

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 29th July, 2009

The House met at 9.00 a.m.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.307

SHOOTING OF MRS. LOLOLEMU BY SECURITY OFFICER

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

(a) the circumstances under which a security officer shot and injured a 78-year-old woman, Mrs. Nomugien Lololemu, at Archer's Post Trading Centre on 6th June, 2009; and,

(b) the identity of the officer responsible for the shooting and whether the officer has been arrested for the crime.

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

(a) According to the police records held at Archer's Post and those at the Division Police Headquarters at Maralal, no such shooting was reported and no security officer was involved in any shooting within that area, on that particular date or during that period.

(b) Part "b" of the Question does not arise. However, the hon. Member should advise Mrs. Nomugien Lololemu to report the shooting to police immediately in order for us to commence the investigations.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, is the giving of the Question not notice to you as the Assistant Minister? How can you ask the Questioner to ask the Mrs. Lololemu to report when you have the information?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I personally went overboard and advised the District Commissioner (DC) to advise the lady to report the shooting incident in order for us to commence investigations.

The Temporary Deputy Speaker (Mr. Imanyara): This is a Question that sets out that there was a shooting incident involving this person. You have answered it; stating that there is no record of shooting on that day. Now, you are asking that the same information be supplied to the police.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, indeed, it is true that if there are no records, it becomes very difficult on our part.

The Temporary Deputy Speaker (Mr. Imanyara): So, what further information will you get when Mrs. Lololemu reports that she was shot on 6th June, 2009?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, according to our records, there was no shooting done on that particular day. So, in order for my officers to commence investigations, a report must be filed. In the absence of a report, it becomes very difficult for us.

The Temporary Deputy Speaker (Mr. Imanyara): What are you answering in this House now? You are answering a Question relating to a reported death.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I am answering a Question relating to a reported death according to the Member of Parliament.

The Temporary Deputy Speaker (Mr. Imanyara): Yes! But he is the Member of Parliament representing the person that you are asking to report.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, that is true. But for us also to commence investigations, at least, it is better for the Member of Parliament or Mrs. Lololemu to report the matter to the police.

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, let me inform this House because I think the Assistant Minister is actually denying the truth. It should be ascertained that on 6th June, 2009, the Government deployed security personnel to Archer's Post. So, they were there. Secondly, I, personally, went to Archer's Post Police Post, met the Officer Commanding Police Patrol Base (OCPB) and saw the Occurrence Book (OB). The records are there. The matter was reported by the area councilor. The lady is now hospitalized at Wamba Mission Hospital. I even went there to see her and she is still there. So, how can the Assistant Minister deny that shooting took place whereas security personnel were there? When there was harassment of people as they normally do, they started shooting indiscriminately. The records are at Archer's Police Post.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, the hon. Member could be telling the truth. But when you get to the bottom of this problem, the only thing we can do is to start investigations when a report has been filed. Let me just give the background.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Ojode! You have just been informed. In the first place, you should not say that the hon. Member may be telling the truth. He is making a statement in the House to which you have responded positively. He has further said that this lady is gravely ill in hospital. What other information are you likely to get more than what you are getting in the House?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, the Chair is saying the truth. But what the hon. Member is saying is that somebody else went and reported the matter to the police, and it was recorded in the OB. Would I be in order to ask for the reference of the OB, because as far as we are concerned, there has never been a report which was recorded in the OB? What would be the OB number, for me to facilitate from there?

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Ojode, you will go back with this Question and refer the matter to the police to give you a proper answer. The Question relates to a particular date and person and you confirm that you have done investigations, which are being contradicted. He is not going to give you any further information than he has provided. Could you, please, go back and give us a proper answer to this Question? How long do you require to do that?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I do not have any problem with that. But let me say this before I oblige to your proposal.

The Temporary Deputy Speaker (Mr. Imanyara): If what you are trying to do is to challenge the Chair's ruling on the need to go and get proper investigations on the killing of this 78-year old woman, then you will be gravely out of order!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, you know that this is a matter of life and death. It involves the shooting of an innocent person.

The Temporary Deputy Speaker (Mr. Imanyara): Whose particulars you have!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I would ask the Chair to allow me to go and check if at all there was any report made in our OB. In the circumstances that the report was not made, I would request the hon. Member to ask Mrs. Lololemu to report in order for us to commence investigations. I oblige.

The Temporary Deputy Speaker (Mr. Imanyara): In the circumstances that no report was made, take this information from this House, as the report and let us get an answer. How long do you require for that?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, on Thursday next week.

(Question Deferred)

Question No.092

NON-AVAILABILITY OF AI SERVICES IN MARAKWET

The Temporary Deputy Speaker (Mr. Imanyara): Is Mr. Kaino not here! We will come back to that Question.

The Assistant Minister for Livestock Development (Mr. Duale): On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Kaino was in the precincts of Parliament and I gave him the answer.

The Temporary Deputy Speaker (Mr. Imanyara): We will see what happens at the end of this first round of Questions. Let us move on to the next Question, Mr. Waititu.

Question No.227

NON-PROVISION OF WATER TO EMBAKASI RESIDENTS BY NWC

Mr. Waititu asked the Minister for Water and Irrigation:-

(a) whether he is aware that the Nairobi Water Company is completely unable to cater for the water needs of Embakasi residents and that most of them receive very little water or none at all;

(b) what the Government is doing to correct the situation; and

(c) what budgetary provisions he has made for the supply of water in Embakasi Constituency in the 2009/2010 Financial Year.

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

(a) Most estates in the Nairobi City, including Embakasi, are not receiving adequate water due to decline in water levels in Ndakaini and Sasumwa dams. This is due

to the fact that there has been no development of new water sources for Nairobi for the last 15 years to support rapid increase in population. In this regard, the residents of Embakasi, like others in the City, are served by Nairobi Water Company on rationing basis.

(b) My Ministry has established drought intervention measures which include drilling and equipping of 50 boreholes within the City, of which 11 will be situated in Embakasi Constituency.

(c) No special budgetary provision has been made for Embakasi Constituency in the year 2009/2010. However, Embakasi like other parts of Nairobi is going to benefit from the ongoing water projects funded by the World Bank and the French Government, respectively.

Mr. Waititu: Mr. Temporary Deputy Speaker, Sir, we appreciate the work that the Ministry is doing. We also understand that there is a big drought in the country. However, the rationing of water supply is so severe that some people do not receive water at all. The Ministry is digging boreholes at a very slow pace. Could the Assistant Minister give a timeframe on when all those boreholes earmarked for Embakasi will be completed, so that people can get water from those boreholes?

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, the drilling is almost 90 per cent complete. But the actual operationalisation is yet to take place. We have received funds on emergencies and we shall make sure that residents start getting water as soon as possible. No particular estate will go without water for more than three days. We will also make sure that we get water boozers to supply water to Government institutions such as schools and hospitals.

Mr. Kioni: Thank you, Mr. Temporary Deputy Speaker, Sir. Could the Assistant Minister tell us what they are doing to alleviate water problems in the upper parts of this country? Most of the water companies are serving the lower parts of this country in total disregard of the upper parts of the country. One of the reasons we have water problems is that we have for a long time neglected water towers in this country. In my constituency we have one of the water towers, but my people do not get water from it although they are supposed to preserve Aberdares ridges. We have water going to Laikipia and Nakuru. What is the Ministry doing about this issue?

Mr. Kiunjuri: Mr. Speaker, Sir, this is about regulating the water intakes which are actually licensed. The issue of water is very serious because we do not have enough water in the country. We have to live with this fact for a longer time. That is why every day we are reading about the Mau Water Towers and the danger it poses to our population. The issue here is that there is no water flowing from our rivers. The danger is that the next conflict will be water war. We will make sure that we regulate---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kiunjuri, the supplementary question relates to the Aberdares. You are talking very generally yet the question was very specific.

Mr. Kinjuri: Mr. Temporary Deputy Speaker, Sir, I am giving a general view. It is not only in Aberdares where we have this problem. It is the same in Mt. Kenya region and other areas. Rivers are not flowing beyond Timau Road. Most of them have dried up. The Chair can witness this because he uses the same road to Meru. We, as Parliament, must address the issue of scarcity of water in this country.

Mr. Njuguna: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to ask the Assistant Minister a question. While appreciating the quick response by the Ministry to this matter, could he give us the criteria they are using to drill the 50 boreholes in Nairobi? Could he also give the total allocation for the same?

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, the boreholes were located long time ago. I said they have 90 per cent drilled and it is only about operationalisation. However, it is not only Nairobi that is facing severe drought and lack of water, I would like to ask hon. Members of Parliament to let us know where there is severe shortage of water, so that we can drill boreholes to make sure residents get water. So, this problem applies across the country. We are seeking for that information. We have asked our District Water Officers to give comprehensive reports on their respective districts. However, Members of Parliament are free to complement what we are getting from the District Water Officers.

Mr. Waititu: Mr. Temporary Deputy Speaker, Sir, two weeks ago, the Permanent Secretary for the Ministry of Water and Irrigation launched a borehole at Zimmerman Estate. He promised that the price of water will be Kshs2 per 20-litre jerrycan. Could he confirm whether this is the case and explain the steps he is taking to ensure that water remains at Kshs2 per 20-litre jerrycan?

Mr. Kiunjuri: Mr. Speaker, Sir, the Permanent Secretary is the Accounting Officer of the Ministry. If he directed so, then that is what should be followed. I will make sure that I take it up with him once I get to the office. We cannot take advantage of the prevailing drought situation in the country and exploit our people. So, if our people can afford Kshs2 per 20-litre jerrycan, that is how we will sell water to them. Otherwise, I will take up the matter with the hon. Member of Parliament. I will make sure that I call the hon. Member in the next one hour once I get back to the office.

(Question deferred)

Question No.241

PAYMENT OF COMPENSATION TO
MR. JACKSON NYAMOHANGA'S FAMILY

The Temporary Deputy Speaker (Mr. Imanyara): I understand there has been a request. Mr. Shakeel is not here, so this Question is deferred to next week because this is a Supply Week.

Next Question, Mr. Kiuna!

Question No.268

UNDER-REPRESENTATION OF CENTRAL RIFT REGION IN PBK

Mr. Kiuna asked the Minister for Agriculture:-

(a) whether he could explain why Central Rift Region should be represented in the Pyrethrum Board of Kenya by only one director, in spite of its 60 per cent production capacity, considering that the election of

Directors to the Board should be based on production capacities of various regions as per Section 4(ii)(b) of the Pyrethrum Act;

(b) why electoral zones were reduced from six to four without due regard to their actual production capacities, in addition to being a contradiction of the Ministry's proposed policy on liberalization of this sub-sector;

(c) the justification for the 7:4 ratio of Government appointed directors to those elected by farmers and,

(d) when the Government will pay to Molo pyrethrum farmers the outstanding balance of Kshs.70million due to them.

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

(a) The Central Rift is represented by one director to the PBK based on the current production levels. This will be reviewed once the production level improves; The decision to reduce the electoral zones from six to four was informed by the declining production and other institutional costs incurred by the sub-sector.

(b) The justification for the 7:4 ratio for Government appointed directors to those elected by the farmer is for providing the complementary roles required for better performance of the industry.

(c) The Government has already paid Kshs4.6 million out of the Kshs16.4 million owed to Molo farmers for the period of April to June 2009. The outstanding balance of Kshs11.8 million will be cleared as soon as funds are available. The Kshs70 million referred to by the hon. Member is for the entire country and not for Molo District.

Mr. Kiuna: Mr. Temporary Deputy Speaker, Sir, I would like to congratulate the Assistant Minister for that answer but there are some issues that he needs to address. First, these regions are well represented and many farmers are devoted to cultivating their land to produce these flowers but they have never been considered. What criterion or method did you use to elect those Directors? By electing members from the Government and forgetting those people who are cultivating the flowers, you are discouraging them.

Could the Assistant Minister assure this House that in the next elections, they will consider farmers instead of electing people from the Government?

Mr. Mbiuki: Mr. Temporary Deputy Speaker, Sir, I would like to assure the hon. Member that the Directors are not employees of the Pyrethrum Board of Kenya. They are Directors who are supposed to be involved in the formulation of regulations. The number of zones are not fixed but they are based on a number of factors, among them, the current production trend, the number of active growers, the geographical location and layout, the expansiveness of the area, distance, accessibility and on the homogeneity of the growers.

The pyrethrum industry in Kenya is on the death bed. As a Ministry, we are doing the best we can to promote the production of pyrethrum. I want to assure the hon. Member that once the production is improved, we are going to increase the electoral zones from the current four to six within the next one year because we are determined to increase the production. We have a new factory which cannot operate because there is no production. But as a Government, I want to give an assurance to this House that I will increase the production. We are going to increase the electoral zones from the current four to six within one year.

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has assured this House that his intention is to promote the production of pyrethrum in Kenya. He has also told the House that the Pyrethrum Board of Kenya owes farmers Kshs70 million. You cannot promote pyrethrum production when you owe farmers that much. What is he doing to ensure that the money is cleared and by when?

Mr. Mbiuki: Mr. Temporary Deputy Speaker, Sir, I would like to thank this august House. When the Deputy Prime Minister and Minister for Finance presented his current Budget, he made a provision of Kshs70 million to clear all the outstanding debts up to June this year. The House has already approved the Budget and we are going to pay the farmers by 1st of August, 2009.

Mr. Kioni: Mr. Temporary Deputy Speaker, Sir, I come from Ndaragwa Constituency which is the largest producer of pyrethrum in this area and if the records say otherwise, then I am ready for any corrections. Looking at these electoral zones, we have Naivasha being grouped together in Eastern and Central zones. Central and Eastern zones include the larger Nyandarua, Imenti South, Imenti North and Naivasha. In the last period, Naivasha produced 150 metric tonnes of pyrethrum and it is more strategically positioned to have been grouped with Central Rift.

Could the Assistant Minister tell this House what wisdom was used to group Naivasha together with Imenti South and Imenti North?

Mr. Mbiuki: Mr. Temporary Deputy Speaker, Sir, I had explained that due to the current production of the entire industry, it was found prudent to review the number of electoral zones from six to four. Then you find that they have used the criteria of geographical locations, layout and expansiveness of the area. The production of pyrethrum in the larger Meru is something very little. When you combine central and eastern zones and due to proximity, we found it good to group them in one particular zone. Our biggest responsibility now is to increase production---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Mbiuki! The hon. Member asked: What is the wisdom, if any, of putting Naivasha together with South Imenti and North Imenti?

Mr. Mbiuki: Mr. Temporary Deputy Speaker, Sir, it is due to the geographical location.

Mr. Kioni: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that Naivasha is nearer Imenti South and not nearer Nakuru?

The Temporary Deputy Speaker (Mr. Imanyara): He is completely out of order! Mr. Mbiuki, Naivasha is very far geographically from South Imenti.

Mr. Mbiuki: Mr. Temporary Deputy Speaker, Sir, when you capture the geographical map of the entire nation, that is the criteria we used to group these regions, depending on locations and the expansiveness of the area and the homogeneity of the growers in all these particular areas. We found it prudent to keep all the farmers in Central and some parts of Eastern together. We have four major regions: The South Rift, which is largely Molo---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Just restrict yourself to answering the question by the hon. Member. The question is: What was the justification for lumping Naivasha with South Imenti and North Imenti? That is the question that you have been asked, but up to now you have not even attempted to answer it.

Mr. Mbiuki: Mr. Temporary Deputy Speaker, Sir, the reason why we put Naivasha in Central and Eastern is that we are able to put Naivasha with the other parts of Eastern Province due to homogeneity of the farmers and the growers in that particular region.

The Temporary Deputy Speaker (Mr. Imanyara): Order! I do not think that is a satisfactory answer. We need a proper explanation as to the criteria for zoning the country geographically as per pyrethrum growing regions. How long would you take to get that answer to the satisfaction of the House?

Mr. Mbiuki: Mr. Temporary Deputy Speaker, Sir, in clarification of how we grouped Naivasha that way, I can make further inquiries and bring the answer this afternoon.

The Temporary Deputy Speaker (Mr. Imanyara): Is this afternoon okay with you?

Mr. Kiuna: Yes, Mr. Temporary Deputy Speaker, Sir.

(Question deferred)

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I do not have the written reply.

Question No.266

PROVISION OF CEMETERIES TO MUSLIMS BY NCC

Mr. Affey asked the Deputy Prime Minister and Minister for Local Government what plans the Nairobi City Council has to provide more land to the Muslim Community for the establishment of cemeteries, considering that the existing ones are full.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): Mr. Temporary Deputy Speaker, Sir, I beg for the indulgence of the House. The hon. Member does not have the answer and the original copy of the answer has just been taken for photocopying. It should be back in a few minutes and then I can respond to it later.

The Temporary Deputy Speaker (Mr. Imanyara): That is okay.
Next Question by Mr. Ombui!

Question No.281

UPGRADING OF NYANSIONGO HOSPITAL

Mr. Ombui asked the Minister for Medical Services:-

(a) what plans he has to upgrade Nyansiongo Hospital to a district hospital; and,

(b) when the Government will provide a vehicle for the hospital.

The Temporary Deputy Speaker (Mr. Imanyara): Is the Minister for Medical Services not here? Any Member of the Front Bench?

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, I am not seeing the Minister but I will pass the message that the answer should be brought tomorrow afternoon.

The Temporary Deputy Speaker (Mr. Imanyara): Just a moment. Where is the Minister and the Assistant Minister?

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, I have neither seen the Minister nor the Assistant Minister.

The Temporary Deputy Speaker (Mr. Imanyara): We shall come back to this Question later.

Next Question, by Mr. Mbai! Mr. Mbai!

An hon. Member: *Amelala!*

Mr. Mbai: No, I was not asleep, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Mbai! You may not have been asleep but the Question was called three times!

Mr. Mbai: I did not hear you, Mr. Temporary Deputy Speaker, Sir. I am sorry.

Question No.288

REPORT ON TARDA'S ACQUISITION OF
MASINGA DAM LAND

Mr. Mbai asked the Minister for Regional Development Authorities:-

(a) whether he could provide a detailed report on how TARDA acquired the land occupied by Masinga Dam;

(b) whether he could table the agreement between the Authority and the local county councils and state the amount of money paid to them in terms of land rates to date;

(c) whether he could state the number of persons who were displaced by the dam as well as the rate of compensation; and,

(d) whether he could provide the list of projects initiated by TARDA in Masinga Constituency since inception.

The Temporary Deputy Speaker (Mr. Imanyara): The Minister for Regional Development Authorities not here? We will come back to that Question later on.

Next Question, Mr. Gunda!

Question No.294

UNDER-PAYMENT/DELAYED PENSION DUES
TO MR. JEMBE EMMANUEL

The Temporary Deputy Speaker (Mr. Imanyara): Is the Member for Bahari in?

Mr. Gunda: What have you said, Mr. Temporary Deputy Speaker, Sir? I did not hear you! Did you defer my Question?

(Laughter)

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Gunda! If the hon. Member is not interested in his Question and if you persist in behaving as if you are not participating in the proceedings of the House, I may have to ask you to leave the House!

(Applause)

Next Question! Mr. Gunda, we will come back to your Question in a little while!

Question No.333

LIST OF BANKS AUTHORISED TO OPERATE CDFC ACCOUNTS

Mr. Nyamai asked the Minister for Planning, National Development and Vision 2030:

(a) If he could lay on the Table a list of all banks with which Constituency Development Fund Committees (CDFC) are authorized to operate accounts; and,

(b) The criteria that was used to select the banks.

Mr. Nyamai: Mr. Temporary Deputy Speaker, Sir, we have agreed with the Minister that it should come in the afternoon.

The Temporary Deputy Speaker (Mr. Imanyara): Indeed, that Question will be deferred to this afternoon. I was requested by the Minister because he has to attend to some important function at this time.

(Question deferred)

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On a point of order, Mr. Temporary Deputy Speaker, Sir. We assume that the Order Paper for this afternoon is already out.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, it cannot be this afternoon. Mr. Nyamai, would you consult with the Minister so that it can be answered next Wednesday? The Order Paper may be already ready for today. Consult the Minister and the Question can be on the Order Paper for next Wednesday.

Mr. K. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have noticed that most of these Questions which have been put on this Order Paper---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. K. Kilonzo, I think you are coming too soon because I still have to go the second time and then you can raise your point at that time. I want to go to back to Question No.092.

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, my point of order is not on a specific Question.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. K. Kilonzo! You may raise that point of order when I come to the end of the Questions.

Mr. K. Kilonzo: Okay, Mr. Temporary Deputy Speaker, Sir.

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

Mr. Kaino: Thank you, Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Kaino! This is the second time this Question is being asked. You need to apologize to the House and explain your failure to be in the House when the Question was asked.

Mr. Kaino: Mr. Temporary Deputy Speaker, Sir, I extremely apologize for being late.

The Temporary Deputy Speaker (Mr. Imanyara): You need to explain the reason for your lateness!

Mr. Kaino: Mr. Temporary Deputy Speaker, Sir, it was because of the traffic jam that is prevalent that has prevented me from coming to the House early.

Question No.092

NON-AVAILABILITY OF AI SERVICES IN MARAKWET

Mr. Kaino asked the Minister for Livestock Development:-

(a) why Artificial Insemination (AI) services are not available in Marakwet; and,

(b) when the Ministry will offer the service to Marakwet farmers.

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

(a) The Government used to provide AI services at a very subsidized cost until when the policy of free supply of AI services was changed in the late 1990s. This was due to the economic hardships experienced in the 1980s and 1990s which again resulted in the implementation of the Structural Adjustment programmes (SAPs). The implementation of this programme recommended the privatization of AI services throughout the country. This entailed encouraging the private sector practitioners, the dairy co-operative societies and the self-help groups in set up AI services, and through the Ministry of Livestock, Department of Veterinary Services, to give an advisory and regulatory/supervisory and certification role. Currently, we have 750 private AI service providers throughout the country who are operating under the supervision of the local district veterinary officers. The partnership between the Government and the private sector has effectively taken root in as far as AI service provision is concerned to the livestock farmers. It has also created jobs along the production/distribution chain. My Ministry, through the Central Artificial Insemination Station based in Kabete, has continued to produce superior disease-free bull semen to farmers throughout the country.

(b) This privatization process was successful in the high to medium potential areas but was not very well captured in the marginal and low potential areas such as Marakwet. In regions where AI privatization is not sufficient or has all along not taken root, the Department of Veterinary Service will continue rendering the service on a full cost recovery basis. In the case of Marakwet, the District Veterinary Officer has been instructed to embark on the above mentioned programme on providing and facilitating the AI service in Marakwet. In addition, private AI service providers in Marakwet are also on the ground. There is Unitech Agrovet based at Kapsowar. There are a number of

enquiries from the private sector players with a view of setting up AI service in Kapcherop and Kirap in Marakwet.

Finally, in the lowland areas where East Africa beef farming is dominant, the Department of Veterinary Services and Livestock Production will continue to use selected and screened breeding bulls for both meat and milk production.

Thank you.

Mr. Kaino: Mr. Temporary Deputy Speaker, Sir, the farmers in Marakwet have lost greatly due to the absence of these services. But I am grateful to the Assistant Minister for promising Marakwets that he has instructed--- I can read from the answer that the Assistant Minister has instructed the District Veterinary Officer in Kapsowar to provide these services. I just want to know when Marakwet will get these services. When was the letter sent to Marakwet because there is nothing completely? Even the privatization which is in Kapsowar is absent. You cannot see it on the ground!

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Kaino! You have made your point.

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, I want to assure the hon. Member that the Department of Veterinary Service, through the district veterinary officer, is providing the AI service. But on the private sector, the service provider at Kapsowar, Unitech Agrovvet does and performs an average of 30 to 40 inseminations a month. We have the record, the private sector is there but I want to assure the hon. Member that as the Government, because it is a marginal area, we will provide this service and we will encourage the AI to---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Duale! I thought he referred to a letter. You talked about a letter and he asked when the letter was sent. That is what I heard him ask you!

Mr. Duale: Which letter, Mr. Temporary Deputy Speaker, Sir?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kaino, could you repeat the question?

Mr. Kaino: Mr. Temporary Deputy Speaker, Sir, I asked the Assistant Minister because he said that has instructed the District Veterinary Officer in Marakwet District, Kapsowar, to continue or start the services. When was the letter sent to Kapsowar because there is nothing on the ground?

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, I did not say that we have written a letter. The district veterinary officers, as we speak today, are all in Nairobi. The instructions were given three months ago. On the ground I said, today, the District Veterinary Officer, Kapsowar, our office, has this service. Unitech Agrovvet, a private service provider that does between 30 to 40 AI every month and has enough stock for the services.

Dr. Khalwale: Currently, Mr. Temporary Deputy Speaker, Sir, there is an acute shortage of veterinary officers in the public sector in the country, leaving the exercise to be carried out by agents of the Government who are not supervised. My question is: In view of that, what assurance can the Assistant Minister give about the quality of service, given that the people who are giving that service are actually quacks and conmen?

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, it is very good that the hon. Member has raised the issue of insufficient staff in the Ministry. Last year, we recruited about 100 veterinary doctors and a number of community animal health workers. This

year, we were to do Phase II of that program but the Ministry of Finance did not give us that allocation. I am sure that the Departmental Committee on Livestock and Agriculture is going to do that when they table our Supplementary Budget.

But on the issue of the quality, I want to assure the hon. Member that, on average, we have 750 artificial insemination (AI) technicians who have been certified by the Government. We have a 30 per cent shortage of that product. We have put up a new liquid nitrogen plant which will produce 2,600 litres in every 48 hours. We expect to reduce the 30 per cent gap that we could have imported. I want to assure the hon. Member that everybody who is going to be an AI technician will have to go through the Kenya Veterinary Board and the Department of Veterinary Services. I am sure that in areas where there are quacks, we are going to deal with them.

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, in his attempt to answer the Question, the Assistant Minister has talked about the superior semen that is being provided by private providers. The cost of that superior semen ranges between Kshs5,000 to Kshs10,000 per shot. Could the Assistant Minister assure us that he is going to borrow a leaf from the Minister for Agriculture and subsidize that semen cost? The poor farmers cannot afford it!

(Applause)

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, I agree with the hon. Member. But with the commissioning of the new liquid nitrogen plant at Kabete three months ago, we have reduced the price from Kshs90 to Kshs70 per litre. If you compare with what private sector companies like BOC charge, with that new plant in place, we have reduced the cost of production for the Government. I can assure the hon. Member that our next stage is to regulate the agents. They are supposed to sell at Kshs145 per straw. The aspect that remains is to make sure that we set a price ceiling. If the Government subsidizes the price, then we must go ahead and make sure the technicians sell it at the price that we want.

Mr. Mwangi: On point of order, Mr. Temporary Deputy Speaker, Sir. There are no Government technicians providing those services in my constituency!

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

Mr. Mwangi: The point of order is that we do not have a Government technician providing those services.

The Temporary Deputy Speaker (Mr. Imanyara): That is not a point of order. What is your point of order?

Mr. Mwangi: He did not address the issue I raised about the cost of Kshs5,000 to Kshs10,000 per shot. Could he do that?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, you have got the point.

Mr. Duale: I think I have tabulated how we have reduced the price per litre because of the new liquid nitrogen plant. We have tabulated the price and how we are going to control the 750 AI technicians certified by the Government. With the new liquid nitrogen plant that produces about 2,600 litres within 48 hours, I want to assure the hon. Member that it is our business to subsidize and control the prices for our members.

Mr. Yinda: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister confirm that the superior semen is available all over the country, including Siaya?

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, I can confirm that in Siaya and other parts of the country, that superior semen for better production and better quality is available.

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

Mr. Kaino: Mr. Temporary Deputy Speaker, Sir, I think I am satisfied with the Assistant Minister's answer, except---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kaino, if you are satisfied, there is no "except"!

(Laughter)

Mr. Kaino: Mr. Temporary Deputy Speaker, Sir, I am satisfied with the answer. Thank you, Mr. Temporary Deputy Speaker, Sir,

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

Question No.266

PROVISION OF CEMETERIES TO MUSLIMS BY NCC

Mr. Affey asked the Deputy Prime Minister and Minister for Local Government what plans the Nairobi City Council has to provide more land to the Muslim community for the establishment of cemeteries, considering that the existing ones are full.

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

We have set aside two cemeteries for the Muslim community here in Nairobi; Kariokor and Langata. The Kariokor Cemetery got full in December, 2008. However, the area set aside for the Langata Cemetery is not yet full as alleged by the hon. Member. The existing Langata Cemetery which was established during the pre-independence period measures approximately 1.2 hectares. To date, 25 per cent of the Muslim cemetery consisting 0.3 of a hectare has been utilized, leaving approximately 0.9 of a hectare for use. It is further noted that the Ministry and the Nairobi City Council plans to acquire some land within the metropolitan area for additional Muslim cemetery use.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for his attempt to answer the Question. But he has, apparently, not visited Langata Cemetery and he has no idea of how that cemetery has been utilized since it was provided to the Muslim community in the City.

Mr. Temporary Deputy Speaker, Sir, the Assistant Minister must also appreciate the circumstances of the different communities in this City because once a Muslim dies, that body must be disposed of within hours. In that case, in this City today, we have got between 11 and 15 people who die every day. That means they must be disposed of within hours of their death. The Assistant Minister has said that there are plans to acquire

land within the metropolitan area. What are those plans and how do they relate to the Muslim community in the City?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, while I must admit that I have not gone to check the information provided on the ground--- Statistically, if 0.3 hectares have been there for the last 40 to 45 years, I believe that 0.9 hectares would sufficiently suffice for the next two or three years, even if the Kariokor Cemetery is closed. So, substantively, I think the most important thing is the long term measures to get another space within the metropolitan area. However, we do appreciate the fact that within the centre of the Metropolis, there is no land and where there is land under the new City of Nairobi Masterplan, it will be in the Metropolis, which will be either towards Athi River or anywhere where there is red soil because of decomposition.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Mbugua: Mr. Temporary Deputy Speaker, Sir, cemeteries have been a contentious issue, looking at the fact that---

The Temporary Deputy Speaker (Mr. Imanyara): Ask your question!

Mr. Mbugua: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister consider putting up more crematoriums, considering that the land in the City is not available?

Mr. Nguyai: Certainly, Mr. Temporary Deputy Speaker, Sir. As I said, we are looking for land all around the Metropolis and once the plan for the new Metropolis and negotiations have been completed, we will provide that plan to the House.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, the scarcity of land for cemeteries is not only unique in Nairobi City. In a place like Wamba Town in Samburu East, the Muslim Cemetery is also full. My question to the Assistant Minister is: What plans do you have to ensure that there is sufficient land for cemeteries?

The Temporary Deputy Speaker (Mr. Imanyara): He has already answered that question. Please, ask a question that has not been asked. Is there any other question you would like to ask?

Mr. Abdirahman: Mr. Temporary Deputy Speaker, Sir, I appreciate that the Assistant Minister is looking for more land. However, acquisition of land is a long process. It is not done in one day. He said that the Langata Cemetery will not be full in the next one year or two years. Unless they start looking for the land right now, they will not be able to achieve their targets. Could he consider tasking the Nairobi City Council (NCC) to go ahead and look for a parcel of land immediately? They need to identify a parcel of land so that we know that those plans will come to fruition.

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, a task force is already in place to seek land for the new cemetery. They are looking for the land. I am sure that within the next few months, we will identify the land and start the negotiation process.

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, the issue of land for a cemetery is not only confined to the Muslims. Christians and other religions are undergoing the same problem. Could the Assistant Minister tell us how far he has gone with the scandal involving land that was being acquired by NCC in Athi River for purposes of a cemetery? Who was paid the money? How many people have been arrested for overcharging the NCC?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, as you realize, that is an issue that has already been referred to a Departmental Committee of this House. I believe that the Committee is addressing it.

The Temporary Deputy Speaker (Mr. Imanyara): You are right on that one, Mr. Nguyai.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I recall that when this matter was referred to the Departmental Committee, you were on the Chair. You directed clearly that they report back to us in three weeks time. Could you, please, guide us on when---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Dr. Khalwale! In fact, I am giving you too much indulgence. This is a question that is totally unrelated to the one on the Order Paper. I have been allowing this to go on because the Assistant Minister has not complained. That issue will come up properly if you raise it at the expiry of the period that we set.

Mr. K. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I alluded to the issue of land acquired in Athi River for purposes of a cemetery because of the pressure which seems to be coming from Members of Parliament and Kenyans at large.

The Temporary Deputy Speaker (Mr. Imanyara): I hear you, Mr. K. Kilonzo, but the matter was referred to a Departmental Committee of this House and a specific time period for the report was given. If you can ask for a progress report or something related to that issue, then I will allow you. What you are raising now is not relevant to the Question that has been asked now.

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, in that case, could the Assistant Minister tell us the alternative places they are looking for land?

The Temporary Deputy Speaker (Mr. Imanyara): He has answered that question. He said that the Ministry is looking for land within the metropolis.

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I just want to request the Assistant Minister, having learnt that they are in the process of acquiring more land within the metropolis, to visit Langata Cemetery, so that he can see for himself the burial site there. The site has no water.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Affey! What is your question? If you want him to visit Langata Cemetery, ask him when he will do that!

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, when will the Assistant Minister visit Langata Cemetery? When will he provide water at the site so that people can have smooth rituals during burial ceremonies?

Mr. Nguyai: Mr. Temporary Deputy Speaker, I will consult with the hon. Member and we will find an appropriate date, hopefully, within this week to visit the place. We will get the NCC and Ministry officials to address the issues that have been raised.

Mr. Mbugua: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister in order to mislead us by saying that the NCC is trying to acquire more land---

The Temporary Deputy Speaker (Mr. Imanyara): You are out of order, Mr. Mbugua. You do not rise on a point of order after a Question has been disposed of.

UPGRADING OF NYANSIONGO HOSPITAL

Mr. Ombui asked the Minister for Medical Services:-

(a) what plans he has to upgrade Nyansiongo Hospital to a district hospital; and,

(b) when the Government will provide a vehicle for the hospital.

The Minister for Medical Services (Prof. Anyang'-Nyongo): Mr. Temporary Deputy Speaker, Sir, I beg to answer.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Minister, the House is owed an explanation as to why you were not present when the Question was asked.

The Minister for Medical Services (Prof. Anyang'-Nyongo): Mr. Temporary Deputy Speaker, Sir, I apologize for coming late. As I was coming down to this place, some VIP was passing along Uhuru Highway and we were stopped from moving for about 20 minutes or so. It was a *force majeure*.

Mr. K. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Unless I do not understand the definition of a VIP, I thought the Minister himself is a VIP! Could he clarify who the VIP who stopped him from arriving here on time is?

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. K. Kilonzo! Mr. Minister, just respond to the question.

The Minister for Medical Services (Prof. Anyang'-Nyongo): Mr. Temporary Deputy Speaker, Sir, there are some Members of Parliament who like to involve themselves in verbal verbosity.

(a) Kijauri or Nyansiongo Sub-district Hospital was gazetted in 2008 to serve the newly created Borabu District which is among the more than 150 new districts created since 2007. Many other facilities have similarly been designated as district hospitals for the new districts. To determine upgrading needs, the Ministry has just completed a survey of the designated district hospitals for the new districts and other existing hospitals. This is the baseline survey we have done in the Ministry of Medical Services to determine the difference between what exists and what ought to exist and, therefore, the gap that needs to be filled to make them completed.

The findings of this survey are now being compiled and will be used to mobilize resources with an aim of standardizing hospital infrastructure across the country. Upgrading of Kijauri also known as Nyansiongo Hospital will be given consideration within this framework alongside other designated district hospitals.

(b) Although Kijauri or Nyansiongo is gazetted as a sub-district hospital, it is currently operating as a dispensary. Owing to resource constraints, the Ministry is currently not able to allocate vehicles to facilities functioning below the levels of hospitals and without in-patients. Currently, Nyansiongo Hospital has neither in-patient facilities and in-patients themselves nor facilities that will require the presence of a doctor there.

A vehicle will, therefore, be allocated to the facility once it has been upgraded to an operational hospital.

Mr. Ombui: Mr. Temporary Deputy Speaker, Sir, I thank the Minister for the answer he has given. However, his answer is general in nature in the sense that he has not indicated the specific time frame when this hospital will become a district hospital.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Kioni and Maj-Gen. Nkaisery! Consult in low tones because the Chair would like to follow the proceedings.

Mr. Ombui: Could the Minister be very specific as to when this hospital will be upgraded to the status of a district hospital?

Prof. Anyang'-Nyongo: Mr. Temporary Deputy Speaker, Sir, when I was presenting the Ministry's budget yesterday, I informed hon. Members that the Ministry has a shortfall of Kshs13 billion which it needs to implement all the projects that we have in plan. In that regard, upgrading Nyansiongo to a district hospital will suffer this consequence. Unless the Ministry gets enough resources to ensure that upgrading, not only of Nyansiongo Hospital, but all hospitals that have been upgraded to district hospitals, be in keeping with the new districts, it will be very difficult for the Ministry to do so.

We need the support of the House. We may request hon. Members to use some CDF resources to put some theatres in their upgraded facilities, so that we can post surgeons there. It will be very difficult for a surgeon to be posted to a facility where there is no theatre. So, Nyansiongo Hospital suffers the same problem. I would like to appeal to the Member of Parliament that I am not able to state when because that depends on when resources are available to do so.

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I wish to thank the Minister for that answer, but my question is very specific. We, as Parliamentarians, have used a lot of Constituencies Development Fund (CDF) money to build dispensaries and even equip them. The problem is the medical personnel. In my constituency of Mutitu, for instance, I have Chuluni Dispensary, among many others; i have over 15 dispensaries, which are complete and equipped. They are only waiting for medical staff. What plans does the Minister have to provide medical staff to those dispensaries?

Prof. Anyang'-Nyon'go: Mr. Temporary Deputy Speaker, Sir, I thank the hon. Member for that question. I also have nine dispensaries in my own constituency, which suffer the same fate. Currently, we have hired 1,600 medical personnel to be posted to those facilities. These are not enough. We are going to hire another 1,600 medical personnel this year. Last year, we did not post the medical personnel in good time because the hiring process is being done by the Public Service Commission (PSC), which is a very slow process.

With the intervention of the Right Honourable Raila Amolo Odinga, the Prime Minister, the PSC has now agreed to cede the hiring process to the two Ministries, so that the process can be faster and the facilities can be provided with personnel in good time. So, I promise that the process of hiring medical personnel is now under way. I hope that before too long, his dispensaries and mine will have the personnel required.

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

Mr. Ombui: Mr. Temporary Deputy Speaker, Sir, I would like the Minister to indicate how much he has allocated for Nyansiongo Sub-District Hospital in the current financial year.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, we have those figures, although I do not have them here now. I promise that I can provide them to the

hon. Member in the course of the day, because we have them in the Ministry. We have divided all our resources up to the constituency level. We know exactly what each facility is going to receive. So, I can provide the hon. Member with the information in the course of the day.

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

Mr. Mbai: Mr. Temporary Deputy Speaker, Sir, before I ask the Question for the second time, I would like to bring it to your notice that I have not received the written answer.

The Temporary Deputy Speaker (Mr. Imanyara): Minister for Regional Development Authorities, have you provided the hon. Member with the written answer?

The Minister for Regional Development Authorities (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I got this Question yesterday, but I have an answer.

The Temporary Deputy Speaker (Mr. Imanyara): No! No! The hon. Member is entitled to a written answer before you rise to answer the Question on the Floor of the House. Have you provided him with an answer?

The Minister for Regional Development Authorities (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I do not think he has an answer, because---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mbai, would you like the Question answered without the written answer, or would you like to have the written answer first?

Mr. Mbai: Mr. Temporary Deputy Speaker, Sir, this is a very important Question for my constituency. I would like to have the written answer.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Minister, you shall provide the hon. Member with the written answer and be prepared to answer this Question. When will you answer the Question?

The Minister for Regional Development Authorities (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I will get for him a copy of the written answer. The Question is so detailed. It needed a bit of time although it came by Private Notice. However, I am prepared to give him an answer.

The Temporary Deputy Speaker (Mr. Imanyara): He is entitled to a written answer. He demands it. When can you answer the Question after providing him with the written answer today? Can you do it tomorrow?

The Minister for Regional Development Authorities (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I can even give him the written answer now, but I can answer the Question tomorrow.

The Temporary Deputy Speaker (Mr. Imanyara): Very well! Give him the written answer now, so that he can ask supplementary questions tomorrow.

Question No.288

REPORT ON TARDA'S ACQUISITION OF MASINGA DAM LAND

(Question deferred)

The Temporary Deputy Speaker (Mr. Imanyara): Next Question, Mr. Benedict Gunda!

Mr. Gunda: Mr. Temporary Deputy Speaker, Sir, first of all, I would like to apologise for not asking this Question at the time it was supposed to be asked.

Question No.294

UNDERPAYMENT/DELAYED PENSION
DUES TO MR. JEMBE EMMANUEL

Mr. Gunda asked the Minister for Education:-

(a) why he had been underpaying Mr. Jembe Ngala Emmanuel (TSC No.077284) from February, 1995, till June, 2007, when he retired; and,

(b) whether he could confirm when the underpaid amount as well as his pension dues will be paid.

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

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, the House is entitled to know where you were when the Question came up the first time.

The Assistant Minister for Education (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, I was here. It is the Questioner who was not here. He even apologised.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Prof. Olweny! I apologise to you. It was, indeed, the Questioner who was not in the House.

Mr. Gunda: Mr. Temporary Deputy Speaker, Sir, before I asked the Question, I apologised.

The Temporary Deputy Speaker (Mr. Imanyara): Very well! Proceed, Prof. Olweny.

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

(a) Mr. Jembe Ngala Emmanuel, who retired from the Teachers Service Commission (TSC) with effect from 1st September, 2007 was underpaid as a result of wrong conversion during the 1994 salary review. The anomaly was discovered while his pension was being processed.

(b) The underpayment has been corrected and his salary arrears amounting to Kshs39,690.60 have been paid through Cheque No.157330, which has been delivered to Kilifi Teachers Sacco, Account No.8577284. His pension is also being processed.

Mr. Gunda: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister for that answer. Could he tell the House when this cheque was sent, and when the pension will be processed? This matter has been outstanding for a very long time, and this person has been shuttling between his home and the TSC Headquarters for a long time.

The Assistant Minister for Education (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, I do not have the actual date on which the cheque was delivered, but the cheque has been delivered to Kilifi Teachers Sacco. I have given the cheque number and the account number. So, Mr. Jembe Ngala Emmanuel can go and check with the Sacco.

I have also said that his pension is being processed and it will be forwarded to the Director of Pensions for payment.

Dr. Eseli: Mr. Temporary Deputy Speaker, Sir, hon. Musila brought a Bill to this House, which was passed. That law provides that pension should be paid on time upon one's retirement, or an employee should be retained in service until his pension is ready, but the TSC has persistently delayed in paying teachers their dues upon retirement. What is the Assistant Minister doing to ensure that the TSC complies with the law on paying teachers on time upon retirement, when they have provided all the necessary documentation?

The Assistant Minister for Education (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, firstly, when teachers retire, sometimes they delay in forwarding the relevant papers to the TSC, so that their pension can be processed. Secondly, once we have processed one's pension, the TSC does not pay it. It is the Director of Pensions who pays pensions. So, we forward the papers to the Treasury. That is where they lie.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Gunda: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House that when teachers retire, they do not provide papers on time?

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Member. He did not say they not. He said there are delays.

Mr. Gunda: Yes, Mr. Temporary Deputy Speaker, Sir. Two years before their retirement age they are asked to provide this information. Is he in order?

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, I am talking out of experience as the MP for Muhoroni Constituency. Several teachers have approached me to help them get their pension processed. When I go to the TSC, I am told such and such a paper is not there. I then go back to the teachers. They provide those papers. Immediately I submit those papers to the TSC, the pension papers are processed and delivered to the Treasury. I am speaking out of my own experience.

Mr. Gunda: Mr. Temporary Deputy Speaker, Sir, given that teachers are a very important component in the Ministry of Education, could the Ministry have a desk with personnel to assist teachers in processing their pension and follow up with the Pensions Department?

Prof. Olweny: That we have and it has been there for a long time.

The Temporary Deputy Speaker (Mr. Imanyara): Next Question, Mr. Nyamai. It appears the Question by Mr. Nyamai was deferred.

Mr. Gumo, it has just been pointed out to me that tomorrow being a Supply day, you may not get an opportunity to answer this Question. So I am deferring it to next Wednesday.

The Minister for Regional Development Authorities (Mr. Gumo): Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Next Order.

POINTS OF ORDERS

SETTLEMENT OF SQUATTERS ON SOLIO RANCH

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, I rise to request for a Ministerial Statement from the Ministry of Lands on Settlement of squatters on Solio

Ranch and the public outcry over the irregularities in allocation of land to people who are not genuine squatters. In his Statement, I would like him to deny or confirm whether those who have been settled on this land in Solio Ranch are genuine landless squatters or not and to table the list of beneficiaries, names and acreage allocated. I would also like the Minister to confirm whether the Kenyan taxpayers got value for their money by tabling the valuation report of the land and the sale agreement, confirming the amount paid for this land for verification by this House.

Thirdly, I would like him, in his Statement, to confirm what criteria was applied in the choice of land and the beneficiaries and what plans the Government has for settling other squatters in Trans Nzoia and other parts of Rift Valley, Coast, Eastern Provinces and many squatters in this country that are also waiting for settlement.

The Temporary Deputy Speaker (Mr. . Imanyara): Anybody from the Front Bench who undertakes to give that information?

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

The Temporary Deputy Speaker (Mr. Imanyara): When can he bring that Statement to the House?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, next week on Wednesday.

The Temporary Deputy Speaker (Mr. Imanyara): Is that okay Mr. Wamalwa?

Mr. Wamalwa: Yes, Mr. Temporary Deputy Speaker, Sir.

(Mr. Nyamweya stood up in his place)

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Nyamweya, had you indicated that you were to ask for a Ministerial Statement? I do not recall you informing the Chair that you want to request for a Ministerial Statement?

Mr. Nyamweya: I did not do so, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Then you may not ask for that Ministerial Statement. You know the rules. You may request for a Ministerial Statement if you have cleared with the Chair or the Clerk of the House beforehand, as is common practice. That is the rule we have already established.

RESETTLEMENT OF MAU FOREST EVICTEES

Mr. C. Kilonzo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to seek a Ministerial Statement from the Minister for Environment and Mineral Resources. I stand here with a lot of humility to seek this Statement from the Minister. I want him to tell this House when his Ministry will embark on resettling the people who are occupying the Mau Forest. This is a matter of urgency to save this nation from a catastrophe.

The Temporary Deputy Speaker (Mr. Imanyara): I understand from the Clerk-At-the Table that that issue will be addressed by the Prime Minister this afternoon. So, you can hold your horses and take up the issue this afternoon.

Next Order.

MOTIONS

ABOLITION OF DISCRIMINATORY REQUIREMENTS FOR ARMED FORCES RECRUITMENT

THAT, aware that in recruiting officers for the disciplined forces, the following height requirements apply: Armed Forces – 5ft 3” (both men and women), Policemen – 5ft 9”; Policewomen 5ft 3”; Administration Policemen – 5ft 8”; Administration Policewomen 5 ft 3” and concerned that this requirement is discriminative and is not within any legal framework; this House urges the Government to dispense with this requirement in order to allow for equitable recruitment of all Kenyans who meet other minimum requirements.

(Mr. Kioni on 24.6.2009)

(Resumption of Debate interrupted on 24.6.2009)

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, I rise to support this very important Motion by Mr. Kioni. There is no legal basis for the requirement that certain people of certain height should not serve in certain positions in our armed forces in the police. The specific provision that for one to join the armed forces, one should have a height of 5ft 9”; for women it should be 5ft 3” and the Administration Police have similar provisions---

Our Constitution provides that there should be no form of discrimination. Under no circumstances whatsoever, should discrimination of any kind be allowed in this country whether it is on the basis of race, religion, gender or physical appearance. We are talking about a physical endowment by a person, whether he be born tall or short, whatever race or tribe. It will be a form of discrimination to say that if you are born in this manner, then you are not allowed to be in this particular place. Section 82 of our Constitution, expressly provides that there shall be no discrimination of any kind. No person shall be treated in a discriminatory manner by a person acting by virtue of any written law or in the performance of the functions of the public office or authority.

In this particular provision under Section 82, discriminatory means affording different treatment to different persons attributable wholly or mainly, to their respective descriptions by race, tribe, place of origin, residence, local connections, political opinions, colour, creed or sex.

Our Constitution expressly provides that discrimination of any kind shall not be allowed. Looking at what requirements one has to meet, it is presumed that persons of a certain height have certain qualities and, therefore, the kingdom of heaven is open to them who only were born with a certain height.

[The Temporary Deputy Speaker]

(Mr. Imanyara) left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, when we look at the history of mankind, indeed, one of the greatest Generals of all time in military history, Napoleon, was a little man of less than five feet tall. Indeed, he was a little man from a little island called Corsica. Napoleon was known as the Little Corporal from the little island of Corsica. He was an army officer in 1785. At a very young age, as short as Napoleon was, he was appointed Brigadier-General in 1793.

As short as Napoleon was, he led armies and conquests across Europe as one of the greatest Generals mankind had ever seen. His conquests were not only in Europe, but also across Africa. History tells us that Napoleon was in Egypt. Napoleon came to Syria. Napoleon conquered until the harsh winter of Russia subdued him and his armies. It had nothing to do with his height. The man was a great General and a great genius. As little as he was, the *petite* General was a great soldier. Therefore, I do not understand on what basis we can discriminate against the Kenyan who is less than five feet six inches that they cannot join our army, police or administration police force, simply because they are of a height shorter than that prescribed.

Mr. Temporary Deputy Speaker, Sir, it is discrimination. When you look at China or go to Japan, indeed, these are great armies. However, they are very short people. They are shorter than our prescription here. Therefore, on what basis must we insist that Kenyan army soldiers or police must be at least five feet nine inches? On what basis? Our Constitution does not provide for that on the basis that this would discriminate against a Kenyan. We support this Motion that time has come. Whatever we did as a nation, we inherited from our colonial masters. I have no doubt that this particular provision was also inherited. Our military has been and is still being trained at Sundhurst. Indeed, we inherit not only our laws but also traditions from Britain. The time has come when we must start to de-colonize our minds and institutions, starting from the military to the police and saying that any Kenyan is capable of being anything in this country.

We have colonial relics in our laws. I was very surprised when in the course of touring my constituency, I came across a young man who had just completed his Fourth Form. He went to apply for an identity card. He was asked to fill a form which asked, what tribe are you? What tribe was your grandmother and grandfather? What clan are you? They even asked him; which is your door? *Mlango wenu ni gani?* The young man did not know what door the good chief was talking about. The young man told the chief, "*Mlango wetu ni wa blue*". This means their door was blue and his friend Kip's door was yellow. The chief did not understand. But, of what use is this to our young Kenyans who were born in independent Kenya? These are Kenyans who do not know the issue of clans and doors. Because the colonial master left this in our laws, up to now, we are still using those old colonial relics that are still in our statutes. Time has come when we must remove them.

Mr. Temporary Deputy Speaker, Sir, that is not only found in the registration of persons. The young man said: "I am a Kenyan, my door is blue". Indeed, a day must come when we must be able to give this generation a chance to de-tribalise. Indeed, this

time has come. As Members of the Tenth Parliament, we must help this generation to be free of these colonial relics in our statutes that have divided and ruled these continents. They have divided tribes and broke them down to clans and doors where we have looked at each other as Kikuyu, Luo, Kalenjin, or Luhya. We must start looking at ourselves as Kenyans. To do so, we must also look at our armies, police force and remove any laws that are absurd.

In terms of capability, I do not know on what basis you can say a tall man is more able than a short man whether in athletics, soccer, military or other disciplines or legal practice. A tall lawyer will just be as good as a short lawyer. Indeed, we must do away with some of these relics that we have inherited from our colonial masters and remove any form of discrimination. We should teach our children that tall or short, black or white, Luo, Kikuyu or Kalenjin, you can be anything you want to be in this world. Everyone must be given the opportunity to realize their God-given potential.

Mr. Temporary Deputy Speaker, Sir, I think the time has come. This Motion by Mr. Kioni is very important and is bigger than just the issue of height. It is about our way of life, past and the laws we have inherited. It is our duty, as Members of the Tenth Parliament, to start setting the pace. At the beginning of this year, we declared this year, the year of reforms. Indeed, these are some of the reforms we must bring in our institutions. We are happy that we now have a task force that is reviewing matters touching on our police. We hope that they will come up with some of these issues. As we pass this Motion, we can reform our institutions and remove some of these old strange provisions.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Mungatana): Hon. Members, the Chair is informed that there is an amendment that is to be brought to this Motion.

Please, Mr. Ojode, move that amendment so that we can dispose of it.

The Assistant Minister of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, before I give the Government's response, I would want to move an amendment to this Motion. We have agreed with the Mover of the Motion.

I beg to move that the Motion be amended by deleting all the words appearing after the word "other" in the last line and inserting therein, the following words, "requirements which include basic education background, physical and mental fitness among others".

Mr. Temporary Deputy Speaker, Sir, if the House agrees with me, the Motion as amended, will read as follows:-

THAT, aware that in recruiting officers for the disciplined forces, the following height requirements apply: Armed Forces – 5ft 3" (both men and women), Policemen - 5ft 9"; Policewomen – 5ft 3"; Administration Policemen – 5ft 8", Administration Policewomen – 5ft 3" and concerned that this requirement is discriminative and is not within any legal framework; this House urges the Government to dispense with this requirement in order to allow for equitable recruitment of all Kenyans who meet other requirements which include basic education background, physical and mental fitness amongst others.

Mr. Temporary Deputy Speaker, Sir, the reason why I want an amendment to be done is because first, we must have a disciplined force. There are instances where you

can end up with somebody who has no education at all. You would also end up having a mad person. The research work which we have done shows that in most developed countries, height has never been an issue when it comes to recruitment. I will give one example. In the UK, anybody who is found to be using natural features to discriminate against people during recruitment is taken to court because that is against the law. While supporting Mr. Kioni that height should not be mandatory--- It was there during the colonial days but it has no legal backing. There is no legal framework to support that. In Kenya, the requirement was quite relevant during those colonial days when policemen were used to intimidate and pacify the natives in order to obey the authorities. When a policeman stood to command something, we used to respect his height like the one of hon. Ojode or Maj-Gen. Nkaisserry. That was used during the colonial days to intimidate people to obey authorities.

Although the requirement has been there during the colonial days, I feel that it serves no useful purpose because the effectiveness of police personnel can be enhanced using modern equipment and technology. As a Government, we are supporting Mr. Kioni that we do not need the height. I do not want a situation where Mr. Kioni will come here tomorrow and talk about the weight and another day come with another Motion and talk about the age, now that there is an increment of retirement age and say that we should employ people who are between 40 and 50. I believe that we should concentrate on the height because there is no legal backing at all on this particular one.

I urge my colleagues to support my amendment so that we can have a disciplined force, a force which can deliver services which are required of them. With those few remarks, I beg to move. I will ask Mheshimiwa Nguyai to second.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): Thank you, Mr. Temporary Deputy Speaker Sir. I beg to second the amendment to this important Motion which is obviously of extreme importance, particularly to individuals who are not favoured in terms of height, including myself. Whereas we know that height in itself is a requirement in the recruitment of officers into the Armed Forces is totally unconstitutional and discriminatory and a fact that even though nobody chooses the height that they are given, we are all equal in the eyes of the Lord. I see the need to bring in this amendment because recruitment to the Armed Forces, it is competitive. Due to this, it is necessary that we ensure that we have people who have the mental capacity to execute the discipline that is required. We also need to have people who have the physical ability to move from one level to the other while executing their duties. It is also important to have people who are able to understand and are healthy mentally. In that sense, it is important to have that amendment. This amendment is non-discriminatory because of the fact that these people need to deliver those services. In support of this, I must add the fact that it is a very important Motion.

I am particularly happy that hon. Kioni was able to bring it up, more so because as Kenyans, we need to see ourselves as people who have a role to play. I look at where we have come from, particularly in the last two years, and see that it is the small differences that bring hatred between communities and cause a country to disintegrate.

A few months ago, I happened to visit Rwanda and you know the pain and experience that Rwanda went through in 1994. One of the things that brought the hatred was historical factors brought by colonial masters where brothers and sisters who spoke

the same language, Kinyarwanda, just because of differences of physical features, like one had a flat nose and was shorter than the other, a brother and a sister would be said to be of a different grouping and the hatred permeated to the extent that they killed each other. In this sense, even the small forms of discrimination such as the issues of height obviously create feelings that can bring differences that can eventually bring feelings that can disintegrate people to the example of Rwanda.

I would like to quote Abraham Lincoln when he was fighting against slavery. When he went to sign the emancipation proclamation, he said that:

“Every time I see somebody talk in support of slavery, I have this compelling urge to ensure that he is subjected to that form of slavery. Every time I think about those people who have been discriminated against, I think we owe them an apology.”

I am happy to note, by example, that at least, the Commandant of the Administration Police at the moment, who was not recruited directly, has effectively led the Administration Police even though he does not fall within those requirements.

The Assistant Minister of State for Provincial Administration and Internal Security (Mr. Ojode): On a point of order, Mr. Temporary Deputy Speaker, Sir. The Commandant of Administration Police is 5.8 feet. So, he falls under the current requirements. That was a point of correction.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): Thank you for the correction. The reason why I went for politics is because I would have desired to become the Commandant of Administration Police but I realized that I had been discriminated against in that instance.

With those few remarks, I support the Motion as amended.

(Question of the first part of the amendment that the words to left out be left out, proposed)

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion. I stand to oppose the Motion.

The Temporary Deputy Speaker (Mr. Mungatana): Order, Maj-Gen. Nkaisserry. There is an amendment on the Floor of the House. We are discussing the amendment. We want to dispose of that amendment. If you want to go back to the original Motion, please wait until we dispose of the amendment.

The Minister of State for Public Service (Mr. Otieno): Mr. Temporary Deputy Speaker, Sir, I rise to support the amendments. It is not height, *per se*, that makes any officer suitable for service in the disciplined officers. It is more the physical and mental fitness to do the job and commitment to work. So, as far as the Government is concerned, the former requirement of height is not serving any useful purpose. It was largely there because the officers were seen as members of the armed forces. The emphasis was on the forces and it was assumed that the body mass would give the forces. They would treat Africans with all the force that was required at that time. But now, there is a combination of force and service which does not go with height alone. When we say physical fitness, Members should not hope that the acceptance of this Motion will mean that anybody can be picked and placed in the Armed Forces.

The standards went down in our armed forces due to influenced recruitment into the disciplined forces. Those influenced recruitments led to people who are not predisposed and committed to serve in the forces being recruited for the sake of giving them jobs. As leaders, the point should be made that physical and mental fitness and commitment to service should be a priority in the recruitment, retention and promotion of officers in our forces. Otherwise, the requirement of the height and the body mass should be deleted and replaced by another fitness criteria that is relevant to the kind of service delivery that is expected from the disciplined forces.

Mr. Chanzu: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that the amendment is very clear and is in tandem with what is expected today, I wish to request you to put the question of the amendment, so that we can continue debating the main Motion.

The Temporary Deputy Speaker (Mr. Mungatana): Hon. Members, I agree that this is a small amendment and we should dwell on the main Motion. Therefore, I now wish to put the question.

(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)

(Question of the Motion as amended proposed)

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Temporary Deputy Speaker, Sir, I stand to oppose the Motion as amended. I have the following reasons:-

We have to stop looking at issues using the legal precincts. The armed forces and the Police Force have their own regulations. It is just like this House with its own Standing Orders. It is not discriminatory that the Military, the Police or the Administration Police recruit officers based on height. They use certain criteria. For example, if you recruit a *mbilikimo* because he is physically and mentally fit and you give him a machine gun, which is longer than him, how can he carry it to defend the country? Assuming that you want to give him the job of a driver of a big truck, how can he reach the gears and the clutch when he is a 4 feet fellow who cannot get to the basic instruments? There is something---

The Assistant Minister, Office of Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead the House that certain abilities are for certain individuals? I want to inform him that a *mbilikimo* can go through certain barriers where a big person cannot fit. Is he in order to mislead this House?

The Temporary Deputy Speaker (Mr. Mungatana): That is a point of argument. It is not a point of order.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Temporary, Deputy Speaker, Sir, that is a point of argument. We are talking about officers who are supposed to provide security. If a police officer who is below 4 feet is trying to control a crowd that is moving along a street, how can the crowd identify that police officer? There is something in the Military called Full Service Marching Order

(FSMO), which is so heavy. If you are 4 feet or less, you cannot be able to carry it to defend this country.

We have to be very careful in this House. We should not be so populist in passing Motions which are injurious to national security interests. There are basic requirements in every service. What will stop hon. Kioni or another hon. Member from bringing a Motion to this House urging the Government to do away with the age requirement of 18 to 26 years? Such an hon. Member will ask why the armed forces, which are recruiting young men and women between 18 and 26 years, cannot recruit persons aged between 18 and 46 years, since the youths of this country are not employed. What would stop an hon. Member from bringing a Motion like that? We have to stop populism, so that this country can move forward.

We should not control or narrow the requirements for security forces of this country through Motions in this House. Of course, not everything is in the Constitution. What will stop another hon. Member from bringing a Motion to do away with the weight requirement? What will stop another hon. Member to say that it is discriminatory not to recruit a person who weighs 400 pounds?

Mr. Baiya: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to imply that hon. Kioni is wrong in bringing this Motion as if the army is beyond the control of this Parliament through legislation, even on issues of height and others? It is still within our rights to do it and we will do it.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Temporary Deputy Speaker, Sir, I am not saying that it is not in order for an hon. Member to bring a Motion. What I am saying is that we must be careful. We should bring Motions which are good for this nation. I am not saying that this Motion is bad, but it was framed in a bad way. This is because it is not based on the terms and conditions of service of the concerned security organ of this country.

Mr. Temporary Deputy Speaker, Sir, what would stop an hon. Member of this House from bringing a Motion tomorrow based on ethnicity and saying that because we passed a Motion on height, we want people to be recruited based on their population? How do we expect such a Motion to continue?

Mr. Chanzu: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the Assistant Minister is going to extremes. Is he in order not to consider that there must be reasonableness in doing all these things? I think he is just going into extremes only. The Motion does not even talk about four feet. I think he is out of order!

The Temporary Deputy Speaker (Mr. Mungatana): Hon. Maj-Gen. Nkaisserry, I need to say that every Motion, before it comes to the Floor of the House, must get the Speaker's approval. The way you are going - ethnicity and everything - it will, definitely, not come to the House. So, please, stick to the arguments that you need to stick to.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Temporary Deputy Speaker, Sir, you may not be the Speaker at that time. But what I am saying is that there is no height limit downwards. There is a limit on height upwards. That is what the Motion is denying. So, you can even go to one foot according to this Motion. That is the argument. First of all, the police force is preventive. You must be seen to be able to enforce the law. If you are four feet tall, you cannot arrest somebody who is seven feet tall on your own.

Mr. Temporary Deputy Speaker, Sir, the other very important thing which is critical is that when you bring this issue of height, because now we have an Implementation Committee of this House---

Eng. Rege: On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Mungatana): Does Maj-Gen. Nkaisserry want to be informed?

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Yes, Mr. Temporary Deputy Speaker, Sir. He is a colleague and I like his information. He could be of help to his colleagues.

The Temporary Deputy Speaker (Mr. Mungatana): Please, do so.

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, I would like to inform the Assistant Minister, who is a friend of mine, that we are not the only "tall" nation in the world. Today, we have very advanced technology that manufactures all kinds of armed equipment. This question of height was there many years ago, at Independence, when guns were so long and big. There are some nations, which I will not mention, which recruit people who are less than five feet tall into the army. Again, this issue should even cover the arms. We are discriminating people with even 270 degrees folded arms. They are discriminated against because they do not have straight arms. We have nations with people with such arms and they are still in the army. We need to look into this issue properly. Every issue has mandate to be debated on. Since we are the lawmakers, we can come here and debate on any issue that affects the recruitment into the army.

The Temporary Deputy Speaker (Mr. Mungatana): Eng. Rege, please, do not go into arguments!

Proceed, Maj-Gen. Nkaisserry!

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Temporary Deputy Speaker, Sir, in fact, he wanted to make his own contribution, but it is okay.

I know that there is technology, but we cannot bring examples of other countries. This is Kenya. We have not even finished recruiting the very tall. We have a reservoir. So, we are not saying that because now we have finished the reservoir, we have to go down. We should not interfere with the regulations of the Armed Forces, Police Force and Administration Police. Let us continue with the current recruitment qualifications until we are left with short fellows and then we can consider them.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I oppose.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion because some of the rules and regulations that were laid down, in very good faith, have been used to discriminate against our own people. In fact, the major source of corruption in the recruitment into the Armed Forces and police force is because of trying to follow these guidelines. I know of very many officers of the Armed Forces and Administration Police who are shorter than this requirement. The main reason is that some of them are not even recruited in the field. They are recruited at the head office and then the names are just given out there. So, there is no point in pretending. As intelligent and knowledgeable people, when we set out guidelines, we must also be reasonable. You cannot just say that you are going to pick somebody who is not able to carry a gun. The hon. Member has said that we may even recruit somebody who cannot carry a weight, but that does not depend on height. We have talked about technology.

The hon. Member who spoke earlier talked about physical fitness. I agree with that. These requirements have been a source of favouritism. In this country, this height business goes also with some ethnic groups. There are some areas where there are taller people than others. Are you saying that we are only going to be recruiting these kinds of people from certain ethnic groups and not others? By nature, some of the ethnic groups in this country are taller than others. So, we cannot do that.

There are a number of issues that have arisen in the recent past, which even add to this. I thought that Mr. Kioni's Motion should even have been broader than this. We are going to bring issues to this Parliament, where now in the recruitment into the National Youth Service, there is a requirement of a Certificate of Good Conduct by the Criminal Investigations Department (CID). Last week, there were chaos at the CID Headquarters because that is the only place where these recruits must come from all over the country to obtain the Certificate of Good Conduct. Just take into account somebody, say, from Kapenguria, who is looking forward to going to college and requiring transport to come to Nairobi to get this certificate. I think that these conditionalities must be looked at in a broader way, so that we are reasonable when we are recruiting people into the disciplined forces.

I agree with the amendment that there must be basic academic qualifications and also the mental and physical ability of somebody. But I think the issue of height should be gotten rid of. The criteria should be based on whether somebody can perform.

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

Mr. Baiya: Mr. Temporary Deputy Speaker, Sir, I also rise to support this Motion as amended. I have also listened to the contribution by my colleague, Maj-Gen. Nkaisserry, who has left. It appears like he has really misunderstood the substance of this Motion. It is simply seeking to remove height as a criteria for recruitment into the Army. It has replaced that quite clearly with physical fitness. If there are any other inadequacies that need to be addressed that are height related, they would be focused onto through the physical fitness.

But more importantly, this Motion seeks to buttress the requirement for an all-rounded criteria for our recruitment into our Armed Forces. The criteria of height are really not clear. There are really no scientific bases for attributing a certain height to the criteria for eligibility into the army. Historically, we know that it was the colonialists who came up with these criteria. Among the criteria they did not bother about was education. Their aim was to bring in tall people as has been pointed out, not only to intimidate the population, but to also make sure that they do not even have educational background. Their aim obviously was to mobilise physical force against the local population. It is very unfortunate that over 40 years after Independence, we still retain this archaic legislation in our books whose aim was to oppress and suppress the local people.

Mr. Temporary Deputy Speaker, Sir, it is also obvious that in their policy of divide and rule, the colonialists were targeting certain communities requiring them to fill up the army to create separation and stereotype among communities by defining who are eligible for army and who are not. The Kenyan Government should move away from those kinds of discriminative practices. It should open up the army to all eligible Kenyans. It should strive to ensure that there is professionalism not only in the recruitment, but also in the day today running of the armed forces.

When we talk about the talents, for instance, that are needed in the army, the mere physical fitness is hardly the only criteria that we really need. We are not really trying to say that it is not important. Today, even as we look at the army and other disciplined forces, we find that the height alone does not guarantee that physical fitness. We actually have certain police officers, notwithstanding their height, their body shape and structure is not good. You would find some with pot bellies, meaning that they do not do physical fitness activities to sustain their fitness. This makes such officers very ineffective even in terms of their duties, notwithstanding their height. I believe that a young, energetic and physical fit person who also has good academic background would level some of these weaknesses.

With those few remarks, I beg to support.

Mr. ole Lankas: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion as amended.

Mr. Temporary Deputy Speaker, Sir, this Motion is timely. It has come at a time when we, as a country, are facing a lot of challenges. We have social, economic and political challenges. Above all, we have a problem of unemployment in this country. So, looking at it against that background of unemployment, this is a very timely Motion.

Mr. Temporary Deputy Speaker, Sir, since Independence, it is about 46 years ago. What we are looking at today are mere rules and regulations that helped to manage the armed forces. However, they do not have any legal or support of any kind. I, therefore, want to say that I support the Motion that these requirements be done away with.

If you see the kind of rigorous exercise our young men and women go through during recruitment of the armed forces, one will not stop to wonder. Sometimes apart from the height, which I will address later, our youth are subjected to a lot of unfair treatment. They are sometimes undressed in the open which is in itself an abuse to human dignity. Those youth also run many kilometres in the sun. But even after completing those exercises, they are not assured of employment. Some youth faint in the field. These are some of the challenges we, as a country, have undergone. We have undergone a lot of changes in all sectors of this country. It is time we accepted reforms in the armed forces. The height criterion is one of the issues to be looked into. We amended the Motion to include education which is agreeable. Mental fitness is also agreeable. But this issue of height is a challenge that we must get rid of. Why should a Kenyan who has met all other requirements be left out? The hon. Assistant Minister who opposed the Motion has just walked out. I wonder why he walked out because he should have stayed on. Why should a Kenyan who meets all other requirements such academic and physical fitness is denied a chance, especially this time when we are facing unemployment in this country? It has been said here and I wish to repeat: Who said that tall soldiers are better than short soldiers, the world over? This is a requirement that we must get rid of. I wish to say that this requirement is one of those requirements which quite often can be misused by those who do the recruitment. It is one of those requirements that sometimes lead to corruption which is rampant in our recruitment exercises in this country. So, this is something that we must get rid of.

We have talked of favouritism and nepotism in the military. As I stand here, if a census is done today of our military and where they come from, it is a fact that some districts command more numbers than other districts. Some regions command more

numbers than other regions just because of the issue of corruption. When you put all these rules and regulations in place, how do we handle the issue of favouritism, nepotism and corruption that is so rampant in the military?

Mr. Temporary Deputy Speaker, Sir, the other day we just witnessed it. It is a problem in this country. As I stand here, I want to pre-empt an issue that the military intends to recruit from the National Youth Service (NYS) instead of going out in the field as it used to be so that there is fairness.

Dr. Otichilo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think this matter has been deliberated on and it is clear that most hon. Members in this House support the Motion. Would I be in order to request that you call upon the Mover to reply?

The Temporary Deputy Speaker (Mr. Mungatana): We can give a chance to one more hon. Member and then we can call upon the Mover to reply.

Proceed and finish your contribution, Mr. ole Lankas.

Mr. ole Lankas: Mr. Temporary Deputy Speaker, Sir, I was saying that there should be fairness in the recruitment into the military. When they say that they are going to recruit from the NYS that will open another avenue for corruption, unfairness and unequal distribution of human resource that is so much required. There is the element of medical test that some of these people go through. This is another area that needs to be looked into because it is at that stage that we see a lot of unfairness. That is where corruption is exercised. When officers go through the medical test, a medical officer can write anything on the paper. Therefore, it is open to abuse. I wish to reiterate that we must address that issue.

Finally, as I support this Motion, I would like to say that we cannot have a super race in the military. We do not have one in Kenya. So, a situation where all these requirements are used to discriminate against Kenyans is unfair.

With those few remarks, I support the Motion.

The Minister for Information and Communications (Mr. Poghio): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think that the proposal for the Mover be called upon to reply has not been put to the House and I think it has been overtaken by events. So, may I do my presentation?

The Temporary Deputy Speaker (Mr. Mungatana): No, you may not. Let me put the Question.

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

Mr. Kioni: Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to thank hon. Members who have contributed to this Motion and also to those who have opposed it. Essentially, we have had virtually all hon. Members supporting this Motion.

I want to point out two things: First, it has come out very clearly from the presenters or debaters that the issue of height as a requirement in the armed forces has no merit in our time. There are many other issues that need to be looked into. We have to look at the loopholes that have been used by the recruiting officers for purposes of corruption. We also have to look at the amount of discretion that we have given to those people who go in the field. It has also been abused. By and large, the whole exercise is

discriminative. I want to thank hon. Members who have supported this Motion and have also given us reason to bring other Motions.

(Question of the second part of the amendment that the words to be inserted in place thereof be inserted, put and agreed to)

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

Resolved accordingly:

THAT, aware that in recruiting officers for the disciplined forces, the following height requirements apply: Armed Forces – 5ft 3” (both men and women), Policemen – 5ft 9”; Policewomen – 5ft 3”; Administration Policemen – 5ft 8”; Administration Policewomen – 5ft 3” and concerned that this requirement is discriminative and is not within any legal framework; this House urges the Government to dispense with this requirement in order to allow for equitable recruitment of all Kenyans who meet other requirements which include basic education background, physical and mental fitness, among others.

ESTABLISHMENT OF HYDRO-POWER PLANTS
IN WESTERN KENYA

THAT, acknowledging the fact that demand for electricity in this country far outstrips supply, further aware that small hydro-power generation plants can be used to supplement the Government’s effort to provide electricity to its citizens and encourage the establishment of cottage industries through lower electricity costs; cognizant that the western part of Kenya is endowed with rivers such as Nzoia, Yala, Aror, Weim Wei, Moiben, Chepkaitit, Kaptetit and others; this House urges the Government to establish small hydro-power generation plants on these rivers to supplement the supply of electricity to the national grid.

(Mr. Chanzu on 22.7.2009)

(Resumption of Debate interrupted on 22.7.2009)

The Temporary Deputy Speaker (Mr. Mungatana): Who was on the Floor?

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, this is my Motion. Last week on Wednesday, I had just read out the Motion and then time elapsed. The purpose of this Motion is actually for us as a country to work on how we can augment electricity supply to the nation.

The Temporary Deputy Speaker (Mr. Mungatana): Mr. Chanzu, I would like to inform you that you have 18 minutes to go.

Mr. Chanzu: Thank you, Mr. Temporary Deputy Speaker, Sir. The purpose is actually for us to augment the supply of electricity in the country. I am aware that the

rivers are drying up. This is a problem that we have caused as a country. We can say that there is climate change and so on, but I believe that the problem that we are facing in this country like rivers drying up, the Mau Forest issue and the closing of Masinga Dam are man-made problems. I think with good governance, we should be able to contain that.

Mr. Temporary Deputy Speaker, Sir, we are talking about preparedness. In this country, we are fond of fire-fighting. A very good example is in 2000 when we had shortage of power in the whole country. What happened is that it ended up costing Kenyans so much because the Government had to go for short-term solutions like going for Independent Power Producers (IPPs). The IPPs were selling electricity to the Kenya Power and Lighting Company (KPLC) so exorbitantly compared to what KenGen would have been selling. That is because we wait. I do not know whether it is usually deliberate. I would like to commend the Ministry of Energy and KenGen because I have seen that they have a programme whereby they would like to produce about 500 megawatts by 2012. What they are using in terms of costs is going to be a very heavy investment. If we had taken care of our environment very well by using some of the rivers that I have talked about---

Studies have already been carried on the Nzoia and Yala rivers, and it was proved that we could generate power on them, but due to Government bureaucracy and lack of decision-making, it was never followed up.

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

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

Mr. Temporary Deputy Speaker, Sir, the statistics provided by the Ministry of Energy and KenGen state that annual demand is about 8 per cent and the real demand is about 1,172 megawatts and effective capacity is 1,289 megawatts. What this means is that if you are talking about the real demand at 1,172 and you add on 10 per cent approximately for one year, you are already talking about 1,289. This means that if we are not doing anything else to generate more power, whatever we have now will not be able to take us through even in the next one or two years.

If we are talking about industrializing this country, we should not be waiting to go and work on the supply of power before we industrialize. We must generate the power and have excess capacity which will enable us to plan because you cannot plan when you do not have the resources.

So, the idea by the Ministry and KenGen to diversify into geothermal, thermal and wind power is very acceptable to me. But we must also think about a combination strategy where we can use every other means possible to generate this power. As I said earlier, what the Government is doing at the moment, if we were to put it in place, it is going to be very expensive. We are not sure whether we are going to be able to generate enough funds to achieve that. I have read some of the documents that they have given out and in order to generate the 500 megawatts up to 2012, they want Ol Karia II to produce by May 2010, 35 megawatts, Eburu, by December 2010 to produce 3 megawatts and Ol Karia II, the fourth unit, to produce 140 megawatts but we will still have a shortfall by

2012. I am hoping that the weather being cyclic, maybe we are still going to - and if we can contain some of the degradation on the forests - generate power to put into the national grid.

Mr. Temporary Deputy Speaker, Sir, the reason why I think that this Motion is very important is that for any country that needs to develop, electricity is a very major component. We have gone to developed countries and seen what is going on. In every town, there is electricity in every place. If we want to achieve Vision 2030, the way it has been stated that we want to achieve this, we must have enough power supply. To achieve that, we are hoping that we shall industrialize and we cannot do so without electricity. In the country now, the power distribution has not been even. It has not been evenly distributed! You go to market centres, like for example, you move along the main highways and you see pockets of electricity. But if you go behind those buildings along the main highways, there is no electricity. So, that is the reason why I believe that we need to have sufficient supply of power in order to get every part of the country to have power. Therefore, there will be need for investment in this sector and the Ministry of Energy and the Government should provide an enabling environment for those who want to invest in this sector to do so.

If, for example, from Independence, we had worked on having these many hydro plants, because we have many rivers particularly in the western part of Kenya, if we had only 20 of them and we started producing at that time, maybe even five megawatts, if you count the number of years now, maybe each one of them will be producing about 20 or 30 megawatts; these times 20, you already have 600 megawatts. So, we would not be having this problem although the issue of the environment is another major issue which I think we should contain. There would be need for concerted effort and all these put together, we are talking about the problem of unemployment in the country. I am sure we would be able to generate employment for our people through all these schemes if they all work.

So, with those few remarks, I beg to move and Mr. Mbugua will second.

Mr. Mbugua: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to second this very important Motion. Basically, you will realize that because of the rigidness of our Government officers, we have not been able to embrace change. In 2000, China had a very big problem with regard to generation of electricity. They had a very big deficit and in order for them to get power, they introduced small hydro-electric power stations to support their shortfall. As a developing country, they commissioned a study of the rivers they had and all areas where power was not accessible, they set up those small hydro-power generating components which helped that country. I think that is the way this country should go. We have a lot of problems in terms of pollution by the fossil power agents. So, in order for this country to develop and in order for this country to be environmental friendly, we must embrace these small hydro-power stations. You realize that the rivers we have are capable of producing between 100 and 2000 watts and the amount of money which is needed to put up these projects is US\$1,000 to US\$20,000. So, even co-operatives will go a long way towards helping the people in the rural areas to set up these plants.

The electricity requirements in this country are growing every day and we need to extend the requirement to the rural areas. The Rural Electrification Programme (REP) has not been able to connect people in the rural areas because mainly of funding and probably

the people who are leading these organizations. So, if we embrace this kind of technology, we will go a long way into helping those people who are in the rural areas and bringing about employment to the communities living in the rural areas. You realize that these are isolated communities and if we take these kind of projects to the rural area, they are going to be the beneficiaries. At the same time, we are going to make sure that projects like irrigation feed our nation. So, you realize that we can be able to irrigate our dry lands as this country is faced with food shortage. You will also realize that we will go a long way into electrifying our villages and, therefore, bringing about productivity. Therefore, harnessed energy is a symbol of growth into a developing country. There is a need of formulating strategies in helping this country and drafting legislation pertaining to energy.

There is somebody who is producing electricity using electrolysis. Electrolysis is the decomposition of water in order to produce electricity. It is being used in countries like Malaysia. Those are the kinds of technologies that, as a country, we must embrace. I am happy that Kenya Power and Lighting Company Ltd (KPLC) has been trying so hard to support renewable energy sources. But what I would like to propose is: Let us have an independent organization that is going to concentrate on renewable sources of energy like hydroelectric power, biomass, solar energy and the small hydro-electric power projects. That way, we will go very far in developing this country.

It is important to conserve our water resources to generate electricity so as to support the people who will come up with such projects. The Government should give incentives to people who have started or initiated such kinds of projects. Some projects have been initiated in the rural areas.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support this very important Motion.

The Temporary Deputy Speaker (Mr. Imanyara): To support or to second?

Mr. Mbugua: Mr. Temporary Deputy Speaker, Sir, I beg to second.

(Question proposed)

(Mr. Keter stood up in his place)

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, is the Ministry responding to this Motion?

Mr. Keter: Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Imanyara): I am just seeking to know whether you will be responding officially to the Motion.

Mr. Keter: I will, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Proceed, Mr. Kaino.

Mr. Kaino: Thank you very much, Mr. Temporary Deputy Speaker, Sir. Let me, in the first place, thank the Mover of this Motion for bringing this very, very important Motion to this House.

Mr. Temporary Deputy Speaker, Sir, right from the beginning, to me, I think the priorities have not been set out properly. Hydro-power generation in this country would have been the first thing to be done as a priority, along with other things. When you see the hydro-power generating facilities that we have in this country, there are other falls

and very important rivers in this country that could generate many megawatts which could help this country to be self sufficient in electricity supply.

Mr. Temporary Deputy Speaker, Sir, let me just mention about one of them – Arror Falls. Research has been done several times by Kerio Valley Development Authority (KVDA) and by the Ministry of Energy and it has been found that Arror Falls can generate up to 72 to 75 megawatts. The Government has not been willing to put up a project at the Arror Falls, and that is actually an embarrassment. I do not know the criteria that the Ministry or even the Government uses to set up those facilities. Like that one, feasibility studies have been done and placed in shelves! Some of them could generate 20 megawatts, 35 megawatts or even 40 megawatts. I wonder why that one has not been done and yet, it could generate up to 75 megawatts. I am referring to Arror Waterfalls, which has been cited by the Mover of the Motion, along with other rivers that can generate power. The water could still be used for irrigation.

Mr. Temporary Deputy Speaker, Sir, let me talk about the Constituencies Development Fund (CDF), which the Government has initiated in the grassroots. Some small cottage industries could be started in those areas. Where can we start small factories without electricity? Without electricity, we cannot start cottage industries! Unless we start generating power in those rural areas, those cottage industries will not be there. You will see an influx of youth from all corners of this country to Nairobi to seek employment, instead of starting cottage industries. The water we are seeing can help us to start small cottage industries in those areas. But without electricity, it will be very difficult.

Mr. Temporary Deputy Speaker, Sir, last year around this time, I happened to take a soda at some place where I was fortunate to meet one of the investors. What he told me was really pathetic. He was tired of power rationing. It is embarrassing that we are losing investors like that to South Africa and other countries and yet, we have a lot of water! We could be generating that power! Due to power rationing everywhere, some factories have been closed down. How long are we going to continue like that? Let the country set its priorities properly! Let them put electricity everywhere!

Mr. Temporary Deputy Speaker, Sir, we are grateful to the Government for the development of rural electrification. The Government is doing excellently on that. But we want cottage industries to be developed. Even if we take electricity to schools and other places, the priority should be the development of industries. We should stop power rationing by developing small hydro-power generating projects.

Mr. Temporary Deputy Speaker, Sir, I am not only talking about Arror Falls, but several other rivers in this country. I think the Government should set aside some money for the generation and distribution of electricity. More money for electricity generation will assist this country not to lose many investors to other countries. It is a shame that, after many years of Independence, we are still dragging our feet on this issue! If the Government is not going to set up those projects, we shall witness those young boys and girls who have completed training coming to the cities and small towns seeking for employment, instead of staying at home and working in cottage industries like dairy products, small milk or potato processing plants and even bakeries in the villages. That will make the boys and girls very busy in the rural areas.

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

Dr. Otichilo: Thank you, Mr. Temporary Deputy Speaker, Sir. Energy is very important to this country. Without it, we will not industrialize or achieve the Vision 2030. The first important thing that this country has to do is to ensure that we generate enough energy to be able to run our activities, particularly the industries. We need energy down in our rural areas if we really have to create employment opportunities. We have a lot of potential to produce energy in this country. The opportunities are diverse. They include solar energy, wind power, biogas and nuclear power which we need to develop. We need to explore the possibility of having nuclear energy, so that we can become self-reliant in energy provision.

As regards the small hydro-power generation plants, studies that have been undertaken in the country clearly show that we have so many rivers which have a lot of potential for generation of power. It is important that our Government gives priority to this area so that we can generate power from small rivers. Western Kenya has so many rivers which can be used in the production of hydro-power. Unfortunately, these rivers have not been harnessed. I would like to give an example of the Webuye Falls. These falls have the potential of generating power, but nothing has been done. Even the Pan Paper Mills closed down because of the energy costs that it was incurring and yet just next to it are the Webuye Falls. So, the issue of developing small hydro-power stations on our rivers should be considered. This will enhance and supplement the power needs that are required particularly in the rural areas. If these plants are established, they will encourage the development of small cottage industries that will create various opportunities for our youth and women.

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

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

Madam Temporary Deputy Speaker, if we create small hydro-power stations on these rivers, this will act as an incentive for people to consider conservation of the rivers. As of now, the water catchment areas have been destroyed because of various reasons. However, establishment of hydro-power stations along these rivers will be an incentive enough for people to conserve the rivers.

I wish to support this Motion and urge my colleagues to do the same, so that the Government can take up this matter and establish hydro-power stations along the rivers. In Emuhaya District, we have River Esaba and River Jordan which have a lot of potential. Studies have been done on these rivers and it has been revealed that we could have small hydro-power stations along the rivers. The studies are available. If this Motion is passed, these studies should be considered for implementation.

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

(Mr. Magerer approached the Dispatch Box)

The Temporary Deputy Speaker (Prof. Kamar): Mr. Magerer, I hope you have realized that you are not in the right place.

(Mr. Magerer moved to another microphone)

Mr. Magerer: I oblige, Madam Temporary Deputy Speaker. Thank you, for giving me this opportunity to support this very important Motion. First and foremost, I would like to congratulate my colleague, hon. Chanzu, for bringing this Motion to the House.

We have benefitted a lot from hydro-power generation in this country. It is important that the hon. Member is seeking the passage of this Motion, so that the Government is compelled to enlist the production of small hydro-power plants in order to boost the generation of power within our grid.

We have seen the importance of our rivers. Just the other day, the President of this Republic was commissioning a very important project at Sondu-Miriu. It is mega project that has cost about Kshs19 billion. We have smaller projects which we can do and which we can help boost the power generation in this country. For example, where I come from, there is River Kipchorian which is one of the main tributaries of River Nyando. It has so many waterfalls in-between. Along that river, there are the Rusikebe Waterfalls in Londiani. Along the river course all the way to Muhoroni, there is a big potential we can actually tap. We could channel the waters of this river in the same way other hydro-power projects have been done and allow the water to continue flowing. We will lose nothing, but gain everything in terms of more megawatts in our national grid.

Madam Temporary Deputy Speaker, of concern though is the fact that previously, the Government has been able to utilize hydro-power by generating it from a certain area. However, they have not been able to benefit the communities around immediately. That is a very serious concern because it is now difficult to tell people that they have important resources like rivers and then generate electricity from those rivers and take it elsewhere. You know very well that homesteads in Turkwel may not be enjoying the electricity that is generated from thereabout. We want to urge the Government that as we pass this Motion, the neighbourhood of hydro-power generation plants be allowed to enjoy the benefits of electricity.

We cannot keep on relying so much on hydro-power alone. We are faced with very serious problem of drought and water shortage. It will be in order for the Ministry to come up with other methods of generating power. We have enough wind resource which we could use to generate electricity. We can also harness solar energy. Relying on hydro-power alone is not going to be sustainable in terms of meeting the demands of this country. I would like to urge the Ministry to explore other means. I would like to congratulate the same Ministry for venturing into geothermal energy production. However, we have not seen so much in terms of wind energy and solar energy generation.

Madam Temporary Deputy Speaker, with those many remarks, I support the Motion. I would like to urge my colleagues that we pass this Motion so that we can generate smaller units of power that will enable Kenyans to access electricity from wherever they are.

Eng. Rege: Thank you, Madam Temporary Deputy Speaker, for giving me the opportunity to also support the Motion.

First, I would like to congratulate the Ministry of Energy. As the Chairman of the Departmental Committee on Energy, Communication and Information, I am very excited about what the Ministry is about to do – that is to save some 50 megawatts of power by introducing energy-saving light bulbs. Towards that end, Parliament should be the first to start replacing light bulbs. Decorations can be done using light covers, if we want to decorate the precincts of Parliament. We should start by replacing our light bulbs right here in order to save the 50 megawatts of energy that we need.

I am saying so because today every Member of Parliament (MP) is pushing for implementation of the Rural Electrification Programme in his or her constituency. The Rural Electrification Authority (REA) is rolling out the network in the constituencies without considering where the energy is going to come from. I believe that by the time all the 210 constituencies will have had electricity, we will probably be having more power outages than we have today.

Madam Temporary Deputy Speaker, I am supporting the Motion, but I am also cautioning that the Ministry should stop using fuel electric generators because some of them are so small that the cost is actually inverse. The more we bring in generators to complement the national grid, the more Kenyans are going to pay for energy. Kenyans cannot afford any longer to pay additional costs for energy. Our industries are suffering tremendously because of the cost of fuel. In fact, we are losing investors because of that.

The Ministry of Energy should be encouraged to overhaul the entire power generation system in this country. The Ministry should have a long-term plan for that; even if we are going to have nuclear power to share with other countries, I would probably support such an initiative. The way we are relying on hydro-electric power generation, fuel and diesel generated power supplies, we are really not going to help this country any more because of the erratic climate conditions that we have today in this country.

Madam Temporary Deputy Speaker, Sir, I would like to urge the Ministry that when they design hydro-electric power generation stations, they should consider certain factors. In the Lake Basin Area, research has been done, and it indicates that all of the rivers in the area should also be used for irrigation. The Lake Basin can feed the whole country if some 400,000 hectares of land are irrigated naturally using the rivers' water. We need water from these rivers and, therefore, we also need to save our forests, so that we can have adequate rainfall to fill these rivers. I am talking about the rivers in the northern part of the Mara Forest, all the way to the rivers in Trans Nzoia District. All those rivers should be used for power generation as well as for natural irrigation.

With those remarks, I beg to support.

Mr. Shakeel: Thank you very much, Madam Temporary Deputy Speaker. I stand to support the Motion and congratulate my brother, hon. Yusuf Chanzu, for bringing the Motion.

First, I would like to take the opportunity to congratulate the Government for finally having the Sondu Miriu Hydro-Electric Power Plant commissioned. It was a great day.

Madam Temporary Deputy Speaker, we want to get small electricity generating plants. They have been done in many places, but that has to be linked to the environment. Unfortunately, the environment sometimes generates unnecessary debates, because we are unable to secure the water towers of this country. I do not want to dwell on the issue

of the Mau Forest. There are other issues, but it is very important that the environment is protected.

Western Kenya has always been in the backdrop of development. Starting from Kericho onwards, we have not seen much. We have a number of rivers, as my distinguished colleagues before me have brought to your attention. We also need power. Nowadays, electric power is the most expensive thing. I would like to divert attention to the issue of the cost of power.

Mr. Temporary Deputy Speaker, Sir, it is all right to generate electricity. However, when we generate and sell it, only the rich can afford it. I think there should be some mechanism for helping the poor, especially in western Kenya, to have access to electricity. One of my colleagues told you that the greatest tragedy is that people who are closest to the Turkwel Dam project have no electricity. This is something we need to change. If you go to Jinja in Uganda, you will see that people living in areas where the big power lines cross, have no power, but just next to them are very high density power lines.

As much as the REA is doing a great job, there is a problem. I do not know whether the KenGen and REA will come together on this issue. If they are not able to put up small power points, I would urge KenGen to take in private partners. There are many private companies that are willing to come and put up small power stations.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kamar): I now call upon the Minister to respond.

The Assistant Minister for Energy (Mr. Keter): Thank you, Madam Temporary Deputy Speaker, for giving me this chance to respond to the Motion.

I want to say from the outset that as a Ministry, we support this Motion. I say so, because, as I speak my Minister is at the Kenya Institute of Administration (KIA), meeting the 57 tea factories to discuss the way forward in establishing small hydro-power stations to assist them. Therefore, it is, indeed, desirous for the Ministry to promote renewable energy technologies.

In this regard, we are considering prioritising the setting up of small hydro-electric power projects. For so many years, the Ministry's focus was on major hydro-electric power projects such as Turkwel Gorge, Masinga and Sondu Miriu, which, in essence, are very expensive. For instance, the newly commissioned Sondu Miriu Project cost the Government about Kshs15 billion, and it generates about 60 megawatts.

Therefore, the establishment of small hydro-electric power plants will come in handy. In this regard, we have established feeding tariff, whereby we invite private investors to either partner with KenGen or the Ministry, do it on their own, or partner with local authorities, so that they can establish small hydro-electric plants and other small electric generation plants like those that use wind, *et cetera*.

Madam Temporary Deputy Speaker, we have given them feeding tariffs of between zero and 50 megawatts. If you can develop it, you sign an agreement of 20-25 years with the Kenya Power and Lighting Company for the supply. For instance, the Mumias Sugar Company plant, for 21 megawatts it uses biogas. It is a joint project between the Ministry and Mumias Sugar Company; it will go a long way in assisting this country, in the sense that our factories will reduce the cost of energy to them.

When the 21-megawatt electric power plant at Mumias Sugar Factory becomes operational, definitely, farmers around that area will benefit. Sixty-one per cent of our tea production is from the small-scale factories. They are 57 in number across the country which is dependent by about 3million direct or indirect benefits. If those small factories can come together, let us say two factories on one factory, you put them in cluster form, using the rivers which we have, they will be able to generate power. When they are not using the power, they can connect it to the national grid and get the revenue. We are encouraging the small scale tea farmers to do that. That is why I was saying that the Ministry officials are currently at the KIA with the small scale factories whereby the Government has provided funds on the feasibility study.

We are changing our approach on issues. As I said, previously we were concentrating only on the mega production. We are going into the many hydros. Mr. Chanzu has mentioned River Nzoia, Yala, Weim Wei, Moiben, Chepkaiti, Kaptetit and others across. He has just mentioned a few, but there are so many rivers which we can use to generate hydro-electricity. Sondu Miriu is generating downstream 60 megawatts. We are through with Sondu Miriu. We are now doing Sankoro Project which will generate 21 megawatts. It is being done by the Japanese using the same river. We can do small hydro projects on the same river, generating about one to five megawatts. I think that will lower the cost.

Madam Temporary Deputy Speaker, we had to divert a 6.4 kilometers tunnel at Sondu Miriu River to get the head. That is why it was very expensive. If we can do along the rivers which I am saying we are doing as a Ministry--- We have commissioned the study to amalgamate all the studies which have been done before and those which have not been done, so that we can also provide as data to the private investors. The Government does not have enough funds to do all that, but we can avail the data to private sector.

We, as a country, are talking about 1,200 megawatts which is only five per cent of our reserve margin in terms of generation. The expected reserve margin is about 15 per cent. We, as Kenya, are doing about five per cent. In case there is a problem in any of our plants, we will have a lot of problems.

Currently, we are using heavy diesel turbines under emergency power plants which are very expensive. They are not environmentally friendly because the diesel engines make noise. We, as a country, are using that as a short term measure. As a long term measure, we intend to tap in our renewable energy. That is why we, as a Ministry, have formed a new company Geothermal Development Company under the Energy Act of 2006 which will do the feasibility study on the generation of geothermal. KenGen alone cannot do so. So we formed that company which will be funded 100 per cent by the Exchequer.

There is over Kshs4 billion in this year's Budget to go to that company because we want to tap the geothermal which will be sustainable. My colleague has mentioned the Ol Karia II of 35 megawatts, the Eburu which is about 5 megawatts and, Ol Karia IV of 140 megawatts. These are all small projects which will add up to the 500 megawatts that we are saying we will need by the year 2012.

Madam Temporary Deputy Speaker, we are also doing the coal plant in Mombasa, of 600 megawatts. There is a turbine in Turkana being done by IPP. It is called the Turkana Wind power Project which is about 300 megawatts. With all these projects,

we will be able to add our reserve margin to about 15 per cent. Currently, we are saying that we will connect 1 million customers within five years. We connected those 1 million customers 40 years ago. If we connect them within five years, then definitely we have to triple the generation part of it. We cannot talk about 1,200 megawatts, it is a shame for this country! We cannot talk about achieving our Vision 2030 if we will be talking about 1,200 megawatts.

Countries like South Africa are talking about 40,000 megawatts. They are going to 60,000 megawatts yet we are talking about 1,200 megawatts. We will do a lot of projects. We have opened it up for private investors. Previously it used to be the preserve of the Government to do the generation. That is why you can see most of the projects which have been done are very few. Currently, with the private investors like IPP coming in, we will see a lot of projects coming on board and connect to the national grid.

Madam Temporary Deputy Speaker, we have lowered the cost of our distribution in the market centres to about Kshs17,400. You can only pay Kshs5,000 as a deposit and then as regards the balance, you pay Kshs1,000 per month for 12 months. That was done to necessitate the connection in the market centres. We want to maximize on that because it will not be cost economical to have transformers which are not maximized. As we do so, we anticipate that if we achieve our 1 million connections by 2012, then definitely we have to talk about over 2,000 megawatts by that time.

I want to assure my colleague that the rivers which he has mentioned and the others which have not been mentioned, because I know there are smaller rivers which are there, we will consider the issue and then implement it so that we can have an open policy for people to invest in developing hydro-power projects. Currently, there is one being developed at Mt. Elgon and it is called Tereki River. It is about five megawatts and is being developed by the local council and some private investors.

The tea industry multinationals like James Finlay and Unilever generate about 1 megawatt which they use to run their factories. There are seven heavy factories. When they are not crushing tea, they are connected to the national grid and they earn their revenue. We are also looking into possibility of sugar companies, so that we can use the biogas technology to generate power. That will really lower the cost of energy production.

Madam Temporary Deputy Speaker, Sir, I just want to reiterate the commitment by the Government, especially the Ministry of Energy. We support this Motion and we will implement most of the small hydro projects this financial year when the feasibility studies are done. We are doing our part. The Ministry of Water and Irrigation will come in so that we can use the same technology. As we generate power, we can do irrigation.

The feasibility study for the Webuye project which my colleague Dr. Otichilo mentioned has been done. The cost was so enormous because it included building the dam which should have been used for irrigation. We had a meeting with Mr. Sambu on it. They are looking for funds as the local authority within the area. They can develop it and then subsequently sell it to Pan Paper and other companies which are within that area.

Madam Temporary Deputy Speaker, I beg to support.

The Assistant Minister for Sports and Youth Affairs (Mr. Kabando wa Kabando): Madam Temporary Deputy Speaker, I will be very brief. I want to support this Motion by Mr. Chanzu which gives a very tall vision. Specifically, it focuses on the Western Belt. I had the opportunity to visit that area with him and other friends. It is true

that it is a region that requires a lot of harnessing particularly utilizing positively, the available resources including the rivers he has mentioned and others. That way, it can provide the capacity for the national power grid and also generate income. I believe that communities that neighbour those rivers should be bestowed with immediate benefits particularly because they have been affected. The sort of composition being accrued from them being affected by those projects should go directly into them earning a monthly income. This is unlike other arrangements where people are forced to move from the river banks completely for relocation to other places.

Madam Temporary Deputy Speaker, as I support, I would like to say that focus is very important for increasing power supply to the national grid and therefore, the generation of that income. Given what we are going through, the Western Belt is very fertile and rich, but the poverty index is very high. In fact, if you look at the sugar belt, they barely meet the minimum expected on nutrition. They are therefore, vulnerable to very simple preventable diseases. This is because they lack nutritious foods. I suggest that in tandem with this Motion, there should be more emphasis on working in conjunction with the regional development authorities in the respective areas. The Ministry of Water and Irrigation should also be involved so that more significant portion of power generated would go into pumping water for irrigation. There is need to diversify farming in this region for domestic, subsistence and commercial purposes.

Madam Temporary Deputy Speaker, we need to emphasize on biogas and solar energy. I want to congratulate the Ministry of Energy because in their component of electrification in rural areas, they have been very good. I want to laud the Minister because of his detail and passion. I am a witness to his focus and drive at the Ministry. That is why I have been thinking that some of these appointments of Ministers should come to non-Members of Parliament. We hope this will come. You can imagine if this Minister was sitting there, giving full attention to the Ministry given his intellectual endowment.

I suspect that Mr. Chanzu was in the same Ministry as an Assistant Minister. That was many years back. He had a break for five years and he is back to Parliament now. These are issues that I think he should have implemented when he was in the Ministry. Perhaps, because of engagement with constituencies and political issues, his time was minimized. You can see the benefits of the Mover of the Motion and Mr. Keter.

Madam Temporary Deputy Speaker, I want to support this Motion with the full knowledge that diversification--- I want to mention that in Mukurweini Constituency, we have Agura River where the Ministry of Regional Development Authorities is initiating a mini-hydro project which is going to feed the national grid. This has been passed by the Treasury. Therefore, this Motion is going to instigate moves towards widening that sector, thus benefitting the national grid and local communities.

I support this Motion with all my heart and I congratulate the Ministry of Energy for their work.

Eng. Gumbo: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to support the Motion before the House. I want to congratulate my colleague, Mr. Chanzu, for bringing up this important Motion.

As we know, power is life and power is civilization. When I look at the aspirations of Vision 2030, sometimes I wonder how we are going to achieve that with a paltry 1,000 megawatts, which in some countries is not even enough to light up one town.

Looking at the political and regional construct of Africa, we have countries that we can call regional powerhouses. In the construct of Africa, South Africa was meant to be the powerhouse in the south, Nigeria to the west, Egypt to the North and Kenya to the East. At least, that is what I believe. But if power is light and power is civilization, then we are indeed, far from being a civilized nation. We are, indeed, far from being a nation that can light itself.

As I speak, South Africa has a generation capacity of about 40,000 megawatts. It is projected to reach 60,000 megawatts. Nigeria is currently at 6,000 megawatts with a projection to reach 10,000 megawatts. Egypt to the north is 20,000 megawatts with a projection of 30,000 megawatts. In other words, if you were to use that as your scale for measuring how civilized and prosperous we are, then South Africa is 40 times better than Kenya. Nigeria is ten times better and Egypt is 20 times better. That is dismal!

Madam Temporary Deputy Speaker, it is not just about Africa as a whole. If you look at the East Africa as a region, we know that Uganda has just discovered oil. We know that Tanzania has some of the best known deposits of open-field uranium in Africa. My sense is that, once this is exploited, then Kenya will certainly lag behind in this field. I think it is important that we take steps.

Madam Temporary Deputy Speaker, as I congratulate my friend, the Assistant Minister for Energy here, some of their programmes need to be serious and realistic. Looking at the budget which was laid before this House, part of the expenditure for the Ministry of Energy is to go into producing new electrical power. The projection is that within the next three to five years, they want to add another 2,000 megawatts into the national grid. Now, one has to ask, it has taken us over 46 years to generate over 1,000 megawatts, how realistic is it for us to be assured that in the next three to five years, we are going to add another 2,000 megawatts? To me, this looks more like a wish list than a realistic target for the Government.

Having said that, I think some of the burden and strains that the Kenyan people are going through, especially with regard to affordability of electric power, are derived from some of the arrangements that we have. As the Assistant Minister gives us the proposals that they have to enhance and improve electrical power supply in the country, I think it is time the entire energy sector was looked into and opened up. For example, why is it that Kenyans know very little about the agreements that exist between the Government and the Independent Power Producers (IPP)? I think Kenyans are paying to sustain the IPPs. Kenyans need to know who are the faces behind these IPPs. I know there are Kenyans who are the owners of the IPPs. If you look at the tariffs, some of the IPPs charge Kenya Power and Lighting Company Limited (KPLC), ten times more than what KenGen charges.

Madam Temporary Deputy Speaker, why should Kenyans continue to bear the burden of private investment by Kenyans when it can be done better? We need to know and I think as time goes by, we may even be forced to move a Motion in this House. Some of these agreements are so unfair to Kenyans. I understand there are some which run up to 20 years. Why should it be 20 years? How was that arrived at? We need to look at the entire scenario of the energy sector in Kenya so that even as we aspire to give our people the power they need to run their activities, we also remove these unfair arrangements that existed, agreements that were signed in the dark, agreements that

Kenyans know nothing about and agreements that impose unnecessary burden on the people of Kenya.

With those few remarks, I beg to support and congratulate the Mover for bringing this useful Motion to this House.

Mr. Keter: On a point of information, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Prof. Kamar): Do you need any information?

Eng. Gumbo: Not from him!

Hon. Members: Why?

The Temporary Deputy Speaker (Prof. Kamar): You run the risk of losing what he would have given you because the Minister had already informed the House.

There being no other Member wishing to contribute, I would like to call upon the Mover to respond.

Hon. Chanzu!

Mr. Chanzu: Thank you, Madam Temporary Deputy Speaker. I would like to take this opportunity to thank the Members who have contributed and supported this Motion because this is a Motion for posterity. Hon. Members are very understanding because we must move forward. I am very happy that out of the contributions--- When you are preparing to present a Motion, you may be looking at one aspect. However the statistics hon. Members have given today will help this country, particularly in view of the fact that Mr. Keter was here listening and taking notes. He has also given us a very good indication about what should have happened in this country 20 or 30 years ago, the business of privatization or using a combined strategy to generate power.

Madam Temporary Deputy Speaker, the issue that has just been raised by Eng. Gumbo is very serious. I am sorry to say that from my own experience in the Ministry of Energy, when I was an Assistant Minister - I do not know what is going on there now - but this borders on very serious corruption where we had the same people in the Ministry going to set up Independent Power Producers (IPPs). That is why power is very expensive to the economy--- I think he wanted to respond to that but we would like him to come here, in his own right and make a comprehensive Ministerial Statement on the specific issues that have been raised by Eng. Gumbo because that is what is making it expensive. This schemes we are going into like geothermal, are very heavy investments. I think it is good for the Assistant Minister to relook into this and see how we can diversify. We should also have a seminar or a workshop at the KIA for the small tea companies to tell us how they can supply more power to the economy.

Madam Temporary Deputy Speaker, the other thing that has come out very clearly is how our Ministries should work together. We had a meeting with one of the Ministers at the Public Investments Committee meeting and he told us that if he can give an answer that is specific to what he has been asked, he does not care what the other Ministries do. We then asked him whether there was no collective responsibility. Is there no way that you can consult your own colleagues to know what he is doing and see if you can work hand in hand? I would like to encourage the working together that has been suggested here between the Ministry of Energy, the Ministry of Water and Irrigation and the Ministry of Regional Development Authorities. The reason why we are asking for this is because we want the regional bodies to function. I know, for example, that the Lake Basin Development Authority was trying to establish a number of schemes within the Lake Basin up to Western Province where people have come up with small schemes of

brick-making. That is what we are talking about; people should come up with programmes which can generate income for them so that we do not have everybody believing that it is only by coming to Nairobi that you can get employment because we cannot “grow” Nairobi anymore. Look at what has happened between Jomo Kenyatta International Airport and the United Nation Headquarters where there is a very good project to widen the road. Do you know what has happened?

Madam Temporary Deputy Speaker, the road from the airport has been widened, but the moment you get to South C, you cannot move. We are having a problem and we must think about opening up this country and not only the City. We can only achieve that by distributing those resources all over the country. Rev. Musyimi asked me why I am just talking about the western region, and I am happy he is here. I have learnt two things today from my colleagues here. I have learnt from hon. Kabando wa Kabando that there is a big river in his constituency where we can generate some megawatts of power. You have also heard what hon. Magerer has said.

Madam Temporary Deputy Speaker, we have all those resources, but the Ministry should come up with a clear policy and operate openly the way it has been doing. I am impressed by what the Ministry is doing under the Rural Electrification Programme, but I have one suggestion to make on that. When the Minister engages contractors on those projects, he should let the Members of Parliament know. Those contractors go to the constituencies and do things for which nobody can be held responsible. They know that the Minister does not have the capacity to follow up everything.

With those few remarks, I beg to move.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, it is now time to interrupt the business of the House. The House, therefore, stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.