

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 27th May, 2009

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

ADOPTION OF 119TH IPU ASSEMBLY REPORT

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

THAT, this House adoption the Report of the Kenya Delegation to the 119th Inter-Parliamentary Union Assembly and related meetings held in Geneva, Switzerland from 13th to 15th October, 2008, which was laid on the Table of the House on Tuesday, 16th December, 2008.

ORAL ANSWERS TO QUESTIONS

Question No.027

DISMISSAL OF MR. CHARLES TABUCHE
FROM KENYA POLICE

Mr. Deputy Speaker: Is Mr. Were not here?
Let us move on to the next Question by Dr. Kones!

Question No.060

DELAYS IN DISBURSEMENT OF FREE
PRIMARY/SECONDARY EDUCATION FUNDS

Mr. Deputy Speaker: Dr. Kones also not here?
Let us move on to the next Question by Mr. Mwazo!

Question No.048

OVER-STOCKING IN TAITA DISTRICT RANCHES

Mr. Mwakulegwa asked the Minister for Livestock Development:-

(a) what steps the Ministry is taking to stem over-stocking in ranches in Taita District, which is posing the danger of soil erosion and accelerated desertification in the region; and,

(b) whether he could also stop the uncontrolled movement of livestock from other parts into Taita, which is creating grazing conflict between indigenous local farmers and pastoralists over pasture and water.

Mr. Deputy Speaker: Anyone here from the Ministry of Livestock Development?

Let us proceed to the next Question by Mr. ole Lankas!

Question No.053

TABLING OF LIST OF ARMY RECRUITS
FROM NAROK SOUTH DISTRICT

Mr. ole Lankas asked the Minister of State for Defence:-

(a) whether he could table the list of those recruited into the Army during the last recruitment in Narok South District;

(b) whether he could state the criteria used during the recruitment; and,

(c) what measures are in place to ensure fair and equitable distribution of the available vacancies nationally.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Narok South District was allocated 11 slots and the candidates competed for the slots for each division. The distribution was as follows:- Mulot and Ilmotiok Division got four slots; Loita Division - one slot; Mara Division - two slots, Ololunga Division - two slots and Osupuko Division - two slots.

(b) The criteria used to determine the number of those recruited into the Armed Forces is based on the Armed Forces policy and regulations on recruitment, which have been repeated in this House from time to time and have not changed.

(c) The measures in place for the fair and equitable distribution of the available vacancies nationally is that personnel are recruited equitably countrywide down to divisional level based on the ratio of regional representation in the military to that of the whole country.

Mr. ole Lankas: Mr. Deputy Speaker, Sir, the Assistant Minister has not answered my Question properly. I asked for the list of those recruited and not the distribution per division as per his reply.

Mr. Musila: Mr. Deputy Speaker, Sir, since the names are not many, I can read them out. Eleven people were recruited in Narok South as follows:-

In Osupuko Division, Gedion Memus Kash (male) and Diana Nelson Sandera (female) were recruited while in Mara Division, Rono Wesley (male) and Kibet Wesley Lagat (male) were recruited. In Loita Division only Gedion Kipkorir Lagat (male) was recruited. In Ololunga Division, Kiprotich Lagat and Totona Kigen, all male, were

recruited while in Mulot Ilmotiok Division, Erick Mutai Kipngetich , Stanley Ngelech Kipkoech, Kiplagat Evans Too and Sitienei Kiprono Barnabas, all male, were recruited.

Dr. Khalwale: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us what measures he is taking to stamp out corruption? We understand that for some of these youths to be recruited, the parents have to pay from Kshs50,000 to Kshs70,000!

Mr. Deputy Speaker: Order, Dr. Khalwale! You are not doing justice to the Question and the Questioner! Ask a supplementary question in line with the content of the hon. Member's Question!

Dr. Khalwale: Mr. Deputy Speaker, Sir, the recruitment of Kenya Army personnel is not limited to this particular district. It is a general exercise. I believe that, like all other districts in the country, Narok South District also suffered from cases of corruption. What is the Assistant Minister doing to stamp out this problem?

Mr. Musila: Mr. Deputy Speaker, Sir, the issue of corruption has been spoken about with regard to the recruitment of military personnel, police and other forces. However, the Government is always appealing to the public to report all cases of corruption. Where such cases have been reported, they have been dealt with. I would like to caution that some bogus people, purporting to be the military personnel, have been collecting money from innocent Kenyans. We have always asked members of the public to report any case of corruption, because we exercise the policy of zero tolerance to corruption in the military. Whenever such cases have been reported, we have dealt with them firmly.

Mr. Mungatana: Mr. Deputy Speaker, Sir, this Parliament has voted huge budgets to that office for computerization of Government functions; the e-government project. Could the Assistant Minister confirm or deny whether, in fact, the Department of Defence (DoD) has been resisting computerization because hon. Members will know the imbalances in recruitment of the officers? We know that they have been resisting! Could he tell us when they will computerize so that this information will be in the public domain? That way, we will not have to ask questions to know the truth.

Mr. Musila: Mr. Deputy Speaker, Sir, the hon. Member has asked me to confirm or deny whether the military has resisted computerization. I deny in the strongest terms possible because the military is one of the most computerized institutions in this Government.

(Applause)

Mr. ole Lankas: On a point of order, Mr. Deputy Speaker, Sir. From the list that the Assistant Minister has just read out of the 11 slots that were allocated to the district, only two are indigenous. Could he explain the discrepancy?

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. In denying that Mr. Mungatana is---

Mr. Deputy Speaker: Order! There is a question! Wait until the Assistant Minister answers it!

Mr. Musila: Mr. Deputy Speaker, Sir, I want to respond to the question asked by my good friend and former colleague, Mr. ole Lankas.

An hon. Member: A former colleague?

Mr. Musila: Yes! Mr. ole Lankas was a very good district commissioner.

Mr. Deputy Speaker, Sir, I want to agree with the hon. Member that, out the number of those who were recruited in Narok South, only two were from the dominant community. I think that is the preferred terminology rather than “indigenous”! Dominant community! I do agree and want to say that, that has been noted. Incidentally, our attention was drawn to that anomaly after the recruitment had been done and letters of appointment had been issued. Nevertheless, I want to emphasize that the officer who conducted the recruitment exercise followed the instructions. All those who were recruited were residents of Narok South. They hold identity cards showing that they are from Narok South. However, we realize that in order to have some equity, it is right that we exercise some caution in future to ensure that we recruit people proportionate to the population in question. Therefore, I want to assure Mr. ole Lankas that, that has been noted and we will ensure that in future, before any officer starts recruiting, he will have been made aware of the percentages of population in a district so that in recruiting for whatever slots are made available, they will be shared proportionately to the population of the people resident in that district. That will not only be in Narok South, but throughout the country. I want to assure this House that, in future, we will do that.

(Applause)

Mr. ole Lankas: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has said that they realized that there was a problem after the recruitment was done. But I want to confirm to this House that, when I personally went to see the Minister when the recruitment was still going on, he promised to carry out investigations and take the necessary action. So, I reported this matter before the recruitment ended. Could the Assistant Minister table the findings of his investigations and tell the House what actions he took after that?

Mr. Musila: Mr. Deputy Speaker, Sir, I confirm that, indeed, the hon. Member reported the matter. Investigations were carried out but, as I said earlier, if he listened carefully, by the time we discovered that error or anomaly, it was already too late to make any corrections because letters inviting the recruits to report had already been issued. You will agree with me that those people are Kenyans. They are residents of Narok South and it would have been unfair to withdraw the letters. Therefore, that is why we took the action of giving that assurance to the hon. Member. We even went further to issue guidelines to future recruiting officers. They will have to take into account the population of the people residing in an area, so that they can share. So, Mr. ole Lankas’s reporting was not in vain because we have taken corrective measures. I have assured this House that, in future, the population of the residents of the areas of recruitment will seriously be taken into account.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. I stand under Standing Order No.82 which requires that the Assistant Minister be responsible for the accuracy of what he is stating. The Assistant Minister has stated that his Ministry is not resisting computerization of the services. Could he confirm to the House whether, indeed, his Ministry has a website and when is the last time they posted the names of the recruits on the website?

(Applause)

Mr. Musila: Mr. Deputy Speaker, Sir, when you have a website, as the hon. Member knows, you deposit in it whatever information you think is necessary. In our view, indeed, it would not be in our national interest to post on our website information showing how many people we recruit. It is a matter of national security! You cannot say in your website, how many soldiers you have. That will be giving an advantage to your potential enemies!

(Applause)

Mr. Deputy Speaker: Mr. ole Lankas, the last question on this!

Mr. ole Lankas: Mr. Deputy Speaker, Sir, the Assistant Minister has just confirmed that there was an anomaly in the recruitment of officers in Narok South. The only thing he is doing is assuring us that, in future, that is not going to happen. There are some people outside there who lost unfairly. Could he tell this House what he is going to do about those who lost unfairly because of the anomaly that occurred due to the negligence of his recruiting officers?

Mr. Deputy Speaker: Mr. Assistant Minister, I just want to draw your attention to the last part of your answer, in which you were very explicit. I think you owe the House an explanation that, essentially, is in line with where you put it. You said that measures are in place for a fair and equitable distribution of the available vacancies nationwide. Then, you have accepted and said that, indeed, this was not done this time around.

Mr. Musila: Mr. Deputy Speaker, Sir, I want to emphasize here that in Narok South as, indeed, in every district, we recruited people based on identity cards. If you produced an identity card of district A, you belong to that district. But I want to confirm that we are now being sensitive to the issue Mr. ole Lankas is raising; that some communities are larger than others. Therefore, when we are distributing those slots, we should take into account the population. This is a matter that has not, in the past, been seriously put into account. I am assuring the House that, in future, we will be issuing guidelines to the recruiting officers. We will be giving them the population of every community in a given district so that, when they go, they will be able to distribute those slots proportionately.

Mr. J.M. Kamau: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! A point of order is not a point of difference. What is not in order about the answer that he is giving? What is your point of order? You rise on a point of order if the Assistant Minister is misleading the House.

Mr. J.M. Kamau: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to say that all those who were recruited were from the same district while in other areas like Kandara, people were told to go to Kigumo District?

Mr. Musila: Mr. Deputy Speaker, Sir, I have a lot of respect for my friend Mr. M. Kamau but I have not understood his point of order. For his benefit, we said that the Office of the President supplies us with the names of divisions that form a district so that when we go to a district to recruit, we have already been directed by the Office of the President and particularly the Ministry of State for Provincial Administration and Internal Security. Therefore, we follow the Office of the President's instructions accordingly.

Mr. Mungatana: On a point of order, Mr. Deputy Speaker, Sir. We are not fighting in this House but we are trying to make this country better. I am standing on a point of order under Standing Order No.82 on the veracity of the statement of the Assistant Minister and I want him to understand me well. When the military, the police or any disciplined forces, are having a passing out parade, their numbers are given. Internationally, the conventional forces of each country and how they stand is listed. When he says that the military is computerized, and we know that it is not, when did they last post those numbers? We are not fighting with the Government!

We are asking whether the Assistant Minister is going to undertake to this House to make the military more open and let us have those numbers so that Kenya can be better. Let us not throw the cloud of national security over everything. We want this country to move forward. Is he in order?

Mr. Musila: Mr. Deputy Speaker, Sir, I am quite in order! I have said and I want to repeat it here---

Mr. Deputy Speaker: Mr. Assistant Minister, you are at liberty to answer that but even with the Standing Orders, you cannot divulge information that is of a sensitive nature and touches on national security.

Mr. Musila: Mr. Deputy Speaker, Sir, let me I assure the House that as leaders, for example, if Mr. Mungatana wants any information, he can come and we shall give him the information that he wants. He will see the computers that we have in our Ministry. It is better for Mr. Mungatana to get the information that he requires than for me to announce to the world how many forces we have.

Mr. ole Lankas: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order, Mr. ole Lankas! Much as the Chair does sympathize with you over this issue, I think the Question has received enough attention. What is your point of order?

Mr. ole Lankas: On a point of order, Mr. Deputy Speaker, Sir. The Minister has said before this House that there was a mistake. We are talking about equitable distribution of resources and fairness in this country. There are people who lost out unfairly. Would I be in order to ask the Assistant to go back and do enough investigation on this matter because I still think that some people lost unfairly? So, when he says that people have already been recruited, I want to request that this Question be given the necessary seriousness that it deserves so that as for those who lost out unfairly, their plight should be addressed again.

Mr. Deputy Speaker: Mr. Assistant Minister, whereas the Chair appreciates the answer, it is common knowledge that you cannot have people recruited from Garissa if their names are, Mutua, Mwangi, Kamau and Omondi! This is not a tribal issue but a serious issue! It is understandable from the names that the dominant community in Narok South District was left out in excess of 80 per cent of the people who were recruited. You owe this country and this Parliament an answer that shows that you are serious in your business.

Mr. Musila: Mr. Deputy Speaker, Sir, I have been very serious. As I said, we took appropriate and immediate action to investigate. It was not a mistake but an anomaly because the dominant community did not get its rightful share. I did assure the hon. Member and the House that in future, not only in Narok South District, whenever there is more than one community residing in an area, we will ensure that before recruitment, we

will get the population of those areas and we will guide the officers accordingly. In this case, we had not guided them, but through Mr. ole Lankas' complaint, we shall be more careful in future. There is no more seriousness than that. This Ministry has taken a very serious view of that matter and we are reviewing that policy but we recruited Kenyans who are residents of Narok South District in the end.

Mr. Deputy Speaker: Mr. ole Lankas, I think the Assistant Minister has given a fairly good answer in light of the circumstances. Indeed, his office is open to you to seek the remedial measures that he is talking about.

Next Question, Mr. Anyanga!

Question No.120

ESTABLISHMENT OF FISH/LEATHER
INDUSTRIES IN NYATIKE

Mr. Anyanga asked the Minister for Industrialization what plans the Government has to establish leather and fish industries in Nyatike District.

The Minister for Industrialization (Mr. Kosgey): Mr. Deputy Speaker, Sir, I beg to reply.

Through the Kenya Government Support Programme, the Kenya Industrial Research and Development Institute (KIRDI) has put up a fish and leather processing plant in its Kisumu Western Region Centre for demonstration, training and technical support. The leather processing plant can also process hides and skins besides fish skin. Similar pilot plants will be replicated in Homa Bay, Migori and Nyatike in the Financial Year, 2009/2010. A baseline survey has been undertaken in Homa Bay and another one will be undertaken in Migori and Nyatike districts. The actual locations of the plants will be determined by the survey.

Currently, indications show that the first demonstration plants will be at Sori. Fish landing sites in the district are being improved. There are 31 landing sites in that district. Sori Landing Site has been given the first priority since it lands the bulk of the fish catches in that area. Work is ongoing for the establishment of a gold-chain facility which includes an ice plant, cold room, weather treatment facilities, fresh and waste and fish auction centres. The development of this facility is being undertaken on a pilot project that will roll out to other budding sites in the district. On completion, the improved facilities will avail opportunities for staffing up of fish industries for further value chain addition.

Mr. Anyanga: Mr. Deputy Speaker, Sir, I wish to thank the Minister for the answer he has given. I have a document here with me showing a sum of Kshs300 million that was factored in the 2008/2009 Budget for this particular project. Could he explain to this House how this money was spent?

I beg to table it!

(Mr. Anyanga laid document on the Table)

Mr. Kosgey: Mr. Deputy Speaker, Sir, during the last Budget, the Minister for Finance indicated that the Government was going to spend Kshs300 million in what we call value chain addition to process a produce. This included leather, honey, cotton, pyrethrum, coffee and we have included coconut since the Coconut Development Authority (CDA) made a request. This money was not meant for one product or fish leather, as is in this case. It was meant for these six products. In Kisumu, a sum of Kshs20 million has been spent in setting up the fish leather processing plant. This plant can also process other hides and skins in Kisumu. We anticipate that in the next financial year, a further Kshs40 million will be spent in Nyatike and Migori districts.

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

Mr. Kosgey: Mr. Deputy Speaker, Sir, I am just trying to explain how the money was spent.

Mr. Deputy Speaker: Mr. Deputy Speaker, Sir, what is your point of order, Mr. Anyanga?

Mr. Anyanga: Mr. Deputy Speaker, Sir, the Minister is not being clear on---

Mr. Deputy Speaker: Order, hon. Anyanga! In the first place, what you laid on the Table of this House is a copy of the HANSARD. You cannot table a copy of the HANSARD. You can only state the facts as indicated. This is a property of the House itself.

So, proceed and ask your point of order!

Mr. Anyanga: Mr. Deputy Speaker, Sir, this money was meant for a fish processing plant. The Minister is not answering my question. He is avoiding it. Could he explain how this money was spent?

Mr. Kosgey: Mr. Deputy Speaker, Sir, I said the money was not meant for one produce. It was meant for value chain addition for leather, honey, cotton, pyrethrum, coffee and coconut. Some of the money has gone into honey processing in Marigat. We are supporting revival of the processing of cotton. We are also supporting value addition of pyrethrum products and coffee. Last month, we also started working on coconut.

Mr. Pesa: Mr. Deputy Speaker, Sir, I appreciate the answer given by the Minister. The youth of this country deserve better attention than what I am getting from him. We need to create employment for the youth, so that our youth can do meaningful work for our country. Development of industries is very much important in absorbing youth who are currently unemployed. During this financial year, two factories were earmarked to be started in Migori District. Could he tell us, out of the Kshs300 million, how much has been spent in Migori and Nyatike districts to ensure that we get industries in that area? Our youth needs to get employed.

Mr. Kosgey: Thank you, Mr. Deputy Speaker, Sir, I appreciate the sentiments expressed by the hon. Member, particularly with regard to the employment of youth. We have not spent money in Nyatike and Migori districts so far. It is another Ministry improving the landing site. As I said, this is as a consequence of what is being done. The next will be a follow up of value addition of all fish products, including fish skin.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I would like the Minister to tell the House how money meant for Nyatike and Migori districts in Nyanza Province would end up in Marigat. We have had this phenomenon of funds being diverted. I say so, because I have been a casualty. Funds meant for a road in Babaton for tarmacking was diverted to another province. What is he doing to ensure that this phenomenon does not continue?

Mr. Kosgey: Mr. Deputy Speaker, Sir, as I said, this Kshs300 million was meant to cover six products. Some of it was supposed to be spent in Nyatike and Migori districts. About Kshs20 million was spent in Kisumu to set up a factory. It was on realization that we need to convert our research findings into actual production and hence what Kenya Industrial Research and Development Institute (KIRDI) has been doing on fish leather, hides and skins. We need to actually go into production, so that we can benefit from the technology they have developed.

Mr. Deputy Speaker, Sir, this money was provided in the Budget to cover Kisumu, Nyatike, Migori, Koibatek and Malindi districts where we have leather, honey, cotton, pyrethrum, coffee and coconut, among other crops. It was for the first time the Government allocated money for the development of these SMEs to turn actual research findings into productive activities; value chain additions as we call it. There was no diversion of money to Marigat, for that matter, because it was covered in this. Incidentally, not all the Kshs300 million has been released to us by the Treasury. As you know, we have a financial shortfall.

Mr. Anyanga: Mr. Deputy Speaker, Sir, now that the Minister has confirmed that they will factor this money in the 2009/2010 Budget, could he come out clearly and tell us when they will commence construction of the fish processing plant in Nyatike Constituency?

Mr. Kosgey: Mr. Deputy Speaker, Sir, I expect that around October/November subject to issues from the Treasury, we will start the actual building of this demonstration factory. In future, we would like businessmen to come and learn from what we put up, so that they can set up their own factories. We, as a Government, want to go into building of industries. We want to put up something like what we have in Kisumu and what we want to do in Sori, so that investors can actually see. We have a programme called Private Sector Development Strategy through which we want to attract investors who may want to partner with us. This is being worked out under the Public/Private Sector Partnership. A law will come to this House, so that investors, particularly locals, can invest their money and we will pull out as Government.

Question No.163

FINANCIAL STATUS OF KENYA INDUSTRIAL ESTATES

Mr. J.M. Kamau asked the Minister for Industrialization:-

- (a) whether he could explain what became of the Kenya Industrial Estates and table the audited accounts since its inception;
- (b) whether he could give an update on all the projects undertaken by the corporation to date; and,
- (c) state the steps he is taking to return the corporation to optimal operation.

The Assistant Minister for Industrialization (Mr. Muriithi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Kenya Industrial Estates (KIE) is operational and is conducting business through 28 branches countrywide. As at the end of March, KIE had a staff complement of 185 and total assets worth Kshs855.6 million.

Mr. Deputy Speaker, Sir, KIE was started in 1967 and the audited accounts, from 1967 to 1997, are already part of records of this House. So, with the concurrence of the Questioner, I beg to table the audited accounts from 1998 to 2008.

(Mr. Muriithi laid the documents on the Table)

(b) The KIE has, since 1967, provided credit to 30,468 entrepreneurs to the tune of Kshs2.7 billion. In fact, some of the most successful companies in this country have been incubated by KIE. Examples are East African Spectre, Mastermind Tobacco, Haco Industries, Kuguru Foods, Mareba Tiles, Farm Engineering in Kisumu, Polythene Industries in Mombasa, Makina Textiles in Meru among many other companies. The KIE has trained well over 228,000 indigenous entrepreneurs in specific hands-on training such as tanning leather products and so on, as well as business management.

(c) The Ministry has taken many concrete steps to ensure that KIE is expanded. The KIE has been “lumped up” so that we can achieve the stated objective of this country being industrialized by the year 2030.

So, Mr. Speaker, Sir, we have got in private sector management. We have engaged technical advisors from United Nations Development Programme (UNDP) to help to improve the strategy of doing business. We have, in fact, also undertaken measures to rehabilitate existing estates as well as to focus on constituency industrial development centres, which we are piloting with UNDP.

Mr. Deputy Speaker, Sir, we have placed a proposal to the Treasury to fund the business this year to the tune of Kshs548 million. We have also asked the Cabinet for an approval to restructure the balance sheet of that business so that, in the coming financial year, we might issue an industrial bond that will be used to further provide resources for lending by KIE.

Mr. Deputy Speaker, Sir, we have also come up with proposals, that are at an advanced stage, to get additional funding resources from a line of credit from the Government of India to the tune of Kshs4 billion.

Thank you, Mr. Deputy Speaker, Sir.

Mr. J.M. Kamau: Thank you, Mr. Deputy Speaker, Sir. I thank the Assistant Minister for attempting to answer this Question. But according to the Government of the day, the idea to start the KIE was to indigenize industrialization in this country. Could the Assistant Minister, therefore, quantify the success of that noble intention, given that most of the industries in this country are foreign-owned?

Mr. Muriithi: Mr. Deputy Speaker, Sir, it is true that the KIE was started for the purpose of assisting indigenous entrepreneurs to set up small- scale industries. It does so by providing industrial sheds, finance and technical services.

Mr. Deputy Speaker, Sir, I indicated to the House - allow me to repeat - that in the years of its existence, we have worked with 30,000 entrepreneurs. I have also mentioned to the House, Kenyan companies owned by indigenous people in this country; Fishmeal Manufacturers in Homa-Bay, Trimbon Engineering in Nakuru, Farm Engineering in Kisumu, Specialized Towel Manufacturers, Joy Bathrooms, Incas Health Foods, all owned by indigenous Kenyans.

Mr. Ethuro: Mr. Deputy Speaker, Sir, indeed, KIE sent agents to Turkana in the year 2007, a programme which I launched. We expected about 200 people to be given

loans but, up to now, they are yet to disburse those loans. How many of them, Mr. Assistant Minister, have been given loans from KIE, if you think it is that optimally operational?

Mr. Muriithi: Mr. Deputy Speaker, Sir, I am quite certain I did not say that the KIE is operating at optimum levels. It is not! The KIE should have a portfolio of Kshs1 billion a year for us to consider it as operating optimally. So, it is not!

But, Mr. Deputy Speaker, Sir, in the last financial year, we provided Kshs258 million for lending. We further provided another Kshs200 million to the Women Development Enterprise Fund and the Youth Development Enterprise Fund combined. So, we recognize, as a Government, that the KIE can do better. We are providing resources to ensure that it does better.

Mr. Deputy Speaker, Sir, as to when the specific applicants will be given loans, the KIE must assure itself of the creditworthiness of applications. But we do expect that they do so expeditiously so that people can get the services that they deserve.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I asked a question about the applicants from Turkana District. For you to process documents, people have to look for PIN numbers and they have to spend money! You are telling us that you are waiting for--- How many of those applicants from Lodwar did you give the loans? That was the question, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order, hon. Ethuro! The Assistant Minister came to answer a specific Question. If you wish to have that kind of information, a long standing Member of Parliament like you should put in a Question on that!

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Indeed, the question is very general to the rest of the nation. Look at it:-

“to explain what became of Kenya Industrial Estates---“

That must mean where my good friend, J.M. Kamau, is coming from. It also means what became of the KIE in Turkana and even in Nyando!

Mr. Muriithi: Mr. Deputy Speaker, Sir, I have informed the House quite clearly what became of the KIE. The KIE is operational and it is working in 28 branches. That is what became of KIE!

Mr. Deputy Speaker: Ask your last question on this issue, hon. J.M. Kamau!

Mr. J.M. Kamau: What is the Ministry doing to create awareness so that people may know that the KIE exists? For instance, how does an avocado farmer in Kandara know that the KIE exists?

Mr. Muriithi: Mr. Deputy Speaker, Sir, I think we should commend the Questioner for asking this Question. We should also laud the House for showing interest in matters of industrialization. This is because if we will be industrialized by 2030, then it will take the concerted effort of all us. I believe that our responsibility, as Members of Parliament, is partly to ensure that our constituents know that the services provided by Government agencies exist. I welcome Mr. J.M. Kamau to assist us to ensure that his constituents know what is being offered by the KIE.

Question No.129

MEASURES TO MITIGATE DROUGHT CRISIS

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

(a) what measures the Ministry has put in place to mitigate the crisis resulting from the poor long rains and inadequate short rains that have caused a severe drought; and,

(b) whether she could outline the plans she has to increase relief food allocation in the area.

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

(a) As a result of poor long rains and inadequate short rains in some parts of the country, the food situation for vulnerable people will be negatively affected. Consequently, the Ministry has put in place several measures to ensure that the affected population gets immediate assistance. In Mandera East Constituency, the measures include:-

(i) Increase of beneficiary numbers in the ongoing Emergency Operations Programme (EMOP) to ensure that needy people receive the required assistance. The number has been increased from the previous 117,791 to the current 123,510. Since Mandera East is part of the larger Mandera District, it will benefit from this increment. I have attached a table to the written reply.

In addition, the World Food Programme (WFP) and its partners will introduce protection rations to help malnourished children in the urban areas starting with Mandera Town by the end of this month. About 2,000 people are expected to benefit from this programme.

(ii) Apart from the EMOP, there is also the school-feeding programme that is benefiting 72,441 school children in the larger Mandera District. In Mander East District, the programme is benefiting 29,639 school children.

(iii) The Government regularly provides additional food to people not covered under the EMOP. See the attached table.

(iv) Other non-food interventions in sectors like water, education, health and livestock are being undertaken by the line Ministries.

(b) As mentioned above, the Ministry is working with the WFP to provide assistance to food insecure populations through the EMOP. The number of targeted beneficiaries can only be reviewed in line with the changing food security situation. This is done by conducting food security assessment in districts where the food situation is poor. If the assessment confirms a worsening food situation in a given district, then more people are targeted by increasing relief supplies provided. The number can be reduced if the situation improves and people's livelihood restored.

Mr. Ali: Mr. Deputy Speaker, Sir, while I appreciate the answer given by the Minister and given the fact that she has confirmed the seriousness of the drought in the northern part of Kenya, could she tell us the permanent solutions her Ministry has to alleviate poverty in that region?

Dr. Shaban: Mr Deputy Speaker, Sir, that question should be a substantive Question. It should be addressed to the Ministry of Development of Northern Kenya and other Arid Areas.

Mr. Chachu: Mr. Deputy Speaker, Sir, when we talk about drought and its management in northern Kenya, I think the whole policy of targeting this part of the country does not apply in a pastoral area where people are dependent on livestock.

Somebody who has 100 cows or 2,000 goats is more dependent on relief services more than a person without livestock. This is because the person who has a lot of livestock, due to the horrible situation, has to get water and pasture for his livestock. He will move from one place to another without making some income for the family. We should go for blanket distribution of aid because the whole livelihood is fragile and perturbed. What will the Minister do to ensure that northern Kenya benefits from blanket targeting instead of targeting a few households?

Dr. Shaban: Mr. Deputy Speaker, Sir, providing food to the suffering people of Kenya requires enough finances. As the situation is now, we are trying to make sure that every part of the country is covered, especially the Arid and Semi-Arid Lands (ASALs). I have to work within the budgetary allocations that I have been given. I cannot go beyond those allocations.

Mr. Letimalo: Mr. Deputy Speaker, Sir, while we appreciated the Government's effort to distribute food to the drought-stricken areas, the food supply is not only too little, but also takes too long to reach these areas. What has the Minister done to avoid the delays and ensure that the food reaches the people in good time?

Dr. Shaban: Mr. Deputy Speaker, Sir, I do not have a particular answer to that question. This is because sometimes the food is within the district, but the DSGs, under the District Commissioner's chairmanship, have been unable to distribute it. I am struggling to have my own co-ordinators or people who can be answerable to my Ministry and who can take full responsibility for the distribution of relief food.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, as we speak here, there is a serious problem in the entire lower Eastern Province and more so, Ukambani region. This is because of the failed short rains. I would like the Minister to confirm whether, this time round, the Government is in a position to supply adequate relief food to all primary schools. Does the Ministry have enough funds to cater for this?

Dr. Shaban: Mr. Deputy Speaker, Sir, through the EMOP, we have scaled up relief supplies. Whereas earlier on we were only feeding about 1.4 million grown-ups, the figure has now shot up to 2.6 million people. The School Feeding Programme (SFP) has also been scaled up. Unless I go and check in our records when the hon. Member asks a Question about Eastern Province, especially Ukambani area, I cannot give you right now the figures of the distribution of relief food. Generally, we have scaled up the distribution.

Ms. Noor: Mr. Deputy Speaker, Sir, we appreciate the challenges and financial constraints the Ministry faces as it attempts to reach all the affected people. However, global warming is with us in a big way. Drought is not a new phenomenon in this country and we have not changed the situation by supplying relief food. Could the Minister tell us what long-term plans the Government has in order to solve drought- and flood-related problems in this country?

Dr. Shaban: Mr. Deputy Speaker, Sir, first and foremost, the Government has decided to change from rain-fed agriculture to irrigation. Most of the irrigation schemes in the country are being revived. Apart from that, there are a number of dams which will be built all over. In the first phase, about six big dams will be built. More dams will be built in the next financial year so that we can stop depending on rain-fed agriculture. Certainly, that will improve the food security in this country.

Mr. Ali: Mr. Deputy Speaker, Sir, the Minister has said that the proposed target is 75 per cent. She has given a figure of 123,000 for the larger Mandera. This is only a third of the population of Mandera District. When will the 25 per cent get food from?

Dr. Shaban: Mr. Deputy Speaker, Sir, the 123,510 are actually going up. There is another 2,000 for the larger Mandera. Then there is food for the School Feeding Programme (SFP). The SFP is benefiting 72,441. All those are supposed to be part of the populace of the larger Mandera District.

Mr. Deputy Speaker: Next Question, Mr. David Njuguna!

Question No.098

ESTABLISHMENT OF FULL DISTRICT POLICE
HEADQUARTERS IN LIMURU TOWN

Mr. Njuguna asked the Minister of State for Provincial Administration and Internal Security what immediate and specific arrangements the Government has in place to establish a full District Police Headquarters in Limuru Town (headquarters of Kiambu West District) in view of the recent creation.

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

Kiambu West District was carved from the former larger Kiambu District. The Police Department has acquired an undeveloped piece of land L.R.No.286. However, the proposed site has no existing amenities in its current form to operationalise a full police divisional headquarters?

The logistics needed to establish the divisional headquarters require an enormous budget. As such, it must be properly budgeted for in the annual Government Budget.

Mr. Njuguna: Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for very ably replying to this Question. However, I would like him to note that this plot was not acquired by the Police Department just the other day. It has been there for the last 31 years. I recall that the former Minister for Provincial Administration and Internal Security, Mr. Michuki, visited this site. Therefore, I would like him to indicate as to why the Ministry has not shown adequate seriousness in developing this facility in order to enhance security in Kiambu District.

Mr. Ojode: Mr. Deputy Speaker, Sir, we are very serious. We are thinking of allocating some funds in the next financial year's Budget in order for us to have some infrastructure. Once we get the funding, we will be able to construct staff houses of Category E, totaling 30 units. We need to have an office building. We need to equip those offices with communications equipment. So, I think we will be able to allocate some money in the next financial year in order for us to start the construction work.

Mr. Deputy Speaker: Mr. Njuguna, are you satisfied?

Mr. Njuguna: Mr. Deputy Speaker, Sir, I am delighted with the additional information that the Assistant Minister has given. Again, I express my appreciation for the continued positive replies he has given in this House.

Mr. Deputy Speaker: If you are happy, then we can proceed to the next Question!

Mr. Njuguna: Mr. Deputy Speaker, Sir, finally, I would like to request the Assistant Minister to indicate the kind of remedial measures he is likely to put in place, because the current Officer Commanding Police Division (OCPD), Kiambu, is serving five different districts, namely, Kikuyu, Limuru, Githunguri, Lari and Kiambaa districts. The kind of service that he is giving today is not really effective because of the vastness of the area.

What is he likely to do between now and the next financial year? In particular, we are approaching *Madaraka Day* and the services of the OCPD are required in every occasion. For that matter, how will he make sure that services are extended to the five districts from the same office?

Mr. Ojode: Mr. Speaker, Sir, the OCPD has a vehicle. He is mobile. He is capable of visiting all the districts that have been curved out of the original district. We will beef up security in terms of increasing the number of security personnel. Hopefully, that will be of assistance to that particular area.

Mr. Deputy Speaker: Next Question, Mr. Erastus Mureithi!

Question No.168

RAMPANT INSECURITY ALONG
GILGIL-NYAHURURU ROAD

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

(a) whether he is aware of the rampant insecurity along Gilgil-Nyahururu Road which has resulted in an attack last week by highway robbers of a motor vehicle belonging to Nyandarua West District Officer I as well as the killing of a Police Corporal around February, 2009; and

(b) what urgent steps he is taking to restore and improve security in the region.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I seek the indulgence of the Chair to defer this Question to Thursday, next week, because the answer that I have does not have some statistics, which I require in order for me to answer the Question elaborately.

Mr. Deputy Speaker: So, you are not happy with the answer you have and you want to get a better one?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, that is correct. We had also agreed with the Questioner that we can do it on Thursday, next week.

Mr. Deputy Speaker: Very well! The Question is deferred to Thursday, next week.

(Question deferred)

Next Question, Mr. Ethuro!

*Question No.111*UTILIZATION OF LATF MONEY ALLOCATED TO
TURKANA/LODWAR LOCAL AUTHORITIES

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

(a) how much LATF money has been allocated and actually disbursed to Turkana County Council and Lodwar Municipal Council, since inception of the programme;

(b) whether he could give the actual variances and the reasons between the allocations and the disbursements per council, per year;

(c) whether he could table the number and type of projects (including bursaries and salary arrears) started with the Fund money, specifying their completion status and indicating the location; and,

(d) whether he could tell the House how much of the Fund money has been used in retiring debts and bursaries per annum.

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

(a) Since the inception of the Local Authorities Transfer Fund (LATF) programme, a total of Kshs480,398,748 was allocated to the Country Council of Turkana. The total disbursement amounted to Kshs372,922,017. For the Municipal Council of Lodwar, a total of Kshs78,782,763 was allocated and Kshs60,032,205 was disbursed.

(b) The difference between the allocated amounts and the actual disbursement is due to penalties, which arose as a result of lack of submission of budget and quarterly reports by the councils. The penalties amounted to Kshs9,417,190 and Kshs3,381,936 for the county council and the municipal council respectively.

(c) I hereby table a detailed list of projects undertaken by LATF for the Turkana County Council. The County Council of Turkana has used the following amounts of money for bursary and debts resolution---

Mr. Deputy Speaker, Sir, this is a long table. I seek the indulgence of the House to table it.

Mr. Deputy Speaker: Just table it!

The Assistant Minister, Office the Deputy Prime Minister and the Minister for Local Government (Mr. Nguyai): Mr. Deputy Speaker, Sir, I will table it. The total bursary disbursement was Kshs35,739,682. I have not done the total for the debt, but the table is here.

(Mr. Nguyai laid the documents on the Table)

Mr. Ethuro: Mr. Speaker, Sir, I want to thank the Assistant Minister for a very elaborate answer.

Mr. Deputy Speaker: For purposes of answering the Question, he is a Minister! Do not insist on Assistant Minister.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I am in total conformity with the ruling. I was only being more explicit and appreciating that he is a new one.

Mr. Deputy Speaker, Sir, this Government has a problem of errors. We have been told that the Office of the Deputy Prime Minister and Ministry of Finance had errors in the Supplementary Estimates. Indeed, there were, at least in the initial one. My new Assistant Minister also cannot count the figures. Total allocations for the County Council of Turkana was Kshs480 million, if I may just give gross figures. The differential is accounted by penalties. The variance in respect of Turkana County Council is Kshs107 million, but the penalties account for Kshs9 million. In effect, over the last ten years, Turkana County Council has lost Kshs10 million per annum.

It has also spent Kshs25 million on debt reduction. First, could the Assistant Minister check the figures? Since I trust my figures more than his, I will allow him to get away with it as long as he convinces me.

Mr. Deputy Speaker, Sir, the fundamental question is: How can a local authority be losing money because of penalties as a result of failure to submit the budget and quarterly reports, which is the job of the chief technical officers who are appointed by the Minister? What has he done to penalize such officers for failing to submit the budget and the reports in good time? That has resulted in a massive loss of money in the poorest district in the country. The county council lost Kshs107 million and Lodwar Municipal Council lost Kshs18 million. That amounts to almost Kshs130 million loss.

Mr. Nguyai: Mr. Deputy Speaker, Sir, first, I must concede that there is an anomaly in the figures. I will obviously investigate why there is such an anomaly between Kshs9 million and Kshs107 million.

An hon. Member: A computer error!

Mr. Nguyai: Mr. Deputy Speaker, Sir, it may not necessarily be a computer error, but I will cross check that. More substantially, the penalties that are imposed on the councils are as a result of their negligence. However, when it comes to the individual officers, there are certain disciplinary and corrective measures. Some town clerks and chief officers have been either interdicted and others have been deployed to other administrative duties. I do not have the specific details here, but we are taking serious remedial action in every single instance where we have a non-performing council.

Dr. Kones: Mr. Deputy Speaker, Sir, what are the specific uses of LATF? Are there specific functions or projects that are funded by the Fund?

Mr. Nguyai: Mr. Deputy Speaker, Sir, first, LATF is a devolved Fund. It is channeled through the councils. Normally, there are meetings with the stakeholders within the various localities. Generally, the Fund is meant for specific development projects that are prioritized. They range from bursaries to developing infrastructure such as building schools to enhancing road projects. There is a whole array, just like in the CDF, within LATF. Sometimes, LATF has been used to pay recurrent expenditure within the councils.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, if you look at the answer, you will find out that Kshs480 million had been allocated to the Lodwar Municipal Council, but only Kshs372 million was released. That leaves a difference of Ksh107 million. Likewise, if you go to the county council down there, you will find that Kshs78 million was allocated, but only Kshs60 million was released. This is not in dispute because this answer is from

the Assistant Minister. If those funds were not released to the local authority and the penalty is a mere Kshs12 million, where did those funds go to?

Mr. Nguyai: Mr. Deputy Speaker, Sir, first and foremost, within that discrepancy, you know that, sometimes, funds can be allocated, but the money is not available for disbursement immediately. As we know, the last tabulation that we had for the last quarter of this year was done within the last one week. It was tabulated even in the local dailies. Since this figure is substantial, I want to conduct more investigations and give a more specific answer, so that it can be satisfactory to the hon. Member.

Mr. Deputy Speaker: Are you requesting the Chair to defer this Question to another day?

Mr. Nguyai: Mr. Deputy Speaker, Sir, particularly, pertaining to the discrepancy in that figure.

Mr. Deputy Speaker: The Question is whole! You do not have a sub-section of the Question coming in and another sub-section being deferred to a different time. Are you requesting that the Question be deferred?

Mr. Nguyai: Mr. Deputy Speaker, Sir, in that instance, I do humbly request the Question to be deferred.

Mr. Deputy Speaker: Order! Under the circumstances, are you in agreement with that, hon. Member?

Mr. Ethuro: Mr. Deputy Speaker, Sir, I can never agree more to that, especially--

Mr. Deputy Speaker: Order! The Question is deferred to Tuesday next week.

(Question deferred)

Order, hon. Members! Hon. Members, today being a Private Members Day, the Chair directs that Questions No.027, by hon. Were, No.060 by Dr. Kones and No.048 by hon. Mwakulegwa be deferred to tomorrow afternoon. Questions No.152 by hon. Mwiru, No.179 by hon. Waititu and No.183 by hon. Mwaita to be deferred to Tuesday next week.

Question No. 027

DISMISSAL OF MR. CHARLES TABUCHE
FROM KENYA POLICE FORCE

(Question deferred)

Question No. 060

DELAYS IN DISBURSEMENT OF FREE PRIMARY

/SECONDARY EDUCATION FUNDS

(Question deferred)

Question No.048

OVER-STOCKING IN TAITA DISTRICT RANCHES

*(Question deferred)**Question No.152*NON-PAYMENT OF HARDSHIP ALLOWANCE TO CIVIL
SERVANTS IN THARAKA DISTRICT*(Question deferred)**Question No.179*CONVERSION OF OUTER RING ROAD
INTO DUAL CARRIAGEWAY*(Question deferred)**Question No.183*

REPAIR OF TENGES-KABARNET ROAD

*(Question deferred)***Mr. Deputy Speaker:** Next order!**POINTS OF ORDER**

KILLING OF 43 PEOPLE IN KIRINYAGA

Ms. Karua: Mr. Deputy Speaker, Sir, I rise to request for a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security. The Minister should explain to Kenyans, as a matter of urgency, the circumstances in which 43 people lost their lives in Kirinyaga District; 25 of them died in the month of April. They all died from being slashed with pangas, while 18 of them died in the month of May. They all died by hanging and all of them were being buried within a day or two days at the very most.

The residents of Kirinyaga, especially in the areas that are affected in Kirinyaga Central and Ndia constituencies are living under terror. It is believed that those people died at the hands of people, ostensibly hunting "gangs". In other words, it is suspected that they have all been murdered by vigilantes. I would also like the Minister to indicate in that Ministerial Statement whether the Government is willing to restore normalcy in

the district, or it is leaving the people to live under terror and threats to their lives by those gangs. What action is being taken? What investigations, if any, are being undertaken to find out who are behind the loss of 43 lives? That is separate from those who were massacred in the "Karatina Massacre". I am talking about other deaths. Previously, we believed that it was 14 people. But I now know that they are 43 as of yesterday. I do sincerely hope that nobody has died since yesterday.

Could the Minister, as a matter of urgency, also confirm whether the law has been suspended and whether the Government is, any more, willing to protect human lives and offer security to all the residents?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I will be able to give a Ministerial Statement on this issue on Thursday next week.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. Every time this matter is raised, more insecurity caused by the provincial administration and the police is witnessed in the district. I am requesting the Assistant Minister to reconsider and provide this Statement tomorrow so that he is also able to take the necessary remedial measures. Otherwise, waiting until next week is calling for more loss of life in the meantime.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, the reason I want to give an elaborate Statement next week is in order for me to check what is on the ground. If it is just a question of giving a Statement, I would have stood just now and started giving a Statement which is not fair. I would plead with the questioner---

Mr. Deputy Speaker: The state of insecurity in that particular area has persisted for a long time. It is not something that started yesterday!

Hon. Assistant Minister, in view of what the Member is saying, actually there has to be some modesty. If it is death that cannot be explained, that is caused by the people or whatever you may call it, if the Government is not able to deal with it expeditiously, there will be retaliation. Under the circumstances, I think it is only fair that you give a Ministerial Statement tomorrow afternoon!

(Applause)

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I do not want to challenge the Chair. Let me try to bring the Statement tomorrow.

Mr. Deputy Speaker: Order, Mr. Assistant Minister! You are indeed, directed by the Chair to bring the Ministerial Statement tomorrow. I think it is only fair that we take into consideration the sanctity and importance of life.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I will do that.

PRIME MINISTER'S VISIT TO
USA AND REPUBLIC OF IRAN

Dr. Khalwale: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Foreign Affairs. This is in respect of the trip by a delegation led by the Prime Minister, to the United States of America (USA) and the Republic of Iran.

Mr. Deputy Speaker, Sir, I would like the Minister to clarify the following.

(1) Was this an official Government visit to these two countries or was it a private political party assignment.

(2) What was the real mission of this delegation to the USA?

(3) Could he confirm that while in the USA, this delegation was not snubbed by the President of the USA? If it was snubbed, what were the reasons for that?

(4) Could he clarify the areas of co-operation between the Government of Kenya and the Government of the Republic of Iran? While clarifying those areas of co-operation, he should tell the House whether he is satisfied that the composition of that delegation reflected the areas of co-operation between these two countries.

(5) What was the cost of this trip to the taxpayers?

(6) Are there any tangible benefits that taxpayers expect to accrue from these two visits?

Mr. Deputy Speaker: I presume that, that will fall in the docket of the Minister for Foreign Affairs.

The Minister for Foreign Affairs (Mr. Wetangula): Indeed, Mr. Deputy Speaker, it does.

Mr. Deputy Speaker, Sir, other than the cost of the trip, I can give the Statement now if you have the time for me. I do not have the figures on the cost of the trip.

Mr. Deputy Speaker: Order, Mr. Minister! Give an undertaking on a date other than today! The tradition is that you give an undertaking and then you---

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, can I give the Statement next week?

Mr. Deputy Speaker: Tuesday next week! So ordered!

Mr. Mungatana, please, proceed!

NOMINATION OF COUNCILLORS AND PUBLIC OFFICERS

Mr. Mungatana: Mr. Deputy Speaker, Sir, I rise to humbly seek a Ministerial Statement from the Office of the Deputy Prime Minister and Ministry of Local Government on nomination of councillors and public officers.

Mr. Deputy Speaker, Sir, on the 22nd May 2009, the Deputy Prime Minister and Minister for Local Government vide Gazette Notice No.5020---

(Loud consultations amongst Ministers)

Mr. Deputy Speaker: Order, Ministers on the Government side! Hon. Ministers, when a Member of Parliament is seeking a Ministerial Statement, the least you can do is to listen! When you keep consulting among yourselves---

Mr. Mungatana, please, proceed!

Mr. Mungatana: Mr. Deputy Speaker, Sir, by Gazette Notice No.5020 and Gazette Notice No.5021, he announced the revocation of nominated councillors and also

announced the nomination of new councillors into various county, town, municipal and city councils. Sixty-five councillors were affected by revocation and 77 affected by the fresh nomination.

Mr. Deputy Speaker, Sir, could the Minister clarify the following issues: -

(1) Why he found it necessary to increase the number of nominated councillors by ten, from 66 to 77 and what were the financial implications of the increase of ten councillors?

(2) Whether the said action was not an unjustified increase in financial burden upon the councils, which, in fact, never requested for the increase of nominated councillors in their councils.

(3) Whether the said Minister should not be surcharged for the unfair increase in the number of councillors and on the subsequent increase on the financial strain on those local authorities.

(4) Whether the Minister, in nominating the new councillors followed the laid down procedure of the Independent Interim Electoral Commission (IIEC). The procedure is that they would distribute those slots in accordance with the performance of political parties in the last General Election in the ratio of three elected councillors for one nominated councillor.

(5) Whether the IIEC wrote to political parties to inform them of their entitlement as per the distributed slots of nominated councillors.

(6) Whether there was a verification exercise that was carried out to check whether the proposed nominated persons by the political parties are in fact, resident registered voters in those local authorities.

(7) Whether the Minister followed the policy to gazette in accordance with the strength of political parties.

Mr. Deputy Speaker, Sir, he should further clarify that he did not abuse his privilege of office to appoint his own political cronies and disregard those people suggested by other political parties.

He should further clarify what he is going to do with the time period the councillors, whom he had de-gazetted and were later returned by court order, served and their salaries.

Finally, he should clarify the proper procedure on the 22nd June 2009 when the 16 month-term for nominated councillors expires.

Mr. Deputy Speaker, Sir, in the same Gazette Notices, there were some inconsistencies as far as the public officers were concerned. The Minister appointed 46 public officers and revoked the appointment of 70 other public officers.

I need three clarifications on that. First, why is there lack of consistency between the 70 whose appointments were revoked and the 46 who were appointed?

Secondly, could he tell us the criteria he has used to determine the people to be named as public officers? Finally, could we know whether he did not abuse his office to appoint his political friends and punish those that do not belong to his political party?

Mr. Deputy Speaker: Mr. Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government, could you give an undertaking when you will give this very comprehensive and elaborate Ministerial Statement sought by the hon. Member?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): Mr. Deputy Speaker, Sir, on Wednesday afternoon?

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

We have one more hon. Member who is seeking for a Ministerial Statement. Yes, Mr. Ethuro.

POLICE BRUTALITY IN KAKUMA

Mr. Ethuro: Mr. Deputy Speaker, Sir, first, I sought a Ministerial Statement two weeks ago from the Minister of State for Provincial Administration and Internal Security on police brutality in Kakuma area. The Chair ordered that the Ministerial Statement be made the same week.

DISBURSEMENT OF MEMBERS' DONATIONS TO IDPS

Mr. Deputy Speaker, Sir, I seek another Ministerial Statement from the Minister of State for Special Programmes on how the Kshs11 million that the hon. Members of this House generously donated to the Internally Displaced Persons (IDPs), was spent. We formed a Committee that was supposed to be involved. I would like to know whether that Committee of the House was part and parcel of the disbursement process. I seek this Ministerial Statement in my capacity as the Chairman of Amani Forum. I attended a public meeting yesterday in Limuru and was given the express mandate by the good people of Limuru Constituency and the IDPs to raise this matter. It is a very grave issue that requires attention not only for Limuru, but the entire country. Although---

Mr. Deputy Speaker: Order, hon. Ethuro! If my memory serves me right and this has been confirmed by the Clerk-at-the-Table, the matter you are asking has been resolved in a Question raised on the Floor of the House. You cannot bring this again both in the form of a Question or Ministerial Statement!

Mr. Ethuro: Mr. Deputy Speaker, Sir, I am guided by the ruling of the Chair. However, I would also like to remind the Chair that I was on a parliamentary business out of the country last week. So, let the matter rest there. However, the Ministerial Statement I sought from the Minister of State for Provincial Administration and Internal Security---

Mr. Deputy Speaker: Order! Hon. Assistant Minister, what about that Ministerial Statement?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I have been holding that Ministerial Statement since last week and the hon. Member has confirmed that I could not have given it because he was out of the country.

Mr. Deputy Speaker: Indeed, yes! The tradition of the House is that a Ministerial Statement cannot be made without the presence of the hon. Member who sought for it!

Mr. Assistant Minister, you can make that Statement!

MINISTERIAL STATEMENT

INVASION OF NAIROBI CITY BY POLICE IMPERSONATORS

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I seek the indulgence of the Chair to allow me to make the Ministerial Statement sought by Mr. Mbugua. I will make the Ministerial Statement sought by Mr. Ethuro in the afternoon.

Mr. Deputy Speaker: Proceed!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, Mr. Mbugua, the Member of Parliament for Kamukunji---

Mr. Deputy Speaker: Order! Is Mr. Mbugua here?

Hon. Members: No!

Mr. Deputy Speaker: Did he, indeed, know that this Ministerial Statement will be delivered today?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Yes, Mr. Deputy Speaker, Sir. He is aware because I had promised to make the Ministerial Statement today morning.

Mr. Deputy Speaker: Hon. Members, when the Government side undertakes that it will make a Ministerial Statement that has been sought by an hon. Member on a given day, it is imperative for the hon. Member to be in the House on that given day unless, of course, there is a pressing parliamentary business outside the country or anywhere else that, that Member is engaged in. The information with us is that Mr. Mbugua did not indicate that he will not be in the House today.

Under the circumstances, we cannot stop the Assistant Minister from issuing the Statement.

Mr. Assistant Minister, proceed and issue the Statement!

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister told me yesterday that he was going to make my Ministerial Statement this morning. He also told me that there was going to be one Ministerial Statement from his office. I am perplexed to hear him talk about a Ministerial Statement sought by another Member of Parliament who is not even here. He gave me an appointment!

Mr. Deputy Speaker: Order! Order! Hon. C. Kilonzo, you do not supervise the work of the Government! You can only talk in as far as the business that is essentially particular to you – the Ministerial Statement that you sought – if it falls on that day. But for you to say that the hon. Assistant Minister had a discussion with you in the morning on the business that he will transact on the Floor of the House is not fair. So, you are out of order!

Proceed, Mr. Assistant Minister!

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is a very good friend of this House and given the fact that he has demonstrated willingness to co-operate with the House, we plead with the Chair to defer this Ministerial Statement to the afternoon when the hon. Member will be present? I plead with the Chair to consider this, given the fact that there are many times when Ministers commit themselves to this House and they come to plead for more time, and we have been generous to give them that extension. This includes my Statement today.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I have about ten Ministerial Statements to make. However, I will make one after the other until I finish by next week.

Mr. Deputy Speaker: For the benefit of the House, Mr. C. Kilonzo, when the Assistant Minister was saying that he has only one Ministerial Statement to make this morning, were you in the presence of Mr. Mbugua? Was that information relayed to Mr. Mbugua?

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, if you look at the HANSARD, you will find that the ruling was that the Ministerial Statement which was requested was to be made this morning. He actually confirmed to me that he will make it this morning. So, as loyal as I am to this House, I made sure that I was here this morning. However, after seeing me, he is now saying that he will make it this afternoon.

(Laughter)

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I am willing to make all the Ministerial Statements which have been sought. However, the Statement I have with me now is the one of Mr. Mbugua. I seek the indulgence of the Chair to allow me to release the Statements sought by Mr. C. Kilonzo and Mr. Ethuro in the afternoon.

Mr. Deputy Speaker: Hon. Assistant Minister, are you willing to consider the request by the Backbencher's side that you make the Statement that essentially was sought by hon. Mbugua, when he is in the House, in the afternoon?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, once a Member seeks for a Ministerial Statement, it belongs to the House and not an individual. It is only---

Mr. Deputy Speaker: Hon. Assistant Minister, under the circumstances, if you insist, the Chair has no objection but to allow you to proceed.

Proceed!

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

Mr. Mbugua, the Member of Parliament for Kamukunji, had asked for a Ministerial Statement on 20th May, 2009, from my Ministry in regard to invasion of the City by police impersonators and the status of community policing. For that matter, I seek the indulgence of the House to state as follows.

The police are aware that some people have, in the recent past, been posing as police officers and ambushing innocent citizens as they come from banks or ATM outlets after withdrawing some money. However, the syndicate has been broken and the situation contained after intelligence-led police investigations led to eventual arrest of the suspects. On 15th May, 2009, a gang of four dangerous criminals were arrested along Processional Way having committed a similar robbery in the City. They were found with full police uniform, a pair of handcuffs and several mobile phones among other items. The four were identified as Stephen Muoki Musyoki, Samwel Kuria Irungu, David Mucheki Kigue and Lazarus Kangethe Njoroge. The four appeared in court on 25th May, 2009, and charged with impersonating police officers and robbing their victims. They were remanded in custody until 29th July, 2009. I am not aware that police officers are arresting people arbitrarily. We need specific incidences to support the allegations and I will address them accordingly. The Police Force has laid down proper mechanism to deal with complaints

against police officers but, that aside, the police will continue to arrest criminals and suspects in lawful execution of its core function without fear or favour.

All arrested persons are normally taken to court and charged with various offences. However, the officer in charge of the police station is empowered by law to exercise discretion to warn some petty offenders or release suspects on free bond or cash bail to appear in court on specific dates. Where a suspect is arrested on suspicion of having committed or linked to the commission of an offence and, after thorough investigations, it emerges that he or she is not connected to the offence, such persons are released promptly. Police officers must identify themselves - and I want to repeat - police officers must identify themselves to the people that they intend to either arrest or interview, either as suspects or witnesses. This is done by the production of a certificate of appointment. Members of the public are normally encouraged to demand for identification from police officers. All police officers, according to the Force Standing Orders, must display their badges clearly showing their force numbers while in uniform.

Further, police officers are empowered by the law to arrest without a warrant, any person who commits a cognizable offence and all offences under the Traffic Act, Cap.403. The Transport Licensing Act, Cap.404 and the Insurance of Motor Vehicle Third Party Risk Act, Cap.405, Laws of Kenya are all cognizable to the police. Therefore, any police officer may stop any traffic offender and take the necessary action. We are, however, not aware of a non-traffic officer who arrests and intimidates people to extort bribes in Nairobi. Such officers will be identified and dealt with according to the law.

On the same note, I wish to clarify the current status of the community policing which was introduced by the Government on 27th April, 2005. On 27th April, 2007, community policing was officially launched in the country at Ruai Police Station in Nairobi by His Excellency the President of the Republic of Kenya. The main objective of community policing is to reduce crime and disorder in neighbourhoods by applying appropriate problem solving remedies. This was followed by the launch of the same in all police divisions across the county by the OCPDs in collaboration with the Provincial Administration.

Mr. Deputy Speaker, Sir, after the inception of community policing in 2005, the Commissioner of Police officially established the Directorate of Community Policing (DCP) in May 2006 with a mandate to address matters pertaining to community policing. Since the establishment of the DCP in May 2006, the concept of community policing has been rolled out in the provinces in 218 police stations. A total of 73 districts have so far been covered with sensitization workshops having been held for community policing committee members, members of the Kenya Police and the Administration Police, district officers, chiefs, assistant chiefs and other stakeholders. Training in community policing has already been adopted in the police-training curriculum at the Kenya Police College, Kiganjo, and at the Administration Police Training College (APTC). The Government is in the process of finalizing a policy document on community policing which will soon be presented to the Cabinet for approval. Meanwhile, a community policing handbook has been published and it is currently under distribution in the districts. Both the policy and the handbook are geared towards standardizing community policing strategies within the Kenyan Police, AP and the Provincial Administration.

Since the launch of community policing strategy in April 2005, the following are some of the achievements attributed to it.

- (i) Brought members of the police closer to the people.
- (ii) Enhanced crime reporting and empowered the communities to participate in crime prevention plans, thus having joint decision-making on security problems facing them.
- (iii) Reduced the level of crime rate.
- (iv) Enhanced collection of criminal intelligence.
- (v) Assisted in developing effective partnership between the community and the police in crime prevention efforts.

Finally, efforts are being made to achieve community policing targets and create a more customer-friendly Police Force.

Thank you.

Mr. Deputy Speaker: Anybody seeking clarification on this? There is none.

Next Order!

MOTION

VIOLATION OF KENYAN TERRITORIAL BOUNDARIES BY UGANDAN SECURITY FORCES

THAT, noting with grave concern the presence of Ugandan security forces, first in the Migingo Island and, secondly, in Kacheliba in West Pokot District, areas that form part of the sovereign Republic of Kenya, an act that is against the provisions of International Law; this House registers its strong opposition to and disapproval of this act of aggression by the Government of the Republic of Uganda, and resolves that the Ugandan security forces leave Kenyan soil with immediate effect and that the Government of Uganda unconditionally commits herself to respecting the territorial boundaries between Kenya and Uganda, and further, that this House urges His Excellency The President and Commander-In-Chief of the Armed forces of the Republic of Kenya to use all resources and options at his disposal to reclaim Kenyan land in accordance with the Constitution of Kenya and to seek the assistance of the United Nations Security Council to deal with this issue as a matter constituting a threat to international peace and security under the United Nations (UN) Charter.

(Dr. Khalwale on 13.5.2009)

(Resumption of Debate interrupted on 13.5.2009)

Mr. Deputy Speaker: Who was on the Floor?

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I was on my feet before we adjourned while debating this Motion last time. Last night, I got some sad news when I received a call that we had lost our mother, Mama Esther Nekesa. I said that before I leave for

home, I would come here to add my voice to Kenyan's, who have spoken passionately about Migingo. I thought about the situation of Migingo and I asked myself what Mama Nekesa would have said about this. She was a woman of great wisdom and well versed in Luhya sayings and tales. I thought, perhaps, she would have said that the story of Migingo was like the story of the hyena and the stone that the late Elijah Mwangale once told this House. The story of Migingo is like the story of the fox and the chicken. That saying says that, sometimes, you blame the fox but you also blame the chicken. I thought it would be very easy to blame the Ugandans, His Excellency Mr. Museveni for his utterances that were truly outrageous and contemptuous of the Kenyan society and, particularly, the Luo community. But before we blame the fox, perhaps, we must also blame the chicken and find that 45 years since we attained Independence as a country, we have not surveyed our boundaries to know where they lie.

Mr. Deputy Speaker, Sir, certain parts of this country are not clearly demarcated and now, we are ready to spend Kshs140 million to do that. Even after 2004 when the Ugandans hoisted their flag, we did nothing. Finally, as we found the Uganda flag flying on Kenyan soil and Kenyan fishermen being harassed by the Ugandan soldiers, what have we done as a Government to deal with the situation in Migingo? You will find that the attitude of this Government has given the Ugandans the boldness to continue their presence on this island. They have lowered their flag but their soldiers continue manning the island and harassing the Kenyan fishermen. We have looked at Migingo as a small piece of rock. We have even called it a mere rock and have not been willing to defend it as much or to risk our bilateral relations with Uganda which is one of our biggest trading partners and importers of our goods. Therefore, we have not been strong in defending Migingo.

The other issue is that, when you hear His Excellency, Mr. Museveni speak of "Jaluos" that is not a Ugandan language. It is Kenyan! We have looked at ourselves as *Jaluos* and have even said that a *Jaluo* cannot lead this country until Mr. Obama came along and became the President of United States of America (USA) and Mr. Raila on the other hand became the Prime Minister of Kenya. This is a Kenyan problem and not Ugandan. We have looked at a *Jaluo* as being this or that, we have looked at a Kikuyu as a thief and we have looked at a Luhya as one who is only fit to be a cook and watchman. This is a Kenyan problem and it is Kenyan language. We need to start looking at ourselves and apart from blaming the fox, we should also start blaming the chicken. We must begin to change our attitude towards each other.

Mr. Deputy Speaker, Sir, we have looked at Migingo as a *Jaluo* affair with few *Jaluo* fishermen there. That has been the attitude and it is what has been echoed by our neighbours. When you hear a neighbour's child say that that house is a house of drunkards or witches, it is because the child heard somebody saying So and So bewitched me. So, the child is only echoing what they have heard. So, do you beat the child and shut it up? The child will not shut up because you will continue doing that in that House. This is an issue that we need to start working on, rather than look outwards. Let us start looking inward as a nation and ask ourselves what has gone wrong.

[Mr. Deputy Speaker left the Chair]

[The Temporary Deputy Speaker]

(Prof. Kamar) took the Chair]

Madam Temporary Deputy Speaker, indeed, if we became a nation, because we are not a nation but a conglomeration of tribes loosely brought together, and stopped looking at each other as Kikuyu, Luo, Kalenjin or Luhya thus becoming Kenyans, we shall send a clear message to Museveni and other Kenyans that, that *Jaluo* that you are calling “mad” is a Kenyan. Like in the words of the old Christian hymn: “Whatsoever you do to the least of my brothers that you do unto to me.” Whatever you do to the least of *Jaluo* brothers in Migingo, you do to us as Kenyans. If we took that stand, Mr. Museveni would not touch “*Jaluos*” or belittle or contemptuously single out a community because he would know that he is touching on all of us as Kenyans. This is the issue that we must start addressing as we address the issue of Migingo.

The Temporary Deputy Speaker (Prof. Kamar): Your time is up !

Mr. Wamalwa: Madam Temporary Deputy Speaker, I had ten minutes. I had not started the last time. The debate was interrupted before I started to contribute.

The Temporary Deputy Speaker (Prof. Kamar): According to our records you had exhausted three minutes and had a balance of seven minutes. Our records are so water-tight. We know that you took three minutes and you were remaining with seven minutes.

Mr. Minister!

The Minister for Information and Communications (Mr. Poghisio): Madam Temporary Deputy Speaker, I stand to contribute to this Motion, basically because apart from Migingo being mentioned as an island, Kacheliba is also mentioned here. May I begin by saying that the basis upon which we would like the House to pass or reject this Motion, in my view, is wrong and inaccurate. I would like us to look at it this way. The Motion says:-

“THAT, noting with grave concern the presence of Ugandan security forces, first in Migingo Island and secondly, in Kacheliba---“

If that is the basis upon which this Motion is to be accepted or rejected, then we have a false premise. If that is the basis, then we have to proceed to say that half of the Motion and what it purports to perform is based on a wrong premise. For example, it continues to state:-

“This House registers its strongest opposition to and disapproval of the act of aggression---“

If this “act of aggression” is read to mean the presence of military forces or security forces in Kenya, then again, we have a false premise. I do not know how much of the Motion will be salvaged to proceed with, if already the premise upon which we are founding and are being asked to approve or disapprove of the Motion is false.

It continues to state:-

“---and that the Government of Uganda, unconditionally commits itself to respecting the territorial boundaries between Kenya and Uganda.”

I am just thinking that if we remove Kacheliba from this, because there are no Ugandan security forces there, then the Motion is almost halved and negated because on this premise alone, we cannot proceed to debate and seek action.

So, I am seeking the indulgence of the Chair to make a ruling as to whether this Motion is properly before the House and secondly, if the premise that we need to seek a

decision on is the presence of Ugandan security forces in our territory. That not being the case in Kacheliba, I do not know if there are any in Migingo Island. I do not know whether you are going to give us a decision on what I have raised or do I just proceed?

The Temporary Deputy Speaker (Prof. Kamar): Mr. Poghio, in fact, you have only one minute before the debate comes to an end. You should have raised this at the beginning of the Motion. You have two more minutes before we go to the Government responder.

The Minister for Information and Communications (Mr. Poghio): Madam Temporary Deputy Speaker, last time, I stood here many times but the Chair just gave chances to the other side. So, it was not my intention not to speak on it. I would have raised the matter.

Mr. Ethuro: On a point of order, Madam Temporary Deputy Speaker. I do not understand what the Minister is asking you to rule on. He is dealing with semantics. We have better issues to deal with in terms of aggression. In fact, I thought the Minister would say Migingo, Kacheliba and Turkana and make the Motion complete.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Minister, you also have a right to introduce amendments.

The Minister for Information and Communications (Mr. Poghio): Madam Temporary Deputy Speaker, as I said, I stood here many times to try and catch the Speaker's eye last time. That notwithstanding, what I am raising is a matter of principle and procedure. If we establish the presence of the Ugandan military in Kenya and yet there is no such presence of that military, then we must not continue.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Minister, are you talking as the Minister of State for Provincial Administration and Internal Security because he is the one who knows whether the military is there or not? If you wanted to introduce an amendment, you could do that and we would have voted on the Motion as amended. Please, follow the rules of debate.

The Minister for Information and Communications (Mr. Poghio): Madam Temporary Deputy Speaker, I am purely within the rules of debate. I am opposing this Motion. I am also raising the issue of the premise on which this Motion is based.

Madam Temporary Deputy Speaker, I am the Member of Parliament for Kacheliba---

Ms. Odhiambo: On a point of order, Madam Temporary Deputy Speaker. Is the hon. Member in order to continue insisting on a matter that you have ruled on? He either has a substantive amendment and he proceeds with it or takes another line of argument and opposes the Motion. Otherwise, the hon. Member is disabusing your own ruling.

The Temporary Deputy Speaker (Prof. Kamar): Your point is made, Ms. Odhiambo. Mr. Minister you have one minute remaining.

The Minister for Information and Communications (Mr. Poghio): Madam Temporary Deputy Speaker, I believe that it comes back to you that in future, when a Motion is touching on a matter where the premise is not necessarily confirmed, we cannot proceed it. This is within my right as the one who is opposing it. This is one of the reasons I am opposing it. I am the Member of Parliament for Kacheliba. There are no Uganda security forces present.

With those few remarks, I beg to oppose.

The Minister for Foreign Affairs (Mr. Wetangula): Madam Temporary Deputy Speaker, although it is indicated that this Motion is directed to the Minister for East African Community, it is, indeed, to my Ministry and my Ministry is the correct respondent.

Before I respond, allow me to donate five of my 20 minutes to the Assistant Minister for East African Community, Mr. Munya!

The Assistant Minister for East African Community (Mr. Munya): Thank you. The East African Treaty provides for peaceful settlement of conflicts between partner states. If there is a dispute between any Members of the East African Community, there are right forums for members to resolve that dispute. The Dispute over Migingo is already being resolved. The Presidents of the two countries met twice and agreed on the way to resolve the matter. It would be in very bad taste to bring that matter to this August House to debate it when it is already being resolved. If we are to pass this Motion, we will be sending a very bad message. We would be jeopardizing the peaceful co-existence between Kenya and Uganda.

Ms. Odhiambo: Is the hon. Assistant Minister in order to mislead the House by saying that the matter is being amicably resolved and yet, even at the time this Motion was brought on the Floor of this House, Uganda had gone ahead and attacked residents of yet another Island and their residents occupy it. Is the Assistant Minister in order?

The Assistant Minister for East African Community (Mr. Munya): Madam Temporary Deputy Speaker, we should avoid raw emotions that are not based on any facts. This House is a very important forum.

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

The Temporary Deputy Speaker (Prof. Kamar): What is your point of order?

Dr. Khalwale: Madam Temporary Deputy Speaker, my point of order is that the Assistant Minister is, indeed, in the know because he is in charge of East African Community. Is he in order to assume that this House knows what is going on in his Ministry before he tables documents here showing that they have done “a”, “b”, “c” and “d”?

The Assistant Minister for East African Community (Mr. Munya): Madam Temporary Deputy Speaker, those are not points of order. I have already given factual information that the President of the Republic of Kenya and the President of the Republic of Uganda have met twice. Communiqués have been issued on the Migingo Island, indicating specifically how the matter is being handled. Right now, we have a team from both governments demarcating the boundary to find out exactly where Migingo Island lies. We have international provisions of law, UN Charter and the East African Treaty that provides that we must always resolve our disputes peacefully. Uganda is a leading destination for export for this country. There is Kshs42 billion worth of trade between Kenya and Uganda, which Motions that are not based on facts can jeopardize if we continue these drums of war that we want to keep beating in this House whenever a small issue arises.

Madam Temporary Deputy Speaker, I am totally opposed to this Motion because it is not good for this country. It is not a Motion that will move forward the integration process of East Africa.

Ms. Odhiambo: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Prof. Kamar): Order, Ms. Odhiambo! He was giving you information. You take it or leave it and choose how to respond.

What is your point of order, Ms. Odhiambo?

The Minister for Foreign Affairs (Mr. Wetangula): Madam Temporary Deputy Speaker, the Member who was on the Floor has already sat down.

Ms. Odhiambo: I am the one given the Floor, Madam Temporary Deputy Speaker. I know he is the hon. Minister and I respect him, but Chair has given me the Floor. Is the hon. Member in order to actually imply that I am misleading or misinforming this House when, indeed, I have facts that Uganda has attacked two islands since this Motion was brought here? Uganda has attacked Remba and Ringiti islands. This is a matter in the public knowledge that you can even take judicial notice of.

The Temporary Deputy Speaker (Prof. Kamar): Ms. Odhiambo, we do not want facts that are in the Press. We want facts that can be laid on the Floor of the House. Could you allow the Minister to respond? He might be coming up with the same facts.

The Minister for Foreign Affairs (Mr. Wetangula): Thank you, Madam Temporary Deputy Speaker. Could you allow me to give two minutes to hon. Baiya?

Mr. Baiya: Madam Temporary Deputy Speaker, I also want to contribute to this Motion.

The Most important thing that we need to highlight as this House to Kenyans is on the best way forward to relate with Uganda. It is very important for Kenyans to be reminded that Uganda is a sister nation. If we have any problem even with the President of Uganda, it is not a good enough reason for us to actually sever our relations with Uganda. It is very easy for us to beat war drums---

Mr. Wamalwa: On a point of order, Madam Temporary Deputy Speaker. Is it in order for the hon. Member who I respect very much to mislead the House that we are seeking to sever ties with Uganda when all we are seeking is for our sister nation to respect our territorial integrity?

Mr. Baiya: Madam Temporary Deputy Speaker, it is very unfortunate that the relationship between the two countries have reached that level. I am only urging this House to bring down tempers. If we hype on this nationalism, there is nothing that will prevent us from going to war which will not benefit anybody. We need good relationship. We need to continue with good business. We also urge the Kenyan Government to firmly resolve this dispute through diplomacy, so that we deny war mongers any opportunity.

The Minister for Foreign Affairs (Mr. Wetangula): Madam Temporary Deputy Speaker, this Motion is obviously very popular to my colleagues across the Floor. However, we also know that what is popular is not necessarily what is right.

The Motion seeks several things. But I will start off by saying that there are no Uganda forces in Migingo Island and Kacheliba in West Pokot.

Madam Temporary Deputy Speaker, information available to me, in my capacity as your Minister for Foreign Affairs who also sits in the National Security Council, there have never been any Ugandan forces in Kacheliba at any one time. So, that point rests there. That, in passing this Motion, we will be proceeding on a false premise that there have been Ugandan forces in Kacheliba.

On the question of Migingo, Madam Temporary Deputy Speaker, it has, definitely, been a long, protracted and emotive issue. Indeed, many Kenyans have exhibited - sometimes justifiable and sometimes not - very severe emotions on the

question of Migingo. But I also want to urge some degree of restraint, particularly on us, the leaders.

Madam Temporary Deputy Speaker, for those who are lawyers, I would urge them to remember the famous case of *Kimanga Verses the Republic* where a person was charged for behaving in a manner likely to cause a breach of peace in the presence of policemen. The East African Court of Appeal then ruled that policemen are trained and stand in society in such a manner that it is not possible for an ordinary citizen to endanger peace in their presence. I want to urge these hon. Members, on both sides, that they should embrace the spirit of the *Kimanga* case; that, in their presence, emotions should take a back seat; that in their presence, they should crusade for enhancing relations between Kenya and her neighbors, even at the most difficult times. That is because at all times, there is no alternative to peace. At all times, there is no alternative to good neighborliness and at all times, there is no alternative to friendship.

Madam Temporary Deputy Speaker, the chronology of events on Migingo Island are as follows:-

In 2004, Ugandan forces pursuing what they described as smugglers and criminals on Lake Victoria landed on Migingo Island. Of course, at the time, the Government of Kenya did not respond. Because of the activities on the lake and the amount of financial flow around the island because of the richness of the fish, Ugandans pitched tent on the island. When the matter came to the fore, after protracted arguments on who pays taxes to who, the Government stepped in and a committee was constituted, headed by myself with Prof. Saitoti, hon. Kajwang, Dr. Otuoma and hon. Orenge as Members. Our neighbors, Uganda, invited us and I took the extra step of inviting my colleagues, the hon. Member for Nyatike, the hon. Member for Gwasi and the hon. Member for Budalangi to come along with us. We had a meeting and reached a reasonably amicable way forward to this issue.

Thereafter, Madam Temporary Deputy Speaker, I have personally visited Migingo Island---

Eng. Gumbo: On a point of order, Madam Temporary Deputy Speaker.

The Minister for Foreign Affairs (Mr. Wetangula): Madam Temporary Deputy Speaker, I do not know whether I have breached any order in what I am saying.

Eng. Gumbo: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Prof. Kamar): What is your point of order, Eng. Gumbo? It better be a point of order!

Eng. Gumbo: Madam Temporary Deputy Speaker, listening to our Minister for Foreign Affairs and my understanding of his argument is that, he is trying to build a case for Uganda--- Is he in order to come here and try to build a case for Uganda, when the Ugandan President seems to equate every nilote in East Africa with Joseph Kony?

(Applause)

The Temporary Deputy Speaker (Prof. Kamar): Order! Order! Order, Eng. Gumbo! You are out of order! The Minister is giving you information.

The Minister for Foreign Affairs (Mr. Wetangula): Madam Temporary Deputy Speaker, this is exactly what I was pleading for. Let us keep emotions at the back of our seats and address the facts as they are.

Madam Temporary Deputy Speaker, I have, personally, with the Ugandan team, visited Migingo Island. The Presidents of Kenya and Uganda have met and reaffirmed their commitment to resolving the problem amicably and diplomatically. They have both publicly pronounced themselves on this.

Madam Temporary Deputy Speaker, if there is an issue for Kenya and Uganda to go beyond diplomacy, we have the following organs that can help us resolve the problem. We have the East African Community, to which you have served as a Member. Under the Treaty, there is a provision for conflict resolution. Under the Inter-Governmental Authority on Development (IGAD), we have a provision for conflict resolution.

(Loud consultations)

The Temporary Deputy Speaker (Prof. Kamar): Order! Order, hon. Members! Can we have quiet consultations?

The Minister for Foreign Affairs (Mr. Wetangula): Under the Great Lakes Conference, we have a protocol for conflict resolution. Under the Constitutive Acts of the African Union (AU) Charter, there is a provision for conflict resolution. We can only go to those organs if the interface and the interaction between the two countries have failed. I submit that they have not!

Madam Temporary Deputy Speaker, an amendment was sought and accepted by this House to the effect that we report this matter to the United Nations (UN). Nothing can be more fallacious! The UN Security Council cannot come into this matter now or at all because we have not, if there was any need, exhausted available local remedies – regional remedies, East African Community, AU, and Great Lakes Conference!

Madam Temporary Deputy Speaker, I want to urge the House---

(Ms. Odhiambo and Mr. Ethuro stood up in their places)

The Temporary Deputy Speaker (Prof. Kamar): Order! Order, hon. Members! Can you allow the Minister to finish explaining himself?

(Ms. Odhiambo and Mr. Ethuro stood up in their places)

What is your point of order, Mr. Ethuro?

Mr. Ethuro: Madam Temporary Deputy Speaker, I really hate to interrupt my good friend and a Minister I respect. But I have done that because I cannot sustain my sitting here to allow the Minister to mislead this House! Article 34 of the UN Charter gives the Security Council the power to investigate a dispute, which is a threat to peace.

(Applause)

How can he claim that the UN Charter does not have that provision?

The Minister for Foreign Affairs (Mr. Wetangula): Madam Temporary Deputy Speaker, it is obvious that my good friend was not listening to me. I did not say that the UN has no jurisdiction. I said that we have not exhausted, if there was need, regional remedies that lie within IGAD, the East African Community Treaty, the Great Lakes

Conference Protocol and the AUs Constitutive Act and Charter. That is all I said! If those failed---

Ms. Odhiambo: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Prof. Kamar): Order, Ms. Odhiambo! Is it on the same point of order?

Ms. Odhiambo: Yes, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Prof. Kamar): Can you listen to the answer he is giving?

The Minister for Foreign Affairs (Mr. Wetangula): I am responding to a point of order, Madam Temporary Deputy Speaker, and under the rules of the House---

Ms. Odhiambo: He is misleading the House!

The Temporary Deputy Speaker (Prof. Kamar): Order, Ms. Odhiambo! He is responding to Mr. Ethuro's point of order.

The Minister for Foreign Affairs (Mr. Wetangula): I am responding to a point of order, and I can assure you, my learned friend, you will be here for many, many years. If I am responding to a point of order, you wait until I finish, then you can stand on another point of order, which I can respond to!

Madam Temporary Deputy Speaker, the UN can come in, but at the tail end, we have regional remedies! I want to urge the House that this Parliament has a duty all the time to fight for peace, security and to ensure that Kenya is at peace and in harmony with her neighbours!

Madam Temporary Deputy Speaker, this Motion, well intentioned as it may be, does not, and will not, enhance this desired goal by the Government of the Republic of Kenya. This Parliament has a duty, more than any other Kenyan, to make sure that even where we have serious issues, we must restrain ourselves from exhibiting unhelpful emotions. We must be at the frontline of urging Kenyans, even the aggrieved ones, that they must embrace a process of peaceful resolution of issues.

To this end, Madam Temporary Deputy Speaker, the Governments of Kenya and Uganda have already put in place a Joint Commission headed by the Director of Survey of Kenya and the Director of Survey of Uganda, overseen by committees led by the Deputy Prime Minister of Uganda and myself---

This is overseen by committees led by the Deputy Prime Minister of Uganda and myself with the hon. Members that I mentioned. The survey of the boundary between Kenya and Uganda is being done for the first time since Independence.

By passing this Motion, we will literally engage a reverse gear on what we have already committed ourselves to do; namely, the survey to be carried out. Public resources have been committed by both Governments. The results will be acceptable to both Governments of Kenya and Uganda. I urge hon. Members to rise to the occasion and say that emotive or touchy as the Migingo issue may be--- I have said it before and I want to repeat it, that Kenya's territorial integrity is not negotiable and will not be negotiated by anybody. That notwithstanding, we must embrace peace with our neighbours. This Motion is definitely not an embrace or an enhancement of peace with our neighbours.

Madam Temporary Deputy Speaker, with those few remarks, I urge the House to reject this Motion because it does not add value to the relationship between Kenya and her neighbour, Uganda.

I beg to oppose.

Dr. Khalwale: Madam Temporary Deputy Speaker, before I thank the hon. Members who have contributed in support of this Motion, I would like to donate one minute of my time to Mr. Midiwo.

Mr. Midiwo: Madam Temporary Deputy Speaker, Sir, I heard the Minister say a couple of days ago that Uganda is a friendly country. A friendly country does not hoist its flag on your soil. Whoever has a motive of opposing this Motion must have total disregard for our people who are suffering and are being taxed by a foreign and unfriendly Government. If I were you, I would back off, Mr. Minister. He has said that Uganda's public resources have been set aside for the survey. I heard Museveni the other day say that those people will just read old colonial maps. Should you waste Kshs140 million on people who will read old colonial maps? If the Migingo problem is to be resolved, why has Museveni militarised from Busia to Pokot? Why is he taking away the beacons of our boundaries if, indeed, Uganda is a friendly country? Museveni is hostile to us. He is fighting all countries neighbouring Uganda and I doubt Kenya will be an exception.

(Loud consultations)

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

Mr. Midiwo: Madam Temporary Deputy Speaker, Sir, this Motion must be passed so that our people can feel that our Government is caring and that it can protect them. I urge the Minister not to spend public resources in doing something whose results we already know. We know that Migingo Island is Kenya's and so is Pokotland. Museveni wants war. The man is blood-thirsty. We do not want that.

(Applause)

The Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Madam Temporary Deputy Speaker. Yesterday, the Speaker ruled that in accordance with Standing Order 79(1), you cannot discuss the conduct of a President of a friendly nation without a substantive Motion. This Motion is not about President Museveni. Therefore, Mr. Midiwo is out of order to engage in derogatory terms about a Head of State of a friendly country. Again, I urge that the emotions be limited in this matter.

Mr. Midiwo: On a point of order, Madam Temporary Deputy Speaker. President Museveni has called me, as a Luo, a mad person. This Motion is rightly before the House to discuss the rogueness of Museveni! I can guarantee you that I am not mad.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Midiwo, you are out of Order! It was ruled yesterday that it is only the Minister for Foreign Affairs who will continue to advise us which country is friendly and which one is not.

Proceed, Dr. Khalwale!

Dr. Khalwale: Madam Temporary Deputy Speaker, I would like to thank the hon. Members who have spoken in support of this Motion. I would also like to thank the Speaker of the Kenya National Assembly for allowing this Motion to come before this House. This is because we have already seen tangible results after this Motion came before this House.

First, President Museveni very quickly backed out and lowered his flag which was hoisted in Migingo. Secondly, he acknowledged very quickly that, indeed, Migingo is in Kenya.

I sympathise with President Kibaki because these Ministers are supposed to be his advisors. The kind of arguments raised by Mr. Wetangula and Mr. Poghio clearly indicate that they do not have the capacity, at least on this one, to advise President Kibaki who is ahead of them. While presiding over a passing out parade, President Kibaki acknowledged the power of this Motion and said that he will use all that is at his disposal, which includes diplomacy and the military of the Republic of Kenya.

I know Mr. Wetangula very well. He is my elder brother.

The Minister for Information and Communications (Mr. Poghio): On a point of order, Madam Temporary Deputy Speaker. The hon. Member is definitely misleading this House. Mine is to advise the President on matters of information, communications and technology. The hon. Member is definitely misleading this House.

Dr. Khalwale: Madam Temporary Deputy Speaker, as I conclude, I would like to ask the Minister for Foreign Affairs, Mr. Wetangula: "Who told him that Migingo Island is not in Kenya?"

(Applause)

The Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Madam Temporary Deputy Speaker.

Dr. Khalwale: Madam Temporary Deputy Speaker, with those few remarks I beg to move.

The Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Madam Temporary Deputy Speaker.

Hon. Members: It is over! It is over!

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, could we allow the Minister to raise his point of order? He stood on a point of order before Dr. Khalwale concluded.

The Minister for Foreign Affairs (Mr. Wetangula): Madam Temporary Deputy Speaker, facts are facts and the HANSARD will bear me out. Dr. Khalwale, whose extra curricula activity is bull fighting, heard me say very clearly that Migingo Island is in Kenya and Kenya's territorial integrity is not negotiable. I have said that.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT, noting with grave concern the presence of Ugandan security forces, first in the Migingo Island, and secondly, in Kacheliba in West Pokot District, areas that form part of the sovereign Republic of Kenya, an act that is against the provisions of International Law; this House registers its strong opposition to and disapproval of this act of aggression by the Government of the Republic of Uganda, and resolves

that the Ugandan security forces leave Kenyan soil with immediate effect and that the Government of Uganda unconditionally commits herself to respecting the territorial boundaries between Kenya and Uganda, and further, that this House urges His Excellency The President and Commander-in-Chief of the Armed forces of the Republic of Kenya to use all resources and options at his disposal to reclaim Kenyan land in accordance with the Constitution of Kenya and to seek the assistance of the United Nations Security Council to deal with this issue as a matter constituting a threat to international peace and security under the United Nations (UN) Charter.

Hon. Members: Division! Division!

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Prof. Kamar): You are not enough!
Next Order!

POINT OF ORDER

PRESENCE OF ARMED MINISTER IN THE CHAMBER

Mr. Outa: On a point of order, Madam Temporary Deputy Speaker. As we sit in this House peacefully, I have noticed that one of the Ministers is armed. Is he in order to come to the House with a gun?

The Temporary Deputy Speaker (Prof. Kamar): Order, hon. Members! Mr. Outa, can you refer to the Standing Orders? Under what Standing Order are you raising the matter?

Mr. Outa: Madam Temporary Deputy Speaker, this is a matter of my personal security in the House. I am raising the matter under Standing Order No.90.

The Minister for Foreign Affairs (Mr. Wetangula): Madam Temporary Deputy Speaker, the question of our security is very critical. I thank the hon. Member for raising the issue. But equally important, just to say that there is a Minister who is armed throws a net against all of us. A person like me has never touched a gun in my whole life. So, I cannot possibly be armed anywhere, leave alone in the Chamber. So, it would be helpful if the hon. Member was able to point out that "Minister so-and-so is armed", so that he can be exposed. Otherwise, all my colleagues will leave here, being suspect of coming to the Chamber when we do not have guns.

The Temporary Deputy Speaker (Prof. Kamar): You are in order, Mr. Minister. Mr. Outa, can you say who is armed?

(Several hon. Members stood up in their places)

Order! Order, hon. Members! Can we let Outa tell us who is armed?

Mr. Outa: Madam Temporary Deputy Speaker, the Minister for Information and Communications is armed.

The Minister for Information and Communications (Mr. Poghisio): On a point of order, Madam Temporary Deputy Speaker. I think ignorance is sometimes good for people like this one. This is what he calls a firearm.

(Mr. Poghisio displayed a gadget)

If this is a firearm, I have never been armed. I have never carried a gun on me. So, you can now tell what kind of membership we have in the House. This is what we are encouraging in this House. I want you to make a ruling in this House because that is a bad intention on a Member of Parliament.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, our security is a very serious matter. Definitely, we cannot talk out of suspicion when it comes to security. Now that we have realized that it was a telephone, and not a gun, can we have the hon. Member withdraw and apologize?

Mr. Outa: Madam Temporary Deputy Speaker, I can withdraw and apologize if it is confirmed that, indeed, that is a telephone. I do not know whether it is, indeed, a telephone. Only the Serjeant-at-Arms can tell whether it is, indeed, a telephone.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Outa, is there anything else you are seeing that we are not seeing?

Mr. Outa: Madam Temporary Deputy Speaker, if the Serjeant-at-Arms will verify that it is a telephone, then I will withdraw and apologize.

The Minister for Information and Communications (Mr. Poghisio): Madam Temporary Deputy Speaker, it is about time this hon. Member declared to the nation and to the House what he has about me, and what is his interest about my phone. I can now deliberately go ahead and show him that it is a Nokia phone. It is a very high-tech phone – Nokia E75. It is so complicated for some people. So, I want him to see it.

(Mr. Poghisio displayed the phone)

So, where do I shoot from? What does it look like?

But more importantly, it is about my character. He has to apologize, not just to me, but also to the people who brought me here!

Madam Temporary Deputy Speaker (Prof. Kamar): Mr. Outa, are you insisting that you want the Serjeant-at-Arms to do it?

Mr. Outa: Madam Temporary Deputy Speaker, Sir, since I have seen that it is a Nokia phone, and a very high-tech one that the Minister is carrying, I withdraw and apologize.

(Applause)

The Minister for Information and Communications (Mr. Poghisio): On a point of order, Mr. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Mr. Poghisio): He has apologized! I do not want us to refer to the same matter.

The Minister for Information and Communications (Mr. Poghisio): Madam Temporary Deputy Speaker, I will not say anything more, except this: Everyone of us walking into this Chamber is actually searched at the door. When you come in through

that main door, there is actually a metal detector. So, to cast aspersion on a Member of Parliament, especially because I come from Kacheliba---

Hon. Members: War lord! War lord!

The Minister for Information and Communications (Mr. Poghisio): Madam Temporary Deputy Speaker, I think the hon. Member needs to be named.

Hon. Members: *Pole! Pole!*

The Minister for Information and Communications (Mr. Poghisio): Madam Temporary Deputy Speaker, I am raising the more critical issue of naming that hon. Member, because the matter is more serious than meets the eye.

An hon. Member: But he has apologized!

The Minister for Information and Communications (Mr. Poghisio): That is not enough!

The Temporary Deputy Speaker (Prof. Kamar): I had ruled, because he has apologized. You requested for an apology and it was done.

Hon. Members, the issue of security is very important. It was going to look like our system has also failed, and the Serjeant-at-Arms has allowed us to walk in with anything. I have seen the Serjeant-at-Arms demand that our handbags are opened. So, we actually have a very good system as far as security is concerned. If you have any reason to suspect an hon. Member, please, ensure that it is truly so, so that we do not embarrass one another in this House.

MOTIONS

ESTABLISHMENT OF SQUATTERS SETTLEMENT FUND

THAT, being aware of the serious problem of squatters and landlessness in Kenya today and lack of a clear policy and legal framework to deal with the same, considering the efforts made by the Government so far in settling some squatters on various farms in certain parts of the country without a clear criteria or structures to guide the process, appreciating the need to establish a fund to facilitate continuous squatter settlement process with the proper structures and criteria for identification of genuine squatters countrywide and suitable land for acquisition and settlement in an open, transparent and consultative manner; this House urges the Government to establish a fund under the Government Financial Management Act, 2004 (No.5 of 2004) to be known as the "Squatters Settlement Fund" for the purpose of continuous squatter settlement and for matters incidental thereto and connected therewith.

(Mr. Wamalwa on 20.5.2009)

(Resumption of Debate interrupted on 20.5.2009)

The Temporary Deputy Speaker (Prof. Kamar): Dr. Oburu, the Official Government Responder, has five minutes to conclude.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Madam Temporary Deputy Speaker. I will donate two minutes of my time to hon. Ongoro.

The Assistant Minister for Nairobi Metropolitan Development (Ms. Ongoro): Thank you, Madam Temporary Deputy Speaker. In those two minutes, I would like to say that, in supporting this Motion, the issue of squatters in this country cannot be considered in isolation. We must consider it alongside the issue of land grabbers. It is my opinion that when we talk about squatters, let us not limit ourselves to the rural squatters. We also have urban squatters, who are victims of circumstances created by land grabbers in this nation. We should address the issue of squatters constitutionally by pegging a limit to the acreage of land that can be owned by one family or one individual in this country.

I fully support the setting up of that Fund. That Fund can be used to break the vicious circle of poverty that creates squatters. It can be used to develop the infrastructure and to facilitate those families to become economically independent, so that we do not produce generations of squatters in this country. I would like to make reference to citizens of this country who reside in places like Kibera and Mathare Valley. Some of them have been residing in those places for 30 years. We have failed to protect our citizens constitutionally. Anybody can come up any day and claim to have bought the parcel of land where those squatters live. We have seen that happening in places like Grogan, where an entire generation is being displaced, simply because it is not economically stable.

Madam Temporary Deputy Speaker, a certain percentage of those funds should be given to those families and individuals to make them economically independent.

The Temporary Deputy Speaker (Prof. Kamar): Your two minutes are over!

The Assistant Minister for Nairobi Metropolitan (Ms. Ongoro): Thank you, Madam Temporary Deputy Speaker. I support the Motion.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Madam Temporary Deputy Speaker, as I said last week, we, as the Government, supports this Motion. We support the Motion because we believe that the current Funds that we have do not specifically address the issues of squatters. The squatters are a special group, which is due for settlement. It needs our special attention.

This matter will not be resolved by establishing a Fund. The establishment of a Fund might only be a temporary solution. The permanent solution will be in the Constitution of Kenya to deal with the land issues comprehensively. That will address all the injustices in relation to land issues in this country. Since I have exhausted all the points that I wanted to say on this, I want to conclude by saying that we are going to either ring-fence special funds for the squatters or to create a new Fund in respect of this particular Motion.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kamar): Can we now have the Mover, hon. Wamalwa!

Mr. Wamalwa: Madam Temporary Deputy Speaker, I wish to thank the Assistant Minister who has spoken on behalf of the Government most sincerely for supporting this Motion. I also want to thank all the Members who have contributed and supported this Motion.

George Bernard Shaw once said: "The greatest sin we can commit against our fellow creatures is not to hate them, but to be indifferent to them." That is the essence of inhumanity. For three decades, three successive Governments have been indifferent to the plight of squatters in this country. Not much has been done and even as I speak, we are creating more squatters. I watched hon. Kilimo in Embobut with her people being thrown out of a forest and their property being burnt and asked: "If the Government can become the arsonist, what will happen to this country?" As I speak, we are getting more and more squatters. To set up a Fund to start addressing this problem is a step in the right direction that will give hope to Kenyans.

Madam Temporary Deputy Speaker, our founding fathers, on whose symbolic shouldiers we stand as a nation, intended this nation to be a land of plenty. In the National Anthem we say:-

"May plenty be found within our borders. May we dwell in unity, peace and liberty."

Indeed, Kenya remains a land of plenty, but it is plenty in a few hands. This is a problem that we need to start addressing. Indeed, in the course of this debate, we heard Members speak, passionately, about the plight of squatters in their constituencies. We heard, for example, hon. Kamama speak of a Kenya that has eight provinces, yet three are owned by less than five families. We heard hon. Mututho speak of a Kenya where about two families own the whole land right from the foot of the Ngong Hills to the shores of Lake Naivasha. Another family owns land right from Lake Naivasha all the way to Lake Nakuru. Most of that land lies idle and unutilized and yet, many Kenyans cannot access land, not even to dig a grave for their loved ones or even put up a toilet. They live in swamps and even on road reserves. Is this really the Kenya we want?

We heard hon. Kioni speak of a Kenya where 10 million acres were taken over by the colonialists and yet, only 1 million acres were returned to Kenyans. Half of that went to a few families. The other Kenyans share about 500,000 acres. We heard hon. Joho and Prof. Kaloki speak about constituencies in this country where half or even 80 per cent of the residents are actually squatters, be it in Kibwezi or Kisauni. It is a real problem.

What we are urging is the problem that hon. Kigen, the Member for Rongai Constituency and hon. Kabando wa Kabando spoke about; about professional squatters. Those are well-connected squatters who have benefited in almost all the schemes that have been created and yet, that has been done at the expense of genuine squatters who have never been settled. What we are seeing is not a tale of two cities like Charles Dickens said. It is not a tale of two Americas like Senator John Edwards, who was a presidential candidate said - America for the poor and America for the rich. We have a tale of two Kenyas - a Kenya for the few rich and a Kenya for the majority poor. The time has come when we, as a nation, must confront the ghosts of the past, face those inequalities and start addressing those problems.

If you ask Mr. Alfred Mutua, the Government Spokesman, he would say: "Najivunia kuwa Mkenya", but if you ask the squatter in Trans Nzoia, Rongai, Kibwezi, Kisauni and other parts, he will tell you: "Navumilia kuwa Mkenya", because life is terrible. This is something that we must deal with and see what can be done.

Madam Temporary Deputy Speaker, I agree with Dr. Oburu who has said that those are issues that we need to address through a comprehensive land policy. We know that there are people in the Cabinet who are stalling the process of enacting a land policy.

The process of bringing a land policy to this House has taken a long time. We know that the policy has serious issues. There are those who are not very keen on that policy coming and being passed by this House. It might be a question of those who have been in the successive Governments who have gotten a lot of land amassed over the years. They will not want those things to be changed. The Baganda have a saying that says: "A monkey cannot decide the affairs of the forest." It might be a case of asking monkeys to decide the affairs of the forest.

It is a serious issue and we need to start looking into it seriously. We cannot afford to bury our head in the sand as a nation with regard to Agenda IV. We must confront these issues squarely and address this matter in a more comprehensive way. With this Motion, let us hope, as the Assistant Minister has said, that the Government is going to set up that Fund. Let us hope that in this year's Budget, the Minister for Finance will set aside funds towards squatter settlement. In the 2007/2008 Budget, no funds were set aside. Previously in 2004 and 2006, such funds were set aside.

Madam Temporary Deputy Speaker, how these funds were utilised, how a Minister can choose or include an item, is an issue we need to deal with through the setting up of this Fund. This would ensure that it is not left to the generosity of the Minister for Finance or the Government to choose whether or not to include or set aside for settlement of squatters. Let it be something that will be done whether we have a generous Minister or not. Squatters can find hope and be settled.

With those few remarks, I beg to move and thank all hon. Members for supporting this Motion.

(Applause)

(Question put and agreed to)

The Temporary Deputy Speaker (Prof. Kamar): Next order!

FINANCIAL\RESOURCE MANAGEMENT TRAINING FOR
MINISTERS/CONSTITUTIONAL OFFICE HOLDERS

Mr. Mungatana: Madam Temporary Deputy Speaker, I beg to move: -

THAT, aware of the need for reforms in all Government institutions including the Cabinet, and in order to enhance good governance, this House urges the Government to facilitate induction and training on financial and resource management to all Ministers, Assistant Minister and other Constitutional office holders.

Madam Temporary Deputy Speaker, I thank you for giving me this opportunity to move this Motion. The thrust of this Motion is to state and re-state the fact that reforms are required not only in the Judiciary, Parliament and other institutions, but also in the Cabinet that advises His Excellency the President.

By definition, a Cabinet Minister is generally a politician who holds a significant public office in a national or regional Government. The primary duty of such an officer is to advise the Government. In Kenya, that definition and their duties is well set out in Section 17 of the Constitution of Kenya.

Madam Temporary Deputy Speaker, the institution of the Cabinet has a historical foundation to it. It would help us to understand where it all began. Many years ago, in the early 15th Century, there was a council that used to exist to advise the King of England. As part of that council, there was an inner council called the Privy Council. This Privy Council was composed of the King's most reliable and trusted advisors. They would meet within the privy or the royal chamber or what was then called the cabinet, to advise the King on important matters of State.

Madam Temporary Deputy Speaker, this is where we came up with the name the "Cabinet". History shows that in the beginning, this Privy Council or the Cabinet did not have any special legal powers. There was no special legal standing. In fact, it was operating like a junta or what was called a cabal of Ministers.

In the 18th Century, however, when the power of centre of Government shifted from the monarch to the British Parliament, the Cabinet assumed a very critical role in the running of the affairs of the State. In fact, the Cabinet became the most important advisory council and was legally recognised. The most important Minister within the Cabinet was the Prime Minister.

Madam Temporary Deputy Speaker, this tradition has been maintained not only in the United Kingdom (UK), as it was then but also borrowed by the United States of America (USA). The first American President, Mr. George Washington, appointed his first Cabinet, which was composed of only four Members. These were the Secretary of State who was Thomas Jefferson, the Secretary of Treasury who was Alexander Hamilton, the Secretary of War who was Henry Nox and the Attorney-General, Edmund Randolph. Again, the main function of the Cabinet in the USA was to assist the President in discharging the duties of the Office of the President.

I am bringing this historical perspective in to bear because it is critical for us to realise that the Cabinet is and has been historically a very critical organ of Government. It is therefore, a very big disappointment in Kenya today to realise that since Independence, since the formation of the first Cabinet under the late President, His Excellency Mzee Jomo Kenyatta, there has not been a clear attempt to reform the institution of Cabinet.

Madam Temporary Deputy Speaker, the same Ministers who form the Cabinet have been out there on the campaign trail, talking about reforms in the Judiciary, the police force and Parliament. However, they have been weak in reformation within the same Cabinet in which they serve. Today if you open the Kenya Cabinet website, you will be surprised to find only a one-pager within the whole system talking about a very simple mission. It talks about a vision, which is "A Competent Public Service for a Competitive and Prosperous Kenya". Very simple!

Madam Temporary Deputy Speaker, it is a disappointment because it tells you there is no serious input that has gone towards the reformation of the way the Cabinet should operate. If you look at the Mission Statement, it talks of, "To Provide Overall Strategic Policy Leadership and Direction and Effective Public Service and Delivery for the Prosperity of Kenya".

Again, it is very brief and does not capture what Kenyans expect from a Cabinet that advises the President of the Republic of Kenya. If you look at the services that it is supposed to offer and its mandate, you will find another big disappointment awaits any person who looks at it. It talks about facilitating the appointment of Ministers, Assistant Ministers, Commissioners, Ambassadors, Judges and state corporation boards. It also

talks about facilitating the swearing in of Ministers and Assistant Ministers and advising the Cabinet on intervention for fast-tracking of the economy. It also talks about communication of Government policy and programmes to the public. Just four components describe the highest public policy formulation body and its functions. This is what is there for us in the whole country.

Madam Temporary Deputy Speaker, it is because of this that we really need to look, as a country, where we are going. If you just take the trouble to look at growing economies like the Republic of Jamaica, you will see that they have undergone three programmes. They have also initiated reform programmes within the Cabinet. Their mission statements alone show that they are serious people. They are not like what you see in our Republic.

If you look at the three phases that the Republic of Jamaica was engaged in from 1st July, 1993 to 1995, you will find that tremendous things have happened that have helped to shape the organization of the Cabinet in that country. In Kenya, nothing has happened with the kind of services, mission and vision that the Cabinet office is supposed to offer. It is no wonder we have Ministers who come to this House and give wrong information. We have Ministers who have been appointed to very sensitive positions, like the Treasury and Defence. They come to this House, and have the temerity to tell the country that, in fact, it was an error. Some people were looking at that Minister and saying that it is probably a political war, but this issue is a deeper matter.

Today, if any person in Kenya who was a charcoal dealer or was doing any other business gets elected as a Member of Parliament and is appointed a Minister, he does not undergo any form of preparation or capacity building to make him knowledgeable to advise the President in keeping with his constitutional mandate. We are surprised that Ministers come to this House without being aware of the Civil Service Code of Conduct. They have not even read their own Cabinet regulations!

Someone is appointed today and tomorrow, he is in the office. Are we surprised then that Ministers in the past would wake up in the morning and say that an hospital or a municipal council is not functioning well and hire the treasurer without any form of regard to the Civil Service Code of Regulations. Are we not then surprised that you have Ministers who stand up in public to contradict themselves, including the President himself? The President gives direction in one way or a directive, but a Minister says that it cannot be done. I am talking about matters that are alive. We have heard the President talking about controlling fuel prices and a Minister talking afterwards, from the same energy conference, saying: "We cannot do it. We need to consult stakeholders." We are, therefore, not surprised when we have confusion within the Cabinet.

Madam Temporary Deputy Speaker, many times we keep on saying that we will do it better when we get into the Government. But the Government is a perpetual organ. It continues in perpetuity. It is upon us, as Parliament, to take concrete steps to do something because, right now, nothing is being done. It is important for us, as Parliament, to send a clear message to the Head of Cabinet Office, Amb. Muthaura. We are not happy because there are no reforms in the Cabinet Office that he is running. The Ministers who sit in the Cabinet must surely know that we are dissatisfied and something needs to be done yesterday, and not today.

Several things come to mind when you think about reforms. We need to look at certain jurisdictions. When a Minister is appointed, it is suggested that administrative

reforms under the heading of what I consider important, must happen. It happens in other jurisdictions. The institution of a Minister in waiting or an Assistant Minister in waiting must be created as a first stop point for us to create a proper organized Cabinet. The institution of the assistant minister in waiting, the deputy minister in waiting or the minister in waiting must be an institution that will allow the Minister who has been requested to either leave office or move to another portfolio, to do proper handing over. There should be a properly documented handing over procedure mechanism. Ministers today do the handing-over in the media. Someone is appointed today at lunchtime and tomorrow afternoon, you see the cameras. He sits there and says: "I have taken over as the Minister!"

There is no handing over of notes, there is no debriefing of the previous Minister and no proper briefing of the new Minister but we still expect the same Minister to go and advise the President the following day in the morning. We have to create a proper system of handing over to incoming officers and people who are going to serve in the Cabinet of Kenya not for now but for prosperity. There should be proper handing over notes. It should be as suggested by me; at least, a two-week period where proper handing over must be done. It is wrong today to take somebody who was a Minister for Trade, transfer him to the Ministry of Finance and the next day fly him to Paris to go and sign documentation committing this country to a public debt of billions of shillings without proper handing over mechanisms. The induction must be there.

Madam Temporary Deputy Speaker, Sir, the Kenya Institute of Administration (KIA) exists here to help us have a proper Government. Many of the Members of the Cabinet have not been there. They just hear about it. They think that that it is an institution for the District Officers (Dos) and District Commissioners (DCs), yet that is where management issues are tackled. The issues that deal with how the Government operates are tackled there.

Another suggestion under administrative reforms is that, there has got to be a clear process under which Ministers will undergo proper training in Government procedure and work. My own choice of place to go for training would be KIA. They do not have to board there but arrangements can be made. There has got to be proper training for our Ministers before they take off. There are many other administrative things that my fellow colleagues will come up with. The message that we are sending to the Cabinet is that there has got to be some changes.

Madam Temporary Deputy Speaker, I was just looking at the Cabinet of the State of California. Everybody knows when the Cabinet is meeting. I have sought a Ministerial Statement concerning the regularity of the meetings of the Cabinet. In California, everybody knows when and what the agenda is. People are able to engage even through the mail to give suggestions. This can be done in Kenya. We have to demystify the institution of the Cabinet. If you want to hear what is going on, they have used technology to help people debate. There are issues which you do not want everybody to talk about, for example, security matters, but there are issues that are of interest to all of us and can be debated and understood by all Kenyans who want to make their contributions. That is how a dynamic Cabinet should be.

In parliament, we have been able to embrace technology. We have opened up Parliament for debates and as a result, the quality of debates has improved. People do their research and know what they are talking about. In the Cabinet, we would like to see

this kind of openness as part of the reforms. We would like to see who gets angry, who does not contribute and who goes to sleep when we have Cabinet meetings. Those are some of the administrative things that I have been thinking about. I consulted other hon. Members and I hope that the Office of the Cabinet is listening.

Madam Temporary Deputy Speaker, Sir, qualifications to join the Cabinet are under my second arm of the reforms that I propose. We all know that Cabinet appointments are not always a sign of merit. It is often a question of political balancing. Even that being the reality of politics, it is important for us to embrace reforms in the Cabinet. We should start thinking about whom amongst us the 33 million Kenyans and amongst the 222 Members of Parliament, should be appointed to the Cabinet. However, we are saying, in as much as possible, because the art of politics is such that we cannot be exact--- It is very inexact.

But genuinely speaking, if there are health concerns of our potential Cabinet members, why should we appoint a sick man to hold a Cabinet position? These are some of the things that we need to agree. Look at the Cabinet of President Barack Obama; you have to undergo so much vetting before you are appointed. Health concerns are critical. Age concerns. Why would you take someone who is struggling to walk to sit as a member of Cabinet? These are things we need to ask ourselves as Kenyans. We need to ask ourselves if someone is obviously mentioned in corruption or he has corruption related issues surrounding his life, why should he or she sit in Cabinet.

Madam Temporary Deputy Speaker, some have unpaid taxes. They have not declared even in the declaration forms here in Parliament, how much they own--- I see my time is over. But I beg to move that we need to reforms in this Cabinet and I ask Dr. Eseli to second this Motion.

Dr. Eseli: Thank you, Madam Temporary Deputy Speaker, for this chance to second this Motion. It is a very important Motion, especially when we consider the present moment in this country. We should have been a middle income country by now. We failed to arrive at that place. This is because we failed to recognize the fact that development is not an accident. Industrialization is not an accident. It has to be a concerted effort. It needs leadership. In our case, the Cabinet is supposed to lead that.

It is difficult for them to lead this because of that lack of empowerment to be good financial and resource managers. Resources here even go up to human resources management. We all know the qualifications for coming to Parliament; you need to be fluent in Kiswahili and English languages. Therefore, when Cabinet is selected from amongst us, those qualifications are carried on to the Cabinet. So, we need to build the capacity of this select few, so that they are able to deliver the services and reforms that Kenyans have been yearning for. It is important that we actually empower them because many times, chief officers and civil servants who have the knowledge run rings around the Ministers. This has been part of the reason we have not been able to stamp out corruption. Many at times, Ministers have appended their signatures committing the Kenyan taxpayer to pay loans that have not actually assisted us. But chances are that whoever appended the signature actually had no idea of the implications of that signature.

Madam Temporary Deputy Speaker, we complain of tribalism, ethnic bias and things like that. However, when it comes to human resource management, a member of Cabinet, therefore, happens to decide that they are going to give whatever appointments to their ethnic group or tribe, for that matter. Some of it, could be out of ignorance

because they do not know the ramifications of such a move if that person being appointed is incompetent to perform the duties. But that Cabinet Minister, probably, does not realize that this person is incompetent to perform the duties. This is because he or she has not been empowered to understand what is expected of that position.

Madam Temporary Deputy Speaker, some of the problems this country is facing is really because we have actually failed to empower the people we appoint to the Cabinet. We want those privileged few in the Cabinet to drive reforms in this country. We are talking about devolution at the moment and I am sure that many in the Cabinet support the idea of devolution. But I do not know whether they know the financial implications and the resource management implications when we devolve. I do not know whether they know that, actually, that could be the beginning of the take off of industrialization in this country. I doubt if all of them actually grasp the magnitude of such an event happening in this country! Our people are expecting it; they have lived in poverty for very long. Right now, we are fighting about land. We all want a piece of earth, whether it is an acre or half an acre. So, we are all going to end up owning an acre or two, just to plant subsistence crops, which can surely not feed our big families. The only solution is industrialization so as to relieve the pressure from land. It is so obvious! But I am not surprised that they have not seen it because they have not been empowered to think about financial and resource management!

(Applause)

If they are empowered to think so, I am sure they can team up with the rest of us, Kenyans, who are aspiring for greater things for this country.

An hon. Member: Yes!

Dr. Eseli: Madam Temporary Deputy Speaker, it is good to dream and dream big, because when you succeed, you succeed big! But it should not just remain a dream about empowering the Cabinet Members. Yes, a few constitutional office holders, probably, are already empowered because of the nature of their jobs. But for the Cabinet, they are definitely not! We are not saying that because we are against Cabinet Members. No! We are saying that for the good of the country.

(Applause)

If we want the Cabinet to drive the reforms that we want; if we want the Cabinet to help the country move forward, then we must do something about it. The Mover has suggested an induction period of about two weeks. But I would suggest that, probably, each peculiar Ministry might require a longer induction for each of those office holders, so that they actually know what they are dealing with.

(Applause)

Madam Temporary Deputy Speaker, it is surprising that when a Cabinet Minister is appointed and happens to be in a Ministry. That he or she understands, actually, you see things moving. But when they are in a Ministry that they do not understand well and nobody is taking time to actually induct and show them what is expected of that Ministry,

that is why, year-in, year-out, we make big plans. Like now, we have Vision 2030. We have made fantastic plans that other countries have copied, implemented and gone ahead and left us behind! It is because we are unable to implement our plans! The people we expect to implement those plans do not have the capacity to! Are we going to remain a country of planners or do we want to start getting some people who can implement those things? It is all very well to say we want this, we want that or we want that! There are so many slogans that we have created. In fact, this country has become a country of slogans. It looks like one of the qualifications for appointment to the Cabinet is if you are the biggest sloganeer! But sloganeering and implementing are too different things. We need to empower them to be able to implement the plans!

Madam Temporary Deputy Speaker, the Ministry of Planning, National Development and Vision 2030 is churning out many plans on what needs to be achieved. When they are taken to a particular Ministry, because the head of that Ministry is not empowered to drive that forward, then it is all lost!

Madam Temporary Deputy Speaker, I would like to end by repeating, again, that development is not an accident. If you are sitting there waiting for development to come to us like an accident, it will not! The only accidents that will find us are tribal clashes and things like that. Development is not an accident and we have to lay the foundation for the future development of this country!

(Applause)

With those few remarks, Madam Temporary Deputy Speaker, I beg to second.

(Question proposed)

Mr. Chanzu: Madam Temporary Deputy Speaker, I would like to support this Motion. The proposal by Mr. Mungatana should cover a larger scope than what we are talking about here. We are talking about leadership. We are assuming that the Ministers or constitutional office holders we have today will be permanent in those jobs. Tomorrow, I could become the Minister for Education and Prof. Ongeru would go home with all that training. Since I have been an Assistant Minister before, I believe that it is necessary to widen this to cover leadership.

The definition of “leadership” is not about only those who are appointed, but those who have distinguished themselves as leaders in every group. Dr. Eseli has made a very good point here about the devolution and the changes we are trying to make at the grassroots. We will identify leaders from the grassroots level. If we will put in place the Bomas Draft with the few changes that we will implement, we will have leaders at every level. This is a very important Motion, but it is more than what the hon. Member had in mind.

Madam Temporary Deputy Speaker, what I have noticed with a number of our colleagues is that once somebody becomes a Minister, he assumes that he knows it all. That is the biggest problem. We have seen some of our juniors even in school being made Ministers and they think they are now more senior than us. So, the matter addressed in this Motion should be mandatory. In fact, this should be done the same way it was sometime back, when it was compulsory for anybody joining the university to go through

the National Youth Service (NYS). I lost the election when the NARC Government came into power. When I looked at some of the Members who were in the Opposition when I was on the Government side, I realised there was need for some of them to be inducted first. This is because you are appointing somebody who has been in the bush or on the streets a Minister. He does not even know what he is supposed to do.

Madam Temporary Deputy Speaker, for example, we have this water here which can stay here even for a week. However, just go out there and get the street boys into the Chamber. How long will this water stay here? So, there is a level of discipline that we need in the performance of our roles. I think the two major problems in this country are ethnicity and corruption.

(Applause)

The Mover of this Motion talked about the Minister for Finance. There are so many questions about the errors in the Ministry of Finance. There is nothing new in the Ministry of Finance. The Permanent Secretary has been there all this time. He used to work for the International Monetary Fund (IMF) and later became the Financial Secretary of the Ministry of Finance. He is now the Permanent Secretary. The Budget Officer is the same person. Actually, nothing has changed. You do not expect the Minister to go and scrutinize those figures? The officers in the Ministry know what they are doing. That is why we are saying that we should have Ministers who understand what is happening in their Ministries.

I am happy that when Prof. Ongeru was in the Ministry of Health, he did a wonderful job. He is doing wonderful work in the Ministry of Education not because he is a medic, but because he is a professor. He is a teacher. That is what we need to emulate. He is somebody who can listen. Somebody who is not properly educated does not want to listen.

(Laughter)

The Temporary Deputy Speaker (Prof. Kamar): Hon. Chanzu, you will have five minutes when we resume this Motion.

Hon. Members, it is time for the interruption of Business. Therefore, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.