

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 28th May, 2009

The House met at 2.30 p.m.

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

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

Report of the Departmental Committee on the Administration of Justice and Legal Affairs on the nomination of Commissioners to the Truth, Justice and Reconciliation Commission.

Report of the Departmental Committee on Administration of Justice and Legal Affairs on the appointment of Assistant Directors to the Kenya Anti-Corruption Commission.

*(By Mr. Abdikadir)*

### NOTICES OF MOTIONS

#### ADOPTION OF REPORT ON APPOINTMENT OF ASSISTANT DIRECTORS TO KACC

**Mr. Abdikadir:** Madam Temporary Deputy Speaker, I beg to give notice of the following Motions: -

THAT, this House adopts the Report of the Departmental Committee on Administration of Justice and Legal Affairs on the appointment of Assistant Directors to the Kenya Anti-Corruption Commission.

#### ADOPTION OF REPORT ON NOMINATION OF COMMISSIONERS TO TJRC

THAT, this House adopts the Report of the Departmental Committee on Administration of Justice and Legal Affairs on the nomination of Commissioners to the Truth, Justice and Reconciliation Commission.

### QUESTIONS BY PRIVATE NOTICE

AWARD OF TENDERS FOR NAIROBI-ELDORET/  
MOMBASA-NAIROBI PIPELINE CAPACITY  
ENHANCEMENT PROJECT

**(Mr. Linturi)** to ask the Minister for Energy:-

(a) What is the respective pumping capacities of the proposed Nairobi-Eldoret Parallel Pipeline and the Mombasa-Nairobi Pipeline Capacity Enhancement Project?

(b) When were the respective tenders for the above projects advertised, the identity of the firm(s) awarded the tender(s) and the amount(s) of the tender(s)?

(c) Has the letter of award for the construction of the Nairobi-Eldoret Pipeline been issued and has the contract been signed?

**The Assistant Minister for Energy** (Eng. Mahamud): Madam Temporary Deputy Speaker, I have a request from the hon. Member. He has called and informed me that he is not feeling well. He is at the Nairobi Hospital. He has asked me to have the Question deferred, if possible.

**Madam Temporary Deputy Speaker** (Prof. Kamar) Thank you. I am informed that the message has also reached the Speaker's Office.

*(Question deferred)*

TABLING OF REPORT OF TASK FORCE ON WEBUYE  
PAN AFRICAN PAPER MILLS

**Mr. Sambu:** Madam Temporary Deputy Speaker, I beg to ask the Minister for Industrialization the following Question by Private Notice.

(a) Could the Minister table the findings and recommendations of the Task Force constituted by the Government to investigate the closing down of Pan African Paper Mills in Webuye?

(b) When will the employees who were in employment at the time of closure, and who were not compensated, receive their compensation?

(c) Could the Minister confirm that the factory will re-open on 1<sup>st</sup> June, 2009 as promised by the Government?

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

(a) The Government appointed a Technical and Financial Evaluation Task Force on 2<sup>nd</sup> April, 2009, to undertake an urgent evaluation of Pan African Paper Mills, East Africa, Ltd., and to come up with a report to assist the Government to determine the viability of the company. That has been done and a detailed report presented by the Task Force. The report has confirmed that the company is technically and financially viable if the debts owed by the firm could be restructured. A detailed 32-page report is available and the discussions on the content of the report are still ongoing.

(b) The concerns of all the former employees of the Pan African Paper Mills, including those who were laid off by the current receivership, will be addressed when the ongoing discussions on the company, which are at a very advanced stage, are effectively concluded.

(c) The factory was initially scheduled to re-open around 1<sup>st</sup> June but, due to some unforeseen technicalities, the re-opening has been rescheduled to take place later in the

same month.

**Mr. Sambu:** Madam Temporary Deputy Speaker, while thanking the Assistant Minister for that answer, I need some clarifications on each of the points that he has raised. On part (a) of the Question, I asked him to table the recommendations of the Task Force. I would like to know why he has avoided tabling the recommendations of the Task Force. Under part “b”, as far as I am aware, before the closure of the factory, the workers had already entered into some discussions and some agreements were reached in terms of the payments. Those agreements were not subject to further discussions.

Could the Assistant Minister, therefore, explain why we need further discussions when, in fact, the discussions had already been concluded at the time of the closure of the factory? Lastly, since we had known all along that the factory would re-open on 1<sup>st</sup> June, and now the Assistant Minister has said that it will re-open in the course of the month of June, I would be grateful if he could give us a definite date in June when the factory will re-open.

**Mr. Muriithi:** Madam Temporary Deputy Speaker, it is true that the hon. Member asked whether I could table the report that contains the findings and recommendations. I wish to share the report with him, but I beg for the indulgence of this House that there are one or two items that are subject to the current ongoing negotiations with the parties involved. In order to safeguard the process, the hon. Member could indulge us for a little longer. It is true, as the hon. Member has said, that the previous management of that company, the Opil Group of India, entered into an arrangement with 1,282 staff members at that time. They were to be paid 30 per cent of their April dues. It is my understanding that the receiver manager, who was subsequently appointed by the short-term lenders, has, in fact, honoured the arrangement of the 30 per cent payments.

**Mr. Sambu:** On a point of order, Madam Temporary Deputy Speaker. To the best of my knowledge, the 30 per cent arrangement has not been honoured. Is the Assistant Minister in order to mislead the House that he has honoured the 30 per cent arrangement, when we know very well that it has not been honoured?

**Mr. Muriithi:** Madam Temporary Deputy Speaker, perhaps, I was not as clear as I should have been. The agreement was entered into by the management of Pan African Paper Mills who were the then Opil Group from India that subsequently absconded from duty. When that happened, short-term lenders appointed a receiver manager, who is on site at the Pan African Paper Mills. My understanding is that the Receiver, and not the Government, honoured that arrangement. If the hon. Member has information to the contrary, I would gladly take up that matter and ensure that, that agreement is honoured. With regard to giving a definite date in the month of June, we expect that in the course of the last week of June, that will happen. I know that it is fair for the hon. Member to ask for a specific date, but those actions are subject to agreements amongst many parties, of which the Government is only one. So, I urge the hon. Member to give us some latitude because I might tell him that it will re-open on 25<sup>th</sup> and then it opens on 27<sup>th</sup>. That will put us in more trouble. But in the current state of negotiations, we expect the company to re-open in the last week of June. So, I ask the hon. Member to bear with us.

**Dr. Eseli:** Madam Temporary Deputy Speaker, while I commend the Assistant Minister for the hard work he is trying to do to revive the Pan African Paper Mills, I would like him to clarify the allegation that there is a receiver who has been appointed by

short-term lenders. What is he doing to ensure that those short-term lenders who have appointed a receiver are not actually stripping the assets of the company so that, by the time the Government wants to revive the company, there might be nothing to revive? Could he also assure us that, in the negotiations, they will ensure that the Opil Group, that has actually stripped Pan Paper Mills, does not come back to Webuye?

**Mr. Muriithi:** Madam Temporary Deputy Speaker, firstly, I want to confirm to Dr. Eseli that the Receiver on the ground was appointed by the short-term lenders. I also want to inform the hon. Member and the House that the discussions that are going on are to ensure that all the creditors; namely, short and long-term lenders, unsecured lenders like Kobil, Kenya Power and Lighting Company and many others, are on board with the actions that will be taken.

As to the question of whether the Opil Group will return, I do not think so. I want to assure the House that the presence of a Receiver in the company, nullifies all management contracts. Therefore, there is no room in law or in practice for Opil Group to seek to come back as managers.

**Mr. Sambu:** Madam Temporary Deputy Speaker, I still need some clarification. Given the fact that the task force's report says the company is viable and profitable, and given further the fact that resources are available, could I take it that the Ministry will be re-opening the company on 21<sup>st</sup> June, 2009?

Secondly, could the Assistant Minister confirm that the Government has already set aside Kshs1.6 billion to revive this company?

**Mr. Muriithi:** Madam Temporary Deputy Speaker, I really want to tell the hon. Member that my heart goes out to the people of Webuye because this factory should be operating. There are many people whose livelihood depends on it. I want to assure him that we take this issue very seriously. The hon. Member knows clearly that there are budgetary issues. So, the bulk of Kshs1.6 billion will be factored in the coming Budget. Secondly, I could commit myself to opening the factory on 21<sup>st</sup> June 2009, but I know this process has certain issues that may force us not to open it on that date. I wish the hon. Member could accept the last week of June as the firm target that we have given the teams that are working there, to deliver a working factory at Webuye.

**Mr. Sambu:** On a point of order, Madam Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Prof. Kamar): What is your point of order? It had better be a point of order and not more clarifications.

**Mr. Sambu:** Madam Temporary Deputy Speaker, is the Assistant Minister really in order to avoid giving a specific date when he knows very well that all the things are in place? We have the technical staff and financial resources. Our people are suffering! Is he worried about something or what? Why is he avoiding giving us a specific date?

**The Temporary Deputy Speaker** (Prof. Kamar): How firm is the 21<sup>st</sup>?

**Mr. Muriithi:** Madam Temporary Deputy Speaker, not all the resources are in place. We all know that the Government operates within certain budgetary provisions. As to the question whether we have adequate resources in the current provision, to get moving, yes, we do. However, I plead with the Member and the House to give us latitude of a few days considering that there are eight different financial institutions involved.

**The Temporary Deputy Speaker** (Prof. Kamar): The Assistant Minister has said that he wants latitude. If you are not satisfied, let it come in another forum.

Next Question!

**Mr. Sambu:** Just one more clarification!

**The Temporary Deputy Speaker** (Prof. Kamar): No more clarifications. Mr. Sambu, you have taken your chance for clarifications.

**Mr. Sambu:** Madam Temporary Deputy Speaker, Sir, it is very important, please.

**The Temporary Deputy Speaker** (Prof. Kamar): Is it a point of order or you want to seek further clarification?

**Mr. Sambu:** Madam Temporary Deputy Speaker, it is very important.

**The Temporary Deputy Speaker** (Prof. Kamar): Is a point of order or clarification.

**Mr. Sambu:** It is a clarification!

**The Temporary Deputy Speaker** (Prof. Kamar): No! Ordinary Questions! Mr. Were!

### ORAL ANSWERS TO QUESTIONS

#### *Question No.027*

#### DISMISSAL OF MR. CHARLES TABUCHE FROM KENYA POLICE FORCE

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

(a) why Mr. Charles Chibete Tabuche (Force No.57722) was summarily dismissed from the Kenya Police Force in 1998 despite having been found innocent in Criminal Case No. 293 of 1998;

(b) why he has not been paid any emoluments despite his ten years of service; and

(c) when the Government will pay him his dues.

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

(a) Ex-Police Constable Charles Chibete Tabuche (Force No.57722) was dismissed from the Police Service with effect from 10<sup>th</sup> February 1998, after being found guilty with an offence of breaking out of the police lines contrary to Regulation No.3/13 of the Police Regulations, Cap.84 of the laws of Kenya.

(b) Upon the dismissal, the ex-officer is not entitled to pension or gratuity, but is entitled to a refund of his contributions towards Widows and Children's Pension Scheme as provided for under Cap.195, Laws of Kenya. However, the officer has been unable to process a claim for pension because the ex-officer has never submitted his bank particulars through which the payments can be made.

(c) Immediately after receiving the bank particulars from the ex-officer, the claim for his dues will be expeditiously processed and submitted to the Secretary or Director of Pensions for payment.

**Mr. Were:** Madam Temporary Deputy Speaker, the Assistant Minister says this police constable was dismissed after being found guilty of an offence of breaking out of police lines. He has quoted a section of the Police Regulations. What offence did this officer commit? Are policemen like prisoners such that they can break out of camps?

**Mr. Ojode:** Madam Temporary Deputy Speaker, this particular officer was found outside the police lines. In a premise at Industrial Area, some robberies took place and

my officers managed to round up the robbers. This particular officer was one of the robbers! So, we dismissed him immediately. Later on, he went to court. By the time he went to court, he was not a police officer. He went as a civilian. There is no way that I can reinstate his services because in the Kenya Police, we want people of high integrity. We need highly disciplined officers. We cannot tolerate a criminal in the police force. Not only this one, but any police officer, who is involved in criminal activity, will be dismissed immediately!

**Mr. Kapondi:** Madam Temporary Deputy Speaker, I think it is very unfortunate for the Assistant to pass a verdict that the said police officer was a criminal, yet the court found him not guilty.

**Mr. Ojode:** Madam Temporary Deputy Speaker, I have evidence which I can lay on the Table, where he pleaded guilty and signed. For ease of reference, I wish to lay the document on the table.

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

*(Applause)*

**Mr. Mbugua:** On a point of order, Madam Temporary Deputy Speaker. The court cleared that particular person. Why should we lay documents on the Table when a court of law has already cleared that person? Why is he going ahead to table some documents here?

**The Temporary Deputy Speaker** (Prof. Kamar): You are not in order! There is nothing wrong with tabling documents as long as they look authentic!

**Mr. Mbugua:** But, Madam Temporary Deputy Speaker, is the Assistant Minister in order to table documents?

**The Temporary Deputy Speaker** (Prof. Kamar): Yes, if it is in support of his argument. He has a right to table documents. You also have a right to table other documents.

**Mr. Were:** On a point of order, Madam Temporary Deputy Speaker. I would really want to find out whether the Assistant Minister is in order to table a document, which is not from the courts, and claim that, that document was actually from the courts.

**Mr. Ojode:** Madam Temporary Deputy Speaker, what I have tabled is just the evidence that he, himself, pleaded guilty that he was with---

**Mr. Were:** Where?

**Mr. Ojode:** You see, the Kenya Police has got its own requirements and regulations.

Madam Temporary Deputy Speaker, the Questioner wants me to reinstate that officer. But I am telling him that I cannot reinstate that officer because he was involved in criminal activities! He pleaded guilty that, yes, of course, he was involved in the criminal activities and that is what I have laid on the Table! I want you to go through it and then ask me questions!

**Mr. Shakeel:** Madam Temporary Deputy Speaker, it is on record that whenever anybody is discharged from the police force, they will always come up with a statement:

“This gentleman signed a guilty verdict. They signed something saying they are guilty.”

We do know that they are forced, sometimes, to sign what they have not really done!

*(Applause)*

I, myself, have asked a number of Questions. I have sat in this House and I have seen a number of Questions being raised in respect of police officers who have been discharged. Not even one of them has a different answer from this one! It seems to be a standard answer in every respect. It appears that the Police Force---

**The Temporary Deputy Speaker** (Prof. Kamar): This is not the time for making a speech. What is your question?

**Hon. Members:** Ask your question!

**Mr. Shakeel:** Madam Temporary Deputy Speaker, my question is this: Was he forced to sign that document to show that he was guilty?

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Assistant Minister, maybe, you should clarify that for their sake. Can one be cleared by a Government policy or a court? I think that is the question that is being repeated. When one has been cleared by a court, does he still---

**Mr. Ojode:** Madam Temporary Deputy Speaker, under normal circumstances, the disciplined forces will never accept a criminal back to the department!

Madam Temporary Deputy Speaker, it depends on what type of offence you have committed. I would like to ask my friend, Shakeel, if he has got any evidence of any officer who has been victimized, to give it to me so that I can take action? Do you have any evidence?

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

**Dr. Nuh:** On a point of order, Madam Temporary Deputy Speaker. I do not know what other court or procedure---

**The Temporary Deputy Speaker** (Prof. Kamar): Can you ask--- What is not in order?

**Dr. Nuh:** Madam Temporary Deputy Speaker, is the Assistant Minister in order to impute that the courts of Kenya cannot convict someone who is a criminal whereas water drowning by the police through investigative means provide confessions from members of public to prove that they are criminals?

**Mr. Ojode:** Madam Temporary Deputy Speaker, each department has a code of conduct. Even the disciplined forces have their own regulations. If officers are found guilty within their departments or, if you have done something wrong and which is contrary to the Code of Regulations, that particular department can dismiss you. That is exactly what we did!

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

**Mr. J.M. Kamau:** On a point of order, Madam Temporary Deputy Speaker. Is the Assistant Minister in order to refer to that police officer as a criminal and yet, we have just been told that, that gentleman was cleared by a court of law? Do we have two sets of laws in this country?

**Mr. Were:** On a point of order, Madam Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Prof. Kamar): He is on a point of order already!

**Mr. Ojode:** Madam Temporary Deputy Speaker, that particular person was never cleared by the courts.

**Mr. Were:** He was!

**Mr. Ojode:** Where are the findings? Give us the findings!

**The Temporary Deputy Speaker** (Prof. Kamar): Final question, Mr. Were! We have given too much time to this Question. Ask your final question, Mr. Were!

**Mr. Were:** Madam Temporary Deputy Speaker, the document that he has laid on the Table is actually a document from the police and not from the courts!

**Hon. Members:** Yes!

**Mr. Were:** Madam Temporary Deputy Speaker, the only thing that this document is talking about is breaking out of camp. He is not a criminal!

**The Temporary Deputy Speaker** (Prof. Kamar): So, what clarification are you asking for, Mr. Were?

**Mr. Were:** So, Madam Temporary Deputy Speaker, what I am saying is that the Assistant Minister is out of order by calling that ex-police officer a criminal when, actually, he was cleared in court and found not guilty of robbery!

**The Temporary Deputy Speaker** (Prof. Kamar): Order, Mr. Were! I thought you were asking for clarifications arising from the very Question that you came up with?

**Mr. Were:** Madam Temporary Deputy Speaker, I have to clear the air first so that it does not appear that the ex-police officer was a criminal.

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Were, can you ask for clarification from the Assistant Minister? Do not clear the air for us!

**Mr. Were:** Mr. Temporary Deputy Speaker---

**Hon. Members:** It is "Madam Temporary Deputy Speaker!

**Mr. Were:** Hold your horses! I have been there! Hold your horses! Madam Temporary Deputy Speaker, it is unfair! He is not a criminal! He was discharged because he was not found guilty of robbery. I want to be given time, even if it is one hour, to get the documents. I have documents that I can lay on the Table to show that, that man was found innocent by the courts.

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Were, you had a chance to prepare yourself before your Question was brought here! We do not go back, according to our rules. You will raise the same later on!

Mr. Assistant Minister, can you wind up?

**Mr. Were:** Madam Temporary Deputy Speaker, let me find out the following. You have indicated that an amount will be paid. Have you calculated how much is due to that ex-police officer? If a bank account is provided, how long will it take you to pay that amount? But just keep in mind that he is not a criminal!

**Mr. Ojode:** Madam Temporary Deputy Speaker, you know that even when an hon. Member walks into this Chamber without a tie, our rules require that he goes out and gets a tie! So, even within the police force, we have rules and regulations.

Madam Temporary Deputy Speaker, once we are provided with the details of the bank, I will try to push so that he can get his money as soon as possible. So, try and get us the bank details and we will give him the money!

**The Temporary Deputy Speaker** (Prof. Kamar): Next Question! Question No.060 by Mr. Julius Kones!



*Question No.060*DELAYS IN DISBURSEMENT OF FREE PRIMARY  
SECONDARY EDUCATION FUNDS

**The Temporary Deputy Speaker** (Prof. Kamar): Is Mr. Kones not here?  
Question No. 048 by Mr. Mwakulegwa!

*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 conflicts between indigenous local farmers and pastoralists over pasture and water.

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

(a) The ranches in Taita District basically fall within two jurisdictions, either under group ownership or individual private sector ownership. Although those are private properties, my Ministry is aware of the challenges of over-stocking that those ranches face. The issue of over-stocking comes when private ranch owners enter into a mutual private lease agreements with the cattle owners in other parts of the country to graze in their respective ranches. From the available information at the Ministry, cattle owners from other parts of the country agree with ranch owners to use their land, thus leading to over-stocking in the ranches. The situation is further aggravated by the drought that has ravaged many parts of the sub-region.

In a bid to arrest the situation, my Ministry has been offering the following services to ranch owners: -

(1) Technical advice on the need to maintain a recommended stocking rates within the ranches.

(2) We facilitate, through our technical department, proper planning by preparation of Ranch Management Specific Action Plans in order to guide the ranch managers and ensure sustainable and economic use of resources without causing overstocking, land degradation and desertification.

(3) Advise on proper grazing management where ranches, for example, are advised to establish watering points in strategic parts of the ranches to enhance even distribution of livestock to avoid over concentration in some areas.

(b) My Ministry endeavours to control livestock movement in the country. We do this in order to control diseases, cattle rustling and potential conflicts over pasture and water. In this respect, the Ministry issues No-objection Permits from the receiving districts and Movement Permits from the place of origin. This is meant to control and regulate livestock movement in this country.

Further, according to the Diseases Act Cap.364, grazing of livestock along public roads and railway lines is prohibited. However, these requirements are contravened a number of times by the livestock keepers in this country. In order to address this problem, my Ministry, in collaboration with the Office of the President, particularly the Provincial Administration, will closely monitor and step up control of livestock movement in Taita Taveta District and other parts of the country.

The public and other stakeholders in the livestock sector are requested to alert the relevant authorities whenever there are suspicious movements of livestock from one area to another.

**Mr. Mwakulegwa:** Madam Temporary Deputy Speaker, I would like to thank the Assistant Minister for the good answer. Could he tell us how many No-Objection Permits were issued in the last two years in Taita District? Could he also tell us how many animals were allowed to come in? If they were not allowed to come in, how many are being held by Ministry officials because the owners did not have Movement Permits?

**Mr. Duale:** Madam Temporary Deputy Speaker, between 2008 and 2009, my Ministry has issued No-Objection and Movement Permits for 2,774 head of cattle, 700 sheep, 497 goats and 500 camels in Taita-Taveta District. In 2008, five cases of illegal movement of livestock destined for Taita---

**Mr. Mwakulegwa:** On a point of order, Madam Temporary Deputy Speaker. The Assistant Minister has given a figure of 2,774 head of cattle while I have a different figure from a reliable source which tells me that we have more than 40,000 head of cattle in Taita-Taveta District. If he does not have the right information, I can lay this document on the Table. Is he in order to mislead the House that it is only 2,774 head of cattle that have come to Taita-Taveta District in the last two years?

**Mr. Duale:** Madam Temporary Deputy Speaker, the movement of cattle to Taita-Taveta District goes back to 1963. If the hon. Member wants me to table that information, then that is a different Question. However, documents issued by respective Government officers indicate that between 2008 and May, 2009, 2,774 head of cattle came to Taita-Taveta District. Other livestock were brought to Taita Taveta District in 2005, 2004 and 2001.

**Mr. Gunda:** Madam Temporary Deputy Speaker, the Assistant Minister has told us that the cattle which move to Taita are usually accommodated within private and public ranches. Between Voi and Mackinnon Road, there is a corridor which is occupied by holders of cattle. There are more than the 2,774 heads of cattle he has talked about. They occupy the space between the railway line and the road. These are illegal settlers. What has the Ministry done to evict them from that corridor?

**Mr. Duale:** Madam Temporary Deputy Speaker, in this country and particularly in the Northern Corridor, all the way from North Eastern Province to the coastal ranches, there is a specific livestock route, holding grounds and ranches. They are owned by both the public and private sector. When I talk about the "public" I mean the Galana's one million acres ranch owned by the Agricultural Development Corporation (ADC), which is under the Ministry of Agriculture.

The livestock held up at the coastal ranches are more than 80,000; that is all the way from Tana River to the border between Kenya and Tanzania. If there is livestock kept along the railway line, I have said earlier on that it is the business of the Ministry of

Livestock Development in collaboration with the Provincial Administration, under Cap 364, to act. Let us be notified and we will take stern action.

**Mr. Gunda:** On a point of order, Madam Temporary Deputy Speaker. I have already notified the Assistant Minister that the livestock is already there. What other notification does he want? Is he in order to request for another notification?

**Mr. Mungatana:** Madam Temporary Deputy Speaker, the Assistant Minister has told us in his answer about the technical advice he gives to ranches in order to maintain the recommended stocking rates. We always have tension between farmers and livestock keepers in Garsen Constituency and the Tana Delta. What has the Ministry done to solve this problem? This is because there are no ranches in a very large area. What are the recommended stocking rates? The problem is not only experienced in Tana River District, but also in Kaloleni and Taita Taveta District. In these areas, cattle move without proper stocking rates. What will the Assistant Minister do to solve this problem? I am asking this question because this matter poses a security threat.

**Mr. Duale:** Madam Temporary Deputy Speaker, with regard to the point of order, I assure the hon. Member that action will be taken against the people who are keeping animals along the railway line and public roads. We will do that in collaboration with the Ministry of State for Provincial Administration and Internal Security.

With regard to Mr. Mungatana's question, it is true that we offer technical advice, but specifically on private ranches. We advise on the number of animals that can be kept in a particular ranch after we have known its demarcation and size. We know the number of livestock that can be kept in one-acre piece of land. It becomes difficult when it comes to trustland, for example, the Tana Delta or North Eastern Province where land is owned by the community. However, the Government will always be in the forefront to---

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Assistant Minister, the hon. Member wants an assurance from you! Could you give it?

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

**Mr. Mwakulegwa:** Madam Temporary Deputy Speaker, could the Assistant Minister accept or deny that the overstocking in Taita is due to collusion between his Ministry's officials and illegal grazers to bring animals to that area? These people get kickbacks for allowing the animals to come to Taita!

**Mr. Duale:** Madam Temporary Deputy Speaker, we are not aware, but I can assure the hon. Member that the moment we get information that our technical team are colluding with illegal private animal owners, we will take action immediately.

**Mr. Mwakulegwa:** On a point of order, Madam Temporary Deputy Speaker. We have already told the Assistant Minister that there is overstocking, and he has admitted that only 2,700 animals have gone to Taita. We have over 40,000 animals on the ground as we speak. Does that not illustrate that there is corruption among his officers, who allow animals to come to Taita? They only know of 2,7000 animals! I can table a paper here from the Kenya Wildlife Service (KWS), specifically from the District Warden, Voi, who has done a head count of the animals. They were 40,000 as of last week!

**The Temporary Deputy Speaker** ( Prof. Kamar): Mr. Assistant Minister, what are you going to do about that situation?

**Mr. Duale:** Madam Temporary Deputy Speaker, we shall appreciate if the hon. Member shares with us the document from the KWS, because we are all serving the same Government. My Ministry is ready to team up with other stakeholders in Taita, so that we can go there and see the best way forward in solving the overstocking problem in the area. As I said earlier, private ranchers have a mutual private sector agreement with livestock keepers. As a Ministry, ours is to offer technical advice.

**The Temporary Deputy Speaker** (Prof. Kamar): Question No.141 by Mr. Fred Kapondi!

*Question No.141*

NON-ISSUANCE OF TITLE DEEDS TO CHEBYUK  
SETTLEMENT SCHEME LANDOWNERS

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

(a) why the Government has not issued title deeds to landowners in Chebyuk Settlement Scheme (Phases I and II), who have occupied the land for 20 years; and,

(b) when he plans to issue the documents.

**The Assistant Minister for Lands** (Mr. Bifwoli): Madam Temporary Deputy Speaker, I beg to reply.

(a) The title deeds for Chebyuk Settlement Scheme Phase I have not been issued because of the dispute that arose out of double allocations. These double allocation cases of Chebyuk Settlement Scheme Phase I were sorted out during the implementation of the Phase II.

(b) We cannot issue title deeds for Chebyuk Settlement Schemes I and II because the schemes are not gazetted by the Ministry of Forestry and Wildlife. The title deeds will be issued when the exercise by Task Force on Resettlement of Beneficiaries in Mount Elgon is finalized.

**Mr. Kapondi:** Madam Temporary Deputy Speaker, only last week, the Assistant Minister begged for more time, so that he could come with an appropriate answer. However, the answer he has brought is completely insufficient. It shows that my good friend is not in charge of the Ministry. If the de-gazetement was done in 1974 and subsequent settlement done, where did this dispute and the issue of double allocations come from to bar the issuance of title deeds, over 20 years down the line?

**Mr. Bifwoli:** Madam Temporary Deputy Speaker, my brother Kapondi will agree with me that Chebyuk Phase I was actually de-gazetted in 1974, but because of the internal tribal clashes that were caused by the settlement, we set up a task force, so that---

**Mr. Kapondi:** On a point of order, Madam Temporary Deputy Speaker. I am asking whether my good friend is in order to mislead the House that, because of tribal clashes that arose in 1974, they delayed this exercise. Is he in order to say that there were tribal clashes, yet there were none?

**Mr. Bifwoli:** Madam Temporary Deputy Speaker, actually, they were not tribal clashes, but people were fighting amongst themselves because of this land issue! So, we suspended the issuance of title deeds because they were killing each other!

**Mr. Kutuny:** Madam Temporary Deputy Speaker, the land issue remains emotive all over this country. The way the Assistant Minister is trying to articulate it shows that they are very reluctant to address it.

**The Temporary Deputy Speaker** (Prof. Kamar): Ask your question!

**Mr. Kutuny:** Madam Temporary Deputy Speaker, could the Assistant Minister assure this House that they are going to put in place measures to ensure that the farms for which there are no title deeds in places like the Chebyuk Settlement Scheme, where people fight every now and then, are issued with title deeds?

**Mr. Bifwoli:** Madam Temporary Deputy Speaker, I have assured this House that, so far, we have sorted out the disputes, and that we have set up a task force to identify the owners. We are only waiting for the Ministry of Forestry and Wildlife to de-gazette that land, so that we can issue title deeds. We cannot issue---

**Mr. Kapondi:** On a point of order, Madam Temporary Deputy Speaker. Is the Assistant Minister in order to mislead the House? The task force is specifically looking into Phase II, and not Phase I. Is he in order to talk about a non-existent Phase III?

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Assistant Minister, what is your taskforce doing?

**Mr. Bifwoli:** Madam Temporary Deputy Speaker, we came up with Chebyuk Phase III, because of double allocations in Chebyuk Phase I. We had cases where two people got title deeds for the same land parcel. So, we established Chebyuk III. The task force was supposed to establish the identity of the persons who were affected by the double allocation problem, so that they could be settled in Chebyuk III.

**Mr. Kigen:** On a point of order, Madam Temporary Deputy Speaker. We listened to the Assistant Minister at the beginning, when he was responding to this Question. He confirmed that there are no title deeds that have been given out so far, because of disputes. He is now talking about some title deeds that exist. Is it in order for him to refer to some title deeds that do not exist yet he had said in the beginning that there were no title deeds?

**Mr. Bifwoli:** Madam Temporary Deputy Speaker, I said that title deeds were not issued because of double allocation. When we discovered that some pieces of land had been allocated to more than one person, we could not issue the title deeds.

**Mr. Chanzu:** Madam Temporary Deputy Speaker, the Assistant Minister is admitting that since Independence, the Ministry has not been doing its work. He is talking about double allocation. It is the same Ministry that does the allocation.

**The Temporary Deputy Speaker** (Prof. Kamar): Can you ask a question? There is no debate!

**Mr. Chanzu:** Madam Temporary Deputy Speaker, on the issue of issuance of title deeds, I would like the Assistant Minister to assure this House that they are going to be proactive. It is not only this settlement scheme that is affected. Even in Maragoli Hills, people are living on ancestral land, and they do not have title deeds. Could he assure this House that they are going to be proactive and issue title deeds, instead of forming task forces every now and then?

**Mr. Bifwoli:** Madam Temporary Deputy Speaker, the Question is about Mount Elgon and Chebyuk Settlement Scheme. It is not about Maragoli Hills. If I am asked a Question about Maragoli Hills, I will study the situation and come here with a concrete answer.

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Assistant Minister, what he wants is an assurance. Could you assure him that the title deeds will be issued?

**Mr. Bifwoli:** Madam Temporary Deputy Speaker, where there are no problems, our Ministry has issued title deeds. These are places like Busia, Bungoma, Kakamega and the rest of the country. I can assure this House that we have given title deeds where we do not have problems.

**Mr. C. Kilonzo:** On a point of order, Madam Temporary Deputy Speaker. Is the hon. Assistant Minister in order to mislead the House? I come from a settlement scheme where title deeds are being issued to absentee landlords! They come with court orders to evict people who have occupied the land for the last 40 years. Is he in order to mislead this House that they do not issue title deeds where there are disputes? In Ndalani Settlement Scheme there is a dispute but title deeds are being given to absentee landlords who come with court orders to evict people who have been in occupation for 40 years.

**Mr. Bifwoli:** Madam Temporary Deputy Speaker, Sir, I am not aware of people who are being given title deeds where there is a dispute. You know, title deeds can be fake or genuine. In this country, some people are so bright. They can sit somewhere and make their own title deeds. If they are made outside our Ministry, I cannot defend them.

**Mr. C. Kilonzo:** On a point of order, Madam Temporary Deputy Speaker. It is unfortunate that the Assistant Minister is taking this issue lightly. How can title deeds be fake while they are taken to courts of law? Directives are given by the courts for people to be evicted from these pieces of land. Is the Assistant Minister trying to say that the courts accept to deal with fake title deeds? These are genuine title deeds issued by your own Ministry! Officers from your Ministry also go to identify those parcels of land. Is the Assistant Minister in order to take this issue lightly?

**Mr. Bifwoli:** Madam Temporary Deputy Speaker, I have said very clearly that where there is a dispute, we suspend issuance of title deeds. There is no record anywhere of us issuing a title deed where people are querying. If there is any, my friend should come and tell me.

On the issue of courts, I am not a magistrate neither have I ever been a lawyer in my life.

*(Laughter)*

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

**Mr. Kapondi:** Madam Temporary Deputy Speaker, could the Assistant Minister tell us why it has taken long to degazette Phase II of the project? Could he confirm that the delay is a result of inefficiency in his Ministry?

**Mr. Bifwoli:** Madam Temporary Deputy Speaker, degazetting of Mt. Elgon Forest does not fall under the docket of the Ministry of Lands. It falls under the Ministry of Wildlife and Forestry. Therefore, I cannot know why it has not been done. We have, however, written a Memorandum to the Cabinet to that effect, from our Ministry. That is all we can do.

**The Temporary Deputy Speaker** (Prof. Kamar): Next Question by Mr. Peter Kiilu!

*Question No.062*

REHABILITATION OF SIMBA-NASUMBA ROAD

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

(a) what plans he has to make Simba/Nasumbua Road (E705) motorable all year round, particularly the badly damaged section between Simba and Matutu markets; and,

(b) when he will repair the foot-drift across River Muooni on the same road.

**The Minister for Roads** (Mr. Bett): Mr. Speaker, Sir, I beg to reply.

(a) This road is a Class E Road, (E705), and, therefore, it falls under the purview of the District Roads Committee (DRC) who should prioritize its maintenance in their annual workplan. However, in this Financial Year, (2008/2009), a section of the road was maintained using the Road Maintenance Levy Fund. The DRC should consider allocating funds for repair of the section between Simba and Matutu, which is damaged and becomes dusty during dry season.

(b) The Ministry plans to improve and protect the Muooni River drift and its approaches in the coming financial Year 2009/2010.

**Mr. Kiilu:** Madam Temporary Deputy Speaker, I want to thank the Minister for the answer. The existence of good roads is an important ingredient for the social development of this country. This is the only road for the people of Nguu Division of Nzau District. The Minister has accepted that this road is in bad shape and becomes impassable. Could he consider upgrading that drift to a bridge instead of just improving on it?

**Mr. Bett:** Madam Temporary Deputy Speaker, the Muooni Drift is in good condition at the moment. The drift was last repaired in 2004/2005. We spent Kshs673,000 to repair it. However, the funding was not adequate to protect and spot gravel the approaches on both sides of the drift. My Ministry, therefore, intends to repair the drift and inject in this financial year, a further Kshs209,000 from the Roads Levy. I hope the hon. Member will inject more money from the DRC! We intend to put in Kshs8.2 million to repair the drift and the approaches to the drift.

**The Temporary Deputy Speaker** (Prof. Kamar): Last question!

**Mr. Kiilu:** Madam Temporary Deputy Speaker, Sir, although the Minister says the drift is okay, the approaches to that drift are bad. I doubt whether Kshs209,000 can do the work that is required. This road becomes impassable during the rainy season. People in the division remain marooned there. That is why I am asking the Minister to consider improving this bridge so that the road becomes passable all year round whether it is raining or not.

**Mr. Bett:** Madam Temporary Deputy Speaker, I want to make a correction. It is not Kshs209,000; it is Kshs8.2 million. That money will go into repairing the approaches to the drift on both sides. It will also go into helping some areas where there is outcropping of rocks. We will use a bulldozer to clear the out-cropping rocks to make the road smoother.

Thank you.

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

*Question No.171*

CONSTRUCTION STATUS OF  
ISIOLO-MOYALE ROAD

**Mr. Chachu** asked the Minister for Roads: -

(a) what the current construction status of the Isiolo-Moyale Road is and the projected completion date of Phase I of the road Stretching from Isiolo Town to Merille Bridge;

(b) the financial arrangement he has made to fund the construction of the remaining two phases of the project; and,

(c) whether he could consider constructing the remaining phases simultaneously, considering its importance as a link to Ethiopia.

**The Minister for Roads** (Mr. Bett): Madam Temporary Deputy Speaker, I beg to reply.

(a) The current status of Isiolo-Moyale Road Construction Project is as follows; The Government is upgrading Isiolo-Moyale Road, which is a distance of 528 kilometres, to bitumen standards in order to improve road transport services and enhance trade and regional integration between Kenya and Ethiopia. The project is being implemented in the following phases.

Phase I - Isiolo - Merille Road - 136 kilometres. The construction work has started and there is a contractor on site. The construction work is in progress. So far, 16 kilometres of the road have been completed and another 60 kilometres is at various stages of construction. The work is expected to be completed in July, 2010.

Madam Temporary Deputy Speaker, Merille - Marsabit Road which is 130 kilometres has the section from Merille into Marsabit Town and Marsabit into Turbi up to Moyale, will be implemented in Phase II and Phase III respectively. The design and tender documents for these two sections have already been completed.

The negotiations for funding are being finalised and the European Union (EU) has committed Euro 67.5 million being the equivalent of Kshs7 billion under the EDF 10 Funding Programme for Merille-Marsabit Road. The balance of the funding of about Kshs2 billion will be availed from the Government of Kenya Development Vote. This project is expected to be complete within 30 months. That will be 130 kilometres.

On the Marsabit-Turbi Road, funding arrangements are being finalised with the African Development Bank (ADB), which has committed approximately Kshs15 billion. The balance of funding of Kshs2 billion will be from the Government of Kenya. Again, that road is expected to be complete within 30 months.

Madam Temporary Deputy Speaker, I would like to inform the hon. Member that I have instructed my Permanent Secretary today to proceed to Tunis and conclude negotiations for the Marsabit-Turbi Road.

With regard to Turbi-Moyale Road, my Ministry is in the process of securing funds, again, from the ADB.

(c) My Ministry intends to invite tenders simultaneously and proceed with the construction of Phases I and II concurrently, once the funding negotiations are signed by the two parties.

**Mr. Chachu:** Madam Temporary Deputy Speaker, I would like to thank the Minister for a very concise and encouraging response. For the first time, this Government is committed to opening northern Kenya to the rest of the country. It is encouraging to note that the funding arrangement for Phase II; that is between Merille River and Marsabit and Phase III, from Marsabit to Turbi is almost being finalised. When does the Minister think Phases II and III will start.



**Mr. Bett:** Madam Temporary Deputy Speaker, Phases II and III will start soon after we have secured funds from the donors; that is the EU and the ADB. We hope to start work soon after we sign the agreements. I assure this House that, that will not be long since the Permanent Secretary has already made plans to travel to Tunis to negotiate for Phase II.

**Mr. Letimalo:** Madam Temporary Deputy Speaker, on the Isiolo-Merille Road, there is a stretch of 50 kilometers to Rwamba which is the district headquarters for Samburu East. When will the Ministry tarmac this road as was promised by His Excellency the President?

**Mr. Bett:** Madam Temporary Deputy Speaker, I am not privy to the promise given by His Excellency the President. However, I am privy to the fact that we intend to look into the maintenance and construction of all the roads in Kenya for the benefit of the economy of this country.

**Mr. Letimalo:** On a point of order, Madam Temporary Deputy Speaker. Would I be in order to know from the Minister why he is ignoring the promise made by His Excellency the President in October 2007 to the effect that, that road will be tarmacked once the Isiolo-Merille Road starts?

**Mr. Bett:** Madam Temporary Deputy Speaker, I sympathise with the situation of the hon. Member. However, I plead with him to put in a Question and I will conclusively, precisely and comprehensively give him an answer.

*(Mr. Gabbow approached the Dispatch Box  
from the Government side)*

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Gabbow, you cannot ask your question from there! You were standing next to a very good microphone. I do not know why you left it.

**Mr. Gabbow:** Madam Temporary Deputy Speaker, I would like to ask the Minister how long it has taken the construction company to complete the 16-kilometer section.

**Mr. Bett:** Madam Temporary Deputy Speaker, the construction started on 4<sup>th</sup> September, 2007. I agree with the hon. Member that it has taken slightly longer, but the contractors are not to blame. We have faced various challenges and the main one is the issue of insecurity in the area. The contractor has generally faced insecurity problems.

Secondly, there is a problem of water scarcity. Thirdly, there was the problem of lack of materials or unavailability of quarries. I appeal to Members of Parliament to assist us procure quarries for our roads and refrain the councils from imposing rates on them. That impedes the construction of our roads. For example, we have suspended construction of Namanga-Athi River Road because the council askaris went and stopped the contractor from using a quarry in Kajiado. That delays completion of the road and costs the Government money in form of penalties.

**Dr. Nuh:** Madam Temporary Deputy Speaker, could the Minister inform the House the role his Ministry plays, if at all there is, in the construction of the road between Garissa and Malindi which is done by the National Youth Service (NYS)?

**Mr. Bett:** Madam Temporary Deputy Speaker, I have not got his question clearly. However, he has asked what role the Ministry plays on the road. It is the business of my

Ministry to construct roads. So, if a road is being constructed somewhere, that is the business of my Ministry.

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

**Mr. Chachu:** Madam Temporary Deputy Speaker, the major objective of this road is to enhance business between Kenya and Ethiopia. That will only be realised if the last phase from Moyale to Turbi is constructed. What substantive financial arrangement does the Minister have to see to it, that the last phase is conclusively done?

**Mr. Bett:** Madam Temporary Deputy Speaker, I totally agree with the hon. Member that the connection between our country and Ethiopia is critical in terms of commerce. We are doing everything possible to complete that road. I have said that the Permanent Secretary will discuss with the ADB to secure funds for the Marsabit-Turbi Road. He is also under my instructions to begin discussions on the funding of the Turbi-Moyale section of the Road.

*Question No.192*

ESTABLISHMENT OF ELECTRICITY  
SERVICE CENTRE IN KITUI TOWN

**Mr. Nyamai** asked the Minister for Energy what steps he is taking to ensure an electricity service centre is established in Kitui Town to bring services closer to the people of Kitui District.

**The Assistant Minister for Energy** (Mr. Mahamud): Madam Temporary Deputy Speaker, I beg to reply.

There is already a customer service centre in Kitui, which is largely used as an operation depot for emergency services and, to a limited extent, for other customer services. The facility, however, has recently been upgraded to a branch and has a business head and a customer officer, who have been posted there. The sub-regional head office in Thika also gives the requisite support to the branch business head in Kitui, thus enhancing the services rendered. It is, however, acknowledged that the office is currently not conveniently located and efforts are being made to identify a more convenient location in Kitui Town centre. When this is done, customers will also be able to settle utility bills more conveniently through the existing banks in Kitui Town.

**Mr. Nyamai:** Madam Temporary Deputy Speaker, I am happy to note that something is happening. However, you will realize that we still have to travel about 200 to 300 kilometres to Thika to apply for electricity. The Assistant Minister has mentioned that they are looking for a site. However, we have not got any request for an appropriate site, which we would have given immediately. Could he indicate when this project would start if we gave them a site for construction tomorrow?

**Mr. Mohamud:** Madam Temporary Deputy Speaker, I agree that the service is provided from Thika, and the greater part of Ukambani is very far from the service centres. The Kenya Power and Lighting Company (KPLC) has realized this and they are now trying to establish an office in Kitui. All efforts will be made to ensure that the office becomes operational as soon as possible.

**Mr. Nyamai:** Madam Temporary Deputy Speaker, the Assistant Minister will realize that meanwhile, some parts of the larger Kitui District are still about 90 to 120

kilometres from Kitui District. What plans are there to take the service centres to those areas? I have in mind places like Mutitu, Mutomo, Kanyangi and upper Mutonguni areas.

**Mr. Mahamud:** Madam Temporary Deputy Speaker, once we fully establish the Kitui office, then we will see how we can decentralize further within the greater Kitui District.

**The Temporary Deputy Speaker** (Prof. Kamar): We will now go to the Question by Dr. Kones, and we need an apology from him for being late.

**Dr. Kones:** Madam Temporary Deputy Speaker, I apologize for coming late.

*Question No.060*

DELAYS IN DISBURSEMENT OF FREE PRIMARY/  
SECONDARY EDUCATION FUNDS

**Dr. Kones** asked the Minister for Education:-

- (a) why there have been delays in disbursement of free primary and secondary education funds;
- (b) to table the Ministry guidelines used in the disbursement of these funds; and,
- (c) what steps he is taking to ensure efficient and equitable disbursement of these funds.

**The Minister for Education** (Prof. Ongeru): Madam Temporary Deputy Speaker, beg to reply.

(a) The Ministry disburses free primary education grants as and when they are availed by the Ministry of Finance through Exchequer releases.

(b) Guidelines on the disbursement of free primary education and free secondary education are attached. For the purpose of this Question, I table those guidelines.

*(Prof. Ongeru laid the document  
on the Table)*

(c) The Ministry is committed to the implementation of free primary and free secondary education guidelines, which, among others, include capitation of annual entitlement of Kshs1,020 and Kshs10,265 for each enrolled primary and secondary student respectively. Funds are electronically disbursed directly to school bank accounts and enhancement of free primary education and FSE management units and training of officers is also effectively carried out.

**Dr. Kones:** Madam Temporary Deputy Speaker, I would like to know from the Minister the current status of the disbursement of these funds. Have all the schools received the first and second tranches?

**Prof. Ongeru:** Madam Temporary Deputy Speaker, it is in public domain, and within the domain of this Parliament, that we had a hitch in the Supplementary Estimates and, therefore, no disbursement could have been carried out until the Supplementary Estimates were passed in this House, and receive Presidential assent. Consequently, the IFMIS was closed down because of non-availability of funds for the Government, or Government departments, including my Ministry, to utilize. However, I am pleased to note and announce to this House that since the IFMIS was opened on Sunday night, between Monday and today, my Ministry has been very actively disbursing these funds

electronically, as I have said, to the tune of Kshs2.8 billion. This will be available in the accounts of the schools latest end of next week.

**Mr. Koech:** Madam Temporary Deputy Speaker, the introduction of the free primary funds and free day secondary funds is a noble decision by this Government, and it should be applauded. But the delay in the release of this money has caused a lot of problems in schools. Could the Minister confirm to this House that the delay in the release of these funds has compromised the quality of education? What is he going to do to ensure that in future, the release of these funds is not done one month after the schools have opened?

**Prof. Ongeri:** Madam Temporary Deputy Speaker, Mr. Koech fully knows that what he is talking about is in the past. We are talking of the current situation, as it prevails today, is that Kshs2.8 billion was not disbursed because of the delay in the approval of the Supplementary Estimates. I think the conclusion that standards are compromised as a result of non-availability of these funds is far fetched. We should be well advised that it is not the money that determines performance; it is the total sum of efforts by the teachers, the parents and the availability of funds that determine good performance. At any rate, they had received the first tranche which should have been able to see them through quite comfortably and without any hitch.

**Mr. Mbugua:** Madam Temporary Deputy Speaker, I would like to ask the Minister what they are doing to ensure that the bursary funds are increased. What criteria do they use in sending the bursary money to various constituencies?

**Prof. Ongeri:** Madam Temporary Deputy Speaker, I think Mr. Mbugua may not have realized that before the introduction of free day secondary schools, there used to be a budget line of Kshs800 million available in the form of bursaries for vulnerable groups. Those were single orphaned children, the total orphaned children and the children who were in vulnerable areas, particularly in slum areas and the nomadic regions. When the free day secondary school was introduced, the total amount available in the current Budget, 2008/2009, was scaled down to Kshs500 million. That money is determined on the basis of the vulnerability of children in every given area. For instance, Budalang'I will, obviously get a little more consideration because of the flooding problem and so will nomadic areas. Children in some slum areas in Nairobi will obviously be catered for, together with children with special needs. Therefore, the funds for bursaries are already in the accounts of the respective constituencies.

**Dr. Kones:** Madam temporary Deputy Speaker, the Minister has talked about the free day secondary school, while we know for sure, again, that it is not completely free. They still pay funds for lunches and other activities, which total to about Kshs7,000 a year. We also know that in day schools, there are very needy cases and orphans. Could the Minister consider allowing the Ministry to give bursaries to day scholars?

**Prof. Ongeri:** Madam Temporary Deputy Speaker, when we say free day secondary school, we actually mean so. The hot lunches and the uniform expenses are to be met by parents. However, we do have a special School Feeding Programme precisely geared towards touching and reaching out to the vulnerable groups, particularly in the Arid and Semi-Arid Lands (ASALs). That programme is on and it is a partnership between the Government of Kenya and the World Food Programme. Currently, we have been reaching out to 1.2 million children but because of the escalation of the cost of

inputs like maize, it threatened to bring down the numbers, supporting only 700,000. Fortunately, we were able to get some subsidy from JICA, the Japanese Government for an amount of Kshs150 million plus an addition of Kshs400 million from the Government of Kenya which has put back the programme on course.

**The Temporary Deputy Speaker** (Prof. Kamar): Hon. Members, we have finished the Questions for the day. Question No.1 by Private Notice, asked by Mr. Linturi, has been deferred to Tuesday, 2<sup>nd</sup> June, 2009.

### QUESTION BY PRIVATE NOTICE

#### AWARD OF TENDERS FOR NAIROBI-ELDORET/ MOMBASA-NAIROBI PIPELINE CAPACITY ENHANCEMENT PROJECT

**(Mr. Linturi)** to ask the Minister for Energy the following Question by Private Notice: -

(a) What are the respective pumping capacities of the proposed Nairobi-Eldoret Parallel Pipeline and the Mombasa-Nairobi Pipeline Capacity Enhancement Project?

(b) When were the respective tenders for the above projects advertised, the identity of the firm(s) awarded the tender(s) and the amount(s) of the tenders?

(c) Has the letter of award for the construction of the Nairobi-Eldoret Pipeline been issued and the contract signed?

*(Question deferred)*

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

### STATEMENTS

**The Temporary Deputy Speaker** (Prof. Kamar): We have several Ministerial Statements and the first one is from the Minister of State for Provincial Administration and Internal Security. The Statement was requested by Mr. Chanzu.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Madam Temporary Deputy Speaker, Sir, I have a Ministerial Statement here, in respect of the clarifications requested by Ms. Karua.

#### CIRCUMSTANCES UNDER WHICH 43 PEOPLE HAVE BEEN KILLED IN KIRINYAGA

Madam Temporary Deputy Speaker, on 27<sup>th</sup> May, 2009, Ms. Karua, the hon. Member for Gichugu rose on a point of order to seek a Ministerial Statement from me on the circumstances in which 43 people lost their lives in Kirinyaga Central and Ndia Constituency. At the outset, I would like to state that the information which is available indicates that 26 people lost their lives in the larger Kirinyaga District during the month of April and May, 2009.

Following a crackdown on *Mungiki* criminal gangs in Nairobi and Murang'a in the late 2007, the gang members relocated to Kirinyaga and started to levy illegal taxes

on members of the public in the greater Kirinyaga District as follows: Initial fee for operating matatus, Kshs10,000; initial fee for operating motor cycles, Kshs5,000; initial fee for operating taxis, Kshs5,000. In addition, there were daily collections on matatus, buses and motor cycles at the rate of Kshs100, Kshs500 and Kshs50, respectively.

Madam Temporary Deputy Speaker, early this year, the criminal gang members came out openly and intensified and diversified extortion in all socio-economic sectors of the community. They moved into the rural areas and started levying illegal charges as follows: Permanent houses, Kshs500; timber houses, Kshs200, mud houses, Kshs50. In addition, cattle owners were forced to pay Kshs20 per cow and 5 per cent on litres of milk obtained. Dowry was also levied at 5 per cent of the amount paid. Further to the illegal levying, the criminal gang engaged in the following activities: Abduction of young girls for immoral purposes, forced female genital mutilation on women and girls, kidnapping and demanding ransom, introduction of kangaroo courts, use of M-Pesa to receive extortion fee from the *matatus*, compel owners of Public Service Vehicles (PSV) to employ members of the gang as drivers and conductors, force men to leave their houses to allow the members of the gang to engage in sexual acts with their wives, and force parents to surrender their daughters to gang members for immoral purposes.

Madam Temporary Deputy Speaker, the criminal gang is still here, inflicting their bizarre oath-taking process with thorough beatings and eating of human flesh. Those who continue to defy their demands are subsequently beheaded. Consequently, the local people numbering 2,000 simultaneously moved from village to village flushing out suspected *Mungiki* members and burning their houses. Unfortunately, in the ensuing violence, this incident left 15 suspected *Mungiki* members dead while 11 others died later. Also, 55 houses were burnt. The police arrested 7 suspects in connection with the killings and investigations are ongoing. In addition, the District Security Intelligence Committee in Kirinyaga has held several *barazas* to prevail upon the people not to take the law into their hands but hand over the criminals to the police.

On 20<sup>th</sup> April, 2009 at about 3.00 p.m., the exogenous anti-*Mungiki* groups from Kirinyaga moved to Mathira on motorbikes in pursuit of *Mungiki* gang members who had fled from Kirinyaga. The group was intercepted by the police and dispersed. It is at this juncture that the *Mungiki* adherents organized themselves and launched retaliatory attack on Chiruihu and Gataithi villages, killing 29 innocent people on Tuesday, 21<sup>st</sup> April, 2009 at around 2.00 a.m.

Madam Temporary Deputy Speaker, the activities of the illegal gangs have far reaching ramifications on the affected communities. In the first place, the economic activities of the affected areas have been adversely affected. Secondly, the education sector has not been spared and impact has been detected in the poor enrolment, particularly of boys in primary and secondary schools which has gone down to 40 per cent because *Mungiki* is recruiting students in secondary schools and also in some primary schools.

I would like to inform the hon. Members that the Government is committed to addressing the challenge posed by the *Mungiki* menace and other criminal gangs in the country. In that respect, the Government has put in place the following measures: We have deployed more security officers in the area, that is, 150 Administration Police (AP) from the Rapid Deployment Unit and 71 General Service Unit (GSU). We have also enhanced targeted security, staffing and equipment, especially transport, including

increase in the administrative units. We have provided additional vehicles to the regular police and administration police officers for sustained patrol. Consequently, seven key suspects have been arrested, 23 charged with the preparation to commit felony, 20 charged with robbery with violence, 17 with murder and 10 bound to keep peace.

Madam Temporary Deputy Speaker, intelligence collection has been stepped up to prevent criminal activities and close-in on the organizers and beneficiaries of illegal *Mungiki* proceeds. A police post has also been opened on the Kirinyaga and Mathira border where people were killed. Mob justice on the *Mungiki* suspects by members of the public has been stamped out. Indeed, we have made it very clear that it does not matter what label somebody wears, he or she will be dealt with if they commit any criminal acts. Several community policing fora are being strengthened for stronger partnership with law enforcement agencies. Meetings of political leaders, religious leaders, business people and Government officials have been convened from grassroots to the national levels.

Lastly, but not the least, the Government is in the process of drafting a law to comprehensively deal with the problems of organized criminal gangs in this country. It is not only *Mungiki* which is an organized criminal gang, but there are quite a number of them. The same shall soon be tabled before this House for debate. I hope when it comes for deliberations, hon. Members will support it.

**Ms. Karua:** Madam Temporary Deputy Speaker, I seek your indulgence to lay the basis of the clarifications I will now seek. First of all, I am grateful that the Minister has admitted 26 deaths. I want to assure him that they are 43 deaths. I am now reliably informed that this is not an exhaustive list and I would be reading out the names.

I want to say that we cannot fight crime with crime. I sympathize with residents of Kirinyaga who were terrorized by lawless youths demanding money from them and committing all manner of atrocities. But that cannot justify the police, administration police and the Government suspending law and letting citizens rise against each other. I am informed that when the vigilantes go on rampage, they are actually escorted by the police officers who stay at a distance and wait for them to murder and they immediately collect the bodies. All the people murdered are being buried within a day. Most of these crimes are committed in Kirinyaga Central District. It is the Provincial Administration and the police within these districts that have allowed this state of affairs to remain. There are intelligence officers in these areas. Even when boys were collecting money, they were sharing it with some people in the Government. That is why they were allowed to continue with their atrocities.

Madam Temporary Deputy Speaker, I want to read a list of those who have died by being slashed with *pangas* and they are 25 in number. They are: Peter Kiminja from Kiangai.

**Mr. Ethuro:** On a point of order, Madam Temporary Deputy Speaker. How many statements are being made in the House?

**Ms. Karua:** Madam Temporary Deputy Speaker, I had asked for indulgence to lay the basis. I do not know what is itching my colleague.

Madam Temporary Deputy Speaker, the dead by slashing on the head are: Peter Kiminja, aged 30. He died on the 4<sup>th</sup> April this year. He was from Kiangai. James Gitari aged 22 was killed on 6<sup>th</sup> April, 2009. He was from Ndia. Elijah Mugane Mugo aged 28 was killed on 11<sup>th</sup> April, 2009. He was from Mutito. On 12<sup>th</sup> April, 2009, Peter Njogu Wanjiku from Mukure was killed.

**The Temporary Deputy Speaker** (Prof. Kamar): Just for the sake of the time, do you have a full list of 26.

**Ms. Karua:** Madam Deputy Speaker, I have a full list of 43 people.

**The Temporary Deputy Speaker** (Prof. Kamar): Why do you not lay it on the Table?

**Ms. Karua:** Madam Temporary Deputy Speaker, I will lay it on the Table. This list contains 25 names of people whose deaths were by being slashed with pangas. This happened between 4<sup>th</sup> April, and 4<sup>th</sup> of May, 2009.

From the 4<sup>th</sup> of May, 2009, the style changed. The killing is now by hanging. So far, 18 people as of yesterday, have been hanged to death. I have their names. This happened between 4<sup>th</sup> of May and 23<sup>rd</sup> of May, 2009.

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

All these deaths are going on when there are police officers patrolling. I am asking the Minister what action he will take against District Commissioner (DC) in Kirinyaga Central District where most of these deaths are taking place. What action will he take against the police and intelligence officers who have not given him this report? How will he protect the residents who are being terrorized and whipped by these vigilantes when they refuse to join them on night patrols?

Finally, when they launched the so called community policing, they launched the vigilantes who are now going by the name of *Kenda Kenda*. When will he free the residents of the larger Kirinyaga District from this terror? Has the Government abandoned Kirinyaga, in which case you can tell us to secede?

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Madam Temporary Deputy Speaker, maybe, it is good that I try to respond to what hon. Karua has raised because it is fairly substantive.

First of all, it is not true that the police have been involved in the exercise of escorting vigilantes to attack the suspected Mungiki elements. The position is very clear that anybody who commits a crime; be he or she a Mungiki suspect or a vigilante, is dealt with mercilessly. That message has gone down very clearly to the police department. That is the directive that I have actually given to them. I would want evidence given of a police officer who is actually seen in the company of vigilantes as they commit crimes because that is not the case.

Madam Temporary Deputy Speaker, at the same time, we would want to be given evidence of the police officers who stood there witnessing when the vigilantes were killing Mungiki suspects. We do not know of any. If there was such a police officer who did precisely so, furnish us with that information and we will deal with him according to the law.

Madam Temporary Deputy Speaker, there is allegation that the vigilantes are extorting money from the Mungiki suspects and then sharing the proceeds with people in the Government. Once again, we would want to know who those in the Government receiving that money are. Let us not mention names of people here because of immunity of Parliament. We will deal with them as criminals if they are involved in criminal activities.



Madam Temporary Deputy Speaker, regarding other public officers in the security who may be suspected of taking partial position in all this matter, once we get that information, we will ensure that they are dealt with according to the law. We cannot go by suspicion. Of course, we cannot consider transferring them, so that we protect them.

**Mr. Kapondi:** Madam Temporary Deputy Speaker, the Statement by the Minister is very comprehensive. It is a clear manifestation that there is something absolutely wrong in Kirinyaga. If the criminal gangs could organize themselves and execute the activities that the Minister has stated very clearly, I want the Minister to clarify the following: Do we have intelligence officers in Kirinyaga? Do we have the police and the chiefs in Kirinyaga? Do we have community policing in Kirinyaga? What the Minister has clearly stated---

**The Temporary Deputy Speaker** (Prof. Kamar): Your question is clear!

**Mr. Kapondi:** Yes, Madam Temporary Deputy Speaker. I have a further clarification. The kind of culture that is prevalent on the ground---

**The Temporary Deputy Speaker** (Prof. Kamar): Just ask your question! Have you finished?

**Mr. Kapondi:** I want the Minister to clarify whether there is complicity between the Executive arm of the Government in Kirinyaga and the criminal gangs.

**The Temporary Deputy Speaker** (Prof. Kamar): Proceed, Mr. Namwamba! Mr. Minister, just take the three questions together.

**Mr. Namwamba:** Madam Temporary Deputy Speaker, this issue is, really, a grave matter and the manner in which the Government is dealing with it gives one the feeling that we are growing impervious to the sanctity of human life such that, the death of 43 innocent lives of this land does not invite the kind of serious concern---

**The Temporary Deputy Speaker** (Prof. Kamar): Could you ask your question, Mr. Namwamba?

**Mr. Namwamba:** Madam Temporary Deputy Speaker, I am coming to my question. This matter could only mean that there is either inertia on the side of the Government machinery, complicity or incompetence! What I would like the Minister to assure this House and to assure a concerned nation is whether, in these circumstances, we can maintain confidence in the intelligence bureaucracy of this country that goes all the way to the smallest administrative unit of this country; and whether we can have similar confidence in the security machinery over which the honorable Minister presides over. Can that assurance be given with confidence to this House and an obviously rattled nation, especially in Kirinyaga?

**The Temporary Deputy Speaker** (Prof. Kamar): Thank you. Proceed, Mr. Ethuro!

**Mr. Ethuro:** Thank you, Madam Temporary Deputy Speaker. We would like the Minister to clarify. I want my good friend, hon. Karua, to know that what was itching me was that the rules of the House must be applied evenly and, secondly, I want to contribute and to support her. Could the Minister confirm that the Kenyan youth from Central Province are an endangered species? That is because all the police need to do is to believe that they are *Mungiki* suspects and then they are shot dead in broad daylight!

Madam Temporary Deputy Speaker, could the Minister also confirm that it is the failure of the security apparatus, starting with the Provincial Administration, the Officer

Commanding Police Division (OCPD) and the police that are courting insecurity to the extent that the Minister is asking her to give information to the Government? That is not our job! He should be informing Kenyans about the situation in Kirinyaga and other areas!

*(Applause)*

**The Temporary Deputy Speaker** (Prof. Kamar): Thank you. Proceed, Mr. Baiya!

**Mr. Baiya:** Thank you, Madam Temporary Deputy Speaker. One of the clear reasons why the Government exists is actually to offer security to human beings as well as their properties. The situation as it is, is not just in Kirinyaga. It is in the whole of Central Kenya!

Madam Temporary Deputy Speaker, the situation we are dealing with is not just the result of the recent activities. There is a background of protracted negligence of the security apparatus in Central Kenya. Could the Minister tell us what is it that the Government requires so that Parliament and the whole country can know? We cannot allow the Government to continue allowing a scenario where the citizens turn on each other as the situation is now!

Thank you, Madam Temporary Deputy Speaker.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Thank you, Madam Temporary Deputy Speaker. First of all, there was a clarification sought as to whether, indeed, the criminal organized gangs are in collusion with the Executive. I would like to state that, that is not the case. There can be no way in which the Executive can collude with a gang that is terrorizing people!

Nevertheless, Madam Temporary Deputy Speaker, in the event that there is an hon. Member who is in possession of information of an individual in the Executive who is in collusion with those particular organized groups or any other for that matter, we will appreciate to get that information and act accordingly.

Madam Temporary Deputy Speaker, I said that the information that is available to me and to my Ministry is that the vigilante groups killed 26 people. That happened within a very short time. It happened in retaliation of the atrocities that had been committed by the *Mungiki* against the innocent people of Kirinyaga and, in the process, as I have stated clearly, a number of suspects have already been arrested by the police and they are being examined, investigated and if they are found guilty, naturally, action will be taken against them.

Madam Temporary Deputy Speaker, on the issue as to whether the police considers every young man in Central Province to be a *Mungiki*, I would like to state as follows:-

The Government position and policy is that no one is guilty--- And I am sure that the hon. Member for Kirinyaga knows that. No one is guilty until proved guilty! We have sent out strict instructions---

**Mr. Mungatana:** On a point of order, Madam Temporary Deputy Speaker.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Madam Temporary Deputy Speaker, I am trying to answer!

**Mr. Mungatana:** Madam Temporary Deputy Speaker, there is obviously a very clear variance; the Minister is asserting this, and the hon. Members are asserting the exact opposite of those facts!

Madam Temporary Deputy Speaker, that is the reason why I am standing under Standing Order No.198 (3)(e)--- If you look at that Standing Order, it gives a very clear mandate to this Parliament that the House can refer matters that arise from here for purposes of investigation and to inquire into all matters relating to assigned Ministries.

Madam Temporary Deputy Speaker, this is a very serious matter. The Minister is asserting that just 26 deaths took place while; on the other side, 43 deaths are asserted. So many hon. Members have raised issues on the same matter.

Madam Temporary Deputy Speaker, I stand to seek that this House commits this matter to the Departmental Committee on Justice and Legal Affairs which deals with, among other things, the administration of law and justice; that is Judiciary, police, Prisons Department, public prosecutions, elections, ethics, integrity, anti-corruption and human rights.

Sorry, Madam Temporary Deputy Speaker; in fact, let me stand corrected there. The most appropriate one or together with--- You can actually apply that to a joint committee. I would say that they should be joined by Committee "A" under the Second Schedule of the Departmental Committees on page 121 of the Standing Orders – the Departmental Committee on Administration and National Security which deals with public administration and national security, internal security, immigration, National Youth Service and national disasters.

Madam Temporary Deputy Speaker, it is only fair that the country should know the truth. The country will know the truth if this matter is taken through a proper investigation by a Departmental Committee.

*(Applause)*

I do not understand why the Minister is fidgeting or getting uncomfortable with that. That is because we want to know the truth about that situation in this country. We should not resist it. All the Ministers here have been co-operating with this Parliament! If the people want to know, just co-operate!

Madam Temporary Deputy Speaker, I rise under Standing Order No.198 and request the Chair to refer this matter to the two Departmental Committees.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): On a point of order, Madam Temporary Deputy Speaker. First of all, is it in order for Mr. Mungatana to address his remarks directly to me? The normal mode of an hon. Member who is contributing is to refer to the Chair. In spite of that, the hon. Member was referring to me! At the same time, he was casting aspersions on me by saying that I am getting fifty. Is that in order?

I would like the Chair to also take into account the manner---

**Mr. Mungatana:** On a point of order, Madam Temporary Deputy Speaker.  
**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): I am on a point of order, Madam Temporary Deputy Speaker. The hon. Member knows very well what happens when a Member is on a point of order.

**The Temporary Deputy Speaker** (Prof. Kamar): Order, Mr. Mungatana! The Minister is on a point of order.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Madam Temporary Deputy Speaker, I would like to state clearly that I am not afraid of this matter being referred to the two Departmental Committees in order to determine whether the right figure is 26 or not. However, the matter should have been sorted out in a different way. When a Ministerial Statement is made, hon. Members seek clarifications and not debate. What has been happening is that hon. Members have been debating on this matter.

**The Temporary Deputy Speaker** (Prof. Kamar): Thank you, Mr. Minister. I think the issue about dispute of figures is very clear to the House and we cannot live with that kind of dispute. Therefore, I order that we refer this matter to the Departmental Committee on Administration and National Security. We have done that before. There is no need of having a joint committee. Let the Departmental Committee on Administration and National Security verify the figures as has been the tradition. It is the first Committee on page 121 of the Standing Orders. It has been so ordered!

**Ms. Karua:** On a point of order, Madam Temporary Deputy Speaker. I know that the Minister is genuine when he talks about the instructions he gave. I also know that there are officers below him who may not obey.

**The Temporary Deputy Speaker** (Prof. Kamar): We do not want to open that matter again!

**Ms. Karua:** Madam Temporary Deputy Speaker, could the Minister undertake that the residents of Kirinyaga will be, in the meantime, free from fear and that he will weed out the inefficiency in the security apparatus?

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Madam Temporary Deputy Speaker, that will be done. However, there is one thing I want to state here. We are not dealing with a very simple matter as far as *Mungiki* is concerned. Once the Government has played its role, it is important that the leaders are also involved in addressing this issue. This is not an issue for us to get involved in a conspiracy of silence. We have been silent on this matter. I assure this House that sooner or later, the reality will catch up with this country. This will destroy us. It is, therefore, upon the leaders of the areas that are affected to make sure that they work with the Government. We are ready to work with all the stakeholders in this matter to ensure that we deal with this problem. We should be careful on this matter. We are trivialising an issue, which if we are not very careful, will destroy this country. I would like to tell the hon. Members who think that this is a joke that they will shed tears.

*(Applause)*

**The Temporary Deputy Speaker** (Prof. Kamar): That point has been made. The Chair of the relevant Departmental Committee will take note of what the Minister has said. If you need their services, you can get them.

Let us now move on to the Ministerial Statement by the Minister for Sports and Youth Affairs.

**Mr. Ruto:** On a point of order, Madam Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Prof. Kamar): Is it on the same matter? I have already ruled on that matter. We have already finished that matter!

*(Loud consultations)*

What is your point of order, Mr. Ruto?

**Mr. Ruto:** Madam Temporary Deputy Speaker, as much as I sympathise with the workload that the Minister has, I am worried when he tells us that we will shed tears. That appears to be a threat to Parliament. We expected solace from the Minister of State for Provincial Administration and Internal Security. He should tell us that he is on top of things. However, in conclusion, he has told us that we will shed tears. Is he in order to tell us that? We have seen the way he has beaten the *Jua Kali* artisans at the Globe Cinema Roundabout. Does he intend to do that to all of us? Could he withdraw and apologise to the House?

**The Temporary Deputy Speaker** (Prof. Kamar): Order, Mr. Ruto! I have ruled that you are out of order. The Chairman of the relevant Departmental Committee has taken note of what the Minister has said and he will use that information.

Madam Minister, you can make the Ministerial Statement that was requested by Mr. Midiwo!

#### CONTROVERSY OVER THE NAMING OF NYAYO NATIONAL STADIUM

**The Minister for Sports and Youth Affairs** (Prof. Sambili): Last week, the Member for Gem Constituency, Mr. Jakoyo Midiwo sought a Ministerial Statement on the controversy over the naming of Nyayo National Stadium. I beg to issue the Statement. The Sports Stadium Management Board (SSMB) advertised a tender in the local media in early September, 2008 for naming rights of the Stadium in an effort to raise funds. The contract was concluded on 4<sup>th</sup> February, 2009; naming the Stadium “Coca Cola National Stadium”. The company was to pay a total of Kshs98 million over a period of three years. Unfortunately, there was a mistake by my staff, notably, the SSMB for I had not been briefed on the matter before.

I immediately expressed my reservations about the agreement and its implications. Thereafter, the SSMB provided a brief after the contract had been signed. On 10<sup>th</sup> March, 2009, I invited the Coca Cola Company directors to come and discuss the matter in my office. On that day, they agreed to the use of the name Coca Cola Nyayo National Stadium and proposed that in the circumstances, they were also to review the amount downward to Kshs67 million over the three year period. However, the former Chief Executive Officer of the SSMB and the Chairman, Mr. Aketch, wrote, to the Coca Cola, to reject the inclusion of the name “Nyayo” in the naming rights.

Madam Temporary Deputy Speaker, on 6<sup>th</sup> May, 2009, the Permanent Secretary, Secretary to the Cabinet and Head of Public Service communicated to me the decision of the Government that in view of the public concerns to the change of name of the Stadium, its name revert to Nyayo National Stadium. This was communicated to the SSMB immediately. I also called for a meeting with Coca Cola and the SSMB on 20<sup>th</sup> May, 2009. We discussed and mutually agreed that the contract will continue, but the name will be Nyayo National Stadium Coca Cola Sports Centre. On 21<sup>st</sup> May, 2009,

when we had scheduled a meeting to sign the addendum to the agreement, the company called a meeting and issued a Press statement indicating that they had withdrawn from the deal. They stated that they would not wish to co-brand the Stadium. Whereas this initiative by the SSMB was a good idea for raising funds for the development of sporting facilities, it did not originate as a Cabinet Paper in order to seek Cabinet approval for the intended change of name of the Stadium. If this trend is allowed, what would stop institutions like Jomo Kenyatta International Airport (JKIA), Tom Mboya Labour College, Kenyatta International Conference Centre (KICC), Masinde Muliro University or Kimathi Institute of Science and Technology from tendering for naming rights and changing their names, thus erasing the country's historical landmarks?

Madam Temporary Deputy Speaker, I am aware that the SSMB Chairman and the former Chief Executive Officer made attempts to meet the former President, His Excellency hon. Daniel Moi, ostensibly to seek permission to change the name of the Stadium.

Madam Temporary Deputy Speaker, I wish to point out that Nyayo National Stadium was not named after the former President as an individual. It was named in appreciation of the concept of continuity from the regime of the first President of the Republic of Kenya, the late President Jomo Kenyatta, so that the second President, former President Daniel arap Moi, could ensure peace and harmony during that transition. When President Moi handed over the presidency, he did so to a legally constituted Government under His Excellency President Mwai Kibaki. So, the matter of changing the name of Nyayo National Stadium should have been brought to the attention of the President through a Cabinet Paper. The former President, therefore, does not have a direct role to play in this matter. The best interests of the country would be served when exhaustive consultations are held, using the laid down procedures of Government. Financial considerations are secondary to following legally established procedures of Government.

Madam Temporary Deputy Speaker, international and multinational investors are assured that the Government supports public/private partnership. In fact, the concept of naming rights is a welcome move from which institutions stand to benefit. My Ministry appreciates what Coca Cola Company Limited has done, for example, in promoting sports and games in recent times.

I would also like to appreciate the partnership of Safaricom Limited, Kenya Commercial Bank (KCB), Virgin Atlantic, Emirates Airlines, Zain Africa Limited, East African Breweries and others, in promoting sporting activities in order to make Kenya a truly sporting nation. However, the investors must appreciate - as is the case in other countries - that they respect laid down procedures for mutually fruitful partnerships to be realized.

Madam Temporary Deputy Speaker, on its part, the Government has spent a total of Kshs238 million on the Sports Stadia Management Board (SSMB) in the last three years through sponsoring tournaments, mainly football. My Ministry, in conjunction with other relevant Ministries and organizations, is making efforts to ensure that Kenya is a sporting and training destination in the run-up to the 2010 World Cup. For example, a number of teams, including the Brazilian team, are scheduled to play in Kenya on 29<sup>th</sup> July, 2009, in Mombasa and on 1<sup>st</sup> August, 2009, against Harambee Stars at Moi International Sports Centre. These matches have been organized by my Ministry, in

collaboration with the Association of Evangelicals in Africa. Detailed plans shall be released in due course. In January/February this year and in 2008, the SSMB sent an official to Ghana during the Africa Cup of Nations to meet national teams from Cameroon, Tunisia and Egypt and to invite them to play in Kenya on their way to South Africa, if they win or qualify for the World Cup. Discussions along those lines are ongoing and we expect that they will be fruitful.

Madam Temporary Deputy Speaker, my Ministry continues to organize grassroots sports for our youth to expand their prowess and increase the number of competitive sports we participate in, in the Olympic Games, for example. We have done extensive work in football, which all the hon. Members of this House are aware of and I appreciate their support. Only two weeks ago, my Ministry conducted training activities or clinics for athletics officials, goal balls for the visually impaired and sitting volleyball for the Paraplegics and amputees. Our rugby, cricket and swimming teams have done very well in international championships.

Madam Temporary Deputy Speaker, finally, I would like to take this opportunity to inform this august House that the International Football Federation (FIFA) inspected Nyayo National Stadium early this year, and certified that the stadium meets international standards and can, therefore, be used for international matches. Any information to the contrary is, therefore, misleading. I wish to confirm that the Minister followed the law in appointing the current Chief Executive Officer of the SSMB.

Thank you, Madam Temporary Deputy Speaker.

**Mr. Midiwo:** Madam Temporary Deputy Speaker, earlier on, I tried to indulge the Minister over this issue. First of all, I want to declare that I have no personal interests in this matter other than being a sport-loving Kenyan and also a Kenyan who is interested in the rule of law.

Madam Temporary Deputy Speaker, Kenyans are very concerned about the way sporting is going under this Minister, because she is refusing to talk and be guided. I remember that during her first two events as the Minister for Youth Affairs and sports, I sat next to her when we met with the Junior National Football Team at Moi Sports Centre, Kasarani. She had no idea what soccer is all about, and I guided her throughout the match. Right now, Harambee Stars is about to go to Nigeria but they have not even heard from the Ministry. So, there is a problem in this Ministry. Having said that, I want to go to the gist of the matter. The lady Minister has enumerated the procedures she expects multinational organizations to follow when pursuing naming rights. Could she, kindly, guide this House on the relevant law, stating when it was passed? Where did we decide how our national monuments should be named other than by way of executive orders, which have never made sense to Kenyans?

Madam Temporary Deputy Speaker, Coca Cola Limited, as a company, has written several communications to the Minister, in which they have said: "We are a brand name, which has been around for 120 years." They also said that they appreciate the word "Nyayo" for what it means. Today, she has told us what the word "Nyayo" means. Personally, I have no problem with naming anything "Nyayo", because I respect the retired President, but facts are facts.

Madam Temporary Deputy Speaker, I want to table a letter dated 20<sup>th</sup> May, 2009, from Sports Stadia Management Board, referenced "Amendment of the Agreement in Relation to Nyayo National Stadium

between Sports Stadia Management Board and Coca Cola East and Central Africa Limited". Its says the meeting was held in the Sports Stadia Management Board (SSMB) offices---

**Mr. Ruto:** On a point of order, Madam Temporary Deputy Speaker. We expect the hon. Member to seek clarification quickly. He is, however, taking us through a very lengthy debate. I know hon. Jakoyo was fed on *Nyayo* milk. He also used to be in the *Nyayo* Choir and the Provincial Commissioner (PC) can confirm that.

(Laughter)

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Midiwo, can you relate your documents to the clarification you want from the Minister?

**Mr. Midiwo:** Madam Temporary Deputy Speaker, I want to beg your indulgence. This is a matter of great national importance. I think if we handle it properly, we will do this country right. It has issues of multi-national investments in this country. It has issues of employment. How much tax does Coca-Cola East Africa pay to this country? There are weighty issues, which we must raise. However, I am dealing with this specific letter, then will come back with another clarification.

**The Temporary Deputy Speaker** (Prof. Kamar): Can you attach to specific clarifications?

**Mr. Midiwo:** Madam Temporary Deputy Speaker, the letter has the Minister in attendance in the meeting. I want to plead with you to give me a chance just as you gave the other Minister on the *Mungiki* issue. This issue cannot be rushed unless we want more ---

**Mr. Baiya:** On a point of order, Madam Temporary Deputy Speaker. I have just heard a Member comment that the Standing Orders should be followed. We are dealing with a Ministerial Statement. Therefore, the most we can expect are clarifications. We cannot confer those clarifications to a debating forum.

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Baiya, you are in order!

Mr. Midiwo, can you just relate those documents to the clarifications you want?

**Mr. Midiwo:** Madam Temporary Deputy Speaker, that is what I am doing. It just happens to be a lengthy issue. Which Standing Order am I breaching, if I may know?

**The Temporary Deputy Speaker** (Prof. Kamar): What we are citing are the rules of debate. When you request for a Ministerial Statement, we allow you the first chance to seek clarifications. Let us not divert and give a long story. Just seek clarification.

**Mr. Midiwo:** Madam Temporary Deputy Speaker, I am not giving a long story. This requires a basis because the Ministerial Statement was misleading this House in many areas. So, I want to put issues in perspective.

At this stage I want a clarification from the Minister. She attended a meeting where the Board sat. Those in attendance include; Mr. Chris Kirubi, Alex Mandisi, Norah Odweso from Coca-Cola East Africa Limited, Peter Muriuki from Nairobi Bottlers Limited, Joe Aketch, Benjamin Sogomo, Prof. William Lagat, Mr. Gordon Oluoch, Jackline Mwendu and Joshua Okuthe.

Madam Temporary Deputy Speaker, arising from the meeting in the morning and another one she chaired that afternoon, there is a reply to this letter. This is from Mr.



Benjamin Sogomo who is the Chief Executive Officer (CEO). It is copied to hon. Hellen Sambili and Kinuthia Mburugu.

In the second last paragraph this letter says that “the name of the stadium which had been revoked by you and your Ministry reverts to *Nyayo* National Stadium.” That was your request to the meeting. But again, here is Mr. Sogomo writing to them after the meeting saying: -

"We have made no allegations against yourselves regarding any impropriety in the handling of this matter---. ---the Government's position is that the public-private sector partnership such as the one under reference, must and will continue to be encouraged. The SSMB unreservedly regrets the negative publicity to both parties that the argument has elicited". Madam Temporary Deputy Speaker, this letter also says that the name of the stadium stay as Coca-Cola National Stadium. I want to table this letter.

*(Mr. Midiwo laid the letter on the Table)*

Could the Minister tell this country that she sat in a meeting that reversed her own executive order? I do not think you have because this is a legal contract. Could you tell us if you have that authority and if you sat in those meetings?

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

**The Temporary Deputy Speaker** (Prof. Kamar): Order, hon. Members! I think the clarifications sought by Mr. Midiwo will be responded to first and then the other Members can seek their own clarifications.

Proceed, Madam Minister!

**The Minister for Youth Affairs and Sports** (Dr. Sambili): Madam Temporary Deputy Speaker, it is unfortunate that the hon. Member did not listen to my presentation. On the second page of my Statement, I said that on the 20<sup>th</sup> May 2009, I called a meeting with Coca-Cola East Africa and SSMB. We discussed and agreed that the contract will continue but the name of the stadium would be “Nyayo National Stadium - Cola Cola Sports Centre”.

I also said that the Ministry supports public - private partnership. I have a copy of that letter. I was in the meeting in my office, which I chaired. However, I did not attend the Board meeting.

Madam Temporary Deputy Speaker, secondly I would like to say that it is wrong for Mr. Midiwo to imply that I do not understand the policy of sports. I am fully aware and in charge of the Ministry of Youth Affairs and Sports in this country.

*(Applause)*

He also implied that he taunted me. That is an insult and I would like him to withdraw.

Madam Temporary Deputy Speaker, on being appointed the Minister for Youth Affairs and Sports, I went to the Jomo Kenyatta International Airport (JKIA) to receive

amuel Wanjiru who was arriving from the United Kingdom (UK). Hon. Midiwo was coming from South Africa and was in that meeting. He has never taught me any football. I do not need to know and be taught any football because I know what I am doing.

Thank you.

*(Laughter)*

**Mr. Thuo:** Madam Temporary Deputy Speaker, I wish to seek a couple of clarifications. The Minister mentioned that she followed the law in naming the new CEO of SSMB, was this done through a competitive and open process? Which particular law was followed?

Secondly, when it is said in the House, and this generally applies to all Ministries-- If the Minister argues that she was not briefed yet we have five Government representatives in that Board including two from her office, how is a third party dealing with a parastatal able to know whether or not they have internal mechanisms of briefing the Minister? At what stage do they determine that they cannot enter into a contract to the extent that the relevant Minister has not been briefed?

Finally, since I am very concerned that this---

**Mr. Ruto:** On a point of order, Madam Temporary Deputy Speaker. I thought the hon. Member on the Floor is the Acting Leader of Government Business. He seems to be telling us that there is confusion in the Government. I am lost! I thought he is the Chief Whip who is leading Government Business and he is now laying bare the Government before us.

**Mr. Thuo:** Madam Temporary Deputy Speaker, before I finish I would like to let the hon. Member know that we have a timetable and today, I am not the Acting Leader of Government Business. I shall be in charge on Tuesday, next week.

*(Laughter)*

Madam Temporary Deputy Speaker, we have the Thika Municipal Stadium which does not have the word "Nyayo" or "Kenyatta". Could the Minister consider this stadium for that deal? They can even call it "Sprite" or "Fanta". We do not care. We just need the money.

**Mr. Sambu:** Madam Temporary Deputy Speaker, I would like to seek two clarifications because I have a special interest in football.

First of all, I am very happy that you are inviting a number of teams, like Brazil in preparation for the world cup. However, I am equally concerned about the confusion there is in the leadership of football in this country. At the moment, we do not know the national organisation that is recognised by the Kenya Government and the FIFA. Could she clarify whether it is Football Kenya Limited, a limited liability company, or the Kenya Football Federation, an association registered under the Societies Act? Without clearing that confusion, I am not sure whether these preparations will run smoothly.

Secondly, Harambee Stars is a national property. It belongs to all of us in the country. I would like to know who is managing Harambee Stars at the moment. How much money has the Minister allocated the national team from the national kitty in

preparation for the 2010 World Cup which is a very important tournament? This is the first time the tournament will be held in Africa.

**Mr. Lagat:** Madam Temporary Deputy Speaker, my clarification is about Kipchoge Stadium in Eldoret. Two years ago, the President promised to give Kshs100 million for the construction of stadium in Eldoret, but to date, nothing has been done. Could the Minister tell us what is going on?

**The Temporary Deputy Speaker** (Prof. Kamar): That is a new Question.

**Mr. Lagat:** Madam Temporary Deputy Speaker, secondly, 35 years ago, the Government of Qatar promised to build a modern synthetic stadium in Eldoret, but to date, nothing has been done. Could the Minister tell us what happened?

**Mr. Chanzu:** Madam Temporary Deputy Speaker, I just want a clarification from the Minister as to whether after the stadium is renamed, it will not revert to its original name after sometime. I am saying this because---

**The Temporary Deputy Speaker** (Prof. Kamar): Just ask for the clarification!

**Mr. Chanzu:** Madam Temporary Deputy Speaker, I just want to give her some information so that when she is responding, maybe she can take that into account. Large clubs like Arsenal in the United Kingdom have surrendered the name of their stadium. The Government of Kenya cannot manage sports. They had to change the name of the stadium to Emirates.

Finally, the Minister has made a very good Ministerial Statement. However, if we politicise sports, then we will not make it. The image of the former President was on the currency notes but they have got rid of it and reverted back to the first President, Mzee Jomo Kenyatta.

**Mr. Mbugua:** Madam Temporary Deputy Speaker, I would like to seek a clarification from the Ministry. Since there seems to be a lot of problems in her Ministry, has she ever met with her Permanent Secretary and the two Assistant Ministers?

**Mr. Gunda:** Madam Temporary Deputy Speaker, the Minister has told us that the officials of the SSMB entered into a contract without her knowledge. If that were the case, what action has she taken to deal with those errant officials?

**Mr. Namwamba:** Madam Temporary Deputy Speaker, we may all have been nourished on Nyayo milk, but those sentimental attachments aside, could the Minister focus on the fundamental issues that are at the heart of this matter?

First, I want to believe that the Minister is on top of the game. Perhaps, she is the game itself in the Ministry. However, if a matter of this magnitude can proceed, be concluded and made public without the Minister being aware, could she assure this House and the country at large, that she is, indeed, in control of all processes that go on in this Ministry?

Secondly, could she also tell us the assurance she has given to the obviously shaken corporate world in this country that was eager to engage in corporate sponsorship in this field but which now would be very uncertain and reluctant to engage in this process?

Finally, knowing the scenario that our sporting facilities have been in and are still in to date--- In fact, knowing the sorry state that the Nyayo Stadium was in before Coca Cola came into the picture, could the Minister assure us that in the absence of this kind of sponsorship, the Government has the capacity and means to turn around the stadium?

**The Minister for Youth Affairs and Sports** (Prof. Sambili): Madam Temporary Deputy Speaker, I will begin by answering the question raised by the hon. Member for Juja. I have said that my staff made a mistake by not informing me. I would like to link that with what Mr. Namwamba has said. I think it is common knowledge that the Chairman of the SSMB worked so hard to make sure that the former Chief Executive Officer, Mr. Sam Mwai, who had served his two terms of three years each was given another term of three years. I do hope that the hon. Member who has asked this question is also in possession of the very rude letter that Mr. Aketch wrote to me. We have information that when Mr. Sam Mwai's term ended on 30<sup>th</sup> April, he tried to stop a team that had wanted to come to Kenya so that the new board would appear ineffective. Madam Temporary Deputy Speaker, regarding the question that was raised by Mr. Lagat--

**Mr. Midiwo:** Madam Temporary Deputy Speaker, the Minister has just said that for the former CEO of the Sports Stadia Management Board (SSMB), Mr. Sam Mwai--- They have information, which she has not brought before the House, that he is working to sabotage the new board. The question is: What procedure did she use to replace him?

Table documents! I am sure that she cannot discuss Sam Mwai without bringing evidence to the House.

**The Temporary Deputy Speaker** (Prof. Kamar): Can we allow her to give us the details she has?

**The Minister for Youth Affairs and Sports** (Prof. Sambili): Madam Temporary Deputy Speaker, I am answering all questions. I was only linking the answer to Mr. Namwamba's, through what he tabled here.

With regard to the appointment of the CEO, I would like to say that the Government has two ways of appointing CEOs. Everybody knows this! It is either through competitive advertisement or through head hunting, which is normal. I want to say that with regard to the appointment of the current CEO, we are all aware that we are preparing for the 2010 World Cup, and there is urgency of preparation to host the various teams. So, I confirm, and repeat, that the appointment of the CEO was done legally.

As for the answer to Mr. Chanzu, I would like to say that the Nyayo National Stadium is not just any other stadium, because it is the place where we hold our national days. Coca cola as well as other companies are welcome to develop sporting facilities in this country, including new ones. As for the Kipchoge Keino Stadium, it is true that the Government committed Kshs100 million in 2007, but, unfortunately, the former SSMB did not move out of Nairobi to develop other sporting facilities. I hope that the current Board will move out and develop sporting facilities in other parts of this country, including the ones in Thika.

The question asked by Mr. Sambu regarding FKL and the KFF, I would like to say that this House is aware that I stood here some months back and said that there was a reconciliation committee that had been appointed to look into the wrangles in the management of football, and that this committee was seeking a lasting solution. I want to confirm here that its report is going to be tabled very soon, so that we get answers. As for the Harambee Stars, they belong to the nation and I want to say that the Government, through my Ministry, will support the Harambee Stars team in their preparation for the forthcoming matches as we have been doing. My Ministry paid Kshs6 million to the coach who is taking care of the team at the moment.

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

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

Mr. Temporary Deputy Speaker, Sir, finally, I would like to assure the hon. Members that the sponsors, the private sector--- I have said that the Government – let me talk for my Ministry – is committed to public-private sector partnership. There is no cause for alarm; let us not mislead or cause panic in the country. I read about organizations that have very generously supported sporting activities in this country. I repeat here that the Government is committed to the public-private sector partnership in the development of sports and sporting facilities in this country, which include those outside Nairobi.

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

**The Temporary Deputy Speaker** (Mr. Ethuro): How can you have a point of order when the Minister has just finalized her submission?

**Mr. Gunda:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister has not answered my question, which was: What is she doing, or what has she done, to deal with those officers who kept her in the dark when signing contracts?

**The Temporary Deputy Speaker** (Mr. Ethuro): Madam Minister, there are two other points of order. There could be many others you have not responded to.

**Mr. Mbugua:** On a point of order, Mr. Temporary Deputy Speaker, Sir. From the outset, and from the answers the Minister has given, it is clear that she is not in control of football in this country, nor is her Ministry.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Mbugua!

**Mr. Mbugua:** I am standing under Standing Order No.198!

**The Temporary Deputy Speaker** (Mr. Ethuro): I did not ask you which Standing Order! That is an argument. You need to be informed, as your colleague has stated, that there was an issue—

**Mr. Mbugua:** Mr. Temporary Deputy Speaker, Sir, I asked the Minister if she has, indeed, met with her Assistant Minister and the Permanent Secretary in her Ministry.

**The Temporary Deputy Speaker** (Mr. Ethuro): Madam Minister, there is one more!

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, could the Minister tell us, just for the record, which part of the contract with Coca Cola she invoked to revoke the naming rights? Would she also confirm to the House that her PS, the Commissioner of Sports and the Secretary to the SSMB are her representatives in that Board? Could she also confirm to us that the SSMB, which is under her, advertised for the naming rights in a public Gazette notice in accordance with the law?

**The Minister for Youth Affairs and Sports** (Prof. Sambili): Mr. Temporary Deputy Speaker, Sir, I would like to say that my opening statement was that the SSMB advertised the tender in the local media and that answers Mr. Midiwo. I would like to say that the legal issues regarding this will be dealt with elsewhere.

I want to say that the issue of what Mr. Mbugua has asked, that is about the running of my Ministry, we have had departmental meetings and I do not think it is for me to tell

this House when we have our meetings. Everyone is invited to those meetings, and we are working---

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

Let me finish! Can I be protected to answer the questions?

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

I am asking to be allowed to finish responding---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, all of you! Madam Minister, you are not at liberty to choose which questions to answer and which ones not to. So, you are going to respond to the queries that hon. Members have raised, including the legal questions by Mr. Midiwo before you move to the next one.

*(Applause)*

Mr. Mbugua wanted you to confirm whether you had those meetings. It is in order; you need to confirm! When did you have the meetings with your people?

**The Minister for Youth Affairs and Sports** (Prof. Sambili): Mr. Temporary Deputy Speaker, Sir, I want to confirm that we have had meetings, and we had the last one last week. I want to confirm that when we discussed our own Ministerial activities, we had that meeting. I want to say that Mr. Mbugua---

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

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Mbugua!  
**Mr. Mbugua:** The Assistant Ministers are here!

*(Mr. Kabando wa Kabando and Ms. Ndeti  
stood up in their places)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Madam Minister and your Assistant Ministers! Nobody called on Assistant Ministers when the Minister is already on the Floor. Are you challenging the Minister that you have not met?

*(Mr. Kabando wa Kabando moved  
to the Dispatch Box)*

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): Yes!

**Hon. Members:** They have never met!

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Kabando wa Kabando! In the first place, when the Chair is on his feet, you cannot walk. You are supposed to remain seated, standing or you freeze! Already you have violated our rules.

*(Applause)*

*(Ms. Ndeti also moved to the Dispatch Box)*

Order, hon. Members! Even the other one has followed suit! What is it, Mr. Kabando wa Kabando?

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): Mr. Temporary Deputy Speaker, Sir, it is very important that as we deal with this very important issue, it goes on record that we have a lot of love and respect for our Minister. The spirit and principle of collective responsibility makes us follow one way. However, I would like it to be on record that, indeed, in the last nearly six months, I have made various attempts within the Ministry to convene sometimes---

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

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): Mr. Temporary Deputy Speaker, Sir, I am on a point of order.

**The Temporary Deputy Speaker** (Mr. Ethuro): You are on a point of order, but I do not think the Chair is going to sustain it.

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): Mr. Temporary Deputy Speaker, Sir, to assist my Minister, I will say that we need to be very candid but we need to tell the House the truth. Indeed, she has not sought the assistance of her deputies to deal with this matter and if she had, we would be doing it in a better way.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! You will all recall that the dignity of the House must be maintained at all times. Ministers and Assistant Ministers are under obligation to speak with one voice. Whatever issues there are, keep them out of the House. Let the Minister who was responding proceed.

**The Minister for Youth Affairs and Sports** (Prof. Sambili): Mr. Temporary Deputy Speaker, Sir, I want to say here that as for the disciplinary cases against staff who did not inform the Minister are concerned, we are dealing with that issue. I do not think we are going to discipline them. I want to put it on record here, that I can produce documents in this House, if it is necessary that my Assistant Ministers, actually have not been willing to represent me. I can produce letters. Let me say that unless there was another issue---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Madam Minister, please, finalize!

**The Minister for Youth Affairs and Sports** (Prof. Sambili): Mr. Temporary Deputy Speaker, Sir, if necessary, I will bring the documents to the House. Obviously, there is more than meets the eye. This is not just a Ministerial Statement. There are other issues that may not be related to this. I want to say that when we had a meeting last week and I invited the Assistant Minister to discuss the budget, Ms. Ndeti gave her apologies and also went on a radio station and challenged the Minister.

**The Assistant Minister for Youth Affairs and Sports** (Ms. Ndeti): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, all of you! You cannot purport to bring the confusion in Government to the House. This House shall remain dignified.

Next Statement, Mr. Chanzu!

*(Loud consultations)*

Order, hon. Members! Let us hear lastly from Mr. Midiwo because he is the one who sought for the Ministerial Statement.

**The Assistant Minister for Youth Affairs and Sports** (Ms. Ndeti): On a point of order, Mr. Temporary Deputy Speaker, Sir. She mentioned my name!

**The Temporary Deputy Speaker** (Mr. Ethuro): Madam Assistant Minister, you are completely out of order! You cannot be standing here when your own Minister is present.

**Mr. Midiwo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The last question that we asked the Minister has been overridden by her saying that there is more than meets the eye to this than a Ministerial Statement. Therefore, I want to ask you to send this matter to the relevant Parliamentary Committee so that Kenyans can know the truth. I kindly besiege you.

**The Assistant Minister for Youth Affairs and Sports** (Ms. Ndeti): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Madam Assistant Minister! Are you arguing with the Chair? I need to dispose the point of order raised by Mr. Midiwo.

**Mr. Keynan:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This House is being taken for a ride. We have seen a situation where, a Cabinet Minister and her two deputies who have been entrusted by the two Principals to run a very important Ministry, come here to wash their dirty linen in Parliament. In light of that, will I be in order to ask the Chair to refer this issue to the two Principals who appointed them because they are letting down Kenyans. In essence---

**The Temporary Deputy Speaker** (Mr. Ethuro): Your point has been made, Mr. Keynan!

**Mr. Keynan:** Mr. Temporary Deputy Speaker, Sir, just one more. In essence you see a Government Minister challenging another Minister.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Keynan! The Chair had already made that observation and yours cannot add any more value to it. The Chair will respond to the point of order raised by Mr. Midiwo. I think it is legitimate and precedence has been set. Since there are issues in this particular matter, and given the limitations of clarifications of the Ministerial Statement, the Chair will order this matter to be interrogated further by the relevant Departmental Committee.

*(Applause)*

**The Assistant Minister for Youth Affairs and Sports** (Ms. Ndeti): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Ethuro): That matter is finalized! Mr. Chanzu!

**POINT OF ORDER**



CIRCUMSTANCES SURROUNDING THE AIR  
CRASH IN KAPSABET

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, two weeks ago, I sought a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security about the circumstances surrounding the accident in Kapsabet. At that time, Mr. Ojode promised that the Ministerial Statement would be issued the following week which was last week. Again, last week I was promised that the Ministerial Statement would be forthcoming today. So, I would like the Assistant Minister to issue it today. Mr. Ojode is there and also the Minister was here a while ago.

**The Temporary Deputy Speaker (Mr. Ethuro):** Let us proceed in an orderly manner.

Mr. Ojode!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Temporary Deputy Speaker, Sir, I seek the indulgence of the Chair in order for us to issue the Ministerial Statement next week on Wednesday.

**The Temporary Deputy Speaker (Mr. Ethuro):** Due to time, I would urge Mr. Chanzu to agree to the Assistant Minister's request.

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I oblige, but this is the third time. I just want you to know that this is a third extension that the Chair is granting.

**The Temporary Deputy Speaker (Mr. Ethuro):** I further order that the Ministerial Statement sought by Mr. Mbugua from the Ministry of Nairobi Metropolitan Development be postponed. Mr. Githae, when can you issue the Ministerial Statement requested by Mr. Mbugua?

**Mr. Mbugua:** It is not Mr. Githae but the Ministry of Local Government.

**The Minister for Nairobi Metropolitan Development (Mr. Githae):** Mr. Temporary Deputy Speaker, Sir, I have moved from the Ministry of Local Government. I am now a full Minister.

**The Temporary Deputy Speaker (Mr. Ethuro):** Congratulations on your promotion.

**Mr. Mbugua:** Mr. Temporary Deputy Speaker, Sir, it is from Mr. Nguyai.

**Mr. Chanzu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Mr. Mbugua in order to mislead the House? Mr. Nguyai is not the substantive Minister for the Local Government. It is the Deputy Prime Minister, Mr. Mudavadi who is the Minister!

**The Temporary Deputy Speaker (Mr. Ethuro):** Order, Mr. Chanzu! For purposes of Parliamentary business, he is a Minister.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai):** Mr. Temporary Deputy Speaker, Sir, I had asked the indulgence of the hon. Member. The Ministerial Statement had not been fully finalized and needed some fine-tuning and he had agreed. I am also asking for the indulgence of the House to allow us to issue the Ministerial Statement on Tuesday afternoon. I am sure it will be ready and satisfactory to the hon. Member. But just to mention---

**The Temporary Deputy Speaker (Mr. Ethuro):** Order, Mr. Assistant Minister! You have asked for deferment of the Ministerial Statement so you cannot proceed to issue it.

Next Order!

## MOTIONS

### ADOPTION OF 2009 ECONOMIC SURVEY

THAT, this House adopts the Economic Survey-2009 laid on the Table of the House on Tuesday, 26<sup>th</sup> May, 2009.

*(The Assistant Minister, Ministry of State for Planning,  
National Development and Vision 2030*

*(Mr. Kenneth) on 26.05.2009)*

*(Resumption of debate interrupted on 27.05.2009)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Who was on the Floor? Prof. Olweny, you have the Floor. You have 12 minutes remaining.

**The Assistant Minister for Education** (Prof. Olweny): Thank you, Mr. Temporary Deputy Speaker, Sir. I have ten minutes remaining.

Mr. Temporary Deputy Speaker, Sir, the Economic Survey-2009 outlines that we are not in a good position with regards to the energy sector. It is true that Kenya is deficient in energy. The electricity that is produced is not enough. It is too little for this country. That is why many parts of the country are in darkness. There are several other sources of energy which we are not tapping. We are not adequately tapping solar energy in this country. If enough money was available, all our schools would be having lights tapped from solar energy. All other facilities, including medical facilities in this country could have lights if we put a few other resources into tapping solar energy.

A lot of wind energy is also going to waste in this country. If you go to Netherlands, Belgium and parts of Germany, you will see that they produce a lot of energy from wind. Why can we not think of those other sources of energy?

## POINT OF ORDER

### ERRONEOUS REPORTING BY *THE STANDARD* NEWSPAPER

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): On a point of order, Mr. Temporary Deputy Speaker, Sir. As we proceed with this debate, I thought it is important that the media reports what Members of Parliament are saying factually and objectively. My attention has been drawn by the Attorney-General on today's *The Standard* newspaper. It says that the Miscellaneous Amendments Bill was shelved by Parliament. It is not true that it was shelved by Parliament. We actually approved it. The only thing it is awaiting is the Committee Stage when amendments will be done. I thought it is important if this newspaper is asked to clarify this. Their reporting has brought a lot of tension, particularly among the Ministries that had given various amendments to pass through. I thought it is important that we ask them to correct this

matter, so that it does not raise so much concern among the Ministries and Government departments that had issues in this Bill.

The reports say: “As Parliament opposes plans—“Parliament did not oppose. A few Members may have opposed, but not Parliament as a body. Parliament actually approved the Bill.

*(Prof. Olweny stood up in his place)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Prof. Olweny, you will have your time. Let me just dispose of this matter raised by hon. Githae. Indeed, what the Minister for Nairobi Metropolitan Development has raised is very critical. The Press is under obligation to report the proceedings of the House fairly and factually. Indeed, the Second Reading of the Bill was completed. It is now awaiting the Third Reading. It was not deferred and *The Standard* is advised to correct that erroneous impression in tomorrow’s edition.

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Much obliged, Mr. Temporary Deputy Speaker, Sir.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Temporary Deputy Speaker, if we could also diversify the sugar industry, particularly for coal generation, we would have a little more electricity for consumption in this country. We would bring more parts of this country under light. There would be cheaper electricity than we have today. We would also create more jobs if use these other sources of energy to produce electricity for this country.

The report also says that in the last one year or so, the Ministry of Education experienced higher registration of students in primary and secondary schools. It is true that there was a big growth in registration of students. One the other hand, if you look at that report, there was a general decline in the number of teachers that we had in our schools. With time, the number of teachers was going down. So, we have fewer teachers today than we had in 2004. Yet, we have more students in our schools today than we had in 2004. That is according to the tables presented in this report. So, if we have fewer teachers and more students, it means that the quality of delivery of curriculum is compromised. That is actually what is happening. We do not have enough personnel to handle our schools. We also do not have enough personnel in the quality and standards control of curriculum delivery. This has surfaced here in Parliament on many occasion when MPs ask our Ministry about personnel. This is a challenge to the Government. But unfortunately, we are having the economic crunch that is affecting the rest of the world. On the road sector, we know very well that without good roads, the economy will not do well. Most of the contractors that have been given the jobs to do our roads are very poor in their work. However, we keep on hiring them. Sometimes back it was said that they were to be blacklisted. All the same, these same contractors are still being given job. They keep on doing poor work. This is an issue which the Ministry of Roads needs to address properly. There is the crops cess that is collected by the local authorities.

**Mr. Midiwo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This debate is now repetitive. Could I ask the Mover to be called upon to reply?

**The Temporary Deputy Speaker** (Mr. Ethuro): Let us allow the Professor to finish. He has a few more minutes. Then, I will dispose of that.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, I was here when this Motion was moved. Some of these issues were never raised. Nobody talked about the Ministry of Education. So, it is not repetitive.

Mr. Temporary Deputy Speaker, Sir, I remember during the last Parliament, hon. Members agitated for the cess money to be put in the Ministry of Roads. We believe that the Ministry of Roads has engineers that can help us in the use of the crop cess money, so as to maintain feeder roads in the rural areas that are used for transportation of crop produce.

With those comments, I support the Motion.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! As promised, hon. Midiwo has already raised the issue. But hon. Members seem to be repeating the same issues. So, for the interest of Standing Orders that do not allow repetitions, I will put the question that the Mover be called upon to reply.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**The Assistant Minister, Ministry of State for Planning, National Development and Vision 2030** (Mr. Kenneth): Thank you very much, Mr. Temporary Deputy Speaker. First of all, the hon. Members who spoke yesterday and the hon. Members who have spoken today have supported that we adopt the Economic Survey Paper, 2009.

Mr. Temporary Deputy Speaker, the Economic Survey Paper, 2009, was baring the facts as they are, and the state in which we are. It is important for all hon. Members to appreciate the state of affairs of our economy. Therefore, the point that I emphasized yesterday, and the point that remains very critical up to today, is that we need to jumpstart our economy! We cannot sustain growth; we cannot achieve Vision 2030 and we will not even be able to develop the Medium Term Plan to proper development, unless a stimulus package is repackaged in our Budget and the industries that I spoke about yesterday were, indeed, revamped.

One of the issues that hon. Members brought up yesterday is that one way of revamping the economy is to see an increase in the Constituencies Development Fund (CDF). Our Ministry is in the forefront to see to it that the CDF is increased from the current 2.5 per cent to a bigger percentage to allow some of the taxes that are collected to go right to the grass roots. So, it is important to note that even the increase in the CDF allocation is a stimulus in itself, so that each constituency can have more money for various sectors.

The second thing is that hon. Millie Odhiambo raised issues on child labor statistics and sexual offences; to be de-segregated by sex, and the incorporation of contribution by Non-Governmental Organizations (NGOs) into the economic survey. I want to assure this House that those items will be incorporated in the economic survey.

*(Applause)*

Mr. Temporary Deputy Speaker, Prof. Olweny spoke about water catchment and conservation. I spoke about it yesterday. This issue requires no further emphasis! It requires to be sorted out once and for all. We should identify which are the catchment

areas. We know them. We should say that only animals and trees should live in those catchment areas and nobody else! That is the only way we can conserve our forests and our water catchment areas. The second thing that Prof. Olweny spoke about is agro-based agriculture. We have no choice – we have to get into it!

Mr. Temporary Deputy Speaker, I want to thank hon. Githae, who seconded the Motion, for his very elaborate points. I also want to thank Dr. Shaban for the points that she gave yesterday – that the Economic Survey should be an eye-opener of the affairs that one is in. Therefore, we must accept that to make a journey, we must realize where we are. I hope that we can now address issues as they are.

Mr. Temporary Deputy Speaker, I also want to thank hon. Nderitu Muriithi and other hon. Members for the support they gave yesterday. It now shows very clearly that although hon. Members had no much time to read the Economic Survey Paper, 2009, other than what was presented, they were alive to the issues in that Report and they were able to contribute.

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

*(Applause)*

*(Question put and agreed to)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Next Order!

ADOPTION OF 119<sup>TH</sup> IPU  
ASSEMBLY REPORT

THAT, this House adopts the Report of the Kenya Delegation to the 119<sup>th</sup> Inter-Parliamentary Union Assembly and Related meetings, Geneva, Switzerland from 13<sup>th</sup> to 15<sup>th</sup> October, 2008 laid on the Table of the House on Tuesday, 16<sup>th</sup> December, 2008.

**The Temporary Deputy Speaker** (Mr. Ethuro): Where is the leader of delegation?

**An hon. Member:** He is not here!

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Midiwo, I thought you were the Deputy Leader of Government Business? Where is the leader of delegation to move Order No.9?

**An hon. Member:** *Hakuna!* He is acting!

**Mr. Midiwo:** I am not acting officially!

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members!

*(Motion deferred)*

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! It is now time to interrupt the proceedings of the House given that we do not have any more business. The House, therefore, stands adjourned until Tuesday, 2<sup>nd</sup> June, 2009, at 2.30 p.m.

The House rose at 5.40 p.m.