are involved. If I can recall part of his speech during the Budget, he told us that the savings from this will go towards sorting out the problem of the Internally Displaced Persons (IDPs). Are these three officers not willing to help us sort out the IDPs' question?

**Hon. Members:** And Mau!

*(Applause)*

**Mr. Kenyatta:** Mr. Speaker, Sir, I never used the word not willing. I do not know where he got those words from; I said not included, so the question is actually not applicable. The issue of not willing is not there. I said they were not included.

**Mr. Speaker:** Anybody else interested?

**Mr. James Maina Kamau:** Mr. Speaker, Sir, has the Minister considered allowing the Ministers to purchase the guzzlers and then maintain them at their own cost because it looks like there is some---?

*(Applause)*

**Mr. Speaker:** Order, Mr. James Maina Kamau! Do not start saying "because"! Ask a question and stop there! Do not explain why you are asking.

"Mr. Prime Minister and Minister for Finance", could you answer the question part? I mean Mr. Deputy Prime Minister!

**Mr. Kenyatta:** Thank you, Mr. Speaker, Sir. I gave you a promotion so maybe you are giving me one as well!

*(Laughter)*

Once the vehicles are made available for public auction, any Kenyan including Ministers will be able to attend the auction and purchase any vehicle of their choice so long as the Government gets its full due.

**Ms. Karua:** Mr. Speaker, Sir, the question about the reference to part of the money for settling IDPS coming from the sale of these vehicles has not been answered. Could the Deputy Prime Minister and Minister for Finance tell us when he expects to sell the cars in order to settle the IDPs?

**Mr. Kenyatta:** Mr. Speaker, Sir, we are dealing with two distinctly separate issues. As hon. Members are aware, having gone through the Budget, we have included amounts which once approved by Parliament will go towards settling IDPs. What I said in my Speech is that what is realized from the sales would also be added to the IDP resettlement situation. So, one does not necessarily follow that the IDP situation is resting on the date we shall dispose of those vehicles.

**Mr. Mungatana:** Mr. Speaker, Sir, last year, in 2008, Rwanda registered an 11 per cent growth in its economic growth. It is not by chance that that happened. Today, in Rwanda, there is no government Minister who owns a government vehicle or house. It is also true that the President of Rwanda drives a convoy of only two vehicles. While these

guys are talking about a 15-year anniversary of the genocide and they are so far ahead, what is wrong with our country? Why is he exempting the Office of the President, the Office of the Vice-President and Ministry of Home Affairs and the Office of the Prime Minister?

*(Applause)*

Could he tell us the exact date for the auction in September because we really want to get this thing over and done with?

**Mr. Speaker:** Order, Mr. Mungatana! So, which question do you want answered?

*(Laughter)*

**Mr. Mungatana:** Mr. Speaker, Sir, one is a question and the other one is a further clarification; both of them.

**Mr. Speaker:** So, since it is Question Time, Mr. Deputy Prime Minister and Minister for Finance, just answer the part that is a question.

**Mr. Kenyatta:** Mr. Speaker, Sir, the part that is a question is why the exemption and it is because those three offices also represent the State and as such the dignity of those offices needs to be respected and maintained.

**Mr. Midiwo:** On a point of order, Mr. Speaker, Sir. You realize the Deputy Prime Minister and Minister for Finance is having a problem explaining to Kenyans that we are not bold enough to take the steps that would reorganize this country for this new century. Is the Minister in order to keep going round this Question while knowing very well that this thing is not workable? He himself drives a car which is above 1,800cc but is just a Volkswagen. Could he just tell this country that this thing is not workable and we move on?

**Mr. Speaker:** Order! I do not think that there is any point of order in that. There is nothing out of order from what you have said. Mr. Midiwo, at the end of the day, at the very best, it amounts to a Question. Perhaps, more significantly, now that you are a joint Government Chief Whip, do you really subscribe to the doctrine of collective responsibility or will you, as a joint Chief Whip, push your Minister?

*(Applause)*

**Mr. Midiwo:** Mr. Speaker, Sir, I want to say that I subscribe to that doctrine only if it makes sense. I want to be on the side of the truth!

**Mr. Speaker:** So, Mr. Minister, you need not respond to that. There is nothing out of order there.

**Mr. Ethuro:** On a point of order, Mr. Speaker, Sir. My point of order is arising from the appreciation of the Deputy Prime Minister and Minister for Finance on the importance of the State offices. But does the doctrine of separation of power not imply that the Minister should appreciate the Executive branch and also appreciate Parliament and the Judiciary? Why is he only exempting people who represent the Executive and not the other two arms of Government?

**Mr. Speaker:** Order! Again, that is not a point of order!

**Mr. Ethuro:** It is!

**Mr. Speaker:** You have instead asked two questions but that is a matter that is administrative and the Deputy Prime Minister and Minister for Finance can deal with that later because even the Question is so specific. It talks about the Deputy Prime Minister and Minister for Finance and other top Government officials using official cars. It has not mentioned the Speaker. So the Deputy Prime Minister and Minister for Finance, obviously, will deal with that administratively.

**Mr. Mungatana:** On a point of order, Mr. Speaker, Sir. In his last answer, the Deputy Prime Minister and Minister for Finance said that the cars used by the three offices give them the dignity that those offices require. Is he in order to imply that the only way or the dignity that those State offices can have is by driving those fuel guzzlers which are, in fact, indignifying the other Kenyans? Is he in order?

**Mr. Speaker:** Order, Mr. Mungatana! The fact that you mention the words “is he in order” does not make it a point of order!

*(Laughter)*

You have asked a question, and Mr. Deputy Prime Minister and Minister for Finance, unless you want to be gracious, there is no valid point of order there for you respond to. If you want to be gracious, proceed!

**Mr. Kenyatta:** Mr. Speaker, Sir, in this particular matter, I do not think there is any need to be gracious. I want to re-emphasize the point that I have said. It is not the only thing that represents dignity but at the end of the day, like I said, those offices need to be looked at just as somebody also mentioned that we have other constitutional offices as well that need to be upheld and their dignity and status maintained. This is just one way and I am not saying it is the only way.

*(Mr. C. Kilonzo stood up in his place)*

**Mr. Speaker:** What is it, Mr. C. Kilonzo? You have been persistent!

**Mr. C. Kilonzo:** On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead the House that the reason that those three offices are being exempted is to reflect the importance of the State to this country while super powers or bigger nations like France, the Scandinavian countries and even the UK, those officers drive smaller vehicles?

*(Applause)*

**Mr. Speaker:** That is a valid point of order! Are you misleading the House?

**Mr. Kenyatta:** Mr. Speaker, Sir, I am in no way misleading the House. The day that Kenya will start to manufacture her cars like the United Kingdom manufactures her Jaguars and France her Peugeots, I will definitely agree with the hon. Member that we shall have our President, the Vice- President and the Prime Minister driving Kenyan made vehicles.

**Mr. C. Kilonzo:** On a point of order, Mr. Speaker, Sir. We cannot let the Minister get away with such an answer. Since we have the Nyayo Car, which is smaller, could he consider using that car?

*(Laughter)*

**Mr. Speaker:** Order, hon. Members. Mr. C. Kilonzo, you have made your point. This matter should rest there. We have come to the end of Question Time. The balance of the Questions are deferred until tomorrow at 2.30 p.m. They will take priority over Questions which are otherwise programmed for tomorrow.

*Question No.410*

RE-LOCATION OF EASTLEIGH  
AIRBASE FOR SAFETY REASONS

*(Question deferred)*

*Question No.368*

IRREGULAR AWARD OF NORTHERN BYPASS  
CONTRACT TO M/S CHINA ROADS COMPANY LIMITED

*(Question deferred)*

*Question No.384*

EXCLUSION OF KAMARA DIVISION CANDIDATES  
FROM NYS RECRUITMENT EXERCISE

*(Question deferred)*

*Question No.105*

SPLITTING OF KAPCHEROP INTO CHEBORORWA  
AND MAKUTANO DIVISIONS

*(Question deferred)*

*Question No.205*

NUMBER OF SENIOR POLICE OFFICERS  
PREMATURELY RETIRED SINCE 2007

*(Question deferred)*



*Question No.209*

UPGRADING OF MATUNGU SUB-DISTRICT HOSPITAL

*(Question deferred)*

**Mr. Speaker:** We will now move on to Question QPM/017 by Mr. Mungatana!

**PRIME MINISTER'S TIME**

*Question No. QPM/017*

SALARY/ALLOWANCES PAID TO  
ASSISTANT MINISTERS

**Mr. Mungatana** asked the Prime Minister:-

(a) what the salary and allowances paid to an Assistant Minister in the current Government per month is;

(b) why the Government has failed to give specific duties to the office of an Assistant Minister in Kenya and indicate when the Government will assign specific duties and responsibilities to the office; and,

(c) considering that in the absence of the Minister in Parliament an Assistant Minister attends to all parliamentary duties, why an Assistant Minister is restricted from doing so in Cabinet.

**Mr. Speaker:** Hon. Members, note that this Question will be covered by the Rt. Hon. Prime Minister in a Statement that he has given notice to make this afternoon. So, you will listen to the Statement and those who want to seek clarifications can do so.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, the hon. Member for Garsen has asked a Question regarding emoluments and duties of Assistant Ministers. He is particularly concerned about the lack of specific duties, tasks and assignments for Assistant Ministers especially in relation to the work of the Cabinet. I consider the issues raised too important to merit a Statement under Standing Order No.40 as opposed to providing a mere answer.

Let me say from the outset that it is always safe to assume that whenever a Question is asked, the Questioner most likely knows the answer or expects a particular answer. The present case is no different. The hon. Member for Garsen has served at various times as the Assistant Minister for Justice, National Cohesion and Constitutional Affairs and the Assistant Minister for Medical Services as well. He did so with gusto and I am sure that his services were not *pro bono*, but for pay. He must surely remember his salary.

*(Laughter)*

**Ms. Karua:** On a point of order, Mr. Speaker, Sir. When a Question is asked, it becomes the property of the House. Is the Prime Minister in order to personalise the answer when the Question is the property of this House?

**Mr. Speaker:** That is a legitimate point of order, the Rt. Hon. Prime Minister.

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

Hon. Mungatana, the Prime Minister is responding to a point of order so hold your horse. I have said that, that is a legitimate point of order. So, respond to it fairly, the Rt. Hon. Prime Minister.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I have not personalised the answer. I have only stated a fact that the hon. Member must remember his salary. That does not trivialise the matter. Nevertheless, I am pleased to answer the hon. Member on this issue amongst others.

An Assistant Minister in the Grand Coalition Government is paid as follows:-

- (i) salary, Kshs200,000;
- (ii) Ministerial Allowance, Kshs100,000;
- (iii) House Allowance, Kshs80,000;
- (iv) Domestic Allowance, 15,000; and,
- (v) Other Allowances as specified in the National Assembly Remuneration (Amendment) Act, 2003.

Mr. Speaker, Sir, the hon. Member for Garsen wishes to know why the Coalition Government has failed to give specific duties to the office of an Assistant Minister and when the Government will assign specific duties and responsibilities to the office.

Section 19(1) of the Constitution of Kenya defines the role of an Assistant Minister as being to assist the President, the Prime Minister, the Vice-President and the Ministers in performance of their duties. The duties of the President, the Prime Minister, the Vice-President, and Ministers are set out in the Constitution of Kenya under various Acts of Parliament, the Standing Orders of this House and administrative directives, customs and usages.

Some of these duties may be delegated while others cannot be delegated. The question as to whether or not a duty may be delegated is determined by a reference to the source of that duty. In seeking to appreciate what duties may be delegated, one needs to understand the relationship between a “duty” with “power”, “privilege”, “authority” and “discretion”.

Each Assistant Minister receives a letter of appointment which outlines the appointee’s specific duties and responsibilities which include, but are not limited to the following:-

- (i) to aid and advise the Minister in the execution of Government business;
- (ii) to provide policy direction, co-ordination and overall supervision and performance of the portfolio assigned to him or her;
- (iii) to assist the Minister in responding to Parliamentary Questions touching on the portfolio assigned to him or her; and,
- (iv) to execute other duties and responsibilities as may be assigned to him or her by the Minister from time to time in furtherance of the interest of the Ministry.

Mr. Speaker, Sir, in this House, a “Minister” is defined to mean the President, the Prime Minister, the Vice-President, a Deputy Prime Minister or other Ministers and includes the Attorney-General and an Assistant Minister. For purposes of Government

business, Questions and Government undertakings in the House, an Assistant Minister has the same duties as any other Minister.

The hon. Member wishes to know why an Assistant Minister is restricted from attending Cabinet Meetings in the absence of his or her Minister. Section 17 (1) of our Constitution provides that there shall be a Cabinet comprising of the President, the Prime Minister, the Vice-President, two Deputy Prime Ministers and other Ministers. Our Constitution makes a distinction in Sections 19(1), 20, and 21 between Ministers and Assistant Ministers.

The Constitution of Kenya as presently in force excludes Assistant Ministers from the composition of the Cabinet. There is, therefore, a constitutional distinction between the Ministers in Cabinet and the Ministers outside Cabinet. Assistant Ministers are Ministers outside Cabinet. This distinction is not unique to Kenya, but is the norm in Commonwealth jurisdictions.

Mr. Speaker, Sir, in the case of New Zealand, whenever a responsible Minister in Cabinet is temporarily unavailable to perform his or her official duties, the Minister, having first obtained the Prime Minister's agreement to the arrangement, will ask another Minister in Cabinet to act in his or her absence. Similarly, if there is a temporary vacancy in the portfolio, or the Minister in the Cabinet is unexpectedly incapacitated, the Prime Minister may appoint a Minister to act in the portfolio until a formal appointment is made, or the Minister in Cabinet is able to return to his or her duties.

In the case of Uganda, Section 113(2) of the Constitution limits the number of Ministers in the Cabinet to 21. Section 114(3) of the Ugandan Constitution limits the number of Ministers outside the Cabinet to 21 as well. In our case, the Government has allowed Ministers outside Cabinet – that is Assistant Ministers – to attend Cabinet Committee meetings, where they have a portfolio interest in a Paper under discussion.

It may be prudent for hon. Members to consider making proposals to the Committee of Experts on Constitutional Review regarding an expanded role for Assistant Ministers with regard to Cabinet work. Such a proposal may well include a change in the designation of Assistant Ministers to, say "Deputy Ministers," or "Ministers of State".

Mr. Speaker, Sir, let me reiterate here that all Ministers in the Cabinet and Ministers outside the Cabinet have the same overall duties and responsibilities under the doctrine of collective responsibility, which underpins the system of Cabinet Governments. It reflects the democratic principle. The House expresses its confidence in the collective whole of Government, rather than in individual Ministers.

For that reason, each Minister in Cabinet has the primary responsibility for good consultation with his or her Assistant Minister. All Ministers and Assistant Ministers are expected to work in a consultative and co-operative way in developing policy and legislation in the areas for which they are responsible.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Hon. Members, we will take five clarifications, beginning with Mr. Mungatana's.

**Mr. Mungatana:** Mr. Speaker, Sir, I want to thank the Prime Minister for that---

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): On a point of order, Mr. Speaker, Sir. I am an Assistant Minister. So, I cannot seek clarification, but it is good for the House to have the records clear. The Prime Minister said---

**Mr. Speaker:** Order! Order! The way to proceed is to rise on a point of information. So, resume your seat.

*(Mr. Kiunjuri resumed his seat)*

**Mr. Speaker:** Hear me first. You have to proceed by way of a point of information, and we will find out if the Rt. Hon. Prime Minister wishes to be informed.

So, proceed.

**The Assistant Minister for Water and Irrigation (Mr. Kiunjuri):** On a point of information, Mr. Speaker, Sir. The information I would like to give the Prime Minister is that the Kshs200,000 he has said is salary paid to Assistant Ministers is our salary as Members of Parliament, transferred to the Ministry. We receive our salaries there, as Members of Parliament, and not as Assistant Ministers. All we receive is allowances of Kshs100,000.

**Mr. Speaker:** Fair enough! The Rt. Hon. Prime Minister, you are informed. I believe you will cover it as you make your responses.

Proceed, Mr. Mungatana!

**Mr. Mungatana:** Mr. Speaker, Sir, I want to thank the Rt. Hon. Prime Minister for the answer he has given us.

The reason as to why we ask these questions and seek clarifications is because we expect some pro-action from the Government. He correctly referred to the Commonwealth jurisdiction. I have with me here a document highlighting similar responsibilities in one of the Commonwealth Countries, namely, Canada. I want to table this document, so that he can have a look at it. In this particular case, the regulation respecting the delegation of powers and duties of the Minister for Education, Recreation and Sports is clear. There is a clear regulation that, for example, says as follows:-

“The Deputy Prime Minister and Assistant Deputy Minister for College Education are each authorised to exercise, in place of the Minister, the following duties: approving by-laws of colleges, prescribing the payment of admission or registration fees for colleges, instruction services or other fees---“

The list above goes on. In fact, they have eight circumstances in which the regulations are very clear. So, what I am asking the Prime Minister is: What is the difficulty in replicating some of these things that have helped other countries to develop, so that as Ministers follow the Prime Minister or the President or the Vice-President on official duty, work in the country does not stop? Why can similar regulations not be brought forth by the Government or Prime Minister, so that we can have a more efficient Government working?

**Mr. Speaker:** Fair enough!

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

**Mr. Nyamweya:** Mr. Speaker, Sir, I want to take further the issue raised by Mr. Mungatana. We have seen here, Assistant Ministers floundering, unable to deal with Questions or issues, because, clearly, they do not know what is going on in the Cabinet. Clearly, even some Ministers do not seem to know. I do not think we need to wait for Nzamba Kitonga to come up with a formula. The Prime Minister can take it upon

himself, and the President, and give proper roles to Assistant Ministers. Elevate them to Deputy Ministers. After all, we have Deputy Prime Ministers. Elevate the Vice-President to Deputy President, so that we have substantive and authoritative responses in the House. We can do this immediately. We do not have to wait.

**Mr. Imanyara:** Mr. Speaker, Sir, given that the Prime Minister does acknowledge that the Attorney-General is also a Minister, and given the fact that the Attorney-General does not find time to be present in this House most of the times, could the Prime Minister consider advising the appointment of Assistant Minister in the Office of the Attorney-General, so that we can get answers to our Questions when the Attorney-General is away?

**Mr. Mbadi:** Mr. Speaker, Sir, in the recent past, we have seen a lot of complaints from the Assistant Ministers regarding lack of duties or jobs, or clearly defined responsibilities. The Prime Minister has mentioned four duties of Assistant Ministers, but what we hear is that they are only delegated one duty, which is to answer Questions in Parliament. As the co-ordinator and supervisor of Ministries, what is the Prime Minister doing to ensure that there is harmony in all the Ministries, so that we do not see the kind of exchanges that we see between Assistant Ministers and Ministers?

**Mr. Affey:** Mr. Speaker, Sir, like Mr. Mungatana I happened to be an Assistant Minister at one time. Some of the things that the Prime Minister said need not wait for the Committee of Experts to tell the country, or provide, the way forward. One of the things that I find very baffling is a case in which, in the absence of the Minister, a function that the Assistant Minister can do on behalf of the Ministry, the Government decides to borrow a Minister from another Ministry in order for that function to be performed. What can the Prime Minister do, administratively, by way of a directive to say: In the absence of the Minister, let the Assistant Minister carry on with that function?

**Ms. A. Abdalla:** Mr. Speaker, Sir, from the revised figures provided by Mr. Kiunjuri, the cost of paying the Assistant Ministers is over Kshs10 million per month. Is the Prime Minister convinced that answering Questions, reading speeches that are not very interesting and acting as voting machines is sufficient work for the funds that are allocated to pay these Assistant Ministers?

**Mr. Speaker:** Hon. Eugene Wamalwa!

**Mr. Wamalwa:** Mr. Speaker, Sir, knowing that we have a bloated Government and a Cabinet where one Minister has more than one Assistant Minister; and in view of what the Minister for Finance is trying to do, by way of introducing austerity measures like cutting down the number of vehicles being used by Ministers, could the Prime Minister and the President consider, in view of the situation in this country, perhaps cutting down the number of Assistant Ministers, so that we have one Assistant Minister per Ministry?

**Mr. C. Kilonzo:** Mr. Speaker, Sir, it has been very evident that there is a serious division between the Ministers and Assistant Ministers which has affected the operations of this House. This also includes the banning of the Deputy Prime Minister and Minister for Local Authorities, Mr. Mudavadi from transacting business in this House for failing to come and answer Questions here. Why has the Prime Minister not instructed the Ministers to delegate the responsibility of answering Questions in this House to some of the Ministries?

**Mr. Speaker:** Fair enough. Right hon. Prime Minister, you may now respond to all of them and that will end the matter.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I am grateful to Mr. Kiunjuri for the information because I also get the Kshs200,000 as a Member of Parliament. The questioner asked me to state the total salary. He did not ask about only the salary that is paid to Assistant Ministers. So, what I gave was the total package of the amount that an Assistant Minister earns.

Mr. Mungatana has quoted extensively from the procedures of the Canadian jurisdiction and the regulations that empower Assistant Ministers to undertake certain duties. What I said did not imply that the practice in the Commonwealth countries is uniform. It differs from country to country. For example, in Nigeria, the Assistant Ministers are called Ministers of State and they do attend Cabinet meetings. They also act in the absence of their Ministers as substantive Ministers.

That means that they also take the additional oath of secrecy of Cabinet matters which Assistant Ministers currently in our country do not take. That is the reason I said that we need to address this issue by way of amendments to the Constitution or by taking it up in the coming new Constitution.

Mr. Speaker, Sir, personally, I see no reason Assistant Ministers should not attend Cabinet meetings in the absence of the Ministers. I fully support the idea. I also support the idea of Assistant Ministers acting in the absence of Ministers substantively. That is the reason I have allowed Assistant Ministers to attend Cabinet Committee meetings. Cabinet committee meetings are very important because that is where the Cabinet memoranda are discussed and approved before they are taken to the Cabinet. The Assistant Ministers do attend those meetings. It is a question of having to address the Constitution.

Mr. Speaker, Sir, Mr. Nyamweya said that the President and the Prime Minister can actually give more roles to Assistant Ministers. I agree with him and that is the reason we have given more roles right now within the limitations of the law to Assistant Ministers.

Mr. Imanyara should note that the Constitution only states "Attorney-General". There is no provision in the Constitution for Assistant Minister or Assistant Attorney-General in that office. Again, that is an issue that can be taken up during constitutional review.

Mr. Mbadi said that there is some disharmony between some Ministers and Assistant Ministers. That sometimes is an issue of personalities when working. That is nature. Sometimes, some personalities can clash. We need to find a way of managing those differences. I do not think that can be said to apply across board. Maybe, there are few exceptions rather than the rule.

I think I have already answered Mr. Affey's question.

Ms. A. Abdalla asked whether what Assistant Ministers do justifies what they are paid. Assistant Ministers have enormous responsibilities. For example, coming to answer Questions here in this House is a very heavy responsibility. Sometimes, the Assistant Ministers move the Votes of their Ministries here.

In the absence of Ministers in the Ministries, the Assistant Ministers are actually in charge of the Ministries. I am convinced totally that the workload of Assistant Ministers fully justifies the pay that they are given.

Mr. Wamalwa asked whether we could consider reducing the number of Assistant Ministers in the Ministry to one. If the hon. Member can do some kind of analysis, he will find that we have two Assistant Ministers in some Ministries because they have several departments and portfolios, for example, the Minister for Internal Security and Provincial Administration. You have the internal security docket separate from the provincial administration docket. So one Assistant Minister will be dealing with provincial administration while the other one will deal with internal security.

Mr. Speaker, Sir, the Ministry of Energy is another example. We have got oil and electricity. One Assistant Minister is in charge of fuel and the other is in charge of electricity. Those are the areas where we have given two Assistant Ministers, but in other Ministries, we have given only one Assistant Minister.

Mr. Speaker, Sir, Mr. C. Kilonzo said that the Minister should delegate to the Assistant Ministers to answer Questions. That is being done all the time. That is what Assistant Ministers do all the time when Ministers are not in the House.

This country is ripe for reforms. We do not have to continue doing things the way they have been done because that is the way they have been done in the past. We must prepare ourselves for some changes. I fully believe that Ministers deserve to have Assistant Ministers because they are the ones who understand what goes on in the Ministries. In the absence of the Ministers, they should be allowed to sit in the Cabinet so that it can make informed decisions.

Thank you, Mr. Speaker, Sir.

**Mr. Ruto:** Mr. Speaker, Sir, under Standing Order No.1, I want to invite you to rule on a message that we seem to have sent out to Kenyans, emanating from the Office of the Deputy Prime Minister and Minister for Finance, when he said that he has exempted the office of the Prime Minister, the President and the Vice-President from the austerity measures because we want to protect the dignity of those offices.

Mr. Speaker, Sir, the import of this is the dignity of those offices is actually fortified by the type of cars that are driven there. Does that, therefore, mean that the dignity of leaders is measured by the type or size of cars they drive? We are sending a message out there, that one's dignity or lack of it, even amongst Kenyans will be dependent on the type of cars they drive. This is from a Government that is pushing an austerity agenda.

Does it, therefore, mean that they can use a Volkswagen or whatever other vehicles? It is important for us to keep the dignity of this House. You are actually the custodian of that particular dignity and I beg that you give us direction on this. That is because that message has been inadvertently sent. If this is the intention of this Government, then I think it is also better for it to come out clearly that we should actually peg our dignity on the sizes of the cars that we drive.

**Mr. Speaker:** Fair enough! Your point has been made. I will give directions on this at the earliest opportunity possible. I hope that will be achieved by Thursday next week. I will enlist the support of the Deputy Prime Minister and Minister Finance as well as the Right Honourable Prime Minister as I give those directions.

**Ms. Karua:** On a point of order, Mr. Speaker, Sir. My point of order relates to the Prime Minister's Time. I am seeking clarification from the Chair. I am aware of your communication to this House dated 9<sup>th</sup> of June, 2009. I have also been looking at Standing Order Nos. 40 and 44 and I notice that Standing Order No.40 just introduces the

Prime Minister's Question Time. It does not say how supplementary questions will be asked. But if you look at Standing Order No.2 - the interpretation of a Minister means the President, the Vice-President, the Prime Minister, a Deputy Prime Minister or other Minister. It includes the Attorney General, Assistant Minister and any person who holds temporarily any such office.

Therefore, it would appear that in line with that definition, supplementary questions to the Prime Minister squarely come under Standing Order No. 44 just like to any other Minister. I am seeking your clarification because the way the supplementary questions to the Prime Minister have been handled is very restrictive and, as Members, we feel we are not being given ample opportunity to utilize that opportunity to thoroughly interrogate the Prime Minister on the running of Government business. I am seeking your clarification that, indeed, supplementary questions have to be handled in similar manner to any other Question before this House.

**Mr. Speaker:** Fair enough. I will consider that matter and give directions at the commencement of the next Sitting, in the sense that we are getting close to the end of this Session. I will give directions at the beginning of the next Session.

**The Prime Minister** (Mr. Raila): On a point of Order, Mr. Speaker, Sir.

**Mr. Speaker:** Do you wish to say something that will help the Chair? Proceed, Right Honourable Prime Minister.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I think this matter has now been raised a second time. I want it to be known that the Prime Minister does not fear to be interrogated by the House. The reason why that ruling was made was to give as many Members as possible, an opportunity to ask questions. Mr. Speaker, Sir, just right now, over eight Members had an opportunity to raise questions. If we were to go in a similar way when we interrogate other statements by Ministers, there will be only three or, most likely, four Members who will get an opportunity to do so. In your ruling, I want you to be guided by the conviction that the Prime Minister has no problem at all of being interrogated by the House.

**Mr. Speaker:** Fair enough, Right Honourable Prime Minister. I will carry that contribution into my thoughts as I prepare to give direction.

**Mr. Olago:** On a point of order, Mr. Speaker, Sir. Last week, I asked for two Ministerial Statements; one from the Attorney General and one from the Minister for Justice, National Cohesion and Constitutional Affairs. They are both here and they have informed me that they are ready with the statements. However, I am informed that the question that I had directed to the Attorney General on the issue of international instruments was transferred, by consent, to the Ministry of Foreign Affairs. He has said he is ready, Mr. Speaker, Sir.

**Mr. Speaker:** Fair enough. They may very well be ready but note, hon. Members that, this is an Allotted Day and we are desperately out of time. So, we do not have time to take Ministerial Statements. We may be able to do so tomorrow. So if both Ministers are available tomorrow - the Minister for Foreign Affairs and his colleague - you can issue your Statements tomorrow.

**Mr. James Maina Kamau:** On a point of order, Mr. Speaker, Sir. In some Commonwealth countries, there are Sessions for the Prime Minister where he can answer Questions without notice. When are we going to have the Prime Minister answering Questions without notice?



**Mr. Speaker:** That is genuine to some extent. It will be referred to the Rules Committee. They will look at it. I do not have to give directions on that one.

Next Order. Hon. Members, please, note that we will continue with the business of the House until 7.39 p.m. Minister of State for Special Programmes, please, proceed.

### COMMITTEE OF SUPPLY

*(Order for Committee read being Thirteenth and last Allotted Day)*

### MOTION

THAT, THE SPEAKER DO NOW LEAVE THE CHAIR

Vote 35 – Ministry of State for Special Programmes

**The Minister of State for Special Programmes (Dr. Shaban):** Mr. Speaker, Sir, I beg to move that the Speaker do now leave the Chair.

Mr. Speaker, Sir, I want to register my Ministry's gratitude to this august House for the continued support that it has given to us since our inception. Without such support, the realization of our vision of a safer responsive and disaster resilience society for sustainable development would not be easy. Our mission as a Ministry remains to co-ordinate disaster preparedness and response and mitigate humanitarian effects through relief and recovery programmes. We try to achieve that to a large extent through our mandate, which includes:-

1. Co-ordination of disaster risk reduction programmes.
2. Provision and distribution of famine relief.
3. Maintenance of security grain reserves.
4. National Aids Control Council.
5. Co-ordination of the campaign against HIV and AIDS.
6. The resettlement of the internally displaced persons.

Mr. Speaker, Sir, the Financial Year 2008/2009 was characterized by many adverse events, including the effects of the post 2007 election violence. The high level of food insecurity arising from the rocketing global food and fuel crisis, the poor performance in the agricultural sector which put strain on the strategic grain reserves, the famine disaster that was declared by the President in the second half of the financial year and the twin fire tragedies of Nakumatt Downtown and Molo.

Despite the many difficulties experienced during the year, we were able to make some strides. Allow me to mention some of the achievements that we have realized during the challenging year, and on which my Ministry will be building momentum as its contribution for overcoming today's challenges for a better Kenya tomorrow.

(a) The Resettlement and Reconstruction of the Post-2007 Election Violence Victims.

My Ministry has been able to resettle 347,800 people so far, back to the original areas of displacement. Out of the over 78,254 homes destroyed during the post-election violence, 15,392 houses have been reconstructed. In addition 23,021 households received funds worth Kshs25, 000 each to assist them rebuild their homes. Towards this end, we

have spent Kshs575, 525,000. A further 137,628 households have received Kshs10, 000 each totaling Kshs1, 376,280,000.

(b) The maintenance of the Strategic Grain Reserve.

During the year, 3.7 million bags of maize were purchased as a step towards enhancing the statutory stock of eight million bags.

(c) Relief and Rehabilitation.

Some 2.5 million Kenyans in various parts of the country received emergency relief food assistance.

(d) National campaign Against HIV/AIDS

The National AIDS Control Council has initiated various programmes to fulfill its mandate in managing the AIDS pandemic. In this regard, over 656 organizations were selected and funded at constituency, district and national levels for implementation of the HIV/AIDS activities. Ten out of the 19 public entities received grants to further strengthen the mainstreaming of HIV and AIDS in their planning activities. Also, 270,162 people are on Anti-Retroviral treatment coupled with food assistance. Of this, 245,476 are adults and 24,686 are children.

Mr. Speaker, Sir, we also have the Western Kenya Community Driven Development and Flood Mitigation Project. This project is co-funded by the Government of Kenya and the World Bank and it has continued its splendid work in the Nzoia and Yala basins. Through the initiative, it has been possible to realize the one kilometre stretch in Nzoia River at Rubunga and Subuka that is notorious for flooding has been trained; Rubunga 240 metres and Subuka 760 metres.

There is also a community radio which is called *Radio Bulala* to broadcast disaster and early warning bulletins in Budalangi area. Ninety community projects, 27 support to local development projects and 30 youth groups were financed to the tune of over Kshs185 million. A system for establishment of community foundations in the project area was also created. Ten malaria interventions have been financed. Participatory Integrated Community Development (PICD) training was done in 90 sub-locations. The socio-economic and feasibility studies on two mini-hydro projects were finalized. This will be followed by preliminary design, development and rehabilitation.

Mr. Speaker, Sir, the Ministry of State for Special Programmes will be operating on a gross budget of Kshs7, 266,990,880 this financial year. That is half of what we got in the last financial year. This allocation which is 52 per cent falls short in the modest requirement which was Kshs19.4 billion which we had submitted to the Treasury for financing. My Ministry will nevertheless focus its energies and resources, albeit meager, towards the following priority areas:-

The National campaign against HIV/AIDS where Kshs2, 085,071,378 is going to be used. Out of that, Kshs499 million is direct from the Government of Kenya and the rest from donors.

Mr. Speaker, Sir, the HIV/AIDS pandemic which was declared a national disaster in 1999 has been coordinated under the National Aids Control Council (NACC). Through various collaborative efforts with the NACC as the lead agency, the Government has attracted consistent development partners' support towards various initiatives to manage HIV/AIDS. The following results are envisioned through the various activities under implementation by the NACC:-

- (a) The total war against HIV/AIDS referred to as TOWA which is going to use Kshs1, 464,562,500. Uptake of the Anti-Retrovirals will be scaled up for both adults and children to 388,998 Kenyans out of which 350,545 are actually adults. The TOWA programme is going to improve the quality of life for persons infected and affected by HIV/AIDS and also mitigate adverse effects of socio-economic impact of HIV/AIDS. The TOWA project will strengthen governance and accountability in the national response to HIV/AIDS and mainstream HIV/AIDS in the public sector.

Finally, it will scale up community participation in the national response to HIV/AIDS.

- (b) After following TOWA, NACC has got another initiative; the Great Lakes Initiative against HIV/AIDS famously known as the GLIA which is going to use Kshs27 million. This programme targets refugees and surrounding communities. Internally displaced persons and returnees will be able to access treatment and care programmes in the refugee camps besides assisting the surrounding host communities in Kenya. The GLIA will also facilitate management of HIV/AIDS in the region for easier interventions.

Finally, it will support transport workers and the network of people living with HIV/AIDS through a capacity building programme coordinated at the regional level.

The NACC has also got this programme in place. It is actually an IGGAD-originated programme that is a regional HIV/AIDS partnership programme referred to as IRAP. This is going to use Kshs11,180,000. IRAP is going to help improve access to HIV/AIDS prevention, care treatment and mitigation programmes for cross-border and mobile populations including refugees, IDPS returnees and surrounding host communities in selected sites in the IGGAD member States. It will also scale up and sustain the provision of services to the people infected and affected by HIV/AIDS by strengthening IGGAD and establishing a common approach to support this people in the IGGAD member States.

The other programme by the NACC is on capacity building and community development which is going to use Kshs63,328,878. This is to strengthen HIV/AIDS response in local Government authorities, mainstream HIV/AIDS in the public sector, improve the quality of the lives of people living with HIV/AIDS and prevent new HIV infections. The overall objective of all the initiatives is to reduce the HIV/AIDS prevalence rate and give support to people affected and infected on a sustainable basis.

The second programme which is funded by this Ministry is the Western Kenya Community Driven Development and Flood Mitigation Project which is going to take up Kshs1,192,246,622. This has two sources of funds; the IDA will provide Kshs994, 745, 8588 and the Government of Kenya will provide Kshs197, 500,764.

Mr. Speaker, Sir, the Western Kenya Community Driven Development and Flood Mitigation Project is an initiative to empower the community in alleviating poverty and mitigate the perennial flooding menace in the Nzoia and Yala basins. This is the whole of Western Province, Bondo and Siaya districts in Nyanza Province. Further, the river training will be done in four sections; Nanjoni – 243 meters, Gatalani – 134 metres, Khainga – 263 metres and Sisinga – 348 metres on the course of River Nzoia to reduce the flood incidents.

Two studies on multipurpose flood protection, structures and redesigning of the dykes will be carried out. Participatory Integrated Community Development (PICD) will be undertaken in another 90 targeted communities to prepare them to undertake their own resource planning and change their attitude towards development, hence accelerate their participation and resource mobilization.

There are also 60 malaria interventions which will be implemented in the selected sub-locations in the project areas. Having identified the youth as a key resource in implementing these projects, youth action plans in 30 sub-locations will also be financed. To manage the river flow and minimize flooding in the lower flood plain of River Nzoia, ten check dams will be constructed during this financial year. Finances in form of grants will be given to implement the micro catchment action plans. The successful accomplishment of the foregoing will go a long way in realizing the project's objective on empowering the community and alleviating poverty and mitigating the effects of flooding.

Number three is the maintenance of the strategic grain reserves. This is for the national food security and this will take Kshs1,271,391,350; that is 100 per cent Government of Kenya funded.

The food security in the country remains gloomy, owing to the poor rainfall performance and focus and the global high food prices. The strategic grain reserve is the foundation of our food security. The allocation has however dropped by 84 per cent.

There is the relief food and rehabilitation which takes up Kshs1,326,258,385. The initiative goes hand in hand with the strategic grain reserves. However, the specific attention will be the provision of the emergency food assistance to the needy cases.

Mr. Speaker, Sir, the rainfall performance has also affected how much food we have and we are working on this one with our development partners; the World Food Programme (WFP). I am glad to note that following the Presidential appeal for food assistance in January this year, the Chinese Government has extended financial assistance for the purchase of food to the tune Kshs241 million to be utilized during the current year. The current expenditure of Kshs350 million per month, the present allocations of Kshs1.3 billion will utmost last us three months.

I wish to draw the attention of this House to the efforts being undertaken by the Government to ensure that relief food reaches all corners of the country. I applaud the Cabinet's resolution to use the Military, the National Youth Service, Kenya Police and the Administration Police to ensure the food and water reaches drought stricken families.

Five, the resettlement and reconstruction, which is the resettlement of the Internally Displaced Persons will cost, during this financial year, Kshs1,048,000,000. The African Development Bank (ADB) has advanced a loan and in this financial year, we will access Kshs783 million. The Government of China has given us Kshs225 million and the Government of Kenya, in her contribution towards the ADB Fund, has given Kshs40 million. This one will be used to resettle the people who have gone back to their farms. It will be used to build 19,000 houses in Molo and Burnt Forest areas over a period of three years beginning this financial year. In addition, basic farm inputs will be provided to the beneficiaries whose livelihood is farming-based to enable them pick from where they left. The Government has further received material and financial support; Kshs225 million from the Chinese Government. They gave us iron sheets for the resettlement of IDPs.

Number six, on the administrative support services in the headquarters, the Recurrent Expenditure. To support the foregoing activities, my Ministry will be using Kshs344,023,145 in the headquarters to pay off staff salaries related to expenses and general administrative costs.

Finally, Mr. Speaker, Sir, I wish to ask this august House to approve my Ministry's gross budget of Kshs3,054,031,440 for the half-year for us to carry out our activities.

I beg to move.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Lesrima): Thank you Mr. Speaker, Sir. I stand to second the Vote of the Ministry of State for Special Programmes.

I want to begin by congratulating the Minister and her senior staff for the good work they have done in the recent past, particularly in the distribution of the Government relief food. For those of us who come from difficult areas, the positive thing that we see is the relief food that is visible and transparently distributed.

The Ministry may look small in size but its role is extremely significant. Therefore, we feel that the resources being given for administration, the Kshs3.4 million should be enhanced, perhaps during the Revised Estimates to allow the districts to have district coordinators to oversee the distribution of relief food. At the moment, District Commissioners and District Steering Groups are the ones that are dealing with these roles but I think they need district coordinators.

This Ministry is not properly funded and the resources are limited and depending on external funding. It is not fair for us, as a country, to rely on external funding on issues to do with our own food security and our own resource management. For example, we know that in the case of flooding, we only have the Nzoia River Project which is funded at Kshs1.2 billion to cover one kilometer. We are aware that there are many other areas in Kenya which are prone to flooding. These other areas have not been considered. For example, Tana River is prone to flooding and even very significant rivers like one River Dawa in Mandera, a very important river that occasionally floods and causes problems to the people in the area.

We also need to prepare to fund "river training". Whenever there is a disaster, we approach the Ministry. We are aware that when a river leaves its course, we need to redirect it back to its original course and a lot of resources are required. We are aware that the Ministry of Water and Irrigation does not have those resources. We are also aware that we may experience *El Nino* in the course of this year. I doubt whether there are resources that have been set aside for that purpose.

Mr. Speaker, Sir, the Kshs1.2 billion that has been set aside for the Strategic Grain Reserve is very little. The Relief Fund of Kshs1 billion is not adequate. I would like the Minister to utilize the interim results of the current census to determine allocation of funds. The National Aids Control Council is 90 per cent funded by donors. We need to have local coordinators to replace public health officers. The ARVs are 97 per cent externally funded and the drugs that are used to treat our people are not adequate.

Finally, on disaster management, I would like to urge the Cabinet to give priority to the policy on disaster management and assist this Ministry to have district co-coordinators to deal with resource mobilization and support the command centres for disaster management.

With those few remarks, I beg to second.

*(Question proposed)*

**Mrs. Noor:** Mr. Speaker, Sir, the Departmental Committee on Labour and Social Welfare was constituted on 17<sup>th</sup> June, 2009, during the Third Session of the Tenth Parliament. The Committee is mandated to consider the following issues:-

Labour, trade unions relations, manpower and human resource, planning, gender, culture, social welfare, youth, children affairs and national heritage, among others.

In undertaking its mandate, the Committee oversees the following Ministries:-

Ministry of Labour, Ministry of Youth Affairs and Sports, Ministry of Gender, Children and Social Development, Ministry of State for National Heritage, Ministry of State for Special Programmes and Office of the Vice-President and Ministry of Home Affairs. The Ministry of State for Special Programmes serves to co-ordinate the development of risk reduction measures and disaster management. That involves provision and distribution of relief food, maintenance of strategic grain reserve and co-ordination of the campaign against HIV/AIDS. The same sector experienced some challenges since the December, 2007 general elections, when the country was faced with post-election violence. That gave rise to internally displaced persons (IDPs) who relied on the Government for the provision of services and basic needs such as shelter, food and water. The reduction of food harvest in 2008 and the high increase in food prices were some of the challenges that the Ministry of State for Special Programmes faced. Despite the Government giving money through that Ministry to resettle the IDPs in 2008, there are people who have still not returned to their homes following the loss of all their properties during the post-election violence. The Ministry is central in ensuring that there is adequate disaster response mechanism and preparedness in the country.

*[The Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, the Ministry's Recurrent Expenditure for the Financial Year 2009/2010 is Kshs3,002,322,380. That is a drop from Kshs12,078,098,160 in the previous year, indicating a reduction of Kshs9,075,775,280 in provision of the purchase of maize for strategic grain reserve. That means that with the current drought that the country is facing, the Ministry is under-funded in the provision of the purchase of food during this financial year.

In the Development Expenditure for 2009/2010, there is an increase from Kshs3,741,921,000 to Kshs4,264,668,000. That means that there is a minimal increase of 14 per cent. This is a Ministry that is very crucial to this country, especially during this particular time. That increase is just too small for the Ministry to implement any meaningful programmes during this financial year. The Ministry of State for Special Programmes will be operating on a gross budget of Kshs7,266,990,880 during this financial year, which is down from Kshs15,820,019,160. The Committee is of the

opinion that there is a shortfall of Kshs9 billion. It has recommended that the Ministry submits a proposal to the Treasury for reconsideration for the coming mid-term review.

Mr. Temporary Deputy Speaker, Sir, the Ministry managed to resettle 347,000 people from the camps to various destinations, including back to their homes, transit camps and alternative locations. Over 78,254 homes were destroyed during the post-election violence. The Ministry, in partnership with development partners, has managed to reconstruct 15,392 houses. Over 2.5 million Kenyans in various parts of this country are receiving emergency relief assistance. The Ministry supports 270,162 HIV/AIDS persons with ARVs and food assistance. The Ministry also scaled up the up-take of ARVs for both adult and children to improve their quality of life; that is, both for the affected and the infected people. There are various programmes that have been implemented under the HIV/AIDS Programme on behalf of the Ministry by NACC. Among them is a total war against HIV/AIDS, which is being implemented in conjunction with other partners. There are other initiatives like the Great Lakes Region and IGAD HIV/AIDS partnership which helps to improve access to HIV/AIDS prevention, care, treatment and prevention programmes for cross-border and mobile population.

Mr. Temporary Deputy Speaker, Sir, the National Aids Control Council (NACC) also undertakes capacity building programmes. It also engages in community development by strengthening HIV/AIDS response to local authorities and public sector. It also improves the lives of people who live with the virus and curbs new infections.

The Ministry also runs, with partners, the Western Kenya Community Driven Development and Flood Mitigation Programmes that works towards multipurpose flood protection structures. Dykes will be re-designed and dams constructed. This programme is being carried out in partnership with our development partners. As a Government, we will contribute 16 per cent of the total cost and the rest will come from our donors. The Western Kenya Community Driven Development and Flood Mitigation Programme is preparing 90 integrated communities to undertake their resource planning as well as change their attitude towards development.

With regard to the Strategic Grain Reserve, relief and rehabilitation, as you know, the country is faced with serious food shortage due to poor rainfall and global food prices. As a country, we are supposed to have eight million bags in our Strategic Grain Reserve. But, unfortunately, we have only two million bags in our reserve today. This is a serious challenge because what we have can last us only three months. This is the case and yet the Ministry is short of funds to buy enough food in order to maintain the Strategic Grain Reserve. The current expenditure of Kshs350 million per month will last only four months, as I had clearly indicated. This is given the number of people in need of relief food.

Mr. Temporary Deputy Speaker, Sir, the Committee is of the opinion that the Ministry should seek the Treasury approval for additional funds in order to maintain the Strategic Grain Reserve, which could last until we are out of this disaster.

Under the resettlement and reconstruction programme, over 347,000 people who were in camps have already been resettled. The Ministry, in partnership with the African Development Bank (ADB), will build over 19,000 houses in the next three years. I would also like to say that Kshs225 million has been received from the Chinese Government to assist in the resettlement of the Internally Displaced Persons (IDPs). The Ministry is

determined to resettle Kenyans who were displaced by the post-election violence. The Committee is of the opinion that this Ministry has been under-funded. We should support this Ministry because it is supposed to address critical issues that the country faces now.

The Western Kenya Community Driven Development and Flood Mitigation Project has been allocated Kshs1.1 billion. Out of this amount, only Kshs16.5 million is from the Government while the rest of the funds will come from the World Bank.

Mr. Temporary Deputy Speaker, Sir, out of the Kshs2 billion allocated to the National Campaign Against HIV/AIDS, Kshs1.5 billion will come from donors. The Kshs1.3 billion allocated to relief and rehabilitation is from the Government of Kenya. The allocation for the maintenance of the Strategic Grain Reserve may not be enough as the drought situation continues.

I would like to conclude by saying that the Committee wishes to thank the Office of the hon. Speaker and the Liaison Committee for the necessary support. The Committee also thanks the Office of the Clerk for providing the necessary logistics and technical support. The Committee is also grateful to the Parliamentary Budget Office for the technical support it provided.

The Committee, further, wishes to thank His Excellency the Vice-President and Minister for Home Affairs, the Minister of State for Special Programmes, Minister for Youth Affairs and Sports, Minister for Gender and Children Affairs, Minister for Labour and Human Resource Management and the Minister for National Heritage and Culture, the Permanent Secretaries and technocrats who appeared before it to provide the necessary information and respond to the issues raised by the hon. Members during the examination of the 2009/2010 Estimates.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support the Ministry's budgetary allocation.

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry):  
Mr. Temporary Deputy Speaker, Sir, I rise to support this very important Vote. This Ministry is very important. At the moment, we are going through serious famine in this country and yet the Ministry is extremely under-funded, considering the responsibility it has been assigned.

We have the National Disaster Operation Centre which is very important but is in the wrong Ministry. The Centre falls under the Ministry of State for Provincial Administration and Internal Security. We know that the Ministry of State for Special Programmes is also in the Office of the President and the National Disaster Operation Centre should fall under it. This Centre should be fully funded and operational. It is the only Centre, which, if fully funded and made operational, can foresee and forewarn the Government against natural and other disasters. Drought is a natural disaster. If the current drought was foreseen by the National Disaster Operation Centre, we would not be in the situation we are in today. This is because, we could have known, budgeted and looked for funds to mitigate this terrible drought. At the same time we have fire problems in this country. The National Disaster Operation Centre could be in a position to deal with these emergencies.

The food security should also be placed under the Ministry of State for Special Programmes. Of course, we know that the Ministry of Agriculture is at the moment in charge of food security. However, in order for the Ministry of State for Special Programmes to function and help this country, food security should be part and parcel of



the Ministry. The amount of money which this Ministry has been allocated to mitigate the current drought is peanuts. This is because of the priorities and the way the Ministries are organised or structured.

Mr. Temporary Deputy Speaker, Sir, I think it is important that we sit down and restructure that issue. As we speak now, 75 per cent of my constituents are undernourished. In fact, we are in a grave situation due to the problem of famine. If this Ministry was allocated enough funds--- I know we have other stakeholders like the World Food Programme (WFP) which has come to this country's aid, which we are very grateful and we are also grateful to other donors for what they have done.

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

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): With those few remarks, I support.

**Mr. Gaichuhie:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to support the Vote of the Ministry of State for Special Programmes. First, I would like to thank the Minister and her technical team for the good work that they have been doing, although the Ministry has really been under-funded. This Ministry has very special duties. It has a duty like the management of HIV/AIDS which the Government only supports by giving 10 per. The 90 per cent comes from donors and we have seen times when donors are not ready to fund the HIV/AIDS programmes because of other technicalities. So, I would like to urge the Government through the Ministry of Finance to make sure that they fund this Ministry so that incase donors pull out, we do not have a problem to run that programme.

Mr. Temporary Deputy Speaker, Sir, the Ministry of State for Special Programmes is supposed to have the poverty eradication programme but due to lack of funds, they are only doing all they can with the little funds that they have. So, I urge the Ministry of Finance to consider funding the Ministry of Special Programmes.

Floods have become a problem. We know that River Nzoia busts its banks now and then. We have been told by the Meteorological Department that we may have *El Nino* rains soon. So, I urge the Ministry of State for Special Programmes to also set aside funds so that in case of floods, Budalang'i is not affected so much. They should have something as a stop-gap measure. I urge the Treasury to consider giving them special funds like the Civil Contingency Fund should be under the Ministry of Special Programmes.

National food security is also another issue. We know our Strategic Grain Reserves are now at the point of no return because we have droughts and the Ministry of Special Programmes has really supported us every other month with relief food. If they are not well-funded, the Kshs1.2 billion cannot be enough to even have our Strategic Grain Reserve taken back to the levels that is it supposed to be. So, I urge them to continue urging the Ministry of Finance, through Parliament to be given more funds to see to it that we are able to get relief food and also that the Strategic Grain Reserves are maintained to levels that will ensure that we have food security in this country.

Regarding the resettlement of Internally Displaced Persons (IDPs), I am grateful that they want to put up 19,000 houses but I am hoping that this time, they are going to put up houses that are going to settle people because what we have seen in the past is just a ten-by-ten room which cannot even hold a family. You know so many people were displaced and the Ministry of Finance also has a reserve for the resettlement of IDPs. It

should be given to the Ministry of State for Special Programme so that they can be able to put up more houses and resettle everybody because it is the right of every Kenyan to live in a decent environment and a decent house. So, I am hoping that they are going to be given good funds. The Kshs4 million that they have been given for the salaries of staff, it makes it even difficult. That is why I think they do not have staff apart from in the headquarters. When it comes to the resettlement of IDPs and distribution of relief food, they are not able to co-ordinate those programmes. We are told to go to the Provincial Administration who never even provide transport for the food. So, they should be given more funds so that they have officers on the ground. Otherwise, I want to support this Ministry and urge them to continue asking for more funds so that they can continue giving us the best services.

With those few remarks, I beg to support.

**The Assistant Minister for Livestock Development** (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, I stand here to support Vote 35 – Ministry of State for Special Programmes. I also want to thank and commend the able Minister, the Assistant Minister, the Permanent Secretary and the technical staff in that Ministry. This Ministry is one of the most important Ministries, as we face the daunting task of food insecurity in this country. I come from a region that has faced, in the last eight months, a crucial moment in the livelihood of the people of north eastern, upper eastern regions and also the 57 affected districts in this country. Food comes first. Unless, as a country, we are secure in terms of food, then all the other sectors, like education, health, infrastructure, livestock and agriculture become very secondary. I want to urge the Minister for Finance, at least for now, to avail more resources to the Ministry of State for Special Programmes in as far as making sure that more Kenyans across the board, in terms of gender and school going children, are fed and fed well.

Mr. Temporary Deputy Speaker, Sir, my only issue with this comes as a result of a number of previous historical factors. Yes, we want to feed our people. We want the core mandate for the Ministry of State Special Programmes to be distribution of relief food. But for how long will the people of this country survive on relief food. How sustainable is it in terms of taking care of the livelihood of Kenyans. We must find a definite measure. We must create a deliberate attempt to give the people of this country, and more so to the vulnerable sections of the society a more sustainable livelihood other than the relief. We do not want our people to sit down and wait for a truck that is carrying maize, oil and rice. We want our people to be engaged more in more livelihood programmes. Under this Ministry, we have the National Aids Control Council (NACC) which for many years, has been on the forefront with major programmes in fighting HIV/AIDS. I want to challenge the Ministry of State for Special Programmes that the 1 per cent prevalence rate in North Eastern Province is in my constituency, Dujis and Garissa/ We must have a deliberate attempt to address that 1 per cent in North Eastern Province. We must have a religious methodology. How do you address or put measures in place for curbing and fighting HIV/AIDS among the Muslim community and pastoral communities. We must have strategies and implementation tools that are more sustainable and more acceptable by the pastoral communities and the Muslim community.

In conclusion, this is the Ministry that is concerned with the national crises that we are facing including food shortage, drought and famine. This Ministry comes first,

even before the Ministry of Livestock Development and the Ministry of Agriculture. This House must, not only approve, the budgets of this Ministry but this House must make sure that the Deputy Prime Minister and the Minister for Finance and the Grand Coalition Government gives Dr. Shaban and her team more funds so that they can reach every corner, every district, every village that has food shortage.

With those very few remarks, I support the Motion.

**The Assistant Minister for Regional Development Authorities** (Mr. ole Metito): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to also contribute in support of this Motion on Vote 35. First of all, I want to take this opportunity to congratulate the Minister, Assistant Minister, Permanent Secretary and able technical team for a job well done in very difficult conditions.

Mr. Temporary Deputy Speaker, Sir, you will agree with me that this Ministry deals with capabilities which are not of their own making. Talk of HIV/AIDS scourge, food shortage, floods and IDPs. These are the issues this able team in this Ministry face on day in, day out, basis. They are not of their own making. Given the limited resources and that needs to be explained because my colleagues have talked about it, they are really in a much stressed situations. This Ministry needs a team of good people who have a good heart o assist the people. I always see it as a Ministry that is always out there to save lives.

What we need to do for this Ministry to achieve its objectives fully is to give what we call grassroots support and offices. At the moment, this Ministry lacks totally grassroots presence. That is in a way, limiting their efficiency and effectiveness in deliverance of services to wananchi. The only grassroots presence you can attach to this Ministry is the Constituency Aids Control Committees (CACCs). That is the only structure we can say is on the ground with respect to this Ministry. When they want to distribute relief food, they have to turn to the Provincial Administration which is in another Ministry. When they want to deal with IDPs, they turn to the Provincial Administration which is in another Ministry. In the past, we used to have officers from the Arid Lands Programme who were called Drought Management Officers. They used to be at the district headquarters. Those officers used to be under this Ministry. But as I speak now, that department was transferred to the Ministry of State for Development of Northern Kenya and other Arid Lands. By going out to seek support from other Ministries on the ground to implement their programmes, causes this Ministry delay. That delay is often blamed on this Ministry, but it is not of their own making. So, I would propose that this Ministry be given enough funds to establish their own co-ordinators on the ground. A Ministry that is always there to fight disasters and calamities should actually have a permanent presence on the grassroots.

Secondly, Mr. Temporary Deputy Speaker, Sir, I would kindly ask the Minister and her able team to push the donors to recognise the newly created districts with respect to implementation of their programmes. As I speak now, when it comes to relief distribution and any other activity that is done through this Ministry which is highly donor funded, they only take the larger districts. For instance, in the larger Kajiado District, we have three constituencies which have been turned into districts. But when it comes to collection of data or implementation of programmes, the Ministry lumps the new districts with the larger Kajiado District. This Ministry with regard to donor funding, recognises only 71 districts in this country. At the moment, we have over 250 districts in

this country. The Government created more districts to take services closer to the people. Why do we ask people from Loitoktok to go for relief food in Kajiado, a distance of 400 kilometres away, while we have a cereals Board at Loitoktok? The NCPB branch in Loitoktok is even bigger than the one in Kajiado and food can be distributed to the people within a day or two. That issue is causing a lot of delay in relief food distribution. So we should look for a way for this Ministry to establish structures on the ground in all the works that they do, be it disaster preparedness. They should also recognise the newly created districts as centres of distribution.

Finally, on the issue of relief food, the number of people to be fed should be increased.

With those few remarks, I beg to support.

**The Minister for Gender, Children and Social Development (Ms. Mathenge):** Mr. Temporary Deputy Speaker, Sir, I also wish to support the Minister of State for Special Programmes. We know the mandate of any Government is provision of food, security and shelter.

We know that this Ministry has been working since 2008 under very difficult circumstances. I must congratulate the Minister and her able team for having done a very commendable job. However, I must say that if we have to feed the Kenyan population and feed them well, the Budget that she has is not adequate. She needs to be much more aggressive in getting more money.

Mr. Temporary Deputy Speaker, Sir, I would wish to urge the Minister to also create awareness that man shall not live on *ugali* alone. This has been a big issue in Kenya. We have heard that we should have eight billion bags in our stores and yet we have only two billion bags which are not adequate. We must teach Kenyans that we can also have alternative food as opposed to maize. If maize is not available, let us look for alternative food.

I would also want to request the Minister to have a section of disaster awareness and preparedness. This is because every time there is drought or floods, we all seem to be taken by surprise that this is happening. Can we have a sector that pinpoints when this is going to happen so that we can be prepared and do what needs to be done before disaster strikes?

Mr. Temporary Deputy Speaker, Sir, I do not wish to say more, I beg to support.

**Ms. A. Abdalla:** Mr. Temporary Deputy Speaker, Sir, I wish to add my voice in supporting the Vote for the Ministry of State for Special Programmes. I would also like to echo what the hon. ole Metito has mentioned in terms of the need for having better co-ordination of the Ministries in the districts. Given that District Commissioners are jacks of all trades and masters of none, the questions directed to this Ministry tend to be problems of food distribution. Sometimes, the DCs do not take relief distribution as a priority.

Mr. Temporary Deputy Speaker, Sir, I also want to congratulate the Ministry for the good work they have done in resettling IDPs. However, I wish to note that by giving them cash, we did not assist them much. International experience has shown that displaced people need to be given durable solutions to their problems. Giving cash does not give them permanent solution that is durable and more sustainable. It is more *ad hoc* and tends to create more mobile IDPs than settling them once and for all.

I also want to highlight the fact that a lot of the work that is relating to flood mitigation seems to be more donor-driven than Kenyan-driven. I wish that the next funding to this Ministry on the issues of floods mitigation would be covering other pilot areas, so that we do not seem to be doing only the Western Kenya Programme because it is a donor-funded programme.

Mr. Temporary Deputy Speaker, Sir, we have all heard from the speakers that this Ministry has received less funding. The number of people who are supposed to be fed is higher. Why should funds meant to buy food be controlled by the Ministry of Finance? Why can they not let it be with this Ministry? What challenges that they saw would be best covered when the money is in the Ministry of Finance?

With those few remarks, I beg to support.

**The Minister for Public Health and Sanitation** (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I too want to support this Vote very strongly. I also want to congratulate the Minister and her team for the very good work they have done, especially during the very difficult one year and a half since the elections, when they have had to feed very many people in the internally displaced persons (IDP) camps and also other Kenyans who have found themselves with lack of food.

I also want to appeal that this Ministry is given more money. The money that is allocated, even if it is competing with many other Ministries, is definitely not enough to meet the needs. I am especially concerned with the nutrition aspect of the feeding. We are all aware of this disease which seems to attack the people who are only feeding on carbohydrates known as Pellagra. We have seen that it has started attacking, especially, Kibwezi and other areas. I would like to ask that the Ministry is added some money so that it can buy some vitamins which could be given out while giving the food, especially to expectant or breastfeeding mothers and children under five who cannot feed on just maize. There are also the HIV/AIDs patients and all the medical related cases that need to have special feeding. I would like to ask this Ministry and the Ministry of Planning, National Development and Vision 2030, my Ministry and the Ministry of Medical Services that we could get together under the leadership of the Minister of State for Special Programmes and map out where these people are and where we have children suffering from malnutrition so that we can give special attention to those cases.

I would also like to urge this Ministry to buy more proteins like beans, *njugu* as well as groundnuts which are available in western which are not really very expensive. They should also buy cabbages and other vegetables so that we just do not concentrate on maize because this is affecting very much the health of those we are trying to help. It is good to fill the bellies but it is also very important that we have a bit of balanced diet. I think we must also encourage Kenyans to grow vegetables even in very small patches like we have seen the Ministry of Agriculture when they carry out demonstrations that even in sacks, we can be able to grow vegetables. Maybe, the Ministry of Agriculture and Ministry of State for Special Programmes can carry out this programme so that when our people get maize or maize meal, then they are able to have grains with it at a lower cost. We should also look into the issue of fortified maize flour with vitamins, at least add some nutrients to this food which is commonly used now by every mwananchi. If we can get millers make it standard that they must fortify the maize, at least, we can rest assured that the people are getting some kind of balanced diet and then we will not have to worry

so much about Pellagra and such other diseases which come from lack of vitamins and proteins.

I would also urge this Ministry, I know they have done a lot of good work with IDPs but we still see some IDPs who are still crying that they do not have enough to eat; that even as we feed everybody, that there are some groups like the IDPs and other disadvantaged people who need to have very special attention. Of course, we should not be talking of IDPs. I hope that this is something that is coming to an end very soon, that as a Government, we are putting together strategies to bring people back to their normal lives and not have IDPs anymore in our country, especially during this cold month and rainy season which is about to set in.

With those few remarks, I beg to support.

**The Assistant Minister for Labour** (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, I just want to add a few sentiments while supporting the Vote for the Ministry of State for Special Programmes.

There are programmes and projects which are being undertaken by this Ministry in my constituency under the Western Province Community Driven and Flood Mitigation Programme. The Ministry should be very keen in auditing the projects it is undertaking because just last weekend, I went through the expenditure on how the officers from the Ministry of State for Special Programmes are spending money from the donors. A brick in Teso costs a minimum of Kshs3 but the Ministry of State for Special Programmes is buying a brick in Teso at Kshs15. This is abnormal! It is so high! The Ministry of State for Special Programmes has put up an office in my constituency at a cost of over Kshs3 million; a building that could cost around Kshs2 million. The Ministry of State for Special Programmes under that project of Western Province Community Driven and Flood Mitigation Programme is putting up a ginnery in my place at a very high cost. It is also trying to put up a rice mill but recently, fortunately, they did an audit but I do not think the audited report will be acted upon because we have already found out that a lot of money has been embezzled for the previous financial year. I would appeal that as a case study; let the Ministry of State for Special Programmes take Teso as an example. They can come and look at their projects and see if they have got value for money.

Also, under this programme, the officials are being paid very high allowances. Whenever District Commissioners attend these meetings, they are paid close to Kshs10,000 and ordinary members are paid Kshs7,000. So we wonder why it is in the Ministry of State for Special Programmes under this programme that people are paid quite colossal amounts of money. The Ministry should check on wastage so that we can have value for money. Even if it is donor money, we should get value for it.

With those few remarks, I beg to support.

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. M. M. Ali): Mr. Temporary Deputy Speaker, Sir, let me take this opportunity also to add my voice to this Vote which happens to be my Ministry.

Allow me to say that having worked in that Ministry for close to two years, I want to say thank you very much to the Ministry officials starting from the Minister, the Permanent Secretary and the rest of the technical team for the support and the very good work that these officers are doing. I also want to take this opportunity to thank hon. members who have taken time to understand what we actually do. At the beginning of last year, it gave me an impression that people did not properly understand what the

Ministry of State for Special Programmes was doing, especially in the area of the IDPs because many people were castigating the Ministry with a lot of doubt. But as we went by, people have started appreciating what we do.

Many challenges face this Ministry, especially with regard to the IDPs. We have many non-genuine people who want to benefit from those programmes. You will resettle a group today and tomorrow, they will carry their tents and camp elsewhere. These people will claim that they have not been assisted. We have many people who would like to use the IDPs scenario as a political tool. These people will talk about the IDPs in a negative way. Since we made an effort of meeting Members of Parliament from the affected areas, especially hon. Members from areas hard-hit such as Central, Rift Valley and Nyanza provinces, there has been growing support and appreciation of the Ministry. I am grateful for that.

However, in the course of discharging our duties as a Ministry, my observation is that this is a headquarter-based Ministry and this should not be the case. This is because implementation of programmes becomes difficult. For example, an hon. Member mentioned in this House that we only have Constituency AIDS Control Committees (CACCs). These Committees are headed by public health officers. We really do not have control even on those Committees. Likewise, with regard to the relief programme which the Ministry undertakes, we heavily rely on the Provincial Administration because we do not have a single officer on the ground. I appeal to the Office of the Deputy Prime Minister and Ministry of Finance that when the structural proposals will come to its attention, it kindly supports the proposals so that we can have an effective Ministry of State for Special Programmes.

I would also like to take this opportunity to sincerely thank the Government for the support it has given the Ministry in this time of need. We have been experiencing severe droughts. In 1984, we had a terrible drought which caused many pastoralists to lose their livestock and their lives and yet Government efforts have never been directed towards this end. It is only last week that His Excellency the President, the Prime Minister and the Vice-President launched the intervention programme which will benefit locals. We have many interventions now in the water and food sector. Even school-going children are fed during the holidays. This has never been a precedent.

We also have a programme in which the Kenya Meat Commission (KMC) has been instructed to help the pastoralist communities sell their animals which will otherwise perish before the dry spell is over. This is, indeed, a very good support. Animals that would otherwise die are bought by the Government at Kshs8,000.

Mr. Temporary Deputy Speaker, Sir, I would have liked to go on, but because of time, I beg to support this Vote.

**The Temporary Deputy Speaker** (Mr. Imanyara): Madam Minister, there seems to be no one who is interested. You may now respond.

**The Minister of State for Special Programmes** (Dr. Shaban): Mr. Temporary Deputy Speaker, Sir, I would like to thank all my colleagues who have contributed to this Motion, namely; Mr. Lesrima, Ms. Noor, Maj-Gen. Nkaisery, Mr. Gaichuhie, Mr. Duale, Mr. ole Metito, Ms. A. Abdalla, Mrs. Mugo, my Assistant Minister, Mr. M.M. Ali and my sister, Ms. Mathenge.

I would like to say that although the Strategic Grain Reserve (SGR) was not allocated enough funds this financial year, the Government has actually stepped it up

because of the crisis we have at hand. Our SGR has, therefore, been boosted by another Kshs3.5 billion. We hope that as we undergo through this crisis, the Office of the Deputy Prime Minister and Ministry of Finance will look for more funds to add to our kitty.

The National AIDS Control Council (NACC), as hon. Members have pointed out, is 84 per cent donor-funded. In fact, the Government has just stepped in and allocated it more money than it used to do in the past. The 84 per cent makes us dependent on the donors and if they withdrawn, certainly we will be in a lot of trouble. So, the Office of the Deputy Prime Minister and Ministry of Finance has promised that it will top up what the Government of Kenya is allocating to the NACC in future.

The western Kenya project is specific for Western Province. To be precise, this is the Nzoia River Basin and the Yala River Basin. This is co-funded by the Government of Kenya and the World Bank. In future, all the problems in other areas such as Tana River will be looked at so that the projects will be realised.

Mr. Temporary Deputy Speaker, Sir, I would like to say how the SGR is run. The Ministry of Agriculture is specifically in charge of food production. So, it sits as a trustee in the SGR which my Ministry Chairs. The SGR is actually under my Ministry and so, our Permanent Secretary chairs the Committee of Trustees. The Office of the Deputy Prime Minister and Ministry of Finance is also a trustee. So, we basically consume while the Ministry of Agriculture produces.

It is true that the Ministry of State for Special Programmes is not represented at the grassroot level. It is because of this that we had asked the Public Service Commission (PSC) to look at our structure so that we can have representation at the grassroot level. Accountability will be enhanced if this is done.

Even our partners have asked us the same question with regard to the NACC. Although the Constituency Aids Control Committees (CACCs) are in place, they are co-ordinated by the personnel from the Ministry of Public Health and Sanitation in the name of public health officers who are actually not answerable to us. For relief food distribution, we use the Provincial Administrators. We do not have officers who are answerable to us, but the PSC should be coming up with a report very soon on whether we should go ahead and recruit our co-ordinators.

Mr. Temporary Deputy Speaker, Sir, I agree with my colleagues that we need to reduce emergency on relief food. We can only reduce it once we have realised enough food security and food production. The only way out is the long-term solution which is in irrigation. Our Government has gone ahead and allocated funds for irrigation. Last week, the President was in Hola to launch the irrigation programme which will see us irrigate over 40,000 acres this financial year. That way, we will produce enough food for ourselves. The idea is to scale it up to over 500,000 acres. That will give us enough food.

We have been feeding about 6.6 million Kenyans and we hope to scale that up to over 8 million Kenyans. In fact, 10 million Kenyans are in dire need of food as per the appeal which was sent out early in the year. As we scale up, we have to remember that a lot of funds must be factored in our Budget. We know that the Ministry of Agriculture is very important because our communities are agro-based. As much as we are asking for money, we must remember that we need to produce more in order to feed Kenyans. More than anything else, as we wait for improved production, we need to scale up the amount of money that has been allocated to the Ministry of State for Special Programmes so that



we can take care of Kenyans. This is because improvement of production cannot be done overnight.

Mr. Temporary Deputy Speaker, Sir, there is also the issue of the urban people, who are facing starvation. As a Government, we have decided that we are going to start giving some cash vouchers, so that they can purchase food. The first 200,000 families are going to be taken care of that way, because in urban areas, it is difficult to deal with it in any other way. Meanwhile, we are also giving them some food rations.

As my sister, hon. Mugo, pointed out, we have the problem of most of the food given out being carbohydrates. So, people are facing health problems associated with lack of enough vitamins. However, lactating mothers and malnourished children under the age of 5 years to the tune of about 250,000, in the ASAL areas, are being taken care of by being given food supplements – for instance Unimix. This has gone a long way in assisting those people get balanced and nutritional food.

Mr. Temporary Deputy Speaker, Sir, it will also be important for all our health facilities to be stocked with multi-vitamins. As we give the food rations, we should be able to get the health personnel to also give multi-vitamins to our people.

With those remarks, I beg to move.

*(Question put and agreed to)*

#### IN THE COMMITTEE

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

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

#### GUILLOTINE

##### APPLICATION OF GUILLOTINE PROCEDURE – LAST ALLOTTED DAY

**The Temporary Deputy Speaker** (Mr. Abdikadir): Hon. Members, this is our last day of debate and we are now going into Guillotine.

**The Temporary Deputy Chairman** (Mr. Imanyara): Hon. Members, there are some minor correction on the Order Paper, Madam Minister, which we must point out. The year is, of course, ending on 30<sup>th</sup> June, 2010, and not 30<sup>th</sup> June, 2009 as indicated on the Order Paper. So, let the Order Paper indicate, in respect of all the Votes, “the year ending 30<sup>th</sup> June, 2010.”

Minister, as you move, please, note that correction.

Vote 35 - Ministry of State for Special Programmes

THAT, a sum not exceeding Kshs.3,054,031,440 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of:-

Vote - 35 Ministry of State for Special Programmes

Vote 05 – Office of the Vice-President and Ministry of Home Affairs

THAT, a sum not exceeding Kshs5,800,650,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of:-

Vote 05 – Office of the Vice-President and Ministry of Home Affairs

Vote 42 – Ministry of State for Youth Affairs and Sports

THAT, a sum not exceeding Kshs4,278,640,600 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of:-

Vote 42 – Ministry of State for Youth Affairs and Sports

Vote 03 – Ministry of State for Public Service

THAT, a sum not exceeding Kshs913,625,900 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of:-

Vote 03 – Ministry of State for Public Service

Vote 02 – State House

THAT, a sum not exceeding Kshs598,530,500 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of:-

Vote 02 – State House

*(Question put and agreed to)*

Vote 18 – Ministry of Gender, Children and Social Development

THAT, a sum not exceeding Kshs2,284,086,950 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of:-

Vote 18 – Ministry of Gender, Children and Development

*(Question put and agreed to)*

Vote 23 – Cabinet Office

THAT, a sum not exceeding Kshs645,003,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of:-

Vote 23 – Cabinet Office

*(Question put and agreed to)*

Vote 27 - Public Service Commission

THAT, a sum not exceeding Kshs201,967,610 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of:-

Vote 27 – Public Service Commission

*(Question proposed)*

**Ms. Karua:** Mr. Temporary Deputy Chairman, Sir, as we approve this request, the Public Service Commission must be impressed upon to embrace reforms, so that we stop getting complaints of corruption in appointments and promotions. It cannot be business as usual.

I beg to support.

*(Question put and agreed to)*

Vote 40 – Ministry of State for Immigration  
and Registration of Persons

THAT, a sum not exceeding Kshs1,347,407,310 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of:-

Vote 40 – Ministry of State for Immigration  
and Registration of Persons

*(Question proposed)*

**Ms. Karua:** Mr. Temporary Deputy Chairman, Sir, as we approve this request, this Ministry must rein in the runaway corruption. It is in the streets and it is a fact that citizenship is up for sale. This is a very sad state for any country. This is something that the Ministry and the Government must fight. They must say no to corruption.

With reluctance, I beg to support.

**Ms. S. Abdalla:** Mr. Temporary Deputy Chairman, Sir, as we approve this Vote, I want to say that the Ministry of State for Immigration and Registration of Persons has not really critically looked into issues of northern Kenya region, particularly issues of Identity cards and issuance of passports. The Ministry should look critically into the issuance of passports and ID cards for people of northern Kenya.

*(Question put and agreed to)*

Vote 41 – Ministry of State for  
National Heritage

THAT, a sum not exceeding Kshs1,093,052,500 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of :-

Vote 41 – Ministry of State for  
National Heritage

*(Question proposed)*

**Ms. Karua:** Mr. Temporary Deputy Chairman, Sir, as we approve this Vote, I would like to remind this Ministry something that I have put across to them many times, that we need our history as recorded by Kenyans, not by the colonialists. The last generation of the people who fought for Independence are dying. Most of them are actually dead. It is time this Ministry, in collaboration with the Ministry of Education, took up the issue and quickly recorded our history. The *Waswahili* say: “*Mkosa mila ni mtumwa*”. Some of the things that are happening to us today is because we do not really know our true history.

I beg to support.

*(Question put and agreed to)*

Vote 56 – Ministry of Fisheries

THAT, a sum not exceeding Kshs1,210,925,240 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of:-

Vote 56 – Ministry of Fisheries

*(Question put and agreed to)*

Vote 09 – Regional Development Authorities

THAT, a sum not exceeding Kshs1,708,573,805 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of:-

Vote 09 – Ministry of Regional Development Authorities

*(Question proposed)*

**Ms. Karua:** Mr. Temporary Deputy Chairman, Sir, I want to appreciate what this Ministry is doing under the *Kazi Kwa Vijana* Programme. I ask it to redouble its efforts in tree planting and collaborate with the Ministry of Environment and Mineral Resources so that our people can get the benefit during the restoration of our forests and tree replanting.

I beg to support.

*(Question put and agreed to)*

Vote 58 – Ministry of State for Development of  
Northern Kenya and other Arid Lands

THAT, a sum not exceeding Kshs2,105,212,210 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of:-

Vote 58 – Ministry of State for Development of  
Northern Kenya and other Arid Lands

*(Question proposed)*

**Dr. Eseli:** Mr. Temporary Deputy Chairman, Sir, I would like to urge investors from northern Kenya to endeavour to invest a lot in northern Kenya rather than Nairobi while the Ministry utilizes these funds to develop northern Kenya.

With those few remarks, I beg to support.

**Ms. Karua:** Mr. Temporary Deputy Chairman, Sir, I would like to urge this Ministry to make sure that it makes interventions that change the lives of the people of northern Kenya and other arid lands. It is not enough to have a Ministry by name. We want to see work on the ground.

I beg to support.

**Mr. Mwachugu:** Mr. Temporary Deputy Chairman, Sir, I would like to urge the Ministry that while it is the Ministry of State for Development of Northern Kenya and other Arid Lands, it should not concentrate on northern Kenya. There are other arid lands

that they tend to forget. They should note that most of the residents of northern Kenya have been housed and given refuge by other arid areas, Taita being one of them. When they are thinking of boreholes, they should think of sinking boreholes in Taveta.

I beg to support.

**Mrs. Noor:** Mr. Temporary Deputy Chairman, Sir, while supporting this Motion, I want to say that this Ministry was created out of necessity and need. The Government saw that there was need for creation of this Ministry. However, if this Ministry is not facilitated to conduct feasibility studies and address the needs that exist, then it is not going to make the feasibility we require as a country. I request that the Minister for Finance, next time, looks into properly financing this Ministry.

I beg to support.

**The Assistant Minister for Energy** (Mr. M.M. Mahamud): On a point of order, Mr. Temporary Deputy Chairman, Sir. I think this is Guillotine. According to my understanding, this is not time for debate. We must obey the rules of the House.

**The Temporary Deputy Chairman** (Mr. Imanyara): Which rule are you referring to?

**The Assistant Minister for Energy** (Mr. M.M. Mahamud): Mr. Temporary Chairman, Sir, I beg to be corrected but my understanding is that Guillotine does not encourage debate in the House.

**The Temporary Deputy Chairman** (Mr. Imanyara): Let me read what the rule says for the benefit of Members now that the issue has been raised. I am referring to Standing Order No.155 (8), (9) and (10). It says:-

“(8) On the last of the allotted days, being a day before 31st August, the Chairperson shall, one hour before the time for the interruption of business, forthwith put every question necessary to dispose of the Vote then under consideration, and shall then forthwith put severally the questions necessary to dispose of every Vote not yet granted; and if at that time the House is not in Committee, the House shall forthwith move into committee without question put, for that purpose.

(9) On any day upon which the Chairperson is under this order directed to put forthwith any question, the consideration of the business of Supply shall not be anticipated by a Motion for the adjournment of the House, and no dilatory Motion shall be moved in relation to that business, and the business shall not be interrupted under any Standing Order.

(10) On the last of the allotted days, no business other than the business of Supply shall be taken until the business of Supply has been completed.”

Hon. Members, there is nothing in the Standing Orders that forbids Members to make contributions as I have read. However, being a Supply Day, it is not for debate. You may make concise comments and if the Chair is satisfied that you are debating, we will rule you out of order.

*(Question put and agreed to)*

Vote 22 – The Ministry of Cooperative Development and Marketing

THAT, a sum not exceeding Kshs573,100,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of:-

Vote 22 – Ministry of Cooperative Development and Marketing

*(Question proposed)*

**Dr. Eseli:** Mr. Temporary Deputy Chairman, Sir, it appears there is a concerted effort to slowly kill the Ministry of Cooperative Development and Marketing. That is a very sad affair for this country considering that many Kenyans rely on that movement for their survival.

I beg to support.

*(Question put and agreed to)*

Vote 08 – Ministry of State for Defence

THAT, a sum not exceeding Kshs22,199,500,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of:-

Vote 08 – Ministry of State for Defence

*(Question proposed)*

**Dr. Eseli:** Thank you, Mr. Temporary Deputy Chairman, Sir. I urge the Ministry of State for Defence to ensure that they revamp the dilapidated airforce and the equipment in our military and make sure that our military is well equipped to maintain our territorial integrity and probably scare off our neighbours who have started infringing on our territorial integrity.

I support.

**Mr. Kaino:** Mr. Temporary Deputy Chairman, Sir, while supporting this Vote, I would like to urge the Ministry to see that when the country is not at war, the Military should use the energy they have and the finances they are given towards developing the arid areas of this country.

I support.

*(Question put and agreed to)*

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

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

## Vote 45 – National Security Intelligence Service

THAT, a sum not exceeding Kshs4,758,150,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2009 in respect of:-

## Vote - 45 National Security Intelligence Service

*(Question proposed)*

**Ms. Karua:** Mr. Temporary Deputy Chairman, Sir, on this Vote, I would like to caution the Government to desist from using the National Security Intelligence Service (NSIS) as a political tool. This is one of the agencies that should double its efforts in securing the country. It should not be lying asleep while people kill each other as it happened in Kirinyaga. They also should not be generating false rumors that my home is under security threat.

I beg to support.

*(Question put and agreed to)*

## Vote 24 – Ministry of East African Community

THAT, a sum not exceeding Kshs516,643,285 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2009 in respect of:-

## Vote - 24 Ministry of East African Community

*(Question proposed)*

**Mr. Mwangi:** Mr. Temporary Deputy Chairman, Sir, while supporting this Vote, it is worth noting that we are moving towards the East African integration. The amount that has been voted here is very small that I wonder how the Ministry will put in all the records required to make sure that we are integrated as an East Africa common market.

I beg to support.

*(Question put and agreed to)*

## Vote 04 - Minister for Foreign Affairs

THAT, a sum not exceeding Kshs4,010,534,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2009 in respect of:-



## Vote - 04 Ministry of Foreign Affairs

*(Question proposed)*

**Mr. Affey:** Mr. Temporary Deputy Chairman, Sir, as I support this Vote, I want to encourage the Minister to fast-track the foreign policy document which we know has been discussed at a very senior level but has not come to this House. If that is not done in the next financial year, I can assure the Minister that we will reject passing this Vote because there is no framework that this Ministry of Foreign Affairs is operating on.

Secondly, I would like to encourage the Minister to see how best he can re-energize the Somali peace process because it is the single most important foreign policy engagement that the Ministry has now. I do not think that they have such a robust engagement right now, so I would like them to re-energize that process.

I support the Vote.

**Mr. Mututho:** Mr. Temporary Deputy Chairman, Sir, while supporting the Vote, I would like to ask the Minister to consider seriously overhauling the attaches so that they can add value to agriculture. Not necessarily agricultural attaches but ambassadors should be people who will promote business of this nation and reduce on the burden of intelligence and insecurity.

I beg to support.

**Dr. Eseli:** Thank you, Mr. Temporary Deputy Chairman, Sir. With this money, I would like to urge the Ministry of Foreign Affairs to look seriously at opening an embassy in Malawi because of our historical ties with Malawi and the large current numbers of Kenyan businessmen doing business in Malawi.

I beg to support.

*(Question put and agreed to)*

## Vote 12 – Office of the Deputy Prime Minister and Ministry of Local Government

THAT, a sum not exceeding Kshs.2,002,957,715 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2009 in respect of:-

## Vote - 12 Office of the Deputy Prime Minister and Ministry of Local Government

*(Question proposed)*

**Ms. Karua:** Mr. Temporary Deputy Chairman, Sir, as we support this Vote, I would like to remind this office that they are yet to clear the mess in terms of nomination of councillors. To some extent, this office continues to play politics with this very important issue.

I would also like to remind them that it is reform time. We would like to see reforms in the Local Government Act in the way the mayors and chairmen are elected. However, most of all, we need to see clean elections but not elections with a hammer and fists.

I beg to support.

**Mr. Ruto:** Mr. Temporary Deputy Chairman, Sir, while I support the Vote, I want to ask the Ministry to consider rearranging the way they disburse the Local Authorities Transfer Fund (LATF) money. They should use the same formula as we use in the CDF. Currently, they are using a lot of money and we are not seeing it on the ground.

I beg to support.

**Mr. Mwadeghu:** Mr. Temporary Deputy Chairman, Sir, I would like to ask the Ministry to fast-track Cap.265 of the Local Government Act, which has been in the shelves for quite a while. We also need a change of accounting officers in all the local authorities. They have all been unable to submit annual accounts and they are due for disqualification. I beg to support.

*(Question put and agreed to)*

Vote 57 – Ministry of Nairobi Metropolitan Development

THAT, a sum not exceeding Kshs.879,209,620 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2010 in respect of:-

Vote 57- Ministry of Nairobi Metropolitan Development

*(Question proposed)*

**Mr. Mututho:** Mr. Temporary Deputy Chairman, Sir, while supporting this Vote, it is, indeed, very frustrating having heard the grand plans that the Ministry has looking at its budget, it looks like we are reading from a completely different script. I would urge the Government to reconsider the initial thinking and finance it appropriately.

**Mr. Kaino:** Thank you very much, Mr. Temporary Deputy Chairman, Sir. I would urge the Ministry to do away with roundabouts, which have caused Kenyans a lot of money. However, I support the Vote.

**Dr. Eseli:** Mr. Temporary Deputy Chairman, Sir, I would wish the Ministry liaises urgently with the Office of the Deputy Prime Minister and Ministry of Local Government and, especially, Nairobi City Council, to decide who should be doing what in the Nairobi Metropolis. That way, they would stop pulling and pushing at each other. Otherwise, at that rate, even this money that has been allocated might all go to waste. I support the Vote.

*(Question put and agreed to)*

Vote 17 – Ministry of Justice, National Cohesion  
and Constitutional Affairs

THAT, a sum not exceeding Kshs.1,116,518,800 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2010 in respect of:-

Vote 17 - Ministry of Justice, National Cohesion  
and Constitutional Affairs

*(Question proposed)*

**Mr. Abdikadir:** Mr. Temporary Deputy Chairman, Sir, while I support the Vote, I would like the Ministry to emphasize the co-ordination of the various reforms that are going on in that sector. There is a risk that we will have too many balls in the air without a coordinating function. I urge the Ministry to take its coordination function seriously. I also urge the Ministry not to forget the national cohesion function of the Ministry. I support.

**Mr. Mututho:** Mr. Temporary Deputy Chairman, Sir, while I support this Vote, I would like to urge the Government and, particularly, the Minister in that Ministry to think of re-organizing the Ministry so that he can do a better public relations job in terms of propelling Kenyans to think right and uphold the rule of law. He should make Kenyans know that Kenya is not a failed State and they need to follow the due process. I support.

**Mrs. Noor:** Mr. Temporary Deputy Chairman, Sir, while I support this Vote, I would like to remind the Minister that there is a National Cohesion Commission that was approved by the Committee on Justice and Legal Affairs. That Commission is not in place and I would like to urge the Minister and the Executive to put it in place.

**Mr. Ruto:** Mr. Temporary Deputy Chairman, Sir, I want to support the allocation to this Vote. However, I want to ask the Minister to focus on the Ministry's roles and stop over-stepping and attempting to do the work of the Attorney-General. A lot of ill advice seems to come from that office to the Government, while the Attorney-General could easily do the job very well.

*(Question put and agreed to)*

Vote 26 – Judicial Department

THAT, a sum not exceeding Kshs.1,266,900,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2010 in respect of:-

Vote 26 - Judicial Department

*(Question proposed)*

**Mr. Abdikadir:** Mr. Temporary Deputy Chairman, Sir, in view of the national consensus on reforms within that department, could the Minister confirm that he will bring those reforms to Parliament as soon as possible? I support the Vote.

**Ms. Karua:** Mr. Temporary Deputy Chairman, Sir, while supporting this Vote, I would urge the Judicial Department to stop hiding behind endless taskforces and miscellaneous committees and get down to the business of reforms. It should also eradicate run away corruption in the Judiciary. It is a shame that the Judiciary would appoint somebody who has been laid off from a parastatal because of corruption. I urge the Minister to embrace reforms and serve Kenyans. I beg to support.

**Dr. Eseli:** Mr. Temporary Deputy Chairman, Sir, I believe that with that amount of money, the Judicial Department should be able to carry out reforms and employ more people. In fact, they are making lawyers jobless. Many lawyers have been trained and they are now jobless because most people believe that it is cheaper to pay the judge than the lawyers. I hope they will rectify that problem. I support.

*(Question put and agreed to)*

Vote 33 – Interim Independent Electoral  
Commission of Kenya

THAT, a sum not exceeding Kshs625,500,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2009 in respect of:-

Vote - 33 Interim Independent Electoral Commission of Kenya

*(Question proposed)*

**Ms. Karua:** Mr. Temporary Deputy Chairman, Sir, while noting that this body needs the support of all Kenyans, and that this is the body that will define how Kenya moves ahead when renewing leadership, I urge the Interim Independent Electoral Commission (IIEC) to assert itself and emphatically tell all parties that there is no priority during campaigns. We cannot have people coming and “throwing” their weight because they are either Ministers, Prime Ministers or even Presidents. The law does not know you on the day of campaigns. It is time we opened a new chapter in our electoral history.

I beg to support.

**Mr. Mututho:** Mr. Temporary Deputy Chairman, Sir, I would like the Minister to record the happenings in the by-elections currently going on as a litmus test for this commission. Any omission should be taken to show that they cannot perform. We should borrow anything good they do and carry on.

I beg to support.

**Dr. Eseli:** Mr. Temporary Deputy Chairman, Sir, the use of public resources to campaign goes on unabated. This commission has been allocated too little if, indeed, it is supposed to put in place the changes that we require, especially electronic voting or at the worst, transparent ballot boxes. I hope that the commission will be allocated more money than this next time.

I beg to support.

*(Question put and agreed to)*

## Vote 25 – State Law Office

THAT, a sum not exceeding Kshs.540,450,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2009 in respect of:-

## Vote - 25 State Law Office

*(Question proposed)*

**The Temporary Deputy Chairman** (Mr. Imanyara): Hon. Members, I need to point out that the Chair has received a proposed amendment to this Vote.

Yes, Mr. Abdikadir!

**Mr. Abdikadir:** Mr. Temporary Deputy Chairman, Sir, indeed, I had given notice of a proposed amendment to that Motion.

I beg to move:-

THAT, the Motion be amended by adding the following words immediately after the word “office”, “subject to a reduction of an amount of Kshs1 million on Sub-Vote 250, Head 872, Item 2210400.”

That Item deals with foreign travel in the Office of the Attorney-General. The Committee on Justice and Legal Affairs does oversight over the Attorney-General and the State Law Office. The committee found the State Law Office unresponsive on numerous occasions and that has hampered its work specifically on several occasions dealing with a direction from the House and the Speaker to investigate matters dealing with Anglo Leasing. The committee did write to the Attorney-General twice and did not even receive a response. On the budgetary hearings, the committee did request the Attorney-General to furnish it with cases handled by the committee, in terms of the number, how many were lost and won. The committee, to show its displeasure with this office, does, therefore, propose that a sum of Kshs1 million be deducted from the Vote of this department.

I beg to move.

**The Attorney-General** (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I want to raise an objection.

**The Temporary Deputy Chairman** (Mr. Imanyara): I have not proposed the amendment yet. The amendment has just been moved. Who is seconding it?

**Mr. Ruto:** Mr. Temporary Deputy Chairman, Sir, I second the amendment. Indeed, that is the position of the committee.

*(Question of the reduction proposed)*

**The Attorney-General** (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, when the Chairman of the Departmental Committee on Justice and Legal Affairs moved this Motion, he did it as the Chairman of that committee and not in his personal capacity. However, before I make a substantive contribution on this, the Report of the Committee

does not mention Head 872 on page 16, but Head 582. Therefore, if he really wanted to be consistent with what the committee recommended, then he should not have move Head 872, but Head 582 and then we can debate on that. So, I would like him to be ruled out of order on that score.

**Ms. Karua:** Mr. Temporary Deputy Chairman, Sir, I want to support the Motion by the committee for different reasons. I jokingly tell the Attorney-General that he lives abroad but works in Kenya. It is totally unnecessary at this time for the Vote---

**The Attorney-General (Mr. Wako):** On a point of order, Mr. Temporary Deputy Chairman, Sir. I think it is important for that issue to be disposed of. If it is disposed of then the line of approach of the hon. Member would be wrong because Head 582 does not touch on that.

**The Temporary Deputy Chairman (Mr. Imanyara):** Mr. Attorney-General, I understand you. She is contributing on the objection that you have raised. Is that correct?

**Ms. Karua:** No, Mr. Temporary Deputy Chairman, Sir.

**The Temporary Deputy Chairman (Mr. Imanyara):** If it is not, the hon. Member needs to answer the specific issue raised by the Attorney-General.

**Mr. Abdikadir:** Mr. Temporary Deputy Chairman, Sir, the committee was targeting the deduction on that Item on Foreign Travel. That is Item 872. Indeed, even in the first version of this Motion, it was wrongly quoted as Head 582. That is a typographical error on the face of the record which our committee did correct, but the Report had been tabled earlier on in the House and it was the property of the House. The item that we are interested in and voted on as a committee is Foreign Travel.

**The Temporary Deputy Chairman (Mr. Imanyara):** Order, Mr. Abdikadir! I just want to be certain that, indeed, the committee met because the Report that the Chair has, as the Attorney-General has pointed out refers to Head 582 and not---

**Mr. Abdikadir:** That is correct, Mr. Temporary Deputy Chairman, Sir.

**The Temporary Deputy Chairman (Mr. Imanyara):** I would like to know whether the committee did meet. If it did, when did it amend this so that we can be at par?

**Mr. Abdikadir:** Mr. Temporary Deputy Chairman, Sir, indeed, the committee did not correct this in terms of Head 582, but it is very clear in its mind that the item targeted was Foreign Travel. Foreign Travel as far as the Vote is concerned is Head 872.

**The Temporary Deputy Chairman (Mr. Imanyara):** Just point out to me because I need to be certain. I have got the Report of the Committee and I am referring to page 16 (e), which says:-

“A sum not exceeding 0.1 per cent, an equivalent of Kshs1 million, under Head 582, Item 2210400, be reduced from the State Law Office budget.”

There is no indication at all that it is for foreign travel. Can you just point out where it refers to foreign travel?

**Mr. Abdikadir:** Mr. Temporary Deputy Chairman, Sir, in terms of our deliberations which would probably be in the minutes of the committee, foreign travel as far as---

**The Temporary Deputy Chairman (Mr. Imanyara):** Indeed, the Clerks-at-the-Table have indicated that to me, but the amount actually allocated to that is not even Kshs1 million. So, you cannot reduce it by Kshs1 million. The amount allocated for foreign travel is Kshs550,000.

**Mr. Abdikadir:** No, Mr. Temporary Deputy Chairman, Sir. It is Kshs16 million and I am sure the Attorney-General will confirm. It is under Head 872.

**The Temporary Deputy Chairman** (Mr. Imanyara): Just a moment!

*(The Temporary Deputy Chairman (Mr. Imanyara)  
consulted with the Clerks-at-the-Table)*

Indeed, you are right. The foreign travel and subsistence and other transportation costs is Kshs16 million.

**Mr. Abdikadir:** Mr. Temporary Deputy Chairman, Sir, that is where we deducted by Kshs1 million. We did not change that. The committee met and agreed. The decision of the committee was to reduce the amount on foreign travel by Kshs1 million.

**The Temporary Deputy Chairman** (Mr. Imanyara): I understand that. Since the Chair has to make a ruling on that issue and you have not proposed any amendments, I would like to know when the committee met and made the recommendation to amend to reflect the Item relating to Kshs16 million.

**Mr. Abdikadir:** No, the committee has not met on that issue. The committee's proposal was very clear that---

**The Temporary Deputy Chairman** (Mr. Imanyara): Order! That may be so but we can only go by the report of the committee.

**Ms. Karua:** May I say something?

**The Temporary Deputy Chairman** (Mr. Imanyara): Order! One at a time! I need to be satisfied on this issue.

Ms. Karua, let us hear what you have to say on this issue.

**Ms. Karua:** Mr. Temporary Deputy Chairman, Sir, a typographical error once explained even when an hon. Member is moving amendments can be rectified. There is nothing in the Standing Orders to say that if there is a typographical error in the committee report, then the report has to be corrected before a Motion is moved. When the committee will be moving that report before the House then that typographical error can be corrected. Once the reference is to the foreign travel, the Estimates speak for themselves.

*(Several hon. Members stood up on their feet)*

**The Temporary Deputy Chairman** (Mr. Imanyara): Order! One point of order at a time! The problem is that they both relate to foreign travel. So, we need to clarify that because we need to go by the rules. If you can just point out that to me, then I will be quite happy to make a ruling.

**Ms. Karua:** Mr. Temporary Deputy Speaker, Sir, I am just saying that the Chairman of the committee has explained himself well. That there is an item of foreign travel for Kshs16 million. The minutes of the committee back him that that, is indeed, they are talking about. Unless if the Attorney-General, on his part, is able to show a Standing Order that favours his contention, then this Motion should be allowed.

**Mr. Ruto:** On a point of order, Mr. Temporary Deputy Chairman. Sir

**The Temporary Deputy Chairman** (Mr. Imanyara): Mr. Ruto, I am coming to you. Let me hear from the Attorney-General the Standing Order that permits him to raise this issue.

Mr. Attorney-General, please, refer to me the Standing Order that you are referring to.

**The Attorney-General** (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, on this issue, the fact of the matter is that what was decided by the committee is about foreign travel and other travels. Under the Head 582, which is in the minutes of his committee, that relates to the Central Planning Unit within the States Law Office. So, it is also part of the States Law Office. They have specifically referred to the Central Planning Unit. Head 582, has its Item 2210400 which is foreign travel and other transportation costs. So, there can be no confusion whatsoever as to what the committee decided. The minutes are there and the Chairman has confirmed that they have not met to alter that. We are discussing a budget and a budget and if you move one Head to another, to me that a fundamental change. Having been confined to Head 582---

**The Temporary Deputy Chairman** (Mr. Imanyara): Order, Mr. Attorney-General, it cannot be a fundamental change because it all relates to foreign travel. What I would like you to indicate to me, and I am trying to look at the Standing Orders is the Order that does not permit an amendment such as this because Standing Order No.48 does allow me to allow this amendment unless you show me the contrary Standing Order. I am just giving you an indication that Standing Order No.48 does permit me to allow it.

**Mr. Nyamweya:** On a point of order, Mr. Temporary Deputy Chairman, Sir.

**The Temporary Deputy Chairman** (Mr. Imanyara): Yes, Mr. Nyamweya, but before that let the Attorney-General just satisfy me that---

**Mr. Nyamweya:** On a point of order, Mr. Temporary Deputy Chairman, Sir. That is what I want to say. The Attorney-General is not a Member of the Committee on Justice and Legal Affairs. He cannot be purporting to explain what took place. I am a Member of that committee.

**The Temporary Deputy Chairman** (Mr. Imanyara): Order, Mr. Nyamweya! The Chair of the committee has himself indicated to the Chair that the committee did not sit. But that does not prevent an amendment. What I want to know from the Attorney-General is whether there is any Standing Order that permits him, because on the face of Standing Order No.48 the Chair has discretion to allow the amendments and I am minded to allow it unless you indicate to me the Standing Order or the mischief that will be caused if I do not allow this amendment.

**The Attorney-General** (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, you have quoted the right Standing Order No.48 and the key words in that Standing Order is "does not materially alter any principle" My submission is this; this being a Budgetary Item where the Heads, Sub-heads and Items are clearly stated, to change an Item from one to another one is a material alteration. That is my submission. It is not like an ordinary Motion where you can change a few words here and there. It is a Budgetary Item and in this Item--- To answer Mr. Nyamweya, the minutes speak for themselves. They have said that the committee is concerned with the Budgetary Item which comes under Central Planning Unit regarding foreign travel and so on. That is the Head Item specifically mentioned in those minutes. Consequently, it is a material alteration that invites you to reject this Motion.



**The Temporary Deputy Chairman** (Mr. Imanyara): I am going to hear from Mr. Ruto, Dr. Eseli and the Chairman of the committee then I will make a ruling on this matter.

**Mr. Ruto:** Mr. Temporary Deputy Chairman, Sir, the Attorney-General is missing the point. In fact, we are driving a message to him that we were not satisfied with several issues in your office. We are not trying to deny the Attorney-General's Office money. In fact, we noted that they are under-funded. In fact, we would have preferred more allocation to them. We noted several issues in the Attorney-General's Office but we only picked on this particular item to send the message. For example, he has not even posted officers to the Ministries and they have gone into several losses. I want to confirm that what the Chairman of the committee has said is true and it reflects the deliberations of the committee.

**The Temporary Deputy Chairman** (Mr. Imanyara): I will allow Mr. Wetangula, because I want to hear from the other side.

**The Minister for Foreign Affairs** (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, I want to support the submission of the Attorney-General that this being a Budgetary matter, whatever we put forward must reflect our intention and Votes, Heads, Sub-votes and Sub-heads are not put in the Budget for nothing. Pleadings form a fundamental part of your case. I want to urge the Chair to find the Motion incompetent on the basis of misjoinder and misquotation of the Vote Heads and disallow it.

**Dr. Eseli:** Mr. Temporary Deputy Chairman, Sir, I think the Attorney-General has got off very lightly with just a reduction of Kshs1 million. The message is loud and clear that the Attorney-General has failed to attend to the business when he is called upon to appear before the House Committee. Even if he were to get away with this at the moment, it would just remind us of the number of times that he has got away with small misprints like that, therefore, allowing a leakage of funds from the country through scams like Anglo Leasing. In fact, it is in the interest of the Attorney-General not to argue too much because he is going to expose himself and remind Kenyans of what he has done before. I think you have got off lightly. Just accept it.

**Mr. Abdikadir:** Mr. Temporary Deputy Chairman, Sir, the Attorney-General is the Legal Advisor to the Government but I am the spokesperson for this committee. So, what I say is what the committee actually did. Sub-vote 50, Head 872, Item 2210400 all match. The only mismatch is if it was Head 582. If you put Head 582, it will not be matching with Item 2210400 which is the item that we are interested in; item on foreign travel in the Attorney-General's Office at the headquarters. The budget was for Kshs16 million and the committee proposes to reduce it by Kshs1 million.

Secondly, that was aimed at specifically sending a message to the Attorney-General, but not to the Central Planting Unit. An error on the face which can easily be corrected by the Chair cannot be used by the Attorney-General to wiggle out of this.

I beg to support.

**The Temporary Deputy Chairman** (Mr. Imanyara): Very well, this is my ruling. I have looked carefully at Standing Order No.48(1). I will read it for the benefit of Members. I do agree that the Attorney-General agrees with me that, that this is the correct Standing Order. It says:-

- (1) "The Speaker may permit a Member to move in amended form, a Motion of which notice has been given if in the opinion of the Speaker the amendment

does not materially alter any principle embodied in the Motion of which notice has been given”.

First thing I notice, is that notice has dully being given. Second issue to note is that it all relates to foreign travel in one department of Government. Therefore, it does not materially alter any principle as it is embodied in the Motion. Finally, in this kind of Motion, the purpose is not so much to reduce the allocation as to censure and that have been expressed loudly by the Members who has spoken. On that basis, I rule that the Chair of the committee is right and I allow the amendment.

**Ms. Karua:** Mr. Temporary Deputy Chairman, Sir, I support the Motion by the Chairman of the Departmental Committee on Justice and Legal Affairs. I did indicate that I normally tell the Attorney-General; my friend, that he lives abroad, but works here. So, this reduction would be good. All those foreign travels add up to one thing, that he is unable to be present to closely supervise and rein in the corruption in his office which leads to fixing of cases and negligence which causes the Government to lose money. Finally, the many contractual agreements between the Government and other entities which are full of loopholes, which makes the Government to lose money and the faulty advice given to the Government in both Anglo Leasing and Goldenberg. Also, he is unable to push for review of salaries for his staff which is dismally low and is causing losing of staff all the time.

I beg to strongly support.

**The Attorney-General** (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I wish to oppose this amendment. I will oppose it mainly on these grounds.

The whole purpose of having Departmental Committees examining the Budget together with the Ministries is to have a constructive dialogue. I must admit that we did have a constructive dialogue with the committee on all the issues. I must also admit that, in fact, the nature of our discussions have been reflected in the Report. In particular, the report calls: “That the Attorney-General’s office must be given more resources. The staff must be paid more money *et cetera*”. That is correctly reflected here. They are the issues that we discussed.

The issue raised by the hon. Ruto about posting State Counsel to Ministries is an issue, again, which is correctly recorded here in your report. It states that the State Law Office did not have the capacity to provide legal advice to Ministries and post people there. That is why the committee itself was with me in calling for more resources, better terms and conditions of service for the staff and so on.

Therefore, the committee recognised the shortcomings of the State Law Office. My major quarrel here is that this issue that you are now raising was never raised with me when I appeared before them. Had they raised it with me, at least I would have offered an explanation. If that explanation was not satisfactory, they would have reported here. It is an issue that had just got me by surprise. So, if you have to make proper use of the procedures that had been set in Motion, I think Departmental Committees are duty-bound really to bring all issues on the table. They should bring all the issues they want to raise and ensure that they are properly discussed and so on. But when the report is brought here, and it correctly reflects what was discussed, but the Temporary Deputy Speaker, brings in these things unawares--- In other words, the Departmental Committee on Justice and Legal Affairs was not really obeying the rules of natural justice. All my staff is hearing.

**Mr. Ruto:** Mr. Temporary Deputy Chairman, Sir, may I inform the Attorney-General that we were not even at that stage concerned, with his travelling habits. We were only trying to send a message to him that he needs to wake up in his department and proceed with reforms. It is one department that does not actually respond to reforms. Even the lower Ministries which are not as learned as yours have actually adopted the Rapid Results Initiative. We were only sending you a message. We are not telling you not to travel. We are only picking up that so that we give little *kiboko kidogo*.

**The Temporary Deputy Chairman** (Mr. Imanyara): It is enough. You have informed him.

**The Attorney-General** (Mr. Wako): To me, that is a wrong way of sending me a message. This is because all the issues were discussed. If it comes to the issue of reforms, I can say that there is no Ministry which has been on the forefront of reforms in this country for a long time than the State Law Office. We have been there. We are reforming. We have reformed our office. It is our office which called for the establishment of the Ministry of Justice, National Cohesion and Constitutional Affairs. It is our office which is calling for the delinking of the Director of Public Prosecutions Office which is another recommendation here from the State Law Office. Within the Prosecution Department, the information is there, a lot of reforms have taken place. Specialised units have been set up there to prosecute and so on. So, the State Law Office is for reforms. All we are asking for is that we be given the necessary capacity in terms of human and financial resources to be able to achieve that.

On the issue of salaries which has been raised by the former Minister for Justice, National Cohesion and Constitutional Affairs, she is acutely aware that when the salaries came before the Cabinet, I moved and she seconded. We worked together to say that what had been offered was not good enough. But a bird in hand is worth two in the bush. The Cabinet kindly agreed, in fact, as an exception that the terms and conditions of service of the State Law Office and the Judiciary will be reviewed within a year. I know that the Permanent Salaries Review Board is already looking into that as an exception because it is recognised that our terms are too low and the capable staff are leaving the Chambers.

Again, this is something that the committee recognised. I am appealing to the committee that rather than just ambushing me like this as they have ambushed me today, let us work together to carry out the reforms that are necessary because we are here. We can work together, particularly in terms of human and financial resources and computerising everything within the Chambers.

I must say that under the Rapid Results Initiative, it is the State Law Office which was the first to come out because we have now computerised the Registrar of Companies. We were the first to come out. It is still going on, but we were the first to come out. So, the point I am making here is that I am opposed to this. This is not the way to move, so I oppose the Motion by my colleague.

**The Temporary Deputy Chairman** (Mr. Imanyara): Order, let me hear Mr. M. Kilonzo!

**The Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. M. Kilonzo): Mr. Temporary Deputy Chairman, Sir, I must say that I appreciate the message being sent to the Office of the Attorney-General. I think it is the correct message but, unfortunately, the structure of the message is incorrect.

I beg to oppose the amendment for one reason only. If it is felt that we need to send a message to the Attorney-General and we reduce Kshs1 million from travel, it should be sent to the Personnel Department. We should not leave it behind! This office faces many challenges. We have less than 20 prosecutors nationwide. The office itself, the junior personnel are under-paid. We have - and I plead guilty here because I led the no campaign against the Wako Draft - as yet to establish a truly independent Deputy Public Prosecutor who can offer this country the services it so badly deserves.

Together with Ms. Karua, we have been in the forefront, she on the Floor and me in my office, fighting for the release of the evidence of Anglo Leasing so that, that evidence is not lost. By reducing the Attorney-General's power to travel, I hope he will not say that he does not have fare to go to London to collect that evidence for this country. I am afraid that Kshs1 million, personally, I think is small money. The tradition of this House is when you want to send a message; you reduce it by one pound, meaning Kshs20. Let us not impoverish a department that is already suffering under enormous challenges that I think this country will have to address. If you were to allow me, I would suggest, with utmost respect to the Chair and to the hon. Member who has moved this Motion that instead of Kshs1 million, we make it Kshs20. It still achieves the same purpose. I accept the message; it is badly structured

So, I beg to oppose.

**Mr. Nyamweya:** Mr. Temporary Deputy Chairman, Sir, I am amazed by my colleagues there in the way they are perceiving the message. Indeed, we could have sent the message to the entire Government and that is maybe what we were intending to do; that Kenyans and ourselves are dissatisfied with the way the Government is performing. But we are also citizens of this country and we are responsible leaders. So we are saying: "Look here, we have to pull up our socks!" We know and we have been the strongest advocates for the State Law Office. We have suggested that they be given powers to employ prosecutors in the 250 districts. We have said, let us have magistrates in all the districts. "We have said, increase the number of judges." We are painfully aware of that problem but we are also very clearly aware of our duty and that is what we are saying. We are telling the Government that Parliament will do its duty even if the Executive fails to do so. Now we hope the Attorney-General, as the legal advisor to the Government, will advise the Government that this is the message they are getting from Parliament. We are not satisfied with the money they have been given. Of course, it is inadequate! We are not satisfied with what the Ministry of State for Defence has been given. We are not satisfied with what the Ministry of Foreign Affairs has been given. We are all clear on this! We know the Budget is not sufficient to carry out all these things. So, please, do not misinterpret the message. Please, do not tie us down with technicalities. If you want us to help each other, then take it in the spirit that we are saying it; that we want to help you and we want you to also realize that we are not completely unaware of your problems.

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

**The Temporary Deputy Chairman** (Mr. Imanyara): Let me just clarify one thing, that hon. Members may not know that we, indeed, amended the Standing Orders. Mr. M. Kilonzo, if I may just point out to you that Standing Order No.155 (4) reads as follows:-

“A motion to reduce the amount of a Vote in the Annual Estimates shall be moved by any specific Vote but no such motion may seek to reduce a Vote by an amount exceeding one per cent of the total net proposed expenditure.”

That is, indeed, what the Chairman of the committee has done, one per cent; so I think it is consistent. It is actually 0.1 per cent so it is within the Standing Orders. If you are persuaded, I will put the Question now.

*(Question, that words to be added be added  
put and agreed to)*

**Ms. Karua:** Mr. Temporary Deputy Speaker, Sir, I agree with that and I hope that when the Question is being put, the exact amount will be read to avoid confusion. However, I support.

**The Temporary Deputy Chairman** (Mr. Imanyara): If there is no other contribution, I will now put the Question and please, Ms. Karua, listen carefully because the Motion is subject to amendments. So, it is clear!

*(Question of the reduction put and agreed to)*

**The Temporary Deputy Chairman** (Mr. Imanyara): When the Appropriations Bill is published, it will reflect that reduction.

*(Resumption of Debate)*

Vote 34 – Kenya Anti-Corruption Commission

THAT, a sum not exceeding Kshs.694,000,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2009 in respect of:-

Vote 34 - Kenya Anti-Corruption Commission

*(Question put and agreed to)*

Vote 61 – Interim Independent Boundaries  
Review Commission

THAT, a sum not exceeding Kshs175,500,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2009 in respect of:-

Vote 61 – Interim Independent Boundaries Review Commission

*(Question proposed)*

**Ms. Karua:** Mr. Temporary Deputy Chairman, Sir, as we support this Vote, I urge the Executive to have respect for the laws of this country and Parliament which passes those laws. It is very disheartening to see administrative boundaries being re-done and districts being issued like cakes at a time when this body is supposed to advise on the optimal administrative and constituency boundaries. I urge them to be fiercely independent. They should disregard completely anything the Executive has done as a pointer to what they should do.

I beg to support.

**Mr. Nyamweya:** Mr. Temporary Deputy Chairman, Sir, I also beg to support the Motion. However, I wish to go on record that we have been very hasty in passing our laws and amending our Constitution. We amended our Constitution to bring about the Interim Independent Boundaries Review Commission. I do not even know whether the word “interim” allows them to have full independence. I would like to urge the commission to be very careful about the sensitivities of this country and especially the way the previous boundaries were drawn. They should take those concerns into account so that we do not again get into a situation where boundaries do not really reflect the population distribution in the country. They need to take into account the views of people.

I also believe that they need to move very quickly. If we are talking about getting a new Constitution which requires new constituencies in which people will register as voters--- I urge the Minister for Justice, National Cohesion and Constitutional Affairs to be aware that we may not meet the time-table which has been set out for the constitutional review, if this body does not move with speed and conclude its business before the next one starts registration of voters and then we go to a referendum.

I beg to support.

**Mr. Chepkitony:** Mr. Temporary Deputy Chairman, Sir, I do support this Vote. Through the Minister, I urge this commission to take their job seriously. They should do a good job so that when their report is brought before this House, it is passed without any problem. They should take into account the views of *wananchi* and work with speed.

**Mr. Kivuti:** Mr. Temporary Deputy Chairman, Sir, the Interim Independent Boundaries Review Commission needs to liaise with the Ministry of Lands because the international boundaries as defined presently may not be fitting with the way the constituency boundaries are. In essence, you could think in terms of Migingo Island and the Elmi Triangle.

I beg to support.

*(Question put and agreed to)*

Vote 29 – National Assembly

THAT, a sum not exceeding Kshs3,842,946,765 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2009 in respect of:-

Vote 29 – National Assembly

*(Question put and agreed to)*

Vote 28 – Kenya National Audit Office

THAT, a sum not exceeding Kshs675,652,955 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2009 in respect of:-

Vote 28 – Kenya National Audit Office

*(Question proposed)*

**Dr. Eseli:** Mr. Temporary Deputy Chairman, Sir, while supporting this Vote, I urge the Kenya National Audit Office (KENAO) to quickly institute a performance audit method or what we call “value for money audit”. They should not just sit there and look at books to pronounce that ‘this money has been dispensed’ when actually nothing has happened on the ground. In fact, in my opinion, the KENAO are responsible for the under-development of this country by not following up to ensure that the Government funds are utilised for what they are meant to do. I believe that this office needs a total overhaul and reform. This money that the KENAO has been allocated should be used purely for reforms.

**Mr. Ethuro:** Mr. Temporary Deputy Chairman, Sir, I wish to support this Vote for the KENAO. I want to completely say the opposite of what the speaker before me has said. This is one office that has worked extremely hard to ensure that auditing takes place. If I had the powers, I would have added them more money so that they do value for money audits and audit the CDF money which we are now trying to enhance.

I beg to support.

**Mr. Mututho:** Mr. Temporary Deputy Chairman, Sir, you know that our role is basically threefold. It is that of representing people, legislature and oversight. I would urge consolidation of Vote 29 and Vote 28 in future so that the KENAO is part of Parliament. They should move completely out of the Treasury Building. I do not know why we expect them to perform when their bosses are the same people they are auditing. All the major scandals have been with the Ministry of Finance.

Furthermore, they are the ones who do shoddy investigations and audit such that the State Law Office is unable to prosecute. This is because the material that should be produced as evidence is not forwarded. I support and hope that next year, the KENAO will be part of *Bunge*. They should move out of Treasury and get a place somewhere in Upper Hill and be under *Bunge*.

**Mr. Gaichuhie:** Mr. Temporary Deputy Chairman, Sir, while I support this, I urge KENAO to put more money on the control side. This is because they only audit and do not carry out controls. They should do the controls before they audit.

I beg to support.

*(Question put and agreed to)*

**The Minister of State for Special Programmes** (Dr. Shaban): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee of Supply do report to the House its consideration of the Resolutions and its approval of the same with an amendment in respect of Vote 25.

*(Question put and agreed to)*

*(The House resumed)*

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

## REPORTS

### REMAINING VOTES IN COMMITTEE OF SUPPLY ON THIRTEENTH AND LAST ALLOTTED DAY

**Mr. Imanyara:** Mr. Temporary Deputy Speaker, Sir, I beg to report that the Committee of Supply has considered the following Votes and approved the same with an amendment in respect of Vote 25.

MINISTRY	VOTE	TOTAL
Ministry of State for Special Programmes	35	3,054,031,440
Office of the Vice President & Ministry of Home Affairs	05	5,800,650,000
Ministry of State for Youth Affairs & Sports	42	4,278,640,600
Ministry of State for Public Service	03	913,625,900
State House	02	598,530,500
Ministry of Gender, Children and Social Development	18	2,284,086,950
Cabinet Office	23	645,003,000
Public Service Commission	27	201,967,610
Ministry of State for Immigration & Registration of Persons	40	1,347,407,310
Ministry of State for National Heritage	41	1,093,052,500
Ministry of Fisheries	56	1,210,925,240
Ministry of Regional Development Authorities	09	1,708,573,805
Ministry of the Development of Northern Kenya & Other Arid Lands	58	2,105,212,210
Ministry of Cooperative Development & Marketing	22	573,100,000
Ministry of State for Defence	08	22,199,500,000
National Security Intelligence Service	45	4,758,150,000
Ministry of Eastern African Community	24	516,643,285
Ministry of Foreign Affairs	04	4,010,534,000
Office of the Deputy Prime Minister & Ministry of Local Government	12	2,002,957,715
Ministry of Nairobi Metropolitan Development	57	879,209,620
Ministry of Justice, National Cohesion & Constitutional	17	1,116,518,800



Affairs		
Judicial Department	26	<b>1,266,900,000</b>
Interim Independent Electoral Commission of Kenya	33	<b>625,500,000</b>
State Law Office	25	<b>540,450,000</b>
Kenya Anti-Corruption Commission	34	<b>694,000,000</b>
Interim Independent Boundary Review Commission	61	<b>175,500,000</b>
National Assembly	29	<b>3,842,946,765</b>
Kenya National Audit Office	28	<b>675,652,955</b>

**The Minister of State for Special Programmes** (Dr. Shaban): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee of Supply in the said Resolutions.

**The Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. M. Kilonzo) seconded.

*(Question proposed)*

*(Question put and agreed to)*

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, since we have concluded the Business of the House, the House stands adjourned until tomorrow, Thursday, 27<sup>th</sup> August, 2009, at 2.30 p.m.

The House rose at 7.15 p.m.