

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 13th April, 2010

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

TABLING OF SUPPLEMENTARY ESTIMATES

Mr. Speaker: Hon. Members, I have the following communication to make.

Last Thursday, 8th April, 2010, the Deputy Prime Minister and Minister for Finance was expected to lay on the Table of the House the Supplementary Estimates of the Financial Year 2009/ 2010, both Recurrent and Development and, subsequently, give notice of the Motion, in respect of Business appearing under Order No.8 on today's Order Paper. However, the Deputy Prime Minister and Minister for Finance represented by his Assistant Minister came to the House shortly after the Order had been passed. In terms of our procedures and practices, the matter could, therefore, not be revisited.

The Chair is reliably informed that in spite of this, copies of the Supplementary Estimates were distributed to all Member's pigeon holes on the same day, that is Thursday 8th April, 2010.

In view of the urgency of this Business and the need for the House to consider and approve the Supplementary Estimates, which will facilitate publication of the Supplementary Appropriation Bill, the hon. Minister has approached the Chair requesting to Table the Supplementary Estimates and give Notice of the Motion. I have considered the matter and acceded to the hon. Deputy Prime Minister and Minister for Finance's request to Table the Supplementary Estimates and give Notice of the Motion to enable the House to transact Business under Order No.8. In addition, the Business shall commence not later than 3.30 p.m. pursuant to provisions of Standing Order No.156 (3)

PAPER LAID

The following paper was laid on the Table:-

Supplementary Estimates (Recurrent and Development 2009/2010)

(By the Deputy Prime Minister and Minister for Finance)

NOTICE OF MOTION**SUPPLEMENTARY ESTIMATES
(RECURRENT AND DEVELOPMENT 2009/2010)**

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Speaker, Sir, I beg to give notice of the following Motion:-

(i) THAT, a sum not exceeding Kshs.27,616,519,830 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2010, in respect of Supplementary Estimates of 2009/10 Financial Year (Recurrent) having regard to the proposed reduction of Kshs. 4,679,303,495 therein appearing.

(ii) THAT, a sum not exceeding Kshs14,392,008,839 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2010, in respect of Supplementary Estimates of 2009/10 Financial Year (Development) having regard to the proposed reduction of Kshs23,275,698,905 therein appearing.

*(His Excellency the President has given
his consent to this Motion)*

QUESTIONS BY PRIVATE NOTICE**RESTORATION OF CONFIDENCE IN TJRC
AFTER RESIGNATION OF VC**

Dr. Khalwale: Mr. Speaker, Sir, I beg to ask the Minister for Justice, National Cohesion and Constitutional Affairs the following Question by Private Notice.

What is the Government doing to restore the confidence of Kenyans in the Truth, Justice and Reconciliation Commission (TJRC) following the resignation of its Vice-Chair?

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

The Commissioners to the TJRC were recruited and appointed pursuant to Section 10 and the First Schedule to the TJRC Act. Following the said appointments, the Chairperson of the Commission, pursuant to Section 11(2) of the Act, convened the first meeting of the Commission at which Commissioners elected Betty Murungi as the Vice Chairperson.

Commissioner Betty Murungi served as the Vice Chairperson until 31st March, 2010, when she officially handed in her resignation as the Vice Chairperson. Thereafter, the Chairman convened a meeting of the Commission where the Commissioners elected Commissioner Tecla Namachanja Wanjala as the Commission's Vice Chairperson in place of Commissioner Betty Murungi. During this meeting, all the Commissioners were present, except Commissioner Gertrude Chawatama and Sheikh Farah who were absent with apologies.

Mr. Speaker, Sir, may I clarify at this point, that Commissioner Betty Murungi has only resigned as the Vice Chairperson and remains a Commissioner of the Commission. The TJRC acknowledges the challenges currently facing it. The Government appreciates as much, but is alive to the fact that this House contemplated an independent Commission free from Government interference as provided for under Section 21 of the TJRC Act.

In keeping with this spirit and tenor of independence of the Commission as contemplated in the TJRC Act, the Government has encouraged the Commission to solely and independently seek ways and means of addressing the challenges facing it.

Mr. Speaker, Sir, to this end, I am happy to announce that I have received information from the TJRC, that they have taken steps to address the challenges that may threaten the truth and reconciliation process. To begin with, the Commission has hired the services of a communication consultant to assist in improving the Commission's communication strategy with the public. The Commissioners have also agreed to have a two day retreat on 12th and 13th April, 2010 to enable them deal with issues affecting their work and chart the way forward.

Mr. Speaker, Sir, I must reiterate the Government's commitment to adherence to the rule of law as well as the independence of the Commission and appeal to all Kenyans to support the Commission, so that it can discharge its mandate under the law.

Dr. Khalwale: Mr. Speaker, Sir, I want to thank the Assistant Minister for stating that he wishes to observe the rule of law. Under the same Act of the Truth, Justice and Reconciliation, there is Section 17(2). I am urging the Assistant Minister to consider applying this section in view of the outcry in the court of public opinion where three things have been raised.

One, that Mr. Kiplagat has been adversely mentioned in the Wagalla Massacre of 1984. He has to be interrogated on his presence in Wajir.

Secondly, he has been mentioned in the case of the assassination of the late Dr. Robert Ouko. In all the three commissions of inquiry, Mr. Kiplagat was a witness.

Finally, the same Kiplagat has been mentioned in the Ndung'u Report on the illegal acquisition of land where he is a beneficiary. Could the Assistant Minister proceed under Section 17(2) to ensure that Kenyans concerns are addressed?

Mr. Cheptumo: Mr. Speaker, Sir, first and foremost, let me thank my colleague for referring to Section 17(2) of the Act. However, the allegations made against the Chairman of the Commission are very serious. We believe in the rule of law. We also believe in the rule of natural justice where no Kenyan should be condemned unheard.

Mr. Speaker, Sir, what has come out of these serious allegations is that, unless the Chairman is given a chance to ventilate, it will be wrong for us in this House and as a Government, to declare Kiplagat guilty.

Secondly, referring to Section 17(2) of the Act, you will allow me to read for the sake of my colleague here. This Section talks about the removal of commissioners. It says:-

“Without prejudice to Section 16, the chairperson or a commissioner may be removed from office by the President for:-

(a) Misbehaviour---”

Mr. Speaker, Sir, the nature of allegations raised by the Member does not fall under misbehavior.

“(b) If the chairperson or commissioner is convicted of an offence”

Again, Mr. Speaker, Sir, what has been raised by my colleague does not amount to Kiplagat having been convicted for an offence.

“(c) If the chairperson or commissioner is unable to discharge the function of the office by reason of physical or mental infirmity”.

Again, that is not one of the reasons raised by my colleague.

“(d) If the chairperson or commissioner is absent from three consecutive meetings”

Mr. Speaker, Sir, again, that is not one of the factors. Therefore, for us to invoke Section 17(2) of the Act, conditions under Section 17(1) must be complied with. Whereas what my colleague is contemplating is proper, it does not comply with the law for us to invoke Section 17(2).

Ms. Karua: Mr. Speaker, Sir, it is a moral duty for the Ministry to clear the air one way or the other. One, the Assistant Minister ought to tell the House the process of appointment that led to Mr. Kiplagat being appointed and whether it included Non-Governmental Organizations (NGOs) which are now baying for his blood.

Secondly, now that it has been alleged publicly that he has been mentioned adversely in two Reports, it is the duty of the Ministry and if the Assistant Minister could confirm to this House whether indeed those Reports do mention him adversely. If they do, then the House would have no option but to agree that he should resign. However, if he is not named adversely, it is the duty of the Minister to let us know the truth so that we do not become part of the process of mob justice. Could the Assistant Minister address these two issues?

Mr. Speaker: Assistant Minister, you may proceed and address one only. In compliance with the rules, the Member for Gichugu ought to have raised one question.

Mr. Cheptumo: Mr. Speaker, Sir, I would have wished to deal with the two.

Mr. Speaker: Proceed, if you can do so with precision!

Mr. Cheptumo: Mr. Speaker, Sir, let me begin with the first one; how Mr. Kiplagat was appointed. It is very clear that Mr. Kiplagat was appointed under Section 9(1) of the Act. Let me confirm to the House and my learned senior that the body that nominated Kiplagat to the Commission is not one of those NGOs or the civil society now claiming that he is guilty.

Mr. Speaker, Sir, Mr. Kiplagat was proposed by the National Council of Churches of Kenya (NCCCK). Up to today, the NCCCK has not, either directly or indirectly, objected and began to question the credibility and character of Mr. Kiplagat. Therefore, those making various allegations against him are not one of the bodies that nominated him to the Commission.

Up to this moment, until the time I left the office at about 2.15 p.m. we have not, as a Ministry, received any formal communication either from a person or a group of persons making the allegations that have been raised in the House. Therefore, I want to confirm that as a Ministry, we have not received any single written complaint asserting the allegations raised by my colleague.

I believe I have been able to deal with the two issues raised by my senior learned friend, whom I respect very much.

Mr. Olago: Mr. Speaker, Sir, the issues that are raised by this Question are very fundamental to the very basic existence of the Commission and, unless the Government is

able to deal with the issues as required by the law, it may be difficult for the Commission to discharge its responsibilities as required under the Act.

When the Assistant Minister gave the answer, he arrogated to himself the role that the Tribunal ought to do. What should be done, and I subscribe to the view, that there should be no public lynching of Commissioner Kiplagat. The Assistant Minister ought to advise any Kenyan who has a complaint to file it in writing, not through the media, so that Section 17(2) can be put into operation without the Assistant Minister giving an answer. Under those circumstances, why has the Ministry not advised Kenyans complaining to take the right procedure?

Mr. Cheptumo: Mr. Speaker, Sir, I would like to thank my colleague for giving solutions to the problem that is facing us; how Kenyans should proceed with the situation facing us. Section 21 of the Act contemplates the independence of the Commission from the Government.

Mr. Speaker, Sir, this is a very serious issue, allow me to read for the benefit of my colleagues.

Mr. Speaker, Sir, Section 21(1) reads:-

“In the performance of these functions under this Act, the Commission shall not be subject to the control or direction of any person---

Mr. Speaker: Order, Mr. Cheptumo! You have been asked what I see as a very simple question by Mr. Olago.

(Mr. Cheptumo continued standing at the Dispatch Box)

Please resume your seat for a minute!

(Mr. Cheptumo resumed his seat)

Mr. Olago has asked you why you have not found it fit to advise members of the public who have complaints to put them in writing so that you can invoke the provisions of Section 17 of the Truth, Justice and Reconciliation Act. Simple! You do not have to read that Section to the House.

Mr. Cheptumo: Thank you, Mr. Speaker, Sir, for saving me because I really wanted to even begin to form the foundation of my answer. But let me say that we have done that severally and we have been able to tell the public that we, as a Ministry, cannot be the first ones to raise issues. If Kenyans have issues, they should take advantage of the law, file their complaints with the relevant arm of Government which will then take the appropriate action. So we have done that before by telling Kenyans what they should do. They should comply and follow the law.

Mr. Langat: Mr. Speaker, Sir, the Truth Justice and Reconciliation Commission (TJRC) has not been able to start its operations because of serious interference from the civil society and other busy bodies. What is the Ministry planning to do to protect the TJRC against this serious interference?

Mr. Cheptumo: Mr. Speaker, Sir, it is completely a different Question but since I am ready for any Question even now, let me say, first of all, it is wrong for my colleague to refer to the civil society as busy bodies. I think these are institutions and individuals. Let them say whatever they want to say, but through the right channels. I think I have

already answered this question. We will be able, as a Ministry, to tell Kenyans what to do.

Dr. Khalwale: Mr. Speaker, Sir, the Assistant Minister is willing to allow Kenyans to use the right channels so as to invoke Section 17(2). I want to use this opportunity to table on the Floor of this House, a request by Kenyans to investigate Amb. Kiplagat. Inside this file, we have documents that touch on the Somali peace process and many other things where Amb. Kiplagat is involved. As I table these documents, I would like---

Mr. Speaker: Order, Dr. Khalwale! I cannot allow you to table a document that is nondescript. I do not know what that document is and so before I allow it to be formally tabled, you will have to pass it on to the clerks so that I look at it and determine whether or not it can be tabled.

Dr. Khalwale: Most obliged, Mr. Speaker, Sir. At the end of my Question, I will pass it to the Clerk to pass it over to you and then you will make a decision.

Mr. Speaker: You can ask your last question!

Dr. Khalwale: Mr. Speaker, Sir, I would like the Assistant Minister to tell the House whether in his own mind, especially given that he is a lawyer, he is convinced that when the TJRC will be sitting, they will reach a point whereby they want to address the Ouko Murder, Wagalla Massacre or the Ndung'u Land Report, that Amb. Kiplagat will still be able to sit in the chair. This is the file!

(Dr. Khalwale passed over the documents)

Mr. Cheptumo: Mr. Speaker, Sir, it is not for me to read the mind and to know the issues which will arise before the Commission. If you look at the preamble of this Act, Section 5 and 6 of the Act, it clearly spells out the functions and objectives of the Commission. At this point in time, we cannot assess the ability or otherwise of Amb. Kiplagat. I think this is not the forum for us to do so. I want to leave that to the Commission and for Kenyans to judge when they begin their work.

Mr. Speaker: Hon. Members, as we conclude on that matter, what Dr. Khalwale has sought to table is a file with all manner of documents, and that is not the way we table documents. But Dr. Khalwale, as I see it, you will have to deal with these documents singly and separately. The first one is a letter which is addressed to you as the Chairman of the Parliamentary Public Accounts Committee (PAC) and yes, it is properly dated 10th March, 2010 and there is an author who has signed this document. So quite obviously, the Assistant Minister would not be aware of this letter because it was addressed to you; it is not copied to the Assistant Minister. What you should then do and which I advise that you do immediately is that, you as the Chairman of the PAC, should cause this file to be discussed by the PAC because it is addressed to you in that capacity.

(Applause)

Then let the Committee make minutes of whatever deliberations they do and pass that on then to the Minister or do a report to the House as the Committee shall decide. If the Committee decides that, you immediately address the Assistant Minister, then you

shall do so and ensure that that is captured in the Minutes of the Committee. That should then rest the matter!

NON-CLEARANCE OF MAIZE CONSIGNMENT BY KRA

(**Mr. Ochieng**) to ask the Deputy Prime Minister and Minister for Finance:

(a) Is the Minister aware that maize importers are currently incurring heavy demurrage charges because the Kenya Revenue Authority has failed to clear the commodity in spite of a Presidential Directive vide Gazette Supplement No.118 Legal Notice No.22 of 12th March, 2010, to stem the consequences of the prolonged drought, which was declared a national calamity or disaster?

(b) What immediate action is the Ministry taking to facilitate clearing of the maize consignment in order to avail it in the market and to avert unnecessary storage expenses at the port?

(Question dropped)

CAUSE OF ELECTRICITY POWER DISRUPTIONS IN MATUU

Mr. C. Kilonzo: Mr. Speaker, Sir, I beg to ask the Minister for Energy, the following Question by Private Notice.

(a) Could the Minister explain the cause of the frequent electricity power disruptions within Matuu town and its environs?

(b) What mechanisms is the Minister putting in place to correct the problem?

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

(a) The power disruptions that have affected Matuu Town and its environs were caused by vandalism of a transformer at Ngutani water pump. Other interruptions were caused by lightning that struck and damaged a transformer at Kimangu market, broken cross arms at Kithyoko and a planned maintenance around Matuu Market of changing rotten poles and a tree cutting beyond 6H3.

(b) The following remedial actions are being undertaken to correct the problem and also prevent future disruptions:- My Ministry through the Kenya Power and Lighting Company (KPLC) is pursuing introduction of non-oil cooled transformers. This will sharply reduce vandalism given the fact that the current high frequency of vandalism is largely associated with decanting of oil from transformers thus causing them to burn out. With the introduction of such transformers it will also be very difficult for vandals to access transformer copper wirings.

In addition to this, a planned Kindaruma-Mwingi-Garissa 132KV line due for commissioning in the first half of 2012 will include a 132KV to 133KV transformation sub-station at Mwingi. Matuu will be connected to Mwingi sub-station in order to boost power supply. This is expected to increase supply capacity and provide stable and reliable power supply to Matuu and its environs.

(Loud consultations)

Mr. C. Kilonzo: Mr. Speaker, Sir, Members are consulting loudly and I can barely hear myself.

Mr. Speaker: Order, Members! Let us hear the Member for Yatta!

Mr. C. Kilonzo: Mr. Speaker, Sir, I brought this Question here in 2006, but the problem still persists despite the assurance by the Ministry that it would be solved. Power quality in Matuu is still very poor. It is said in Matuu that electricity is allergic to rains. A single drop of rain with no lightening, the power goes off. What exactly causes power to go off when there is no lightening, but just slight showers? Could the Assistant Minister explain to the House?

Eng. M.A. Mahamud: Mr. Speaker, Sir, I did mention that it is actually vandalism that has affected the transformers. It is true that this affects the quality of power. For this particular case, power has been very stable for a while. It only got disrupted when we had vandalism of the transformer. Routine maintenance is being undertaken by the KPLC personnel.

(Loud consultations)

Eng. Rege: Mr. Speaker, Sir, could the Assistant Minister assure this House that all transformers in Matuu are grounded to the extent that lightening does not cause outage again? From what he is talking about, it is nothing short of the ground wire which is supposed to stop lightening from disabling the transformer.

Eng. M.A. Mahamud: Mr. Speaker, Sir, I have not heard the question. The Members are consulting very loudly.

Mr. Speaker: Hon. Members, please, lower the level of your consultations, so that we follow the proceedings!

Eng. Rege: Mr. Speaker, Sir, all I am saying that the Assistant Minister should ask the area engineer to ensure that the ground wire is connected to the ground to stop lightening from damaging the transformer. What happens is that thieves steal the ground wire leaving the transformer floating without the ground wire to arrest lightening. Could he ensure that in the future, these things are inspected and engineers make sure that ground wires are not cut by thieves?

Eng. M.A. Mahamud: Mr. Speaker, Sir, I will take the advice of the Member. It is very correct that the transformers should be properly earthed.

Mr. Joho: Mr. Speaker, Sir, frequent power disruptions normally come with power fluctuations. Of late, power fluctuations have been very frequent in Mombasa. It has even caused the loss of one life and two houses totally burnt down. What is the Assistant Minister doing to stop the frequent power disruptions and fluctuations? What is he doing to ensure that those damages that are caused are compensated?

Eng. M.A. Mahamud: Mr. Speaker, Sir, my Ministry is undertaking a lot of additional works in terms of transmission lines to make the power supply reliable. As you realize, for a long time we have not been able to do transmission lines, but this is being addressed so that we can have power stability in the whole country.

Mr. C. Kilonzo: Mr. Speaker, Sir, we have electricity generating dams in Masinga and Yatta. What is the Ministry doing to fast track the planned connection of

power of Matuu to Kindaruma/ Mwingi/Garissa, so that the people of Yatta, in particular Matuu, do not continue suffering because of these power black outs?

Eng. M.A. Mahamud: Mr. Speaker, Sir, I said that we are planning a Kindaruma/Mwingi/Garissa 132 KV line. This is at a very advanced stage and is actually being funded by the World Bank. There will be a sub-station at Mwingi, which will also cover Matuu. I am sure with this, the power supply to Matuu will be stabilized.

MURDER OF THREE FAMILY MEMBERS
IN KURESOI DISTRICT

Mr. Cheruiyot: Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Could the Minister explain the spate of insecurity in Kuresoi District and circumstances surrounding the brutal murder of a family of three in the district on the night of 28th March, 2010?

(b) What is the progress of the investigation into the murder and what measures has the Government taken to enhance security in the district?

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

(a) The state of security in Kuresoi District has greatly improved in the last two years compared to previous years. Since 2008, the number of murder incidences reported in the district has been on the decline. In 2008, about 45 murder cases were reported, five cases in 2009, while and in 2010, only two murder cases have so far been reported. On the night of 28th March, 2010, a gang broke into Mrs. Betty Rono's house through a window in the sitting room and brutally murdered her and her two daughters, namely, Abigael Chepkurui, aged 12 years and Ann Chelagat, aged nine years. The only survivor was her three year old daughter, Chebet. It was not until the following day on 29th March, 2010, at about 8.00 a.m. when the police were informed and immediately visited the scene and commenced investigations.

(b) A police case file No.714/22/210 has been opened. A postmortem has already been performed at the Kericho District Hospital. Six suspects have, so far, been arrested and they will be arraigned before court soon. In addition, some specimens have been forwarded to the Government Chemist for analysis and reports are being awaited. So far, security in the area has been beefed up with day and night patrols stepped up by both regular and Administration police officers. Similarly, intelligence collection through community policing has been enhanced leading to the arrest of the six suspects in custody.

The hon. Member has been categorical and has been very helpful with regard to pressurizing the Government to arrest these suspects. The Member has done a wonderful job. In the meantime, we have arrested six suspects.

Mr. Cheruiyot: Mr. Speaker, Sir, it is true that security has improved in Kuresoi since I took over. But my concern and the concern of the people of Kuresoi is that the police have not really put much effort into investigating this offence which is brutal and meant to strike fear in the public.

Has the Assistant Minister considered even using traditional investigators from the community? As I speak, the elders are meeting and I do not know whether he can

direct the police to work with the elders, so that we can get the real culprits, and not some boys who are just wandering in the town.

Mr. Ojode: Mr. Speaker, Sir, we have experts to investigate, especially murder cases. We have, so far, arrested six suspects as a result of the information that we got from the intelligence agency. If we use any other ordinary person to investigate, we will lose track of apprehending and arresting the same suspects. I am sure we are going to arrest more suspects and not just the six whom we have put in custody. Given a week from today, we will come up with a list of three more suspects whom we are zeroing in on.

Mr. Njuguna: Mr. Speaker, Sir, the Assistant Minister has already indicated clearly that the Ministry is making efforts to improve general security in the area. I would like him to specifically indicate what security arrangements he has taken for the remaining members of this targeted family.

Mr. Ojode: Mr. Speaker, Sir, that is a good question. If one passes by Rono's house – Rono is the husband of the fellows who were murdered – they will feel that there is something within that environment. We have beefed up security and patrol is continuing, even as I speak. There is presence of security officers within that area. So, we should not have any problem.

Mr. Ruto: Mr. Speaker, Sir, the Assistant Minister is relying entirely on statistics in terms of the reduced homicide or murder cases. He implies that because statistics indicate a decline, it means that there is increased security. He has not given us any specific action that the Ministry has taken to ensure that security is improved in the area, other than only relying on statistics. We are asking you what steps you have taken to ensure that these murders do not recur. Do not rely on the fact that probably the churches have preached peace. Could the Assistant Minister tell us what specific measures he has taken in Kuresoi?

Mr. Speaker: Order, Member for Chepalungu! You are being repetitive.
Mr. Assistant Minister!

Mr. Ojode: Mr. Speaker, Sir, I did say that we have beefed up security. We have added even the security personnel. We are doing patrols on a daily basis. That is why we only have two reported murder cases since last year. We have done a commendable job on the ground and will continue to do so. The presence of police will be felt within that area.

Ms. Karua: Mr. Speaker, Sir, I remember that Kuresoi is still the same area where last year, there was reported a murder of a returning Internally Displaced Person (IDP). What is the Assistant Minister doing to ensure that he constitutes community policing, so that people can have confidence in and assist the law enforcement agencies?

Mr. Ojode: Mr. Speaker, Sir, I want to assure the people of Kuresoi that they should not have any fears. Within 200 metres they will, definitely, meet with a police officer. They are patrolling on a daily basis. Also, at night we have quite a number of security personnel patrolling around with dogs. There are those who are patrolling on foot and those who are doing rounds in a vehicle. So, I do not think we should have any problem with Kuresoi. As at now, Kuresoi is a safe place. You can remember that Kuresoi was affected completely during the 2008 post-election violence, but now insecurity has subsided completely.

Mr. Koech: Mr. Speaker, Sir, the security of Kenyans is very key and the Ministry is supposed to assure Kenyans that they are secure in the country. I want to thank the Assistant Minister for his answer. He has indicated that he has beefed up security in the area. Specifically, how many security personnel were there then and how many have you added by now?

Mr. Ojode: Mr. Speaker, Sir, as I have mentioned, we have a lot of security personnel within that area. But, because this is a security matter, I will not give figures of how many we have on the ground. But I want to assure Kenyans that their security is guaranteed and that there is no cause for alarm.

(Loud consultations)

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. I do not know what the excitement is in the House. Hon. Members are consulting so loudly that other Members who are attentive cannot even hear the Assistant Minister.

Mr. Speaker: Order! Hon. Members, will you, please, lower the level of your consultations, so that we can follow the proceedings?

Last question, Member for Kuresoi!

Mr. Cheruiyot: Mr. Speaker, Sir, I want to thank the Assistant Minister for attempting to answer. Since he has said that he also needs support from the public, I would like to inform him that the elders have some information which, if he is agreeable to, I will give it to him and it will actually crack this case.

Mr. Ojode: Mr. Speaker, Sir, he can share with me whatever he has in order for us to speed up the investigation so that we can arrest whoever was involved.

Mr. Speaker: Member for Kuresoi, will you, please, pass that information in your custody to the Assistant Minister forthwith?

Mr. Cheruiyot: Mr. Speaker, Sir, I shall do so.

DISRUPTION OF WATER SUPPLY
TO VIHIGA DISTRICT HOSPITAL

Mr. Chanzu: Mr. Speaker, Sir, I beg to ask the Minister for Water and Irrigation the following Question by Private Notice.

(a) Is the Minister aware that the water supply system to Vihiga District Hospital has failed totally?

(b) What immediate steps is the Minister taking to correct the situation in view of the suffering and inconvenience being experienced by patients and the hospital in general?

Mr. Speaker, Sir, I do not have a written answer yet.

Mr. Speaker: Is the Minister for Water and Irrigation not here? We will defer this Question to Thursday, because the Minister does not seem to be in the House and I have no explanation. I hope that the Minister will have an explanation as to why she is not here this afternoon.

(Question deferred)

NON-AVAILABILITY OF SUBSIDIZED FERTILIZER
IN WESTERN/TRANS NZOIA DISTRICT

(Dr. Eseli) to ask the Minister for Agriculture:-

(a) Why is there no subsidized fertilizer in any of the National Cereals and Produce Board (NCPB) depots in Western Province and Trans Nzoia District?

(b) Where was the fertilizer meant for these areas diverted to and what urgent measures is the Minister taking to remedy the situation before the current planting seasons ends?

(c) How much free fertilizer and seeds have been distributed to needy families in Western Province, considering that the province has the highest poverty levels in the country?

Mr. Speaker: Hon. Members, the Member for Kimilili is away attending to matters, in his constituency, to do with the Interim Independent Boundaries Review Commission (IIBRC). So, we will defer this Question similarly to Thursday afternoon.

(Question deferred)

CIRCUMSTANCES SURROUNDING CONTRACT BETWEEN
XVARIAN SCHOOL/M/S SAMJOS BUILDERS COMPANY

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

(a) Under what circumstances did Xvarian Primary School in Kisumu Municipality enter into a contract with M/s Samjos Builders Company for construction of classrooms?

(b) What was the obligation of the Ministry to discharge the contract amount?

(c) What urgent step is the Ministry taking to protect the school from auction by the company in pursuance of judgement in Kisumu Chief Magistrate's Court Civil Case No.311 of 2008 for approximately Ksh3 million?

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

(a) In 2001, Xvarian Primary School management committee started a project of building a block that was to house all the school administrative offices, staffroom and computer laboratory. The project was to be financed by the Parents Teachers Association (PTA) at a total cost of Kshs5,500,000 through the School Development Fund, in phases. However, after the introduction of free primary education in 2003, the parents declined to pay money for School Development Fund which was critical for the completion of the project. Consequently, the school was unable to clear a bill of Kshs423,836 in the second phase of the project at a total cost of Kshs770,418.

(b) The Ministry has no obligation for the contract since the PTA failed to fulfill its contractual obligation and, thus, must take the full responsibility.

(c) The Ministry has contacted the Attorney-General to take up the matter against any adverse legal consequences to the school.

Mr. Olago: Mr. Speaker, Sir, I am dismayed by the answer of the hon. Assistant Minister. This is because in the year 2001, the school development funding was done through the Ministry of Education with the approval of the Permanent Secretary. I expect the hon. Assistant Minister to know and appreciate that the primary school PTA is not a legal entity that can sue or be sued. Under these circumstances, the responsibility ought to lie with the Ministry squarely to discharge the legal obligations on the contract that is entered into by the primary school with the approval of the Ministry. Under these circumstances, what is the Ministry doing to ensure that infrastructure funding is used to discharge this contractual obligation?

Prof. Olweny: Mr. Speaker, Sir, the Ministry is going to help the school in handling the legal aspect but there is no money the Ministry will give for this contract. I encourage the hon. Member to use the Constituencies Development Fund (CDF) to help the school clear this debt.

Mr. Olago: On a point of order, Mr. Speaker, Sir. The Question that I asked is what steps the Ministry is taking to discharge the contractual obligation---

Prof. Olweny: Mr. Speaker, Sir, the consultations are too loud so I am not getting what he is saying.

Mr. Speaker: Order, hon. Members! Order, Minister for Co-operative Development and Marketing. We wish to follow the proceedings.

Mr. Olago: Thank you, Mr. Speaker, Sir. My question was: What action is the Ministry taking to discharge the contractual obligation entered into by the school on behalf of the Ministry, not what we are doing to discharge that obligation? Is he in order to ask me if we could use CDF when I asked him what the Ministry is going to do?

Prof. Olweny: Mr. Speaker, Sir, that contract did not come from the Ministry. It was the parents' contract and the Ministry is not going to take over. However, the Ministry will help by asking the Attorney-General to handle the legal aspect of the case.

Mr. Koech: Mr. Speaker, Sir, these parents started this project in good faith for the benefit of the children of Kenya. This is a public primary school and therefore many Kenyans are there. Could the Assistant Minister consider, as the parent Ministry and the father number one of the children of Kenya, to set aside the Infrastructure Development Fund Programme through KESUP so that the money is cleared? The parents had already done a lot.

Prof. Olweny: Mr. Speaker, Sir, unfortunately, as of today, Kisumu City does not fall under the Infrastructure Development Fund Programme.

Mr. Olago: Mr. Speaker, Sir, in view of the answers given by the hon. Assistant Minister, could he kindly confirm to the House whether or not the Ministry was aware when this contract was being entered into and did the Ministry give its approval?

Prof. Olweny: Mr. Speaker, Sir, I cannot commit a yes or no to that question because I was not given an answer that relates to that issue.

Mr. Olago: On a point of order, Mr. Speaker, Sir. The only reason that the Assistant Minister can say that he cannot answer is if the question does not touch on Xavarian Primary School contract, but if it does, then he ought to have come here with all issues ready if he was going to answer any questions.

Prof. Olweny: Mr. Speaker, Sir, the Ministry might have known about the project through the District Education Board. I want him to listen to me.

Mr. Speaker: Order, Mr. Assistant Minister! You were asked a very simple question. So, please just give a straight answer: Was the Ministry aware of this contract and did the Ministry give its approval?

Prof. Olweny: Mr. Speaker, Sir, regarding projects undertaken by Parents Teachers Associations (PTAs), the Ministry is very much aware through the DEBs, but the Ministry is not part of the contract that the PTA signs.

Mr. Speaker: Order, Mr. Assistant Minister! Give simple answers where you should. Your answer is: "Yes the Ministry was aware of this contract" is that so?

Prof. Olweny: Yes, Mr. Speaker, Sir.

Mr. Speaker: That is all you should have said!

ORAL ANSWERS TO QUESTIONS

Question No. 135

NON-PAYMENT OF DUES TO RETIRED TEACHERS BETWEEN 1997 AND 2007

Mr. Pesa asked the Ministry of Education:-

(a) what the Ministry's position is on the dues of thousands of teachers who retired between 1997 and 2007 and are yet to receive money running into millions of shillings as was ordered by the High Court two years ago;

(b) why the Teachers Service Commission (TSC) HAS deliberately refused to implement Court Orders issued by the High Court sitting in Nakuru in 1997 soon after the negotiated salary deal between the Government and the Kenya National Union of Teachers (KNUT); and,

(c) whether he could state the position of the Pensions Department and Treasury on the matter and also indicate how much interest will be paid on these monies, considering that the affected teachers have incurred a lot of expenses in the hope of being paid by the Government.

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

The above matter is still pending in the Court of Appeal having been lodged by the Government on 28th October, 2008. According to the Standing Order No.43, it would be *sub judice* to discuss this matter in the House before a ruling is made. Furthermore, I refer the hon. Member to the HANSARD of May, 2009 on the Parliamentary Question No.174 by Mr. Kioni, hon. Member for Ndaragwa in which I answered a similar Question.

Mr. Speaker: Order, Mr. Assistant Minister! I think the situation is clear here. Will you, please, lay on the Table the pleadings in the case that you have referred TO so that the Chair can determine whether or not this Question falls within the ambit of *sub judice*?

Prof. Olweny: Mr. Speaker, Sir, this is the High Court of Kenya Civil Case No.66 ---

Mr. Speaker: Order! Just lay all the pleadings on the Table because this matter is in the Court of Appeal.

Prof. Olweny: Mr. Speaker, Sir, I lay on the Table the relevant papers relating to this case.

(Prof. Olweny laid the documents on the Table)

Mr. Speaker: Hon. Members, I will consider whether or not this Question falls within the ambit of being *sub judice* after I have had time to peruse the documents tabled by the Minister and I will give directions on Thursday afternoon. Therefore, the Question will appear on the Order Paper and I will give directions whether or not it is *sub judice*.

Mr. Assistant Minister, please, ensure that I have all the pleadings.

Hon. Member for Mutito!

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. Have you noticed that the Deputy Speaker did not bow to the Chair as he came in? Is he in order not to bow to the Chair?

Mr. Speaker: My eyes were not at the door but where you are.

Mr. Deputy Speaker!

(Mr. Deputy Speaker bowed while standing in his place)

Mr. Speaker: Order, Mr. Deputy Speaker! You will have to go back and bow at the right point.

(Mr. Deputy Speaker went back to the Bar and bowed to the Chair)

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 is the Minister taking to channel these funds through Mutito Constituency; and,

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

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

As you are aware, I tried to answer this Question last week but I did not have all the information, especially on the posting.

As I had said earlier, Mutito is one of the constituencies that is being considered under the ESP programmes and the issue of channeling funds to Machakos Town at that time was being done because we did not have a fisheries officer at a nearby place. But as

we speak now, an officer has already been posted to Kitui, and I believe that in this Supplementary Budget and subsequent funding, the funds will be channelled to Kitui as we continue to establish other offices preferably in all constituencies that are handling the ESP programmes.

Mr. Speaker, Sir, I also want to say that regarding the issue of sending officers, we have already requested the Ministry of Public Service and we will be employing some fisheries officers very soon and some of them will be posted in constituencies that do not have a fisheries officer. As we speak now, Mutito already has a fisheries officer so they should be satisfied with that.

Regarding the issue of going round, as I had indicated earlier, we have already covered 66 constituencies and we will be covering the other constituencies. I have just run out of operation money but with this Supplementary Budget, I should be able to continue with that programme with the rest of the constituencies and Mutito will be one of them.

Mr. K. Kilonzo: Mr. Speaker, Sir, I want to thank the Minister for that good answer. I want to ask him whether he is aware that the project is encountering some handicaps because the farmers cannot afford the price of liners. In areas like Ukambani you will need to have liners which cost up to Kshs60,000 and Kshs80,000. Could the Minister consider cushioning that expense so that the project can be successful?

Dr. Otuoma: Thank you, Mr. Speaker, Sir, we are very much aware of that; that in areas where the soils are very porous, we are not able to contain the water. Already, as a Ministry, we have asked for a waiver from the Ministry of Finance on the liners, and we already have that waiver. So, anybody who has got that kind of problem can get in touch with me and we can see how best they can acquire the liners, on which the taxes have already been waived.

Mr. Farah: Mr. Speaker, Sir, given that we have a lot of food insecurity in this country, more so in the marginal dry areas, and that we have good rains this time around, what efforts is the Minister making to make sure that he posts fisheries officers, and put up ponds in areas where there is perennial food insecurity like in the whole of North Eastern Province, upper Eastern and some parts of middle Eastern?

Dr. Otuoma: Mr. Speaker, Sir, the issue of fish farming is a programme that needs to be well structured, because we need, first of all, just to construct ponds; we need to breed the seedlings and, from there, we need to develop the feeds, and we also need to train the personnel. I am very much aware that in our subsequent plan, we are asking the Ministry of Finance to consider what we are calling "Dry land fisheries" for areas that have been challenged in terms of water before, and which also get plenty of water when there is rain. So, we have a programme like that in the Ministry, and I think slowly by slowly, as we roll out the programme, we will be reaching there. But we cannot bite more than we can chew currently. So, the 140 constituencies were just the beginning. Immediately we finish that, we are going to roll out this programme throughout the country.

Mr. Farah: On a point of order, Mr. Speaker, Sir. My question was very explicit. I asked what concrete policy and measures he has for areas that have perennial food insecurity and that are presently experiencing a lot of rainfall. That includes putting up the dams or the ponds and everything. What concrete plans does he have?

Dr. Otuoma: Mr. Speaker, Sir, I think if the hon. Member for Lagdera will have the benefit to look at our National Aquaculture Strategic Plan, we have got quite concrete plans on what kind of approach we want to take when it comes to fish farming. We cannot do this alone because we have to work in collaboration with other Ministries, like the Ministry of Water and Irrigation, and the Ministry of Agriculture as part of the multi-sectoral approach to this issue, so that as they harvest water and there is water in the dams, then we will have a concrete plan on how to stock those dams. A plan is already there in our National Aquaculture Strategic Plan.

Mr. K. Kilonzo: Mr. Speaker, Sir, I want the Minister to consider the lining again, because what he has said is about a waiver, but the farmers who are targeted are small scale farmers. So, would you be able to disseminate that information to your officers on the ground so that they are able to assist the farmers, since the farmers are supposed to buy these liners individually as opposed to collectively?

Dr. Otuoma: Mr. Speaker, Sir, I undertake to do that to make sure that my extension officers on the ground are able to disseminate proper information. I also undertake to talk to my colleague, hon. Kenyatta here, to see if there will be a possibility that in this kind of funding that we are going to get, we can consider the liners for the purposes of solving that problem.

Mr. Speaker: The hon. Member for Gichugu!

Ms. Karua: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, hon. Member for Gichugu! Please, ask Question number 29!

Mr. Farah: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, hon. Member for Lagdera!

(Laughter)

Ms. Karua: Thank you, Mr. Speaker, Sir. But I was also on a point of order to the Minister, if only you had allowed.

Mr. Speaker: But I did not! So, proceed and ask Question Number 29!

Ms. Karua: I will comply, Mr. Speaker, Sir.

Question No. 029

ILLEGAL STAY IN OFFICE BY HARAMBEE
SACCO MANAGEMENT TEAM

Ms. Karua asked the Minister for Co-operative Development and Marketing:-

(a) whether he is aware that the Chairman of Harambee Sacco and the entire management team continue to hold office in contravention of the Public Officer Ethics Act, even after being charged with theft of Sacco funds vide NRB/Misc. Application No.45 of 2004, and what action he plans to take against them; and

(b) what action he has taken on the Mwaliko Inquiry Report of May, 2002 in respect of Harambee Plaza Investment Housing Co-operative Society Ltd and Harambee Sacco.

The Minister for Co-operative Development and Marketing (Mr. Nyaga): Mr. Speaker, Sir, you will recall that I answered this question recently. We tabled some documents which the hon. Member was to look at. I, too, was to look at the documents that had been tabled by the hon. Member for Gichugu. So, for record purposes, let me repeat what I said.

Mr. Speaker, Sir, I beg to reply.

(a) The Chairman and the Management Committee of Harambee Sacco Society Ltd are not holding office in contravention of the Public Officer Ethics Act. Case No. NRB/Misc. Application No.45 of 2004 was an intention by a private prosecutor to initiate criminal proceedings against the management of Harambee Sacco Society Ltd. The intention was not granted by the Chief Magistrate's Court. No action is, therefore, contemplated.

(b) The Mwaliko Inquiry Report did not mention Harambee Plaza Investment Housing Co-operative Society, which is not a registered co-operative society. However, the inquiry team recommended that Harambee Sacco Society Plaza, the building itself, be managed as a separate and independent entity.

Arising from the Mwaliko Inquiry Report, the Ministry constituted an inspection team to explore the possibilities and implications of separating Harambee Plaza, the building from Harambee Sacco Society Ltd. The inspection report did not recommend separation of Harambee Plaza building from the SACCO itself.

Thank you, Mr. Speaker, Sir.

Ms. Karua: Mr. Speaker, Sir, if you recall, you gave us time because I disputed the Minister's answer that Case No. NRB/Misc. Application No.45 of 2004 was a mere intention to prosecute. This is a case that is pending before the courts because the accused persons filed High Court Miscellaneous Application No. 330 of 2005, a constitutional reference disputing the charges. They got an injunction against the proceeding of the case and that is why the case is still pending.

Mr. Speaker, Sir, I had asked the Minister to bring proof that, that case was never prosecuted and was finalized, and that is why you gave him time. Could the Minister now lay proof before the House that, indeed, the criminal case has ended and, also, tell the House on what basis the Ministry of State for Provincial Administration and Internal Security was taking action against the Chairman of Harambee SACCO under the Public Officer Ethics Act, which is one of the letters I tabled?

Mr. Nyaga: Mr. Speaker, Sir, I do not have with me a document that proves what the hon. Member has requested. But I have information that tells me that the local NGOs engaged in public corruption, ethics and Government watch failed to turn up in court several times until the case died. After checking of the documents that the hon. Member had presented to me and discussing them with her, it would appear that this case is not yet dead, although the information available to me was that it was dead.

I will be very happy to countercheck what the hon. Member has now indicated. The information I have, clearly indicates her information is incorrect. However, I do not want to take a firm position until I countercheck the statement that has been made by the hon. Member.

Mrs. Noor: Mr. Speaker, Sir, the Mwaliko Commission of Inquiry was commissioned in the year 2000 using taxpayers' money. This Commission gave key recommendations. However, the Ministry internally chose a small inspection routine to overturn the Commission's decision. We would like to know why the Minister chose the small team from his Ministry to overturn the decision of Mwaliko Commission of Inquiry and yet, taxpayers' money was used to investigate the Harambee Sacco.

Mr. Nyagah: Mr. Speaker, Sir, for the sake of record, at that particular time, the Harambee Sacco had serious problems. In fact, it was not meeting its obligations in many ways. The Mwaliko Commission of Inquiry came as a result of agitation of membership who wanted action taken. To some extent, it is true what the hon. Member is saying. Recommendations as to the qualifications and modalities on how to hold elections were made. It also made several recommendations, for example, about the security of tenure of the senior management which made them feel uncomfortable. The process of implementing those many recommendations required an inspection team to put everything into real practice as how to do it. That is why the Ministry sent a team of inspectors to oversee the implementation of those decisions at Harambee Sacco.

As a result of that, eventually several steps were taken to restructure the management. This led to production of a more professional management team through Federation of Kenyan Employers (FKE). A subsequent Annual General Meeting (AGM) approved the inspection report. They agreed not to separate the building and the Sacco. They said the two should become one entity. Members who wanted to sell their shares to the Sacco were encouraged to do so. At the moment, that is going on. At the time when it was decided, only 43 per cent of the members held shares, as individuals. Since then, many of them have sold their shares. The Sacco has been buying shares from the retiring members and other members who are willing to sell. I will be quite happy to continue looking at this matter because of the public interest it has generated. However, we should jealously guard against killing those Saccos that are doing well like this one.

Ms. Karua: Mr. Speaker, Sir, I want to thank the Minister for admitting that Harambee Sacco is beset with problems. Just to remind him, these problems include fraudulent procurement, double encashment of cheques, loans against sitting allowance of board members which is contrary to the rules, unauthorized imprests given to board members, destruction of the front office records; the FOSA Bank Records. When members complain, they are thrown out of the Sacco. If they are employees, they are transferred to other stations. Since the members are suffering and the police are not prosecuting the offenders even after investigations, why is the Minister unwilling to listen to the aggrieved members, so as to solve their problems? I am reminding him that he received a letter from them on 11th June last year. However, he has never responded to it nor agreed to see them. Are you going to see these members so that you can begin to sort out the mess that is Harambee SACCO?

Mr. Speaker, Sir, with your permission, I will lay the letter on the Table.

(Ms. Karua laid the document on the Table)

Mr. Nyagah: Thank you, Mr. Speaker, Sir. I run a democratic institution. So, I will be very happy to meet them because this Sacco is very important. It is the largest Sacco in Africa. Therefore, I would not want it to have any problem. Its membership

includes staff from the military, police, and officers from the Ministry of Foreign Affairs and the Office of the President. So, 97,000 people are members of this organization. So, I will be happy to look at that letter. Having said that, a lot of information is old information---

Mr. M'Mithiaru: On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Mr. Minister, do you want to be informed by the hon. Member?

Mr. Nyagah: Yes, Mr. Speaker, Sir!

Mr. Speaker: Carry on! Inform the Minister!

Mr. M'Mithiaru: Mr. Speaker, Sir, I would wish to draw the attention of the Minister to the fact that, in 2008, this House passed the SACCOs Regulatory Act which established the SACCOs Regulatory Authority. The authority is supposed to lay the prudential standards of the SACCOs, including vetting and ensuring that all SACCOs go through the due process in hiring their management committees and senior staff. So, as he is trying to set up small teams to do investigations, I would wish to know whether he is making use of the now established SACCO Regulatory Authority who have the competence---

Mr. Speaker: Order! You stood on a point of information. You are now asking a question. So, you are certainly out of order.

Mr. Minister, I think you will do this House some service now that you are giving a commitment to visit the members of Harambee SACCO in trying to solve their problems. Could you be more specific as to when you will visit them, so that the hon. Member for Gichugu can be satisfied that you are taking action?

Mr. Nyagah: Mr. Speaker, Sir, I was interrupted by my good friend. His information was useful because---

Mr. Speaker: Conclude by giving a specific date when you will visit the members of Harambee SACCO.

Mr. Nyagah: There are many people complaining. I get letters from many SACCOs on a daily basis. However, I said that Harambee SACCO is doing very well. It was doing very badly at that point. People were not being paid their money on time, but they are now being paid on time. However, because of the nature of the complaints that my friend, the hon. Member has brought forward, I will be very happy to meet with her team as early as this Thursday week.

Mr. Speaker: Member for Gichugu, do you accept Thursday this week?

Ms. Karua: Mr. Speaker, Sir, I will be willing to accompany them to the first meeting.

Mr. Speaker: Mr. Minister, give the time. Thursday this week, what time?

Mr. Nyagah: Mr. Speaker, Sir, a Minister is a very busy man. Therefore, he does not carry his diary with him. However, since you have ordered me to do so, I will meet them at 9.00 a.m. I will cancel all the other appointment I have in order to accommodate them. It is very important that I get to the bottom of this matter and stop this kind of questions which come just before AGMs when some people want to remove the current management.

Ms. Karua: On a point of order, Mr. Speaker, Sir. The Minister has done very well. However, at the end, he insinuated that the Question is prompted by the AGM which is imputing improper motive. Could he withdraw or substantiate?

Mr. Speaker: Mr. Minister, that is legitimate.

Mr. Nyagah: I withdraw and look forward to meeting the hon. Member on Thursday, 9.00 a.m. in my office, NSSF Building, Floor No.17.

Mr. Speaker: That is fine. Hon. Members, in view of the business before the House, I defer Questions No. 172, 114 and 167 to tomorrow morning; they will take priority over Questions which may be due tomorrow morning.

(Mr. Orengo stood up in his place)

What is it Minister for Lands?

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, on Question No. 172, I ask for the indulgence of the hon. Member for Saboti, Mr. Wamalwa, to give me a little bit more time.

Mr. Speaker: Until when?

The Minister for Lands: Until Thursday next week.

Mr. Speaker: Thursday next week, Mr. Wamalwa do you agree?

Mr. Wamalwa: Yes!

Question No. 172

SQUATTER PROBLEM IN TRANS NZOIA DISTRICT

(Question Deferred)

Question No. 114

TARMACKING OF ISIOLO-MANDERA/GARISSA-MANDERA/
WAJIR-MOYALE ROADS

(Question deferred)

Question No. 167

STATISTICS ON NUMBER/AGES OF STREET CHILDREN IN MOMBASA

(question deferred)

Mr. Speaker: It is so ordered! So Questions No. 114 and 167 are deferred to tomorrow morning to take priority over Questions which are due then.

Next Order!

POINTS OF ORDER

Order! Order! Clerks-at-the Table, you have not called out Order No. 7. Hon. Members, I think we have one or two requests which I have notice of. The hon. Member for Embakasi!

NATIONAL TAX PAYERS ASSOCIATION'S
AUDIT REPORT ON CDF FUNDS

Mr. Waititu: Mr. Speaker, Sir, thank you for this chance. I rise to seek a Ministerial Statement from the Minister of Planning and Vision 2030 with regard to the audited report of the Constituencies Development Funds by the National Tax Payers Association (NTA).

The Minister should clarify the following. Who assigned this NTA the work of auditing the Fund, whether the personnel involved are qualified and licensed to practise in accordance with the law, and what action the Minister will take to ensure that this organisation does not peddle falsehoods, which are injurious to the integrity of Members of Parliament.

Mr. Speaker: The Minister of State for Provincial Administration and Internal Security, if your Statement is ready, indicate how long you will take because we are supposed to be on the next Order not later than 3.30 p.m. Even with indulgence, we must stop at 4.00 p.m.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): I appreciate that Mr. Speaker, Sir. I will definitely have stopped by that time.

Dr. Nuh: On a Point of Order, Mr. Speaker, Sir. A Ministerial Statement has been sought by the Member for Embakasi and the Minister has not given a commitment as to when the Statement will be ready.

Mr. Speaker: Is it the same Minister?

Dr. Nuh: A different Minister, Mr. Speaker, Sir.

Mr. Speaker: Member for Embakasi, which Ministry are you seeking a Statement from?

Mr. Waititu: The Minister for Planning, National Development and Vision 2030.

Mr. Speaker: Prof. Saitoti can you please hold brief for your colleague and indicate when that Statement will be available.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, I do give the undertaking. I will ensure that I bring the facts to the attention of the Minister to be able to avail himself on Thursday.

Mr. Speaker: Proceed then!

MINISTERIAL STATEMENT

KILLING OF TWO PEOPLE IN WATAMU DURING EVICTION BY POLICE

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Thank you, Mr. Speaker, Sir.

The hon. Gideon Mung'aro, on Tuesday, 6th of April, 2010, stood on a point of order, seeking a Ministerial Statement on the Watamu incident that involved the killing of two people. In the statement, he wanted me, as the Minister, to clarify the circumstances

under which eviction of some people took place from a plot they were residing in at Watamu at night. He also sought to know how many people were injured by the police and in which hospitals they were receiving treatment. Finally, he wanted to know what action the Minister has taken against the Provincial Commissioner and the police officers involved in the killings.

Mr. Speaker, Sir, on 18th January, 2010, the Provincial Commissioner for Coast Province, Mr. Ernest Munyi, in his private capacity as a Kenyan citizen, obtained a court order from the Chief Magistrate's court, Mombasa, for the eviction of Mr. Jarvasio Kanampiu who had settled on his one quarter acre plot in Watamu, Malindi.

This was after a long protracted civil court case, filed in the same court in 1995. Information available shows that the PC had won the case and required Mr. Kanampiu to vacate the plot, but he had refused to leave. In the early hours on the 31st March, 2010, regular and Administration police officers, acting on the strength of the eviction order number 741 of 1995, issued by the Chief Magistrate's court Mombasa on 18th January, 2010, proceeded to Watamu to evict Mr. Jarvasio Kanampiu, the defendant.

The order was addressed to a court bailiff. The PC Coast Province, Mr. Munyi, asked for regular police officers to team up with the Administration police officers to oversee the execution of the order, including the eviction and demolition of the structures standing on the plot. By 6.00 a.m. the court bailiff had already conducted the eviction and demolition of the buildings on the plot in dispute.

As the hired bulldozer was leaving the scene, a group of about forty people appeared along the road armed with stones and all sorts of crude weapons and started pelting the officers and the bulldozer with stones. The bulldozer was safely driven away. The action by the police to safeguard the bulldozer appeared not to have gone down well with the angry crowd, upon the realisation that the disputed plot was owned by the PC, Coast Province, who had organised the eviction.

These people were later joined by others, who then went on to protest at the local police station. The security personnel were reinforced by a contingent of officers from Malindi and Mombasa who tried to calm the volatile situation. Police officers initially used teargas to disperse the crowd, but were later forced to shoot in the air as the crowd became more hostile. Thereafter, the officers turned their attention to the local Commercial Bank, where windows were shattered and five computers, DVD machines and ATMs and a photocopier machine vandalised. Also broken were all the window panes of the Equity Bank branch.

Mr. Speaker, Sir, after the riots were quelled, it was unfortunate to realise that two people had been shot dead, namely Mbwana Heri Mohammed, 14, a standard 7 pupil at the ACA Primary School and Abdul Jamal Bakari, 25, a tour guide. Two police officers were injured; Inspector Harrison Matheka was injured on the right leg, and police constable Bernard Koech lost two teeth during the commotion. Three civilians were also injured during the incident; Christine Maringa, 22, suffered a gunshot wound on the neck while; Chabu Abu, 25, sustained a gunshot wound on the left thigh. Both the above mentioned civilians were admitted at the Coast Provincial Hospital. Peter Kanga, 20, sustained a gunshot wound on the right hand and is admitted at Malindi District Hospital, but he is in a stable condition.

On the 1st of April, 2010, I visited Watamu and held a public meeting with the area residents. At that meeting, I was accompanied by senior Government officials

including the director of operations, police. At the meeting, I expressed my concern over the killing of two civilians. I promised investigations would be carried out expeditiously and those found to have breached the law would be dealt with accordingly. I also directed the Commissioner of Police to carry out thorough investigations. I am informed the police will soon complete the investigations.

Investigations have been instituted and an inquest file opened, Watamu 1/2/2010. Among the items that have been submitted for ballistic experts examination are ten firearms, five from the APs, and five from the regular police. They also include 92 empty cartridges and the bullet heads extracted during the postmortems. Administration police officer Abdi Wako, who had been identified as having been involved in the shooting of the two dead people, is in custody assisting the police with investigations.

Mr. Speaker Sir, I want to assure the House that the Government is in the process of thoroughly investigating the incident. Those found to have committed any offence, irrespective of their ranks, will be dealt with in accordance with the law. The investigations will include all the senior police officers and even the commissioner of police should be involved.

Mr. Speaker: Order, hon. Members! I am afraid we have run out of time and we cannot go on beyond this point. So, we will defer clarifications. Mr. Minister, please, note that clarifications will be sought at 9.00 a.m. tomorrow.

We will have to move on to the next Order. Hon. Members, note that we will continue sitting until 7.00 p.m.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, I want to seek your indulgence that I do it on Thursday because I will be out of town tomorrow.

Mr. Speaker: Fair enough. Clarifications will be sought on Thursday in the afternoon.

An hon. Member: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Hon. Members, I am afraid that we must stop there. This is cast stone.

COMMITTEE OF SUPPLY

MOTION

APPROVAL OF SUPPLEMENTARY ESTIMATES (RECURRENT AND DEVELOPMENT 2009/2010)

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Speaker, Sir, I beg to move:

THAT, a sum not exceeding Kshs27,616,519,830 be granted from Consolidate Fund to meet expenditure during the year ending 30th June, 2010 in respect of Supplementary Estimates of 2009/2010 Financial Year (Recurrent) having regard to the proposed reduction of Kshs4,679,303,495 therein appearing.

THAT, a sum not exceeding Kshs14,392,008,839 be granted from the Consolidated Fund to meet expenditure during the year ending 30th

June, 2010 in respect of the Supplementary Estimates of 2009/2010 Financial Year (Development) having regard to the proposed reduction of Kshs23,275,698,905 therein appearing.

Mr. Speaker, Sir, His Excellency the President has given his consent to this Motion.

Mr. Speaker, Sir, the planned financial outlay for the Financial Year 2009/2010 which I presented to this House in June, 2009 amounts to Kshs867.6 billion. This amount comprised of Recurrent Expenditure which amounts to Kshs606.7 billion; Development Expenditure amounting to Kshs258.9 billion; and, a Civil Contingency Fund of Kshs2 billion.

Recurrent Expenditure includes Ministerial expenditure of Kshs419.2 billion and Consolidated Fund Services (CFS) payment comprising of Kshs187.5 billion. Development Expenditure comprises of Kshs155.1 billion that is domestically financed and Kshs103.8 billion that is foreign financed. The Financial Year 2009/2010 Budget was fully funded.

Mr. Speaker, Sir, since I presented the Budget for the 2009/2010 Financial Year, we have experienced both drought and, indeed, *El nino* type floods. We had anticipated drought and other contingencies at the time of formulating the Budget, but not to the extent we have experienced. This has, in turn, led to an increased demand for additional funds to mitigate adverse effects arising from these challenges.

During the appropriation of this year's Supplementary Budget, Treasury received requests for additional funding amount of Kshs126.3 billion from line Ministries and Government Departments to enable them to continue provide related services. However, due to hard budgetary constraints and the need to maintain a stable macro-economic environment, these expenditure requests have had to be rationalized and limited to key interventions that could not be postponed. Arising from the rationalization exercise, we are recommending for approval of additional funding to priority and essential services amounting to Kshs49.1 billion and Kshs3.24 billion for CFS.

Mr. Speaker, Sir, some of the urgent and strategic interventions for which I am seeking additional funds include: Provision of voter registration and other preparatory activities for the national referendum on the proposed Constitution, Kshs5.6 billion; drought emergency related expenditure, Kshs24.2 billion; *El nino* flood interventions, Kshs4.5 billion; purchase of excess maize from farmers for Strategic Grain Reserve (SGR), Kshs1.3 billion; shortfall of the national census, Kshs2.7 billion; enhanced security operations, Kshs2.5 billion; and, the first tranche of the university salaries under the Collective Bargaining Agreement of Kshs9.14 billion.

Mr. Speaker, Sir, to provide resources for the strategic interventions and emergency expenditures, we have rationalized the Budget and made reallocations amounting to Kshs22.9 billion. The balance of Kshs22.1 billion will be financed using existing contingency for drought and emergency budget reserve and mop-up cash surplus in State Corporations. This leaves a balance of Kshs16.5 billion that will be unfunded. It is in this context that I seek approval from this House to borrow an additional Kshs16.5 billion from the domestic market to complement the above-mentioned efforts.

In view of the foregoing, I am proposing a net Supplementary Budgetary provision for both Recurrent and Development Estimates of Kshs14,053,526,269. We also expect to raise additional Appropriations-in-Aid (A-in-A) of Kshs1,054,189,505 for

Recurrent and Kshs3,037,801,804 for Development. I am also seeking an additional Kshs3,243,390,395 for CFS.

Mr. Speaker, Sir, the Motion before this House is, therefore, to seek approval for next Supplementary Appropriations of Kshs22,937,216,335 for Recurrent Expenditure and a net reduction of Kshs8,883,690,056 for Development Expenditure.

Finally, I would like to thank hon. Members for their continued support in the management of our economy. I wish to appeal for further co-operation as we move forward. With those few words, I beg to move.

The Minister of State for Defence (Mr. Haji) seconded.

(Question proposed)

Ms. Karua: Mr. Speaker, Sir, I thank you for giving me an opportunity to contribute to this very important Motion.

The question that comes to one's mind, because this money is being requested to offer services to Kenyans, is whether the Government is doing so in good faith. That is the question that is coming to my mind. We need the services. We are all aware that there has been drought in the country, requiring food to be imported.

We are aware that farmers in various parts of the country were able to harvest this year, and we saw them complaining about lateness by the Government in buying their food crops to enable them to re-invest in more production. At a time when we know that farmers have been experiencing delays in their produce being bought by the Government, we hear of the arrival of 40 tonnes of maize at the port.

Mr. Speaker, Sir, we are aware that this imported maize is coming with exaggerated importation prices, even when the prices of maize are low in the world. It means that out of the money that we are going to Vote – we will Vote the money because Kenyans need services – a chunk of it will end up lining the pockets of a select few individuals. Since the maize scandal at the end of 2008 and beginning of 2009, a select few persons have become extremely wealthy at the expense of Kenyans. That is where the question of good faith comes in.

To-date, we have heard of no prosecutions arising from the maize scam. We hear excuses from the Kenya Anti-Corruption Commission (KACC) about there being no evidence, and yet the World Bank is able to estimate that we lost a whopping Kshs23 billion. Non-Governmental Organisations (NGOs) are able to give reports. Individuals are able to confess that they made Kshs85 million, and yet we are told that there is no evidence. Is there good faith in requesting money for public expenditure or are we being made to Vote for money to corruption cartels? These are the issues.

Mr. Speaker, Sir, the Government needs to seriously address the issue of corruption and the issue of exaggerated prices in procurement. Yes, procurement officers do comply with the Procurement Act. They ensure the technical compliance of getting the required quotations but behind the Act, they subvert the law by pre-arranging with people tendering, who then fix the prices, and the taxpayer ends up paying. These are issues we would like the Minister proposing this Motion to take care of. We will Vote the money, but do you have good faith in ensuring that this money ends up benefitting Kenyans and not corruption cartels?

We are also asking: Why are we not hearing of money to help us mitigate drought? Countries like Egypt and Israel have next to nothing when it comes to rainfall, but they are able to harness the water they get, in the case of Egypt, from the Nile. So, whether it rains or not, in a given year, it does not matter to them. The same is the case with Israel. They are not looking for food.

Read about Egypt. It was the land of famine but in today's Egypt, the words "hunger" and "drought" are not of significance, because they have been able to adopt modern ways of agriculture. What will it take for Kenya to adopt modern ways? We would be happy to hear the Minister asking the House for money for water infrastructure development, and also talking about governance in procurement, so that we can be able to get value for money.

Mr. Speaker, Sir, I did not hear anything to do with re-settlement of Internally Displaced Persons (IDPs). This Government is now becoming complacent in the original criminal act of chasing some Kenyans from their homes and making them IDPs. When the Government delays in re-settling for three years, it becomes complacent in the original criminal act. It is now making permanent, their status as IDPs.

How are the IDPs expected to register to vote in the coming referendum? Are they excluded from voting? Why have they not been told? These people also need to get on with their lives. They need to re-build their lives. These people cannot enjoy their human rights so long as they are in IDP camps – whether transitional camps or whether they are squatting with relatives. We would have been happy to hear the Minister talk about these people. It is not enough for him to tell us: "Let them wait until after the Budget", because that means they will be waiting for next year.

Mr. Speaker, Sir, the Government is sleeping on the job with respect to this matter. Therefore, I reluctantly support the Motion for money but put the Minister on notice; that we are getting tired of reluctantly voting. A day should come – and it could come in June – when we should be able to say "no" to the Budget". Let there be a crisis. This is a wakeup call for the Minister and the Government on being responsible in governing Kenyans, and in how they spend taxpayers' money. This is an obligation by law. Once you take up leadership, you take up responsibility. We want responsible governance.

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

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Thank you, Mr. Speaker, Sir, for giving this opportunity to also contribute to this very important Motion. From the outset, I beg to support the Motion. It is very important that we Vote for this Motion to allow services to be given to Kenyans as per the reasons listed by the Deputy Prime Minister and Minister for Finance for having this Supplementary Budget.

First, let me commend Kenyans for having tried their best to pay taxes in the first half of the current financial year, given that in the period July-December, 2009, there was a very severe drought. I am very sure that Kenyans were hard hit by that drought, but they did their best in paying taxes. I would also wish to commend the Kenya Revenue Authority (KRA) for trying their best in performing their duty of revenue collection.

Mr. Speaker, Sir, the Deputy Prime Minister and Minister for Finance, while moving the Motion, talked of the following activities as requiring supplementary budgets: First, the ongoing voter registration exercise, which is having the biggest chunk of

Kshs5.6 billion in this Supplementary Budget. My request is that although this House passed the Vote for the ongoing constitutional review process, and fixed the voter registration exercise for one month, I think that is a very short time to register Kenyans, especially taking into account the fact that, with the former Electoral Commission having been dissolved, there is no Kenyan with a valid voter's card.

We are having, in anticipation, about 37 million Kenyans. If, at least, a third of this number is going to register as voters, one month is a very short time. Therefore, as Government, we should consider extending this period to two or three months and do the referendum, maybe, in July. Also tied to this is the issuance of the identity cards. It will be a big problem to register voters without identity cards. The Government should in the future, merge these two exercises of issuance of identity cards and registration of voters.

Mr. Speaker, Sir, the other issue is about maize. I can see that we have a supplementary vote of about Kshs1.3 billion to buy maize. I also want to say that this is not enough money for this purpose. In the last three months, we, as a country, are blessed. We have received quite substantial rainfall. There will be a boom harvest in major parts of this country. I think it will be another disaster for the Government not to buy all the maize from farmers and let it rot in the farms. It is good that we allocate more money for buying maize. If we say we will allocate more money for buying maize in the upcoming Budget in June, it maybe a little bit late in some areas because rainfall patterns in this country are different. In Loitokitok, it is now harvesting time. It is good that a lot of money be given to the National Cereals and Produce Board (NCPB) to buy more maize from farmers. Also tied to that, it is good that I bring to the attention of the Minister for Agriculture that the NCPB sometimes tends to impoverish the farmers. I remember there is a case in my constituency where the NCPB bought maize from farmers in 2007 and they never returned the gunny bags. About 36,00 bags have not been returned to farmers. Farmers should be compensated for that loss. It is good we give more money to that vote.

[Mr. Speaker left the Chair]

*[The Temporary Deputy Speaker
(Ms. Karua) took the Chair]*

Madam Temporary Speaker, we are allocating now Kshs2.7 billion for the census exercise which was done long time ago. It is a pity that some people who participated in this exercise have not been paid. This time, the Government should even consider paying them with interest because they have waited for too long.

On the issue of the CDF and the Economic Stimulus Package, there has been really very slow roll down on the ground due to delay in releasing of these funds. So, I hope when this House passes the Supplementary Budget, the Government will move with speed to make these funds available for activities to be undertaken.

Madam Temporary Deputy Speaker, on education we have the bursary fund for secondary education. I do not think any constituency has received any bursary fund this year. I have not heard of anything in this supplementary Budget for that vote. Maybe, it shows there is that money, but it is just inability of the Ministry to move fast and release that money. I am happy that Kshs1.4 billion meant for the salaries of the university

lecturers has been factored. I must thank the Government, particularly the Prime Minister for the initiative he took to avert a looming strike which was to begin yesterday, while university students are taking their examinations. That is very commendable.

Finally, Madam Temporary Deputy Speaker, there is the issue of the recurrent drought. It is time that the Government took action. We have a disaster when it is not raining. We also have a disaster when it is raining. I think if we put a lot of money in Ministries such as Ministry of Water and Irrigation, Regional Development Authorities, Ministry of State for Special Programmes and we try to harvest rain water and use it for irrigation, I am sure we will not have a disaster year in, year out.

With those few remarks, I beg to support.

Mr. Okemo: Madam Temporary Deputy Speaker, looking at the figures as contained in the Motion, it is pretty clear that the recurrent expenditure is going up by a net amount of about Kshs22 billion. It is also clear that the Development Vote is being reduced by almost Kshs9 billion.

Madam Temporary Deputy Speaker, the worry I have here is that if you look at the composition of the Budget as it is today, a huge amount goes to the Recurrent Expenditure. We have expressed this concern before, year in, year out, whenever the Minister for Finance presents the Budget that we must move towards increasing the proportion of the budget amount available to Development and decreasing the amount for Recurrent because it is from Development that we will be able to create growth. But as it is, it looks like the situation has even been made worse because the Recurrent Expenditure is going up by a net amount of Kshs22 billion. But even the little amount that had been provided for in the Development Vote is reducing by Kshs9 billion. This means that the gap is even bigger.

*[The Temporary Deputy Speaker
(Ms. Karua) left the Chair]*

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

So, I really want to ask the Minister and the Government in general that we must move directionally, to provide more for development than for recurrent.

Mr. Temporary Deputy Speaker, Sir, we raised this in a different forum with the Minister. If you look at the Budget today, what you call discretionary expenditure, that is what the Minister is really free to spend or allocate, there is very little freedom because what comes from the Consolidated Fund Services, the Minister cannot do anything about it. This is because it is by law defined that, that money must be spent first before you do anything else. If you look at that component, it eats a very big chunk of the total budget. Whatever is left of it, you find that 97 per cent is going to Recurrent Expenditure. We have only 2.6 per cent for Development.

Mr. Temporary Deputy Speaker, Sir, I ask myself the question: If the Government is talking about the Vision 2030 and has put benchmarks, are we really going to attain that growth if we continue to spend 97 per cent of our discretionary Budget on Recurrent Expenditure? I think this is a big challenge for the Minister for Finance. We would like to see growth, but not just growth par se. But we want growth

with creation of employment. At the moment, we have a problem in this country. Even the times we have achieved very high growth rates, up to seven per cent, if you look at the employment creation, it was a very small per centage. So, we must come up with policies that do not only create growth, but they must also create employment to go along with it. There are youth who are well educated but have nothing to do. I think the *Kazi Kwa Vijana Programme* is a joke. It is a very poorly thought out plan, poorly implemented and a waste of money. It should never have happened. It is either we have that and it is well planned so that it creates that impact that is required rather than getting money to go into the pocket of youth to go and drink *chang'aa*. That is what it did. It has not created employment. It is a failure and it is one of those programmes that should never have happened. Mr. Minister, I hope that your economic stimulus plans now that we have gone through a consultation process and we have defined the implementation framework, be implemented immediately. We have lost one year because it has not happened and it is not going to happen. You do not have much time within which to implement what you had planned. Now that we have gone through that consultation process and we have defined the implementation framework, I would really like to request that the stimulus package be implemented timely and the amount should be sufficient to make an impact. I would like to request that the next Economic Stimulus Plan for 2010/2011 must be done within the first quarter at the very best to make up for the lost opportunity that it was meant to have had during the 2009/2010.

Mr. Temporary Deputy Speaker, Sir, to conclude, I think that the Budget Policy Statement has something to do with the Supplementary Budget and I would really like to request the Minister to give us the performance report at this point in time. In other words, how much of the budget are we likely to spend by the end of the financial year? If you do not have the opportunity to do so this time, hopefully, when we have debate on the Budget Policy Statement, it would be nice for Members to know are we going to implement 90 per cent of what we said we would? Are we going to implement 80 per cent or what sort of percentage? The absorption capacity has been a big challenge all along.

Thank you.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I thank you.

I would like to assure our good friend the Minister for Finance that any time you command us to give you money through your Budget Speech, we will give you. Even if you woke us up at midnight, Mr. Uhuru Kenyatta, we will still give you that money. But as we give you that money, we would like you to also be prepared to listen to us, especially on our concerns.

Mr. Temporary Deputy Speaker, Sir, I recall vividly that when the Minister made his last Budget Speech, there was so much hope. We were so proud of you. In fact, as you read the Statement we were saying: "Uhuru for President!". Do you know why we said that? It is because you came out so well on what you were going to do on education, health and to make our economy recover through those Economic Stimulus Packages. You told us what you were going to do with agriculture and roads. You made us happy! But look; these many months later, where are we? If you tried to make a similar speech today, none of us would shout, "Uhuru for President". This is because you have not proved yourself.

Mr. Temporary Deputy Speaker, Sir, I am saying this because I remember what is happening in education where there was so much hope. At that time, we did not know that as soon as the Minister receives the money, the biggest news in the education sector would be the scandal of Free Primary Education. We were told by the Prime Minister and the President that they were going to make sure investigations are going to be done to make sure that the funds that have been lost in free primary education are accounted for. Today, nothing seems to be happening! Again, the Government is waiting for us to come up with Ministerial Statements or Questions by Private Notice for them to give us an update of what is happening with the issue of Free Primary Education Programme. Even the Minister for Education, Prof. Ongeru himself has not come up to tell us how he utilized the funds that Mr. Uhuru gave him and the funds he got from the donor community. We are not happy! What do we see? We see a situation whereby when the results are announced at primary and secondary level, the only people who celebrate are the rich people who have their children in academies. The children in public schools do not do well because the funds that would have educated these children end up lining the pockets of the powerful and rich in this country. Do we want to be passing budgets here so that the children of the rich would continue being the only ones who make it to national schools and universities? Obviously, as I know you support me, the answer is “no”.

Mr. Temporary Deputy Speaker, Sir, when we come to health, the only news we hear, in spite of the money we gave you hon. Minister, is that there is a shortage of medicines in all our provincial hospitals not to mention district and health centres.

When you come to agriculture, in spite of the bumper harvest in unique places like Ukambani, the Minister is aware that purchases of these bumper harvests have not been very well coordinated. What is more? As we wait that these people would get encouraged out of the bumper harvest, the only news we hear is that now, we have got 40 billion tones of Genetically Modified maize that has been imported to this country. Unknown to the House, in the House of Scotland, yesterday for one hour, they discussed the maize that has been imported into this country. If it concerns the people in Scotland, how come it does not concern our Government that this Genetically Modified maize has come to the local market to hurt it?

Mr. Temporary Deputy Speaker, Sir, speaking about agriculture and the planting season, especially in the western part of Kenya where we were expecting that farmers would get subsidized fertilizer, what happened? We went to the stores in Kakamega, Butali, Bungoma and Kitale and the cheap fertilizer was not there. After we ended the planting season, you go to the godowns of the West Kenya Factory and find the Asians there hoarding fertilizer. In spite of the local Member of Parliament, the hon. Minister for Housing raising the alarm, we are yet to hear of anything positive being done about this fertilizer that was stolen and hidden in the godowns in West Kenya Factory.

Mr. Temporary Deputy Speaker, Sir, I would like to encourage my brother the hon. Minister for Finance that the Economic Stimulus Package is not too late. Now that we are releasing the money, let us see those centres of excellence starting to be constructed. Just like all other constituencies, nothing is moving in the primary schools and secondary schools and yet we know that, that money has not been lost. It means you have not arranged nicely on how the money can reach the projects.

I saw the Minister for Fisheries Development here. He went around constituencies in Kenya and told Kenyans, "Let us make ponds". People have dug ponds all over Western Province and Central Province. There are no fingerlings. The man has disappeared. We do not know what is happening with that project. People are wondering probably, we were conning them. Some of them were destroying prime land which they would have used to plant to create room for ponds.

Mr. Temporary Deputy Speaker, Sir, I would like to mention something about roads. I do not think it is the problem of the Minister for Finance. The Minister for Finance seems to be caught captive with the skewed manner in which privatization of road construction is done in this country. It looks like for a road to be done, either the Prime Minister or the President must come from that region. It is very interesting these days; I can drive very comfortably from Nairobi up to Kisumu. The road is good! Why? It ends in Kisumu because the Prime Minister comes from there. When I drive to go to Githunguri and Ms. Karua's constituency, I find the roads are very good. Why? This is because the President comes from there. How I wish that we are going to have a new Constitution that is going to make sure that funds are not going to follow the occupant of the seat of the Executive.

Mr. Temporary Deputy Speaker, Sir, what we must fight for as we give Mr. Uhuru this money, as leaders, we must be committed to economic turnaround of our country. We are at a very good stage in our history in the sense that our country is ripe for turn around. This is because economically, there are only three factors you need to turn around an economy like this one of Kenya.

So, that I do not bore Members, let me just mention them. A country that normally achieves a faster economic turnaround is a country that has a large population. Kenya is one of the most populous countries not only in Africa but even in the whole world; 40 million people!

Secondly, countries that have a large population of highly educated people are countries that can achieve economic turnaround faster. Kenya today boasts of a better human resource than most African countries.

Finally is the issue of good governance. The backbone of good governance is the new Constitution. We hope and pray that those Members of Parliament who have created an afterthought and have decided to go out to the public and ask wananchi to vote against the Draft will rethink their minds. Just as we passed the Draft Constitution in total here, without a single amendment, we would like the clarion call for all Members of Parliament as we go out in our constituencies to be: We are joining hands. *Katiba ni sasa* and that *Katiba* has to be as it is.

Mr. Temporary Deputy Speaker, Sir, any amendments to the *Katiba* is something we are all agreed that it is something we are going to consider. It is going to be much easier after we have passed the entire document for us to go to Parliament and look for two thirds majority on contentious issues. We do not have to debate this is if it something very unique! We are not going to have a new Constitution without Kenyans casting their votes. The Interim Independent Electoral Commission (IIEC) is out there trying to register voters but unknown to many people---

Mr. Lessonet: On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought we are debating the Supplementary Budget but I can see my colleague has totally shifted to the Constitution which I know there will be time to come and debate it. The hon.

Member should not mislead Kenyans that it will be easy to change the Constitution once it is passed, knowing very well that it needs a referendum.

Mr. Temporary Deputy Speaker: All right! Dr. Khalwale, please stay on course and proceed!

Dr. Khalwale: I am on course, Mr. Temporary Deputy Speaker, Sir. As you can see the hon. Member is living in history. We have already debated the new Constitution my brother and it is gone!

Mr. Temporary Deputy Speaker: Dr. Khalwale, proceed!

Dr. Khalwale: Thank you, Mr. Temporary Deputy Speaker, Sir. I was raising the issue of voter registration. The IIEC is out there breaking the law. There is no law which tells these people that for somebody to be registered, they have to go and look through the old voters' register. There is no law which says that somebody should go with an old voters' register. Today, people are not registering because they fear that they destroyed the old voters' register, it was burnt during the clashes and so, they would be caught by the law. They must announce categorically that to register, you do not need the old voters' register.

With those few remarks, I beg to support.

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. There is need for this Supplementary Budget to be approved. For those of us who have been in this House for ages, from my experience in the past, Ministers for Finance could not even pay for capital projects. This financial year, I have been writing down how many projects the Minister for Finance is supposed to raise funds for. Today, we are very happy with the Treasury. I am saying this because with the rising drought in this country, people need relief food. *Wananchi* are still receiving relief food and the Treasury pays for it. The only thing is that the relief food does not come regularly. Mine is to ask the Minister for Finance to make sure that those areas where relief food is not supplied adequately, more money should be saved to buy relief food for those people. We do not want Kenyans to go hungry.

When we pushed the last regime to introduce the Constituencies Development Fund (CDF), it totally said "no" and at that time, our President was the Official Leader of the Opposition. But when Mr. Kibaki took over as the President, we opposed him again and we said: You were the Official Leader of Opposition. Today you are in power and we are coming back with the same problem of the CDF. He did not hesitate to approve the CDF. The CDF today has improved many areas of this country in terms of education and health delivery and so many other things.

I can see that there are two commissions; the IIEC and the other is the Interim Independent Boundaries Commission (IIBRC). Both these services need to be under the Electoral Commission. Today, the Minister for Finance is really meeting his obligations by funding these two institutions. There is no problem. With the coming up of the economic stimulus projects, you can see that nobody is complaining. I read just last week that the Minister had disbursed 50 per cent of funds allocated to the stimulus projects. We are quite certain that the other half will be disbursed in the coming financial year. So, if you go through, you see the burden that the Ministry of Finance is taking by funding free primary education, feeding programmes in the schools, disbursing bursary funds and

CDF funds---. That is a very heavy bill and there is need to support and approve this Motion.

Mr. Temporary Deputy Speaker, Sir, I remember there were days when the Treasury failed to pay salaries for civil servants. Those days are now gone. Today, we do not hear those complaints. There were days that even hon. Members had to wait for their pay packages for ten days after the month end. Today, that is no longer there. To me, this is none other than the efficiency of the Minister for Finance and I congratulate him.

I would like to say that the problem of ferries in Mombasa has been the talk of Mombasa. People at the grassroots level do not know what is happening with the buying of the new ferries. The Minister for Finance, maybe, in liaison with the Minister for Transport, should come up with concrete information to give to the people when they are going to buy new ferries to enable the people at Likoni cross the channel. That has been a big problem and I am saying that it is my prayer that disasters do not occur. We want the new ferries in that place.

Finally, I would like to say that the Minister is now preparing himself to finance the Referendum. People always talk about getting money from outside. That a certain donor or country will bring money. But you need to have an able Minister for Finance to organize the success of the forthcoming Referendum. I really praise the Minister and his officers in the Ministry.

With those few remarks, I beg to support.

Mr. Shakeel: Thank you, Mr. Temporary Deputy Speaker, Sir. At the outset, I would like to say that I support this Motion. The Motion proposes a Budget of Kshs27 billion against a Budget of Kshs867 billion. Actually, it is less than three per cent variance and that is very good. A three per cent variance is a small variance. I have seen much more in other places, but still, there are a few things that I need to comment about.

Firstly, gone are the times that the Ministry of Finance was seen as the whole and sole pillar of development. This morning, we had a very passionate appeal from the Minister telling us the problems that they are facing. One of the things that stuck in my mind very clearly, which was clearly said is that it is the task of the Ministries' concerned to raise their own Budget. They should send their proposals for consideration in the Budget. When the Budget has been agreed, the Ministry should work within that Budget. He brought up the issue of the Kshs1.34 billion that was yesterday or the day before, approved for salaries for the university lecturers. I was surprised to hear that this was not even budgeted for in the Ministry of Education and yet the Ministry of Education knew that this was a problem. So, it appears to me that the Ministry of Finance is working on crisis management. What happens if another Ministry does not prepare and work out its Budget properly and there is a shortfall or a political problem? We will all go running to the Ministry of Finance asking for more money.

I would like to clarify something. If you look at it on a very simplistic way, apart from the other work that the Ministry of Finance does, let us see it as a finance directorate, it also has a function of a cashier. That is one function. It is not what they do, but that is one of their functions. They collect the money and dispense it in accordance with the Budget that they have been given. When somebody says that he wants Kshs1.34 billion, which he did not budget for, then he runs to the Ministry and says that the Treasury must find more money for him, then that is not proper. So, when the Treasury

goes around trying to negotiate where it can get some money, then we say that the Treasury has cut down our Budget. These days are gone.

The Budget Committee is now set under the Fiscal Management Act. We have had a number of meetings in respect of the Budget and it has been very illuminating. We would like to give that sort of credence to the Office of Deputy Prime Minister and Ministry of Finance and the Ministry of State for Planning, National Development and Vision 2030 to work with the Budget Committee and other House Committees on these issues, so that they can hold Ministries responsible and accountable for the Budgets that they have prepared. Of course, they are what we call non-committal expenses, which we have to look at.

Mr. Temporary Deputy Speaker, Sir, I remember during the Moi regime, he made it very clear and that is one thing that we must appreciate. He said at one time that: "there is no money for salary increase for teachers". I remember that very clearly. He said: "*Hakuna pesa*", and we stuck with it. He said: "There is no money. So, do what you want". The situation is that if you have not planned for it, you cannot get money out of somewhere. These are the situations that we must look at. One Minister said that he was not part and parcel of the Nyayo regime or rather the Nyayo Era when I studied because I was older. But there are a number of Members who were in primary school and even drank the Nyayo milk, and some of them are smiling. During that time, we never heard of issues of shortage of money, but, obviously, there were. I am trying to get at the fact that the Office of Deputy Prime Minister and Minister for Finance together with the Ministry of State for Planning, National Development and Vision 2030 are key players in the Budget making process and running the country and the Treasury, then dispenses the money. The other Ministries must also play their role. You cannot start jumping up and down that the Ministry of Health has no drugs if you have not planned what you are going to do and have those drugs. Obviously, you cannot plan for a Budget of Kshs500 billion when the total Budget is Kshs800 billion. You have to prioritize your issues.

I want to commend the Office of Deputy Prime Minister and Ministry of Finance, but I want to tell them one thing. Please, do not be dragged into crisis management as much as it is politically good for you. Stay out of crisis management. Say that the money is not there and have the guts of saying: "*Hakuna pesa*. I am sorry, we have no money. What do you want to do about it"? Let us stop short-term solutions to long-term problems. We were told that the *Kazi kwa Vijana* initiative was a short-term solution to a long-term political problem. We have very intelligent people in the Ministry of State for Planning, National Development and Vision 2030 and in the Office of Deputy Prime Minister and Ministry of Finance. They can stand any intellectual challenge in the world in respect of economic planning. Our economic plan is good. We have had it for a long time, but it is its implementation that we are lacking. We are told that Korea had a similar economic plan like ours, but we were left behind. For whatever reasons that we were left behind, it is now time that the Ministry of Finance, the Ministry of State for Planning, National Development and Vision 2030 and all the other Ministries---

Mr. Temporary Deputy Speaker, Sir, Rwanda, a country which only ten years ago was a total waste, has put together certain proposals and ways of working. The President of Rwanda calls all the Ministers, together with the Minister for Finance and the Minister for Planning and they work out and say what they are going to do against the Budget that they have been given. They agree and then they go and run their Ministries. At the end of

the year, he calls them back and those who have met their targets, get a tick and those who have not, are asked to explain the reason for their failure. That is the sort of thing that we need. We also must get away from the fact that every mwananchi sees the Office of Deputy Prime Minister and the Ministry of Finance as the source of everything. For instance, the wananchi will say that *hakuna maziwa* because the Office of Deputy Prime Minister and Ministry of Finance did this. There was too much milk because the Office of Deputy Prime Minister and Ministry of Finance did this. With all due respect, the Office of Deputy Prime Minister and Ministry of Finance does not know much about milk and the decisions that they are making are not those that they are involved in. It is about time that we started saying that the Office of Deputy Prime Minister and Ministry of Finance has our finance people, the Ministry of Agriculture has our agricultural people and the Ministry of State for Planning, National Development and Vision 2030 has our planners.

If we made a mistake in agriculture and there are issues of fertilizer, the Ministry of Agriculture should take the wrath for it. The Office of Deputy Prime Minister and Ministry of Finance needs to operate, organize and run this country financially as, perhaps, our spouses do. My wife knows how much budget she needs to run the house and she runs it. When I ask her for Kshs5,000 for a political rally, she tells me: “No way! You are not going to touch the household kitty”. That is the very simplistic way in which we should start running this country. We should stay away from politics. Of course, the Office of Deputy Prime Minister and Ministry of Finance will always be our lead actor in these issues. Of course, he will always be blamed, but we are with him. The Members are very clear that when you come for money, we will authorize you to spend the money. But be transparent, do not be taken for political gimmicks and come up with long-term solutions to long-term problems. Let us get away from the short-term solutions. The ESPs are having problems. Do not deal with problems which are not yours.

Prof. Kamar: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to these Supplementary Estimates. This is the first time we are debating the Supplementary Estimates since the coming into effect of the Fiscal Management Bill. We must remind ourselves what the Fiscal Management Bill was changing in the system of our budgeting and the introduction of supplementary budgets. While passing the Fiscal Management Act, we said that the Budgeting process in this country has to change and that we are expecting it to be issue-oriented and policy-driven. We do expect that the Supplementary Estimates will follow the same guidelines, so that we supplement where we did not complete our targets and set strategies.

Mr. Temporary Deputy Speaker, Sir, I will be brief and mention a few things on what I do not expect in Supplementary Estimates. I do not expect a Supplementary Budget to introduce new items. I will refer to a few of them. On page 4, the Minister is requesting to purchase specialized plant, equipment and machinery, under Item 085 for the Police Commissioner; this is something that was never in the Budget. We are not actually supplementing but starting something new. Where is it in the priorities of the Ministry of State for Provincial Administration and Internal Security?

Mr. Temporary Deputy Speaker, Sir, if you go further to page 37, the Minister is requesting Kshs10 million to refurbish buildings in the Ottawa Mission Office. If it was a priority of the Ministry of Foreign Affairs, why was it not in the Budget to begin with? If you go further to page 151, there is even an area that is more worrying. The Ministry of Development of Northern Kenya and Other Arid Lands was started with a specific

mandate and target. We had expected the Ministry to have been funded from the Budget itself. There are so many items for range and arid land research, Marsabit arid lands and all sorts of items that we would not like to deny today, because it is a Supplementary Budget. But you ask yourself: Has anything changed in the Ministry since we introduced the Fiscal Management Bill? This is because what we were expecting was the Minister to seek and set priorities with the individual Ministries and give us these items.

Mr. Temporary Deputy Speaker, Sir, on page 152, it is like the Ministry of Development of Northern Kenya and Other Arid Lands was forgotten. All their items are coming now just two months before the Budget is read. What does that mean? Does it mean that there will be re-prioritization in the Ministry? I am raising this because these are issues that we must start addressing if we have to obey the laws that we set in this House.

Mr. Temporary Deputy Speaker, Sir, in the Fiscal Management Bill, it is very clear that Supplementary Estimates will consist of supplements. We are going to supplement where we did not have and not introduce new items. If you go further to page 276, there is the same story. The Ministry of Development of Northern Kenya and Other Arid Lands was never considered, but it is now coming in the Supplementary Estimates. What does that, therefore, mean especially for the projects whose money was withheld earlier in the year because of lack of funding? I did ask a Question in this House about a market called Kimumo in Eldoret East, where an allocation of Kshs52 million had been given and then the same money was retrieved because the Minister said that he did not have money. It does not even appear here. That to me means that we are not planning anything, and not very clear on what we want to do. We are doing things at random, because if you budget for something in one financial year and do not implement it and you reverse it, and then when it comes to the Supplementary Budget, you are actually introducing new items, it means that you are actually breaking the Fiscal Management Bill outrightly. I think we need to raise these issues, so that the Ministry can go and rethink the way they are going to do things. We will allow it this time, especially for the sake of the Ministry of Development of Northern Kenya and Other Arid Lands. I will support the Supplementary Estimates, so that we do not deny them support, since they were not given much in the Budget itself. But what was the idea behind the budgeting that was brought before this House, when we debated the Budget and actually complained bitterly that this Ministry was being underfunded? How do we set our priorities? We ignore them and come back and reintroduce them? That is not prudent financial management. It means that we are not actually dealing with our issues as per any plan.

Mr. Temporary Deputy Speaker, Sir, I know very soon we will be discussing the Policy Statement that the Minister has given us. We hope that there will be a difference. Otherwise, it is very worrying that at the point of budgeting, some issues are ignored and then in the Supplementary Estimates, we introduce them afresh. That is not supplementary budgeting, but I support because the issues are crucial. In fact, the Supplementary Estimates answer some of the issues that we raised earlier.

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

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, thank you very much for the opportunity. I also rise to support this very important Motion.

Firstly, let me thank His Excellency the President, hon. Mwai Kibaki, for giving consent to this Motion. I should also thank the Deputy Prime Minister and Minister for Finance for the manner he has presented these Estimates to this House. I will also recognize the big role that is being played by the Permanent Secretary at the Treasury, together with his senior officials.

Mr. Temporary Deputy Speaker, Sir, agreeing to approve these Estimates allows continued services in the Government departments. One of them, which is very critical, is the recently negotiated settlement following a strike threat by universities' staff. This is a sector that would have crippled learning in this nation. Therefore, proper planning must be put in place all the time to avoid these consequences. There was the first phase and negotiation on the second phase must be started immediately, in order to avoid a similar threat to strike. Therefore, allowing Kshs2 billion to be factored in these Supplementary Estimates will create harmony and stability in our universities.

Mr. Temporary Deputy Speaker, Sir, it is also important to pass the Estimates because our security in this nation leaves a lot to be desired. Our kids are now at home and they are threatened by kidnapping and other complicated forms of insecurity. Therefore, it is important that the security personnel have enough money to fuel their vehicles, or even buy new vehicles so that security is really enhanced in the nation. Those newly created districts have District Commissioners and Officers Commanding Police Divisions (OCPDs), who move on motorbikes and *matatus* at times. This, really, must be changed. Insecurity in the nation will also affect the tourism sector. Therefore, approving the funds will also generate the income for this nation.

Mr. Temporary Deputy Speaker, Sir, our roads have not been spared either by the pounding rains. Roads have been destroyed. They need to be restored.

Mr. Temporary Deputy Speaker, Sir, the *matatu* industry and transporters are all crying because of the heavy losses that they are incurring in that sector. Therefore, it is important that they allow funds to go to the road sector for road construction. It is important that the contractors should also be encouraged to carry out quality work. What is happening today is that we allow shoddy work to continue. So, people take national resources for jobs not done. It is very sad that up to now, we have not been able to settle the Internally Displaced Persons (IDPs). It is notable that the two principals in their efforts as they are addressing the current draft, it would be possible to make sure that all the integrated IDPs, especially in my constituency, about 5,000, are settled.

Mr. Temporary Deputy Speaker, sir, we are now heading to *Madaraka Day*. What type of *Madaraka Day* are they going to celebrate if they are not settled? Let all Kenyans enjoy that *Madaraka Day*. We should make sure that funds are there to make sure that they are settled. It is pathetic that you can go to a hospital and find that there are no drugs. There are no drugs because funds have not been released. It is important, therefore, that money has to be released to the Ministries concerned and procurement of drugs is done so that innocent Kenyans do not continue to suffer. Our schools today are under very serious under-staffing. We need funds to be released to the Ministry of Education so that those schools with only one teacher are provided with adequate number of teachers in order to improve learning in all the schools.

Mr. Temporary Deputy Speaker, Sir, concerning the economic stimulus programme, it has not started and we are yearning for this money to be released so that we can have the *Jua Kali* shades, markets and planting of trees started. Therefore, it is

very important that we give an approval to these Supplementary Estimates. The Kenya Revenue Authority headed by Mr. Waweru is doing a commendable job in terms of collecting funds. Nevertheless, they should seal loopholes where illegal imports are happening. There are some border points where goods come into the country, therefore denying the Exchequer very important revenue.

Mr. Temporary Deputy Speaker, Sir, this country has been left at the mercy of certain groups who are now marketing the name of this country overseas. The Ministry of Sports should come out clearly and make sure that they recognize the athletes who are doing very well to market the name of this country. Recently, we had a team that did so well in Poland. A day must be created for these people to be seen by the entire country; where they will be celebrated and given awards as a motivation so that they can continue to defend their performances and even excel better in international competitions.

Mr. Temporary Deputy Speaker, Sir, I feel that it is important that security is also improved in our towns. We have street families and their numbers are increasing every day. Something must be done about these people. Centres must be created and funds be released so that we can change the lifestyle of those people.

With those few remarks, I fully support the Motion.

Mr. Nyambati: Mr. Temporary Deputy Speaker, Sir, thank you for giving me a chance to contribute to this very important Motion. I stand here to support it. I want to comment the Deputy Prime Minister and Minister for Finance for coming up with a stimulus package. This package, I know has not taken off the way it is supposed to have, but it is a very important package which if utilized well, can do a lot of good work for this country. I want to urge the Minister to ensure that this stimulus package works. In many parts of the country, even in my constituency most of the projects have not taken off. I know when something new like this begins, there are some teething problems associated with a new programme. I want to ask the Deputy Prime Minister and his team to ensure that this stimulus package works. When the Deputy Prime Minister presented his Budget, everybody in the country rejoiced because it was one of the best budgets that have ever been presented in this Parliament. We do not want it to fail. I urge the Minister to make sure it works. I know we are in economic hard times but I urge the Minister to try and see that the economic stimulus package works in all our constituencies. If that works, we will still be singing “Uhuru for President”. I want to urge him to continue along that line.

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

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, one of the problems that we have in this country is misuse of resources. There is a lot of misuse of public resources in so many Government departments. I want to urge the Ministry to take firm action in ensuring that the resources that are given to different departments and Ministries are utilized in the very best way possible. That way, you will find that our country will progress. We have been saying that those countries in the East like Malaysia, Thailand and so on, were in the same level

with us when we got Uhuru but have moved so much ahead. This is because the people who were charged with the management of resources in those countries were patriotic. It is about time that our people in this country, those who are in charge of managing public resources, ensured that the resources they are given are utilized for that purpose. You may find that in many places, not even 30 per cent is utilized the way it is supposed to be. Most of the resources go to waste through corruption. We must ensure that we stop, so that the resources we have in this country go into the required projects.

Mr. Deputy Speaker, Sir, I want to talk about agriculture. This country has one of the best climates in the world. It is a shame that we run out of food and import. This is because we have wrong policies in place. A country like India which has more than 1 billion people exports food, yet we import. We must support the Ministry of Agriculture to the point where we are self-sufficient in food production for this country. If we cannot feed our own people, then I do not think we have any business governing, because any government which cannot feed its own people has no business being in power.

Mr. Deputy Speaker, Sir, the issue of education is very close to my heart. I want the Minister of Education to have enough money to employ teachers in our schools. The only investment that we can give our children is good education. In my constituency, most schools have two or three teachers. How do you expect our children to do well in national examinations when they have only two teachers instead of ten? It is our fundamental responsibility that as a nation, we must give our children the required education. We must start by having enough teachers. The only dream we can give our children is to be the very best, and I think it is important for the Ministry of Education to have enough money to employ teachers as and when they are required.

Mr. Deputy Speaker, Sir, the issue of Internally Displaced Persons (IDPs) is a big shame for this country. It is the third year, since we got IDPs and, as a Government, we have not resettled them up to now! What responsibility do we have to call ourselves a Government if we cannot take care of our own who are suffering? How can we have our own people as refugees in our country? It is extremely important that, once and for all, we take care of our IDPs, who are suffering in camps. I think it is important that the Ministry of Finance ensures that there is enough money to settle them once and for all so that we can forget their problems.

Mr. Deputy Speaker, Sir, the issue of health is also fundamental. Our health centres and dispensaries do receive medicine from the Government stores; I know they do. There is enough medication. But this same medication finds its way out to be sold in chemists. A lot of medicine is siphoned out and sold in chemists because of corruption. These are some of the things which are pulling us down as a country; we cannot move; we cannot give our people the medicare that we require, because we are doing things which cannot help this country move forward. We cannot move forward if we cannot have our public servants being responsible in areas where they are.

Mr. Deputy Speaker, Sir, we should also give the Ministry of Health enough money to ensure that we have medical staff working in our health centres. You can imagine in rural areas where there are no hospitals and, may be, a woman is giving birth and there is nobody there to help her. She might die and, in the process, kill the child. It is our responsibility, as a country, and I think it is the responsibility of this House, to ensure that we continue to fight for those basic needs which alone form the fabric of the society.

We must do it because it is our responsibility and, as leaders, we must continue to fight for those basic rights that I have just mentioned.

Mr. Deputy Speaker, Sir, the issue of roads is also very important. I know that the Budget, maybe, cannot be able to give us roads in every parts of the country. But there are some areas, like where I come from, where we produce a lot of agricultural products like tea, coffee and other products that are exported. These products cannot reach the factories simply because we have no roads! We need to have infrastructure, which is going to help move this country to higher heights. Minus infrastructure, we cannot move!

Mr. Deputy Speaker, Sir, I would want to have a situation where we reduce recurrent expenses and increase development expenses. That is the only way in which we can move as a country. But if our recurrent expenses are going to be more than the development expenses, we cannot move! Look at North Eastern Province, for example; you cannot communicate; there is no electricity, there are no roads and there is nothing! It is about time that this Government and this country started to distribute resources equally, even to those disadvantaged people, because that is the only way we can help them.

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

The Minister for Forestry and Wildlife (Dr. Wekesa): Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to support this Motion. I want to commend the Minister for what he is doing for this nation. Since the post election violence, our Government has not had much money. As you are aware, most of our money comes from the agricultural sector and the tourism sector. Tourism did not have a big jolt, and up to now, it has not recovered. We have had an extended drought that devastated most of Kenya; it has impacted very negatively on the farming community.

Mr. Deputy Speaker, Sir, the Minister has had to deal with a very tight budget, despite these challenges, and it is showing that things are getting better. The money we are giving the Minister should be properly used. I am thinking particularly of the issue of farming; the farmer has always got a raw deal. If you look at the highly productive area of western Kenya and North Rift, the farmers there can produce enough food for this country. But I do not think the programmes that we have on the table and the finances that we give to the Minister for Agriculture are enough to ensure that we have enough food for our people. A hungry person is a very dangerous person. Kenya should not be importing food at all! We have now been a nation that year in, year out, we import food. This is not the situation that should be found in Kenya. As a colleague has said, Kenya has a very good climate; we have very good soils and hard working farmers. We only need to have proper programmes and better funding of the farming community, and we will get all the maize, beans, rice and sugar we need. But a lot has still to be done.

Mr. Deputy Speaker, Sir, a small country such as Malawi is now exporting maize. A few years ago, Malawi was a very hungry nation, but because of proper planning and good programmes, Malawi is now an exporter of maize. A few years ago, this country was a very good market for our meat. Indeed, I remember that in those days, the early 1980s, Botswana did actually send a team of experts to see how we run the Kenya Meat Commission (KMC). But twenty years later, Kenya does not have the KMC; it has collapsed. Now, we are thinking of sending experts to Botswana to see how they run their meat sector. We have a tendency in this country of creating institutions that work very well, but later on, we destroy them. With proper incentives given to all farmers, we

would produce enough food for this country and the idea of importation of food would be history.

I want to commend the Minister for Agriculture for giving small incentives as far as fertilizer is concerned. Farmers put in a lot of effort last year and this year, despite the drought and, indeed, they produced what they managed to produce. These incentives should be continued. However, we, in Trans Nzoia, have always wondered why the fertilizer that was coming through Government incentives is not available in Kitale. But, if you went to Eldoret and in Moi's Bridge, you would find plenty of it. We would like Kitale to receive this incentive of fertilizer, so that farmers can readily avail the product.

As I speak now, many farmers have maize in their stores, but they are scared of taking it to the National Cereals and Produce Board (NCPB) because the NCPB does not have enough funds. We have read that maize is coming from outside. How is it that maize is coming from outside Kenya when there is maize in Kitale and farmers are unable to deliver because the NCPB does not have enough funds? That does not add up. There is something wrong. I think we should ensure that we have funds to pay farmers.

Climate change is a reality. Very few of us recognize that the drought we had last year was because of the global climate change. I need a lot of funds for my Ministry. When we talk about lack of food and water, this is because of the destruction of forests; destruction of the fauna that has taken place in the last 30 years. The Ministry of Environment and Mineral Resources and my ministry should be given enough funding, so that we can mitigate against climate change negative effects. It is only last year that our President had to accompany his colleagues to Copenhagen. Big stories were told there. All the leaders recognized the fact that we have serious negative impact on climate change. Every country should try as much as possible to take on board mitigation and adaptation, so that we can combat the effects of climate change.

In my Ministry, we are talking about 10 per cent of people's land being planted with trees. We are encouraging all the schools and institutions, every small farmer and big farmer in Kenya to plant trees. They must spare 10 per cent of their land to plant trees. That way, we will increase forest cover and have enough trees to bring rain, so that we and our animals do not die of lack of water.

Mr. Deputy Speaker, Sir, as I conclude, the road infrastructure in western and North Rift leaves a lot to be desired. Look at the road from Kisumu to Kitale; in the old days, I used to take 40 minutes to drive from Kisumu to Kakamega. Now, I take one hour and ten minutes. Look at the road from Eldoret to Kitale and to Lodwar. That road is completely finished and yet, these are the roads that farmers use to take their produce to the market place. I am imploring my colleague in the Office of Deputy Prime Minister and the Ministry of Finance to look very carefully at the network of roads in western and North Rift because this area is friendly and produces a lot of sugar, maize and has many voters. Since the Deputy Prime Minister and Minister for Finance wants to be the President of this country, look at this area and you will have many voters. I will be your main person in this area to ensure that as you look after my farmers, they will all vote for you.

With those few remarks, I beg to support.

Mr. Chanzu: Thank you, Mr. Deputy Speaker, Sir, for the opportunity to support the Supplementary Estimates. Just to add on what the Minister for Forestry and Wildlife

has said, if he got more money, I am sure that areas like the Maragoli Hills which used to be rain catchment areas would improve the climate and environment in this country.

There is the aspect of roads that the Minister has just alluded to. The Kisumu-Kakamega Road and Kitale-Lodwar Road is in a pathetic state. I do not think it takes one hour and ten minutes to drive there. It takes much more than that. The problem we have with regard to roads is not about funding, it is the issue of officers. So, if programmes can be put in place, whereby the Government can monitor how the money is being spent, that would be good. Take, for example, the roads in the rural areas--- We said that when we are talking about devolution and taking money close to the people, it is the Government's intention that money goes to these places. This money is for use by the local people. However, if you take money, for example, to Kakamega and you employ a contractor from another place that money is not utilized for the purpose it was intended.

The annual prequalification of contractors is an area where there is a lot of risk. The Government officials are the ones who pick these contractors. You will find that at times, even the contractors who carry out these projects are Government officers who form companies and cartels. A person who is a District Roads Engineer in a place like Kisii may be having a construction company which operates in western Kenya, Kakamega or Kisumu. These are the issues which the Government needs to check, so that Government officers do not award themselves contracts because it leads to corruption.

Recently, I raised an issue in this House regarding the recruitment of teachers. The Minister for Education, whom I respect very much, you heard the kind of answers he gave in respect to that issue. I ended up discovering that in my constituency, where he said that I had been given a large number of 12 teachers, six out of those who had been employed were from outside my constituency. It is this kind of misallocation of resources that causes people not to get services that they deserve. So, the integrity of Ministers and Government officials is something that must be high on priority.

There was also a Question that was raised in this House today, which has been recurring, the issue of power shortages and outages.

Mr. Deputy Speaker, Sir, despite this power shortage and power outages, if you look at the bills, the Kenya Power and Lighting Company (KPLC) collects adequate money from the people. In fact, they tax everything, but when they collect this money sometimes you wonder why then you end up having all these problems of power. I think the surveillance unit in the power sector must liaise with the security organs, so that there is some kind of surveillance to curb the issue of transformers being stolen and fuel being stolen from the transformers, and then they blow up. I think our systems are not well co-ordinated. I think as we take down the resources, the money the Minister is talking about, he must also ensure the money is properly utilized. There is no point of coming here and talking about huge figures but when it goes down, you do not know how and where it is utilized.

Mr. Deputy Speaker, sir, the other area that has also been of concern is health. Hospitals do not have drugs. I had a case where some patients were asked to pay Kshs8,000 each for some doctors' equipment called "T9". The hospital could not give treatment. I had to negotiate. The drugs go to the hospitals and then they are diverted into private pharmacies. I was negotiating with a pharmacist to give the drugs for the people to be treated so that later on when the Government gives drugs to the hospital, it could give them back. This is supposed to be the responsibility of the Government.

There have been innovations in the reforms that the Government has put in place, which I think are working well but I think the structures are not in place. On the issue of Women Enterprises Development Fund and Youth Enterprise Development Fund, we have been saying that when this money goes through intermediaries, some areas of the country do not have the culture of borrowing; so, people end up not taking the money. This is because they feel that taking the money is expensive. We have been saying that this money should just go straight to the end users.

The Economic Stimulus Programme was a worthwhile idea, but again there was lack of preparedness. Up to today some of the programmes that were ready in the Budget last year have not even been started and we are coming to a closure of the financial year. There is also *Kazi Kwa Vijana* (KKV) under which money went to the constituencies and the Government officers were running around with the money in their pockets and nothing was achieved. This means we do not have controls and mechanisms for checking whether these funds are utilized properly.

[Mr. Deputy Speaker left the Chair]

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

Madam Temporary Deputy Speaker, I also praise the Government for the Free Primary Education Programme and subsidized secondary school education, but because of corruption the donors who were supposed to be funding the programmes withdrew. So, I think the institutions that we are putting in place to deal with corruption must be made to work. They are being funded and I think they should also be made to work.

Madam Temporary Deputy Speaker, I beg to support.

Mr. Ethuro: Madam Temporary Deputy Speaker, thank you, for the opportunity to contribute to this Motion. I want to start by applauding the Deputy Prime Minister and Minister for Finance for proper leadership in this very critical Ministry.

When the Deputy Prime Minister and Minister for Finance came to the House last year during the Budget Day, he made a Speech which had proposals that we felt will go a long way in, not only addressing the issue of the poor economic growth rate, which was as a result of the post-election violence and had gone down from 7.1 per cent to 1.7 per cent, but to also address some of the inequalities that had been identified. We felt he would also address the plight of Internally Displaced Persons (IDPs) who are bona fide Kenyan citizens who are still in camps even as I speak today. Unfortunately, my good friend, hon. Uhuru Muigai Kenyatta decided that he is going to be long in speeches and short in action. The limitations of his actions have largely not to do with his noble objectives, but a bureaucracy that thinks that this country should not move forward. It is a bureaucracy that defines itself as if the bureaucracy in the Civil Service is the ultimate objective and outcome of a Government.

Madam Temporary Deputy Speaker, Sir, it must be made abundantly clear from this House that civil servants, Members of Parliament, Cabinet Ministers, and all of us who qualify to be public officers in the Republic have a duty to serve the citizenry. We must serve the citizenry with a sense of urgency, a desire and commitment to ensure that we get results for this country. The results must be obtained within a defined time frame.

The Budget's theme was very clear: Overcoming Today's Challenges and Factoring the Future in Mind. One of the proposals was about Economic Stimulus Packages (ESPs). The Minister was very categorical, clear and eloquent that this programme would be implemented before the end of December, 2009. It is now April, 2010. Yes, there are explanations over negotiations, involvement and participation. However, I want the hon. Minister to take into account the fact that those negotiations came about because the Government was reluctant to negotiate with Parliament. We know that Parliament was very clear on the way forward. I have the privilege and honour to Chair the CDF Committee that was given the responsibility of assisting in the ESP. We were always ready and clear to engage the Government although it has been a reluctant partner in terms of engagement.

The Minister was very clear that they were going to use the CDF framework. Our understanding as a Parliament in terms of the CDF framework was that the money would actually be put into the CDF kitty. What did the Government do? They decided that they are going to create parallel structures; committees in addition to existing committees. Where in the whole world have committees made any move and progress? Who does not know? The best illustration of red tape and bureaucracy in any institution is about a committee to deliberate on the findings of another committee and another one to resolve and implement the findings of another committee and to discuss outstanding issues. Of course, the only business they will be embarking on is for national committees. It is red tape. It is bureaucracy. We tried to redeem the spirit of the CDF framework in the sense that we ensured that the majority of the composition of those committees came from the CDF members. However, there was an easier route which should have been followed if at all we wanted to be faithful to the objectives that we had given ourselves of ensuring that we implement this thing within six months - We did not do that.

Madam Temporary Deputy Speaker, Sir, there is a Ministry in the name of Water and Irrigation. This Ministry really needs a serious look by the Treasury. The larger Turkana District cannot be given even a single borehole. You will, however, find other areas which do not need as much water as the arid areas in the north, being given Kshs24 billion for the construction of dams. Surely, what are the priorities of a Ministry like that one? This is exactly why we are excited about the Budget Office in Parliament and the Budget Committee in the House. We have just done one year and we are all still learning. I can assure you that as we move to the next financial year of implementation of the Budget law, the priorities of this nation must be agreed between the Executive and the institution of Parliament, so that we actually put resources where we have the problems. Some of these things are being used like political goodies such that they are being distributed depending on one's political persuasion. That culture must end. We must do governance in terms of what the needs of the nations are and then we put resources where those needs are.

Madam Temporary Deputy Speaker, Sir, we also have the Ministry of State for Development of Northern Kenya and other Arid Lands. As Members of Parliament from northern Kenya other arid areas, we have made petitions to the Treasury that the wisdom of the President to create this Ministry is being diluted by the little resources that are being given to this particular Ministry. When the President and the Prime Minister came up with this Ministry as part of the negotiated agreement and as a result of Agenda Four, we wanted to see a sense of urgency and desire by a country to try to fix its rotten past.

This is a country that has marginalized and forgotten certain areas as if they do not belong to it. What have we seen? It is business as usual. This is just one Ministry and God knows where. We behave like a God-forsaken country. God has not forsaken any part of this country. God loves this country. It is the people. It is the Ministers. It is the bureaucrats that have forsaken northern Kenya. It is these other people who have forgotten that IDPs are still in camps.

Madam Temporary Deputy Speaker, as I support this Motion - I heard hon. Karua give notice to the Minister - I want to tell the Deputy Prime Minister and Minister for Finance that come June 2010, we are going to give him a real crisis. Mr. Minister, do not just assume us. Do not take us for granted. We cannot always be talking and yet nobody listens. Come June 2010, if we, as Parliament, feel that the shared and agreed objectives between the Executive and Parliament have not been implemented, then we are not going to give you that money. Why should we give it to you? We want, when June comes, a real explanation as to how you have spent the money we have already given you. This standard practice must stop! We are not interested in the audit reports of the Controller and Auditor-General that come to Parliament, I do not know after how many years. We want to be able to say, "If you want money for the next financial year, then give us a report of what you did in the preceding financial year." It is the law. It is not just Ekwe's wishful thinking. It is about being accountable. It is about value for money. It is about ensuring that this country develops faster.

Madam Temporary Deputy Speaker, Sir, you and I, are members of the Amani Forum and one of the objectives of the Forum is to ensure that the issues of IDPs are sorted out this year. I really want to plead with the Treasury that everything that is required must be done. Every amount of money available must be obtained in order to settle our IDPs. The Government should not be busy creating more IDPs whether from Mau Forest or any other area. If anything, I support the environmental issues in Mau Forest. I want to invite the Government to Loima Forest in my constituency. Nobody will be removed from there. We want you to come and plant trees. Let us not act simply because it is politically significant to go to certain areas. If it is a matter of forest cover for Kenya, why can that forest cover not be obtained from Turkana? We need it badly. I want to invite whoever is in charge of the environmental and afforestation programme. My constituency is available. There is a lot of land I will give them for free and without controversy.

I am hoping that in this reallocation, the Minister will deal with the aftermath of the floods, particularly in my constituency. I have raised the issue, but we seem to be a bit unfortunate. When there are no rains, we suffer famine and when there is too much rain, we suffer floods. Bridges have been washed; houses demolished; and people have been removed from their areas, including Bishops. Government Civil Servants have perished in the floods in Turkana!

Madam Temporary Deputy Speaker, I hope that the authority that this House will grant the Deputy Prime Minister and Minister for Finance will be able to resolve some of these critical issues, particularly in Turkana District.

With those remarks, I beg to support.

The Minister for Public Health and Sanitation (Mrs. Mugo): Thank you, Madam Temporary Deputy Speaker, for giving me the opportunity to support this Motion.

Like my colleagues who have spoken before me, I wish to congratulate the Ministry, and the Deputy Prime Minister and Minister for Finance, his Assistant Minister and their entire team, for the good work they are doing. We should especially appreciate the fact that after the country went through the terrible experience of businesses going down following the post-election crisis, which we unfortunately brought upon ourselves, they have been able to recoup the management of our finances under very difficult circumstances and have still been able to run the many needs of a government.

Madam Temporary Deputy Speaker, even as we complain that certain things have not been done, we should know that the Government is working under very difficult conditions at a time when businesses are not making enough money to be able to pay taxes. The Government can give us as much money as the taxes they collect. The problem is the source of the money.

Even as I congratulate and thank the Ministry, I am just a bit concerned that there are certain areas which, definitely, need a lot more financial support, especially at this time when we have had floods. We have experienced the drought. We have experienced outbreaks of unusual diseases. As the hon. Member who spoke before me said, we are having floods in areas where we normally do not have floods.

Madam Temporary Deputy Speaker, we are having many cases of malaria in those areas. Of course, the people were not prepared for that experience. We have cholera outbreaks even in areas where traditionally cholera outbreaks have never been heard of. These are issues that have come with the extreme climate change that we are experiencing. Previously, we had drought which, again, brought cholera in areas where we had never had cholera before. Due to lack of rain and enough water, people were getting water from unsure places, after which floods follow.

So, I would think that when we have such unusual occurrences, we must also prepare for unusual strategies, especially to do with funding. Whereas the health sector, and in particular public health, in the past has not been receiving enough attention, this is the time to give this sector more money. We had put our needs, especially with regard to emergency contingencies, where we have not had enough funds to counter emergencies. The floods continue.

So, I would like to ask the Deputy Prime Minister and Minister for Finance to reconsider those requests because the funding that we have currently is not seeing through to the next financial year. We have depended a great deal on our development partners. Development partners cannot run our public health sector. They can only assist.

Madam Temporary Deputy Speaker, therefore, I plead with the Ministry of Finance that, in their planning, they start looking more at preventing health issues because once we get into the kind of situation of calling for treatment, it becomes much more expensive, and diseases will spread. I am especially concerned about urban centres and places like Nairobi.

Should there be an outbreak of cholera due to water problems, it will be major problem or catastrophe, which we must avoid. So, I want to urge the Ministry to look into the health sector in terms of provision of water and sanitation. Even though this function is not directly dealt with by the Ministry of Health, provision of water is critical if we want to control diseases in this country.

Madam Temporary Deputy Speaker, we also have the problem of consumption of illicit brews. I want to appeal that we also put more money in our security forces to make

sure that all the people dealing in illicit brews are arrested and the shanties closed down. These are not legal dealers. Most of them do not have licences. They just sell. Whereas my Ministry is responsible for ensuring that what the people are consuming is of the right quality, we cannot cancel their licenses.

Therefore, I call upon the Ministry of State for Provincial Administration and Internal Security to work closely with the Ministry of Finance with a view to getting enough funding to make sure that consumption of illicit brews becomes a thing of the past. We need to regulate alcohol brewing and alcohol intake, but we cannot do that until the relevant laws are enacted. This is crime, and we must sort it out.

We can see the damage coming out of these activities. Women are being raped and killed. We read about an old grandmother of 120 years who was raped and killed. I do not know where this country is getting to. Women are being gang-raped and killed. So, we must spend enough money in restoring security, especially for women, including elderly women. In my constituency, I have had about four women who have been raped and murdered this year. It is too much. Something must be done.

Madam Temporary Deputy Speaker, I hope that we will pay attention in those areas. If it is community policing, we should fund more that area. Irrespective of what it is that it takes to provide security, we must give our people security.

We also have other diseases coming up because of various factors. We have to keep surveillance. We just got over the H1N1 or Swine Flu. We do not know what else might come up, because of the changes in climate. We need to keep our surveillance up to date. We had requested for extra funds for surveillance on new diseases and emergencies. I really want to appeal to the Ministry to give enough funds to the Ministry for preventive health.

Madam Temporary Speaker, training is also very urgent. We need training of our health workers. I am not referring to the usual trainings in the Kenya Medical Training College (KMTC), but emergency trainings. We are looking into that with some development partners and we hope that we will also get support in that area.

I want to commend the Office of the Deputy Prime Minister and Ministry of Finance for the Economic Stimulus Package. My Ministry has received funding for about 161 health centres. Unfortunately, there are over 40 health centres from which we have not received the required information for registration. I do not want Members to complain to my Ministry or the Ministry of Medical Services because the bottleneck is right there at the constituency level. We would like you to lead in your constituency. Our officers are not supposed to give the area where they want the health centre to be located. When they do that, you will come back to us complaining.

On the recruitment of nurses under the Economic Stimulus Package, we have given names of about 3,000 nurses to the Public Service Commission. That means we have not received the names of many others. The lists we have received from Members of Parliament are not complete. Some have ten names and others have 12 names. We have requested for information. Please, make sure we get your names.

With those few remarks, I beg to support.

Mr. Ngugi: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to support this Motion.

First of all, I want to commend the Deputy Prime Minister and Minister for Finance for the way he has handled this Ministry, for the Budget he read and for this

Supplementary Estimates. I want to caution him on one issue. A couple of years, we have been financing our Budgets by selling parastatals. We will come to a time when all these parastatals will have gone. We need to develop mechanisms where we can raise revenue without relying on selling our cows.

I also want to comment on the Economic Stimulus Package, particularly the one for the Ministry of Fisheries Development. About 200 fish ponds were given to each constituency. That will go to only about 200 people. In my view, this should not be just grants, it should be set up as a revolving fund, so that when the ponds are set up, farmers are able to repay within a year. Then once repaid, this amount can be lent to another 200 people and this can be going on for years and years. I believe this is the way to maximize on this amount.

I also want to talk about roads. Roads have been damaged during this rainy season. When we leave roads to develop potholes and then repair them, like the road we have in Kinangop; the road from Njabini to the Flyover on the Nairobi-Naivasha Highway which was done five year years ago, it is not proper. This road has developed so many potholes. If you do not repair it, in about a year's time there will be no road and you will have to build it afresh.

Madam Temporary Deputy Speaker, I would urge that as we use the money, we spend it so well so that we can maximize on the money we have.

With those few remarks, I beg to support.

The Minister for Energy (Mr. Murungi): On a point of order, Madam Temporary Deputy Speaker. It appears as if this Motion has been thoroughly debated and exhausted. I wonder whether it is now in order for you to call upon the Mover to reply.

The Temporary Deputy Speaker (Prof. Kamar): (*Off-record*)

The Assistant Minister for Youth and Sports (Mr. Kabando wa Kabando): Madam Temporary Deputy Speaker, I rise to support this Motion.

When the Minister for Finance read the Budget for this Financial Year, there was a lot of excitement and anticipation. This was because of the very unprecedented Economic Stimulus Package and the allocation of resources for the *Kazi kwa Vijana* Programme. These are milestones which constitute a departure from how the Budgets have been done in the past. In this Financial Year, it is important for us to address the challenges and shortfalls that accompany these unprecedented programmes.

Madam Temporary Deputy Speaker, the *Kazi kwa Vijana* Programme has received a lot of praises but there has been concern even coming from the Minister for Finance himself and the Office of the Prime Minister. This is because of the infrastructural challenges on implementation, where monies were allocated, contracts executed by the line Ministries but because of its unprecedented nature and the fact that structures where such a programme could borrow did not exist or achieve what could enrich information or knowledge, including technical, there were delays or some confusion. In many constituencies, there were even queries raised by Members of Parliament. Queries were also raised at the lower level, the other political arms of the constituencies which are the electoral wards, because the leadership was not involved.

Madam Temporary Deputy Speaker, it would be important to suggest that in order to execute the *Kazi kwa Vijana* Programme effectively and ensure that we cover the gaps that arose out of the infrastructural weakness, the Ministry of Finance constitutes a programme on publicity. This programme sort of received monopolistic publicity from

the Office of the Prime Minister while many of the line Ministries were receiving direct funding from the Treasury. It is important for the Treasury itself to have a publicity mechanism and also track the implementation on the ground so that this programme is de-politicized.

I am from the Ministry of Youth and Sports and there is no other Ministry more relevant with the responsibility of youth programmes including youth employment. In fact, it is within our mandate to find opportunities and even create capacities for the youth of Kenya. We have built 41 youth empowerment centres to create avenues or fora for entrepreneurship training and this is happening. This financial year we are doing another 40 and, therefore, by the end of this financial year, this country will have a minimum of 80 constituencies with youth empowerment centres to deal with questions of entrepreneurship and the *Kazi kwa Vijana* (KKV) is about youth entrepreneurship and temporary interventions which will create tangible start-up programmes for the youth. Therefore, the Minister for Finance should hasten connectivity improvement as far as the implementation of the KKV is concerned so that it is removed from the Office of the Prime Minister because it has the responsibility to macro-supervise the other Ministries but not to micro-manage the issues that are supposed to be with a Ministry like the Ministry for Youth and Sports.

Madam Temporary Deputy Speaker, I am saying this with all due respect because I have seen it in the docket of sports where certain decisions including the hiring of a coach who remains the biggest scandal in the sports history of this country are undertaken. The coach was hired, contracted illegally, remaining in office and reaping off Kenyans nearly Kshs20 million. So, I would plead with Mr. Kenyatta to take this matter very seriously because it provides opportunity for the youth to own--- In every district, we have District Youth Officers. They were largely left unaware of programmes being implemented by, for instance, the Ministry of Fisheries Development for fish ponds or for other initiatives in the district and, therefore, even failing to tap the relevant youth in sub-locations and locations for them to be part of the profile for this project that was supposed to give, first, temporary income and secondly, connectivity for the start-up and thirdly, to give inspiration for the youth so that the optimism will give them strength to face tomorrow before it arrives.

The second issue is to ensure that the Ministry of Finance develops an audit mechanism for those Economic Stimulus Projects. I know this question has been raised here, even last week during the Prime Minister's Time. To answer this question, we need a listing in every constituency of all the Economic Stimulus Projects and their status. Then we need to know the level of financing and even the projected completion date because this, again, will provide justification for the original budget now being supplemented in a way of giving this country architecture for development which will provide equity as we wait for the proposed Constitution to pass. It was the first time that a Budget was so spread that in every constituency there was a centre of excellence, a fresh produce market, *Jua kali* sheds and two primary schools as centres of excellence; one in the urban area - and these are small towns in some rural constituencies like mine - and others in the interior. All these were historic initiatives which were lauded unanimously by this House. Therefore, it is a question of financial reporting, execution reporting and also profiling the status of those reports in various constituencies because we know that though some may have had questions, there are many constituencies where work has

been done excellently and so it can provide an archive or granary which can be replicated in the other constituencies so that even contractors who may have done excellent work get a certificate of merit or recognition and those who will be promoting best practices in construction and other areas also do the same.

So, the Minister for Finance has that responsibility. The monies will be availed, I am sure it will be passed and next to the proposed Constitution, completion of the Economic Stimulus Projects this calendar year provides the best opportunity for Kenyans to have hope.

Madam Temporary Deputy Speaker, given the fact that the largest segment of our population is the young people and that population also remains very impatient, restless and hugely potential, if tapped and harvested properly, these Supplementary Estimates would give the opportunity for us to solidify the opportunities available for them and the optimism among them. I submit that in the firm belief that in the months of May and June as we head to the next financial year, we provide this optimism and they can come out in big numbers, so that it will constitute the completion of the Economic Stimulus Project. In terms of the financial audit, constructions, participation and meriting, we will provide the preamble for a big “Yes” for the proposed Constitution which will provide a new beginning for Kenya.

With those remarks, I beg to support.

Mr. Koech: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to support this Supplementary Budget before we come to the end of this Session. It also gives me an opportunity to sincerely thank the Deputy Prime Minister and Minister for Finance for the good work that he is doing. I use this opportunity to wish him success as he continues to steer this Ministry.

In this year’s Budget, the Minister gave a lot of hope to Kenyans, especially through the Economic Stimulus Package. We are aware that we have come from the times of a lot of challenges as a country. Last year and the year before, we had serious drought, but I want to thank God that for once, he has given us enough rains in Kenya, especially this period. It is important for us, as a country, to appreciate this and ensure that we fully utilize the rains. For the first time, we have not seen drought in January and February like it used to be. There is need, therefore, for us to protect the areas which have suffered a lot of floods by ensuring that we provide water banks, at least, for the people to utilize the same in future.

For us to fully utilize the rains that we have, there is need to ensure that we properly fund the Ministry of Agriculture for it to ensure that fertilizer and seeds are available on time. I note with concern that Kenyans harvested a lot of maize last year and this year. In particular, in my constituency, farmers harvested a lot of maize, but the Government could not buy it through the National Cereals and Produce Board (NCPB) because it claimed that there was a lot of maize in the store. There is need for proper planning to ensure that what farmers harvest, the Government buys it and there is no wastage. I note with concern that with the stimulus that was given to our farmers in Hola, Ahero and other areas, right now, they have a bumper harvest, but we are yet to consider to purchase their produce. It is important to protect the farmer, so that we can spur the economy of this country.

It is important, at this particular time, for us to identify critical areas and fully support them. One is the welcome by Kenyans of the Economic Stimulus Package. There

is need for us to ensure success of the same. Many issues have been raised by the Kenyans where the bills of quantities are being inflated, so that the impact of the same may not be fully realized. It is important that, as a country, we ensure proper utility of our resources. This Economic Stimulus Package should be continued. More importantly for us to remember, as Kenyans is that at one time the Government provided health centres and modern schools; it is important to come up with one single model that even 30 or 40 years later we can look at and say “yes” that was a structure that was constructed by the Government at one given time.

Madam Temporary Deputy Speaker, in education we note that the Ministry has really benefited a great deal from the Budget, and I would like to applaud this kind of gesture. But more importantly, many children are now in school, which is very positive. But how many teachers do we have?

(Mr. Kenyatta consulted with Mrs. Mugo)

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): On a point of order, Madam Temporary Deputy Speaker. It is important that the Deputy Prime Minister and Minister for Finance gives full attention to the contributions by hon. Members. Is it in order for his sister, hon. Mugo, to engage him so much that he does not listen to the Chairman of the Departmental Committee on Education, Research and Technology?

The Temporary Deputy Speaker (Prof. Kamar): Hon. Kabando wa Kabando, you are out of order, because the Deputy Prime Minister and Minister for Finance did not say that he was not listening. He was listening. I think he was consulting.

Mr. Koech: Madam Temporary Deputy Speaker, allow me to sincerely thank my brother. Hon. Kabando wa Kabando is one man who really believes that we must be able to move this country. For us to move it forward, we must be able to listen to one another, so that together we can forge forward, especially when I touch on education matters.

Madam Temporary Deputy Speaker, I would like to applaud allocation of money to the Ministry of Education. But we want to see the fruits of the same at the end of the day. We note with great concern that today, because of free primary and secondary school education funding, so many children have gone to school. The challenge that we have today is employing teachers to teach these students. I would like to sincerely challenge the Ministry that we sincerely reconsider--- It was my wish – and I did indicate this on the Floor of the House when we were debating the Budget last year – that the Ministry could have considered providing for funds to ensure we employ some teachers within this particular period of time. It is my appeal to the Ministry, as we move to the next Budget, that we fully consider this matter because we are talking about children from very poor families. Today one teacher is teaching up to 300 pupils in a primary school. Honestly, we are making education to be for the rich. We must, as an honourable House, protect the very poor.

Madam Temporary Deputy Speaker, we must ensure prudent management of our resources. Many people have talked about corruption. We must lead by example and ensure that all the resources allocated to every Ministry are fully utilized. Therefore, there is need to ensure that there is frequent auditing of each and every Ministry. If it requires

more funding I would really want to propose that we give more funding to the audit office, so that we can audit and ensure that the management of our resources is up to date.

Madam Temporary Deputy Speaker, it is also necessary that the Committees in Parliament are also fully supported and funded. The Committees should work very closely with the Ministries to ensure that they overcome challenges, so that together we can move this country forward.

Madam Temporary Deputy Speaker, on the infrastructure, especially the roads, I would like to really appreciate and thank the Government for the initiative of ensuring that we improve our roads. It is important that we open up roads, especially in the areas where there is a lot of food production. We would like to see many tarmac roads across the country. My constituency, for example, has been promised a tarmac road since 1974; to date there is not even five inches of tarmac. Even if it means tarmacking only one kilometre into my constituency, that would be progress, because we shall not start at the same point. It is important that we open up roads across the country.

Madam Temporary Deputy Speaker, since Independence we have talked of providing Kenyans with clean water. This is an endeavour that requires serious attention, especially for people who live in the shopping centres. Can we ensure that, at least, most shopping centres have water? You can imagine that my district headquarters, Kabiyeet, does not have piped water. You will find a District Commissioner (DC) going to the river to fetch water and that happens to the rest of the senior civil servants. Therefore, there is need to give more funding so that we can provide clean water to all Kenyans.

Lastly, as we deliberate on---

The Temporary Deputy Speaker (Prof. Kamar): Order, Mr. Koech! Your time is up.

Mr. Koech: With those few remarks, I want to support.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, it is now 30 minutes to the end of the Motion so may I request the Mover to reply.

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Madam Temporary Deputy Speaker, Sir, may I begin first by thanking all hon. Members who have contributed to this Motion and to say that, indeed, we have listened to their contributions and we take them seriously. I just want to touch on a few points that were raised by some of the speakers this afternoon. Ms. Karua started off by asking whether there was good faith. I want to assure her that there is good faith. The issue was around the fact that monies might be siphoned. I do not think that the intention of the Government is to siphon any money. The intention of the Government is to ensure that these funds are utilized for their intended purposes. The Kshs1.3 billion that we are asking for maize purchases is to take care of the same issue that she mentioned with regard to agricultural productivity. As a result of Government intervention via irrigation under the Stimulus Programme and provision of fertilizers, seeds and also God's gift of good rain, we experienced a bumper harvest. As a result, that is why we are requesting for an additional Kshs1.3 billion in this Supplementary Estimates in order to purchase that maize. There is no intention on the part of the Government to import any maize. Any maize that is at the port is being imported by private millers and not by the Government of Kenya. We all recognize that we have problems with procurement and as a Government, we are working hard to ensure that we create greater efficiencies in terms of our own procurement. I am indeed working on a new procurement system that, we

believe, will be able to bring greater efficiencies to the procurement system that we have in our country.

Madam Temporary Deputy Speaker, Sir, regarding water, the hon. Member is also fully aware that for ten years, we have been increasing the allocation of funding into the water sector. That is something that the Government is committed to. In actual fact, part and parcel of Government policy is indeed to move away from rain-fed agriculture to irrigation agriculture. The result of that, and part of the intervention for dry irrigation of the Kshs24 billion that we were mentioning, is that a lot has gone into harvesting with five new dams being developed and should be ready in the next two years. In fact, more is in the pipeline.

Madam Temporary Deputy Speaker, before I go to what Mr. Okemo said, there was the issue of the Internally Displaced Persons (IDPs). I think there is nobody more committed to the issue of IDPs than the Government of Kenya. From the unfortunate situation that the Government and the country found itself in as a result of the post-election violence, the Government has pumped over Kshs2.3 billion towards the resettlement of IDPs. Over and above that, development partners have assisted to the tune of approximately Kshs1 billion. Over and above that, the Government has already set aside Kshs1.4 billion which has already been released to the line Ministry for the resettlement of those who need to be resettled. What I would encourage the hon. Member to do is not to accuse the Government but to request from the relevant line Ministry, which is the Ministry of Lands as to why that money is still in their accounts as opposed to settling the people who are supposed to be settled using that money.

Ms. Karua: On a point of order, Madam Temporary Deputy Speaker. Is the Minister in order to purport to give me advice to ask another Government Ministry instead of taking collective responsibility and, as an entity called "Government", doing the job themselves? Is he in order and is he responsible?

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Madam Temporary Deputy Speaker, not only am I responsible, but I am also answering her question, which was the lack of commitment in the provision of funds. The Ministry of Finance is not responsible for implementation. Those questions should be addressed to the relevant party, and I think that is the information I was passing on to the hon. Member.

Nevertheless, Madam Temporary Deputy Speaker, hon. Okemo also did refer to the issue of our Recurrent Expenditure, and the fact that this expenditure is increasing at the expense of our Development Expenditure. I could not agree more with hon. Okemo. This is something that has been of great concern to us, at the Treasury and, in fact, the effort towards bringing greater austerity to the Government is largely as a result of recognition of this.

Towards this end, Madam Temporary Deputy Speaker, I do believe that all institutions of the Government, including this National Assembly should, indeed, understand exactly what hon. Okemo was saying, that if we have to truly achieve our development agenda or objectives as laid out in Vision 2030, we need to be able to reduce our recurrent budget and, indeed, make more monies available for our development budget. This is something that we, ourselves, at the Treasury, are committed to, but we need that commitment extended not only to the rest of the Government, but also to all arms of Government, as I said, including the National Assembly itself.

Madam Temporary Deputy Speaker, there was the issue that was also raised by a number of hon. Members to do with economic stimulus. At the Treasury, we did endeavour, in the last Budget, to ensure that, number one, we did all that we could to ensure that we spur economic growth and to get our country back on a growth path. Secondly, we also tried to deal with some of the issues that are consistently raised by hon. Members, such as the issue of equity in terms of distributing development resources.

Madam Temporary Deputy Speaker, our objectives were noble, and were intended to ensure that as we stimulate our economy, we stimulated it not just in one part of the country, but throughout the country. As a result, we went out of our way to ensure that we incorporated hon. Members in deciding the framework. We could have gone ahead and utilized normal Government procedures, which would be standard. But because we wanted to carry everybody along, we took time to sit with hon. Members and to develop the framework together. That, indeed, took time; it took over six months before we could do it.

Thereafter, Madam Temporary Deputy Speaker, there were issues of procurement that have been raised here, and we needed to ensure that we abide by our own procurement procedures, rules and regulations that were passed by this very same House.

Madam Temporary Deputy Speaker, I am confident that the Stimulus Economic Package will work. It can work and it can bring the intended results. That will not happen by accusations upon accusations, but rather by all of us working and cooperating together because these funds are, indeed, available. To date, the Treasury has released to line Ministries in excess of Kshs9 billion that is intended for the Economic Stimulus Programme.

I believe, as the Minister for Public Health and Sanitation has said, what we require is for hon. Members, line Ministries and local leaders on the ground to work together and ensure that these projects are brought to fruition because the funds are there. Of that I am confident and it just a question of us working together to ensure that we bring these projects online.

Going forward, I think I have made it clear, in previous contributions in this House that, indeed, it is our intention at the Treasury, realizing that the delays were not occasioned by lack of capacity, but rather by the need to develop an agreed upon framework that these money would, indeed, be revoted even in the new financial year. Revoted in the next financial year, so that we can ensure that these particular programmes are, indeed, concluded within the spirit of what the original intention was.

It is also our intention to continue, if funds are available, with this programme. Here again, I want to reiterate that it is our responsibility, at the end of the day, to front load these programmes. However, if we will consistently engage ourselves with changing implementation frameworks, we will see the same delays we have experienced. However, if we can work together, I am confident that whatever programmes we develop for the new financial year, should be implemented with a lot greater speed than the ones in the past.

We are, at the end of the day, trying something that we have not been tried before. I think that should be appreciated by hon. Members. We are, at the end of the day, trying to ensure that we are working within the spirit of ensuring that we devolve as much as possible, decision making as well as having fiscal devolution. Yes, this is the first time

we are trying it and Rome was not built in a day. I would appreciate if we all understood that this is something that we must work on together as we move forward.

Hon. Kajembe talked about ferries and, indeed, we are working to ensure that the new ferries arrive in the shortest time possible. These have already been ordered and it is my understanding that they will be operational in the next few weeks which will ease the problems that people are experiencing. We are also working with our development partners to see that a bypass road is done so that it can bring greater efficiency and reduce the congestion that we see.

Hon. Kamar talked about new budget lines being introduced. I want to clarify that there are no new budget lines that have been increased. Indeed, as it is the purpose of this Supplementary Budget, all that has happened, in some instances, is within Ministries. There have been issues. For example, with regard to some of the items that you have mentioned are programmes that were donor funded. The funding had not yet been committed. However, once commitment was made, we had to create a line to take into account those projects because they were intended to take off in this financial year. At the time of making the Budget, those commitments had not yet been made. Hence, coming back to Parliament to say that these monies have now been committed, we have given our counterpart funding and hence Parliament is requested to approve those projects.

Madam Temporary Deputy Speaker, on the Ministry of Education, the hon. Chair knows that we have engaged with him on this matter extensively and he knows that as a Government we have full commitment to education.

Madam Temporary Deputy Speaker, today the Ministry of Education takes the bulk of our budgetary resources; currently approximately 20 percent. What we are committed to is to ensure that together with the Parliamentary Committees we can work towards creating growth and efficiency. If, indeed, there are areas where they can be trimmed and release more resources from within their programmes they can be put into greater quality in terms of providing more teachers and so forth. We were more than happy, as I have mentioned earlier to the chair, and as I said in previous sessions with the committee; we would have no problem to ensure that is done, because ultimately we do not want to produce quantity. We must also be focused on quality.

Madam Temporary Deputy Speaker, in conclusion, as I thank all those who have supported this particular Motion I want to make something clear; I think this is important. Over the last year, I have spent a lot of time in this House, in committees of Parliament and engaged those committees, and at no time, unless for reasons beyond our control, did we fail to appear; we have always made ourselves available.

When we talk about the Budget there is a tendency sometimes to say we are giving you money. I am not being given any money. This is not money that belongs to me, nor, for that matter, money that belongs to the Treasury. This is money that belongs to the people of the Republic of Kenya. It is not Treasury that sits down and sets priorities for Ministries; it is the Ministries that set their own priorities within a framework of a vision that we, as a House, approved, the Vision 2030. We endorsed that document and that is the working document within whose framework Ministries, as sub sectors, create their own priorities and their own strategic plans. All we do at the Treasury is manage the resource envelope. We manage that resource envelope, while at the same time striving to ensure that we maintain proper macro-economic stability in this country.

Madam Temporary Deputy Speaker, once priorities come, we only have a given envelope, and that given envelope cannot just be expanded. It is fixed and those resources have to be shared to all the various demands that come up. Hence we need to be able to understand that this is a discussion and there is no need to threaten one another. We may not pass the Budget, but it is not me who suffers; it is the country that suffers. At the end of the day, whenever these Motions are read, as by law, I state that this Motion has the authority of the President. The reason for that statement is that certainly this Motion already has been endorsed and passed by the Cabinet. This is the policy direction that the Government has decided to take. What we read here is not a creation of Treasury or the Ministry of Finance, but rather an agreed document, based on the available resources and the priorities that have been laid down by the Government.

So, therefore, I will plead with the hon. Members that as we move forward, let us understand that this is a partnership. This is a partnership that requires dialogue not threats. This is a partnership that requires exchange of views with a view to ensuring at the end of the day we provide services to the people of this Republic and we ensure that we achieve the rate of growth that is necessary for us to be able to provide employment, to end poverty and to deal with hunger and disease. That is the spirit in which I read my last Budget Statement; it is the same spirit with which I am moving this particular Motion; it is the same spirit that I shall have in the next Budget, if I will still be the Minister for Finance.

Therefore, all I say is let us dialogue, let us move forward together; there is no need for an us versus them attitude; there is no need for threats; what we need is to develop Kenya together.

With those few remarks, Madam Temporary Deputy Speaker, I beg to move.

(Question put and agreed)

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, we have come to the end of today's sitting. Therefore, the House stands adjourned until tomorrow, Wednesday 14th April, 2010, at 9.00 a.m.

The House rose at 6.45 p.m.