

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 6th July, 2010

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

JUSTIFICATION FOR LOWERING IMPORT DUTY ON WHEAT

Mr. Kochellah: Mr. Deputy Speaker, Sir, I beg to ask the Deputy Prime Minister and Minister for Finance the following Question by private Notice.

(a) What justification does the Minister have for lowering import duty on wheat to 10 per cent in the 2010/2011 Budget, considering that even the previous rate of 35 per cent was in reaction to the drought in 2008/2009?

(b) What plans does the Minister have to increase the duty to enable farmers benefit from the expected bumper harvest, particularly in Narok North and Narok South?

(c) Is the Minister aware that farmers held a demonstration on 28th June, 2010 and blocked the Narok–Nairobi highway in reaction to the expected financial loss resulting from his action?

Mr. Deputy Speaker: Is the Deputy Prime Minister and Minister for Finance here? We will come back to this Question. Next Question!

CIRCUMSTANCES SURROUNDING THE DEATH OF JOYCE GAKII

Mr. Ruteere: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) What circumstances led to the death of Joyce Gakii, a Form 3 student of Makuri Girls' High School in Maara District?

(b) Could the Minister confirm whether there was negligence by the school administration, how long the girl was ill in school and how many times the Principal visited the girl in hospital?

(c) Who reported the admission to hospital and subsequent death to the parents and who, from the school, attended the student's funeral?

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

(a) Ms. Joyce Gakii who is alleged to have died is not a student at Makuri Girls High School in Maara District. For that reason, parts "b" and "c" of the Question do

not apply for Joyce Gakii. But I have a different name of a girl who was a student in that school and who died. If the hon. Member is willing to listen to that, then I can avail the information.

Mr. Ruteere: Mr. Deputy Speaker, Sir, I am ready to listen to the cause of the death of Caroline Ntinyari and not Joyce Gakii.

The Assistant Minister for Education (Prof. Olweny): Mr. Deputy Speaker, Sir, the student who died on 8th June, 2010 was a student at Makuri Girls High School. Her name is Caroline Ntinyari, Admission No.2695. She died at Chogoria PCEA Hospital. I will now use that information to give answers to the Question the way it is.

(b) She started complaining of chest pains on 31st May, 2010 and was taken to Chogoria PCEA Hospital with other students by the school caretaker, Doreen Gacheri. She and other students came back to the school after treatment and she continued taking medicine that was prescribed at the hospital. Her condition improved thereafter and she and other nine students attended the ASK Show in Meru Town on 4th June, 2010. On 5th June, 2010, during morning hours, she reported to the Deputy Principal that she was unwell. The caretaker of the school then took her and other students to Chogoria PCEA Hospital. After medical examination, the doctor informed the caretaker that the student had to be admitted. Before admission, the student borrowed a cell phone from a person known to her at the hospital and requested the caretaker to allow her to call her parents, to which the caretaker obliged. After the admission, the school caretaker went to buy some fruits for her outside the school compound and on coming back, she found that the parents of the girl had already arrived at the hospital and they were with her. On 6th June, 2010, another school caretaker, Mr. William Njunguni, went to check on the student at the hospital at 1.00 p.m. He found the student's parents there and he stayed with them until 5.00 p.m. and went back to the school later in the evening.

On Tuesday, 8th June, 2010, at 12.00 p.m. the matron of Chogoria PCEA Hospital called the school principal and informed her that the student had died at 10.46 a.m. But earlier in the day, the caretaker had been sent to check the condition of the girl at the hospital. When he reached there, he met a lot of hostility from the parents of the dead student and relatives within the hospital compound. He went back to school and reported the matter. In fact, the caretaker was not even allowed to see the student to ascertain whether she had died or not. After the hostility displayed by the parents towards the schools' administration, the BOG met and decided that they would visit the parents of the dead student on 15th June, 2010. The group to visit the home included five teachers, 40 students and six executive BOG members. When the parents were contacted about the visit to their home, they declined and the school and the BOG called it off.

In that case, the school administration never displayed any negligence when the girl was sick. She was taken to the hospital when she complained that she was unwell. The dead student was ill in the school compound from 31st May to 3rd June, 2010. But she was under medication in the school. She got better and even managed to go to the show, as I have already indicated.

The Principal did not visit the girl at the hospital but she delegated the work of the hospital matters to the school caretakers who had been taking all the sick students to the hospital. The admission of the student to the hospital was reported to the parents by the student herself. When they went to the hospital, they met the caretaker of the school. So, nobody went to the funeral because of the hostility. The police informed the school that

nobody, not even the students, should attend the funeral. Otherwise, there would be problems.

Mr. Ruteere: Mr. Deputy Speaker, Sir, this student, as the Assistant Minister said, got sick around May and she died on 5th June. She was admitted in hospital on 5th June. This student tried to get permission to go to hospital and she was denied permission by the headteacher until a day when very many students were going to hospital; that was when she joined the others to go to hospital. She was left there, having been admitted.

My question to the Assistant Minister is this: after realizing from 31st May to 5th June that this student had this ailment and nobody tried to find out what caused the admission, what action did the principal take to see whether this student was in a position to be treated and the parents were informed on time that the student was sick in hospital? When you tell us that the parents who were in Meru, 40 kilometres away, were able to come to the hospital just before the caretaker bought the bananas from outside the hospital, that is misinforming this House. Is he agreeing with the stories being told out there? Has he done his own independent investigation?

Prof. Olweny: Mr. Deputy Speaker, Sir, those are so many questions. Anyway, as I have indicated, when the young girl fell sick on 31st May she was taken to the hospital by the school authorities. She was given medication and she improved. Unfortunately later she became ill again and she was taken to the hospital immediately. I do not see any negligence there, because she was taken to the hospital, she got the medication, she improved, she even went for a function outside the school, but unfortunately she became ill again. Then when she was taken to the hospital, on the day she became ill, the doctors in the hospital said that she had to be admitted and she was admitted. At the time she was being admitted the parents were informed by the girl herself. They came. What else could one do? All that remained now was in the hands of the doctor.

Mr. Imanyara: Mr. Deputy Speaker, Sir, it is unfortunate that a young child lost her life under such circumstances. If you look at the public galleries, there are a lot of young students who are in this House today, and who are keen to know what steps the Minister of Health takes to ensure that their health is maintained and that when they fall sick, immediate steps are taken.

Nevertheless, given the hostility shown to the school by the parents, clearly there must be some suspicions regarding the circumstances under which this child died. Has the Assistant Minister taken steps as is provided for in the Criminal Procedure Code to refer the matter to the nearest magistrate for a public inquest in accordance with the law to establish the real cause of death, and who may or may not have been negligent leading to this unfortunate death? Have you taken any steps to ensure that an inquest is held, pursuant to the provisions of the Criminal Procedure Code, which sets out what is to be done when a death occurs under such circumstances?

Prof. Olweny: Mr. Deputy Speaker, Sir, we have not done that but we are thinking along those lines. Once we get the post mortem report, which we are waiting for - We were supposed to get it last week. The person who was supposed to give it to us was not available, and they have promised us that they would give it to us this week. Once that is done, we shall refer this matter to the appropriate authorities to do an inquest.

Dr. Eseli: Mr. Deputy Speaker, Sir, you might not know that this is just a tip of the iceberg as far as student health is concerned. Could the Assistant Minister explain to this House whether there is a set way of handling students' illnesses when they are in

boarding school? If there is such a set standard, when was the last time headteachers were inducted in these procedures?

Prof. Olweny: Mr. Deputy Speaker, Sir, I think all of us here went to school and it is still the same system. If students are sick, particularly in boarding schools, they are given medical attention at the nearest health facility that the school has. That is the case for all our schools. Once a student falls sick, the headteacher and the school authorities must seek the appropriate help to ensure that the students who are sick get treatment.

Mr. Mututho: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister admit that the headteacher is under instructions. In this case, we have not heard about the headteacher at all; there is just a mention of the deputy caretaker. The child was admitted immediately she arrived in hospital, meaning that she was in critical condition. Where was the headteacher all this time, and what were her omissions and commission that resulted in the death of this student?

Prof. Olweny: If you look at the time the young girl was admitted to the hospital and the day she died, you will note that it was just two and a half days. It happened very fast. She was admitted on 5th and then died on 8th. That was a very short period of time. But the principal had delegated responsibility for this student's welfare matters to the caretaker, who was actually doing her work and informing the principal of what was going on about the health of the student. The progress was good in the first two days, but her situation worsened on the last day and then she just died. That is the information we have so far.

Mr. Koech: Mr. Deputy Speaker, Sir, the health of children is very paramount, given that the majority in the population of Kenya are the youth, especially those in schools. Some of our boarding schools have more than 2,000 students. Could the Assistant Minister consider liaising with the Ministry of Public Health so that, as the Government, they can post qualified health personnel to most of our major schools to take care of the students?

Prof. Olweny: Mr. Deputy Speaker, Sir, that would be a wonderful idea, but I do not know whether the Ministry of Public Health and Sanitation, or the Ministry of Medical Services, will have enough staff. Already the health facilities that we have are not adequately staffed. Anyway, I have noted that issue and we shall consider it.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to tell us that employing nurses is a tall order when the Government used to employ them in boarding schools? Is he in order to say it is almost impossible to employ nurses in schools, while we are aware that some schools even have establishments for nurses?

Prof. Olweny: Mr. Deputy Speaker, Sir, I did not say it is impossible for the Government to employ health staff in schools. Health staff are supposed to be in health facilities and not in schools.

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. I have been the Chairman of a BOG for a long time and, indeed, there is a directive that you must have a nurse in a school. Is the Assistant Minister in order to mislead this House that health professionals are only kept in the health facilities when students are dying left, right and centre?

Prof. Olweny: Mr. Deputy Speaker, Sir, I know that boarding schools have matrons, but I do not know whether the Ministry of Public Health or the Ministry of

Medical Services has seconded nurses or medical staff to our schools. I do not have that information.

Mr. Ruteere: Mr. Deputy Speaker, Sir, in view of the fact that the cause of death is not yet known because post-mortem results have not been released, could he defer this Question until post-mortem results are known and an inquest is conducted?

Mr. Deputy Speaker: Hon. Silas Ruteere, is that a supplementary Question?

Mr. Ruteere: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: You are seeking the indulgence of the Chair to direct that this Question appears on the Order Paper again.

Mr. Ruteere: Yes, Mr. Deputy Speaker, Sir, until the inquest is done.

Mr. Deputy Speaker: Does the Chair have any idea how long it will take for the inquest to be done?

Mr. Ruteere: Mr. Deputy Speaker, Sir, according to him, the post-mortem results will be out soon.

Mr. Deputy Speaker: Mr. Assistant Minister, are you prepared to give a firm indication on when you can have the post-mortem report done? In any case, if it is only the post-mortem result, what more answers do you need than what he has already given you? If you are talking about the inquest and the matter will be---

Mr. Ruteere: We will know the cause of death.

Mr. Deputy Speaker: Mr. Assistant Minister, do you have any idea how soon we will get the post-mortem result?

Prof. Olweny: Mr. Deputy Speaker, Sir, as far as the Question is concerned, I think justice has been done to it. But if the Chair orders so, we can get the post-mortem result and table it.

Mr. Deputy Speaker: Could you, please, give us an indication of when the post-mortem results can be available?

Prof. Olweny: Mr. Deputy Speaker, Sir, could you give us a week?

Mr. Deputy Speaker: Fair enough! The Chair directs that the Question appears on the Order Paper one week from today!

(Question deferred)

Question No.1 by Private Notice, hon. Konchella!

JUSTIFICATION FOR LOWERING IMPORT
DUTY ON WHEAT

Mr. Konchella: Mr. Deputy Speaker, Sir, although I have not received the written reply, I beg to ask the Deputy Prime Minister and Minister for Finance the following Question by Private Notice.

(a) What justification does the Minister have for lowering import duty on wheat to 10 per cent in the 2010/2011 budget, considering that even the previous rate of 35 per cent was in reaction to the drought in 2008/2009?

(b) What plans does the Minister have to increase the duty to enable farmers benefit from the expected bumper harvest, particularly in Narok North and Narok South?

(c) Is the Minister aware that farmers held a demonstration on 28th

June, 2010 and blocked the Narok–Nairobi highway in reaction to the expected financial loss resulting from his action?

Mr. Deputy Speaker: It is not an entitlement to have a written answer when it is Question by Private Notice. But proceed, if you have the answer!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Deputy Speaker, Sir, I want to apologise to the House for coming late and I beg to reply.

(a) Import duty on wheat grain was lowered to 10 per cent following a decision by the East African Community Ministers of Finance based on the following grounds:-

(i) The East African Community region has limited capacity to produce sufficient grain wheat to meet the regional demand.

(ii) In the last three years, including the current year, no East African Partner state has imported wheat grain at the import duty rate of 35 per cent.

(b) Considering that we do not produce sufficient wheat grain, we plan to set up a duty remission scheme where all locally produced grain will be purchased by wheat millers and the shortfall of about 600,000 tonnes imported at the import duty rate of 10 per cent as agreed by the East African Ministers for Finance.

(c) Yes, I am aware that wheat farmers held a demonstration on 28th June, 2010 on the issue.

Mr. Konchella: Mr. Deputy Speaker, Sir, you can hear that the Assistant Minister's answer is not adequate. I would like to give statistics, so that Members of this House know exactly what is going on. This year, Narok North and Narok South has more than 500,000 hectares of wheat which is ready for harvest. They expect to produce 1.4 million bags of wheat; Uasin Gishu expects to produce one million. The rest of Kenya such as Ol Kalou, Nyahururu and other areas will produce another 500,000 bags of wheat. The total production for this year will be not less than three million bags.

Mr. Deputy Speaker, Sir, consumption of wheat in Kenya is 800,000 tonnes. Out of this, one-third is produced locally, which turns out to be the 300,000 bags of wheat I am talking about. Millers have started to import wheat from Eastern Europe at the rate of 240 dollars per tonne, which will sell at the price of Kshs2,500 per bag. The local millers are offering the Kenyan farmer, Kshs1900 and not Kshs2,500 which is offered by farmers in Eastern Europe. Now they are saying you take it or leave it. So, it is at the whims of the millers that the farmers can sell.

Mr. Deputy Speaker: Order! Summarise and ask your question!

Mr. Konchella: Mr. Deputy Speaker, Sir, the cost of production of one hectare is Kshs30,000. So, when you work out the yield of a farm at the rate of about 15 to 20 bags per acre, the minimum a farmer can sell is Kshs2,700 to break even. So, for a farmer to make profit you need to sell at the price of Kshs3,000.

Mr. Deputy Speaker, Sir, in the East African Community, it is only Kenya which produces wheat. Uganda and Tanzania do not produce wheat. Tanzania and Uganda produce rice. The duty on rice is 75 per cent. In the current budget, Tanzania has to reduce to 35 per cent their rice production. Agriculture being the backbone of the Kenyan economy, why is the Assistant Minister in a hurry to empower Eastern European farmers and allow the Kenyan farmer to go bankrupt because that is exactly what will happen?

Dr. Oburu: Mr. Deputy Speaker, Sir, I think there are so many issues, including cost of production and the price of selling and marketing which has been raised by the hon. Member.

Mr. Deputy Speaker: The bottom line is that he is asking you why you can not give as good prices as you give Eastern European farmers to the Kenyan farmers.

Dr. Oburu: Mr. Deputy Speaker, Sir, the point we are making here is that we have come into a common market with five East African countries. In the five East African countries, there is only Kenya which produces about 300,000 tonnes of wheat. Tanzania produces very little wheat. Uganda, Rwanda and Burundi do not produce wheat at all. Though there was a threshold of 35 per cent import duty agreed earlier, there was an agreement that there would be concession for countries which are not producing wheat and, therefore, would like to be given freedom to import wheat duty free. Therefore, when Rwanda and Burundi joined the community, they applied for that remission. They were given 35 per cent. So, they have been importing their wheat at the rate of zero. Uganda also did the same. Tanzania has been importing at 10 per cent. Kenya was importing at 25 per cent, but we were given a remission of 10 per cent.

Mr. Deputy Speaker, Sir, because of the East African Common Market which came into being from 1st July, it was thought that it would encourage smuggling if there were different rates in different countries. Therefore, the Ministers of Finance from the East African Countries sat down and agreed that there will be a uniform rate of 10 per cent. Kenya had to reduce from 25 per cent to 10 per cent. Rwanda, Burundi and Uganda increased from 0 per cent to 10 per cent so that we have a uniform import duty. The effect of not doing that is that the zero-rated wheat which will be imported in Uganda and Tanzania will be much cheaper. That wheat will find its way into Kenya and still kill our market. The other point we want to make is that it is not just about the farmers but also the consumer. If you raise the duty on wheat, of course, the millers will pass on that cost to the consumers. So, the consuming public which forms the majority will also suffer. So, everything else must be looked at.

Mr. Deputy Speaker, Sir, the Question was too long and that is why---

Mr. Deputy Speaker: Order, Dr. Oburu! You have made your point.

Ms. Karua: Thank you, Mr. Deputy Speaker, Sir. It is all very well for the Assistant Minister to tell us the reasons and about the community, which we appreciate. However, it would not have taken rocket science for the Ministry to cushion Kenyan wheat farmers by setting the price of wheat at the level where the farmers can make returns. The Government also ought to have ensured that it buys all the wheat the same way it buys maize. Why did he not consider doing that? He has a duty to Kenyan farmers.

Dr. Oburu: Mr. Deputy Speaker, Sir, price control in this country was abolished. Therefore, the Ministry or the Government could not have considered fixing the price of wheat. When there is shortage of wheat, the only way to remedy that is---

Mr. Wamalwa: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead the House that the Government does not fix prices when the Government has fixed prices for maize? In fact, it set the price of maize at Kshs2,300 a bag. Now, it offers Ukambani maize farmers Kshs1,500 per bag, and yet the same Government has been importing maize from South Africa at Kshs3,000 per bag. Is this Government sensitive to farmers?

Dr. Oburu: Mr. Deputy Speaker, Sir, the price of maize was only fixed temporarily because there was a declaration of an emergency. It was only given for a fixed period of time. So, the Government does not intend to re-introduce price controls.

Dr. Eseli: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to divert the House to be looking at price control when Ms. Karua's question was very clear that the Government should have bought the wheat from the farmers to cushion them? That is a different thing from price controls!

Dr. Oburu: Mr. Deputy Speaker, Sir, what the Questioner asked is not about wheat which is in excess in the market but about expected bumper harvest. So, if there is excess, then it will be dealt with at the time it arises.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, it is very clear that this is not a Government for farmers. This is because these problems started with the dairy sub-sector, maize, coffee and now it is wheat. This is a Government of middlemen. The Government's interest is on a few importers. If, indeed, Kenya is the biggest and, probably the only country growing wheat, what policies has the Government put in place to ensure that decisions made by the East African Community (EAC) do not kill all the sectors in this country?

Dr. Oburu: Mr. Deputy Speaker, Sir, the reduction of duty on wheat from 25 per cent to 10 per cent was as a result of a very protracted negotiation. This is because we were taking into consideration all the factors, including the interest of the consumers and that of the EAC. We did that to ensure that there is no smuggling and killing of our industries.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. My question is very simple. Some of the policies and visions being made at the level of the East African Common Market might end up closing all the sectors in this country. In the wheat sector, Kenya is affected. It will no longer be a wheat-growing country. It will rely on imports. What has the Government done to ensure that the policies made at the Community level do not kill all the sectors in this country? Those policies will not kill the sectors in our neighbouring countries probably because the people who negotiate for our country do not do their job.

Dr. Oburu: Mr. Deputy Speaker, Sir, no policy shall be allowed to kill our industries. In fact, the coming into being of the East African Common Market has given us a market of over 100 million people as opposed to a market of about 32 million people.

Mr. Bahari: Mr. Deputy Speaker, Sir, I think the Ministry got it wrong in terms of the policy. I want the Assistant Minister to explain why, given that Kenya had the competitive advantage--- Kenya as a country should have taken interest in producing for the rest of East Africa. That can be done best if the Ministry fully subsidized wheat farmers so that they are able, because, even the farmers in Europe are subsidized. Why could the Ministry not consider that option?

Dr. Oburu: Mr. Deputy Speaker, Sir, the issue of subsidy does not only concern wheat. It is an issue that concerns the agricultural sector. It is a very hot issue in the WTO negotiations. We will not isolate wheat for a subsidy. When it comes to subsidy, the Government is already subsidizing fertilizer which is across the board because it affects wheat farmers and everybody else.

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House by telling Kenyans and the world that subsidy does not work anywhere else? I just came from China and subsidy exists all over the world, except Kenya.

Dr. Oburu: Mr. Deputy Speaker, Sir, subsidy does not exist all over the world. Again, I did not say that subsidies do not work everywhere. I am aware that in the developed world, they subsidize their agriculture heavily. This is the point of argument held by all Third-World countries, that they do not accept that we subsidize our farmers, when they heavily subsidize theirs. So, our policy and stand, as Government, is that we should be allowed to subsidize our agriculture. However, we have not yet succeeded.

Mr. Deputy Speaker: Hon. Konchellah, can you ask your last supplementary question on the same?

Mr. Konchella: Mr. Deputy Speaker, Sir, the Kenyan farmer does not need protection. What they need is fair play. That is all they are asking for. In other words, reduce the duty at the rate of 5 per cent per year and confine that within the EAC. This is because Tanzania and Uganda have refused to reduce theirs. Could the Assistant Minister consider reversing what they have done and reduce duty by 5 per cent so that the Kenya farmer can adjust over time? The cost of borrowing from AFC is such that they are only allowing Kshs11,000 per hectare, and yet the cost of production is Kshs30,000 per hectare. This means that the farmer has to cough another Kshs19,000 to be able to grow wheat per hectare. Could the Government buy the wheat or allow the slow but sure reduction of duty at the rate of 5 per cent per year until it conforms with that of EAC? Our farmers do not need protection or subsidy, but fair play.

Dr. Oburu: Mr. Deputy Speaker, Sir, we have said that if there will be a problem as a result of the bumper harvest, we shall reconsider and discuss with our colleagues in the other countries. But we cannot arbitrarily consider reducing that rate, unless we negotiate and discuss with our colleagues in the neighbouring countries.

Mr. Deputy Speaker: Hon. Assistant Minister, the hon. Members are asking why is it that the Tanzanians and Ugandans are getting a punitive taxation of 35 per cent and not for the Kenyans? You have to make that comparative. You have not answered the Question which you were asked by hon. Konchella.

Dr. Oburu: Mr. Deputy Speaker, Sir, there is no such thing. I have said it and I am repeating again, that Tanzania used to impose a duty of 10 per cent. Other countries like Uganda, Rwanda and Burundi were zero-rating because they do not have---

Mr. Deputy Speaker: Order! Order! The Questioner asked about the produce by Tanzania and Uganda, which is rice. Is that tariff rating for rice same for Uganda and Tanzania? The Question, if I got it very well is: Why do you not give protection to your own farmers the way they have protected their farmers? Can you confine your answer to the comparison between the two lines of production?

Dr. Oburu: Mr. Deputy Speaker, Sir, we shall negotiate each and every product, because rice and wheat were classified as sensitive products. So far, the one which we discussed and agreed on was on was the wheat. But we are going to discuss all the other products with our neighbouring countries. But it is not because we are not protecting our farmers.

Mr. Konchella: On a point of order, Mr. Deputy Speaker, Sir. Since the Assistant Minister is unable to answer the Question, can I request that I move a Motion of Adjournment to discuss this issue of food commodity?

Mr. Deputy Speaker: Order! You understand the rules of the House. You can only ask that the Question be deferred.

Mr. Konchella: Mr. Deputy Speaker, Sir, could I ask that the Question be deferred so that an appropriate answer can be brought later?

Mr. Deputy Speaker: Order! Hon. Assistant Minister, the Chair takes note of the fact that agriculture is a very sensitive industry in this country, because it is the backbone of the economy. The Questioner was given a massive leeway by the Chair to draw the comparison between the wheat produced by the Kenyan farmers and the rice produced by Ugandan and Tanzanian farmers, which are rated at 35 per cent duty to discourage undue competition, whereas the one of Kenya is rated 10 per cent. This encourages competition from East European farmers. That is the way you have to answer the Question, in line with the Common Market principles. Under the circumstances, the Chair is satisfied that the answer is not adequate and the Assistant Minister should go back and come up with an answer that is adequate for the House and Kenyans by Wednesday next week.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.020

LONG-TERM POLICY ON LESS FORTUNATE MEMBERS OF SOCIETY

Mr. Lekuton asked the Minister for Gender, Children and Social Development:-
(a) what the Government is currently doing to encourage businesses and individuals to support the less fortunate members of the society; and,
(b) what the long-term policies to encourage businesses and individuals to increase contributions to charity are.

Mr. Deputy Speaker: Is the Minister for Gender, Children and Social Development not here? We will come back to this Question.

Next Question by hon. Abdirahman!

Question No.221

DELAYED PAYMENT OF DUES/ARREARS TO ABDI ABDULLAHI GERIOW

Mr. Abdirahman asked the Minister for Forestry and Wildlife
(a) why Abdi Abdullahi Geriow (P/No. 91020556), who was stationed at Wajir District Forest Office, was removed from the payroll in June 1996;
(b) why it has taken so long to pay him his dues even after an order was made for the release of salary vide PCA number 320/5/97; and,

(c) when his dues and arrears will be paid.

Mr. Deputy Speaker: Is the Minister for Forestry and Wildlife not here?
Next Question by Mr. Maina Kamau!

Question No.224

DISCUSSION ON USE OF COAL IN
DRYING TEA LEAVES

Mr. Maina Kamau asked the Minister for Agriculture:-

(a) to state the progress of the discussion between the Ministry and the Ministry of Energy on the use of the recently discovered coal as an alternative in drying tea leaves; and,

(b) to state the progress made on the initiative of value addition by processing tea, marketing and product diversification launched in Kangaita and when the same initiative will be extended to Nduti Tea Factory in Kandara.

Mr. Deputy Speaker: Order! The Chair and, indeed, the Clerk's Department has communication that the Minister is out of town. The Question is, therefore, deferred to tomorrow afternoon.

(Question deferred)

Question No.191

LOSSES CAUSED BY ILLEGAL TRADE
IN MOLASSES

Mr. Ochieng asked the Minister for Agriculture:-

(a) whether she is aware that approximately 50,000 tonnes of molasses is sold to the neighbouring country at the expense of the local traders;

(b) whether she could confirm the extent of losses caused to the country by the illegal trade in terms of revenue, job opportunity and shortages to the local farmers; and,

(c) what steps he is taking to solve the problem.

Mr. Deputy Speaker: Again, the Minister for Agriculture is out of town. Indeed, she communicated to the Clerk's Department. The Question is, therefore, deferred to tomorrow afternoon.

(Question deferred)

Question No.105

LACK OF PROPER SANITATION/ELECTRICITY IN
NYANZA PROVINCIAL HEADQUARTERS

Mr. Shakeel asked the Minister for Public Works:-

- (a) why the new Nyanza Provincial Administration Headquarters, which has finally been completed after 20 years does not have proper sanitation facilities and electricity;
- (b) whether Kisumu Municipal Council issued the Occupancy Certificate in compliance with health and safety regulations; and,
- (c) what he is doing to rectify the situation and whether he could indicate when the works will be completed.

The Minister for Public Works (Mr. Obure): Mr. Deputy Speaker, Sir, I beg to reply.

- (a) Nyanza Provincial Headquarters is being built in two phases. Phase One was completed in 2008 and connected with water, electricity and sewer.
- (b) An Occupancy certificate in compliance with health and safety regulations will be issued after completion of Phase Two, which is expected to be completed by 8th August, 2011. This is when the entire building will be officially commissioned as fully complete.
- (c) A power transformer was installed to ensure there is adequate electricity for those using the building. The building is equipped with two ground water tanks of 100,000 litres capacity and booster pumps to raise the water to high level floors of the building. This will ensure adequate water supply even in periods of water rationing.

Mr. Shakeel: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to mislead this House? I was in that building just yesterday and I can confirm that there is no power, sewer and water. The Department of Immigration, the Ministry of Health and a number of other departments are using portable toilets outside the building. Is the Assistant Minister in order to mislead the House that these connections and facilities are available?

Mr. Obure: Mr. Deputy Speaker, Sir, I am surprised to hear these sentiments from the hon. Member. My information is that a certificate of practical completion for Phase One was issued. That certificate could only be issued when all these services are available, including water, electricity and a sewer.

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. I wish to concur with what hon. Shakeel has said, that, indeed, the answer given by the hon. Minister is not true. I can vouch for it. Would it not be in order, under the circumstances, that this Question be deferred and in the meantime, the Minister goes to the Provincial Commissioner's (PC's) office in Kisumu to have a look at it personally with the engineers? The answer he is giving is wrong.

Mr. Deputy Speaker: What is not right about the answer given? You just do not stand up and say the answer is wrong or right. You indicate what it is.

Mr. Olago: Mr. Deputy Speaker, Sir, I said that I concur with the sentiments of hon. Shakeel, that the building is not connected to sewer and power. So, the answer that the Minister is giving is clearly wrong.

Mr. Deputy Speaker: Hon. Minister, you understand very well the provisions of the Standing Orders on making a statement that is, essentially, not factual.

Mr. Obure: Mr. Deputy Speaker, Sir, two hon. Members of this House who come from Kisumu have made categorical statements to the effect that the building is not connected with water, electricity and sewer. The information I have is that a practical completion certificate was issued and it is only issued when all these services are available. I am prepared to verify the information I have by visiting this particular site. I

want to undertake that if I do find that the building is not provided with all these services, I will take appropriate action against those who have provided the information.

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. The proposal by the hon. Minister is quite reasonable. I think it should be acceptable to both hon. Shakeel and I. However, could he add a rider that when he is visiting that area, he will invite the hon. Members from that area - hon. Shakeel and I - so that we can accompany him because the same engineers who are giving the wrong information are the ones who will lead him there?

Mr. Deputy Speaker: Mr. Assistant Minister, given the seriousness of the issues that revolve around the lives of Kenyans, are you prepared to give a firm undertaking on when you intend to visit Nyanza Provincial Hospital?

Mr. Obure: Mr. Deputy Speaker, Sir, no, it is the Nyanza Provincial Headquarters. I am prepared to visit Nyanza Provincial Headquarters in Kisumu on Monday afternoon next week and I am inviting the two hon. Members to come along.

Mr. Deputy Speaker: Next question!

Question No.199

LIST OF RETIRED/DEAD KISUMU MUNICIPAL
COUNCIL STAFF FROM 2000

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

(a) whether he could table a complete list of names of staff of Kisumu Municipal Council who have either retired or died from the year 2000, but whose pensions or death benefits have not been paid or paid only partially, showing dates of retirement/death and amounts owed as at today;

(b) who administers the pensions, retirement funds and death benefits for the Kisumu Municipal Council; and,

(c) what steps the Ministry is taking to assist and encourage the Municipal Council of Kisumu to make those payments without undue delay and to ensure that pension and retirement funds of the Council are administered prudently and in favour of those they are meant to cover.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): Thank you, Mr. Deputy Speaker, Sir. I want to apologize because I have a pretty substantive answer but it does not answer one part which addresses the amounts owed as per today. I have consulted with the hon. Member and he has agreed to give me more time to interrogate the relevant council and get the appropriate information. I have been trying to get this information for the last two days. They are saying that they are compiling it. They have said that it will probably take another one week. So, I had agreed with the hon. Member that we push it to next week.

Mr. Deputy Speaker: Hon. Olago Oluoch, are you happy with that?

Mr. Olago: Mr. Deputy Speaker, Sir, that is true. We have discussed the matter and since the issue of retirees and pensioners in Kisumu is very sensitive, we have agreed that the matter be pushed to another date this week or early next week, so that we can have a complete answer. I have no objection to that.

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir. May I, kindly, urge you to ask the Assistant Minister to go back to the year 1990 because there are a number of retirees who have not been paid since then!

Mr. Deputy Speaker: Order! Hon. Shakeel Shabbir, the Chair directs that the Question be put in the Order Paper on Tuesday afternoon, next week.

(Question deferred)

Next Question by hon. Charles Kilonzo!

Question No.250

FAILURE TO ABSORB GIDEON KUVA AS PERMANENT
EMPLOYEE OF TELKOM KENYA

Mr. C. Kilonzo asked the Minister for Labour:-

(a) why Mr. Gideon Katila Kuva, the Club Manager at the Telkom Kenya-owned Ngong Road Sports Club has been treated as a casual worker for 17 years without being absorbed as a permanent employee; and,

(b) what action he is taking against such Government corporations as KPTC (now Telkom Kenya Ltd.) which flout labour laws and also to ensure that Mr. Kuva is confirmed and paid proper remuneration for the period he has worked.

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Mr. Deputy Speaker, Sir, I stand on behalf of the Minister for Labour who missed his flight from Loitokitok. The Assistant Minister is also stuck somewhere else.

However, they have asked me to answer this Question on their behalf.

Mr. Deputy Speaker: Fair enough! Proceed!

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Mr. Deputy Speaker, Sir, I beg to reply.

Mr. Gideon Katila Kuva has never been an employee of Telkom Kenya at any one time. Prior to the split of Kenya Posts and Telecommunications Corporation operations into three entities; namely, CCK, Postal Services Corporation and Telkom Kenya Limited, the employees had formed a welfare and sports association to cater for their interests. They operated a club at Kenextel which after the split, was relocated to Telkom Exchange Ngong Road, which is the property of Telkom Kenya Limited.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. This House has ruled on many occasions that the answers which are given to hon. Members should be the same as the ones that the Ministers are reading.

The Assistant Minister is reading a different answer from what I have here. I do not mind getting a copy of what she is reading and this Question being repeated as we move on this afternoon.

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Mr. Deputy Speaker, Sir, unless we are given an opportunity to compare the answers, what I have here is exactly what I was given by the Ministry of Labour.

Mr. Deputy Speaker: Fair enough! We will come back to it later.

Question No.249

DETAILS OF ALLOCATIONS/DISBURSEMENT OF
FUNDS UNDER ARLMP

Mr. Ethuro asked the Minister for the Development of Northern Kenya and Other Arid Lands:-

(a) to provide the details of the allocations and disbursements to all the constituencies/districts under the mandate of the Arid Lands Resource Management Programme (ARLMP) since its inception to date, giving percentages vis-a-vis total allocations;

(b) the criteria the Government used to define land as arid land and what constitutes Northern Kenya; and,

(c) to state the specific projects undertaken in the larger Turkana region, indicating amount per project, project location and completion dates per financial year of project existence and also state the criteria for the allocations.

Mr. Deputy Speaker: Where is the Minister for the Development of Northern Kenya and other Arid Lands? We will come back to that Question.

Question No.054

DELAYED DELIVERY OF AMBULANCE TO SERICHO
HEALTH CENTRE

Mr. Bahari asked the Minister for Public Health and Sanitation:-

- (a) why she has not delivered an ambulance to Sericho Health Centre as earlier promised and when that will be done; and,
- (b) when the Ministry will post a laboratory technician to the health centre.

The Minister for Public Health and Sanitation (Mrs. Mugo): Thank you, Mr. Deputy Speaker, Sir. I beg to reply.

- (a) The Government has since reviewed the policy on allocation of ambulances to health facilities. My Ministry is waiting for Treasury guidelines on leasing of ambulances for distribution to health centers throughout the country. There will be one ambulance per constituency and the very large ones, if possible, will receive two.
- (b) My Ministry has experienced a shortage of laboratory technicians following increased demand for laboratory services throughout the country. My Ministry hopes to increase the number of laboratory technicians through recruitment this financial year. Sericho Health Centre will be considered once the recruitment exercise has been carried out.

Yes, I want to acknowledge Mr. Bahari and say that we promised to look for an ambulance to give to that constituency, together with many others which have asked for ambulances. That is what made me to write to the Minister for Finance to request for ambulances this year to service every constituency.

Mr. Bahari: Mr. Deputy Speaker, Sir, this Question was first answered on 25th May, 2009. That is when that promise was made. Today is 6th July, 2010. It is more than 12 months down the line and the Ministry is still reviewing its policy and no firm decision has been made. In the meantime, I have lost an expectant mother. I think that

was in the newspapers. She died because we were not able to pick her. Even this last weekend, when I was in the constituency, at a place called Garbatula, I had a similar incident, where we had to go out of our way and help. For how long will those policies hold us at ransom when the lives of our expectant mothers, which the Minister understands very well, are put in danger?

Mrs. Mugo: Mr. Deputy Speaker, Sir, I sympathize with the hon. Member and the family of the lady concerned. However, if the hon. Member listened to me and he has the answer with him, I did not say that a policy is under consideration. That was in May last year. I had to wait for the budgetary allocation to this item. I kept on asking the Treasury, and that is a matter of fact and the hon. Member knows--- I want to thank the Treasury because finally, they were able to give us 300 ambulances. However, after the Budget was read, we had to wait for the process to get the ambulances. As soon as we get them, they will be delivered to every model health centre. After that, every Medical Officer of Health (MOH) and the MP in that area will decide where best to place it.

Mr. Chachu: Mr. Deputy Speaker, Sir, I appreciate the Minister's effort to ensure that Kenyans are provided with health services wherever they are in this country. She has clearly said that the Ministry will provide an ambulance to each constituency in this country. She is now saying that they will lease. I want to know the thinking behind that concept of leasing and whether it is cost effective, realizing that some constituencies like mine are very vast.

Mrs. Mugo: Mr. Deputy Speaker, Sir, the policy of leasing is from the Treasury. I cannot explain here. The Treasury must have looked at the issue and negotiated, maybe, with motor vehicle owners. They decided that it is a cheaper way of delivering ambulances which will also be taken care of mechanically by the company. As far as the size of the constituency is concerned, we will consider it. We will be purchasing 300 ambulances, but we will be sensitive enough to look at the vast areas. Those are the ones which will get two ambulances. Since the hon. Member's constituency is one of the largest in the nation, it will definitely be considered for a second ambulance.

Mr. Nyambati: Mr. Deputy Speaker, Sir, I hope that when the Minister is distributing these ambulances, Kitutu Masaba will benefit because we do not have any at all. She has said that she has a deficiency in technicians; what plans does she have to train or hire them? We have quite a number of technicians who are not employed. For sure, Kitutu Masaba Constituency does not have even one technician.

Mrs. Mugo: Mr. Deputy Speaker, Sir, in the current Budget, we are allowed to hire certain personnel. Technicians are among the personnel, we will hire. Areas which are more desperate will definitely be given the first priority.

Mr. Abdirahman: Mr. Deputy Speaker, Sir, equity is not about allocating one ambulance to every constituency in this country. We know that there are areas that have either sufficient or have, at least, some ambulances. It is the responsibility of the Minister to ensure that they even re-distribute where need arises like in the case of Sericho, North Horr and Wajir South.

As we wait for the 300 ambulances that she has talked about, which are meant for the whole country, could she consider redistributing, immediately in areas like Sericho or even Wajir South? I am sure there are some ambulances in some areas. It does not mean that there is a shortage countrywide. There must be shortages in some areas and surpluses

in certain areas. The Ministry should redistribute what it has, so that it can ease the problem. I am sure, vehicles may not be acquired so soon.

Mrs. Mugo: Mr. Deputy Speaker, Sir, mostly, the ambulances are stationed in district and provincial hospitals. We do not have excess ambulances anywhere in the country. It is not possible for me to get one ambulance from one area and take it to another place. We have that shortage. Hon. Members will recall that last financial year, we did not buy ambulances.

Mr. Shakeel: Mr. Deputy Speaker, Sir, could the Minister consider, instead of buying very expensive ambulances with emergency systems on board which are of absolutely no use to the outlying areas, purchase rapid transport units which transport the very sick from their homes to national or district hospitals? This will be much cheaper and has been proved successful in other countries.

Mrs. Mugo: Mr. Deputy Speaker, Sir, I want to thank the hon. Member for that information. All that will be considered as we look into what to purchase.

Mr. Bahari: Mr. Deputy Speaker, Sir, Sericho is 150 kilometres away from the nearest district hospital. Given that this is a health centre, could the Minister consider looking around and sending a laboratory technician there, so that this health centre which is 150 kilometres away can be taken care of? There are others, probably, which are 10 kilometers away from each other and they have these facilities.

Mrs. Mugo: Mr. Deputy Speaker, Sir, we will do that.

Question No.142

PROVISION OF AMBULANCE TO KAPTALAMWA HEALTH CENTRE

Boaz Kaino asked the Minister for Public Health and Sanitation when the Ministry will provide an ambulance to Kaptalamwa Health Centre, considering the vastness of the area it serves, for example, Lelan in Marakwet District and Lelan in West Pokot District.

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Deputy Speaker, Sir, I beg to reply.

As soon as the ambulances are procured, they will be distributed throughout the country, including Marakwet West.

Mr. Deputy Speaker: Hon. Kaino, are you satisfied?

Mr. Kaino: Mr. Deputy Speaker, Sir, I am sympathizing with the Minister. Hon. Bahari and other Members have just asked similar Questions in this House. Could the Ministry take this as a priority because Kenyans are suffering in many places?

Mrs. Mugo: Mr. Deputy Speaker, Sir, I agree Kenyans are suffering. I really went into a lot of pressing and requesting to even get the 300 ambulances because I am very sensitive to the problems around the country. As soon as we acquire the ambulances, they will be delivered to the areas. We have had hon. Bahari's case for quite some time and the distance is so wide. As soon as we hire the technicians, we will remove one from one area to his facility. However, it is not possible to remove any ambulance from anywhere at the moment. This will take another two months. As soon as we pass the Vote on Accounts, we should acquire the ambulances.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I appreciate the positive responses from the Minister. If you look at this Question, the vastness of the area is in question. One such area is Turkana, which does not have a functioning ambulance as I speak. The ambulance is supposed to travel between Lodwar and the Moi Referral Hospital, which is about 400 kilometres away. When exactly is she going to provide ambulances, not just to each constituency, but considering the vastness of the area? Out of the 300 ambulances, if you subtract 210, there is an additional 90. Could she distribute these additional 90 ambulances to Lelan, Sericho, Turkana, North Horr and all such areas?

Mrs. Mugo: Mr. Deputy Speaker, Sir, I know there is Laisamis and many other areas which are in dire need of these ambulances. We will look into all those situations. The hon. Member's constituency is such a vast area and, definitely, it will get two ambulances. So, we are going to have a proper evaluation of the vastness of an area. The Medical Officers of Health (MOHs) will also help in this exercise. I also know that hon. Ethuro's area is vast.

Question No.235

CRITERIA FOR PILOT ELECTRONIC
VOTER REGISTRATION EXERCISE

Mr. Chachu asked the Minister for Justice, National Cohesion and Constitutional Affairs:—

(a) what criteria was used by the Interim Independent Electoral Commission (IIEC) to pick the 18 constituencies among 210 in the country to pilot Electronic Voter Registration;

(b) what is the cost to be incurred by the Ministry to pilot electronic voter registration in the 18 constituencies; and,

(c) when the Ministry will undertake the electronic voter registration for the remaining constituencies?

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) In identifying the 18 constituencies for the pilot electronic voter registration, the Interim Independent Electoral Commission (IIEC) categorised the country into 17 electoral regions, out of which one constituency from each region was selected for piloting, except Nairobi, where two constituencies were selected. In selecting the constituencies for piloting, the IIEC took into account factors such as the setting, population density and the environmental hardships of the constituencies, among other factors.

(b) The current electronic voter registration piloting has cost the Commission Kshs408 million for the purchase of the hardware and software. A sum of Kshs374 million has been spent on emoluments of electronic voter registration clerks and operational costs such as transport, security and field supervision by Registration Officers and Deputy Registration Officers.

(c) The IIEC plans to extend the electronic voter registration to 96 constituencies by the end of the current financial year, and the rest of the constituencies by the end of 2011/2012 financial year. However, in the current Budget allocation, Treasury has not

factored in this aspect, despite the Commission having made its submissions, which included the spread of electronic voter registration to the remaining constituencies in the country.

Mr. Chachu: Mr. Deputy Speaker, Sir, I appreciate the response from the Assistant Minister.

From the response I have, the IIEC spent Kshs854 to undertake the exercise in 18 constituencies. That comes to Kshs48 million per constituency. To cover all the 210 constituencies in Kenya, the IIEC will require Kshs9.9 billion. Realising that Treasury has not factored in any money for the Commission to spread out the electronic voter registration to all the other constituencies, which basically indicates that this is not a priority for this Government, what plans does the Assistant Minister have to make sure that all the remaining constituencies are covered, given that Kenyans will not agree to go to an election in 2012, when some constituencies will be using manual voting while others will be using electronic voter technology?

Mr. Cheptumo: Mr. Deputy Speaker, Sir, what the hon. Member has raised is indeed, very serious. We have been able to discuss this issue with the Commission. The Government should be able to avail funds, because we would like every constituency to have the electronic voter registration done. In fact, the figure is about Kshs8 billion, which is slightly below the figure quoted by my colleague. This must be done. We have already started discussing the issue with the Commission, so that we refer it to the Treasury to avail funds since the exercise is critical.

Dr. Nuh: Mr. Deputy Speaker, Sir, electronic voter registration will lead to electronic voting when it comes to the election day. With the current percentages of illiteracy in some parts of this country, which go beyond 80 per cent, how is the Commission and the Ministry prepared to make sure that those people who are registered are able to vote quite comfortably when it comes to electronic voting?

Mr. Cheptumo: Mr. Deputy Speaker, Sir, there are those who will be trained to help the Kenyan people to use the electronic voting system. We will, therefore, have enough clerks who will be trained to help Kenyans in voting. I agree with the hon. Member that, indeed, there is a problem because 80 per cent of our people, especially in the rural areas, are unable to understand this. However, with the help of the clerks, I am certain that they will be able to use the system.

Mr. Njuguna: Mr. Deputy Speaker, Sir, could the Assistant Minister indicate to this House what steps the Ministry is taking to correct the errors that have been noted on the voter register in order to create confidence in the minds of Kenyans?

Mr. Cheptumo: Mr. Deputy Speaker, Sir, after the exercise was completed, there are a number of days that have been assigned for Kenyans to go and confirm whether their names appear on the voter register. The clerks have also been trained. Currently, the register is being looked into. So, before the closure of the process, every Kenyan will have had a chance to go to the polling station at which he registered, to confirm whether his name is duly entered in the register.

Mr. Ethuro: Mr. Deputy Speaker, Sir, this Question is addressing a very fundamental issue. We committed ourselves to a reform agenda, and particularly to reforming our electoral process. When you look at the answer that the Assistant Minister has given in terms of selecting the constituencies that were being piloted, he has mentioned the setting of the constituency, population density and environmental

hardships. The programme has stalled midway because Treasury has not provided the money. Therefore, we want him to assure this House that this programme, as part of the reform agenda, will be expedited and given the requisite resources, and not just based on population density or environmental hardships. Each and every voter in the Republic would like to benefit from this technology. What actions are you taking to get Treasury to give you money as this exercise is an Agenda Four priority?

Mr. Cheptumo: Mr. Deputy Speaker, Sir, I mentioned earlier on that in the current financial year, we will be dealing with 96 constituencies, and that the remainder will be dealt with in the 2011/2012 financial year. As I said, we have already commenced discussions with the Commission so that funds can be availed to ensure that this is done.

Mr. Temporary Deputy Speaker, Sir, it is important for my colleagues to realise the fact that as a Ministry, we are really committed---

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

Mr. Deputy Speaker: What is it, Mr. Ethuro?

Mr. Ethuro: Mr. Deputy Speaker, Sir, I would not want to interrupt my good friend, but he keeps saying that he is discussing with the Commission for the money to cover the 96 constituencies. Is the Commission the one that has the money or is it Treasury that is going to give the Commission the money? The Assistant Minister is talking to the wrong people.

Mr. Cheptumo: Mr. Deputy Speaker, Sir, I said that the Ministry and the Commission are discussing the requirements with a view to taking up the issue with Treasury.

Mr. Deputy Speaker: Last question, Mr. Chachu!

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

Mr. Deputy Speaker: Who do you want to inform, Eng. Rege?

Eng. Rege: Mr. Deputy Speaker, Sir, I want to inform the Assistant Minister.

Mr. Deputy Speaker: Mr. Assistant Minister, do you need the information of Eng. Rege? Of course, he is a leading expert in this field!

Mr. Cheptumo: Mr. Deputy Speaker, Sir, knowing his expertise in this area, I would like to be informed by him.

Mr. Deputy Speaker: Proceed, Eng. Rege!

Eng. Rege: Mr. Deputy Speaker, Sir, the Assistant Minister has just informed the House that all voters will have to go to a polling station to verify their registration. It would be prudent for him to tell all voters that it is a free-line process for every person to verify whether he is actually registered and registered correctly using a mobile phone.

Mr. Deputy Speaker: Order, hon. Member! The hon. Member was talking in a very technical language, but I think we have got the message.

Last question, Mr. Chachu!

Mr. Chachu: Mr. Deputy Speaker, Sir, I appreciate the good work that the Interim Independent Electoral Commission (IIEC) is doing in trying to ensure that the electoral reforms that we have been agitating for all these years are finally taking off. Could I know from the Assistant Minister where electoral voting has been done in Africa and how successful it has been to inform what we are doing now in Kenya?

Mr. Cheptumo: Mr. Deputy Speaker, Sir, I am not aware of any country in Africa where electronic voting or registration has been implemented. However, this system has been very successful in India. Last year, we even invited some experts from

India to take us through how the system works. I think Kenya will be the first country to apply this system in Africa.

Question No.206

DELAYED IMPLEMENTATION OF ECD PLAN

Mr. Wamalwa asked the Minister for Education:-

(a) why he has not placed Early Childhood Development (E.C.D.) teachers on the Government payroll in line with his undertaking in the House to do so by 2010; and

(b) whether he could confirm to the House when the Government intends to implement this plan so as to address the plight of ECD teachers in the country.

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

(a) The Ministry has failed to implement the placement of ECD teachers on the Government payroll due to lack of sufficient funds from the Treasury. The Ministry requested for Kshs1.6 billion to mainstream ECD to primary school education cycle but only Kshs320 million was allocated in the Financial Year, 2010/2011. This money is not enough to implement the programme in the 18,000 primary schools and the feeder centres. Instead, it will be disbursed to 8,000 ECD centres countrywide as community support grants.

(b) The ECD implementation plan would be rolled out once adequate funds are available from the Treasury.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, this is a very sad day for ECD teachers in this country because in 2008, the Minister had given an undertaking on the Floor of this House that from 2010, ECD teachers will be placed on the Government payroll and they will start being paid.

I would like to inform the Assistant Minister that the Director of Basic Education, Mrs. Leah Rotich said:-

“The problems afflicting the education system in terms of quality stem from poor foundation. This can be addressed through making Early Childhood Development Education part of the system.”

Does the Assistant Minister concur with that and if so, why is he not making it a priority?

Prof. Olweny: Mr. Deputy Speaker, Sir, the statement that the hon. Member has made is correct. It is our policy and it will be done. It is in Sessional Paper No.1 of 2005. It is also in the Kenya Education Support Programme but as I have said, we lack funds.

Mr. Yakub: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister has said that he had applied for Kshs1.6 billion but they were allocated only Kshs320 million. That is almost 30 per cent of what they had applied for. Why did the Assistant Minister not use the 30 per cent on the 18,000 primary schools to employ the ECD teachers?

Prof. Olweny: Mr. Deputy Speaker, Sir, it will be difficult to share that money among the 18,000 centres we have within primary schools. That excludes the other centres outside primary schools. Each of the 18,000 primary schools in this country has

an ECD centre. In addition to that there are thousands others. In essence, we have over 30,000 ECD centres in this country and each of them has one teacher. How would we share this money? It is too little to share among those schools. So, we will give it to the centres as support funds to assist in the development of infrastructure. That is what we can do but employing the teachers with that amount of money is a dream.

Mr. Deputy Speaker: Mr. Wamalwa, could you ask the last supplementary question on the same?

Mr. Wamalwa: Mr. Deputy Speaker, Sir, there has been talk of the Kshs22 billion in the Economic Stimulus Package. Could the Ministry consider getting part of the Kshs1.6 billion from that package?

Prof. Olweny: Mr. Deputy Speaker, Sir, with Government funds, you do not use it on anything else if it was not in the original Budget approved by Parliament. What we have in the Economic Stimulus Package is what will be done with that money as indicated in the items in the Budget. So, we cannot deviate from that.

Mr. Deputy Speaker: Let us move on to the Question by Mr. Lekuton!

Question No.020

LONG-TERM POLICY ON LESS
FORTUNATE MEMBERS OF SOCIETY

Mr. Lekuton asked the Minister for Gender, Children and Social Development:-

(a) what the Government is currently doing to encourage businesses and individuals to support the less fortunate members of the society; and,

(b) what the long-term policies are to encourage businesses and individuals to increase contributions to charity.

Mr. Deputy Speaker: Is there anyone from the Ministry of Gender, Children and Social Development? That Question is deferred to tomorrow afternoon.

Mr. Lekuton: On a point of order, Mr. Deputy Speaker, Sir. I think this Question should be re-directed to the Office of the Deputy Prime Minister and Ministry of Finance.

Mr. Deputy Speaker: The Chair is not sure whether that is the way forward. The Office of the Deputy Prime Minister and Ministry of Finance holds the pulse but we the implementation. This Ministry does not engage with the masses. It allocates funds to different Ministries. So, in terms of the social responsibility, the Chair is satisfied that this Question is in the right Ministry.

Fair enough!

(Question deferred)

Let us move on to the next Question by Mr. Abdirahman!

Mr. Abdirahman: Mr. Deputy Speaker, Sir, I rise once again to ask Question No.221 on the Order Paper.

Question No.221

DELAYED PAYMENT OF DUES/ARREARS
TO ABDI ABDULLAHI GERIOW

Mr. Abdirahman asked the Minister for Forestry and Wildlife:-

(a) why Abdi Abdullahi Geriow (P/No. 91020556), who was stationed at Wajir District Forest Office, was removed from the payroll in June 1996;

(b) why it has taken so long to pay him his dues even after an order was made for the release of salary vide PCA number 320/5/97; and,

(c) when his dues and arrears will be paid?

Mr. Deputy Speaker: Order, Mr. Abdirahman! You keep on shifting from one end of the House to the other.

Mr. Abdirahman: Mr. Speaker, Sir, I have come to consult some colleagues.

Mr. Deputy Speaker: Fair enough! Is there anyone from the Ministry of Forestry and Wildlife?

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Deputy Speaker, Sir, I believe that most of the Ministers are having lunch with the visiting Brazilian President. It is very difficult for them to leave where they are seated to come and answer Questions. In fact, I had to crawl in order to come to this House. Could the Ministers be excused and the Question deferred to the following day?

Mr. Abdirahman: On a point of order, Mr. Deputy Speaker, Sir. I do differ with the Minister for Public Health and Sanitation because the Ministry of Forestry and Wildlife is notorious for not answering our Questions. My Question was deferred last time for two weeks because of the Ministry's ineptitude to answer it effectively.

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. You can see that it is about 4.00 p.m. and we are talking about lunch. I do not know whether the lunch extends to this time.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. It is a clear case of the Minister not participating a lot in the House. The Speaker has made many rulings to the effect that the business of the Executive should not affect this House in any way. Is the Minister in Order to come and tell us that the Cabinet is having dinner with a certain visiting Head of State so they cannot answer Questions here?

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Deputy Speaker, Sir, I participate in this House very often and I know the rulings of the Speaker. But it will be impolite for the whole Front Bench to leave two presidents and a visiting president in the dining room. I think that should be understood.

(Mr. Ethuro stood up in his place)

Mr. Deputy Speaker: What is your point of order, hon. Ethuro?

Mr. Ethuro: I wanted to inform the Minister that she is misleading the House because only last week, the Chair read a letter from the same Ministry stating that the Minister was in a Cabinet meeting when the rest of the Cabinet was already here. So, how do we know they are actually having late lunch? Is it not the same story like last week? The Chair needs to protect the rest of Kenyans to receive adequate answers from the Government and action must be taken on such Ministers.

Mr. Deputy Speaker: Yes, hon. C. Kilonzo!

(Mrs. Mugo stood up in her place)

Mr. Deputy Speaker: Order, hon. Minister! You do not have the Floor!

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I wish to refer you to Standing Order 46. Standing Order 46 is very clear. It reads as follows: "It shall be disorderly conduct for a Member to fail to ask or for a Minister to fail to answer a Question listed on the Order Paper without the leave of the Chair." So, even if they were dining, there should have been a letter to your desk saying the Minister was dining with a particular Head of State. We are talking about courtesy to the House and to the Chair which this Government does not have; so does the Minister herself who is representing the Government.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. I remember the Assistant Minister in this Ministry sometime back was very regular in answering Questions. Could the Minister who has volunteered to help the Ministry confirm to us whether the rumour doing round that this Assistant Ministers has difficulties in answering Questions because he feels there is no proper delegation? Is that true? The Assistant Minister has been very good in answering Questions.

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. I thought when the Heads of State are visiting, it is something that is known prior, in fact, a week to the schedule. So, I am a bit confused whether this Head of State just gate crushed or at least, there was prior information and the Chair would have been privy to that discussion even before it.

Mr. Shakeel: Mr. Deputy Speaker, Sir, I was at the same luncheon, and it was at 2.45 p.m., and I was here to ask my Question. I cannot understand why the Ministers could not also be here.

The Assistant Minister for Education (Prof. Olweny): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member for Gwasi has talked of a rumour circulating but does he count on the same rumours?

Mr. Deputy Speaker: Order! Order! Hon. Members, to begin with, this is a democratic and sovereign State that has got separation of powers. It is also our practice that the Members of the Cabinet are also Members of Parliament. But, indeed, every Minister has at least one Assistant Minister. The responsibility of the Government is, first and foremost, to its own people, the masters of this country through the legislature. So there is absolutely no reason why a Minister cannot be here to answer a Question. Under Standing Orders, I am sure the President who is visiting us today has got his Parliament back at home functioning and Ministers are answering Questions.

The Standing Order No.46 is very explicit. It states that it is disorderly conduct for a Member to fail to ask or for a Minister to fail to answer a question listed on the Order Paper without the leave of the Speaker. The Chair is not in possession of any Minister who sought leave today from answering a question on the Floor of the House, because he or she is attending a luncheon or dinner or whatever it is with the visiting Head of State. Under the circumstances, the Chair takes very serious note of this. I am sure that Parliament is also outraged. It is time Members of Parliament used their own authority as provided for in the Standing Orders. The Chair can only say one thing; that, that Minister is not going to transact any business on the floor of the House until he is able to satisfy the House. Indeed, it is time hon. Members exercised their own powers

under the Standing Orders to seek sanctions that punish this kind of behavior. So, hon. Members, there is absolutely no reason for Ministers not to come and answer Questions on the Floor of the House.

The Chair is quite often in a sticky situation because the Chair wonders whether the Ministers actually are happy when the Chair sanctions them and bars them from transacting any business on the Floor of the House pending their own explanation. Nonetheless, the Chair directs that this Question also be put on the Order Paper tomorrow afternoon. The Chair is hopeful that the Minister will have a very good reason for not being here today to answer this Question, failure to which the Chair will take further sanctions.

(Dr. Nuh stood up in his place)

Mr. Deputy Speaker: What is your point of order? It cannot be on the same because the Chair has already given a direction on that.

Dr. Nuh: Mr. Deputy Speaker, Sir, on a point of order. It seems this issue of Ministers absenting themselves during Question Time has been recurring. I would attribute that partly maybe, because the Ministers do not understand the Standing Orders. Would I be in order to suggest that the Attorney General, who is the chief legal advisor of the Government, should take the Ministers for a weekend off for an induction workshop on the Standing Orders so that we are not caught up in this melee again?

Mr. Deputy Speaker: The Attorney-General, who is the chief legal advisor to the Government and presumably also the advisor on the Standing Orders, has heard your advice on the same.

(Question deferred)

Question No. 250

FAILURE TO ABSORB GIDEON KULA AS
PERMANENT EMPLOYEE OF TELKOM- KENYA

Mr. C. Kilonzo asked the Minister for Labour:

- (a) why Mr. Gideon Kula, the Club Manager at Telkom-Kenya owned Ngong Road Sports Club, has been treated as a casual worker for 17 years without being absorbed as a permanent employee; and,
- (b) what action he is taking against such Government corporations as the KPTC (now Telkom Kenya Ltd.) which flout labour laws and also ensure that Mr. Kula is confirmed and paid proper remuneration for the period he has worked.

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Mr. Deputy Speaker, Sir, I beg to reply on behalf of the Minister for Labour who missed his flight back to town and the Assistant Minister was unable to attend.

- (a) Mr. Gideon Katila Kula has never been an employee of Telkom-Kenya Limited at any one time. Prior to the split of the Kenya Posts and Telecommunications Corporation into three; namely the Communications Commission of Kenya (CCK), Postal Services Corporation and Telkom-Kenya Limited, the employees had formed---

(Loud Consultations)

Mr. Deputy Speaker: Order hon. Members! Order! Proceed, Madam Assistant Minister!

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): (a) The employees had formed a welfare and sports association to cater for their interests. They operated a club at Kenstel which after the split was relocated to Telkom Exchange, Ngong Road, which is the property of Telkom Kenya Limited. From the information provided by Telkom-Kenya Limited, the welfare and sports association was running its affairs independent of the corporation, KPTC, and had its own employees. However, the Telkom Kenya Limited provided the Association with the premises to operate their business. Mr. Gideon Kula was one of the employees of the welfare and sports association. This club is exclusively run by a committee of officials elected by members of staff. Given that there have been several retrenchments, it is difficult to know the present officials. Efforts are being made now to identify the bonafide officials of the Welfare and Sports Association to address the matter accordingly.

(b) In the light of this, the Minister intends not to take action against Telkom Kenya. However, the Minister has directed the Labour Commissioner to investigate the matter and take appropriate action against the bonafide employer as provided in the labour laws.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, when the privatization took effect, the former Kenya Post and Telecommunication Corporation (KPTC)---

(Loud consultations)

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): On a point of order, Mr. Deputy Speaker, Sir. There is so much noise I cannot hear the question.

Mr. Deputy Speaker: Order, hon. Members! Order! Order, hon. Members! You will have to consult in very low tones, so that other hon. Members can also hear the debate which is on the Floor of the House.

Proceed, hon. C. Kilonzo!

Mr. C. Kilonzo: Thank you, Mr. Deputy Speaker, Sir. When the former KPTC was dissolved, it was split into the Communications Commission of Kenya (CCK), the Postal Corporation of Kenya (PCK) and Telkom Kenya Limited (TKL). The Assistant Minister says that this welfare which was running the sports club, so she claims, was not part of the KPTC. I wish to table enough data here, one by one, for the benefit of the Assistant Minister.

Mr. Deputy Speaker, Sir, there is an internal memorandum from the then KPTC which instructed the then club manager to employ the current manager. Further, as evidence that this was an employee of the KPTC, I wish to table an attendance list here. I also wish to table a letter from Telkom Kenya addressed to the manager, Telkom Sports Club, whose ownership and management she is denying, to the attention of Mr. Kula, giving him instructions on what to do with bills, which I will table. I wish to table another letter here by G. AKula, who is the club manager, addressed to the property manager,

Telkom Kenya, which is stamped and received by Telkom Kenya on 26th regarding issues of electricity. I also wish to table another letter here showing that Telkom, indeed, runs this place. This letter is written by a certain Theuri, who was a property manager, asking the caretaker to allow the Kenya College of Communication and Technology (KCCT) to go ahead and cut grass, and will table it. I further wish to table another letter as a proof that this institution is run by Telkom Kenya. This letter is from Kenya College of Communication and Technology talking about use. This letter refers to the club manager, who had asked that they get in touch with the boss; I also wish to table it. I also wish to table two other letters. This letter was from none other than the Vice-President, who was then the Minister for Foreign Affairs, addressed to the Managing Director, Telkom Kenya, regarding the permanent status of this employee; I also table it. The second letter is also from the Vice-President, who was then the Minister for Education, on the same issue and was addressed to the MD, Telkom Kenya. There are very many letters which I am tabling here by Akula himself, writing to Telkom Kenya over the years regarding his status as an employee.

(Mr. C. Kilonzo laid the documents on the Table)

Mr. Deputy Speaker, Sir, on top of that, as a proof that this institution is run and owned by Telkom Kenya, I will table bills of electricity and water. My question is why the Assistant Minister is misleading this House. This facility is owned by Telkom Kenya; it has been run by Telkom Kenya and it is only that Telkom Kenya does not want to take over some of the former employees of KTTC.

Mrs. Kilimo: Mr. Deputy Speaker, Sir, according to the question that the hon. Member has raised, it is about Mr. Akula having worked for 17 years. I wish that he could also table the reply from the workers collective bargaining agreement that the company had reached. However, considering all the papers that he has tabled, I ask this House to give me the opportunity to peruse them, so that we can give a better answer later.

Mr. Deputy Speaker: How much more time do you need, Mrs. Kilimo?

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): I need up to Thursday, Mr. Deputy Speaker, Sir, so that I can look through them tomorrow.

Mr. Deputy Speaker: Will that be sufficient?

Mrs. Kilimo: Yes, Mr. Deputy Speaker, Sir. I can look at the documents before we go for recess.

Mr. Deputy Speaker: That is fair enough. The Chair directs that the Question appears on the Order Paper on Thursday afternoon!

Question No. 249 by hon. Ethuro!

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Order! Order, hon. Members! Hon. Members, we are in the midst of debate; we cannot turn this thing into something else other than a legislative House, and a dignified House! Can you hear what the hon.

Members are saying? If you have to consult, consult in very low tones! For God's sake, let the hon. Member and the Assistant Minister be heard!

Proceed, hon. Ethuro!

Mr. Ethuro: Thank you, Mr. Deputy Speaker, Sir, particularly for making the Attorney-General give his attention to me!

Question No. 249

DETAILS OF ALLOCATIONS/DISBURSEMENTS
OF FUNDS UNDER ALRMP

Mr. Ethuro asked the Minister for Development of Northern Kenya and other Arid Lands –

(a) to provide details of the allocations and disbursements to all the constituencies/districts under the mandate of the Arid Lands Resource Management Programme (ALRMP) since inception to date, giving percentages vis-a-vis total allocations;

(b) what criteria the Government uses to define land as Arid Land and what constitutes Northern Kenya; and,

(c) whether he could state the specific projects undertaken in the larger Turkana Region, indicating amount per project, project location and completion dates per financial year of project existence and also state the criteria for the allocations?

Mr. Deputy Speaker: Is the Minister not here? Fair enough, the Chair directs that the Minister is not going to transact any business here pending a satisfactory explanation to the Chair. In the meantime, the Question itself is deferred to Thursday afternoon, this week.

Ms. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I agree with your ruling, but I have another Question for the same Minister tomorrow morning. So, he might use that to his advantage and make a complete withdrawal from Parliament. I would humbly request you to compel the Minister to come tomorrow with an appropriate apology and also to answer both Questions.

Mr. Deputy Speaker: That is fair enough; it is so directed!
Next Order!

STATEMENTS

The Assistant Minister, Ministry of State for Defence (Mr. Musila): On a point of order, Mr. Deputy Speaker, Sir. I stand here on a point of order to seek your guidance on the matter of hon. Retired Justice Akiwumi's Report, which was debated in this House through a Motion and passed unanimously on Wednesday, 30th June, 2010. As a matter of record, I was not in the House when the vote on this matter was taken. This notwithstanding, as an hon. Member of this House, and in accordance with traditions and practices, I am part and parcel of that decision.

Mr. Deputy Speaker, Sir, it has now become a practice for hon. Members to avoid debates on Motions and even Bills in this House and go out there to funerals and other public forums to express their views outside the House. In the case of the Motion on

Akiwumi Report, under normal practice, the Deputy Prime Minister and Minister for Finance and the Minister for Co-operative Development and Marketing, both of whom are very good friends of mine, ought to have come to the House and given their views on the matter on the Floor of the House.

On Saturday, I watched in utter disbelief as an hon. Member of this House---

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

Mr. Deputy Speaker: Order! Mr. Shakeel Shabir, the Assistant Minister is on a point of order!

Please, proceed!

The Assistant Minister, Ministry of State for Defence (Mr. Musila): I am on a point of order.

On Saturday, I watched in utter disbelief as an hon. Member of this House told a huge public “NO” rally at Machakos that the decision to adopt the Akiwumi Report was intended to bribe Members to change from “NO” to “YES” in the forthcoming referendum. In a nutshell, the dignity of this House has in the past and through the ongoing debate, been seriously dented. It is for this reason that I seek your guidance on these matters in order to save the dignity of this House.

(Mr. Mbadi stood up in his place)

Mr. Deputy Speaker: The Assistant Minister was on a point of order. Do you want to second that?

Mr. Mbadi: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Please, proceed!

Mr. Mbadi: Mr. Deputy Speaker, Sir, the point of order that has been raised by the hon. Member is of crucial importance to this House. I say this because the Akiwumi Report was presented before this House by the Parliamentary Service Commission (PSC), which Commission you chair. If an hon. Member of this House who was supposed to debate the Report in this House goes out there and says that the Government is using the same Report to bribe hon. Members of the House, in effect he is saying the Executive is using the PSC, which you chair, to bribe Members of Parliament.

Mr. Deputy Speaker, Sir, I think the integrity of the Chair or the Speaker of the Kenya National Assembly is at stake. I think it is high time that the Chair reigned on the populist statements coming from some of our colleagues who are supposed to debate in this House. However, when Motions are brought before this House, they are perpetually absent. Some of us remain behind to debate these Motions. When we finish, they go out there to use them in political rallies.

I want to add another incident; two weeks ago, we passed another Motion which was moved by Mr. Mututho. An hon. Member of this House and a senior Member actually, went to a public rally and castigated the Members of this House for legalizing *chang'aa*. I think it is high time that the dignity of this House is restored. As it turns out now, I believe this House is under attack.

The Assistant Minister, Ministry of State for Defence (Gen. Nkaisserry): Mr. Deputy Speaker, Sir, I also stand to support the point of order raised by Mr. Musila. This august House is unnecessarily under attack. The House debated a Report. The Members of Parliament were not giving themselves a pay rise. From what transpired outside this

House, it would be prudent for the Speaker to take appropriate action. In fact, because these things are on record, the hon. Members who have been giving this House a bad name for populist sake should be named.

Mr. Konchela: Mr. Deputy Speaker, Sir, I also stand to support the point of order raised by Mr. Musila. If you watch what is going on at the moment, we have been able to curb the issue of hate speech. I think this House should stop the issue of Members of this House peddling lies. It is what is degrading this House.

The other day, knowing that there was a Question before the House about the poor farmers in Kenya, the Deputy Prime Minister and Minister for Finance said he was not going to review the issue that was before the House. Could I ask that the Minister be named for talking about what he knew was on the Floor of the House, outside the House? He displayed a lot of arrogance in the process and this is what is going to cause problems in this country.

Mr. Shakeel: Mr. Deputy Speaker, Sir, in reference to what the Assistant Minister has raised, I would like to state that it was not unanimous. There were one or two people who said "Nay". However, that is not important. What is important is that this morning, *Kiss F.M.* radio station insulted our Speaker and called him a fool, as a result of this particular Motion.

I would like to bring the attention of this House to the fact that this morning, Caroline Mutoko called our Speaker a fool. What action is this House going to take?

Mr. Deputy Speaker: Hon. Members, the Chair indeed takes note of those strong sentiments that Mr. Musila and the Members who rose on points of order indicated. The Chair is going to give communication on the same on Thursday afternoon.

(Applause)

Yes, Mr. Langat!

INTENDED PRIVATIZATION OF CONSOLIDATED
BANK OF KENYA LTD.

Mr. Langat: Mr. Deputy Speaker, Sir, I rise on a point of order to seek for a Ministerial Statement from the Deputy Prime Minister and Minister for Finance, regarding the intended privatization of the Consolidated Bank of Kenya Limited. In particular, the Minister should address the following issues:

- (a) Why and how was the Consolidated Bank of Kenya Limited established?
- (b) Provide the details of the bank's outset performance in terms of loans, deposits and profits in the last three years; 2009, 2008 and 2007.
- (c) Given the bank's current performance, the Minister should explain the rationale for privatizing the bank at this time.
- (d) The Minister should tell us who have been appointed as professional advisors on this transaction and at what cost to the bank.
- (e) State which method of divestiture the bank or the Government are considering and in particular, whether Kenyans including the staff of Consolidated Bank will be accorded the opportunity through an Initial Public Offer (IPO).

Thank you.

Mr. Deputy Speaker: Mr. Ethuro!

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

Mr. Deputy Speaker: What is your point of order?

Mr. Langat: Mr. Deputy Speaker, Sir, I thought---

The Assistant Minister, Office of the Deputy Prime Minister and Ministry for Finance (Dr. Oburu): Mr. Deputy Speaker, Sir, we have taken note of that and we are going to issue a Statement next week on Wednesday.

Mr. Deputy Speaker: Are you happy with that Mr. Langat?

Mr. Langat: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: It is so ordered!

NUMBER OF PERSONNEL EMPLOYED BY UNICEF PROGRAMME IN LARGER TURKANA

Mr. Ethuro: Mr. Deputy Speaker, Sir, I also rise to seek two Ministerial Statements. The first one is to the Minister for Public Health and Sanitation. I would like the Minister to state how many personnel - by name and cadre - were employed under the UNICEF Programme in the larger Turkana District. How come they have not been paid since June last year and what is going to be the effect? I would also like the Minister to consider how many of those personnel in other constituencies that have been paid? We need a comparison! Finally, how many other medical personnel in other similar programmes like Melinda and Bill Gates Foundation, the Clinton Foundation and the one supported by UNICEF have been absorbed by the Government? That was part of the memorandum of understanding between the Government and those other providers.

STATE OF INSECURITY IN THE LARGER TURKANA

Mr. Deputy Speaker, Sir, the second question is on the state of insecurity in the larger Turkana District. Only yesterday, a chief and his wife were abducted by people in Lomelo Division and the fate of the chief is not known. Last week, one Kenya Police Reservist (KPR) was killed in Kotaruk. Two weeks earlier, two KPRs were injured by attackers. I would like the Minister to state who are those attackers? How many people were killed and injured? What was the response by the State in terms of deployment of the police and how many animals were lost or recovered? I would like the Minister of State for Provincial Administration and Internal Security also to confirm to this House why the military that was deployed to those areas for purposes of security and disarmament are stationed in urban centres instead of deploying them to areas that those attacks have been taking place. When will he deploy them to the areas that we have already suggested as the local leadership?

Finally, in his own assessment and judgment, whether he thinks that the disarmament as being conducted, has any merit and value in order to protect our people.

Thank you!

The Minister for Public Health and Sanitation (Mrs. Mugo): *(Inaudible)*

Mr. Deputy Speaker: Fair enough! Could you also make an undertaking on behalf of the other Minister? For the purpose of the HANSARD, if you do not put on the

microphone, they will not hear you. So can you repeat your answer when the microphone is on?

The Minister for Public Health and Sanitation (Mrs. Mugo): Yes, Mr. Deputy Speaker, Sir. I will bring the Statement on Thursday. I also undertake to inform the Minister of State for Provincial Administration and Internal Security.

Mr. Deputy Speaker: Fair enough! Next Order!

BILLS

THE COUNTER-TRAFFICKING IN PERSONS BILL

COMMITTEE OF THE WHOLE HOUSE

Mr. Deputy Speaker: Hon. Members, this Order is deferred to tomorrow afternoon because the Ministry and Members have some amendments and they need to be finalized and taken to our Legal Department. So, the Order is deferred to tomorrow afternoon!

(The Committee Stage of the Bill deferred)

BILL

Second Reading

THE MALARIA PREVENTION BILL

(By Mr. Kaino on 30.6.2010)

(Resumption of Debate interrupted on Thursday, 1.7.2010)

Mr. Deputy Speaker: Who was on the Floor? Mr. Konchella, you were on the Floor. Can you proceed and conclude your contribution?

Mr. Konchella: Mr. Deputy Speaker, Sir, I was told that I have about 30 minutes. So, I am not concluding. I am going to start now!

Mr. Deputy Speaker: Proceed!

Mr. Konchella: Mr. Deputy Speaker, Sir, the Bill by Mr. Kaino has adopted 100 per cent of the current Malaria Control Act. He is seeking to repeal a Bill from which he has borrowed 100 per cent. So, as we look at the whole issue, we need to realize that there is much more that we need to understand. We would like the hon. Member to also understand so that he knows what he is doing. Indeed, other than for the establishment of the institute and the headquarters being at a rock in Kerio Valley, there is nothing else new. The Malaria Control Act is one among several Acts of Parliament - 22 of them - which are within the ambit of the Minister for Public Health and Sanitation who is here. I am glad she can listen. Malaria is being handled by a number of institutions. They include KEMRI, which is the leading research institution in the whole world, Ministry of Public Health and Sanitation, local NGOs, University of Nairobi and even Kenyatta

University. So, already, there is very wide management research within the Government set up and institutions in the issue of malaria, including NGOs.

The Ministry of Public Health and Sanitation--- I am not speaking on behalf of the Minister. I am only looking at the statistics and having been there before. I can also contribute because I know a bit of what we did during my time in the Ministry. I am told that the vision of the Ministry is to eradicate malaria by 2017 through a number of areas like the universal access to treated mosquito nets. I am told that the Ministry is able, in the short term, to give almost every household, particularly in the endemic and epidemic areas, a mosquito net and of course, the indoor spraying which is ongoing using synthetic pyrethroids. I am also told that the pyrethroids have been enhanced from an efficacy which lasts for six to nine months. So, it is even becoming much more effective. I believe that is why the Ministry is trying to bring the issue of eradication by 2017.

Mr. Deputy Speaker, Sir, indoor spraying in epidemic areas of Nyanza and the Coast is very crucial because those are the areas with high infant and maternal death rates which the Bill seeks to address. That is Coast Province, Lake Victoria and western Kenya. Indeed, there are other control measures which have been used by other countries to reduce that epidemic. In Tanzania, Uganda and South Africa, for example, they are using DDT for indoor spraying. I know there are a lot of issues from the European region where we export a lot of goods. We are basically an exporting country in terms of flowers, fruits and vegetables.

As a Government and a people, we must decide whether the lives of people are important or other factors are. Of course, we need the money. We need to export our goods and services, so that we can get money to grow the economy and fight malaria.

Mr. Temporary Deputy Speaker, Sir, we are, therefore, saying that the Ministry of Public Health and Sanitation should consider a multiplication of treatments or actions that include the use of pyrethrum. I remember in the Ministry of Public Health and Sanitation we encouraged the development of pyrethrum-based insecticides and research was being done along Lake Victoria by the University of Nairobi. I do not know how far that has gone, but we found it was safe because it is a commodity whose raw materials are readily available in the country. We can even develop our research institutions. The pyrethrin works with a potency of about six months. It, therefore, needs to be enhanced by adding to it acaricides if we are to attain our goal.

Mr. Temporary Deputy Speaker, Sir, looking at the World Health Organisation I think one of the biggest problems in the use of DDT and some of these products is the issue of disposal of cans, for example the ones they use for spraying. I think this is where the worry is, that they will be thrown away the way Kenyans tend to throw away empty bottles of water on the roadside. These end up as a lot of litter and the likelihood of residual chemicals draining down to the water sources and our plants.

Here the National Environment Management Authority (NEMA) must play a key role; we must allow NEMA to design and develop guidelines on the disposal of these chemicals, so that we are able to use some of these things for the sake of our people. You will shortly see that if we are able to dispose of these things, so that they do not affect our environment, we will then be able to use things like DDT to address the issue at hand. We are not saying that DDT is the panacea for this problem, no; it is just one of those chemicals that can be used to address the problem; it can be used together with pyrethroid and synthetic-based products.

Mr. Temporary Deputy Speaker, Sir, child mortality in this country has reduced by almost 40 percent over the years. We believe a further enhancement by the Ministry is likely to help. When you look at the statistics of deaths due to Malaria, you realize that we are not doing much. When you look at the death rate of children under five years of age due to Malaria is at 20 per cent. Women in their first pregnancy suffer a high rate in terms of abortion and other illness. In order for this economy to grow and the people to benefit out of these programmes, something much more needs to be done.

Mr. Temporary Deputy Speaker, Sir, I know the mortality rate of pregnant women has been given by the Ministry of Public Health and Sanitation as being at 488 per 1,000. In other words, we are losing 488 women per year due to malaria. No country in the world should allow its people to die yet you are able to do something about it. This is why we need a multiplicity of actions to be taken for us to be able to save the lives of our people.

We also know that as a result of this, particularly for young mothers in the endemic areas of Coast and Nyanza Provinces, when children are born you will find that they have low birth weight; doctors who are here will agree with me that unless a child is born with the minimum of 2.5 kilogrammes, its chances of survival are very low. Eradication of malaria therefore, will increase our GDP. Statistics within the Ministry show that we can actually increase our GDP by up to six percent.

When you look at the problem at the Coast, the level of absenteeism by school children because of malaria is almost 50 percent. This means that 50 percent of children in Nyanza and in particular in Coast Province are not able to go to school to pass and get good grades so as to join universities. Therefore, help the people there to avoid the disease.

So, we are actually consigning a large portion of the population of Kenya to perpetual poverty, sickness and deformity by not eradicating malaria. When you look at the cost of treatment of malaria per household, we are talking about an expenditure of Kshs1,600 per year per household on malaria regardless of whether the family is able to afford it or not, or whether they are working or not. This is why they have to go all the time to their hon. Members every time and tell them: "I have a medical bill, can you help?". We can stop this impoverishment of the people by actually eradicating malaria.

When you look at the loss of man hours in those endemic areas and the epidemic areas of Coast and Nyanza, you will realize that 17 million man hours, which translates into a six percent GDP growth loss, are actually lost because of malaria. So, one of the issues that we have to address is how we can help the people affected to be economically useful.

Mr. Temporary Deputy Speaker, Sir, I have done some work to find out whether the Ministry was going forward; I was made to understand that a number of policies are already in place to address this matter. These are: the National Malaria Policy, the document which is here, the Malaria Performance Review Programme, 2009, which addresses the spread of malaria and its effects on the people. There is also the Strategic Plan of the Ministry. These will be discussed better by the Minister because they are there in the Ministry and they know more about them.

I am just highlighting this because I find that we have to convince the hon. Member to allow the Ministry of Public Health and Sanitation to take over this Bill because---

Mrs. Odhiambo-Mabona: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for us to be debating this Bill when the Minister for Public Health and Sanitation is not in the House?

The Temporary Deputy Speaker (Mr. Ethuro): I agree with you, but the Assistant Minister is here and I am sure he can represent the Minister.

Mr. Konchella: Mr. Deputy Speaker, Sir, I talked about the documents including the Malaria Policy which maybe the Minister will address in the course of time; I realize they already have a formula by which they want to address the whole issue.

In conclusion, I would like to ask the Mover of this Motion to seriously consider--
- The Kenya Medical Research Institute (KEMRI) is the biggest research institution into malaria globally. Everybody comes here. I would ask KEMRI to put up a research centre in Kerio Valley and Narok. This is what I would like the hon. Member and the Minister to do. Let us have a research station by KEMRI at Kerio Valley to address the concern of the hon. Member. We should convince him to allow the Minister to take over this Bill. With 22 Acts of Parliament which date back to the colonial days, it is high time the Ministry consolidates all these documents into one Bill, which will address all these issues, including the concerns in this Bill, which the hon. Member has put forward.

I would also like the Ministry to do further co-ordination in the management and control of malaria. While local authorities are able to manage the spread of mosquitoes and spraying of stagnant water to kill the larvae, I think the Ministry needs to co-ordinate and lead the process. I think to create another institution when we have so many institutions will be unnecessary. This is a good Bill. However, I think the Ministry should, therefore, lead the way by consolidating the Act and bringing on board what the hon. Member has said.

Mr. Shakeel: Mr. Temporary Deputy Speaker, Sir, I want to thank the hon. Member for bringing the issue of malaria back on the national agenda.

Mr. Temporary Deputy Speaker, Sir, since the colonial times, malaria has been treated as a poor man's disease. At this moment, malaria is highly prevalent in the slum areas, especially in my constituency and Nyanza Province as a whole. Malaria has never been treated seriously, except when it affected the colonialists in the colonial times and when it affects the rich in this country. I am afraid that the efforts that have been taking place have not yet benefited this country.

Mr. Temporary Deputy Speaker, Sir, distribution of cheap mosquitoes nets are good policy statements, but on the ground, we have very few. I can speak for my constituency. They only come with 100 to 200 nets to give them out at Kshs50 each and then the rest are sold at Kshs1,000.

As hon. Konchella has said, the issue of malaria needs to be sorted out by the Ministry. The Ministry has given the job of malaria control and prevention to the local authorities. They have been given very expensive fogging machines. I can speak about Kisumu because I was a former Mayor of Kisumu. Currently, Kisumu City Hall has a very expensive fogging machine which is not being used. Why is it not being used? Because there is no petrol and insecticide. I beg the Minister to take back those fogging machines and give them to public health officers who can deal with these issues. Many public officers have been frustrated in this country. I think it is time the Ministry took control of malaria seriously.

I also urge the Minister for Public Health and Sanitation to bring to this House a proposal that we re-introduce DDT in Kenya. DDT was condemned by the World Health Organisation (WHO). I have documentation from the same WHO and I am sure the Minister has the same, saying that “maybe, we overdid it on DDT”. DDT was the most effective way of preventing malaria. In our younger days, we used to see many people with sprayers on their back once a month spraying the DDT. The only time that we see fogging machines in Kisumu is when the President is coming to Kisumu. It is as if other people from our community do not suffer from malaria.

As hon. Konchella has said, the number of people dying from malaria is very high. In fact, apart from HIV/AIDS scourge, malaria is one of the largest killers in this country. The number of people who die from malaria is higher than those who die from HIV/AIDS scourge, yet we are not serious.

The other issue is cheap anti-malarial medicine. Anti-malaria medicine has been taken away by the multinationals who came up various brands of anti-malarial drugs that are expensive. Can we have anti-malaria drugs issued free as is the case with antiretroviral drugs? Malaria is the largest killer disease in Kenya. We need the Minister to look into this issue.

Another issue is drugs resistance to malaria. What is happening is that these multi-nationals are coming up with different strains of drugs. Anopheles mosquito is getting used to these drugs and malaria becomes resistance. The drug companies are making a killing. Our people are dying because these drugs are not effective. These companies are minting a lot of money from our people. KEMRI and other NGOs such as Centres for Disease Control (CDC) and Walter Reed United States Army Project have major infrastructure in Kisumu and its environs. It is one of the largest institutions that deal with malaria in the world. Therefore, I do not understand why the hon. Member wants such an institute to be established in Kerio Valley. As hon. Konchella said, perhaps, KEMRI and CDC should put up smaller units there, to deal with those issues.

The other issue is about the vaccine. We are close to having a malaria vaccine. I am urging the Ministry together with KEMRI and CDC to ensure that we get the malarial medicine. We have a number of areas that deal with malaria such as the National Malarial Policy, the Health Strategy document and a number of others. With due respect to my brother hon. Kaino, I really feel that another institute is just another administrative hurdle and block. What we need to do is to ensure that malaria becomes an issue of national importance. It is my concern that the Ministry in charge of local authorities is not doing a lot on malaria prevention. The Minister must take back health clinics from the Ministry, so that we can have effective malarial treatment.

Mr. Temporary Deputy Speaker Sir, finally, the issue of mosquito nets. I was astounded to hear that there was a proposal to put up a mosquito net factory in this country, but because of the tax implications, the mosquito net factory went to Tanzania. What can we do to make sure that we have a mosquito net factory in Kenya?

Could the Ministry get together with the Office of the Deputy Prime Minister and Ministry of Finance and others? I am aware that there are a number of people especially from the Far East and the Middle East who are willing to put up a mosquito net factory in this country. We want the Ministry to be more proactive rather than reactive.

Thank you very much, Mr. Temporary Deputy Speaker, Sir.

Mrs. Odhiambo-Mabona: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I want to agree with Mr. Shakeel that the hon. Member has done a good thing by bringing the issue of malaria to the national radar. This is because malaria is a killer disease. In this country it, probably, contributes to the highest incidents of death in the country.

According to a research that was done by UNICEF, 279 children under five years old die in Kenya every day. A third of these children are from Nyanza Province. One in 13 children born alive die before their fifth birthday. In Nyanza, one in seven children born alive die before their fifth birthday. This translates to a child dying every 90 minutes in Nyanza Province. If you look at child mortality rate, you will find that Nyanza Province is the highest followed by Western and Rift Valley provinces. If you look at the statistics for the provinces, you will realise that Nyanza accounts for 33.3 per cent of the child mortality rate in the country. Western Province accounts for 24 per cent while Rift Valley Province accounts for 20.5 per cent. One of the leading causes of these cases of child mortality is malaria.

I come from Suba which has the highest incident of child mortality rate in the country. Malaria has been noted as the leading cause of child mortality in that constituency. According to a research that was done, malaria contributes to between 42 per cent and 48 per cent of all the cases that were presented to the hospitals. The highest incidence of child mortality is in July. This means that it has got something to do with the weather. That is why I noted that the Bill is very narrow in terms of the issues that it seeks to address in relation to malaria. This is because it takes an approach that looks at stagnant water and does not look at other contributing facts for malaria. Even if you look at the most common methods of prevention that were being used in areas like Suba, for example, the use of mosquito nets, pyrethrum-based coils, insecticidal sprays and smoke from plants, you will find that they are traditionally associated with mosquito repellants.

Mr. Temporary Deputy Speaker, Sir, malaria does not only affect children. It also affects women. If you look at our maternal mortality rates in the country--- According to a research done by UNICEF, in Kenya, we have 488 deaths per 100,000 live births and 18 women die every day during child birth. Many of these women die because of pregnancy-related complications. If you compare Kenya to a country like the United Kingdom (UK), for instance, you will find that the women who die as a result of pregnancy-related complications, in Kenya, it is one in every 20 births as opposed to the UK which is one in every 8,200 births. Again, one of the leading causes of these deaths other than the complications is malaria. That is why I agree with the hon. Member that we must do something urgently to deal with the issue of malaria. I wish we could also do something in relation to complications as a consequence of pregnancy. That is why I still support the proposed Constitution that protects life and does not take it away.

If you look at this Bill, you will note that a lot more needs to be done. I encourage the hon. Member to look at the issues that the hon. Members have raised in terms of the causes and preventive methods of malaria. He will then either present a more comprehensive Bill or an amendment to the existing Malaria Act. Otherwise, I think this is a very noble initiative that should be supported. However, whether this Bill passes in the present form or in an amended form or through a presentation of a different and more comprehensive Bill, some of the things that we need to look at are in relation to Article 5. The Board of the Institute must have a gender balance and must show the face of Kenya.

People have addressed themselves to the issue of why it should be in Kerio Valley. If you look at the national prevalence rate, Nyanza leads followed by Western, Coast and I think Rift Valley Province. The concern the hon. Member is raising is that many people are dying in Kerio Valley. Perhaps, one of the things that needs to be done is to provide another institute in that area to deal with specific challenges being faced there. However, we need to look at some of things that are going on. For instance, we have the Kenya Medical Research Institute (KEMRI) in Kisumu. Let us also look at what the International Centre of Insect Physiology and Ecology (ICIPE) does with insect research especially in relation to malaria. After we have done that, there will be need for a more comprehensive Bill.

In relation to Article 26, we need to rethink about the powers we are giving to the health official. We have given him a lot of power that can be abused if we are not careful. Otherwise, I will end my contribution by saying that the idea of this Bill is very good, but I think it should come in a different form.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Education (Prof. Olweny): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to make a few comments in support of this good idea on malaria control in this country.

As it has been said by my colleagues, malaria is a major killer in this country. As a matter of fact, malaria kills more in this country than HIV/AIDS-related ailments. In fact, those who are infected by HIV/AIDS fall easily and faster to malaria than anything else. We know that malaria is a tropical disease; it is our disease. So, the idea of coming up with a research centre which, of course, will be linked to some kind of training is very good. This is an idea we should have had much earlier than today.

I am just wondering why other people had not thought of this idea of coming up with a small research that can help us come up with good ideas of malaria control. Malaria is actually a disease that can be easily wiped out the way it has been done in other countries. It is a disease that had spread across the world, but today, it is confined mainly to tropical Africa. Other people had methods of controlling and wiping it out. I do not understand why it has taken Africa this long to wipe it out. It is so easy to wipe it out because it is a disease that is spread by a known vector. It is spread by mosquitoes. We can use the chemicals available, which were used to control it in other countries. We can use DDT and any other chemical that is available. Any other insecticide that can be used against mosquitoes can also be used to wipe out mosquitoes if it is sprayed on their breeding grounds, especially all the stagnant water. It can be done.

Mr. Temporary Deputy Speaker, Sir, we can also use modern technology like genetic modification to come up with mosquitoes that will kill others. In fact, if you create mutation in mosquitoes, those ones that have mutation in their germ cells will kill others or reproduce mosquitoes that will not survive. That is one way of using good research to come up with such ideas to wipe out mosquitoes.

Mr. Temporary Deputy Speaker, Sir, the idea of controlling malaria through spraying is an old method. In fact, Nairobi used not to have mosquitoes, but today, we have a good number of them within the city. Likewise, highland areas never used to have mosquitoes, but that can be explained in terms of the climate change and global warming that we are experiencing. But Nairobi used to have effective spraying against mosquitoes and even control against rodents. We never used to have so many rats roaming around

the city as we see them in estates because the City Council used to control them. This has gone down. Recently, within the last one month, I have seen some spraying of mosquitoes being done in Western Kenya. I hope it is also in other parts of the country. They visit homes and move from village to village spraying houses or any structures against mosquitoes. So, that is one way that would help us reduce the prevalence of malaria. But if we still have breeding grounds for mosquitoes, then I do not think the problem will be solved.

Mr. Temporary Deputy Speaker, Sir, a lot of nets have been distributed within the villages, particularly to the pregnant women and children, but that is only for convenience when sleeping, so that you are not bitten and inconvenienced while sleeping at night. We use mosquito nets only when sleeping, but mosquitoes bite and spread malaria anytime they encounter you, be it day time or evening when you are resting at home. Once you are bitten, then you have the malaria parasite transferred into your system by the mosquito. So, the nets that are being used or distributed to the mothers is not just enough. This is because they do not prevent mosquitoes.

Mr. Temporary Deputy Speaker, Sir, if you look at the Bill, from Part II, where the institute has been described it shows that it is a parastatal, yet the hon. Member at the end of the Bill in the Memorandum of Objects and Reasons says that the enactment of this Bill will not occasion additional expenditure of public funds. I think that is something which the hon. Member has to go through again with the relevant Ministry because that is not true. If you come up with an institute, you will be employing people to run it. You will also need physical infrastructure. Who will provide the funds? You will need recurrent expenses for the salaries of the people employed. Who will provide the money? A Government organization or parastatal will have to be budgeted for yearly. So, that is something which the hon. Member needs to look at, because I think it was an oversight. I think someone did not tell him the truth about that aspect. There will, definitely, be a very heavy budget for an institution of this kind.

Mr. Temporary Deputy Speaker, Sir, the hon. Member has suggested that this institute will be basically for research. But we lack in this country an institute for training people specifically to deal with malaria, yet malaria is a major killer in this country. If there was a way of linking training to this institute, that would give it more value. So, I suggest to the hon. Member to find a way of putting in this Bill an aspect of training to be done by this institute.

Mr. Temporary Deputy Speaker, Sir, I beg to support the Bill, but let the hon. Member consider some of the suggestions that have been made by the House.

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

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

Mr. Ethuro: Madam Temporary Deputy Speaker, I also wish to contribute to this Bill. I really want to pay special tribute to the Mover of this Motion, hon. Kaino, the Member for Marakwet West.

Madam Temporary Deputy Speaker, malaria is a killer disease that has caused a lot of displacements in some areas. For those of us who live in what you would consider virgin country, when settlements move to a particular area, surely, this disease will affect so many people to the extent that they will start believing in witchcraft. They will think that something is happening to them. In fact, as the settlements in the Lodwar Municipality were growing and expanding to areas that were less populated, the first people who used to be there used to be sick from malaria to the extent that they had to look for those traditional people to treat them. Of course, this is one disease that is not viral. We know exactly that it is caused by Anopheles mosquito. It has to bite you and suck your blood. As it is looking for food from you, it is also depositing the parasite into your system.

The colonialists and, particularly the missionaries really helped this country. That was another killer disease. However, that disease does not have to kill. I had an opportunity to visit the Sesse Islands in Uganda where I had gone to represent the Speaker at the African Speakers' Conference. We were taken to that island where they had to remove the entire population. They cleaned the entire place and disinfected it using the DDT in those days. Today, that place is habitable and there is no malaria. So, that disease does not have to kill. That is a disease that can be controlled. That is a disease that needs to be looked into. I just want to look at the entire situation of disease surveillance and how we manage diseases in this country. I am glad that the Minister is here listening.

Madam Temporary Deputy Speaker, I want her to know that if we take a place like Turkana, of all the other diseases, you will see that malaria is killer disease number one. Part of the reason is the challenge to access drugs and the nearest medical facility. I would like to thank the missionaries, on behalf of some of us who come from those areas, and the churches in particular, for helping us with the few limited facilities that we have. Out of the three health centers that I have in my constituency, considering I have five divisions, none of them is by the Government. In fact, the provision of health centers through the Economic Stimulus Programme is a very good opportunity for us to expand health facilities and coverage in the country. Out of the 58 dispensaries that I have, and I need more, less than 20 are Government-sponsored. The rest are supported by the churches. When we are in a situation where we cannot access drugs and there are no professionals to treat us, our people end up suffering, they lose their productivity and lead miserable lives. They go through all that because of a disease that can be managed if we got our public health system in place and in order.

It is, therefore, in this light that I support the provisions of this Bill. They need to particularly look at the entire malaria prevention strategy. I hope that the establishment of the institute will consider all the options that are available to our health professionals, so that they can come up with what is good and viable for our country. Arguments have been there about mosquito nets; a net that you need only when you are sleeping. What happens when we are walking? What happens during the day?

When Dr. Eseli was contributing to this Bill, he startled me by saying that there are many types of malaria. So, even when we put emphasis on mosquito nets, we may not be getting the proper picture. There are situations in other countries where the use of DDT, which was abolished, seems to be extremely effective. Other countries have done it. Can we isolate and manage it in a way that what we consider as the most effective tool

is applied in our own situation so that we can eradicate that disease? Of course, the tropical conditions are very fertile grounds for breeding of mosquitoes. The way we manage our water ponds and all the other areas where mosquitoes can breed is a major cause for the spread of that disease.

The question of whether the institute should be situated at Kerio Valley is something that I want to support completely. I do not know why people think that when you consider something to be a national institute, it must be in the capital city. A national institute can be located anywhere in the nation.

Madam Temporary Deputy Speaker, if an hon. Member has the presence of mind and has considered it important to bring a Bill like this one; a Bill that even the Minister who should have brought it here is busy listening to us instead of telling us why he did not bring it in the first place, he or she would want to take something back to the people. That is because it is the good people of Marakwet West who gave us this Member who has looked into this matter. I think the Ministry and the Government should be courteous enough so that when the institute is established, it is situated at Kerio Valley. It is needy and it is necessary. That does not mean that we will not deal with highland malaria in Kisii and malaria issues in Nyanza, Coast Province or in Turkana. That is just a location. I think we owe it to the Member to ensure that the people of Marakwet have something to celebrate. Even if not for any other reason, the fact that the capital city of Nairobi is congested, we need to decentralize some of the services and institutions. An institute in itself will create opportunities for employment and improve the local economy. I think that way, we will have brought a bit of equitable development in our nation.

If you look at the mortality rate of children under five years in some of the areas of our country---We have just heard hon. Odhiambo-Mabona giving the case of Nyanza. That is equally true in North Rift where the mortality rates are higher than the national average. Those statistics are getting worse as we progress. There is something we are not getting right. There is something that I expect, through this Bill, the Ministry will hear Parliament. That Parliament has spoken and said that there is killer disease. It is a disease that is squandering the lives of our people. Any textbook even in high school, when you read about something like this, it will tell you about the economic importance of something. In fact, as a student of biology, I used to be concerned how an insect can assume such an economic importance until I realized that it has that economic importance because of the mortality and morbidity rates involved. It will waste the most precious resource in our country known as the human resource. So, I just thought that it is really important to highlight the situation of that disease, particularly in northern Kenya and Lodwar in particular. As the Minister gives us an appropriate response, she needs to appreciate that Parliament has spoken and that the need for this Bill is there and we can only support it.

With those remarks, I support.

Mr. Kathuri: Thank you, Madam Temporary Deputy Speaker. I stand to support this Bill. It is a very timely Bill. I would like to say from the outset that a mosquito is an animal. It is as bad as an elephant. We may underrate it but, if we do not take a mosquito as an animal, then we are doomed. We will get ourselves into a lot of mess.

This Bill is a good one. More often than not, we always imagine that if we lump it with other Bills that touch on public health institutions, it will be taken care of adequately. I do not think so. That is why it is important for us to set up the institute.

Where it will be located is not a big deal as long as there are facilities. We do not have to locate it in a place where there are no roads and researchers. Senior professionals will feel very uncomfortable working in such places. We should try to ensure that wherever it will be located, there will be good enough facilities to make them do their job well because at the end of the day, we need to serve Kenyans.

Madam Temporary Deputy Speaker, it is true that Kerio Valley, Western and Nyanza may be more prone to malaria but every part of Kenya really requires to be addressed seriously. Even the highlands need to be taken into consideration. I come from Manyatta which is in Embu next to Mt. Kenya and the issue of malaria is a reality. Previously, malaria was not an agenda. These days, malaria is a problem. Yes, the Government is doing a lot but a lot still needs to be done to eradicate malaria so that nobody is grounded because of malaria.

Madam Temporary Deputy Speaker, there are quite a number of issues related to the Bill and I do not think it is bad. It is only good if the Mover would liaise with the Ministry so that there are no contentious issues. Let us not have conflict of interests where this Bill and the previous one have a problem and it is not addressed adequately early enough because implementation can become a real issue. I am sure this matter will not be taken for granted so that at the end of the day, we deliver to Kenyans.

Madam Temporary Deputy Speaker, if the Mover of the Bill and the Government would agree, it will become very easy for this Bill to sail through, for the President to assent to it and for it to be implemented.

With those many remarks, I beg to support.

The Minister for Livestock Development (Dr. Kuti): Madam Temporary Deputy Speaker, I stand to oppose this Bill because I am a medical doctor and I know that the Kenya Medical Research Institute (KEMRI) is charged with various researches, one of them being malaria research. While I fully agree that malaria is a major health challenge to Kenyans, especially to Kenyans under five, pregnant mothers and tourists who have less immunity and other immune-compromised individuals, it is not appropriate for us to duplicate efforts and, therefore, duplicate resources. I would have wished that the Mover of the Bill would have done a little bit of research on what already is in place so that it can be enhanced rather than duplicate services. This would make resources be spread thin and, therefore, ineffective.

Madam Temporary Deputy Speaker, I know that the treatment of malaria is becoming more challenging because of the resistance. Every now and then, the various medicines that have been used are becoming more and more ineffective as the parasite becomes more and more resistant. For example, chloroquine, which used to be very cheap and easily available, is now no longer used because of resistance. Now, we are in a third generation and maybe going to newer generation medicine. So, I fully support the fact that research needs to be done especially by Kenyans and other African countries where malaria is prevalent. The researches that we now get are mainly sponsored or done by Kenyans sometimes but with support from external sources because we do not, as a country, invest very much in research and development.

So, instead of duplicating institutions, I think we need to increase resources to already existing institutions so that finances and other expertise and more training of researchers is given more emphasis so that we get our own scientists to come up with solutions. I know that there is a lot of expertise in this field even among Kenyan doctors

and researchers but I am sure they have to struggle for sponsorship from external sources and very little finances are given to these institutions and scientists to carry out independent researches and come up with local solutions to the menace of malaria.

Madam Temporary Deputy Speaker, so, I stand to encourage the sponsor of this Bill to think in terms of enhancing what is already there. The KEMRI is a reputable institution with very highly competent Kenyan professionals but who are at times working under sometimes very difficult conditions because of the resources that are availed to them. Therefore, instead of duplicating, we would rather finance researches and allocate adequate finance to research so that we are able to come up with better prevention methods and even eradication programmes, if possible.

Madam Temporary Deputy Speaker, I would also like briefly to say that the issue of research should be taken seriously in this country. While we have a lot of competent professionals and scientists, their hands are tied because we do not allocate funds to them. I think it is high time that, we, as a country, thought of not just using what has already been researched on and found by other countries and being consumers of other people's researches but creating innovativeness that is there within our professionals and scientists by financing and investing. It is interesting to note that researches are like gambling where the results cannot be assured. I think that is why with our minimal resources, we do not want to invest but when the results turn positive, they can be revolutionary. That competence is within this country and I think it is very important that we, as leaders and policy makers, enhance what is there and, therefore, spread thin the already minimal resources that we have. It is important that we enhance the capacity of KEMRI. We should find funds to sponsor scientists and researchers to come up with better prevention methods and even eradication of malaria.

Thank you, Madam Speaker

The Assistant Minister for Public Health and Sanitation (Dr. Gesami): Thank you, Madam Temporary Deputy Speaker, Sir. It is, indeed, true that malaria is the number one killer in this country, and in particular when we talk about infant and maternal mortality. It contributes a large extent. We, as a Ministry, want to take in as many contributions from Members as possible in the prevention of malaria in this country. However, as a Ministry, we have a few reservations on this Bill. I would like to state some of these reservations right from the outset.

The context of this Bill should be expanded to cover other vector borne diseases and not malaria alone. This is in line with the so-called Integrated Vector Management Guidelines that we have in the Ministry. Currently, the proposed document only covers mosquito control. If you look at this Bill, really what we are talking about is mosquito control. If you want to talk about eradication, treatment and the management of malaria, then we need a more expanded kind of document.

Secondly, the mosquito control strategies here are not technically sound as per the current policy. The policy we have is that vector control strategies go beyond drainage. I think drainage is where hon. Kaino has basically stressed on.

Thirdly, the other measures of malaria control are not mentioned in this Act, namely, the malaria case management that deals with diagnosis and treatment of malaria. The treatment of malaria and case management has been omitted in this document. So, anti-malaria prevention in pregnancy using effective anti-malarials as recommended by the World Health Organization has been left out in this document.

Fourthly, there is need to align the Bill to the already existing relevant laws that deal with environment management, including the National Environment Management Authority (NEMA) and the Local Authorities Act, so that there is no conflict or duplicity of the roles.

Fifthly, the role of the institute as proposed is already being done by the relevant arm of the Ministry of Public Health and Sanitation, namely, the Division of Malaria Control that formulates policies and guidelines regarding malaria.

The sixth reservation is with regard to the location of the institute. The location proposed is not malaria endemic, neither is it epidemic prone, hence will not be strategic for administrative and technical reasons. The most affected areas or the malaria endemic areas in this country are Nyanza, Western and then Coast provinces in that order. Therefore, we feel that the location needs also to be discussed with us as part of our reservation.

The Bill proposes to have a director who holds a first degree. As far as we are concerned, this is very low qualification for such an institute, if it was to be formed. Again, we need to discuss with the hon. Member and look at whether we can agree on what kind of qualification one requires to hold, if this institute was to be established anyway.

There is a caveat that says that the Bill shall not occasion an additional expenditure of public funds. At the moment, the Division of Malaria Control is basically funded by donors. Therefore, we cannot say that there will be no additional expenditure of public funds. In fact, at the moment, the Global Fund, the WHO and other multilateral donors are the ones who are sustaining our control programme. So, really, it is not true that there would be no extra expenditure of public funds. That is misleading and we need that reservation to be addressed.

Given that malaria contributes substantially to morbidity and mortality, there should be increased focus on the disease, including a deliberate effort to increase Government funding for malaria prevention and control activities. So, we, as Parliament, need to budget more money on the control of malaria.

Madam Temporary Deputy Speaker, the only way in which this Bill differs with the previous Act is with the establishment of the Malaria Prevention and Control Institute, a role currently carried out by Kenya Medical Research Institute (KEMRI). In fact, hon. Shakeel mentioned that we have the biggest Malaria Institute in the world. This is situated in Kisiany in Kisumu. It is run by KEMRI, the CDC and Walter Reed of the United States Army. I am privileged to have been Provincial Medical Officer, Nyanza Province. I know that this is a very big institute that we need to use it. As I mentioned, KEMRI is established by the Government to conduct such kind of research. So, we have rightly and correctly stationed KEMRI in Kisiany as part of malaria endemic areas in Western Kenya and Nyanza provinces. This is another reservation that we need to discuss with the hon. Member.

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

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

Mr. Temporary Deputy Speaker, Sir, the institute proposed can, probably, play a role in the collation of research from several institutes involved in research. So, if we put it up in Kerio Valley, then we can only have it as an institute that will give us a kind of collection and collation of research.

The Malaria Prevention Act needs to be revised in tandem with the Malaria Strategy, 2009-2017 and the Malaria Policy document of 2010/2010. However, the Ministry of Public Health and Sanitation, through the Division of Malaria Control, should be heavily involved in the drafting of this Bill. So, our division should be heavily involved, in consultation with the hon. Member, to re-draft this Bill. This is our challenge. In the prevention and control of malaria, we need to do away with out-dated practices that are not technically sound. Therefore, the Bill should be referred back to the Ministry of Public Health and Sanitation to draft a technically sound and relevant Bill with input from ourselves.

With those remarks, I wish to rest my case there.

The Temporary Deputy Speaker (Mr. Ethuro): Since there are no more Members interested in contributing, I wish to call upon the Mover to reply.

Mr. Kaino: Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to respond. I wish to thank all my colleagues who contributed to this very important Bill. I would also like to thank the Assistant Minister who has just responded on behalf of the Ministry on this very important Bill.

The principle objective of this Bill has been captured by the Members who contributed on the debate. They all touched on malaria as a very serious killer disease in this country. It requires a lot of attention from all Kenyans to see that malaria is controlled. Many hon. Members have contributed in support of this Bill. I am actually encouraged that the Members know exactly that this disease is something that we need to focus on. The Assistant Minister has correctly stated that KEMRI is in Kisumu and other areas where malaria is epidemic.

At the moment, malaria is almost all over Kenya. Malaria is already in areas where it never used to be. Hospital beds are almost half full because of malaria related cases. Mine was just to direct the Government that this is a very serious disease and we should not even mix it with other vectable diseases. You can fail to get other vectable diseases in some areas but get malaria. It is very important to control malaria because it has affected our people. We have lost many women and children and a lot of money has been spent in the treatment of malaria.

As far as the location of the institute is concerned, Kerio Valley is not in Uganda or Tanzania. It is in Kenya like any other place. Today, a student from Kisii takes a diploma in nursing at the Lodwar School of Nursing. There is nothing wrong in locating any institution to any part of this country.

A student from Turkana can go to Mombasa and enrol for diploma course in pharmacy, or he can enrol for a diploma course in sports at Kenyatta University and study in the university's branch in Mombasa. So, we can go everywhere. Let us consider every corner of this country as our own country. That is a very important issue but more importantly, let us take the Anopheles mosquito, which is the carrier of the malaria causing parasite, as the key thing that Kenyans are trying to deal with.

Mr. Temporary Deputy Speaker, Sir, just to mention one very important thing, so that I can rest my case, as the Minister said, institutions like KEMRI do research indoors. Even NGOs like CARE International and ICIPE treat malaria, but very little is done on control of mosquitoes, which are the carriers of this disease. Mosquitoes breed on still water in cans, ponds, et cetera.

We are now starting irrigation schemes under the Economic Stimulus Programme. We have fish ponds and irrigation schemes mushrooming in various locations of this country. If the Ministry does not accept to carry on with us on the measures contained in this Bill and ensure that something is done, we will be waiting for a disaster to happen in this country. We are creating so many places for mosquitoes to breed. When mosquitoes breed all over the country, they will transmit malaria in every corner of the country.

I am happy that the Minister has said we are going to meet on Thursday, with some experts and the Chairman of the Departmental Committee on Health, who is a very strong supporter of this Bill. On that day, we will correct anything that does not appear to be right.

I am, otherwise, very encouraged by the support that this Bill received from hon. Members.

With those few remarks, I beg to move.

(Question put and agreed to)

*(The Bill was read a Second Time and
committed to a Committee of the
whole House tomorrow)*

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

MOTION

ADOPTION OF REPORTS ON ACP/EU JOINT
MEETINGS/18TH SESSION OF ACP-EU JPA

The Temporary Deputy Speaker (Mr. Ethuro): Leader of Delegation!

QUORUM

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

The Temporary Deputy Speaker (Mr. Ethuro): There is no order yet, Mr. Kathuri! What is it?

Mr. Kathuri: Mr. Temporary Deputy Speaker, Sir, it appears that we do not have quorum.

The Temporary Deputy Speaker (Mr. Ethuro): You are right, Mr. Kathuri. May the Division Bell be rung for purposes of quorum?

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, it is now time to interrupt the Business of the House. Therefore, the House stands adjourned until tomorrow, Wednesday, 7th July, 2010, at 9.00 a.m.

The House rose at 6.00 p.m.