

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 6<sup>th</sup> October, 2010

The House met at 9.00 a.m.

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

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

Report of the Departmental Committee on Administration and National Security on its study visit to the State of Israel from 24<sup>th</sup> to 30<sup>th</sup> January, 2010.

Report of the Joint Departmental Committee on Administration and National Security and Defence and Foreign Relations on its fact-finding visit to Garissa, Dadaab and Voi from 11<sup>th</sup> to 13<sup>th</sup> November, 2009.

*(By Mr. Kapondi)*

### NOTICE OF MOTION

ADOPTION OF JOINT COMMITTEE REPORT ON FACT-FINDING MISSION  
TO GARISSA\DADAAB\VOI

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

THAT, this House adopts the Report of the Joint Departmental Committee on Administration and National Security and Defence and Foreign Relations on its fact-finding visit to Garissa, Daadab and Voi from 11<sup>th</sup> to 13<sup>th</sup> November, 2009.

### QUESTION BY PRIVATE NOTICE

ATTACKS ON NYATIKE RESIDENTS BY ROGUE LEOPARD

**Mr. Anyanga:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Forestry and Wildlife the following Question by Private Notice.

(a) Is the Minister aware that a rogue leopard has been terrorizing people in Osula/Ugoye Village in South East Karungu Location, Nyatike District and that Messrs.

Lazarus Otieno and Zachary Ochieng, aged 25 and 33 years respectively, were seriously injured?

(b) Is the Minister also aware that the wild animals have also killed several sheep and other domestic animals in Karungu Division?

(c) Could the Minister assure the House that the Kenya Wildlife Service (KWS) personnel will trap or kill the animals to avoid further destruction and threat to human life?

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Mr. Temporary Deputy Speaker, Sir, I seek your indulgence to answer this Question tomorrow afternoon because its answer is not ready.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, why are you not ready?

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Mr. Temporary Deputy Speaker, Sir, the answer is not ready. Our officers have to take time to cross-check information in the field and investigate so that we can bring an answer that is satisfactory. So, we seek your indulgence to answer this Question tomorrow in the afternoon.

**The Temporary Deputy Speaker** (Prof. Kaloki): That is okay. I will defer the Question. It will be put on the Order Paper in the next available time. So, I defer the Question to a later date.

*(Question deferred)*

## ORAL ANSWERS TO QUESTIONS

*Question No.257*

### SCANNING MACHINE AT MOMBASA PORT TO CONTROL ENTRY OF ILLEGAL GOODS

**Mr. Yinda**, on behalf of **Mr. Ochieng**, asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether the Kenya Ports Authority (KPA) has a scanning machine at the Port to enable the Government control entry of illegal goods (particularly firearms) into the country; and,

(b) when he plans to put in place stiffer penalties for those found with illegal firearms in the country.

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

(a) The Kenya Ports Authority (KPA) has a scanning machine at the Port of Mombasa. The Kenya Revenue Authority (KRA) also operates a fixed scanning machine and a mobile scanning unit at the same Port.

These machines are operated by the KRA to verify all imported goods including firearms for the purpose of computing levies due as well as detecting types of cargo to ensure that they tally with import documents and also for security reasons. In addition,

we have the Kenya Ports Police Unit that was established to beef up security in our Port and to assist the KPA and the KRA detect entry of contraband goods.

(b) There is already in place the Firearms Act, Cap.114, which regulates, among other things, the importation, exportation, possession and use of firearms and other destructive devices. The Act imposes a penalty or imprisonment for a term of not less than seven years for any person who is found to be in possession of any firearms illegally.

In addition, my Ministry has amended the Firearms Act which now gives stiffer penalties to persons found with illegal firearms in the country. I, therefore, wish to assure this august House that the Government has the ability to control entry of illicit firearms into our country.

**Mr. Yinda:** Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister for the answer he has given although I have not received a copy of the written answer. The reason for asking this Question is because many firearms still find their way into the country. It is not only firearms that find their way into this country but also drugs. What has the Assistant Minister done to ensure that there are sufficient scanning machines; and that all the containers that come into the country are 100 per cent screened? In addition, are there mobile scanners which can be used to scan goods which have been brought into the country because we know that many containers get into the country and are removed from the Port before verification and scanning is done?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, as I have mentioned, we have a mobile scanning unit which is used to scan any imported item within the port. Secondly, we are going to do disarmament within Nairobi once we are through with what we are doing in the upper eastern and northern Kenya. We have said that those who are holding illegal guns must surrender them before we disarm them forcefully. We are going to do disarmament in Nairobi, Mombasa and will also extend this exercise to Nakuru, Kericho and all those other parts including Eldoret.

We are going to supply gun detectors to traffic police to detect those who are having guns within their vehicles. If you are found to be holding or owning a gun legally, that will be okay. But we are very serious on the use of illegal firearms. For those who are still holding those illegal firearms, their days are numbered. Let them surrender those guns willingly.

Mr. Temporary Deputy Speaker, Sir, we have amended the Firearms Act. Now, what we amended recently through the Organized Crimes Bill says that those who are found with automatic rifles, which include AK47, G3 and any other similar automatic rifles will be imprisoned for life. So, people who are leasing their own guns, whether in the police force, army or whatever else, and those they are leasing the guns to will be equally imprisoned for life. If the law is enforced, it will reduce the crime rate by 70 per cent.

Thank you.

**Mr. Yakub:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister confirm to this House whether the scanning machines are still available in all our border posts, for example, Namanga, Lungalunga, Busia and our borders between Somalia and Kenya? Are the scanning machines available right now in all the border posts?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, in areas where those machines are not available, we are using mobile scanners. A mobile scanner is not fixed in one

particular area or at the border; we use them on *ad hoc* basis where a police officer runs with the mobile scanner and scans all the items which are coming into the country for purposes of revenue collection and for purposes of detecting guns which are coming into the country illegally.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister persuade his prosecutors and the police to charge the new suspects under this new law so that Kenyans, indeed, can see those people found with AK47s going in for life, now that it is an Act of Parliament?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, the prosecutors are aware. The prosecutors and the judges go by what the Act says. I cannot force them to use that Act, but it is mandatory that they use the Act. Where you are found with an illegal arm, the Act says that you will be imprisoned for life.

They are aware that the Act stipulates the same; that if you are found to be leasing your gun, you will go to prison for life. If you are found to be holding a gun, especially an automatic rifle, the Act is very clear that you will be arrested and we will use that same Act to take you to prison for life.

**Mr. Mututho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is doing very well. What we are saying is to encourage the prosecutors to charge the suspects under that new law, because unless they are charged under that new law, they will still go round using the other old law. We have so many cases every day.

That is all I am saying.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, the new law – the Act which we just passed the other day – supersedes any other written Act on firearms. So, the prosecutors know that this is the latest law which they have to use. I want to encourage the prosecutors to use the new Act to arrest these people, charge them and imprison them for life.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Yinda, your final concluding remarks!

**Mr. Yinda:** Thank you, Mr. Temporary Deputy Speaker, Sir. I am a little satisfied with the Assistant Minister's response, but I would like to see the Assistant Minister putting action where his mouth is. I would like those who are caught with firearms, especially automatic weapons to be given death sentence or on life imprisonment.

What is the Assistant Minister doing to ensure that this actually takes place?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, a circular has already been written and given to all police stations and all prosecutors for them to make sure that if any individual is found with any automatic rifle, that person will be charged with illegally owning an automatic rifle and the consequences are that they will be imprisoned for life.

Secondly, if they lease the same guns to goons or thugs, those fellows - the same person who has leased the gun and the person to whom he has leased the gun to – will equally face the same, same trial; life imprisonment. My colleagues should also come out and preach this in *barazas* - that you know it is very dangerous to own a gun or to have a gun, especially an automatic rifle without a licence. If you do that, you know very well that we will not see you for life. There is no death penalty there, it is life imprisonment.

*Question No.331*

INFORMATION ON PEOPLE KILLED/  
INJURED BY WILD ANIMALS IN SAMBURU

**Mr. Letimalo** asked the Assistant Minister for Forestry and Wildlife:-

(a) to provide the names, the numbers and the details of people killed and injured by wild animals and the action taken in each case in the last five years in Samburu East District;

(b) to state by name those compensated and the amount paid; and,

(c) to state the action he is taking to reduce the human-wildlife conflict in the area.

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The names, numbers and details of people killed and injured by wild animals in Samburu District in the last five years and the action taken in each case is as per attached table marked Annex 1.

(b) The names of those compensated and the amounts paid is as per attached table marked Annex 2, which in summary is 50 paid and 25 not paid.

(c) The Government has put in place several measures to deal with human-wildlife conflict in the area as follows: One, a senior warden to deal with issues of human-wildlife conflict as well as overall oversight on all issues of wildlife conservation and management is permanently stationed in Maralal District. A contingent of 40 rangers is stationed in Maralal for Problem Animal Control (PAC) and security patrols.

Three, four vehicles are in place to carry out such duties. Four, patrols are done on a regular basis in the following areas, namely: Lesuk, Kerimon, Suguta Marmar, Baawa, Poroo and Kisima areas. Five, community sensitization meetings; regular meetings are held in different areas of the district. A total of five meetings have been conducted in the last five months in Baragoi, South Horr, West Gate, Ngaroni and Kerimon.

Six, community involvement has been enhanced through launching of "Warrior Watch Initiative" comprising of 130 morans from Westgate Community who have been sensitized on wildlife conservation issues. These morans are engaged actively as wildlife security scouts and they also sensitize their community on wildlife conservation matters. Training of these scouts has also been undertaken. In addition, 18 Samburu County Council scouts are on a three months training at KWS Field Training School, Manyani. These scouts will help beef up the mitigation of the human-wildlife conflict.

In this new initiative, 52 motorbikes have also been purchased to be distributed to various conservancies for quick response in areas where vehicles cannot be used. Samburu East has been allocated five motorbikes. The local FM radio at Serian FM in Maralal conducts two-hour programme every Wednesday. This is done by the area warden honorary assisted by KWS officers in educating and creating awareness on issues of wildlife conservation and human-wildlife conflict. Two hotlines have also been put in place to improve surveillance. These are: Hotline number 0710228909 in Wamba and 0710229901 for Maralal. The lines are purely meant for receiving reports on human-

wildlife conflict within the district and the local FM radio and local leaders also help in advertising the same numbers to enable the community seek assistance as need arises.

Team work between conservancy managers and KWS officers has been started to enhance synergy in addressing conservation conflict and wildlife security related issues. Stakeholders meetings are held by our officials to address issues related to security and awareness.

Lastly, the Provincial Administration has also been brought on board to address the matters in their chiefs' *barazas*.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, I think you have spent more time in answering part "c". Could you give the names and the amounts for the Members also to follow; the names of those who have been killed by the animals and how much those people have been compensated?

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Mr. Temporary Deputy Speaker, Sir, this has been tabulated on a case by case basis but in summary, in total, over the last period, there have been 25 deaths and 50 injured.

**The Temporary Deputy Speaker** (Prof. Kaloki): Were those 25 people who were killed compensated and how much was each compensated?

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): It depends on the nature of the incident. For the dead, we have already 25 who have been compensated and 50 are pending and---

**The Temporary Deputy Speaker** (Prof. Kaloki): How much have they been compensated?

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): I do not have the total but for deaths, we have compensated Kshs200,000 and for injuries, it ranges from Kshs30,000 to Kshs50,000 depending on the nature of the injury.

**Mr. Letimalo**: Mr. Temporary Deputy Speaker, Sir, I appreciate the answer given by the Assistant Minister but I want to seek your indulgence because my Question was specific. I was talking about deaths and people who have been injured in Samburu East District by wildlife but the answer the Assistant Minister has given is covering the larger Samburu; Samburu North and Samburu Central. If you look at the first part of the question, the Assistant Minister has said that a contingent of 40 rangers is stationed in Maralal. That is in Samburu Central. It has nothing to do with Samburu East because even the list of those people who have been killed or injured by wildlife is mixed up. I will not be able to interrogate the Assistant Minister to know those who have been killed in Samburu East. I want to request that this Question be deferred to enable the Assistant Minister to go back and be able to give specific information regarding Samburu East.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, do you have specifics on Samburu East District parts "a" and "b"?

**Mr. Nanok**: Mr. Temporary Deputy Speaker, Sir, I do not have it. I need to have information segregating Samburu East but you have to realize that normally in conservation area, we look at the total area whether it is a district or two districts or three districts. This is how we place our patrol stations so that we look at the wider area where we have the wildlife corridor moving all around.

**Mr. Letimalo**: On a point of order, Mr. Temporary Deputy Speaker, Sir. We deplore the poor services from the KWS in Samburu East. This is why they are not able to give accurate information.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, are you prepared to answer this Question this morning?

**Mr. Nanok:** Mr. Temporary Deputy Speaker, Sir, I cannot admit that we have poor coverage but I admit that this information should have been segregated but it will take some bit of time to do that segregation. But you have to understand that for surveillance purposes, we have always had patrol units covering a given area.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Assistant Minister! I think you are not prepared to answer the Question. Would you be prepared by next week on Tuesday to come and give an adequate answer?

**Mr. Nanok:** Yes, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you. Next Question, hon. Waititu!

*Question No 356*

SECONDARY SCHOOLS ESTABLISHED THROUGH CDF IN EMBAKASI

**Mr. Waititu** asked the Minister for Education:-

(a) whether he is aware that there are new secondary schools in Embakasi Constituency started through the CDF initiative; and,

(b) how many teachers and support staff have been posted by the Ministry to the new schools.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, I beg the indulgence of the House to give me up to Tuesday next week to bring an appropriate answer to this Question. I do not have a good answer to the Question.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, what is happening? You had a lot of time to prepare for the Question?

**The Assistant Minister for Education** (Prof. Olweny): What I have been given is not good for me, the way I want to respond to this particular Question. The answer is not satisfactory.

**Mr. Yinda:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Through your intervention, as you accept that the Assistant Minister goes back and comes with a proper answer, this Question touches on a lot of other constituencies where CDF has been used to build schools and there are no teachers. So in his review, could it be in order for him to look at other secondary schools in the country that have been funded by CDF?

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Yinda, this Question is so specific to hon. Waititu's Constituency. If you want the Assistant Minister to deal with your constituency or any other part in the country, then put a Question. We defer the Question to a later date when we will be able to allocate time for it. So, prepare yourself to answer it.

*(Question deferred)*

*Question No.360*

KENYA'S BID TO HOST PAN AFRICAN UNIVERSITY

**Mr. Pesa:** Mr. Temporary Deputy Speaker, Sir, this Question was actually directed to the Minister for Higher Education, Science and Technology. Fortunately, I have got an answer from that Ministry.

**The Temporary Deputy Speaker** (Prof. Kaloki): Proceed!

**Mr. Pesa** asked the Minister for Education –

(a) what became of Kenya's bid to host the planned Pan African University meant to supply the bloc human capital investment;

(b) to confirm that failure to quickly agree to host the university is likely to delay the process of establishing the hub and compromise improvement of education in the region and what the government is doing to ensure that the project is rolled out as soon as possible; and,

(c) what the envisaged budget of putting up the project alongside other African countries is, and state the details of professional programmes that were earmarked.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, Question No. 360 was actually misdirected to us. It does not belong to my Ministry. It belongs to the Ministry of Higher Education, Science and Technology.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Minister! The Question is dealing with Pan African University. Are you saying that Question is not under the Ministry of Education?

**The Assistant Minister for Education** (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, my Ministry deals with Early Childhood Education, Primary Schools, Secondary Schools, teachers and TTCs. That is basic education. We do not deal with universities and colleges. So the Question should be transferred to the Ministry of Higher Education, Science and Technology.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, did you get the opportunity to pass the information to the Minister for Higher Education, Science and Technology?

**Prof. Olweny:** But Mr. Temporary Deputy Speaker, Sir, it was transferred and the hon. Member has said that he already has an answer from the appropriate Ministry. Why should I be grilled for something that does not belong to me? He has an answer already. Let the respective Minister respond!

**The Temporary Deputy Speaker** (Prof. Kaloki): That is okay! Mr. Pesa, let us defer the Question. The Minister for Higher Education, Science and Technology will answer the Question next week. Is that sufficient for you?

**Mr. Pesa:** Mr. Temporary Deputy Speaker, Sir, when I was asking this Question, I said that I already have an answer from the Minister for Higher Education, Science and Technology. I expected the Minister to answer this Question today. I saw the Minister here some minutes ago!

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Pesa, I will defer the Question to tomorrow afternoon. That way, the Minister for Higher Education, Science and Technology can come here and give the right answer.

*(Question deferred)*

*Question No.385*



MAJOR SHAREHOLDERS OF KENYA AIRWAYS LIMITED

*(Mr. Mwau moved to the Dispatch Box)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Mwau, you cannot answer unless the Question has been asked! Let us give time for the hon. Member to come to the Chamber and ask the Question. I know you are prepared to answer but the hon. Member for Kisumu Town East must be here. When he gets here, you will give your answer.

**The Assistant Minister for Transport** (Mr. Mwau): On a point of order, Mr. Temporary Deputy Speaker, Sir. I would have asked the Question to be rescheduled to sometime next week.

**The Temporary Deputy Speaker** (Prof. Kaloki): That is fair enough but the hon. Member is not here. We will therefore, defer the Question.

**The Assistant Minister for Transport** (Mr. Mwau): Mr. Temporary Deputy Speaker, Sir, even last week, the same thing happened. I came prepared but I did not answer the Question. So, I would like to ask that the Question be rescheduled till next week.

**The Temporary Deputy Speaker** (Prof. Kaloki): We will defer the Question but I still want to wait because you are here and you are prepared to give the answer. So, let us give the hon. Member a little bit more time to come here. If he does not get here, we shall defer the Question to next week. Let us wait and see what is happening to the hon. Member!

*Question No.413*

NON-PAYMENT OF SALARIES UNDER ECONOMIC STIMULUS PACKAGE

**Dr. Monda** asked the Minister for Public Health and Sanitation:-

- (a) why the 4,200 nurses hired in April, 2010 under the Economic Stimulus Package have not been paid their dues; and,
- (b) what she is doing to ensure that the 4,200 nurses are paid on time.

**The Assistant Minister for Public Health and Sanitation** (Dr. Gesami): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) A total of 3,300 nurses accepted the offer of appointment out of 3,386 nurses who had applied and qualified as per the stipulated criteria of 20 nurses per constituency. However, the Ministry was unable to obtain the required number of 4,200 nurses as advertised under the ESP.

(b) To date, a total of 2,855 nurses have been paid through their respective bank accounts and district medical officers of health offices countrywide. However, the remaining 445 nurses who are yet to be paid have not furnished the Ministry with their bank account details. At the moment, the district medical officers of health in the respective constituencies have been requested to ensure that the unpaid nurses submit their details for prompt payment.

**Dr. Monda:** Mr. Temporary Deputy Speaker, Sir, I want to ask the Assistant Minister what delayed the payment of over 400 nurses considering that those new employees needed those payments to start their lives?

**Dr. Gesami:** Mr. Temporary Deputy Speaker, Sir, I have already indicated that the 445 nurses who have not yet been paid failed to submit their bank accounts to our Ministry. That is why they have not been paid to date. However, I can also add that the other nurses have all been paid their arrears up to the end of August.

**The Temporary Deputy Speaker** (Prof. Kaloki): Dr. Gesami, do you have the information about the bank accounts so that you can transfer the funds?

**Dr. Gesami:** Mr. Temporary Deputy Speaker, Sir, we have already asked the medical officers of health in those respective constituencies to send us the bank accounts of those nurses and, as soon as---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Dr. Gesami! Have you received that information?

**Dr. Gesami:** Not yet, Mr. Temporary Deputy Speaker, Sir. We have not received the information.

**Dr. Eseli:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has said that they were to employ 20 nurses per constituency. That number comes to 4,200 nurses, but they have managed to employ less than 3,000 nurses. That means that they did not employ the full contingent of nurses and yet, in this financial year, I think the Minister for Finance said that they are supposed to employ additional nurses. That indicates that there could be a shortage of nurses in the country. What is the Assistant Minister doing to ensure that they fill the vacancies that were not filled last year and now, recruit the additional nurses that have been targeted for recruitment this year?

**Dr. Gesami:** Mr. Temporary Deputy Speaker, Sir, we were supposed to recruit 20 nurses from the actual constituencies where hon. Members come from. But we indicated that if constituency "A" does not have enough nurses, then we agreed that they can get nurses from the neighbouring constituencies. So what I am trying to say is that although we advertised for 4,200 nurses, only 3,386 applied and we recruited all of them. We will, therefore, continue asking those constituencies that have not filled their 20 slots to continue advertising so see if they can get those nurses.

**Mr. Mwangi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to avoid answering the question asked? They have a shortage of nurses in the country!

**The Temporary Deputy Speaker** (Prof. Kaloki): Actually, the Assistant Minister is answering the question and he is giving the challenge of the Ministry where he still wants to hire additional nurses but he has a problem of getting them.

**Mr. Mwangi:** Mr. Temporary Deputy Speaker, Sir, the hon. Member asked the Assistant Minister to state whether there is a shortage of trained nurses. That is why they were not able to recruit 4,200. All what the hon. Member asks is: Is there a shortage? Is he in order to continue saying that he is going to employ when we do not have enough?

**The Temporary Deputy Speaker** (Prof. Kaloki): What I am getting from the Assistant Minister is that he is willing to do that but some constituencies were not able to submit 20 nurses as required by the Ministry and that is why we have about 3,000 at the moment already employed.

**Mr. Mwangi:** Mr. Temporary Deputy Speaker, Sir, I still would wish the Assistant Minister to admit that we have no enough trained nurses in the country.

**Dr. Gesami:** Mr. Temporary Deputy Speaker, Sir, the advert for constituency nurses was optional for nurses who are in the private sector and other places. I know for sure that we have over 6,000 nurses who have been at home, but there are nurses who would like to stay where they are including, the private sector. We intend to ask those nurses who are still willing to take this opportunity at the constituency level to come and get employed. As you know, most people want to work in urban centres and we are not going to force anybody to go to the rural areas.

**Mr. Anyanga:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister confirm to this House that the delay in releasing the salaries to the various nurses will not compromise the quality of health care they provide to the patients?

**Dr. Gesami:** Mr. Temporary Deputy Speaker, Sir, I want to confirm that the delay will not compromise the provision of health services.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, how can you confirm that? These people are expecting their dues to be paid and you have not done that.

**Dr. Gesami:** Mr. Temporary Deputy Speaker, Sir, we have the money to pay these nurses. The only thing we are waiting for is the nurses to send their bank account numbers to the Ministry and we shall pay them promptly.

**The Temporary Deputy Speaker** (Prof. Kaloki): So, you cannot confirm in terms of the quality of the healthcare delivery?

**Dr. Gesami:** We expect that the quality will be the same.

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, the reason why the 400 plus nurses were not paid was due to the fact that the said nurses had not processed their bank accounts. Could the Assistant Minister tell the House whether there is an alternative way of paying these nurses because they have suffered a lot without salaries for more than five months. Making them to wait for payment for six months is subjecting them to a lot of suffering? Is there no alternative way of paying them, even if it means paying them through the DCs offices, or by voucher?

**Dr. Gesami:** We shall look into that option. As you know, all monies now paid to civil servants and other workers are wired to their accounts. That is the new method that is being used. We do not pay cash as such. But if we find that they do not have bank accounts, then we will have to use an option of getting the money delivered to the district headquarters for them to be paid.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, when do you think the nurses will be paid? Could you assure the House that, maybe, by the end of the month or in the next two weeks the suffering of the nurses will come to an end?

**Dr. Gesami:** Mr. Temporary Deputy Speaker, Sir, we shall try to ensure that we pay them as soon as possible. Nevertheless---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant Minister! It should not be as soon as possible. When do you expect this payment to be made? Is it within two weeks or at the end of the month?

**Dr. Gesami:** Maybe in the next one month I will give a report to this House. We shall try as much as possible to pay them.

**Dr. Eseli:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to tell us that he will pay them in the next one month when they employed these people in April and they are under the supervision of the MOHs? The MOHs should have submitted the relevant documents to the Ministry for the payment! Is the Assistant Minister in order to continue delaying their payment and saying that he is waiting for documentation?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, this is a crisis. Is there any way in which you can deal with the issue as an emergency?

**Dr. Gesami:** Mr. Temporary Deputy Speaker, Sir, I have already mentioned that there has been delay in submitting bank accounts. We have taken it upon ourselves, as a Ministry, to ensure that we get their bank accounts as soon as possible so that we can pay these nurses. However, I have already mentioned that we have an option: we shall probably take the money to the district headquarters and pay these nurses there.

**The Temporary Deputy Speaker** (Prof. Kaloki): Dr. Monda, your final submission.

**Dr. Monda:** Mr. Temporary Deputy Speaker, Sir, I am satisfied for now with the answer given.

*Question No.424*

MANAGEMENT CONTRACTS BETWEEN TEA FACTORIES AND KTDA

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

(a) to provide copies of the management contracts between Mogogosiek, Kapset, Rorok, Kobel, Kapsoros and Tegat Tea Factories and the Kenya Tea Development Agency (KTDA) as well as with the respective auctioneers;

(b) the unit cost of fertilizer per bag supplied by KTDA to the respective factory farmers in the year 2010/2011; and,

(c) whether he could also provide the rates at which auctioneers charge in the respective factories for the services they render.

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

I hereby table the copies of the management contracts between Mogogosiek, Kapset, Rorok, Kobel, Kapsoros and Tegat Tea Factories and the Kenya Tea Development Agency (KTDA)

(a) The tea industry does not engage any auctioneers in the tea trade; instead there are tea brokers whose contracts are being finalized by respective tea factories.

(b) The unit cost of fertilizer per bag supplied by the KTDA to the respective factory farmers in the year 2010/2011 is as follows: Mogogosiek – Kshs1,900 per 50-kilogramme bag; Tegat – Kshs1,884 per bag of 50-kilogramme; Kapsoros – Kshs1,904 per 50-kilogramme bag; and Kapset – Kshs1,893 per 50-kilogramme bag. Kobel is a subsidiary of Mogogosiek, while Rorok is a subsidiary of Kapset.

(c) The rate of tea brokerage is 0.75 per cent of the sale value.

Mr. Temporary Deputy Speaker, Sir, I table the documents.

*(Mr. Ndambuki laid the documents on the Table)*

**Dr. Kones:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for the response and the documents he has submitted. As you can see, those documents are fairly bulky and I would like to go through them later. I really want to thank the Assistant Minister, because it has been very difficult to get these documents, as farmers, in our respective factories. I do not think I have any other question. I will just go through the documents.

**Mr. Wamalwa:** Mr. Temporary Deputy Speaker, Sir, I have noted that the Assistant Minister has given different prices of fertilizer for different factories. Could he explain the basis for this, if it is the same 50 kilogramme bag of, say, DAP or CAN. Why would it be different from one factory to another? This also applies to sugar factories. You will find that some factories charge much higher for a bag of DAP than other factories. Why has the Government allowed this?

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, the element of transport cost from Mombasa to the factory, storage costs and so on are responsible for the price variation. This is why it varies from one place to another.

**Dr. Eseli:** Mr. Temporary Deputy Speaker, Sir, you have heard the Assistant Minister say that it is the differences in transport and storage costs that determine the difference in prices of fertilizers. Could he explain to this House how these serious differences in transport and storage costs to factories that are in the same area, or are in the county of Kericho arise?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, could you be more specific in relation to the price variations?

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, if you look at the price variations between the factories you will see that the highest is Kshs1,904 and the lowest is Kshs1,884. The difference is Kshs20. This Kshs20 is for storage and, sometimes, handling and transport charges. That is why these prices cannot be uniform.

**Mr. Yinda:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister said that some contracts are not ready yet. When does he think those contracts which are not ready, will be ready?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Yinda, which contracts are these?

**Mr. Yinda:** The contracts between the tea factories, the KTDA and brokers.

**The Temporary Deputy Speaker** (Prof. Kaloki): Where are you getting that information from?

**Mr. Yinda:** From the answer that the Assistant Minister gave.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, are you prepared to answer that one?

**Mr. Ndambuki:** The contracts are being worked on between the KTDA and the factories. They will be out in the next 60 days. They will be available to the farmers.

*Question No.437*

GOVERNMENT STAND ON WIND POWER  
AS ALTERNATIVE ENERGY

**Mr. Omollo** asked the Minister for Energy:-

(a) what steps the Government is taking towards exploiting the wind power as an alternative energy source, especially in such regions as Uriri Constituency which experience a lot of wind;

(b) what resources the Government is putting in place to achieve success in this sector, particularly in Uriri Constituency, given the recent drought-induced power rationing crises of 2000 and 2009 coupled with escalating petroleum oil prices; and,

(c) whether a feasibility study has been done in Uriri District to identify areas from where wind power generation masts will be erected and when the project will commence.

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

(a) The Ministry of Energy is keen to exploit alternative sources of energy, including wind. The Ministry produced a National Wind Atlas in 2001 with indicative wind regimes. Consequently, in collaboration with the United Nations Development Programme (UNDP) and other partners, this Atlas was improved with use of the existing data, satellite and ground validation, which saw the production of high resolution solar and wind energy resource Atlas.

This Atlas was launched in May, 2008, and it provides reliable high resolution resource information for planners, policy makers and investors in solar and wind energy. It shows the existence of good wind regimes for power generation in certain parts of the country such as Marsabit, Ngong and coastal region, which can support commercial electricity generation as they enjoy good wind speeds. This information is being made available to private investors who may propose to develop the resources, since the generation of electricity was liberalized. Such investors may develop the projects under the Feed-in Tariff Policy, which was established to encourage investment from electricity developed from renewable energy sources.

(b) In order to accelerate investment in this area, the Government has commenced wind data logging in specific high potential areas. Installation of 33 wind masts and data loggers funded by the World Bank is ongoing, at the cost of about Kshs110 million, to be completed by November, 2010. Further, the Ministry has floated another tender to install 20 more wind masts and data loggers at an estimated cost of Kshs70 million. The information obtained will augment the wind atlas in providing more reliable information to potential investors.

(c) The wind regime in Uriri ranges from 2.8 to 3.6 meters per second with corresponding annual power density of less than 90 watts per square metre at a high cost 50 metres above ground level. With the current turbine technology, this is considered poor, as the areas rated to have good potential have annual power densities of above 275watts per square metre. The Ministry has commenced installation of wind masts and data loggers to specific sites across the country starting with areas of high potential identified in the Wind Atlas. So far, financial resources mobilized would only cover about 53 sites. The data capture and resource assessment programme will be scaled up to cover other areas, including Uriri Constituency, once financing become available. With the improvement of wind turbine technology, those areas with less attractive wind regime may become viable for energy exploitation.

**Mr. Omollo:** Mr. Temporary Deputy Speaker, Sir, while I want to thank the Assistant Minister for a detailed answer, I would like him to tell us what he is doing because he has admitted that there are some areas where we have very good wind speeds, especially in the northern region.

It is in the public domain that the Government is pretending to import power from neighbouring countries, why can it not implement these projects, so that we have enough power in our own country?

**Eng. M.M. Mahamud:** Mr. Temporary Deputy Speaker, Sir, wind projects are being undertaken. There is a major project which is being undertaken in Marsabit at the bottom of Lake Turkana. This is expected to generate about 300 megawatts. Plans are underway for investors to develop wind energy. The Government is also looking at ways and means of transmitting power all the way to Suswa. Of course, there are other wind energy projects, which have been commissioned in Ngong. Others are also being looked at by investors, where we think there is great potential.

**Mr. Ochieng:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has talked of having less funds in order to undertake some of these projects. Could he tell us what tangible programmes he has put in place to make sure that he attracts more funding even from donors, so that they can undertake these viable projects?

**Eng. M.M. Mahamud:** Mr. Temporary Deputy Speaker, I am talking of funding for more investigations. In fact, we have started investigations in 53 sites. We have to await those results before we can ask for extra funds. In fact, I have an atlas here which shows where the wind masts have been put today and where we are going to put them tomorrow. These covers the whole country, including areas where we think wind potential is low, so that we can ascertain whether with technology we would be able to exploit. So, we are on course. First of all, we need to ascertain what we have so that we can move on to the next phase.

**Mr. Anyanga:** Mr. Temporary Deputy Speaker, Sir, I think the Assistant Minister is not coming out very clearly because he is just showing us some maps. I would like him to confirm to us when this feasibility study was carried out in Uriri? Could he also table its findings?

**Eng. M.M. Mahamud:** Mr. Temporary Deputy Speaker, Sir, I said that we carried a wind atlas preparation in 2001. We updated it in 2008. The wind atlas is available here. It is also on our website. We have one which shows an annual wind mill speeds in various parts of the country at 50 metres high above ground level. It shows the wind speed in various parts of the country; a very advanced high resolution map. We have also another map which shows simulated annual wind power density, which again shows the whole country. So, there is nothing strange about this. I will table this for the hon. Member's perusal later.

*(Eng. M.M. Mahamud laid the document on the table)*

**Mr. Anyanga:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is just showing us images. We want the real report.

**Eng. M.M. Mahamud:** Mr. Temporary Deputy Speaker, Sir, I beg your indulgence. I would request the Member to put up a Question, so that we can answer it appropriately. This is a different Question, all together.

**Mr. Omollo:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is telling us that he has floated 20 more tenders for these kind of projects at the cost of Kshs70 million. Could he tell us which areas and locations he is targeting in these particular projects?

**Eng. M.M. Mahamud:** Mr. Temporary Deputy Speaker, Sir, we are targeting quite a number of areas in the country. There is a list on the map here. These maps show the areas which we have already installed and areas we intend to install. We are targeting Garsen, Hola, Garissa, Wajir, Alale, Sergoit, Lokichar, among other areas. So, they are spread all over the country. The white icons show the proposed projects while the green icons show the ongoing projects.

**Mr. Omollo:** Mr. Temporary Deputy Speaker, Sir, from the list he has read, they have said that Uriri will be one of them and yet there is no such name.

**Eng. M.M. Mahamud:** Mr. Temporary Deputy Speaker, Sir, Uriri is not part of the 20 areas in the list. We will go for the high potential areas. However, we will go to the arid areas which we think are potential with time.

*Question No.439*

STATUS OF JOINT ADMISSIONS BOARD

**Mr. Nyammo** asked the Minister for Higher Education, Science and Technology:-

(a) whether he could clarify to the House whether the Joint Admissions Board (JAB) is a legal entity;

(b) whether he could also indicate the number of Kenyan students currently studying overseas and what steps he is taking to ensure full utilization of existing capacity in private universities so as to reduce the number of Kenyan students admitted to foreign universities; and,

(c) whether he could confirm to the House that the Board will be more inclusive and change the impression that it is meant only for students in public universities.

**The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria):** Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The JAB is not a legal entity. It is a forum for the respective Senates of public universities convened each year after the release of the Kenya Certificate of Secondary School Examinations (KCSE) results to organize admission processes. However, we, at the Ministry have directed that this function be taken over by the Commission for Higher Education as provided under the University Act, 1985, Section 8(3).

(b) The students who have been cleared by the Ministry for the last four years for overseas studies are 2,401 but this number does not include a good majority of who make their own arrangements to go overseas. Those who come to the Ministry are only those who need visas or clearance. Others are those who have scholarships which have been organized through my Ministry. There are many more students who make their own arrangements and they do not report to the Ministry to indicate that they have gone to this or that country. The steps that the Ministry is taking to ensure utilization of existing capacity in the private universities include but are not limited to the following:-



(i) From last year, the Higher Education Loans Board (HELB) has availed loans to students in private universities at competitive interest rates, for instance, four per cent per annum.

(ii) Incentives are provided to private universities through tax waivers on imported learning and teaching materials.

(iii) There is support that is provided on issues related to quality assurance, validation of programmes and follow up on the goings on in the universities.

(c) The Ministry is currently holding discussions with stakeholders of public and private universities to discuss the possibility of making the central admissions board to be expanded to include representatives of private universities.

These are some of the reforms that are underway. Already, some meetings have taken place between private and public universities at our Ministry. We hope to have even more meetings in order to consult further.

**Mr. Nyammo:** Mr. Temporary Deputy Speaker, Sir, I am satisfied with the answer.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, could you make your final comment on that Question. I think the hon. Member is happy.

**The Assistant Minister for Higher Education, Science and Technology** (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, I just want to appreciate the fact that this issue was raised and that, we are all working together. He is a member of the private universities sector and we would like to continue working with him and others.

#### *Question No.441*

#### DELAYED COMPLETION OF NAIVASHA WATER SUPPLY PROJECT

**Mr. Mututho** asked the Minister for Water and Irrigation:-

(a) why the Ministry has delayed completion and commissioning of the Naivasha Water Supply Project inspite of several promises by the Government over the last two years;

(b) what steps she is taking to urgently attend to the deteriorating and overloaded sewerage system in Naivasha to save Lake Naivasha from further pollution; and,

(c) if she could provide details of the emergency measures put in place to avert the imminent environmental catastrophe?

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

(a) The delay in the completion and commissioning of Naivasha Water Supply Project was due to processing of tax exemption at the Treasury and lack of transformers at the Kenya Power and Lighting Company Limited (KPLC). The KPLC has now procured transformers and its personnel are currently on site installing them. The major components of the project were completed in April, 2010 except installation of power. The project is expected to be completed by the end of this month.

(b) The sewerage system currently being operated in Naivasha was commissioned in the late 1970s to serve a population of 30,000 people. The population has since grown to more than three times and this is causing a strain on the sewerage system. My Ministry

has allocated Kshs10 million for the rehabilitation of the sewerage system. The contractor has been procured, mobilized and is currently carrying out the rehabilitation.

(c) My Ministry is working closely with other agencies to address environmental issues affecting Lake Naivasha and has designed a larger capacity waste water treatment plant. The project is scheduled to be submitted to the Treasury to assist in identifying funding agencies.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, I seek your indulgence to inform this House the seriousness of this matter. First, the Assistant Minister has blamed the Treasury for delay in duty and tax exemption for up to three years. Without proof on that, it remains hearsay and it is best imagination of the Assistant Minister for Water and Irrigation.

Secondly, I visited the Managing Director of the KPLC, Mr. Dan Njoroge in December, 2008 having received similar explanation that the transformers were not available. He challenged me to show receipts as proof that we had paid Kshs2.3 million which was required. Again, the receipts were not forthcoming until last month when I last checked.

I want to draw the attention of the Assistant Minister to Section 46(1) (d) of the Constitution. It states that a consumer is entitled to compensation where they do not receive goods or services. I want this Ministry to admit here now, so that I can go to court tomorrow on behalf of the 120,000 people of Naivasha so that they can seek compensation against the many sicknesses and inconveniences they experience because of an Assistant Minister who cannot perform. This is an Assistant Minister who is too lazy to wake and go to Naivasha to confirm the fact that Kshs280 million was paid and yet the project cannot be commissioned.

Would I be in order, therefore, to seek deferment of this Question so that the Assistant Minister can come to prove that, indeed, the Treasury took three years to approve duty exemption and that KPLC even after being paid over two years ago, could not get a transformer?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, are you prepared to answer that question?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, first of all, sometimes we sympathise with Mr. Mututho for being too emotional over nothing.

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

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Mututho! Proceed, Mr. Assistant Minister.

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, it is always good to be cool. You need to relax so that you can be consistent with what you ask.

I have been taken head on for issues that have not even been raised in this Question. I want the Chair to listen to me because these are serious allegations from the other side and it is only good sometimes to go through the HANSARD so that Members of Parliament who accuse Ministers--- Since we are covered live, any serious allegations raised by hon. Members to show the incompetence of a Minister have further implications. Hon. Members should not just come here to issue populist statements without interrogating the facts of the matter.

These are the facts of the matter so that you can also decide whether this Member of Parliament should not be taken to the Committee on the Privileges of this House. This project was worth Kshs249 million. The money came from a donor, the African Development Bank (ADB). The project was supposed to be completed in January, 2010.

However, this was delayed for four months because the African Development Bank (ADB) had to seek tax exemption from the Treasury before they could release this project to us. Although, the Ministry had applied for this tax exemption, it was delayed for four months. By April, we were able to get tax exemption which can never be processed by the Ministry of Water and Irrigation. It can only be processed by the Treasury. There was no way the Kenya Power and Lighting Company (KPLC) could have connected us until the project was completed. We applied to the KPLC on 23<sup>rd</sup> March, 2009 but it was not until 13<sup>th</sup> November, 2009 when they gave us the quotation. If the hon. Member wanted to see the facts, he could have asked me to come and table all the relevant documents instead of coming here and attacking an innocent Minister for things that he never asked for.

We went ahead and made full payments in March 2010. We made full payment to the KPLC in March 2010. This is a special transformer and the hon. Member, who is an agricultural engineer, should be able to know that they are special transformers and they had to make the orders. The KPLC moved on site on 16<sup>th</sup> September, 2010 and are installing the transformer. Therefore, we shall be commissioning this project anytime from now.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Mututho, are you satisfied with that answer?

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, I sympathize with this most experienced Member of Parliament from Central Rift because he has learnt a lot of bad habits from the old Parliament before we had the new Standing Orders and the new Constitution. Among the bad habits is to come here and always protect the Government as a blanket. We have had meetings which are minuted in his Ministry and revisited all these issues that he is bringing forward. Eng. Mutai has given several promises and said that they have paid for the power. That was in December, 2008 and again in 2009.

Mr. Temporary Deputy Speaker, Sir, the Assistant Minister says that they are rehabilitating the sewerage works and that the design capacity for this was for 30,000 people. Naivasha has 120,000 people and so, even at peak performance, you will still have raw sewage going to Lake Naivasha. That is the import of this thing. Now with additional water, we are going to have that same rehabilitated system outdone by the new sewerage from Lake Naivasha and then---

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Mututho, what is your question?

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, could you defer this Question, so that the Assistant Minister can go and do his work properly, so that we know that we are not in danger of either disease outbreak or sewage spilling to Lake Naivasha?

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Mututho, the Assistant Minister is here and has already brought the answer. What part of the answer is not sufficient and which he can clarify?

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, after rehabilitation to a capacity of 30,000 people, what do you intend to do with sewerage generated by 90,000 people which goes daily into Lake Naivasha?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, what improvements on the line can be accomplished?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, if you have followed this Question closely, we have been able to answer the hon. Member on all the issues that he has raised on KPLC and the delay. When you are not emotional, you ask questions in a consistent manner. The hon. Member has got a very viable question, but he is carried by emotions---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Assistant Minister! Can you answer the last question he is asking about the line?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, we are now dealing with part “c” of the Question which asks: “Could the Minister provide details of the emergency measures put in place to avert the imminent environmental catastrophe?”

Part “b” which the hon. Member has not interrogated asks: “What steps is the Minister taking to urgently attend to the deteriorating and overloaded sewerage system in Naivasha---”

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Minister, he is asking about part “c” of the Question!

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, they are combined.

First, I agree that the Kshs10 million we have given for rehabilitation is a drop in the ocean. What is required is concerted effort from the Treasury and other relevant Ministries because we require over Kshs1 billion to address the question of sanitation in Naivasha, which is a real concern. The other day, the hon. Member raised a Question and we asked the Prime Minister---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant Minister! Hon. Mututho is asking about emergency measures you are likely to employ to deal with environmental issues of that particular line. When are you likely to do something?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, for example, the Kshs10 million will deal with breakages and rehabilitation of pipes but that is just emergency. We require now to seek about Kshs1 billion to make sure that this problem is addressed once and for all.

**The Temporary Deputy Speaker** (Prof. Kaloki): So, you have Kshs10 million at the moment to rehabilitate?

**Mr. Kiunjuri:** Yes, Mr. Temporary Deputy Speaker, Sir. It is for emergencies.

**The Temporary Deputy Speaker** (Prof. Kaloki): Ask your final question, Mr. Mututho!

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, before I come to the final question, I seek further indulgence to confirm that, indeed, Kshs10 million is for rehabilitation of the current sewerage works so that it functions to a capacity of 30,000. There are no emergency measures in place for the remaining 90,000 residents of Naivasha. That is the gist of the Question. Could the Assistant Minister confirm that there are no emergency measures and that the Kshs10 million is supposed to be also the contingency for the 90,000 who cannot be serviced by the system which he has admitted was meant for 30,000 people?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, the population of Naivasha has gone up over three times. As an emergency measure, we want to rehabilitate what is there. This is because you cannot issue funds for emergency for what is not already in existence. We also agree that because of the growth and because we have put in more facilities now, that will require new sewer lines--- In fact, everything must be now tripled. That is why we require over Kshs1 billion to make sure that Naivasha is safe.

**Mr. Mututho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Naivasha contributes 90 per cent of the agricultural Gross Domestic Product (GDP) to this Government, which involves payment to this Ministry. Some of the money they are using is from Naivasha. Now, we are nearing a situation where Lake Naivasha will be poisoned by 90,000 residents whose sewage does not have contingency measures. Am I in order to request that this Question be deferred or referred to the relevant Committee so that these urgent issues can be dealt with?

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Mututho, what is your point of order?

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister in order to continue misleading this House that there is, indeed, some contingency measures knowing too well that there is none at all on the 90,000 residents of Naivasha, even after the rehabilitation of that sewerage---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Mututho! The Assistant Minister adequately answered part “c” of your Question dealing with the emergency situation. He even offered a figure of Kshs10 million to deal with that particular question.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, Sir, Kshs10 million will be used to rehabilitate the existing works, so that the 30,000 capacity can be functional---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Mututho! You asked that in part “c” of your Question and the Assistant Minister adequately dealt with that.

What is your final submission, Mr. Assistant Minister?

**Mr. Kiunjuri:** This issue of Lake Naivasha requires concerted effort from various Ministries like the Ministry of Water and Irrigation, Ministry of Public Health and Sanitation, the Prime Minister’s Office, Office of the Deputy Prime Minister and Minister for Finance and Ministry of Environment and Mineral Resources so that it is sorted out. I agree with the hon. Member for Naivasha that it is a serious issue and we all agree with him. I am requesting the hon. Member to follow the matter closely so that we can make sure that the committee that will be working on Lake Naivasha will deal with the issue urgently. Thereafter, we can come back to Parliament if we do not get the other agencies to come and assist in this.

*Question No.443*

LIFTING OF BAN ON LAND CONTROL BOARDS IN KURESOI

**The Temporary Deputy Speaker** (Prof. Kaloki): With regard to Question No.443, the Minister, hon. Orenge requested that the Question be deferred to a later date.

He has an agreement with the Questioner, hon. Cheruiyot and, therefore, the Question is deferred.

*(Question deferred)*

We will now go back to Question No.385 which was to be asked by hon. Shakeel Shabbir. However, the Question will be dropped because the last time it appeared on the Order Paper, it was deferred but today, hon. Shakeel is not here.

*Question No.385*

MAJOR SHAREHOLDERS OF KENYA AIRWAYS LIMITED

*(Question dropped)*

**Mr. Cheruiyot:** On a point of order Mr. Temporary Deputy Speaker, Sir. Was it in order for you to defer my Question when I had not asked it?

**The Temporary Deputy Speaker** (Prof. Kaloki): The Minister was here and he briefed the Chair.

**Mr. Cheruiyot:** Mr. Temporary Deputy Speaker, Sir, still, I have not asked the Question.

**The Temporary Deputy Speaker** (Prof. Kaloki): I thought you had some informal discussions with the Minister.

**Mr. Cheruiyot:** Mr. Temporary Deputy Speaker, Sir, that was informal. The formal thing would be for me to ask the Question.

**The Temporary Deputy Speaker** (Prof. Kaloki): Proceed and ask your Question.

*Question No. 443*

LIFTING OF BAN ON LAND CONTROL BOARDS IN KURESOI

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

(a) why the Ministry has stopped all transactions by the Land Control Boards in Kuresoi District; and,

(b) when the Minister will lift the ban.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Mr. Cheruiyot, the Minister approached the Chair and the information I got was that he had communicated with you. The request was that we defer the Question to a later date. The Minister was here. However, he has already left. I think that the fair thing to do is that we defer the Question so that it is answered adequately.

**Mr. Cheruiyot:** Mr. Temporary Deputy Speaker, Sir, now that we have done the formal thing, I agree that I discussed the issue with the Minister and the Question can be answered later.

**The Temporary Deputy Speaker** (Prof. Kaloki): Therefore, we will defer the Question to next Tuesday at 2.30 p.m, or when we will have the next available opportunity.

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member for Kuresoi, Mr. Cheruiyot, to intimate that the Chair does not have the capacity to dispose a Question after the communication had already been made to the Chair by the Minister?

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you, hon. Ethuro. I think the hon. Member is adequately advised. Therefore, we will move to the next Order.

**The Assistant Minister for Transport** (Mr. Mwau): On a point of order, Mr. Temporary Deputy Speaker, Sir. With regard to Question No.385, I request that you drop it because this is the second time that it has not been asked.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! I have already directed that the Question be dropped because the hon. Member was not in the Chamber. This is the second time and we have to drop it.

## POINTS OF ORDER

### FOOD DISTRIBUTION IN NORTHERN KENYA

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Mine is just to inform the House that I had requested for a Statement a month ago, before the House went on recess, on the situation of food distribution in northern Kenya. Since then, many events have taken place and the situation is getting worse. However, the Minister is yet to bring the statement to the House. I was just wondering whether you could confirm with the Minister when he would bring the statement to the House, preferably, this afternoon or tomorrow afternoon.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Ethuro, we have communication that the Minister will bring a Statement on that issue next week on Tuesday. The Clerk-at-the-Table has that information. The Minister is prepared to come next week and bring the Ministerial Statement.

**Mr. Letimalo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. On top of the Statement being sought by hon. Ethuro with regard to the problems we are facing in northern Kenya, we are equally concerned about the food situation in northern Kenya. I would like to plead with the Chair that this matter be given proper attention and if possible, the Minister should bring a Statement this afternoon because the situation is critical. People are really starving and collapsing every other day in the market due to scarcity of food. The Government should take this matter very seriously.

**The Temporary Deputy Speaker** (Prof. Kaloki): Although that is not a point of order, the Minister is prepared to bring an answer. The Minister communicated with the Clerk and stated that the Statement will be dealt with next week on Tuesday. There is a concern about the date. At the moment, hunger is affecting other parts of the country and even my own constituency, Kibwezi. The Minister will deal with the situation.

### FATE OF SCHOOL LEAVERS WITH FEES ARREARS

**Mr. Wamalwa:** Mr. Temporary Deputy Speaker, Sir, I rise to request for a Ministerial Statement from the Minister for Education on the fate of school leavers whose certificates are being held by school heads due to arrears owed by former students despite

the directive from the Ministry earlier that the same should be released. I would like the Minister to clarify the following:-

First, why have school heads and principals continued to withhold the certificates in total defiance of the foresaid directive? What measures have been put in place to ensure the enforcement of the directive by the Ministry? What immediate action the Minister intends to take to ensure that school leavers with arrears are not denied an opportunity to find employment, particularly in the ongoing military and police recruitments?

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): Mr. Temporary Deputy Speaker, Sir, let me respond to that. I will communicate the information to the Minister for Education because this is an extremely serious matter when we consider unemployment of young Kenyans in this country. So, we will convey the information and, hopefully, Thursday next week, they will respond appropriately.

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This statement touches on the recruitment of the youth into the armed forces. That exercise has already started. So, if you allow him to come here next week, those in whose areas the exercise will have been complete will have lost out. Could you direct, with all due respect, that he brings the statement tomorrow at 2.30 pm?

**The Temporary Deputy Speaker** (Prof. Kaloki): That is, indeed, a valid point of order.

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): Mr. Temporary Deputy Speaker, considering the operations involved in getting certificates to those respective schools, I do not think that can be done to all schools within one week. Thursday next week would be appropriate.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Kamama, could you try to have it before Thursday?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Kamama!

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): Mr. Temporary Deputy Speaker, Sir, we will try on Tuesday.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Kamama, the recruitment is going on at the moment and that is a valid question from Dr. Khalwale. Is there any way you can bring that Statement this afternoon?

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): Mr. Temporary Deputy Speaker, Sir, Tuesday next week will be appropriate.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Kamama, is there any way you can prepare and bring this answer this afternoon?

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): Mr. Temporary Deputy Speaker, Sir, we will try. It is under the other Ministry but we will try to bring it tomorrow.

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well, we will deal with it tomorrow!

Mr. Ethuro, please, proceed!

FATE OF KIPSONGO AND JAMANUU RESIDENTS



**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Deputy Prime Minister and Minister for Local Government on the situation of the residents of Kipsongo and Jamanuu in Kitale.

This is a settlement area where the landless and squatters of this country are being threatened with eviction notices by the Clerk of Kitale Municipal Council. I would like the Minister to confirm that in the new spirit of the Minister for Lands of acquiring title deeds that had been illegally given out, they will also prevent land grabbers from taking this land and ensuring that the residents of Kipsongo who come from one of the most marginalized areas of Turkana, can be assured land tenure in that area. They have been there since the 1970s.

I would also like the Minister to assure this House that no further encroachment on the two areas will take place.

**The Temporary Deputy Speaker** (Prof. Kaloki): Any Minister to make the undertaking?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I undertake to inform the Deputy Prime Minister and Minister for Local Government to give the Statement on Tuesday.

Mr. Temporary Deputy Speaker, Sir, I also wanted to respond to a Ministerial Statement which was sought by Ms. Karua on 27<sup>th</sup> July. Apparently, she is not around. I, however, had promised the House that I would be able to give this Statement this morning. With the indulgence of the Chair, should I go ahead because it is property of the House or should I wait until Ms. Martha Karua comes in?

**The Temporary Deputy Speaker** (Prof. Kaloki): Indeed!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, she was seeking a Ministerial Statement with regard to the killing of an unarmed protestor in Kangemi---

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Ojode, since Ms. Karua is not in the Chamber, we will defer the Ministerial Statement. You can issue it at the next available opportunity. Since you are ready, you can issue it this afternoon when she will be here.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I will be out of the country as from 2.30 p.m., until next week. Would it be fair for me to give the Statement on Wednesday next week?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Ojode, since you are ready with the Statement, I think it will be fair for you to issue it this afternoon when Ms. Karua is in the Chamber.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, with the indulgence of the Chair, I am saying that I will not be around at 2.30 p.m. I will be leaving for a meeting in Mauritius. In any case, this is a property of the House.

**The Temporary Deputy Speaker** (Prof. Kaloki): Fair enough! You can give the Statement next week on Wednesday.

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

**The Temporary Deputy Speaker** (Prof. Kaloki): I will make sure Ms. Karua is in the Chamber so that you give the Statement.

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

**The Temporary Deputy Speaker** (Prof. Kaloki): Dr. Khalwale, I hope your point of order is not about what I have ruled on!

#### SHOOTING OF TWO YOUTHS IN KIBERA

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I just thank you for insisting that he must answer. However, with your permission, since the Assistant Minister is bringing the Statement later, he should come with a further report on the circumstances that led to the shooting of two youths from Kakamega whose two bodies I have just transported home. They were shot at the beginning of last week at 8.00 a.m. in the morning in Kibera when they were walking to a construction site where they work as casual workers.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, you will agree with me that Kangemi does not fall under Kakamega. That is a different Ministerial Statement. If my friend wants me to give another Statement with regard to this incident, let him seek a Statement on that. Otherwise, I will elaborate on this one about Kangemi.

If my friend wants me to bring another Statement in regard to these two boys who were shot, I am ready to give him. However, he has to ask for the Statement officially.

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you. I think you have been fair enough to Dr. Khalwale. He knows the procedures very well and I am sure you will be able to issue a separate Ministerial Statement.

Next order!

#### MOTION

##### CLEARANCE OF OUTSTANDING SHORTFALL OF CDF REMITTANCES BY FINANCE MINISTRY

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I want to thank you for the opportunity to move this Motion.

I want to rise under Standing Order No.48 which talks about amendment of notice of Motion. It says:-

“The Speaker may permit a Member to move in amended form, a Motion of which notice has been given if in the opinion of the Speaker the amendment does not materially alter any principle embodied in the Motion of which notice has been given”

Mr. Temporary Deputy Speaker, Sir, I, therefore, wish to move the following Motion:-

THAT, being deeply concerned that the disbursements to CDF have been below the stipulated rate thus accumulating arrears of up to

Kshs 1.6 billion; further concerned by the failure of the responsible Minister to honour invitations to appear before the Constituencies Funds Committee to deliberate on the same; aware that the Minister has persistently allocated less than 2.5% of all government ordinary revenue collected in every financial year to the CDF in contravention of Sec 4(2) (a) of the CDF Act of 2003 and as amended in 2007; conscious that failure to make full remittances has in some cases contributed to delayed CDF project implementation at grassroots and impacted negatively on the fund's core objective of poverty alleviation; this House resolves that the Ministry of Finance remits all the outstanding shortfall in remittances to the CDF with immediate effect.

Mr. Temporary Deputy Speaker, Sir, I want to amend the Motion by deleting Kshs1.6 billion and replacing it with Kshs5.18 billion. I will explain why that figure has gone that far.

The amended Motion should therefore read as follows:-

THAT, being deeply concerned that the disbursements to CDF have been below the stipulated rate thus accumulating arrears of up to Kshs5.18 billion; further concerned by the failure of the responsible Minister to honour invitations to appear before the Constituencies Funds Committee to deliberate on the same; aware that the Minister has persistently allocated less than 2.5% of all government ordinary revenue collected in every financial year to the CDF in contravention of Sec 4(2) (a) of the CDF Act of 2003 and as amended in 2007; conscious that failure to make full remittances has in some cases contributed to delayed CDF project implementation at grassroots and impacted negatively on the fund's core objective of poverty alleviation; this House resolves that the Ministry of Finance remits all the outstanding shortfall in remittances to the CDF with immediate effect.

Mr. Temporary Deputy Speaker, Sir, in amending this Motion in order to allow for the Kshs5.18 billion instead of Kshs1.6 billion which was a result of taking into account only one disbursement, there are two issues that inform this debate.

The law requires that the Government shall allocate not less than 2.5 per cent. In effect, it means the Government can allocate up to 100 per cent if they so wish. We are, therefore, looking at the amount between what should have been allocated to the Constituencies Development Fund (CDF) in terms of all ordinary revenue and what was put in the Printed Estimates. That portion of the money we are looking for comes to about Kshs3.42 billion.

In the year 2004/2005, there was a difference of Kshs1.04 billion. In the year 2005/2006, there was a difference of Kshs0.1 billion. In the year 2006/2007 and 2007/2008 financial years, the Treasury gave us slightly above the 2.5 per cent which we appreciated.

In 2008/2009, they went back less than the statutory figure and there was a shortfall of Kshs1.49 billion. In 2009/2010, they went back, and when we should have received Kshs13 billion, they allocated us in the Printed Estimates Kshs12.33 billion with a shortfall of Kshs0.74 billion. The total of that is Kshs3.42 billion.

Mr. Temporary Deputy Speaker, Sir, we have discounted the first year of 2003/2004 where they gave us only Kshs1.26 billion instead of Kshs5.66 billion. We have discounted that because the Constituencies Development Fund (CDF) commenced half-way during that financial year. So, there is no way we would have expected the Treasury to have factored in that kind of money. I must also demonstrate to the Treasury that there is no ill-motive on the part of the Committee. The Committee just wants the Treasury to abide by the law which is better than any of us. I will table the document which demonstrates that amount of money. We have also not factored in this financial year.

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

Mr. Temporary Deputy Speaker, Sir, the second tranche of the money is what the Treasury gave us in terms of the Printed Estimates in the Budget vis-à-vis the actual disbursement. We have realized that in 2004/2005, the Treasury failed to remit Kshs160 million. In 2007/2008, the Treasury failed to remit to the CDF Board Kshs1.1 billion. In 2008/2009, the Treasury failed to release Kshs499 million. That brings the amount that had already been voted for by this House, as recommended by the Treasury through the Minister for Planning, National Development and Vision 2030--- The Treasury failed to release Kshs1,759,300,000. When we add that, you get the figure of Kshs5.18 billion.

This Fund was established under the law and we took the route of the law because we knew what the other funds, especially the Poverty Eradication Commission and the Rural Development Fund had gone through. They were mismanaged and they have nothing to show. This time round, this Parliament and I want to thank the Government for its support; we decided that the CDF will be implemented through the law. In fact, a country like India, where there is the CDF, it does not have a law as elaborate as the CDF Act. Section 4(2) (a) provides for 2.5 per cent of all ordinary Government revenue in every financial year. The allocation criterion is also within the law. It has not been left to the whims of the Committee or the Minister. This is according to the Act. Section 19(1) of the Act stipulates that 75 per cent of all the funds allocated to the CDF should be allocated equally to the 210 constituencies. The remaining 25 per cent is taken into account by considering the population and the poverty indices. The CFC Committee has 11 Members although two of them were promoted. That is, Mr. Ombui and Mr. Magerer and we wish them well in the Government. That demonstrates the capacity within the Committee; in that the Government seems to be fishing from us. The Committee has the following Members:-

The hon. Ekwee Ethuro – Chairman  
The hon. Moses Lessonet, MP – Vice-Chairman  
The hon. F.T. Nyammo, MP  
The hon. Dr. Nuh, MP  
The hon. Eng. Nicholas Gumbo, MP  
The hon. Evans Akula, MP  
The hon. Charles Mutisya Nyamai, MP  
The hon. Alfred Sambu, MP

Mr. Temporary Deputy Speaker, Sir, I want to register my gratitude to the Committee and the House. We have worked well. In fact, yesterday we had a meeting in

which we approved this Motion. We have had 103 meetings. That is how seriously we took our assignments in the Committee, contrary to the perception out there that hon. Members only work for three days. How could we be working for three days and still be able to hold over 100 meetings just within two and a half years.

The functions of the Committee are seven. This is according to the law. Among these, there are only three that I just want to highlight which demonstrate why we are here. Function No.3 says:-

“To consider and recommend to Parliament any matter requiring action by the National Assembly pursuant to the provisions of this Act.”

The fourth function is to oversee the implementation of the CDF Act. The fifth function is to oversee the policy framework and legislative matters that may arise in relation to the fund. The sixth function is to continually review the framework set out for the efficient delivery of development programmes financed through the Fund. The general one is to carry out any other functions relevant to the work of the Fund.

I also want to acknowledge the support we got from the Deputy Prime Minister and Minister for Finance and his able Assistant Minister, Dr. Oburu. During their tenure, we have seen disbursement of the CDF being made timely. We have also seen the attendance to meetings improve, although that is an area that they need to improve as I will demonstrate shortly. We have also seen a lot of good will in last year’s Budget where the Government decided that even in the implementation of the Economic Stimulus Programme, it will use the CDF framework. To that extent, the Government has demonstrated commitment and appreciation. It has appreciated the impact of the work of the CDF. We have nothing personal against the Ministry or the Ministers responsible and we are very good friends. However, this is not personal or friendship. This is business between the Government and Parliament and a matter of enforcement of the law. I want to say that if any of us want to implement the new Constitution or has a commitment to this country, the rule of law is paramount. Constitutionalism is the way we should go. What the law has provided for, whether we like it or not, we must abide by it. If we feel that the law is not good, we should wait for an opportunity to bring amendments. This Committee has never wasted a single moment to entertain any Minister or any of those civil society members that have issues on CDF. We have always been ready and willing to entertain the thoughts in an open and transparent discussion.

Mr. Temporary Deputy Speaker, Sir, we need this money because the core function of the Fund is to fight poverty and general development. I had an opportunity to go round this country to inspect the CDF projects and it has always given me extreme joy that in constituencies that had only one or two secondary schools, they were doubled because of the CDF projects. Mandera Central tripled the number of secondary schools. The efficiency and timeliness of the performance of the CDF cannot be gain-said. In Magarini where we had a partnership between the KWS on the live fence of a forest, 10 kilometres each, the CDF component was finished before the KWS component even took off. Another form of partnership was in Garsen in Tana River, where Tana River had changed course. Another partnership was between the CDF and the Coast Water Trust Fund. The CDF component was completed before the water board implemented their part. I do not know what other efficiency the Treasury needs to demonstrate if not this kind of efficiency and timeliness in realizing intended objectives and outcomes.

In the Economic Stimulus Programme, if the Government builds a classroom you need Kshs1.5 million. This Committee has taken Government officers through the process and we have been able to demonstrate again through the various projects of the CDF where we have been building classrooms, that you can actually build a decent, stable, durable classroom between the cost of Kshs300,000 and Kshs800,000 in those extreme arid areas where the materials are not easily available. In places like Kipkelion and Eldoret East, for example, you can build a classroom at Kshs250,000 because you can easily get the materials around there.

Mr. Temporary Deputy Speaker, Sir, again, if the Treasury is looking for an opportunity to accelerate development in this country; an opportunity to give value for money, the Constituencies Development Fund (CDF) framework is the way to go. You can imagine how much more we would have done in terms of realizing the Millennium Development Goals (MDGs). Right now, my people are so desperate because of famine. They are looking for food. We need to alleviate poverty. That is MDG number one. That is what the Act is all about; that is the commitment of the coalition Government under Agenda 4! What are we talking about? The Constitution was to sort the long term issues, but we also have those other issues. Poverty and inequality are the issues that were also clarified under Agenda 4.

So, we are not interested in the Treasury jobs. We are very satisfied as Committees of this House. What we are asking of the Central Government is to honor its commitments and obligations under the law.

Mr. Temporary Deputy Speaker, Sir, we have been scheduling meetings for two-and-a-half years in order to get this matter resolved. We seem to agree that nothing was happening. We called for about nine meetings. The Ministers skipped six of them and only appeared in three of them. I want to acknowledge also Minister Oparanya, who has been a good ally of the Committee. He has always been with us in spite of some misgivings initially. There is not much we can do because when the barons in the Treasury; when those functionaries who think they own Government resources and it is not public funds, refuse to honor commitments, then we have no otherwise. We even formed a sub-committee to deal with Treasury on this matter. For the last one year, they could not give us names and we could not hold a single meeting with the Treasury on this particular matter.

Mr. Temporary Deputy Speaker, Sir, it is important to realize that business cannot be as usual in this country now. We have a new Constitution and a good Parliament – the 10<sup>th</sup> Parliament – where the Government is part of us. We have Standing Orders, there is a Finance Management Act which requires both sides of the House with strict defined timeframes to be able to deliver on our commitments.

Mr. Temporary Deputy Speaker, Sir, as recently as just one month ago, they promised to release this money and to make a commitment in writing. I was even willing to withdraw this Motion but, unfortunately, I am yet to see the letter. When you deal with these kinds of people, what are we supposed to do? The only thing we can do is to come and seek the resolution of this House which is binding. If they do not implement it, because the Motion requires them to effect it immediately – fortunately we have what we call the Implementation Committee – we will go and file it with the Implementation Committee. I hope, Mr. Assistant Minister, that you do not want us to go that route. That route will not be good for any of us.

I hope the Assistant Minister, who I am glad is present, will take this House seriously. That a resolution of this House will be binding to the Government and that the Government is under obligation to expedite this matter like yesterday.

Mr. Temporary Deputy Speaker, Sir, I also want to conclude by thanking the House and the country for the support they have given to this particular Fund known as the CDF. Unlike many other decentralized funds, we have done a good job. On the account of time, I have many other pages where I would have demonstrated the impact, but I do not want to do that for now. Even the Assistant Minister himself knows this because through the CDF, he has been able to start a university in his own place. You should be convinced; we do not need to convince you! The House should not convince any Minister on the good of CDF; they ought to know! And in that secure knowledge, then they need to be the ones championing our cause, Mr. Assistant Minister!

Mr. Temporary Deputy Speaker, Sir, while there are issues that have come in the cause of looking at the new poverty indices and the population, I want to assure the House that this Committee will abide by the law. We cannot accuse the Government and Ministers of not following the law and we fail to follow the law ourselves. We must, at all times, abide by the law and the allocation a criterion that is within the law.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to move and request my able deputy, the honorable Member for Eldama Ravine; the short but very capacitated person - hon. Moses Lessonet – to second the Motion.

**Mr. Lessonet:** Mr. Temporary Deputy Speaker, Sir, as I rise to second the Motion, I stand here today to put across some facts which are going to help the hon. Members here to fully support this Motion.

Mr. Temporary Deputy Speaker, Sir, while I second and support this Motion, I want to thank this CDF Committee for the work they did last year in December in terms of amending the Roads Act. We did amend the Roads Act – because it is part of the devolved funds – to allow you, hon. Members to have four of your CDSC Members to sit in the Constituency Roads Committee and, in fact, we went an extra mile so that out of those four, two of them are signatories to the Constituency Roads Committee. For that matter, I want to believe that this year, you really have a very nice time in managing that Fund.

While I second this Motion, I want to state the following facts. For the Financial Year 2009/2010 – that is the year which just ended on 30<sup>th</sup> June, 2010 – it is only 114 constituencies which received their full allocation of CDF; only 114! We still have 96 constituencies which have not received their full allocation of CDF for the simple reason that the Treasury – just like the CDFC Chairman has indicated – to date, has given us a shortfall in remittance of Kshs1.8 billion. So, the 96 constituencies will have to wait until we receive the money for this financial year so that we can settle them. I just want to pity those 96 constituencies which are yet to receive their rightful CDF allocation for the year 2009/2010.

Mr. Temporary Deputy Speaker, Sir, I just mentioned that to date, if I can give you an example of the year 2007/2008, the allocation which was approved by this House was Kshs10.1 billion. The Treasury managed to remit only Kshs9 billion, leaving a

shortfall of Kshs1.1 billion. For the year 2008/2009, the allocation, again, which was approved in the Budget by this House was Kshs10.1 billion. The Treasury succeeded to remit only Kshs9.6 billion, leaving a shortfall of Kshs500 million. For the year 2009/2010, which is the year which has just passed – we want to thank them because they remitted in full – the arrears is the reason why 96 constituencies are yet to receive their rightful allocation.

Mr. Temporary Deputy Speaker, Sir, the Constituencies Development Fund Act requires Treasury to give 2.5 percent of ordinary revenue and not less than 2.5 percent of ordinary revenue. Since the inception of CDF, this Government has continued to violate that law. Let me just give you an example. This year, 2010/2011, the ordinary revenue as per the estimates was Kshs609 billion. Out of that amount, we expected this Government to give to CDF Kshs15.2 billion but in the estimates, they brought Kshs14.28 billion, which is almost less by Kshs1 billion. For the financial year 2009/2010, ordinary revenue was Kshs523 billion, 2.5 percent of that comes to Kshs13 billion. That is what we expected in the estimates but they gave us Kshs12.3 billion, a shortfall of Kshs700 million. In 2008/2009 estimates, ordinary revenue was Kshs463 billion, 2.5 percent of that amount is Kshs11.6 billion but they gave us Kshs10.1 billion, a shortfall of Kshs1.5 billion.

Mr. Temporary Deputy Speaker, Sir, you realize that when you do an accumulation of the shortfall in terms of adhering to the law, we have a cumulative shortfall of Kshs6.8 billion. We appreciate that the Assistant Minister is also a Member of Parliament, and he represents Bondo Constituency. Also, the Deputy Prime Minister and Minister for Finance represents a constituency in Gatundu. I know they might be able, in their capacity, to negotiate for other monies for their constituencies but they should bear with us, ordinary Members. We rely on this Fund to construct schools, roads and implement water projects in our constituencies. We want to beg the Assistant Minister to comply with the law. The 2.5 percent is nothing when compared to the 97.5 percent which they still have to decide what they want to do with. They can use their discretion on the 97.5 percent but these 2.5 percent of ordinary revenue; and we are only talking about ordinary revenue because they still have other monies; for instance, dividends and grants and we are not interested in getting any portion from these monies. We are only interested in getting 2.5 percent of what Kenyans pay as taxes.

Mr. Temporary Deputy Speaker, Sir, we have sent several delegations to the Office of the Deputy Prime Minister and Minister for Finance, but they have all been in vain. We have summoned him to Committees and he does not attend. We even made an effort to visit him in his office to request him to comply with the law; to request him that even when we pass estimates, please give us our portion. Even the ones he has brought to the House for approval, why have they failed even to remit that one?

I want to urge the hon. Members who are here today that we should pass this Motion so that this Minister with immediate effect, which means by the end of today, he should have given us the Kshs6.8 billion which he has not remitted and equally, the shortfall of Kshs1.8 billion in remittance.

With those few remarks, I second.

*(Question proposed)*



**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. I also wish to thank the Mover of this Motion, hon. Ethuro, who is the Chairman of the CDF Committee. I also wish to thank the Members who execute the mandate of CDF; the ones who support hon. Ethuro, for a job well done.

Mr. Temporary Deputy Speaker, Sir, you will agree that all of us here, together with many other Kenyans, support the CDF initiative. The CDF framework has revolutionized development in this country. I am only surprised that there is a funny nexus between the CDF members and the Office of the Deputy Prime Minister and the Ministry of Finance. To the best of my knowledge and information, I know that the Deputy Prime Minister and Minister for Finance has discharged his duties impeccably. He has done very well. The initiatives that he has introduced in the form of similar packages at the grassroots level are quite impressive. I still feel that the CDF Committee, together with the Office of the Deputy Prime Minister and Ministry of finance, should put their heads together and make sure that this problem is solved as a matter of priority.

Mr. Temporary Deputy Speaker, Sir, all Ministries in this country have a vision, service charters and strategic plans. They also have performance contracts with very specific benchmarks. So when you are told that Kshs6.8 billion has not been disbursed for the last three or four years, this is an unfortunate situation. It reflects badly on that respective Ministry. So I want to call upon the officers, especially the Treasury mandarins, to help the Minister execute his mandate; to help him achieve the very specific objectives of this Ministry. I want to ask the Office of the Deputy Prime Minister and Ministry of Finance to fast track the disbursement of the remaining funds to the CDF Committee so that these funds can be taken to our people in the villages.

Mr. Temporary Deputy Speaker, Sir, I speak as a former civil servant and I know quite a lot of initiatives which were meant to transform Kenya into a middle income economy have flopped. There are many initiatives; you all know the District Focus for Rural Development strategy or the Nyachae Initiatives, the Rural Development Fund that was being supported by DANIDA, the way it was plundered by officers and it never took off.

Mr. Temporary Deputy Speaker, Sir, we also remember the initiative of the Rural Enterprise Fund that was dished to business people on political grounds and that money ended up being perceived as KANU money. So, it never assisted many Kenyans! We came up with so many proposals like the Social Dimension of Development; the Social Adjustment Programmes and those have also never worked. So, the initiative of the Constituencies Development Fund (CDF) framework is a miracle to many Kenyans. That, indeed, development can be realized through the initiative of the Government, together with politicians. I must thank the politicians in this country and hon. Members. Most people would argue--- Most scholars and development experts would convince you that politicians cannot be entrusted with money to develop this country. But go down to the grassroots. This time round, you will trust the politicians in this country.

Poverty alleviation is our priority in this country. When you go round this country; when you go to slums or the entire ASAL region, you will see what we call hardcore poverty; abject penury; people living on less than a dollar per day. That is quite unfortunate when you look at the normal benchmarks that are used to measure development. So, we should take our people forward by ensuring that the money that is

meant for them is taken to them. I wish to recommend and support the CDF Committee Members that this money should be disbursed as a matter of urgency to this Committee for onward transmission to the CDF Management Committee.

I would be surprised if this aspect of management will not feature in this Ministry's rating when we look at the performance contracts. So, for them to do well, we need the funds like yesterday. I fully support the Members and I am convinced that the Deputy Prime Minister and Minister for Finance, Mr. Kenyatta is a man who listens and he has done a few wonders since he joined that Ministry. I want him to support this Committee by remitting those funds as a matter of urgency.

With those many remarks, I beg to support.

**Mr. Mbau:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me this chance to also add my voice very strongly in supporting this Motion; that monies that are due to the Committee are due to every constituency and beneficiary of localized funding of projects. Such projects reflect the real needs of Kenyans, felt across the country. The value of CDF sometimes eludes some people. When we come here and bring the needs of projects, we are talking about those needs which the central Government, the Ministries and departments may not be able to discern at the national level where they make decisions, sometimes forcing projects that wananchi may not very well be conversant with or identify with.

The value of CDF reflects the following: We have very many projects that have been required and which the bigger Ministries do not feel like they have those little monies; the Kshs1 million, Kshs2 million, Kshs5 million or Kshs10 million to fund. They supplement the gaps that the departments may otherwise not be in a position to address. Look at the question of addressing special needs. Every constituency in this country has special needs. Some constituencies will want to put up classes because classes are what they need. Some other constituencies may want to put up more bridges and footpaths. Some other constituencies may not even want health centres because what they have is already enough. So the value of CDF caters for those specialized needs that may not cut across the board.

The other value for the CDF kitty relates to attracting other donors and partners by saying: We come to you as a willing partner to fund or sponsor a specific project and we are willing as a constituency or community to prevail on the CDF Committee to commit this amount of money. So, you are able to persuade, for instance, the Ministry of Public Health and Sanitation or the Ministry of State for Provincial Administration and Internal Security if, as CDF, we can put in a certain proportion of money, will you be willing to also come and partner with us or even as a donor. It is usually an argument that carries water. So, when as hon. Members representing wananchi, we are not able to get all that which is due to this kitty, we feel a little cheated. Time has gone when hon. Members used to beg or persuade Ministries and Ministers to do that which they ought to do. Surely, that time has come and gone. Ministries and Ministers and CEOs of the Government need to do without being compelled that which the law requires them to do. When the Chairman of CDF at the national level was moving this Motion, he said that the CDF has offered the Government and the country an already very efficient and affordable cost framework under which other monies of the Government may ride over to achieve objectives easily because the CDF composition by its very nature and according to the law ensures that the constituents are represented in every location, in every ward and by

various persons and offices including Government departments. It also ensures that any Government Ministry, be it the Ministry of Water and Irrigation or the Ministry of Roads, has a readymade mechanism framework to use if you want to achieve rapid, efficient and effective results at the grassroots. So, we cannot downplay the role that the CDF plays. It requires to be supported by all and sundry; all people who have goodwill for wananchi in this country.

The other use for the CDF is that every village, community and constituency occasionally is afflicted by certain emergencies or needs which would require to be addressed rapidly and without undue delays. Sometimes, it used to take the Government two weeks, a month, three months or even six months before it responds to an emergency that has taken place in a local area. With the existence of CDF, it is nowadays easy to ensure that when an emergency of a local nature takes place, say the collapse of a classroom, a bridge during heavy rains or such other emergencies, it is possible for the hon. Member to appeal to the CDF committee of that respective constituency to attend to such a matter with speed so that we can ameliorate the suffering of our people. So, those are values that people need to appreciate about the CDF.

Mr. Temporary Deputy Speaker, Sir, we are, therefore, urging the Ministry concerned to note that in pursuit of their objectives, we need to give people what we call “certainty”. We say that CDF allocation is 2.5 percent of the ordinary revenue; therefore, we, as MPs representing the public, expect that much. If you do not provide that much, it means you will put into disarray, plans and projects that are already being implemented. The Ministry will be unable to comply.

We want to refer the Minister to the existence of a requirement in the Fiscal Management Act that states that if you do not comply by ensuring that you give or achieve that which you have planned to achieve, you need to come and explain to the committee, in this case the CDF Committee. You are obligated to give an explanation to Parliament, and that is why this Motion has come up.

For instance, if an explanation as to why there were variations in relation to this amount of money was given in full to, for instance, the committee, probably would not be having this debate. So, we want to say that we are not begging. What needs to be done has to be done. We are only imploring the Minister to ensure that we are able to sort out these little failings at the committee level, so that we do not have to come here.

Mr. Temporary Deputy Speaker, Sir, the economy is looking up. Everybody knows this. We read your statement the other day that we are now growing at an upwards of a rate of 4 percent. Since the economy is growing, and we hope it will continue growing, there is no good reason why this 2.5 percent, which goes directly to where the needs are, should be reduced or fail to come when it is expected. We want to urge that the money that is outstanding for last year and this year, be re-voted and supplied like yesterday, so that we are able to help you grow the economy, and that in future you may have a bigger kitty, which you will use to continue growing the economy.

With those few remarks, I beg to support strongly.

**Mr. Shakeel:** On a point of order, Mr. Temporary Deputy Speaker, Sir. May I please ask if you would kindly consider reducing the time for Members’ contributions because of the number of people who want to participate? I would ask if you could be kind enough as to reduce the time, so that we can all contribute.

**The Temporary Deputy Speaker** (Dr. Kones): I think it depends on hon. Members; they should shorten their contributions, so that other hon. Members can also contribute.

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Thank you, Mr. Temporary Deputy Speaker, Sir. I hope I will also not take a very long time discussing a matter that is straightforward like this one.

I stand to support this Motion. You will realize that in the 210 constituencies we have in this country, this is the only fund, even though it is a very small fund - it is only 2.5 percent of ordinary Government revenue - that has reached every corner of this country. If a comparison with the other money that goes through Government Ministries was to be done, you would realize that the CDF has done much more than what the rest of the Government has done.

In areas where we have critical emergencies, particularly in my area where cattle rustling is almost a daily occurrence, it is always the CDF emergency component that is always the first one to be relied on. You can imagine that even when the police have problems of fuel or transport, they call upon the CDF to support them. They do so basically because they realize that the CDF is functioning, and can easily be called upon to act quickly. All other Ministries rely on the CDF. I think this is the time when we have to take stock of how we have been implementing Government projects as opposed to CDF projects, and see whether this is the best way to go with 100 per cent of Government funds.

The other most important thing is that this is the only devolved fund that is accountable to the ordinary people. You will realize that the committees of CDF in the constituencies are formed by the people themselves. The project management committees are composed of people from the locality where the project is implemented. The Member of Parliament, who is the patron, is accountable to the people.

So, basically this is a fund that people have control over. If they realize that there is misuse, then they will punish the Member of Parliament and the committee members. I believe that for all the other revenue that the Government gets, there is no accountability to the ordinary people. Projects will be voted money, they will not be done and that year will pass. This is the only expenditure where a Member of Parliament will be held to account for the projects that he or she has promised to fulfill.

Just to conclude, the law is the law. Recently, we just passed a new Constitution and we said the law is the law. Every State officer has to abide with the law. If the law says let 2.5 per cent of ordinary revenue be remitted to the CDF Board, then the Minister is obligated to follow the law. If he breaks that law, then too bad for him. It is high time that this House takes this matter seriously, so that it makes us who are in the Government follow the law we have sworn to defend.

Lastly, regarding the CDF funds, you may realize that 75 per cent is allocated equally amongst all constituencies and 25 percent of the CDF funds is allocated based on the poverty levels and the population. If the law says that we use projected estimates, let it be projected estimates for all constituencies in the country. If the law says we use accurate population figures, let it be accurate population figures. I will ask both the Treasury and the Ministry of Planning to realize that there is no way you can deny eight constituencies in this country the opportunity to be allocated resources based on the accurate census figures.

With those few remarks, I support.

**Eng. Gumbo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this important Motion, which has been brought to the House through my Committee on CDF.

The impact of CDF in the country is not in doubt. In fact, the CDF is now really a national phenomenon. From our estimates, as a committee, we do believe that at least over 90 per cent of Kenyans both within and outside the country have heard of CDF. In one of the surveys that the board did recently, it is very encouraging to note that a fund which only came into being less than six years ago now has a high average success rate nationally. Its success rate is now well over 80 percent. This House needs to be congratulated for having brought the CDF Act, which has really changed the lives of many people in Kenya. We have places where water projects are now being implemented through the CDF. Rural electrification, hospitals, access roads have benefited from this Fund. These are areas where we, as a House, are to be commended because we have really changed the lives of Kenyans.

As a committee, we are so impressed by the success rate of CDF that one of the proposals we want to bring to the Floor of this House is an amendment to increase the minimum allocation to at least five per cent. We hope it will receive fair consideration from the Ministry of Finance.

Having said that, I would like to point out that one of the biggest stumbling blocks to the implementation of CDF projects is lack of absolute fidelity to the law. This is a major setback. For example, if you look at the CDF Act, it says very clearly under in Section 47(2) that the disbursement of funds to the constituencies Fund accounts shall be affected at the beginning of the first quarter of each financial year, with an initial amount equivalent to 25 per cent of the annual allocation for the constituency. Thereafter, Constituency Fund accounts shall be replenished in three equal installments at the beginning of the second, third and fourth quotas of the financial year.

This is one aspect of the Act which has not been followed at all. As you realize, for example, now we are in the second quota of this financial year but no constituency has received its allocation. As has been said by my colleagues before me, I think absolute fidelity to the law is important if this important Fund, that has helped so many, Kenyans is to achieve its purpose.

The other problem that I see, as somebody who is involved in the implementation of CDF projects, is that there is very little co-operation from the central Government when it comes to implementation of CDF projects. One of the biggest frustrations that we have, as a committee, is this question of very unqualified CBOs, some with absolutely no capacity to audit anything, going around and making very alarmist remarks. As a committee, we have summoned some of these CBOs. The Government must have a way of accrediting these CBOs, so that they are held accountable. We have to analyze their comments about construction of schools very critically. For example, they go to a school where there are building materials such as sand, ballast and cement, and then they say success rate is only five per cent. Based on what? So, we are asking the Government not to allow these CBOs to roam the countryside, confusing people and creating alarm about Members of Parliament, when, in fact, they do not even have the capacity. We want people with capacity to audit our projects. They can be accredited by the auditor-general to do so.

Mr. Temporary Deputy Speaker, Sir, there is also the problem where Government officers entrusted with looking at CDF projects in the countryside collude with the Project Management Committee either to inflate the cost of the project or misappropriate funds. Then, it becomes very frustrating because, really, for us to achieve success in these projects, the wheel of justice must move faster. You find a case where clearly funds have been misappropriated, a report is made and three months down the line those who are known to have misappropriated the funds are still roaming the countryside. Let the wheels of justice move a little faster in cases where funds have been misappropriated.

Mr. Temporary Deputy Speaker, Sir, finally, as a House, we know that one of the main purpose of the CDF is to alleviate poverty at the constituency level. I think we will go a long way, if we can have capacity at the local level. We get a lot of frustrations. Recently when I was doing a tour of projects in my constituency, you are told that the contractor or Engineer who has been given projects in primary school “A” is also the same one who has been given projects in primary school “B” and “C”. Yet he does not have the capacity to do so. I think we should look at ways and means of improving of CDF. One of the areas that we must speak about , as a House, is capacity. The Government must make sure that those who claim to have capacity to do this and that can actual do so. There was a time when we had very well functioning village polytechnics which were able to produce very good *fundis*. At some point, the emphasis on village polytechnics was lost. There are some constituencies in this country who do not have good *fundis*. My own thinking is that the little projects that we do in our constituencies, be it the construction of a classroom in a primary school, a water project in a dispensary, do not require the expertise of top notch engineers. But what we need is just people with good qualifications, who understand and can do good work at the village. Ideally, each one of us wants to improve our constituencies, to make our people earn more money and to generally fight poverty at the local level.

With those few remarks, I beg to support.

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. I want to start by saying that we are seeing impunity perpetuated. Kenya is a new Republic today. We are in our Second Republic. Therefore, we will not allow this impunity to continue. The law is clear. The law says not less than 2.5 per cent. The Minister continues to give us less than 2.5 per cent. This is impunity. We demand accountability from our Minister on behalf of Kenyans. I am glad that the Minister is here. We want this money immediately.

Mr. Temporary Deputy Speaker, Sir, the reason why this House is going to be very unco-operative with the Minister is that we recently passed a new Constitution. The new Constitution is very emphatic on devolution. The most critical element of devolution is financial devolution. With these trends, we fear that Treasury has no respect for this devolution. We want to see Treasury start to demonstrate that they can release funds. The new Constitution says devolved funds must be released without undue delay. They must be released in their quantum. I want to ask the Minister to guarantee to this House by end of the Motion, that the whole country will get what it deserves in the name of CDF. Otherwise, this House might be left with very few options, but to frustrate the Ministry of Finance Bills.

With those few remarks, I beg to support.

**Mr. Njuguna:** Thank you for giving me this opportunity to also make my contribution to this very important Motion.

First of all, I want to thank the Mover of this Motion, hon. Ethuro, because this is a very important Motion. Secondly, I would like to register my appreciation for the good work that has been by the Deputy Prime Minister and Minister for Finance and his Assistant Ministers. We have seen their good work for the last two years. The objective of this Motion is not to castigate that credible performance of the Ministry. Very recently, we recall that the Minister assured this House that those projects on Economic Stimulus Package that were not funded, their funds were re-voted. We want this money so that we can carry on with the intended projects in our constituencies.

The CDF funds have already transformed the lives of Kenyans. We have seen good work done in all the constituencies in this nation. We would like this good work to continue so that many Kenyans benefit from it. For instance, we have had heavy rains in the country and our road networks were destroyed. CDF funds were spent to repair these roads. We noted that even students were not able to go to schools because of lack of school fees. We used some of the CDF funds to assist these students. The CDF funds have also done well in the education sector. We have seen new primary schools, secondary schools and polytechnics being started in this country by Members of Parliament. This facility is very important.

We have also seen these funds used to improve mode of transport in schools. I recall that certain schools have bought new buses, so that students are transported in dependable transport.

The same funds have been utilized to create offices for the administrative personnel. In the new districts, the chiefs have not been provided with offices. These funds have been used well.

Mr. Temporary Deputy Speaker, Sir, we have seen orphans, HIV/AIDS victims and needy students who have benefitted largely from the bursaries from this Fund. You will recall that some regions in this country have experienced natural calamities and roofs of classrooms have been blown off by strong winds. The CDF money has been used to reconstruct those classrooms so that learning continues in our schools. Health facilities have also been constructed. Without the Fund, the given communities would not have benefitted in terms of health care.

The CDF money has done well in terms of water provision. The money has been used in the arid and semi-arid areas to drill boreholes and supply water to thirsty communities. It is, therefore, important that the CDF money be released as soon as possible so that the programmes that have already been initiated are completed in order to benefit Kenyans.

With those few remarks, I fully support the faster release of the funds.

**Mr. Mwathi:** Thank you, Mr. Temporary Deputy Speaker, for finally sporting me and giving me a chance. First and foremost, I would like to thank hon. Ekwee Ethuro and his Committee for the good work they have done to be able to bring this Motion to this House. It is a fact that the CDF money amounting to Kshs5.8 billion has not been remitted, in total contravention of the CDF Act, 2003. The Act requires the Government or the Office of the Deputy Prime Minister and Ministry of Finance to release not less than 2.5 per cent of ordinary revenue collected in this country. I do not think we should

be having this Motion which I strongly support because the law is very clear that this money must be remitted. The amount of money, in terms of percentage, is given.

It is a fact that CDF money has been used to alleviate poverty and do projects in all constituencies in terms of health, Provincial Administration, education and electrification. This cannot be gainsaid. I do not want to state what the CDF money has done because we know what the money is being used for. What bothers me is the fact that there is a law in place that says that this money must be remitted in certain amounts, but that is not being followed. I asked myself and my colleagues whether we want to go to every Ministry to ask for certain projects to be initiated in our respective constituencies. Must we go to the Office of the Deputy Prime Minister and Ministry of Finance in order to receive the CDF money that we are entitled to? I do not think that is the route we should take.

Mr. Temporary Deputy Speaker, Sir, suppose we persuaded every Minister to do what the law says or persuaded every teacher to go to class and teach or persuaded every doctor to go to hospital and attend to patients, what would that entail? When the law is in place, it behooves us to obey that law. I do not think we should be here, trying to persuade the Ministry to release the money. That money should be released. If that is not done, you will be doing a disservice not to Members of Parliament, but to Kenyans who look upon us to deliver services using this money. We have spent almost two hours debating this Motion. I am sure like my colleague, hon. Eng. Gumbo said, we would have been better of discussing how to increase the money from 2.5 per cent to five percent instead of crying for the 2.5 per cent which is already in the CDF Act of 2003.

I want to end the debate by urging the Deputy Prime Minister and Minister for Finance to forthwith and quickly release this money because there are very many people who are dependent on the CDF money. The money must come and there is no shortcut. I urge all hon. Members that if the money is not forthcoming then we take the appropriate action in accordance with the set procedures of this House.

With those remarks, I beg to support this Motion.

**The Assistant Minister for Labour** (Mr. Ojaamong): Thank you, Mr. Temporary Deputy Speaker. I also rise to support the Motion. It has been indicated that we have arrears amounting to Kshs5.18 billion. This approximately amounts to Kshs40 million per constituency. This amount of money can do tremendous work in our constituencies.

First, the Deputy Prime Minister and Minister for Finance should understand that he has broken the law which is very clear. Every hon. Member who has spoken has just been hyping this. Secondly, despite breaking the law consistently, he has even refused to honor invitations to appear before the CDF Committee. This makes him even more arrogant and shows disrespect to Members of Parliament who are people's representative and Kenyans as a whole. In fact, we are being very polite to the Deputy Prime Minister and Minister for Finance by just debating this Motion in this House. We should have even opted for stiffer penalties or measures to be taken against him.

*(Applause)*

However, before this debate concludes, maybe, we should give the Deputy Prime Minister and Minister for Finance time, at least, 30 minutes to tell us why he has been



behaving in this manner. This Ministry is very notorious when it comes to apportioning money to various projects. However, it is very quick at returning this money from the projects. We were promised by the Deputy Prime Minister and Minister for Finance that the money for the Economic Stimulus Projects (ESPs) would remain in the district treasuries or to be rolled on. However, it is very shocking to note that many projects have stalled because this Ministry rushed and ordered the various concerned Ministries to return the money back to the Treasury.

The trend this Ministry has set is that it disburses money to the districts or constituencies, it delays sending the money and then returns the money to the Treasury. So, it is like it is revolving the same funds. The Deputy Prime Minister and Minister for Finance does not want to ensure that these funds are used. This trend should be stopped once and for all. I sympathize with the 94 hon. Members who have not got the disbursement for the last financial year. I do not know how they will explain this to the electorate. I am happy that I got mine early and I am just finalizing. In fact, I am bringing my proposal for this financial year. I think the Treasury should have mercy on the 94 hon. Members and release the funds.

**Hon. Members:** It is our right!

**The Assistant Minister for Labour** (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, it is their right. However, the Deputy Prime Minister and Minister for Finance should do something urgently and release the funds to the Members of Parliament.

Finally, I thank those who voted in the new Constitution. This is because it provides for the Revenue Allocation Commission and other avenues through which such funds will be allocated and used well at the constituency level and elsewhere.

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

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, many of us are financiers and what shocks us is that a budget is made, passed and we go through everything. Thereafter, the role of the Ministry of Finance is merely that of being a cashier; taking, collecting and disbursing the funds. I do not want to belittle them, but that is it. They have a budget and it says that we are receiving so much money and we are paying to so-and-so much money. The Ministry of Finance also has the overall responsibility of looking at the financial condition of the country, but that does not change the bit about budgeting. Even the financial requirements and acts all over the world talk about prior year adjustments. We are against the basic accounting principles, let alone fiduciary responsibility to break with the budget. If you cannot work within that budget--- For example, if you are told: Give the Constituencies Development Fund (CDF) so much money, that is budgeted for. If you cannot do it because you have not been able to collect enough money, you come back to Parliament and say: "We have not been able to collect so much money. We are going to reduce each Ministry's vote by so much." That is why the Budget Committee is here. I think this is the time that Parliament should take over these responsibilities. The Budget Committee must be more powerful. You are against the Fiscal Management Act and the whole thing reeks of impunity.

The Minister for Finance and the Minister for Local Government are the only two executive Ministers and they have become gods. Somebody said; "let Treasury have mercy and give." What mercy? God gives mercy and not the Ministry of Finance. Why do we have to go and beg for our rights from the Ministry of Finance? Treasury has its

duty but it has not performed it. You have been given time and we do not need mercy. We need our rights. *Ni haki yetu* and your impunity must end.

Mr. Temporary Deputy Speaker, Sir, I sit in the Committee on Finance, Planning and Trade and many times we call the Minister for Finance. I am very pleased that the Assistant Minister always comes, but when we call the Permanent Secretary or somebody else and we have budget meetings, they send junior officers who cannot answer our questions. This is the impunity that we are working with. I feel for the Assistant Minister because he has to support what is a very corrupt and disorganized system.

Mr. Temporary Deputy Speaker, Sir, I think the Ministry of Finance must stop playing the liquidator. You are no longer playing a liquidator; you are playing a manager's game. Please, work within that.

Mr. Temporary Deputy Speaker, Sir, finally, the district accountants that are directly under the Ministry of Finance are notorious for holding back funds for *kitu kidogo*. You must get the district accountants working on a normal basis. I speak about mine who disappears for two or three weeks and tells people to take cheques to Ahero to be signed. He does not even give authority to his deputy accountant. We have to go all the way to Ahero. This impunity in the Ministry of Finance must stop. I assure you that the next time they bring the Budget, we will not allow them to take us for a ride. Thank you.

Mr. Temporary Deputy Speaker, Sir, I strongly support this Motion.

**Mr. Ochieng:** Mr. Temporary Deputy Speaker, Sir, what the CDF does to constituencies cannot be overemphasized. It is a known fact and we do not even need to dwell so much on the components that it has gone through to make sure that the lives of our people become much easier. We only want to urge the Ministry of Finance at this particular point to tell us if they have not been able to remit this 2.5 per cent, where the difference goes to. Actually it is 2.5 per cent component on the amount they collect as revenue. If they are not able to remit the entire amount, where do they take the difference? It means that somebody is playing some games which hon. Members have not been told. If they have not been able to remit the entire amount, it is important for them to come here and tell us that they are not able to remit it because of a, b, c and d. To avoid even appearing before the Committees to simply explain why they are not able to fulfill their obligation is a very serious omission and impunity that should be addressed by this House. I think that next time the Treasury fails to remit the entire amount as stipulated in the Act, it is important for us to go and even demonstrate at the Treasury so that the people we represent also know that we are having a lot of difficulties getting money from Treasury that is due to them and does not belong to one or two persons at the Treasury. It is important that the Minister takes note of it.

Mr. Temporary Deputy Speaker, Sir, I beg to support this Motion.

**Mr. Langat:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion.

Mr. Temporary Deputy Speaker, Sir, as I support the Motion, I want to mention that this is basically a Motion that should not have come here, because the law is very clear. This is going to set a bad precedence to this House because any time Ministers fail to follow the law, then we are supposed to move a Motion. I think every Minister and Ministry for that matter is not above the law. They must follow the law in the manner in which it is written and the spirit in which it is required.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Finance in this country does not own the money that it gives out. It belongs to the people of Kenya. They are only the custodians of that money. When we are voted to this House, being the representatives of the owners of that money, then the Ministry of Finance has no business trying to shortchange Kenyans. The Ministry of Finance must disburse the funds to the people of Kenya in their constituencies according to the CDF arrangement. It is unfortunate that arrears have piled up to Kshs1.6 billion, which roughly translates into almost Kshs8 million per constituency if we assume equal distribution.

Mr. Temporary Deputy Speaker, Sir, it is unfortunate that despite the fact that the Minister has not sent the money as required by the law, he has also refused to appear before the Committee. Actually, that is what this House must refuse. I think the relevant Committee must apply the Parliamentary Powers and Privileges Act. If he refuses to appear more than three times, he should be dealt with.

Mr. Temporary Deputy Speaker, Sir, the House also should be watchful of the Ministry of Finance in terms of the Bills it brings to the House. We are going to sanction the Minister if he does not release the money with immediate effect. I do not know what immediate effect means; I think we should have been more specific to say that within two weeks the money should be disbursed to our constituencies. The same Ministry, during budgeting, spends a lot of airtime trying to pass a very good budget which is not subsequently implemented. The Economic Stimulus Programme (ESP) has stalled in all the constituencies because the Office of the Deputy Prime Minister and Ministry of Finance. The Minister has not allocated money towards that programme despite promising the House during the last Budget that the money we voted would be allocated to ESP.

I think that this Ministry is practicing impunity. I have heard many hon. Members talking about the new Constitution and saying that we are in a second Republic, among other things. All those hopes of hon. Members and of other Kenyans may not see the light of day if the same Ministers we have today are the same ones who will be taking up the new positions. In terms of devolution, I am sure that the law says that 15 per cent of our revenue earnings should be devolved to counties. This situation may just be the same as the one we are in if the same Members take up the same positions.

Therefore, I would like to support this Motion and request the Minister to send the money within two weeks.

**Mr. Ochieng:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Going by the mood of the House, would I be in order to ask the Mover of the Motion to respond?

**The Temporary Deputy Speaker** (Dr. Kones): It is actually time for the Minister.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Thank you Mr. Temporary Deputy Speaker, Sir. This is a very important Motion. We, as the Treasury, are not going by it. In other words, we are opposing it. I would like to first, clear the notion that the Minister has refused to appear before the Budget Committee.

Mr. Temporary Deputy Speaker, Sir, we will need your guidance in this respect. In other Committees, when the Minister is not able to appear, he sends some senior officers to appear. The Permanent Secretary, Treasury, led a delegation to appear before this Committee but they sent them away saying that the Minister had to appear in person.

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister should not mislead the House. If the invitation to the Committee was extended to the Minister, then it must be the Minister to appear. The Minister did not even have the courtesy to write and explain that he will send his senior officers. One time, he sent his Assistant Minister and we received him. We deal with Ministers and not with Permanent Secretaries, Mr. Assistant Minister.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu):** Mr. Temporary Deputy Speaker, Sir, unless this is a new practice, I know that committees deal with officers unless, as he says, there was a specific invitation to the Minister. However, this issue could have been clarified when the Permanent Secretary and his team appeared before the Committee. As far as the Treasury is concerned, the Ministry confirms that there are no arrears owing to the CDF which are yet to be disbursed. For instance, in 2009/2010, the Treasury disturbed the full amount of Kshs12.3 billion to the Ministry of State for Planning, National Development and Vision 2030 for onward transfer to the CDF Board. The Treasury reiterates its commitment to the full disbursement of the CDF to the Ministry of State for Planning, National Development and Vision 2030 for onward disbursement to the CDF Board. The CDF is based on law which is an Act of Parliament. The law earmarks 2.5 per cent of ordinary revenue as funds under the CDF. As is the case under the CFS classification and based on international practice, the Treasury excludes investment income which is dividends and directors' fee from ordinary revenue as a base for calculating the CDF. It is on this base that the 2.5 per cent should apply to estimate the CDF funding. The CDF funding excludes earnings from Government investments and payment to Directors.

Further, given that the CDF Act came into force after both the LATF Act and the KRA Act that also charged the same ordinary revenue in calculating the CDF, the Treasury nets out allocation to the KRA up to 2 per cent of ordinary revenue and allocation of LATF which is 5 per cent of income tax to arrive at the CDF calculation shown on Table F which I will table here.

*(Dr. Oburu laid the document on the Table)*

As I have already demonstrated on that table, the Treasury does not owe the CDF any outstanding funds. In fact, the seven years to June, 2011, the Treasury will have overpaid the CDF by Kshs4 million over the last two years 2008/2009, and 2009/2010. In this Financial Year, 2010/2011, the Treasury will ensure, once again, timely disbursement of CDF allocation to fund development at the local level.

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I would hate to interrupt my good friend, the Assistant Minister for Finance. However, I have a responsibility to this House and to the country. When the Assistant Minister contradicts all the things we have said--- He is saying that we are misleading the nation and ourselves. How can we overpay when the law says that it should not be less than 2.5 per cent? In my submission, I said that we could accumulate up to 100 per cent. The issue here is not overpayment but compliance with the law. We have no quarrel when it is more than 2.5 per cent. The problem is when it is 2.5 per cent which is the mandatory amount. That is where the difference has come in. Let us read from the same page. Is he in order to persistently and erroneously mislead the House and the country that the

Treasury does not owe the CDF any money when the argument of the Motion is that the Treasury owes the CDF, both in terms of actual disbursements and in terms of failure to comply with the statutory 2.5 per cent, Kshs5.8 billion?

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir that is a point of argument. However, as we have said, 2.5 per cent is the minimum. If the statutory allocations exceed the 2.5 per cent, in my view, that is described as overpayment. However, strictly speaking, the law talks about 2.5 per cent. The estimation of ordinary revenue is a process which takes into account several factors, including but not limited to historical revenue, performance and projected economic growth, intended administration measures, tax measures and other policy initiatives with implication on revenue allocation. It is important to note that some of these measures are instituted at the tail end of the entire Budget process when the estimates of expenditures have been finalized and taken for printing. For instance, introduction of specific administrative measures to raise additional Kshs4 billion, in revenue was introduced at the tail end after consultations with the Kenya Revenue Authority (KRA).

**Mr. Shakeel:** On a point of order, Mr. Temporary Deputy Speaker, Sir. As much as I respect the Assistant Minister, he is totally misleading the House. I think he is only reading what he has been told to read. That is impunity in the first place. He knows in his heart that what he is saying is not true.

I want to read:-

“An amount of money equal to not less than 2.5 per cent of all Government ordinary revenue collected in any financial year”.

It does not say, excluding dividends. It does not say that you reduce the investment income. We are talking of 2.5 per cent of everything.

Mr. Temporary Deputy Speaker, Sir, I have been an accountant for nearly 30 years. If you give me any figures, I will be able to fidget them, circulate and change them the way the Ministry of Finance is trying to change. This thing is clear; there are no netting offs or reductions. Therefore, Assistant Minister, please, be honest. If the answer is not good, say: “I do not agree with the answer”.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, the hon. Member talks of all revenue from the Government. However, there are practices and the ones we are using are based on the best international practices. You do not include, for instance, charges which were already based on the Consolidated Fund in Acts of this Parliament which were earlier than the CDF Act. How do you then account for the monies which we give to the Local Authorities Transfer Fund (LATF), yet the law says it should be five per cent of the Income Tax? You cannot take the 2.5 per cent for CDF based on all the revenue. There must be exclusion.

Mr. Temporary Deputy Speaker, Sir, what the hon. Member is raising is a point of argument. Maybe it is his own understanding. Our understanding is what I am reading to him. This is the understanding of the Treasury.

**Mr. Ogindo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House? I know for a fact that the Ministry of Education takes 10 per cent of the Kenyan Budget. The Department of Defence takes 4.6 per cent. If you want to calculate percentages, you calculate the percentage of the total. If

he is in order, he should table which law allows him to subtract before he calculates the percentages. Otherwise, the intent and purpose of the law is to address the total ordinary revenue. There is nowhere that it says that dividend is not ordinary revenue. Investment income is ordinary revenue.

**The Temporary Deputy Speaker** (Dr. Kones): Which law are you using?

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, which law says that investment income is ordinary income? Our understanding of ordinary income is different from your understanding.

I should not be interrupted with arguments!

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

**The Temporary Deputy Speaker** (Dr. Kones): Allow the Assistant Minister to proceed!

**Mr. Ethuro**: The Assistant Minister is misleading the House!

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): No, I am not misleading the House.

**The Temporary Deputy Speaker** (Dr. Kones): This is really a question of argument.

**Mr. Ethuro**: Mr. Temporary Deputy Speaker, Sir, I just want to confirm to the Assistant Minister and the House that Parliament has a Budget Office. The Committee has taken the trouble to check these figures with an authority known as the Budget Office as confirmed by professional accountants in the House. We cannot sit here and allow the Assistant Minister to get away with what is basically his lopsided understanding of the law. The law is very clear; all ordinary Government revenue. The only thing that the law has excluded is Appropriation-in-Aid (A-in-A).

**The Temporary Deputy Speaker** (Dr. Kones): I think that was a point of information!

Dr. Oburu, can you proceed!

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, let me conclude because as far as we are concerned, if the Committee gives us time, we can appear before them and come to the understanding on the basis of the calculations. We are very ready to do that.

In view of the foregoing and as long as the CDF allocation is based on estimates of revenue of the Budget year, it will be difficult to avoid variations, however small.

Mr. Temporary Deputy Speaker, Sir, the Treasury confirms that they have no arrears owing to the CDF which is yet to be disbursed. Secondly, the Treasury however, firmly commits to minimize the magnitude and size of such variations. It is also true that in the recent past when we have failed to achieve our revenue targets due to slow economic activities, the CDF allocation has turned out to be higher than the prescribed 2.5 per cent of the ordinary revenue.

In order to avoid variations and assure certainty and predictability, the Treasury recommends that calculations of the amount of funds to be allocated under the CDF should be based on the most recently audited ordinary revenue.

Thank you.

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

**The Temporary Deputy Speaker** (Dr. Kones): It is now time for the mover to reply.

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I want to start by thanking all the Members who have contributed positively and favourably to this Motion. I also want to thank the Assistant Minister, Dr. Oburu Odinga, for putting up a brave fight and trying to defend the indefensible. It takes courage when you defend the indefensible. I think to that extent, we want to applaud him. He is our friend. He is a beneficiary of the CDF.

This matter is not just an issue of semantics. It is not a matter of lingua. This is a fundamental issue. The amount of money we are talking about is money we have assessed for a long time. It is the amount of money we have discussed with the Minister. We are in agreement in terms of the balance. I am actually surprised that the Assistant Minister is denying in public what they have already confided to the Committee in private.

The reason we brought this issue here seeking the resolution of the House is to ensure that this kind of double speak and contradiction, promising and never delivering must stop. I come from a culture of absolute honesty and sincerity and where men who are men speak their minds straight. They will then defend that position.

*(Laughter)*

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to imply that we are dishonest? That is imputing improper motive on another Member without a substantive Motion.

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I was just demonstrating that they may not be deliberately dishonest but they are definitely misleading the House. Even the arguments of what constitutes ordinary revenue in terms of investment income would have been addressed through a sub-committee that both parties agreed to constitute. We as the CFC gave them names. They, however, have not given us names for the last one year. This is our desperation. This is our problem because if they are honest and sincere, they would have taken the opportunity to deliberate with us and he knows we always agree. We have a lot of respect for him. We know the difficulties that they sometimes go through but business must proceed. The law must be obeyed. We are not coming to gamble with the law. The Deputy Prime Minister and Minister for Finance is under obligation. So, Mr. Assistant Minister, you will remain a lone ranger because we will pass this Motion. You are well advised to consider releasing that money like yesterday.

Before I conclude, I want to donate two minutes of my time to Mr. Midiwo.

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion on the Floor. The Motion before us is very important. The arrogance with which the Office of the Deputy Prime Minister and Ministry of Finance treats this Parliament is one that we cannot afford to accept anymore. We cannot entertain it anymore. I was in the Departmental Committee on Finance, Planning and Trade before the formation of the CDF Committee and we negotiated with the Minister on the first allocation. I am sure after consulting with the Committee, they will be willing to let go the first year in the spirit with which we negotiated with the then Minister for Finance, Mr. Mwiraria. However, these are not favours. What the Deputy Prime Minister and Minister for

Finance owes to Kenyans is not a favour. It is in law. We cannot have Ministers and Ministries which operate outside and above the law. The monies that should be paid to the CDF should be paid with interest because they are using that money to do other things. I want to say without fear of contradiction, as the Whip of this Parliament, that should the Minister and the Ministry not comply, the Supplementary Budget will not be approved. That is the formula that we used then. Let me inform hon. Members that they put their foot down a few years ago when the Government refused to release the CDF funds. We said there would be no Budget without the CDF funds. I plead with hon. Members that without the resolution of this problem, there should not be any Supplementary Budget because it is only the CDF that works for our people. The rest is being stolen by fat cats.

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

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I beg to move.

*(Question put and agreed to)*

### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Dr. Kones): Hon. Members, that concludes the business on the Order Paper. Therefore, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.25 p.m.