

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 7th April, 2010

The House met at 9.00 a.m.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.014

GROUNDING OF VEHICLE GK A345N TD
FOR MT. KULAL POLICE STATION

The Temporary Deputy Speaker (Mr. Imanyara): The Member for Laisamis not here? We will come back to the Question. Next Question by the Member for Kisumu Town West!

Question No.022

DISAPPEARANCE OF MR. JAMES OCHIENG

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

(a) what the circumstances surrounding the disappearance of Mr. James Ochieng, the Nakuru District Accountant, in October, 2009, were;

(b) whether the police are treating the case as murder and, if so, what are the leads and depth of the investigations; and,

(c) whether any arrests have been made and, if so, under what circumstances the suspects were released.

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

(a) Investigations by the police have revealed that on 17th July, 2009, Mr. James Ochieng Aketch booked into room number 108 of Pacific Hotel situated along Tom Mboya Street, Nairobi. On 18th July, 2009, one of the hotel staff while on normal cleaning duties found the room locked and was unable to access it for cleaning. On 19th July, 2009, the room was still locked and thus inaccessible. The cleaner reported the matter to the hotel manager, who using a duplicate key opened the room. He found that it had not been used for the two days it had been booked for by Mr. Ochieng. The manager reported the matter to Central Police Station. To date, the said James Ochieng Aketch has never been seen.

(b) The police are unable to make a conclusion that James Ochieng Aketch was murdered. The case is at the moment being treated as a case of a missing person until the contrary is proved. An inquiry file number 4/2009 was opened for that purpose.

(c) A Mr. Josphat Kaaria Kabira, a worker at Florida 2000 Club was arrested after call data indicated he had at one point used a mobile phone belonging to the said James Ochieng Aketch using his own sim card. But after investigations, it was found that the phone had been given to him while on duty at the counter for charging by a female customer who left it behind. Mr. Kabira was released but he is still reporting to the police and assisting with investigations.

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, the disappearance of Mr. Ochieng is being treated very lightly by the police because the vital link that was provided by Mr. Josphat Kaaria is not being followed. This is the man who was found to have used the phone of the missing person and it is not indicated at what date he used it. Why can the lead provided by Mr. Josphat Kaaria not be used to the full by the police to find out who the lady who used the missing person's phone is?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, the police are seriously investigating this matter. We have arrested this Kabira on two or three occasions in order for him to explain to the police officers how he got this phone. The police indeed accepted the version of this fellow because he was working at the counter of a bar and that phone was left there for charging purposes. So, when he was arrested for the third time, the police now said that, "you will be helping us with investigations." We have even placed an advert or public notice that this man is missing. We are requesting whoever has information regarding this missing person to report to the police in order for us to fast track the investigations. It is a sad thing that a man of his calibre is missing from his work station in Nakuru. But I believe that the police officers will definitely get to know whether the man was murdered or is apprehended or is somewhere else.

Mr. C. Kilonzo: Thank you, Mr. Temporary Deputy Speaker, Sir. I find it a little bit suspicious that on 17th Mr. James Ochieng booked himself in the hotel and on the two nights including 18th, he never slept in the hotel and the hotel went to report to the police station. Did he owe the hotel some amounts or does failing to sleep in the room amount to a police case, unless these people are suspects? Why would they go to report if somebody has not slept in their hotel?

Mr. Ojode: They were also fearing that they would be arrested because after the man had booked the room, for two good days, he never used it. Ordinarily, they have to report to the police that this man booked the hotel room and he never came back. That suspicion---

Mr. C. Kilonzo: I know the Assistant Minister is not in the hotel industry. By not showing up in a hotel does not warrant one to go and report to the police that your client never came to sleep in the hotel, unless these fellows are suspicious and were involved in the disappearance of Mr. Ochieng. So the question is very simple: Did you follow the lead of the workers at the hotel themselves because not sleeping in a hotel does not amount to a police case?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, it is true that they were suspicious and there are a number of things which I do not want to divulge. The truth of the matter is that we arrested quite a number of people from that hotel in order to get some lead information. I think the police are through.

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, Mr. Ochieng disappeared on 19th October, 2009. The answer given by the Assistant Minister indicates that the phone of the missing Mr. Ochieng was used by a Mr. Karia at one point. Could he be in a position to tell this House at what point this phone was used by Mr. Karia? Was it before or after 19th October, 2009?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, the phone was used after and not before 19th October, 2009.

Question No.026

NON-COMPLETION OF KISA STAND-KHUMUSALABA ROAD

Dr. Otichilo asked the Minister for Roads:-

(a) why the construction of the road from Kisa Stand to Yala via Kilingili, Ilungu, Esirulo and Khumusalaba has not been completed considering that the contractor was given up to June, 2009 to complete the same;

(b) if he is aware that the works on the completed section of the road are of very poor standard and if so, what action he will take against the contractor; and,

(c) when the road construction will be completed.

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

(a) The construction of Stand Kisa-Khumusalaba Road, C39, has been affected by various factors that have delayed its scheduled completion as follows.

(i) The contractor was not able to work during the months of January, February and March, 2008 due to post-election violence which took place in the area.

(ii) The contractor was barred from accessing gravel sites for sourcing of materials for construction by the District Environment Officer (DEO).

(iii) Heavy rains in the project area during the months of March, April, May and June, 2008 also affected the work progress.

(b) I am not aware that the works on the completed sections of the road are of poor standard. The Ministry has a technical supervisory team on the ground to ensure that the contractor carries out works as per the specifications on the contract document.

(c) The contractor's application for second extension of time is now being evaluated by the Ministry. The conclusion of the process will determine the new completion date failure to which my Ministry will recover liquidated damages at the rate of Kshs90,000 per day.

Dr. Otichilo: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has said that the contractor was barred from getting gravel from various areas and yet he was scooping gravel from people's farms without compensating them.

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, I am aware, as the hon. Member has said that on 13th August, 2008, the District Environment Officer for Butere/Mumias gave a stop order to the contractor from carrying out excavation of gravel until an impact assessment report was done and licence issued. This order affected the excavation of sub-base and base materials of the project. The impact assessment report

was given and work commenced thereafter. I am aware that there was, indeed, an issue and it is at that point that the DEO for Butere-Mumias intervened.

Mr. Washiali: Mr. Temporary Deputy Speaker, Sir, cases of poor workmanship on our roads are very common. For example, there are sections of a new road from Ebuyangu to Ekero where water overflows the road. This is the case and yet this is a new road that has not been handed over to the Ministry. What measures has the Ministry put in place to reprimand contractors who do poor work?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, I wish to assure the hon. Member that before any contract is given, the contract document includes performance contract. This means that the contractor must do the work as per the specifications. After completion of the work there is a Defects Liability Period (DLP) upon which any defects arising from the works will be done by the contractor. There is a certain percentage which is normally retained by the Ministry until that period is over.

Dr. Monda: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has talked about performance contract. This includes the timeframe within which the road is supposed to be completed. In Kenya there are several roads whose construction begins but they are not completed within the stipulated timeframe. What has the Assistant Minister done to ensure that the contractors complete work within the timeframe that is set considering the fact that the rains in this country have a pattern? It should not be an unprecedented situation.

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, I agree with the hon. Member that, indeed, the rain patterns in Kenya are known. However, you will agree with me that in the last two years we have had unusual rains that have caused havoc. In certain places like Narok there was a complete wash out of roads. We need to appreciate that.

I wish to reiterate that the Ministry is very keen in ensuring that the completion date of all projects is strictly adhered to. We have projects that were meant to be completed two or three years ago, but they are still going on. Before the Ministry awards any contract, we look at what the contractor has done in previous contracts. If they were not able to finish on time, that would work against the possibility of getting any future contracts with the Government.

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, it is grate to hear the Assistant Minister elaborate how contractors do their work. However, yesterday, we were on the road between Kenol and Murang'a. The Assistant Minister is aware that hardly six months have passed since the contractor did the job and yet that section of the road is full of potholes. Could the Assistant Minister assure this House that the contractors will not be fully paid until these roads are properly done?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, I agree with the hon. Member that, indeed, a team from the Ministry visited the road in question and the work was found to be deficient. The Ministry does not pay until the work is done satisfactorily. I want to assure the hon. Member that we will not pay that contractor until we are satisfied that the work is done as per the terms of the contract.

Dr. Otichilo: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister aware that the contractor on this particular road, that is, Kisa Stand to Yala is directing water from the road to water springs and people's farms. As a result, some of the water springs particularly at Esirulo and Munjiti have clogged up and people can no longer use

them. Could the Assistant Minister direct the contractor not to channel the water from the road to water springs and people's farms?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, I am not aware of that position. However, the terms of the contract included drainage works for the roads. I will ensure that the work is done per the contract which definitely will not involve directing the water to people's homes and, therefore causing the discomfort. I will intervene and work will be done as agreed.

Question No.036

POSTING OF MEDICAL DOCTOR
TO MARSABIT NORTH DISTRICT

The Temporary Deputy Speaker (Mr. Imanyara): Is the Member for North Horr not here? We will come back to that Question.

Let us move on to Mr. Mbadi's Question!

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, even as the Assistant Minister prepares to answer my Question, I do not have a copy of the written answer. Just as a warning, next time he should provide a copy of the written answer. However, he can now proceed.

(Laughter)

Question No.092

LACK OF ELECTRICITY SUPPLY TO NYATOTO MARKET

Mr. Mbadi asked the Minister for Energy:

(a) why he has not supplied electricity to Nyatoto Market in Gwassii Constituency despite the lines having been installed two years ago and which have now fallen on the Sindo-Homabay Road thereby inconveniencing motorists; and,

(b) whether he could confirm when action will be taken to re-erect the lines and to ensure that the people of Nyatoto have electricity.

The Assistant Minister for Energy (Mr. Keter): Mr. Temporary Deputy Speaker, Sir, it should not be a warning because the written answer is signed. It must be within the Clerk's Office.

The Temporary Deputy Speaker (Mr. Imanyara): He does not give warnings. Just ignore that bit of his remarks and respond.

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

(a) The power line to supply Nyatoto Market was energized in November, 2009 with construction having commenced in 2007. The construction was about 7 kilometres long with six transformers.

However, the KPLC faced logistical material challenges to supply transformers and other associated accessories and this delayed supply of electricity to Nyatoto Market. This is a

line which is complex. It is using 45 feet poles, unlike the others which are about 11 or ten feet poles. Moreover, the unique condition of the soil, which is black cotton and swampy soil, coupled with heavy rainfall in February 2010, caused the poles that had been erected to get rotten within a very short period and this resulted in the falling of about 20 of them. We also had to check on the quality of the poles. So, the poles that we have now erected are okay.

(b) The line was completed by 1st April, 2010. Today is 7th April, 2010. I want to inform my colleague that we are now waiting for the customers to pay. So, the line is completed. It is energised, and six transformers have been installed.

Thank you.

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, part “b” of the answer is correct. They did the work and completed it on 1st April, 2010. I think they delayed answering this Question deliberately to complete the work. However, the Assistant Minister is not right to say that the line was energised in November, 2009 when the poles were fallen and there were no transformers. My understanding is that you cannot energise a line without a transformer. How will there even be a line?

Why can the Ministry not carry out its work without Members of Parliament having to ask Questions? This line was done almost two years ago. I made several trips to the relevant offices to have power installed at Nyatoto Market. It was not done until I had to place a Question in the House.

The Temporary Deputy Speaker (Mr. Imanyara): But you are confirming that it has been done!

Mr. Mbadi: Mr. Temporary Deputy Speaker, it was done after I brought this Question to Parliament. Does this Ministry have to wait for Members of Parliament to bring Questions to the House for it to do its work?

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, as I said, these are some of the projects that were awarded to the KPLC in the year 2007. They delayed this project because of its uniqueness. It is using about 45 feet poles. We gave the last project to the KPLC in 2007. In the last two financial years, the Rural Electrification Authority (REA) took over from the KPLC. We are now trying to streamline issues. I want to assure hon. Members that it is not good for a project to take two years or even one year, unless there is delay in the arrival of the transformers.

The hon. Member asked how a line can be energised without a transformer. I want to confirm to him that a line can be energised without a transformer. You can feed a transformer when the line has been energised.

Dr. Kones: Mr. Temporary Deputy Speaker, Sir, I asked a similar Question last year, about some power lines that had been connected. The Ministry promised that those lines were going to be energised and transformers fitted by December, 2009. I understand that these are projects which were funded by the French Development Agency (AFD). To date, nothing has happened. What is the Ministry doing to ensure that those transformers are actually fitted?

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, what happened is that there are projects which were funded by the AFD and the Spanish Government. The ones that were funded by the Spanish Government are still ongoing. The AFD-funded projects are completed but we realised that part of the work, as provided in the scope of works, had

been done using Government of Kenya (GoK) funds. Therefore, there was an audit, which was done---

Mr. Mwangi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that there are enough transformers when in my constituency, three projects, namely, Mbariati---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, Mr. Mwangi!

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, is he in order to mislead the House by saying that we have adequate transformers in this country?

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, I do not know whether that is a question. Do I answer this one or the first one, first?

The Temporary Deputy Speaker (Mr. Imanyara): Proceed and answer the question you were answering.

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, there was an audit, which has been completed so far, to ascertain the scope of works done under the AFD and the Spanish Government-funded projects. I want to assure this House that the audit has been done and the transformers that were less in some of the projects will be installed. So, I want to regret the inconvenience that has been caused by that delay.

On the question asked by Mr. Muturi Mwangi, currently, there are transformers. For KPLC projects, we do not have any problem. There are enough transformers. The only ones that are missing are transformers for the REA for 11 KV lines, which will arrive this week. So, I can say comfortably that in the next two weeks, we will have enough transformers. However, we already have transformers for 33 KV lines.

Mr. Lessonet: Mr. Temporary Deputy Speaker, Sir, I would like the Assistant Minister to tell this House about the investments being done by REA. After completion, it is the KPLC who make use of that investment. What is the relationship between the KPLC and REA? Is it that the REA is injecting capital into the KPLC, or is it that REA is investing in the KPLC or the KPLC, at some later stage, is going to reimburse the cost of the investment to the REA?

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, the money that goes to the REA is from the Exchequer, which is Government money. It is an agent which transacts business on behalf of the Ministry of Energy. After completion of the lines, the KPLC takes them over and provides services to customers.

Mr. Mbadi: On a point of order, Mr. Temporary Deputy Speaker, Sir. If I got hon. Lessonet correctly, his question was: When the REA invests money, they buy assets. Is the KPLC recording those assets as their fixed assets?

The Temporary Deputy Speaker (Mr. Imanyara): Are you suggesting that he was not able to put the point across?

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister did not answer his question correctly. He has not addressed the issue of REA having injected capital. Is the KPLC treating the assets built by REA as fixed assets or not? I think that was the question.

Mr. Keter: Which assets are you talking about? Is it the lines?

Mr. Mbadi: The transformers!

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, of course transformers form part of the lines, which are taken over by the KPLC, because they are Government lines. The KPLC is a Government agent that runs those lines upon taking them over from REA.

Mr. Njuguna: Thank you, Mr. Temporary Deputy Speaker, Sir. As I thank the Assistant Minister---

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

The Temporary Deputy Speaker (Mr. Imanyara): What is your point of order, Mr. C. Kilonzo! It had better be a point of order!

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I beg the Chair to get where we are heading to. The REA, which is basically a Government agency, is pumping money into a private company, which has, of course, been overcharging everybody. The Government is a minority shareholder in KPLC, into which the Government is pumping money. So, we are asking: Is the Government pumping money, and we are losing in this? Why is it that the Government is pumping money into the KPLC? These assets belong to the KPLC.

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, the Government is not a minority shareholder in the KPLC. The Government is the majority shareholder. Once the lines are completed, because they are funded by the Government, the KPLC takes them over by providing services to customers. Therefore, all those lines will belong to the KPLC. The same applies to Kenya Electricity Transmission Company Ltd. KETRACO, which is in charge of building the transmission lines.

Mr. Magerer: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to claim that the Government owns majority shares in the KPLC when we know very well that it is a minority shareholder? Could he give the percentages, so that we can know whether what he has said is actually true?

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, I do not have the statistics with me now, but I can give them to him in the afternoon or tomorrow. That is a different Question from the one asked by Mr. Mbadi.

The Temporary Deputy Speaker (Mr. Imanyara): Indeed, that was a different Question. So, unless the point of order is related to the issue at hand, I will not---

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

The Temporary Deputy Speaker (Mr. Imanyara): What is it?

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, is it in order for the Assistant Minister to continue avoiding answering questions? The question is: Why is the Government investing in a private company? Is it just because, Trans Century, which is connected to some people in Government, has got a majority shareholding in the KPLC? Why is the Government investing in the KPLC?

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, on the issue of shareholding, I think I have said very clearly that we will give you the information. As the Government, we can give the information---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Assistant Minister! The question is: Why is the Government investing in a third company and not directly in the project. I think that is the question.

Mr. Olago: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to continue misleading the House, when the week before, we were discussing before this House the price of power and he admitted that the Government is the majority shareholder in the KPLC?

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, the KPLC is a public company, with the Government having majority shareholding.

Mr. Mbadi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Let me take advantage of this opportunity to ask what I wanted to raise on a point of order. Let me rephrase my question. Why is the Government investing in a company which is not wholly owned by the Government, whether majority shareholder or minority shareholder? Why is the Government continuing to invest in such a company without getting any direct compensation?

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, the KPLC is a strategic company and, therefore, the Government cannot be out of it.

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

Is Mr. Ethuro not here? We will come back to that Question.

Next Question!

Mr. Lessonet: Mr. Temporary Deputy Speaker, Sir, although the Minister for Energy did not answer my supplementary question correctly, I would like to ask the Deputy Prime Minister and Minister for Local Government to respond to Question No.096.

Question No.096

NON- IMPLEMENTATION OF PROJECTS UNDER
DEVELOPMENT VOTE IN ELDAMA RAVINE

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

(a) what became of the Kshs70 million and Kshs40 million allocated to the Eldama Ravine Town Council under the Development Vote during the financial years 2007/2008 and 2008/2009 respectively, considering that no project has been undertaken; and,

(b) what plans he has for infrastructure development in the township.

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

(a) The tender for reconstruction of the Eldama Ravine Bus Park was awarded on 10th November, 2006 at a contract sum of Kshs151,265,781.90 and the contractor was issued with the order to commence the works on 26th February, 2007. However, the contractor failed to fulfill even the most basic of his contractual obligations. These included, failure to provide his own site office to receive official correspondence from the engineer, failure to provide site staff as he resided in Nairobi, failure to provide equipment or workshop on the site, inadequate provision of insurance and failure to comply with a number of site instructions, including reminders. In general, there was a failure to meet the contractual obligations and the contract period ended before the contractor had fully commenced the works. Consequently, the contract was terminated.

(b) The Ministry will repackage the bus park project afresh. It is amongst the tenders on the list to be advertised in 2010/2011 Financial Year.

Mr. Lessonet: Mr. Temporary Deputy Speaker, Sir, you will realize that this tender was awarded more than four years ago. We know what happened to the money for

the cemetery in Nairobi, but what happened to this Kshs151 million now that there was no work done and the contract was cancelled?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, I am surprised to hear that the hon. Member does know where the money went. He should probably advise us as the investigations are on. The amount certified for the contract was Kshs2 million and the amount that was paid was nil. As such, we ordered for a performance bond which was with one of the insurance companies, namely Occidental Insurance. We are pursuing the performance bond. No money has been spent on this project; the funds are intact.

Mr. Yinda: Mr. Temporary Deputy Speaker, Sir, this Government is in the habit of abdicating its responsibilities. In normal circumstances, when a contractor fails to meet the requirements of a tender, the usual practice is to go to the second lowest evaluated tenderer. Why did the Ministry decide to cancel the tender altogether?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, the contractor did get to site. The contractor was able to carry out works, but was certified up to the tune of Kshs2.9 million. So, it would not have been possible to cancel the tender and re-award it, because work had commenced.

Mr. Litole: Mr. Temporary Deputy Speaker, Sir, it is common knowledge that all the local government works that are tendered from the headquarters here fail. Could the Government consider decentralizing tendering, so that it can be done from the respective districts?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, with all due respect when an hon. Member says that all projects have failed, I think it would be important for him to substantiate and apologize, because there have been quite a number of successful projects.

Mr. Litole: Mr. Temporary Deputy Speaker, Sir, can I substantiate the areas of failure? On your way to Meru---

The Temporary Deputy Speaker (Mr. Imanyara): Order! You should substantiate the failure of all the projects, and not of some of them.

Mr. Litole: Could he tell us the projects that have been successful?

The Temporary Deputy Speaker (Mr. Imanyara): Order! You are the one who suggested that all projects have failed. He is asking you to substantiate and you are saying that you are ready to substantiate.

Mr. Litole: I am ready to substantiate, Mr. Temporary Deputy Speaker, Sir. If you go to Embu today, three bus parks have not been completed. If you go to Chavakali, there is a market that was half done. If you go to Maungu, on your way to Mombasa, there is a bus park that has also failed. If you go to the cemetery--- What is he talking about? The projects that I have mentioned are enough.

(Laughter)

Mr. Nguyai: I will also give some that have been successful. I will give one example like Muthurwa. We have Kimumu in Rift Valley; there are many others. So, obviously, all projects have not failed. However, on a serious note, the Ministry has had its major challenges, and has embarked on managerial re-engineering to ensure that it is more efficient in supervising, controlling and managing projects.

Mr. Lessonet: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has indicated that the money is intact. If he really believes that the money is intact, why does he want to wait until 2010/2011 to retender? Why can he not do it today or even tomorrow?

I need an assurance from the Assistant Minister that not only will the tender be awarded in the 2010/2011 Financial Year, but there will also be a budgetary allocation for this amount in the Budget for 2010/2011.

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, it is necessary for us to repackage and retender the bus park taking into consideration the economic trends, such as inflation and price adjustments. The time taken will obviously spill over to the 2010/2011 Financial Year. However, I reassure the hon. Member that this will be one of the contracts with sufficient funds allocated within the 2010/2011 Financial Year.

The Temporary Deputy Speaker (Mr. Imanyara): Is the Member for Budalangi not here? He is not in; we will come back to the Question later!

Member for Konoin, Dr. Julius Kones!

Question No.112

BREAKDOWN OF DISTRICTS PER PROVINCE

Dr. Kones asked the Minister of State for Provincial Administration and Internal Security:-

(a) to provide the per-province breakdown of the number of districts currently existing in the country; and,

(b) state what steps he has taken to legalize all districts that have not been legalized.

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

(a) The breakdown of districts per province currently is as follows:-

(i) Nairobi Province	-	9
(ii) Coast Province	-	21
(iii) North Eastern	-	13
(iv) Eastern	-	55
(v) Central Province	-	37
(vi) Rift Valley Province	-	63
(vii) Western Province	-	30
(viii) Nyanza Province	-	37
TOTAL		265

(b) With regard to the steps the Minister has taken to legalize all districts, the Minister has presented to His Excellency the President the request made by *wananchi* through leaders forums from across the country or what led to the publishing of various gazette notices on diverse dates to inform the public in general the intention of the Government to create new districts in Kenya. Subsequently, the role of the Minister is collaborative as it is for other Ministries and stakeholders. Action to conclusively deal with the establishment of those districts will be dealt with by the

Interim Independent Boundaries Review Commission (IRBRC) under the Constitution of Kenya (amendment) Act, 2008 as per provision of Section 4(1)(c) sub-section (b)

Dr. Kones: Mr. Temporary Deputy Speaker, Sir, while thanking the Assistant Minister for that answer, in the course of last year the Government made provisions to put up some new districts. Has the Ministry considered allocating financial resources to the new districts next financial year?

Mr. Lesrima: Yes, Mr. Temporary Deputy Speaker, Sir. Some budgetary provisions were made to cater for the initial construction of those districts but they were not adequate. They will be taken care of in the subsequent financial years.

Mr. Litole: Mr. Temporary Deputy Speaker, Sir, I kindly request the Assistant Minister to tell this House whether the newly created Pokot South District is also included in that list.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, is Pokot South District among the 265 districts? That is the question.

Mr. Lesrima: Yes, Mr. Temporary Deputy Speaker, Sir. Among the latest 13 newly created districts, Pokot South District is one of them.

The Temporary Deputy Speaker (Mr. Imanyara): Ask the last question, Dr. Kones!

Dr. Kones: Mr. Temporary Deputy Speaker, Sir, last year this House passed a Motion that every constituency becomes a district. I can see there are 265 districts out of 210 constituencies. What special considerations were given to the constituencies that have extra districts?

Mr. Lesrima: Mr. Temporary Deputy Speaker, Sir, it is true that last year all the constituencies became districts. However, we appreciate that some constituencies are larger than provinces necessitating the creation of two or more districts in those constituencies.

The Temporary Deputy Speaker (Mr. Imanyara): Let us move on to the next Question by Mr. Kiema Kilonzo, the Member for Mutito!

Question No.131

CHANNELING OF MUTITO FISH PONDS
FUNDS THROUGH MACHAKOS DISTRICT

Mr. K. Kilonzo asked the Minister for Fisheries Development:-

(a) what informed the Ministry's decision to channel funds meant for fish ponds in Mutito Constituency through Machakos District;

(b) what action he is taking to channel the funds through Mutito Constituency; and,

(c) when he plans to visit the constituency to promote fish farming.

The Minister for Fisheries Development (Dr. Otuoma): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Fish farming is one of the projects under the Economic Stimulus Programmes which has been rolled out in 140 constituencies of which Mutito is one of the constituencies where the programme is taking place.

The funds for constructing ponds in Mutito Constituency were channeled through the District Fisheries Officer, Machakos District because the Ministry does not have an established office in Mutito Constituency and also there is no established district treasury in the constituency.

However, the decision on site selections, identification, beneficiaries for the construction of the fish ponds and payment for the use were sanctioned by the Stimulus Programme Management Committee for the constituency. Likewise, the constituency programme tender committee must sanction all procurement needs through the programme in the constituency.

The District Fisheries Officer in Machakos is thus only a facilitator to ensure that the programme in Mutito Constituency is carried out on time and in an efficient manner.

(b) The aim of the Ministry is to eventually establish a fisheries office in all constituencies which are implementing the programme. However, my Ministry, just like other Ministries, is grumbling with a shortage of qualified personnel to cover the entire country. We are working with the Ministry of State for Public Service to see how we can solve this problem. When the solution is found a fisheries officer will be posted to Mutito Constituency at the appropriate time, and thereafter, the funds will be channeled directly to the Constituency.

(c) Mr. Temporary Deputy Speaker, Sir, currently the monitoring and evaluation exercise is underway to check on the status of implementation of the programme. During this exercise, I have been able to visit 66 constituencies countrywide and I believe very soon I should be visiting Mutito Constituency in due time.

Thank you.

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I would like to bring to your attention that I have not received a copy of the written answer despite the fact that the good Minister has said that he has already forwarded it. Clearly, the Clerk's office has a problem.

Is the Minister aware that he has already posted his officer in my district who is in charge of Fisheries Department? This is the case and yet he says in his answer that he is not aware.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. K. Kilonzo, it has just been pointed out to me that, that reply was not handed over to the office of the Clerk of the National Assembly.

Dr. Otuoma: Mr. Temporary Deputy Speaker, Sir, according to what I have here, a copy of the written answer was sent out on 16th March. I plead that you allow me to check with my staff what might have happened.

The Temporary Deputy Speaker (Mr. Imanyara): You may continue because he did not raise it at the beginning when you were answering.

Please, continue!

Dr. Otuoma: Thank you, Mr. Temporary Deputy Speaker, Sir. The Member can ask his question again and then I answer.

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, clearly there are many reasons we should not continue with this Question. As I have said, from the outset the

answer says: "When staff will be available, we will post one," and yet I have just informed the Minister that we already have one of his staff in Mutito District.

On the issue of funds, the Minister needs to familiarise himself with the region. This is because Mutito Constituency is one kilometre away from Kitui which is the bigger district. It is 100 kilometres away from Machakos where the funds are said to be channeled. Why could the funds not be channeled through Kitui which is a district established in 1963 and has all Government structures in place?

Dr. Otuoma: Mr. Temporary Deputy Speaker, Sir, I will need to verify that. I know we have a Fisheries Officer who is an Authority to Incur Expenditure (AIE) holder in Machakos District. Basically, Government funds are channeled to the AIE holders. That is why that money was sent there.

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Minister! The question is: Why should one travel 100 kilometers to withdraw money when there is a fully fledged facility one kilometer away?

Dr. Otuoma: Mr. Temporary Deputy Speaker, Sir, I was trying to answer that question. Normally, we post money to the AIE holder in the district. Currently, we have a Fisheries Officer in Machakos District, but we do not have one in Kitui. Secondly, the officers that the hon. Member is calling fisheries officers are basically technical officers that we send to constituencies to help in ponds construction. In the Economic Stimulus Programme, we needed to construct ponds. So, there is a big difference between a fisheries technical officer and a fisheries officer, who is basically a District Fisheries Officer.

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, since the fisheries programme was rolled out in the country, only a few areas have benefitted. What is the Ministry doing to make sure that all the districts can also benefit from the programme?

Dr. Otuoma: Mr. Temporary Deputy Speaker, Sir, as I have said earlier, we rolled out this programme in 140 constituencies as the first phase, but we will include other areas as we continue in the next financial year. That is the money that we had got for the Financial Year 2009/2010.

Mr. I. Muoki: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister is misleading this House because we have the greater Kitui, which comprises of Kitui Central, Kitui East, Mutito, Kitui South and Kitui West. In the greater Kitui District, we have had an established district treasury since 1963. We have a District Fisheries Officer who is an AIE holder. The situation in my constituency is even worse. I am 200 kilometers away from Machakos. Money to my constituency is also channeled through there. What steps is he taking to make sure that this project is implemented effectively? There is a delay because of the distance involved. The distance of 200 kilometers definitely delays the implementation process.

Dr. Otuoma: Mr. Temporary Deputy Speaker, Sir, it is the duty of my Ministry to make sure that we bring services closer to the people. But as I said earlier, we have a serious problem with manpower shortage. We could be having offices, but we do not have qualified officers. My Ministry is already working in collaboration with the Ministry of State for Public Service to recruit qualified personnel to be able to carry out our mandate.

Mr. K. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister is not answering the question from hon. I. Muoki. Hon. I. Muoki confirms that we have an AIE holder in the greater Kitui, which has four constituencies. Would I be in order to ask the Chair, because of the inconsistencies in the Minister's answer, to defer this Question until he is sure of his facts?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Minister, the Member for Kitui South has said that there is an AIE holder nearer!

Dr. Otuoma: Mr. Temporary Deputy Speaker, Sir, I will need to verify that because the information that I have is that we have an AIE holder in Machakos. If you have an AIE holder very far away from where you are implementing the programme, then it becomes a problem. If the hon. Member is given factual information, I have no reason to dispute that. I just need to verify.

The Temporary Deputy Speaker (Mr. Imanyara): In that case, I will defer this Question. How long do you require to verify this information?

Dr. Otuoma: Mr. Temporary Deputy Speaker, Sir, just today.

The Temporary Deputy Speaker (Mr. Imanyara): Just today! So, the Question can be on the Order Paper tomorrow?

Dr. Otuoma: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): So, tomorrow afternoon!

(Question deferred)

Question No.149

REPAIR OF LERATA BOREHOLE IN SAMBURU EAST

The Temporary Deputy Speaker (Mr. Imanyara): I have just been informed that the Member for Samburu East is unwell and, therefore, I will defer the Question to two weeks from today.

(Question deferred)

Question No.153

NON-PAYMENT OF HARDSHIP ALLOWANCE TO TEACHERS IN LARI DISTRICT

Mr. Njuguna asked the Minister for Education:-

(a) whether he is aware that some teachers posted by the Teachers Service Commission to Lari District immediately request for transfers with complaints of severe weather and cold related diseases; and,

(b) whether he could consider Lari District as a hardship area in order to control the trend, which is affecting academic performance in the District.

Mr. Temporary Deputy Speaker, Sir, I have not been provided with a written answer to this very important Question.

The Temporary Deputy Speaker (Mr. Imanyara): Minister for Education, is there a written answer to this Question?

The Assistant Minister for Education (Mr. Mwatela): Mr. Temporary Deputy Speaker, Sir, my office has informed me that they actually did not receive the Question. It is a bit surprising because we tried very hard this morning to trace the Question. I would ask the indulgence of the Chair that we defer this Question to, probably, next week.

The Temporary Deputy Speaker (Mr. Imanyara): If the Question has not been sent to your office, how will you answer it?

The Assistant Minister for Education (Mr. Mwatela): Mr. Temporary Deputy Speaker, Sir, there is a way of tracing whether the Question actually came.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, this is a very unusual behavior from the Ministry. I submitted the Question three weeks ago. By now, the necessary preparations would have been done. I will not be comfortable if the Assistant Minister requests for a long period to give an answer that is required urgently.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Njuguna, he has a problem. The officers claim that they do not have the Question. So, what can he do if they have not received the Question?

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, I request you to determine the matter because we present our Questions to Parliament. Therefore, it becomes the onus of the Office of the Clerk to make sure that the Questions are prepared and released to the relevant Ministry.

The Temporary Deputy Speaker (Mr. Imanyara): I will direct the Office of the Clerk to verify whether the Question did, indeed, go to the Ministry. If it has not gone, it should be referred to the Ministry for an answer next Thursday.

(Question deferred)

Question No.014

GROUNDING OF VEHICLE GKA345N TD
FOR MT. KULAL POLICE STATION

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

(a) whether he could explain why the Land Rover motor vehicle registration No. GK A345N TD assigned to Mt. Kulal Police Station has not been operational since 2007;

(b) whether he could confirm or deny that insecurity has escalated in the area because Mt. Kulal and other remote police stations have no means to respond to banditry incidents; and,

(c) what steps he is taking to correct the situation.

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Lekuton! You cannot stand up and just ask a Question when you know very well that you owe the House an apology!

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, I am 100 per cent apologetic to the House for coming late.

The Temporary Deputy Speaker (Mr. Imanyara): Very well!

Proceed, Mr. Ojode.

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, it has been three years since that Land Rover was grounded. Mt. Kulal and Marsabit are 300 kilometres apart. The Assistant Minister has told us that they have been doing patrols. It is extremely uneconomic for a patrol to be done 300 kilometres away. It is a waste of Government resources and inefficient. The Assistant Minister should have a better explanation. However, now that he has given us these details of the amounts of money needed to fix this vehicle and we all know why the banditry is reduced, when will this Land Rover be operational?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I want to assure the hon. Member that once the repairs are done--- We are talking of, first of all, towing the vehicle all the way to Nairobi for purposes of repairing. We have set aside some funds which we are going to use in repairing that vehicle. Once the repairs are over, we will definitely return this vehicle in a serviceable mode.

Mr. C. Kilonzo: On a point of information, Mr. Temporary Deputy Speaker, Sir.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I do not require the information because I am the Minister now and I feel that the Question is being handled very well.

Mr. Temporary Deputy Speaker, Sir, I sympathize with the situation on the ground on the use of a vehicle which travels 300 kilometres away. But I want to assure my friend that we are going to do all that it takes to repair the vehicle and return it immediately to Marsabit for their use. I am glad that even the issue of banditry has gone down. That came as a result of the frequent patrols which my officers are doing.

Mr. C. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that the Government does not have funds when we know very well that the Government is due to auction four-wheel-drive vehicles which were being used by the Ministers?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, the hon. Member is very right to say that the Government is in the process of auctioning. The Government has not auctioned those vehicles; so, we do not have the funds now. But I want to assure the hon. Member that we have actually gotten the funds which we are going to use for the repairs of that vehicle.

The Temporary Deputy Speaker (Mr. Imanyara): The Member wanted to know when they can expect that Land Rover back.

Mr. Ojode: That is a good question, Mr. Temporary Deputy Speaker, Sir. It depends on how fast the repairs will be done. We have the money already and once we tow the vehicle in two week's time, within a month, once we get the spares---

The Temporary Deputy Speaker (Mr. Imanyara): Within one month?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, within one month, I think the vehicle will be ready for use.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has, perhaps, not given us the correct answer. This is because even in my constituency, a similar Land Rover---

The Temporary Deputy Speaker (Mr. Imanyara): Are you asking another Question?

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, yes, I am asking a question.

The Temporary Deputy Speaker (Mr. Imanyara): But not relating to your constituency because that is a different Question.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, it is not related to my constituency. I am just giving an example. It is about vehicles and the way they are breaking down. Is the Assistant Minister aware that these vehicles are not suitable for that area because even in my own constituency, a vehicle has broken down and has been towed to Nairobi? I am also aware that in many other constituencies, those vehicles have broken down because of manufacturer's defects and unsuitability for that terrain. If he is not aware, let him investigate that matter.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, ordinarily, Land Rovers are the best four-wheel-drive utility vehicles we have in the country for any terrain. They have never let us down. The only thing which is required is to put in good money for purposes of maintenance. If we put good money for maintenance of the vehicles, they will last longer than the rest of the vehicles. I have never heard of any manufacturer's defect. If there is any, maybe, my attention has not been drawn to that. So, I will not be able to answer that particular question.

Mr. Nyambati: Mr. Temporary Deputy Speaker, Sir, first of all, I think the Assistant Minister must know that security is a very important issue in this country. The Government has reclaimed so many vehicles as the Assistant Minister has said. Instead of auctioning these four-wheel-drive vehicles, could he assure this House that they can be deployed to those areas and be used because they are serviceable and they can be used in areas with that kind of terrain, so that we can improve the security situation in the country? This issue is not only for this area, but most of our police stations do not have serviceable vehicles. Could the Assistant Minister assure us that those vehicles can be used for this purpose?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, it is quite important that the security of this country must be given priority. Each and every Kenyan must get security. We are also trying to do that. Imagine that 40 million Kenyans must be provided with security and we have done it successfully.

Mr. Temporary Deputy Speaker, Sir, on the issue of these other vehicles, they were reclaimed because they are fuel guzzlers. So, if I take back the vehicles for re-distribution, it will not beat the same logic. So, once these vehicles are sold as-is-where-is basis, then we can take the proceeds and purchase the Land Rovers which are handy and, in fact, which will go to any terrain. They have served us very well. I believe that my colleagues have been very supportive in terms of security and that is why the rate of insecurity is now going down.

Mr. Chepkitony: Mr. Temporary Deputy Speaker, Sir, I think the Government is not taking the security of its citizens seriously. This is because if a Land Rover can stay for three years without being repaired, then there is no seriousness there. Could the Assistant Minister arrange maybe, to have a standby Land Rover because the breakdown of vehicles is not only in hon. Lekuton's constituency but all over the country? If a vehicle breaks down in any station, they can be given a standby vehicle from either the Provincial headquarters or wherever it is, so that security is there for 24 hours.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, a vehicle having a breakdown does not necessarily mean that the Government is not serious about security. A vehicle is just to facilitate the movement from point A to B. We are going to supplement with the

use of motorbikes for security purposes. I am going to buy 200 motorbikes to supplement the movement within Nairobi City and then spread it to other cities. Priority number one of any Government is security. I think we are doing very well on the side of security. The rate of insecurity has gone drastically down because of the agencies and what we are doing as a Government. I want to assure this House and Kenyans at large that security is the number one priority for this Government. Anybody who sees any person who is new within an area, since we introduced community policing, should report him or her to the nearest police station. I want to also say that the police officers have done a commendable job and I would want them to continue doing the same.

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

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, Laisamis Constituency has two districts, namely; Loyangalani and Laisamis and from one end to the other is 550 kilometres with one police vehicle. I would like to ask the Assistant Minister to seriously consider the areas of Loyangalani, Laisamis and Korr for a police vehicle so that the people can be properly served and security enhanced.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, indeed, it is true that his constituency is quite expansive. I will try my level best to fast-track the repairs of this vehicle for it to be redeployed back to Laisamis.

Question No.036

POSTING OF MEDICAL DOCTOR TO MARSABIT NORTH DISTRICT

Mr. Chachu asked the Minister for Medical Services:-

- (a) why the Government has not posted a medical doctor to Marsabit North District four years after the district was established; and,
- (b) what immediate action the Ministry is taking to ensure a medical doctor is posted to the district.

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

(a) I am aware that my Ministry has not deployed a medical officer in Marsabit North District.

(b) Staffing norms for health service delivery permit deployment of medical officers in hospitals only. A medical officer will therefore be posted to Marsabit North when the district acquires a hospital status. However, our sister Ministry of Public Health and Sanitation has planned to post a district medical officer to Marsabit North this year to oversee the management of health centres and dispensaries as well as implementation of primary healthcare activities.

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, I do thank the Minister for his response. Having heard the response he gave me, I feel that I should have directed this Question to the Ministry of Public Health and Sanitation because it is about posting a medical officer of health to my district, since I do not have a district hospital.

The Temporary Deputy Speaker (Mr. Imanyara): Do you want to withdraw your Question so that I can redirect it?

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, I think it will be in order for me to withdraw and redirect it to the Ministry of Public Health and Sanitation.

The Temporary Deputy Speaker (Mr. Imanyara): Very well! Question is withdrawn and will appear later on the Order Paper.

(Question withdrawn)

The Temporary Deputy Speaker (Mr. Imanyara): Next Question, Mr. Ethuro! Is Mr. Ethuro not here? Any explanation as to why he is away? That Question is dropped.

Question No.094

FAILURE TO PAY RETIREES SALARIES WHILE
AWAITING PROCESSING OF PENSION

(Question dropped)

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Member for Budalangi! Is he not here? The Question is dropped.

Question No.108

PROVISION OF PROGRESS REPORT ON
OPERATIONS OF VISION 2030 SECRETARIAT

(Question dropped)

Next Order!

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): On a point of order, Mr. Temporary Deputy Speaker, Sir. I did not hear you call out Question No.149.

The Temporary Deputy Speaker (Mr. Imanyara): I did, but I was informed that the hon. Member is in hospital and, therefore, we deferred the Question for two weeks to enable him to get well. Statements!

POINTS OF ORDER

STORAGE OF GOVERNMENT FERTILIZER IN PRIVATE PREMISES

Dr. Eseli: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Ministry of State for Provincial Administration and Internal Security. Could the Ministry state how much the Kenya Government subsidized fertilizer was found in a private sugar miller's premises in Western Kenya, why the fertilizer is stored in private premises and why it is being repackaged and sold at exorbitant prices to poor farmers and how many people have been arrested in connection with the scam up to now?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, when will you be ready with the Ministerial Statement?

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 that is not under my docket. Fertilizer is not within this Ministry. However, there is a small component which comes under my docket and it involves security; that is, how many people were arrested. The issue of fertilizer should be directed to the Ministry of Agriculture and then that Ministry will ask me how many people have been arrested.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Eseli, I think that is a valid point. Would you like to direct the Question to the Ministry of Agriculture then they can consult with the relevant departments?

Dr. Eseli: Mr. Temporary Deputy Speaker, Sir, thank you for the guidance. I will then redirect it to the Ministry of Agriculture. Further to that, could the Ministry state how much fertilizer is available in the National Cereals and Produce Board (NCPB) depots in Western Kenya and Trans Nzoia and what steps the Minister is taking to ensure that this fertilizer is availed to farmers urgently?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Ojode, would you undertake to talk to the Minister for Agriculture to give a Ministerial Statement?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Yes, Mr. Temporary Deputy Speaker, Sir. Let me commit that I will talk to the Minister for Agriculture to bring this Ministerial Statement by next week on Tuesday or Wednesday morning.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Eseli, Wednesday morning is okay.

The Assistant Minister, Ministry of State for Special Programmes (Mr. M.M. Ali): Mr. Temporary Deputy Speaker, Sir, I seek your indulgence. A Ministerial Statement was sought but I cannot see the hon. Member who sought it. I seek your guidance.

The Temporary Deputy Speaker (Mr. Imanyara): Who sought the Ministerial Statement?

The Assistant Minister, Ministry of State for Special Programmes (Mr. M. M. Ali): It was sought by Mr. Ethuro.

The Temporary Deputy Speaker (Mr. Imanyara): The hon. Member is not in the House this morning. But you may go ahead and issue it.

MINISTERIAL STATEMENT

EFFECTS OF RAGING FLOODS IN THE COUNTRY

The Assistant Minister, Ministry of State for Special Programmes (Mr. M.M. Ali): Mr. Temporary Deputy Speaker, Sir, I rise to issue this Ministerial Statement on request by Mr. Ethuro, hon. Member for Turkana Central on the raging floods in the country generally, but specifically in Turkana Central which has caused the displacement of people. He wanted to know specifically how many people were affected in floods in Turkana, how many have been killed and to confirm whether some of those are civil servants and to state what compensation measures we have taken as a Ministry.

Mr. Temporary Deputy Speaker, Sir, as you will realize, heavy rainfall has occurred in the country---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, in view of the fact that the hon. Member is not in and you have the Ministerial Statement ready, is it possible to summarize and then lay it on the Table?

The Assistant Minister, Ministry of State for Special Programmes (Mr. M.M. Ali): Mr. Temporary Deputy Speaker, Sir, I will comply with your directive.

Heavy rainfall occurred towards the end of February through to March and has caused a lot of havoc across the country. Our efforts as a Ministry and the Government have repositioned food relief in most of the districts which are about 53 across the country. These will be counter-checked in the table that I will lay on the Table with food items totalling to Kshs400 million across the country. Most of the relief food has since reached its destination, although we are still struggling with some areas where transport has been hampered.

I will not go into the details of the areas affected by the road network. It is shown in the table. Specific details of areas affected and the problems which have been noted in those particular areas are also contained in this table. As far as Turkana is concerned, the floods affected villages close to river Kawalase, California, Soweto and Napatet. Families close to 5,000 were displaced and have since been moved to higher grounds.

The effect of the floods which have resulted into some deaths was also a concern raised by the hon. Members. Four deaths of Mr. Francis Mutisya, Ephantus Miriti and Mr. Linavata Rao occurred. There is also a Mr. Saddam Hussein aged 19 years who was washed away by floods and lost his life when he was trying to cross River Turkwel in Lodwar Town. The Government officer who lost his life is Mr. Isaac Newton Ndinya who was, until his demise the District Statistics Officer of the larger Turkana District. He is the civil servant who died.

Mr. Temporary Deputy Speaker, Sir, the Ministry's intervention for such a natural disaster can only be through relief food and limited non-food items. In the month of March, 2010, the Ministry of State for Special Programmes allocated food amounting to 1,862 metric tonnes of assorted relief for both monthly allocation and prepositioning valued at Kshs64,015,400 to the larger Turkana District. The beneficiaries are listed in the table which I am going to lay on the Table shortly. The Ministry of Special Programs, with collaboration with other key Government Ministries and stakeholders are currently monitoring the situation and the Government assistance will be availed accordingly. Meanwhile, the Government has requested the people to move to higher grounds, especially in the areas most likely to be affected by floods for their own safety, in particular the Turkwel and Tana River areas. A crisis centre under the Prime Minister's Office composed of multi-sectoral players is on a 24 hour call for purposes of monitoring and advising the Government on the situation on the ground and the necessary actions will be taken.

Mr. Temporary Deputy Speaker, Sir, as per your directives, I lay the Ministerial Statement and the tables containing all the efforts the Government has taken so far on the Table.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Any clarifications being sought on that, despite Mr. Ethuro's absence?

Yes, Mr. Mungatana?

Mr. Mungatana: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I want to laud the efforts of the Office of the Prime Minister for bringing together the leaders, Members of Parliament, who are affected or whose areas are affected or are expected to be affected by the flood problem.

Mr. Temporary Deputy Speaker, Sir, arising from the Statement that has been given here by the Assistant Minister, the question I want to raise is concerning areas such as ours in the Tana Delta – Garsen and Lamu – where we feel the effects of the rain after everybody else has already felt them because the rivers now come afterwards. Are there any special arrangements for that area? We need to request whether special arrangements can be made for the after effects of the rain on delta regions and areas that are low-lying, and not the other places up there.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Special Programs (Mr. M.M. Ali): Mr. Temporary Deputy Speaker, Sir, you realize that in some of these areas, especially the areas which the hon. Member has mentioned, roads have been swept away. As I speak today, there are field officers who have been flown to those areas to assess the extent of the damage so that relevant Ministries could be called upon so that interventions can be speeded up; roads will be repaired such that people will go back to normalcy. Those are the efforts which the Ministry and the crisis centre are currently undertaking together.

POINT OF ORDER

IMPORTATION OF GMO MAIZE

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Ministry of Agriculture in a matter touching on the import of 40,000 metric tonnes of Genetically Modified (GMO) maize. In the Statement, they should indicate and show why a company by the name of Louis Dreyfus Commodities Kenya Limited was allowed to import maize of the GMO varieties that have not been authorized anywhere else in the world. What effects that will have on our gene bank here, because some of it is in the form of seeds? And, finally, what will happen to the local prices at this particular time?

Mr. Temporary Deputy Speaker, Sir, we would also like to hear from them how much duty was paid or whether any duty exemption has been issued in the import of this 40,000 metric tonnes.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Minister for Development of Northern Kenya and Other Arid Areas (Mr. I.E. Mohamed): Mr. Temporary Deputy Speaker, Sir, I undertake to inform the Minister for Agriculture and that the Statement will be brought next week by Wednesday.

The Temporary Deputy Speaker (Mr. Imanyara): Morning or afternoon?

The Minister for Development of Northern Kenya and Other Arid Areas (Mr. I.E. Mohamed): In the afternoon.

The Temporary Deputy Speaker (Mr. Imanyara): Is Wednesday afternoon fine with you, Mr. Mututho?

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I would have really pleaded with the Minister to bring it even tomorrow, because as soon as we offload this cargo, we are going to have---

The Temporary Deputy Speaker (Mr. Imanyara): Order! He is only holding brief and he is going to look for the Minister. So, I think Wednesday afternoon will be reasonable.

The Minister for Development of Northern Kenya and Other Arid Areas (Mr. I.E. Mohamed): Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Mututho: Thank you, Mr. Temporary Deputy Speaker, Sir.

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

BILLS

Second Reading

THE ALCOHOLIC DRINKS CONTROL BILL

(Mr. Mututho on 10.3.2010)

(Resumption of Debate interrupted on 11.3.2010)

The Temporary Deputy Speaker (Mr. Imanyara): Who was on the Floor the last time?

Mr. Kiunjuri!

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Bill because most of us have been advantaged to observe closely, the behavior of our youth in this country. I can tell you that, really, with the route we are taking, if nothing is done, we are going to lose not only one generation, but generations to come.

Today, Mr. Temporary Deputy Speaker, Sir, I try to consider the young men who are below the age of 30, and this is one of the groups that we have completely lost because when you get to the streets or you go back to the villages as early as 6 O'clock, they are drunk! You even wonder when they consumed the alcohol, because the same youth in the previous evening, you get them very drunk at around 8 O'clock in the evening to an extent that they cannot be able to walk! Therefore, you only expect that those gentleman would be in a blackout and must have slept. Then, you wonder when they woke up and at 6 O'clock the following morning, they are already drunk.

Mr. Temporary Deputy Speaker, Sir, this is not only about drinking alcohol. If you look at other provinces, like Coast Province, the issue of drugs is really alarming. There are those areas which are completely affected, but as an hon. Member for Laikipia and who happens to traverse through the Mt. Kenya region every other day, I can tell you that it is a disaster to us.

Mr. Temporary Deputy Speaker, Sir, if you even look at the population growth in this country which is supposed to be controlled by health means, it is radically changing because young men can no longer be productive. Our daughters are suffering because they have no men to marry. My worry is that when Wahu, my daughter, grows up, where

will she ever get a husband if she would have already lost the generation that is supposed to marry her, which is ten years and above?

So, Mr. Temporary Deputy Speaker, Sir, we must take urgent action to make sure that this issue of alcohol is contained. I am not a proponent of banning alcohol drinks in the country because it is an industry in itself and we will be limiting people's freedom and choice to do whatever they want. But it is high time that we, in this Parliament as lawmakers, decide that enough is enough and we take the bull by the horn.

Mr. Temporary Deputy Speaker, Sir, I have read these sections of this Bill about licensing. There is nothing much that we are changing here. For the first time, Kenyans must agree to obey the laws as they are because nothing stops us today from controlling the use of alcohol in the society. We still have the District Licensing Boards controlling the issues of licenses, but what is happening at the district level is a high level of corruption, whereby despite those Committees knowing and having evidence that a certain bar is operating irregularly; that they are operating at hours they are not supposed to operate, they are still licensed. Despite most of them being caught selling illegal and illicit brews, they still continue licensing those bars.

The first issue is about discipline. It is not about the law. If you have a Constitution or a law that is very good, but we do not obey it, it is useless. The licensing here is done in the same way as it is done today.

We have talked about imported beer and other drinks. We are not talking only about importation from other countries, but importation from one district to the other. A district like Laikipia East has really tried to fight illicit brews. Where are these brews produced and manufactured? As much as we fight these illicit brews, how much can we control the movement? So, we must clearly interrogate this Bill, so that we can come up with provisions which are very strict. For example, in Article 21 on Miscellaneous, we are talking about the Minister being given the discretion in Article 61(d) to prescribe the hours within which the sale of alcohol drinks shall be permitted. This should be very clear. It should not be left to the discretion of the Minister. This power should go down and be delegated to the district committees, so that they can be firm on the hours that one can sell alcoholic drinks.

If I were the Minister today, I would declare that no bar should open between 6.00 a.m. to 6.00 p.m. That is, the time they are supposed to be operating. We should have special consideration to some of the hotels and restaurants in Nairobi and other major cities in this country, so that we do not affect the international business. However, on the issue of local pubs in villages in Nyeri, Kirinyaga and Laikipia, we must be very strict with them. Why should we allow them to operate bars in the afternoon, knowing for sure that is where our youth will flock? Nobody goes to work and they get busy drinking alcohol each and every day.

On the issue of control of the brand of beer and other brews, we must be very clear. For the first time, we must accept that we must take into consideration, the poor. We cannot only say that we will ban illicit brews and we leave the likes of Mungatana and the rest of us enjoying their Tusker---

Mr. Mungatana: On a point of order, Mr. Temporary Deputy Speaker, Sir. Sincerely, hon. Kiunjuri knows that I do not partake tusker or any other beer. Why is he imputing improper motive on a Member?

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, he does not partake beer. I can even confess that he is always drunk with Coca Cola brand. However, I talked about the likes of him, meaning those who can afford and enjoy wine, champagne, tusker and other types of drinks. The old man or the young man in the village, who has Kshs20 to buy *kane*, can also have time to enjoy it. The problem we have is not whether they enjoy it or not, but our major concern is how these drinks render them impotent. They not only render them impotent in production of children, but also in terms of doing productive work. So, the consumption of these illicit brews affects the economy of this country in all ways. Yes, we licensed the consumption of these brews. However, we must look at the contents in *chang'aa*, before we license it. We must come up with proper medical way of testing *chang'aa*.

The Kenya Bureau of Standards (KEBS) must satisfy the standards of the alcohol content. Let the people of Coast Province have their *mnazi* which is approved and accepted that it is a healthy alcoholic drink. We only have to limit the time. Alcohol has high content, but we have to limit the time it can be consumed which should be between 6.00 pm and 10.00 pm. By that time, a young man will have experienced a blackout, but will have no chance of waking up at 3.00 a.m. or 4.00 a.m. and continue drinking it.

Secondly, people will argue that even if you do that, they will carry it home. We cannot limit consumption of beer completely. However, if you know the timing, that between this hour and that hour, you are not supposed to sell, the law will take its course. That way, we can reduce.

When we talk about eradication of poverty in the country, we know for sure that we cannot completely eradicate poverty. However, we can go through processes of reduction. We must work in a way that we can reduce alcohol consumption in this country. We must come out with this law.

I want to congratulate *Mheshimiwa* Mututho for having taken a bold step. We should not read mischief when we address this issue. It is a moral issue. We are interfering with creation. Even God himself never meant that creation does not continue by allowing our youth to be misused they way we are doing right now. We are already in contradiction of creation. We must allow a society that flourishes and is healthy. We cannot do so by allowing the youth to consume the illicit brew all the time. If you look at the genesis of all the problems we have today, they cannot be traced to more than 20 years ago. We used to have a controlled society. In the 70s, 80s and 90s, we could control the consumption of alcohol in this country. People had respect for the law. The chief and the assistant chiefs were respected. The village elders used to work. We could know the source of our problems.

Today, the easiest thing to do is to control time for consumption of alcohol because the chief knows where the alcohol dens are. The villagers also know where those dens are. I thank the women of Kenya because they are very vigilant on this. They have even taken it upon themselves to destroy some of these beer dens. They make sure that those dens do not operate. What have we done? We have ignored them. What are our courts doing? We must make sure that as much as we pass this legislation, we must also go into other Acts of Parliament that will support this Act. Even if we came up with a Bill today that regulates these issues, by the end of the day, we will end up in courts. If we get to court, the penalty for somebody brewing illegal brew is only Kshs1,000. If by brewing that illegal brew, he or she makes Kshs100,000, then they are ready to pay 100 times. We

must look at other legislations, so that we are assured of enough backing to implement what we will do in this House today.

On the issue of morality, this is something we are discussing with regard to the draft Constitution. When we talk about abortion in the draft Constitution, the church is not comfortable with it. Why? This is because, at the end of the day, we are not able to control issues pertaining to morality. It is high time, as hon. Members, for the first time, that we started preaching what we believe in. We must tell Kenyans today that this is wrong even if I want to be elected the President or the Governor of this country. Tell them the truth and live with it. However, as long as we continue to make laws in this House that we do not respect, then we are not moving anywhere. For the first time, as we continue to make laws, we must agree from our local villages, how we can craft it. We must get hon. Members who are not shy of telling their people that they must stop taking alcohol. We must confront the youth and tell them what they are doing is not right. We must confront our district Commissioners and demand that they implement law. We must tell the chiefs to take their responsibilities. We must tell the village elders to refrain from taking bribes so as to save the society. Those of us who come from the Mt. Kenya region, we know that this is a real shame.

Mr. Temporary Deputy Speaker, Sir, the other day, some young men were given a job to dig holes so that we could install electricity in the villages; one young man took the whole day to dig one hole, while another strong or energetic young man who had not consumed these brews dug ten holes in a day. He made Kshs2,000 while the other one struggled from morning to evening, to just do a three-foot hole. That is how pathetic it is.

The other day, I was transferring some aloe plants from Nairobi to Nanyuki and, I faced a similar problem, whereby two young men could not lift an 80 Kilogramme bag. Naturally, two of them could not lift the bag, when, personally, I can still lift one even at my age and carry it to the lorry. If you look at these young men, they are too heavy. They are big body wise but cannot lift that bag. I got so shocked. I went to the constituency once again and asked some of them to unload that truck; they could not.

Mr. Temporary Deputy Speaker, sir, today, some people joke around that when they get home, instead of sleeping in bed, they sleep under the bed. Is this the society that we are trying to create? These are the facts on the ground. How do you expect a young man, who does not know how he got to his home, and the following morning at 6 am, he is already very drunk, to ever know any other business in that house? This is a very serious issue. We must come up with stringent measures. We should look at it again but we must have moral ground to go and campaign for it. For the first time, we should say no to irresponsible drinking and we say yes to licensing of those brews that are favourable to our youth and which they can afford but at the same time control the way we consume alcohol.

With those few remarks, I beg to support.

The Minister for Gender, Children and Social Development (Ms. Mathenge):

Thank you, Mr. Temporary Deputy Speaker, Sir. I think this Bill is long overdue and especially for people coming from Mt. Kenya because men in this region are an endangered species just because of alcohol. Every type of alcohol that is brewed in this Republic is brought to Central Kenya. We, the politicians, are actually the ones who run the bars there. So, I hope that when this Bill comes into operation, we will ensure that alcohol is not consumed anyhow.

Mr. Temporary Deputy Speaker, a sneak preview of the census of last year indicated that the birth rate for Central Kenya had gone down to 1.8 percent. That is why women from Central Kenya are crying that they have lost their men. They have just figureheads, they have no men. As the previous speaker said, they do not even sleep on their beds. They sleep under the beds because they cannot perform and also they wet the beds like the young children because they have lost control of their bladders. I think this is really overdue, and once we pass it, we must also ensure that it is implemented. One of the reasons why drunkenness is so high in Central Kenya is because of the packaging. If you go to any bar, you can buy a small sachet for Kshs10. So it means everybody can afford to buy the brew.

I would urge the Kenya Bureau of Standards to also check the ingredients that are being used to make these brews because at one time, we know people have gone blind, people have died from drinking some strange brews that are brought into Central Kenya. I do not know whether there is somebody who is trying to finish the men from Central Kenya. I sometimes get the feeling that, that tribe wants to be wiped out for one reason or another. So the packaging of the brews and the ingredients used in those brews must also be checked out. We must be assured that what is put in these brews is good for our young people.

In a district like Kirinyaga, the number of bars is more than primary schools. One wonders what is going on. So, we must address this issue. We must save our men if we have to save our race. In this case, I have in mind the people from Central Kenya. Some bars have never closed doors from the day they opened. They are open throughout. The day they get the licence, although the hours state very clearly that they should open at 2.00 p.m. and close at 11.00 p.m.; nobody checks to ensure that the bars are closed. They are open throughout. Unless we address this issue as soon as possible, we will be in problems. Even education has now become an issue. That is why the girl child in Central Kenya is doing much better than the boy child. About 65 per cent of households are headed by women because the men are no longer there. When the men are there, they are just figures. They are just pictures. They are not men that you would really call men.

Even as we pass this Bill, we the Members of Parliament are the culprits. We are the ones who mostly entice our young men, especially during campaigns to drinking alcohol. High levels of drunkenness are recorded during the campaign trails. If we were to make the packaging of alcohol much bigger, most people would not afford it. We could even make it more expensive. If we do that, this Bill will not be necessary. However, as it is, we must address this issue.

Mr. Temporary Deputy Speaker, Sir, when we had the *Kazi kwa Vijana* Programme, it was sad. As soon as the young people were employed, they went to sign vouchers in bars to get beer because they were now on a payroll and they could afford to drink. So, even the money they got did not contribute to the welfare of their families. They use it to drink alcohol.

I fully support this Bill, but we must also ensure that the DCs, and the chiefs implement the law. Chiefs and police should not be allowed to run bars. This is because if they do so, they will not implement the laws.

The Minister for Foreign Affairs (Mr. Wetangula): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Bill. Indeed, I salute the hon. Member for Naivasha for this forward looking piece of legislation from a

Private Member. Indeed, I would have imagined that this is a Bill which the Ministry responsible for youths and sports would have co-sponsored with the hon. Member because of its importance.

Mr. Temporary Deputy Speaker, Sir, you remember that at one time, there was a military man in Nigeria called "General Murtala Mohammed". When he came to power, he had a very clear and clean slogan called "War Against Indiscipline (WAI)". The little short he was in power before he was assassinated, he still looked back with nostalgia at Nigeria because he changed the way people lived.

You may recall that in the last Parliament, hon. Kembi-Gitura brought a Motion here which was passed. The Motion stopped satcheting alcohol in small miniature packets for every youth to be able to pick five bob from a Member of Parliament so that they could buy alcohol. That Motion was never implemented. But more important, I think that we who were in the Seventh Parliament take responsibility for mutilating the Chiefs Authority Act. This Act, at that time, used to do some of the issues Mr. Mututho has included in this Bill.

Consumption of alcohol *per se* is not a problem. Consumption of alcohol *per se* does not create problems. It is the indiscipline and recklessness that goes with it that is the problem. In my view, I have never seen any difference between a Member of Parliament or a person of our caliber who goes to a bar and drinks himself silly and the villager who drinks himself silly. We are all the same. What we lack is the discipline.

If you trace our history, you will recall that in the old days, there were regulated drinking hours. Whether they were bars or local brews, there was always time for opening and allowing people to consume alcohol, time for people to take leave and go home and rest for the next day.

Mr. Temporary Deputy Speaker, Sir, you will recall in 1982 when we had an attempted coup in this country, there was a famous joint we used to frequent as students called "Delicious Afro-Unity". When the coup came and there was a curfew, it was discovered that the premise did not have a door because it was open 24 hours. It was neither opened nor closed. It was permanently in use. When you have a situation like that in a country, then you know you have serious difficulties. Every single hon. Member here, when they go to their constituencies, they have a serious engagement with their youths on alcohol. We must pass this Bill and enforce the provisions in it. We must enforce discipline in the country. The law should curtail and ban the brewing and selling of alcohol in private homes as a start. All alcohol brewed and sold should be in regulated places where hygiene is enforced and time for consumption is an issue.

There is also the issue of quality of alcohol. We can borrow from our neighbours. In Tanzania, what they call "*Konyagi*" is actually *Chang'aa*. It is brewed, distilled, quality controlled, packaged and properly sold to consumers. In Uganda there is a drink called "*Waragi*". It is nothing but *Chang'aa* which is brewed, quality controlled, packaged and sold in a regulated manner.

Mr. Temporary Deputy Speaker, Sir, in one of the schedules on page 686, the Mover and the proponent of the Motion has listed four items that those who sell alcohol should bring to the attention of the public. That there should be clear warning that excess consumption is harmful to your health. That is correct. There should also be a warning that excess consumption of alcohol can cause liver cirrhosis. That is correct. There should also be a warning that excess consumption of alcohol impairs your judgment and so, you

should not drive or operate machinery. That is correct. That alcohol should not be for sale to persons under the age of 18. That is also correct.

Mr. Temporary Deputy Speaker, Sir, I think he should also include the warning, “Excessive Consumption of Alcohol Causes Temporary Impotence in Men”, as we have just heard from the gracious lady from Nyeri. You have seen women in Murang’a and Kangemi frog-matching men to chiefs’ offices for two reasons: Excessive consumption of alcohol and going home and not being any different from their women, in terms of performance of their matrimonial responsibilities. This is what alcohol does to people and we must support hon. Mututho fully. I hope that during the Committee Stage, he will include a clause that says: “Excessive consumption of alcohol causes temporary importance”, so that we can be able to save our men from what they are going through.

The issue of selling alcohol to persons under the age of 18 years is our biggest problem in this country. If you go to the United States of America (USA), even a mature person like yourself, even if you are as old as *mzee* ole Ntimama, and you walk into a bar to buy alcohol, you must produce your identity to show that you are an adult, even when you are visibly adult, to prove that you are of adequate age to buy and consume alcohol. We must import that into this law, so that we can ensure that, not simply because somebody is bearded or balding, can walk into a bar and buy alcohol on the basis of a presumption of being an adult. We must have strict proof that people are adults.

Mr. Temporary Deputy Speaker, Sir, you have seen what alcohol has done to our people. We had the Machakos and Mai Mahiu cases. You recall the painful statement of somebody saying: “*Hata mkizima taa, nitaendelea kunywa tu*”, when, in fact, he had been rendered blind because of alcohol consumption. Do we want the country to go that route? I want to urge Parliament, particularly the Committee that oversights the enforcement of a Bill such as this, to help mount civic education to the whole country, to make sure that the Provincial Administration ensures enforcement of non-consumption of alcohol in private premises and people’s homes.

Consumption must go to public places. It must be regulated in terms of timing. People used to go to their farms and work. You till the farm up to 2.00 p.m. You go to the bar. If it is your *muratina* or *machwara* or *machizi ya simba* or *owino rachar*, whatever you call it, you have just about three hours to consume and go back home and rest in order to be productive the next day. Until, and unless we control the excessive consumption of alcohol in this country, our Vision 2030 is at risk, because we will have no people to work. We will have no people committed to the change that we are all aspiring for in this country.

With those few remarks, I once again salute hon. Mututho and hope that he will see this to the end of the Bill at the Third Reading, to include some of the things we have told him.

I want to finally urge Madam Esther Murugi that if there are many difficulties in Central Kenya, Western Kenya is available.

Thank you.

Mr. Kizito: Mr. Temporary Deputy Speaker, Sir, first of all, I want to commend the hon. Member who brought this Motion. This Motion is long overdue. It is a very good Motion. It is going to save our people in this country.

First, I want to observe that the brewing of some of the illicit brews that are made in the villages requires very high level thinking. For instance, with regard to *chang’aa*,

which is rampantly brewed in this country, you will discover that the process used is what we call “distillation”. When you have to distil, it falls under what we call “Chemical Engineering”. When you go to the university, you have to take five or six years to get that degree.

I would like to inform this House that some people who have not even gone to school are able to do this even better than people who have gone to school and have that chemical engineering knowledge. I want to give a very good example of my constituency, where we also have what we call “*chang’aa* brewing.” I want to tell this House that Shinyalu *chang’aa* is the best in the world. However, it has had its own negative implications on the people in as far as health is concerned.

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

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

Mr. Temporary Deputy Speaker, Sir, this is because the laws of this country do not allow the common man to enjoy their bit. There are many people who would like to enjoy their drink. So, it is only those who have money who can enjoy taking drinks in very important places, where entry is controlled. What about those people who do not have money? Where do they go? If you have not put in place measures to control and regulate brewing and consumption of alcohol, then those Kenyans who do not have means will go and use their brains to make alcohol. As you know, necessity is the mother of invention.

Therefore, this Bill will help us a great deal. It is also going to help the common persons to use whatever knowledge they have to come forward and also earn something. What we take in pubs is much lower in terms of alcohol content than what we get in the villages. So, it will be very important for us to allow production and consumption of *chang’aa*, and regulate the same. I want to support my senior colleague, Mr. Wetangula, who said that we should borrow a leaf from our neighbouring countries.

Mr. Temporary Deputy Speaker, Sir, I would like to inform this House that even in Russia, whiskies are produced by families. If it is my family that distilled some whisky, we would package it and brand it “Kizito Whisky”. However, those whiskies are subjected to standards, so that they can meet internationally accepted standards. So, we need to look into this aspect.

One of the reasons why I support this Bill is that the regular police, and the Administration Police, have taken advantage of there not being in place a law to regulate drinking of *chang’aa* and other local brews. They target homes where *chang’aa* is sold. They earn on a monthly basis. They do not stop people from brewing, but they continue earning from them through extortion. This leaves many families suffering. It has promoted a lot of corruption in the villages.

Mr. Temporary Deputy Speaker, Sir, we would like to turn these illicit brews into income-generating activities for our people. If we allow this to be done in a better way, the drinks that are sold in the villages can be packaged and subjected to testing by the Kenya Bureau of Standards and be sold in pubs. These drinks are not any different from

drinks like *Furaha, Napoleon, et cetera*. I want to think that, actually, if we did this, we would be helping out people.

Mr. Temporary Deputy Speaker, Sir, as long as we do not have a law that regulates alcohol in this country, we shall have a big section of our people going to the dogs. The drinks that we get in public places like pubs have labels to indicate the level of alcoholic content. You will agree with me that you may be taking alcohol in the village when you even do not know its alcoholic content and this can be very detrimental to your health.

There have been a lot of wastages of humanity in terms of people not being controlled and regulated over this, because alcohol can be sold to anybody. Alcohol is sold to students in secondary schools, university students and even children. This is quite abominable and we may not sustain a nation that is on the run, a working nation, if we cannot have a way of controlling alcohol drinking in this country.

I wish to support this Motion.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Mungatana): May I please request the hon. Members in the corner to my left to reduce the consultation. Mr. Haji, please, let us listen to the other hon. Members when they are speaking.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Bill. I wish to support the Member for Naivasha and thank him for taking the time to prepare this Bill.

Mr. Temporary Deputy Speaker, Sir, Kenya is on its knees. During the time of Independence, our enemies were ignorance, poverty and disease. As we look at the new constitution, we realize that with time, we have new enemies. One of the enemies is drugs and alcoholism.

Generations have been wiped out. If you look at the youth across the country, you will realize the damage that alcohol has caused to this nation. In the area where I come from, which is the Mt. Kenya region, the majority of our youth have been totally unable to be productive. In fact, it has become a widespread epidemic; you find that our youth, as has been indicated, are not only able to do their own work but they also are not able to father children.

Mr. Temporary Deputy Speaker, Sir, in my opinion, alcohol has vasectomized our youth to the extent that our population and productivity are being affected. One of the things that truly needs to be looked into, and be focused on, is the fact that we need an authority to manage and control the consumption of alcohol. I want to thank the hon. Member for putting in place legislation that will be able to measure the statistics, rate of deaths and ingredients that are put into alcohol.

Some of the third generation alcohol that we have, for example one that is known as "Maasai" within our local areas, have tended to cause deaths. In fact, you can see the difference between the people who consume that alcohol and the ones who do not by just looking at their faces. If you look at the face of the people who consume it, their lips are red and their eyes are yellow. This means their liver is getting dilapidated in a huge way. I will not go back to mentioning that it has caused blindness. In many instances, it has

caused embarrassment, where you find that in many homes, the man has become a child and his wetting the bed.

Mr. Temporary Deputy Speaker, Sir, this Authority that is being put in place will have very good legislation; a good proportion of the money that is derived from the sale of alcohol will go into rehabilitating not only the youth, but also other people who have been consuming it, so that they become better citizens.

Mr. Temporary Deputy Speaker, Sir, one other factor that the Authority really needs to focus on is licensing. The times when alcohol should be consumed have not been observed. I am happy that very punitive measures have been put in place, particularly in form of the District Control Committees to ensure that people do not operate beyond the stipulated time.

Looking into the number of bars that exist, you will be saddened to find that we have more bars in Kikuyu Town than the number of shops and hardware stores combined. These bars are opened from morning, and they are like the ones that have been mentioned by the Minister for Foreign Affairs. They do not have doors or timing. As early as 7.00 o'clock in the morning, you will see people staggering and you start to wonder when our population will be able to work and contribute to nation building.

I would urge that when this document goes to the Committee Stage, we consider having in every single location, free alcohol towns or villages. For example, in Kijabe, alcohol is not consumed in certain areas because of the old religious influence. This is a phenomenon that goes across many counties in many countries. There are alcohol free States in the USA; there are alcohol free towns in the UK and right across Europe.

I think people who want to consume alcohol should take the effort to go and look for it. One way of controlling this problem of people consuming alcohol across every part of the country is by having designated alcohol consuming centres. For example, in every single location, we should have only two centres. As a result, the control and management will be easier, and we will be able to ensure that the law truly bites.

Mr. Temporary Deputy Speaker, Sir, as far as administration is concerned, I would request the committee that will be looking into this Bill to harmonize the new constitution, if it will be enacted, with this particular Bill to ensure that the committees are representative of a county or local level; this will ensure that the law is effective and does not require too many amendments.

One of the good things that this Bill has done is to put more punitive measures in place. In the case of selling adulterated alcohol, a fine not exceeding of Kshs5 million is imposed. I think we should also have a minimum because people have always traded with the lives of human beings, which have no value. They sell adulterated alcohol, destroy the lives of our people, kill our children, yet they will only be fined up to Kshs5 million.

It is important that we have a minimum of at least, in my opinion, not less than Kshs2.5 million so that people do not risk or take the chance of enriching themselves by selling cheap adulterated alcohol at the expense of the lives of Kenyans.

Mr. Temporary Deputy Speaker, Sir, if you look at the age of the people who consume alcohol in this country, you will find we have youths as young as nine years old, who buy alcohol on the pretext that they are taking it to an older person. The requirement of proof of age has to be extremely specific. We want to know that it is only people with identity cards who can purchase alcohol from designated outlets which are off licensed.

They cannot go to a bar and buy that alcohol so that the off licensed outlets are well monitored and one can know the kind of habits that the owners of the off licenses have.

Mr. Temporary Deputy Speaker, Sir, the other issue is the selling of alcohol within homes and neighbourhoods. This enables a network of people who can connive to get alcohol to people who are either under-age or should not consume alcohol, like students. It has brought insecurity. I have an example in my constituency. The area of Uthiru does not have a shopping centre but it has so many licensed neighbourhood homes and within those homes you will find that boys drink from 7.00 a.m. to noon. They sleep the whole afternoon and in the evening they wait for people coming from work so that they can get money to consume the next morning.

Some of the vices within the society are directly caused by alcohol. For example, in terms of advertising and promotion, we need to start giving serious health warnings that if you drink too much alcohol, it will damage your liver and precipitate other diseases such as high blood pressure and diabetes. We should also warn that if you drink too much alcohol, you cannot make good judgment and in many cases it has been the cause of HIV/AIDS. There should be a warning that if you drink, you need to learn the limits at which you can behave responsibly. You also need to give warnings in terms of drinking and driving. The majority of accidents within this country have been caused by alcohol. You only need to look at the statistics which clearly show that the majority of accidents happen on the nights of Friday and Saturday and sometimes on Sunday. If you investigate, you will find that these drivers were affected by alcohol.

Mr. Temporary Deputy Speaker, Sir, I think one of the items that should be put into this particular Bill is the control of alcohol by ensuring that the alcohol law that has always found its way out of legislation, is properly entrenched into this Bill so that we can have very well defined limits or blood level limits that show the permitted drinking level.

One of the areas I think we also need to look into is the other products within the market that have alcohol content and have been used by the youth to intoxicate themselves and harm their health. For example, the sniffing of glue. The sniffing of glue has destroyed young children. These children have destroyed their lives and future and yet it is a product that is sold in hardwares. This law should flex its muscle to ensure that it gets to the hardwares or other areas where any kind of alcohol is sold, so that we can control consumption of alcohol.

Mr. Temporary Deputy Speaker, Sir, one area of caution that I would like this Bill to look into is the issue of advertising. I think we have overstretched a little when we talk about the 24-hour media advertising, particularly, on billboards. We might kill industries. I think we have to look at ways we could manage and balance to ensure that advertising and other industries that have supported the economy such as the breweries and advertising agents can continue to thrive and employ our people. We should not kill industries by having an over-kill in terms of the promotion of alcohol.

I would also like to say that we are looking forward to the introduction of the Drugs Control Bill, which also covers alcohol. I look forward to when Ms. Amina Abdalla will introduce this particular Bill because I think these two Bills go hand in hand.

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

Eng. Gumbo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Bill by my brother, Mr. Mututho. I think it is an important Bill for this country.

Alcohol and, particularly, illegal brews affect all Kenyans, whether you drink or not. As a country we have lived under the delusion that poor Kenyans do not have a right to partake of alcohol. I think it is a delusion because alcohol consumption affects all of us. Indeed, alcohol consumption is probably as old as creation itself. Even if you look in the Holy Bible, there are numerous examples of alcohol consumption. I do not believe that consuming alcohol is bad. It is probably the way we go about consuming alcohol that may be bad.

Mr. Temporary Deputy Speaker, Sir, as a county we owe it to our people. Particularly, we leaders, are entrusted with legislation in this county. We owe it to our country that those Kenyans who want to partake of alcohol responsibly can do so in an environment that is mindful of their health.

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

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

Madam Temporary Deputy Speaker, as we stand now, the situation in Kenya is such that there is a lot of restriction especially in the way the poor of this country access alcohol. I think it is because of this that multi-nationals have taken advantage and it is as if there is a quiet war to make sure that the majority of Kenyans who want to access alcohol do not do so.

As we go towards passing this Bill, and I hope we will get enough support--- I think it is important as espoused in the Bill itself that as we go toward legalizing and controlling usage of alcoholic drinks in Kenya, we adhere to strict standards. We should adopt those habits that ensure that we partake of alcoholic drinks responsibly.

Madam Temporary Deputy Speaker, it is very important that we have strict laws to ban the proliferation of outlets selling alcoholic drinks, particularly in residential neighborhoods. In some of the estates in big towns, particularly in Nairobi, outlets that sell alcohol are more than residences. This is dangerous for our country.

As I move to conclude, ultimately, responsibility for making sure that Kenyans drink responsibly must go beyond the Government itself. As parents, it is also our duty to ensure that we do not make conditions conducive for our youth to engage in illegal consumption of alcohol. Sometimes it is very depressing to go to public places where alcohol is sold and find children as young as eight years with two of their parents and the parents do not seem to notice that something is wrong. I would urge my colleague, hon. Mututho, that as we go to the Committee Stage, we should also introduce strict penalties for those parents and guardians who knowingly take under-age children to places where alcohol is sold at odd hours. It is also important that the controls we used to have before with regard to the hours when bars and places that sell alcoholic drinks should open are strictly enforced.

With those remarks, I beg to support.

Mr. Litole: On a point of order, Madam Temporary Deputy Speaker. The discussion is almost repetitive. We are in agreement that alcohol consumption is dangerous to our country. Will I be in order to ask the Chair to call upon the Mover to reply?

The Temporary Deputy Speaker (Prof. Kamar): Order! One hon. Member has caught my eye and I will allow him a chance to contribute before the Mover replies.

Dr. Eseli: Thank you, Madam Temporary Deputy Speaker. I pledge to take a very short time since there is anxiety that the Mover should reply. I wish to thank hon. Mututho for coming up with this Bill. This Bill is for the good of the whole country. Those of us who are in politics are aware of the damage that alcohol is causing in the country. If we are talking of developing this country, the youth is the back-bone of the development of this country. When you find the youth helpless, then it is not possible to develop this country.

As I speak, most youth in many areas look for money, not for anything else, but to partake of illicit brews. After that, they are unable to do any productive work. In fact, it has reached a point that if you hold development meetings in the constituency and you want to address the people, some of the youths disrupt such meetings because they are either drunk or they want money to go and get drunk. There is a misconception which the Member for Nyeri Town brought up, that probably, the youth in Central Province are unable to make children anymore, and it was suggested that maybe she imports youths from Western Province to go and do that duty. I wish to state that the youth from Western Province also are suffering the same burden. It is just that they, probably, take a different brew, which enables them to continue procreating. Otherwise, they have the same problem and they are unable to partake in productive work. It has reached a stage where youth groups have been formed and when money is brought to the constituency for the youths to borrow from the Youth Fund, they sit under a tree, share the money and go partake local brews. In other words, we are defeating any development that we would wish to put in. I hope that at the Committee Stage, we will bring up some amendments, so that we increase the fines that will be imposed on those people who will be selling these illicit brews in homes. The sale of alcohol in homes is really tragic.

As I speak, a retired senior teacher in my constituency at a place called Soysambu was killed hardly two days ago by the Administration Police (APs) after he had taken illicit brew. The police have actually collaborated with the brewers of these illicit brews to the extent that most of the time, the APs and the police are busy chasing after illicit brewers, namely, the *chang'aa* and *busaa* brewers instead of chasing other criminals. This has led to an increase in criminal activities in constituencies such as mine because the criminals know that they are free from police pursuit because the police are very busy chasing *chang'aa* and *busaa* brewers.

When I was growing up, we had legalized *busaa* clubs, whereby in the evenings, people would retreat to there, take a bit of *busaa*, go home and we were really productive in our farms and everything that we did. But from the time that broke down, people drink 24 hours a day. You find somebody with five acres of good agricultural land sitting at the market place crying of poverty, while he is totally drunk. What hon. Mututho has done, and I hope at the Committee Stage, we will pass it and it becomes an Act urgently, will save our country.

With those few remarks, I beg to support.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Thank you, Madam Temporary Deputy Speaker. I wish to congratulate hon. Mututho for bringing this Bill, which I must say at the outset, has the support of the Government. I also wish to thank him for agreeing and joining us in various fora of stakeholders, both internally in Kenya and also at the regional level, through various seminars where we discussed various issues to do with alcohol and its problems.

I intend to take a very short time in support of this Bill. I just want to emphasize certain critical parts of the Bill. The first one is with regard to access of alcohol to young persons. I believe that we have a very serious problem of alcohol consumption by the young people in this country. There is unlimited access to alcohol in terms of getting alcohol and gaining access to premises where alcohol is consumed. I am very happy that Section 24 brings some controls in that area and Section 28 provides penalties for persons selling alcohol to young persons. I do not need to elaborate because the dangers of alcohol to young people have been given, for example, the problem of introduction to other hard drugs, accidents, moral issues leading to HIV/AIDS scourge. There are other issues that Members have mentioned here with regard to the capacity of the young people to engage in productive work. The importance of that section also lies in the fact that there is need for proof of age by way of identification in a number of forms, namely, the production of identity cards, passports or any other identification that the Minister may prescribe under the rules in this Act. This is very important because this is a very weak area of control in this country.

Madam Temporary Deputy Speaker, when you observe most developed countries like the United States of America and Europe, consumption of alcohol by young people is heavily controlled through the control of access to premises where alcohol is sold. We are very weak on that section in this country. So, I am very happy that, that section introduces those limits.

Madam Temporary Deputy Speaker, the second point that I want to raise is the question of adulteration of alcohol. Once the *Chang'aa* Prohibition Act is abolished, obviously there will be temptations for those who may be licensed to process and sell alcohol to do some adulteration. We have a history of very serious cases leading to blindness in various parts of the country; where even the alcohol being consumed at homes has been adulterated by adding all sorts of poisons to make it more potent. I think this clause is very important and I wish the penalties could even be higher for any person who has been licensed to manufacture alcohol and attempts adulteration. You will recall that Uganda allowed the processing and manufacture of Uganda Waragi, which is an equivalent of *chang'aa*, but I am told that a number of years down the line, one of the biggest challenges that Uganda faces is the issue of adulteration, which was not there at the initial stages when Waragi was being bottled and sold in sachets. I think that clause is very critical; that heavy penalties should be imposed on any establishment that breaks that law.

Madam Temporary Deputy Speaker, I am also very happy that this law provides for the control of sale of alcohol through vending machines, sachets and also in other forms such as sweets, chocolates and so on. This is because we are aware that some people are inducing our young people through the establishment of *kiosks* not very far

from schools, to sell sweets which have been laced with drugs. So, we should provide for heavy penalties to protect our children.

Madam Temporary Deputy Speaker, the other aspect of this law that I find very important is the one that deals with education and information. The roles of the Ministry of Education and the Ministry of Health have also been brought on board. I am happy to see that the school syllabi will contain information at very early stages on the dangers of alcohol.

Also, Clause 65 deals with the rehabilitation of alcoholics. This is a very serious matter in this country. The facilities for rehabilitation of alcoholics are very few. I can only recall the Government establishments within Mathari Mental Hospital and Coast Provincial Hospital. Mathari Mental Hospital has a wing for rehabilitation of alcoholics and also drug addicts. If you get the opportunity to visit those facilities, you will find that a number of patients there are young persons and some are university lecturers. It is also the only facility that I know within the Government establishment that charges the lowest fees. Doctors and practitioners will inform you that you require a minimum of 90 days to go through detoxification and other rehabilitation programmes, to come out of these programmes. At a cost of Kshs400, you can imagine that very few Kenyans would be able to afford that kind of facility even within the Government institutions.

Madam Temporary Deputy Speaker, the other institutions providing rehabilitation facilities and counseling are basically missionaries. I want to congratulate the churches and some private individuals for their participation in this sector. The charges are not less than Kshs2,000 per day. So, you can imagine at the rate of Kshs2,000 for 90 days, very few Kenyans would be able to afford. So, I welcome the introduction of the fund under Clause 5, which will provide for collection of funds to support the agency, which at the moment is the National Agency for the Campaign Against Drug Abuse (NACADA) to set up rehabilitation centres to support other stakeholders who will come on board, such as Non-Governmental Organizations (NGOs), churches and several youth centres. We need many more stakeholders because this is a burden that the Government alone cannot handle. It is going to be a costly affair but the investments are worth it.

Madam Temporary Deputy Speaker, while on that point, I would like to urge Members to support NACADA in the forthcoming Budget. Their budget is very limited; at Kshs210 million for the last two or three years when, in fact, I know that they require Kshs1.2 billion, at least, to make a substantial impact.

Madam Temporary Deputy Speaker, finally, this is a very good law, because under Clause 66 it provides for the establishment of regulations by the Minister to cover a wide range of issues that we may overlook in the passage of this Bill.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kamar): Could the Mover, hon. Mututho, now respond?

Mr. Mututho: Thank you, Madam Temporary Deputy Speaker. I want to thank hon. Members for their contribution. We have listened very carefully and taken very comprehensive notes. We will also look at the HANSARD and all your valuable contributions will be considered.

We are particularly very impressed by Government Ministers who have contributed even more than the other hon. Members. They have brought some of the very fundamental things that we may not have seen at that particular time, for instance, the

issue that has been brought just now by the Assistant Minister who is in charge, that we should have heavy fines. These fines should be made available for the rehabilitation of our people because we cannot condemn them in total.

Madam Temporary Deputy Speaker, all these issues will be captured and considered at the Committee Stage and I undertake to do the same.

With those very few remarks, I beg to Move.

(Question put and agreed to)

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

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, the Pensions (Amendment) Bill has been withdrawn by the hon. Member who introduced it because he wishes to carry out further consultations and so, Order No. 9 stands withdrawn.

BILL

Second Reading

THE PENSION (AMENDMENT) BILL

(Bill withdrawn)

Next Order!

MOTION

ADOPTION OF REPORT ON STUDY VISIT TO TURKEY/REPUBLIC OF IRELAND/UK

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the study visit to Turkey, Republic of Ireland and the United Kingdom between 22nd November and 7th December, 2009 laid on the Table of the House on Thursday, 10th December, 2010.

Madam Temporary Deputy Speaker, before I proceed, first of all, I would like to appreciate and thank the Office of the Speaker for authorizing the hon. Member to undertake that visit. Secondly, I would like also to thank the Clerk's Chambers for facilitating the trip. Equally, I would like to thank the Members of the delegation and Members of the Committee for taking time from their families and constituents in order to serve Kenya. I would also like to thank the Ministry of Foreign Affairs, in particular the Europe Division for the role they played in making sure that the trip was successful. I would also like to thank Kenyans in the diaspora.

Finally, I would like to appreciate and thank the Grand National Assembly of Turkey, the National Assembly of Ireland and the House of Commons of the United Kingdom, UK, for the warm welcome they accorded to the Members of the Committee.

Madam Temporary Deputy Speaker, the purpose of this visit was to review the performance of our missions abroad. The Committee on Defence and Foreign Relations has a very difficult task which is different from other Committees because we are charged with the responsibility of overseeing our 52 missions abroad. Recently, there has been some media bashing on the role of Committees. I would, for purposes of record, appreciate that this Parliament has come a long way. Those of us who have been in other Parliaments, there was a time when Parliament was a department in the Office of the President. The reforms that were introduced by the legendary former parliamentarians like Mr. Oloo-Aringo that had removed Parliament---

In the current Constitution, there is separation of the Legislature, the Executive and the Judiciary. But at that time, Parliament was one of the small departments in the Office of the President. Some of the gains the institution of Parliament - I am proud to be a Member of the 10th Parliament, I have also served in other Parliaments - have been made as a result of efforts of individual Members. I do remember when Mr. Oloo-Aringo came up with the Motion that resulted in the current Parliamentary Service Commission (PSC), he was de-whipped from his party. Later on, we had to call for an urgent *Kamukunji* to make sure that there is no PSC without Mr. Oloo-Aringo, and it worked. That is when the Bill was passed and the then President assented to it. Today, all of us are beneficiaries. The one thing that I would like the media to appreciate is: How do we carry out the oversight if we cannot visit any of the missions? These are the realities. So, we must be prepared.

The taxpayers must be prepared because Parliament has its own role to put some of the things in order so as to effect the oversight role. Therefore, when you hear Members of this Committee or any other Committee have gone out of this country to do some work, it is not that they are going for leisure. It is not that they are happy to be out of Kenya but it is because what they are required to do legitimately requires them to visit some of those countries. This is just for purposes of record.

Mr. Temporary Deputy Speaker, Sir, the purpose of the visit was to evaluate the performance of some of our missions. We could not visit all the missions that are scattered in different continents. We picked on London which is the epicenter of our diplomatic representation because of the historical relations that we have had with the United Kingdom. We also picked on Turkey because it is a bridge between the Middle East and Europe. Finally, we went to Ireland because we wanted to find out the criteria used by the Ministry of Foreign Affairs or the Government in establishing missions in different parts. We picked on Ireland because it was represented by our High Commissioner in London but sometime in 2007 the Government of Kenya decided to open a mission in Ireland while the Irish Government was trying to close almost all the missions south of the Sahara.

I would say that the economic conduct on bilateral trade between Ireland and Kenya is almost negligible. We have a mission there with more than sixty staff members. I do not want to say more for the purposes of what the staff in our mission told us. But I think the criteria used in opening that mission was to have economic diplomacy. The trend has changed. Previously during the cold war, we used to have political diplomacy

that embraces politics but right now the scenario has changed. We emphasize on economic, tourism and cultural diplomacy. But the key thing here is, economic diplomacy. That having been our mission, the second purpose of our mission was also to forge bilateral relations, and in particular these days, there is also Parliamentary diplomacy which is playing a key role during our visits to different countries and interacting with different parliamentarians including the Committee on Defence, Foreign Relations and Intelligence. In Turkey, we had the opportunity to interact with the Minister for Security and Social Welfare and we really learnt a lot.

Madam Temporary Deputy Speaker, the third objective was also to share our views and experiences with committees that have oversight role on security. You realize that in our country, parliamentary oversight on security is a very challenging role. Even without a legislative framework, some of our institutions like the National Security Intelligence Service (NSIS), the Department of Defence, the Police and the Prison Department still operate on traditions and precedents without any legal foundation. For example, this happens when a parliamentary Committee wants to get certain information. Of course, there are challenges because we have not reached that level of the United States of America (USA) or UK where Members of Parliament are vetted. That notwithstanding, Parliament must have an oversight role in security. Without that we have rogue elements where individuals have not accepted the changes that have taken place in this country.

To that extent, we have felt that by interacting with our counterparts in London, Dublin and Turkey, the Members of the delegation gained a lot. I can tell you right now that as a result of that, this Committee is desirous of amending the Powers and Privileges Act, Section 18, Sub-section 2 because in that Section, a security officer just needs to invoke the name of the president to deny a Parliamentary Committee or Parliament any information, regardless of how that information is going to be used. If that information is going to touch on the navy, airforce or the army, one has to get the written consent of the President. You can imagine how difficult that is. So, that has to be simplified so that, as and when the situation arises, and a particular Committee of Parliament or Parliament as an institution requires information that touches on security institutions, then that information, without prejudice, can be availed to the committee.

Therefore in interacting with these different parliaments, we feel that we have learnt a lot and once we bring that amendment, hoping that it will be passed, I am sure that the kind of work expected from committees will be more productive, more useful and more issue oriented. Currently, some of the players in the security sector deny the existence of some of these things.

Madam Temporary Deputy Speaker, we were in Turkey between November 22nd and 28th 2009, we learnt that the Turkish President was here early last year and right now, we have transport, particularly the air transport link between Kenya and Ankara. Turkey has had diplomatic representation in Kenya over the last two decades. We have Turkey/Kenya Parliamentary Forum in Turkey and we have also reciprocated. With the help of the Speaker, we have managed to form the Kenya/Turkish Parliamentary Friendship Group.

But, Madam Temporary Deputy Speaker, one of the things that I learned because of the the unique nature of Turkey--- Turkey is in between the Middle East and Europe. One of the recommendations, or one of the things, that we learned is that many Kenyans

– just like many Kenyans have been going to China for business – have also been going to Ankara, and the affairs of Kenya in Turkey are handled from Rome. You can imagine the distance. Therefore, one of the things we have recommended is for the Kenyan Government to open a mission in Ankara, just to ease the kind of problems the Kenyans who visit there on business and on other issues go through. Normally, it is very difficult even to apply for visas to Rome from Ankara. That is one of the things we need to appreciate.

Madam Temporary Deputy Speaker, one of the things we were told is that in 2001, the Gross Domestic Product (GDP) of Turkey was about US\$210 billion. Today, because of the diversification of their economy and the pragmatic foreign policy, which is economically driven, the GDP today is almost US\$1.3 trillion. You can imagine the change within a span of six years or seven years. These are the kind of issues that we would like to emulate as a country, because economic diplomacy is the key thing. Those of us who have been around here know that the kind of clothes in the market right now, and which actually dominate the entire textile industry in Kenya, come from Turkey. With this, we feel that we should have some sort of diplomatic representation in Turkey.

Madam Temporary Deputy Speaker, when we went to the UK, we also had--- Before I move on to the UK, in Turkey we had an opportunity actually to meet the Kenya-Turkey Parliamentary Group. We also had an opportunity to meet with our counterparts on defense; we also had an opportunity to meet with the Minister for Labour and Security; we also had an opportunity to meet with the Committee on Foreign Relations. Finally, we also met the Members of the Turkey Chamber of Commerce and, in particular, the defense industry members. Finally, we also met the officials of the Ministry of Foreign Affairs. One thing that we learned, which is a key component of the Turkish foreign policy, is zero enemy in the neighborhood, because their emphasis is on economic diplomacy. Turkey has forged bilateral relations based on economic gains, and this is why they are all over. I think if we can emulate, as a country, this particular aspect of Turkish diplomacy, I think we will have a lot to gain.

Madam Temporary Deputy Speaker, we also went to Ireland between 22nd and 28th December, 2009. We met with officials of the Kenyan Embassy; we met Kenyans living in Dublin and other parts of Ireland and, finally, we had a joint session with the Committee on Defense and Foreign Relations of the Joint Chamber of the Turkish Parliament.

Madam Temporary Deputy Speaker, one thing that I liked, and I say this for the purpose of the hon. Members, because Turkey has two Chambers of Parliament. One thing that they have been trying to do over the last few years is to abolish the Upper House, which they have said--- I think, next year, they are likely to have a referendum. This is what we are trying to do right now while in other countries, I think, that particular aspect has failed; the unique experience is that it has failed to work.

Finally, Madam Temporary Deputy Speaker, we also went to the UK between 22nd and 27th December. We met the officials of the High Commission; we also met with the Kenyans in the Diaspora; we had a meeting with the House of Commons Select Committee on Foreign Relations; we also had a meeting with the House of Commons Select Committee on Defense.

Madam Temporary Deputy Speaker, one of the things that we have learned as a Committee in our oversight role, which I think I am going to emphasize today, is the

purpose of having diplomatic representations in any particular country. I started with a note that London is the epicentre of our diplomatic representation because of historical issues. The issues that we came across in London, from the Kenyans in Diaspora, the London Mission staff and even from the officials of the UK Government, are that some of the activities that have been taking place in that particular mission have not actually been very encouraging. One thing that actually, in our visit, came out is that there are issues that have been covered by the media. In particular, because in any diplomatic representation, when one is posted to a foreign country, that person is supposed to project, promote and protect the image of the country that he or she represents.

Madam Temporary Deputy Speaker, the activities that have been going on, particularly in our High Commission in London, have not been very good. They have left a dent on our diplomatic representation; they have damaged the image of Kenya as a country; they have also put a question mark on the essence of having diplomatic representation in any particular country. I say this because what happened in London on three occasions between 2003 and 2004 was that the Ministry of Foreign Affairs exercised its discretionary administrative role on all our missions and decided to make some changes. The shocking thing we learned was that a number of employees, who had been seconded by the Ministry of Foreign Affairs, after having completed their tour of duty, and after having got a letter of recall from the Ministry, decided to ignore the recall letters and ended up overstaying. For example, I would like to mention one person called Chege Kiigo, who was posted as a home-based driver in 2006. Until December, 2009, Chege, who was again converted from being a driver to being a clerk, was still in our Mission even after six letters had been written to him by the Ministry of Foreign Affairs. At a certain stage, he was suspended, but later on he became a member of staff of the Kenya Mission. This is one thing we do not have an explanation for.

Madam Temporary Deputy Speaker, the second person, again, within the same mission, is called Abel Kenyoru, who was the Deputy Principal Counselor. His contract ended, he was recalled and he refused to come back! But in that particular instance, the Ministry was a bit firm and tough; what they did was, that they cancelled his diplomatic visa and diplomatic passport and relayed the same information to the British authorities. In that particular instance, at least, the Ministry moved. Again, that did not happen to Chege Kiigo. There is also somebody else also called Mzee Marugu. He was also recalled, but he refused to come back, even after six reminders by none other than the Permanent Secretary in the Ministry of Foreign Affairs. As of the time we visited there, he was still an employee of that particular mission.

Finally, Madam Temporary Deputy Speaker, the High Commissioner himself, his tour of duty ended a long time ago; he was there from, I think, 2003 up to late 2009. A High Commissioner carries a very important responsibility on behalf of the Republic of Kenya, in particular, as a representative of none other than the Head of State and Head of Government! In this particular instance, this person, by the name Muchemi, had no regard for the Ministry of Foreign Affairs, and for both the Minister and the PS, and even for the entire establishment in Kenya.

Madam Temporary Deputy Speaker, I would like to read to the hon. Members, for purpose of this, one letter in which this particular person was recalled. Somebody was appointed by the name Mr. Adison Chepukaka. Now, what happens is that when a new officer, and in particular somebody very senior is appointed--- An innocent guy, who was

the Financial Attaché decided to acknowledge the the functions that were supposed to be performed by Mr. Chepukaka. He introduced Mr. Chepukaka to one of the banks, HCBC Bank, as one of the signatories as required, as a response to a letter written by none other than the PS, Foreign Affairs.

Madam Temporary Deputy Speaker, shockingly, the High Commissioner, on his own volition, decided to write to the bank. This is what he wrote. It says:-

“Mr. Peter Mwangi has written to you purporting to remove my authority as the Kenya High Commissioner administering funds of Kenya mission held at your bank. He has purportedly substituted signatories and provided to you signatories made by junior officers in my office. I wish to advise you to ignore the letter.”

That was the High Commissioner responding to a letter from none other than the Accounting Officer from that Ministry. He went ahead and wrote to the bank denouncing that he did not know anyone by the name of Mr. Addison. Mr. Addison was supposed to be the Principal Counselor in that Mission. Due to that, Mr. Muchemi must have enjoyed special status by the Government of Kenya. We need an explanation about this from the Minister because it is unheard of. How can an ambassador be recalled by the appointing authority and then pretend that no one can touch him? That aspect itself has downgraded the image of Kenya which is a very important country in Africa, more so, in South of the Sahara.

Madam Temporary Deputy Speaker, diplomacy is about image and public relations. The image of Kenya within the diplomatic service, the international community and among Kenyans in the diaspora has been ruined because of the activities of such rogue elements like Mr. Muchemi. Mr. Muchemi continued staying in the official residence of the High Commissioner even after His Excellency the President appointed High Commissioner Ngare. High Commissioner Ngare had to be housed in a rental house for three months until Mr. Muchemi voluntarily vacated the Government house. Why can the Government not use the same force that it used on Abel Kanyoru to cancel his visa, his diplomatic passport and notify the authorities in the UK? Why is he being given status that he does not deserve? He abused every opportunity that he was given, he soiled our name, he soiled the image of the Ministry of Foreign Affairs and abused the name of none other than His Excellency the President. I also believe that his appointment, in the first place, was wrong because he felt that he was untouchable. That damage is still felt. Those of us who have been to London can attest witness to this. It will take a while before the Ministry can repair the dented image.

Madam Temporary Deputy Speaker, on 18th November, 2009, my colleague, who is also a Member of the Departmental Committee on Defence and Foreign Relations; who was part of the team that went to London, put a Question to the Ministry of Foreign Affairs. The answer that was given by the Minister was, again, far from the truth. This is what prompted us to visit London simply because we wanted to ascertain the truth. When we went there, we found out that what had appeared in the media was nothing, but the truth. We had a mission that had been neglected over the years. We had somebody who assumed that he was above the law, untouchable and felt that he was synonymous to Kenya. Diplomatic representation, in the modern world of today, is laying emphasis on economic diplomacy.

At some point, the UK was our biggest trading partner. I am sure we all know that. Right now, it is Uganda. The trade volume between Kenya and UK has been going

down. That itself gives you an indication of the performance of that Mission. I have said that because London is the epicentre of our diplomatic relations. If we get it wrong in London, we will get it wrong everywhere. I think that has been the trend. I know the Minister will disagree, but that has been the main fundamental concern of the Ministry of Foreign Affairs.

If you look at the service establishment in our missions, I know hon. Wetangula will say that this is something that we inherited, for purposes of hon. Members, we have a Mission in New York. We have an authorized staff establishment of nine against actual staff of 28. So, we have 19 more. In Washington, we have an authorized staff establishment of 23, but we have an actual staff establishment of 35. That means that we have 12 more. In London, we have an authorized staff establishment of 22 against an actual staff of 44. The input of all this, is that the authorized staff establishment in our missions is 355, but the actual staff is 827. Is that what we need in this era of IT, modernization and economic reforms when we should be having prudent management of our resources? That is a question that each hon. Member can answer himself.

The second issue is that some of our missions have remained vacant. The rents are still being paid. We have residences for ambassadors, but there are no occupants. To that extent, 44 senior officers whose tour of duty has ended are still in these missions. We have a number of vacant High Commissions and Ambassadorial positions. I think the appointing authority should take the taxpayer very seriously and make sure that these positions are filled.

I want to take you back to the Question that was asked by hon. Gunda on 18th. The Minister was asked why our mission in Japan is still vacant. The Minister said that they had nominated names and the process was nearly complete. Three weeks ago, my brother, answering a Question, almost of the same nature, said that in ten days, His Excellency the President was going to make an announcement. That is almost three weeks ago and we have not heard anything. There are still many things going wrong. Is that the kind of diplomatic representation we, as a country, require?

One of the key roles that the Ministry of Foreign Affairs is expected to play is to make sure that this country is properly and adequately represented. In this list, which I will lay on the Table, the number of 827 people who have been employed by our mission goes far beyond what we can afford economically. Therefore, it is fair that the Ministry of Foreign Affairs takes this very seriously and undertakes a radical surgery--- This is an issue of money. Anybody who is out of this country must get house allowance, medical allowance, and free education for their children. Life out there is expensive. Therefore, the money we spend on each of these employees out there is more than the salary of a Member of Parliament. That is a reality. That is something that has been talked about by the Kenyan media and the Kenyan public. Is this something that we can sustain? This is something that the Ministry should take seriously and take remedial measures before it becomes a burden to the taxpayer.

There are jurisdiction challenges or conflicts between the Ministry and other Ministries. In particular, there is a challenge now that has been known all over, between the Ministry of Foreign Affairs and the Ministry of State for Immigration and Registration of Persons. These people are in the same Government. There is also a serious conflict between the Ministry of Foreign Affairs and the Ministry of Higher Education, Science and Technology. There is also a serious conflict between the Ministry

of Foreign Affairs and the Ministry of Trade. There is also a conflict between the Ministry of Foreign Affairs with the Ministry of Agriculture and with the Ministry of Livestock Development. Why should this Ministry operate in isolation? This Ministry is part of the Kenyan Government and the Kenyan Government has leadership.

When I see the Minister of State for Immigration complain publicly that his role has been taken over by another Ministry; when I see the Minister for East African Community complain that he has no Ministry and so he has been rendered *persona non grata* within Government circles--- He heads a department that deals with the affairs of the East African Community – it is actually a department within the Ministry of Foreign Affairs. So, Mr. Kingi is actually without a Ministry. He is a floating Minister. He has complained to us as a Committee. I know he has complained elsewhere that something needs to be done.

On the issue of appointment of attaches, if the essence is to reduce costs, I think there is a policy. I do not want to mention names, but there is a circular from the Ministry of Foreign Affairs which attempts to withdraw services of all attaches. They could be economic attaches, trade attaches, commercial attaches, or whatever name they are called. These people have been given notices to wind up whatever they are doing in their respective missions, but in the same breath, other people are being employed to do the same job these people who are being recalled are doing. Where is the fairness? Are we removing some people to create job opportunities for others? This is something we need to address as a nation. Fairness is very important in the execution of national duties. The Ministry is being managed on behalf of the people and Government of Kenya.

Madam Temporary Deputy Speaker, in 2008, my Committee was part of a process that came up with a first written foreign policy of the Republic of Kenya. As a way out of this, the Ministry should have officially accepted this policy. If that foreign policy was adhered to, all these problems would be a thing of the past.

If our Missions have problems just like we have inter-ministerial problems, for example, last week it was Mr. Kajwang--- Right now the issue of attaches has not been handled. Let me give you the London situation. The commercial attaché who falls under the Ministry of Trade was recalled. In the same breathe, the Ministry of Foreign Affairs employed a fresh graduate and posted him to be an Economic Counselor in Job Group P. It is now nine years since that person was employed by the Public Service Commission. What are you telling this innocent Kenyans who do not have senior people to push for their welfare? Where is the fairness? These are issues that we must address as a country. That person might be a beneficiary of one or two things, but what do we do to those who do not have senior individuals to assist them within and outside the Government? They will have to rely on you and me who were elected and swore to protect the interest of Kenyans. This is where we are. This is a challenge. Both of you are in the Government.

You need to rationalise what you want to do. If you want to do away with attaches, have one uniform policy that cuts across. You need a binding Government policy on the role, functions and performance of diplomatic attaches. When one Ministry is curtailed not to appoint a particular person and it is forced by a circular and in the same breathe the same person, under a different name is appointed from a different Ministry, region, tribe, political persuasion and religious circle, what are you telling Kenyans? These are the issues we must address. I want to challenge both of you. Unfortunately we

do not have the Leader of Government Business here. It is incumbent upon the Government to put its act together so that Kenyans get service for what they pay.

Madam Temporary Deputy Speaker, these people are in foreign countries. If there is one letter from the Minister for Higher Education, Science and Technology on the appointment or termination of service of an Education Attache in London and then the Ministry of Foreign Affairs also writes a letter, all these letters will land in the hands of people in foreign countries. How do you explain such a scenario? Which Government are these people serving? Are they from the same Government? Are they reading from the same script? Do they take instructions from the same Head of State and Head of Government? These are the challenges that we must face as a country so that we have a better and more harmonized diplomatic representation in some of these foreign countries.

Madam Temporary Deputy Speaker, the Committee on Defence and Foreign Relations expressed its displeasure at the functions and performance of some of our Diplomatic Missions abroad. The three cardinal principles in diplomatic representation abroad are to project, promote and protect the good image of Kenya. This is covered under the Foreign Service Regulations, which is again a product of the functions of the Ministry of Foreign Affairs. In diplomatic circles, the Foreign Service Regulations are supposed to be like the Bible or the Quran. You are supposed to follow them to the letter.

Yours is to project a good image of your country, its citizens and its President because Foreign Affairs is a docket that ideally reflects the aspirations of the Head of State. That is the reality. So, this is a disaster not only to the people of Kenya, but to none other than His Excellency the President. Right now, some of our Foreign Missions have been vacant for the last 18 months. We pay rent for those offices. What are we telling those countries? Why not close those Missions if you cannot agree on the appointment of an Ambassador or a High Commissioner?

This is an issue that we must address. It cannot be part of the confusion and collusion within the current coalition. These are issues about which one must be pragmatic. They are issues that must be addressed, because diplomacy is a very sensitive issue. I want to believe that those of you who are senior stalwarts within the current coalition, please, play your politics elsewhere. Do not do it within the diplomatic circles. It is going to harm all of us.

Madam Temporary Deputy Speaker, in this Report, there are individuals whom we think should be investigated. Why should they be investigated? We have public officers who have completely disregarded instructions from their bosses and, as a result, the taxpayers incurred expenses that would have been avoided. I want to take you to the London scenario. The High Commissioner, who is legitimately appointed by the President, was housed in a rented flat. Our house, which was bought using taxpayers' money, was occupied by somebody who was not entitled to live there.

The rent we lost as a result of that house totals to about Sterling Pounds 48,000. The rent that we used to accommodate the High Commissioner totalled to about Sterling Pounds 12,000. So, we are talking about Sterling Pounds 60,000. We are not talking about other allowances or other fringe benefits or lost opportunities. Just because of accommodating High Commissioner Ngare, we incurred that expenditure, simply because somebody had refused to quit the official residence of our High Commissioner. So, this kind of impunity must be dealt with head-on, regardless of one's political connection.

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

Mr. Keynan: Let me continue. You will have an opportunity to respond.

Madam Temporary Deputy Speaker, that particular aspect must be addressed. To this extent, we are saying that the Government of Kenya must launch investigations. We want the Efficiency Monitoring Unit to investigate the circumstances under which a number of officers who had been recalled, including the High Commissioner, refused to come back. We want to know the circumstances under which the High Commissioner completely disregarded instructions from the Ministry of Foreign Affairs and ended up embarrassing the entire population of the Republic of Kenya.

I know that he is now back home, but that particular aspect must be investigated. In fact, he was recalled and, as at the time we went there, in late December, 2009, he was still living in that house. So, he stayed there from May to late December, 2009. For three months, he used a dubious medical report from a Nigerian quack doctor to justify his stay in London. I challenge the Minister to also investigate that particular aspect, because the report that he presented to the Government was not genuine at all. It was not legitimate. It was prepared from one of the streets in London.

Madam Temporary Deputy Speaker, he used the same report to dupe the Minister. His first three months extension was genuine, but what happened after that particular period? As a result of that approach, the Minister and his team have to date, been reduced to lame ducks, because their instructions cannot be followed. So, that particular aspect must be investigated.

I know that the issue of performance contracting will come to the Floor of the House. It will be dealt with by the Prime Minister. We should have bench-marks for performance contracting. Interestingly, the Ministry of Foreign Affairs has not been doing well. So, this is one of the issues that should be addressed. We have put institutions in place to measure the performance, efficiency and effectiveness of the implementation of policies, or even adherence to these policies; it is high time that individuals were held accountable if they have not properly followed the laid down contracting mechanism. I know the same will happen.

Madam Temporary Deputy Speaker, we are also proposing that since appointment of High Commissioners and ambassadors has been abused, we feel that appointment of these individuals must be subjected to parliamentary approval. To that extent, as a committee we have decided to come up with a Bill called the Diplomatic Service Bill which has been done by other countries, so that there are rules and regulations governing the appointment of ambassadors and High Commissioners.

In this list, we have a mission representing Kenya in Somalia. This mission is housed here. It has an authorized staff of six employees, but the number of people who are there are 17. Do they do anything on behalf of Kenya? The answer is "no". They are there. It is an economic gain for them. There is no diplomatic representation for Kenya. If anything, we should have done what other countries have done: They have pushed this mission to a security zone within Mogadishu, so that we get returns for the money that we pay to these particular individuals.

Madam Temporary Deputy Speaker, we also need to review the policy of establishing missions. Why do we need missions in this era of economic challenges and competition? Do we need a mission just to represent political interests? We need

missions as part of our enhancement of the economic diplomacy which we have been trying to say we need to adopt.

Some of the missions--- I do not want to mention particular countries, because of the challenges involved; but certainly there are a number of missions that need to be closed down, because they do not have the economic interest of the people of Kenya at heart. We will share the list with the Minister, because some of these countries closed their missions here 22 years ago. There is minimal economic relations between Kenya and those particular countries.

Why do we spend over Kshs300 million in a country where there is no diplomatic representation in the whole of south of the Sahara, when the trade volume between Kenya and that particular country is zero? The volume of trade between Kenya and Turkey is billions of shillings. There is no diplomatic representation. These are issues that we must address because at the end of the day, we must get returns on our money.

Madam Temporary Deputy Speaker, we also need to strengthen the process of getting international jobs. One of the key components of our economic development is investment in education, because Kenyans have gone to school. We need to assist those Kenyans who are candidates for international jobs. As part of our recommendations, we have asked the Ministry to establish diaspora desks in all our missions, so that those Kenyans who are out there in the name of students and job seekers can get an opportunity to be--- I know the Ministry has a Diaspora Desk here at the headquarters, but that is not enough. We want to have a Diaspora Desk in all the 52 missions, so that Kenyans can be attended to. This will be part of the effort to encourage Kenyans to go to school. We should encourage them not to come back home but to go and seek greener pastures out there.

Madam Temporary Deputy Speaker, as part of rebranding and marketing of Kenya, as an entity, a tourist destination, a communication hub of the region, a very important humanitarian hub in the region and a diplomatic hub--- These are the key roles that we play on behalf of the international community. We need to rebrand our image because of this. That will not come without proper, well thought out diplomatic representation.

We must do away with some culture. The era of using our diplomatic representation to assist our relatives and friends to get jobs must come to an end. This culture has encouraged cronyism, corruption, regionalism and has trivialized the essence of having diplomatic representation.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, Mr. Keynan will have 15 minutes when we resume next.

ADJOURNMENT

Hon. Members, it is now time to adjourn the House. The House, therefore, stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.