

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 15th July, 2010

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

PRAYERS

### POINT OF ORDER

#### CONSTITUTIONAL IMPLICATIONS OF A MINISTER DEFYING A RESOLUTION OF THE HOUSE

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

**Mr. Speaker:** What is your point of order, Dr. Khalwale?

**Dr. Khalwale:** Mr. Speaker, Sir, my point of order is to seek your guidance and direction because I have perused the Order Paper. I notice that there is no indication of any Motion for the Adjournment of the House.

I am saying this because Members are alive to the mood in the country where the country has been fed with a lie that hon. Members do not want to go home because they would like their salaries to be increased.

Mr. Speaker, Sir, I would like you to give guidance because, two weeks ago, this House adopted the Akiwumi Report that recommended taxation measures on salaries and remuneration of Members of Parliament. Furthermore, this House, as a consequence of that adoption, found that it was necessary for the Deputy Prime Minister and Minister for Finance to move a Bill in this House on the National Assembly Remuneration Act. The Minister, instead, chose to go outside this House and tell the House that he was not going to do this.

Mr. Speaker, Sir, I would like you to guide us on two things; one, what are the Constitutional implications of the Executive or its representative defying a resolution of this National Assembly?

What would this House wish to do, given that the Deputy Prime Minister and Minister for Finance has not been denied an opportunity in this House to state his case and what his thinking is on this very important matter?

Finally, the Ministry of Finance knows very well that the Finance Bill usually comes here for debate towards the end of October. Why did the same Minister leave the public with the impression that we intend to shoot down the Finance Bill when, in fact, we do not expect that Bill to be business before this House any time soon?

Thank you.

**Mr. Speaker:** Hon. Members, does anybody on the Front Bench wish to say anything to that point of order before I give directions?

Order, hon. Members! It seems that nobody on the Front Bench wants to take responsibility for any Statement whatsoever!

The Member for Ikolomani has raised matters that are obviously topical and are of concern to the House as things stand now. I would want to take time to address myself to those matters as raised and be able to give directions comprehensively on Tuesday afternoon, at 2.30 p.m.

That notwithstanding, hon. Members, there are aspects of the matter that I am able to give immediate guidance on. With respect to today's Order Paper, the form of the Order Paper is governed by Standing Order No.35. The Order Paper that is before the House now fully complies with the provisions of Standing Order No.35 in the sense that it has been prepared by the Clerk of the National Assembly and it indicates business that is to be taken by the House this afternoon, following directions from Mr. Speaker as the Speaker is entitled to direct from time to time.

Indeed, the Speaker derives his authority from the Standing Orders and the organs of the House which includes the House Business Committee (HBC). One Tuesday this week the HBC sets business for the House and our practice is such that the HBC meets every Tuesday, which is the beginning of the Parliamentary week. The HBC approved the business that appears on the Order Paper: Therefore, there is nothing amiss. We will, therefore, have to proceed and conduct business in accordance with the Order Paper as it stands now.

Hon. Members, with respect to the conduct of the Minister for Finance in so far as House business is concerned, particularly with respect to review or otherwise of the salaries of Members following the laid down procedure, I will give directions on that on Tuesday next week, at 2.30 p.m.

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. Allow me to thank you for your indulgence but also allow me to request that when you are making that ruling on Tuesday, you clarify to the Republic that when the Leader of Government Business, in this case the Chief Whip, moved a Motion like the one he did last week, the onus was not on the Members of the Back Bench to second his Motion. That Motion should have been seconded by a Member from the Government side. For the country to be left thinking that Members of the Back Bench refused to second that Motion is actually not only being mischievous but can also easily bring disrepute not only to the Members of the Back Bench but also to the House in general. This is because we have rules and procedures that we adhere to.

Thank you.

**Mr. Speaker:** Very well! Does a Member of the Front Bench now feel inclined to make any comment whatsoever that I should bear in mind even as I give directions on Tuesday?

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

Yes, Mr. Orwa Ojode, please, proceed!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, I do not think Dr. Khalwale is right by saying that the Chief Whip should have been seconded by a Member from the Government side. Our Standing Orders are very clear. Any hon. Member can second a Chief Whip!

**Hon. Members:** No!

*(Several hon. Members stood up in their places)*

**Mr. Speaker:** Order! Mr. Ojode, that may be so or may not be accurate, but you must bear in mind that this House operates in accordance with the law, which includes the Standing Orders. It also respects previous practices and traditions of the House. I am not certain, even after what you have said, that you have borne in mind the practice and traditions of this House. I am not certain you have. But I will remember to capture that in the directions that I will give on Tuesday next week.

Next Order!

## ORAL ANSWERS TO QUESTIONS

### *Question No.065*

#### CONTRIBUTION OF LIVESTOCK SECTOR TO KENYA'S GDP

**Mr. Bahari** asked the Minister for Livestock Development:-

(a) whether he could state the potential and actual contribution of the livestock sector to Kenya's GDP;

(b) how the Government has harnessed that potential with particular reference to ASAL areas; and,

(c) what percentage of the Government Budget is allocated to the livestock sector.

**Mr. Speaker:** Mr. Minister for Livestock Development? We shall revisit the Question a little later. There is an indication that the Minister may be anywhere around these Chambers. Let us hope he makes his way to the Chamber quickly!

Mr. Murgor!

### *Question No.213*

#### BENEFITS FROM TRIPS AGREEMENT/INDUSTRIAL PROPERTY ACT

**Mr. Murgor** asked the Minister for Medical Services:-

(a) whether he could inform the House how the country has benefited from the World Trade Organisation TRIPS agreement and the Industrial Property Act on 2001 in enhancing access to essential medicines, especially HIV/AIDS, considering that the pandemic has not been gazetted as a national disaster;

(b) whether he could explain how the country has benefitted from the opportunity provided under the agreement, particularly in the fight against the scourge and other opportunistic diseases; and,

(c) whether the distribution of those drugs has been done in Kapenguria Constituency and at what cost.

**Mr. Speaker:** Since the responsibility here seems to swing the other way, we also revisit that a little later!

Mr. Njuguna!

*Question No.291*

COMPENSATION OF PLOT OWNERS FOR  
PROVIDING WAY-LEAVE IN LARI

**Mr. Speaker:** There is intimation that Mr. Njuguna has given his brief to Mr. Ruteere. Proceed, Mr. Ruteere!

**Mr. Ruteere,** on behalf of **Mr. Njuguna,** asked the Minister for Energy:-

(a) whether he is aware that land owners who provided way-leave to facilitate the construction of the rural electrification line from Kirenga Market to Kirie Site–Nyamweru Sub-location in 2009 have not been compensated for the trees that were cut down; and,

(b) whether he could indicate the measures he is taking to compensate the plot owners?

**The Assistant Minister for Energy (Mr. Magerer):** Mr. Speaker, Sir, I beg to reply.

(a) I am aware that land owners in Nyamweru Sub-location provided way-leave to allow extension of a power line from Kirenga Market to Kirie Site and that compensated for the trees cut has not been paid by the Rural Electrification Authority (REA).

(b) However, my Ministry, through the REA, is in the process of assessing the damage with a view to making payments by mid-August 2010.

**Mr. Ruteere:** Mr. Speaker, Sir, I wish to thank the Assistant Minister for making that pledge. He has said that he will pay the people who deserve to be compensated for the destruction caused by the way-leave. But it seems that the Ministry has to wait for Questions to be asked in Parliament so that the people can be compensated for destruction occasional by the way-leave. There are so many other places where compensation has also not been paid. However, I am happy that he is going to pay in August.

**Mr. Magerer:** Mr. Speaker, Sir, I would like to thank the hon. Member for understanding. The Ministry does not wait for Questions to be asked in Parliament. That process is ongoing. Even before this Question came up, we had started the process to determine the extent of the damage and the amount of money payable to the people who deserve compensation.

**Mr. Ruto:** Mr. Speaker, Sir, I do not think the Assistant Minister has sufficiently answered this Question because he has not told us who will pay the money. Is it the Rural Electrification Programme, Kenya Power and Lighting Company (KPLC), his Ministry or KenGen? If he is expecting the money to come from Rural Electrification Programme, which vote head are they going to use? Has he allocated the money for compensation or he is going to use the money that we have given him for extending the power to our constituencies? Will they use that vote? The Assistant Minister must be very clear on how he is going to pay.

**Mr. Magerer:** Mr. Speaker, Sir, I will excuse the Member for Chepalungu if he did not hear what I said. I have said that it is REA which will pay the compensation. It is the policy of the Ministry. The Ministry is the one which advises or gives directions to REA on the amount that is allocated to each constituency. It is part of the total cost that will be incurred while installing electricity to the specific areas within a specific constituency.

**Dr. Nuh:** Mr. Speaker, Sir, the Assistant Minister has said that the Ministry is in the process of assessing the damage and coming up with the amount of money that will be paid as compensation. Could he tell us whether the assessment of the damage is done before it occurs or

after? Does the Government wait until the damage occurs and then it haggles with the people on the amount of money to pay?

**Mr. Magerer:** Mr. Speaker, Sir, the assessment of the damage is based on the designs that are done before the project commences. The actual damage is what informs the exact amount of compensation to be paid. We assess what type of damage has been caused; whether it is on houses, trees or other agricultural crops that may be within the areas that the electricity passes through.

**Mr. Koech:** Mr. Speaker, Sir, I want to thank the Assistant Minister for the answer. But I note that the compensation process has taken almost one year and it is affecting a majority of Kenyans across the country. How long does it take his Ministry to do the assessment so that Kenyans can know how long they can wait for compensation?

**Mr. Magerer:** Mr. Speaker, Sir, I would like the hon. Member to appreciate that for the Rural Electrification Programme in Kenya, the number of projects that we undertake in one particular year, especially in the 2009/2010 Financial Year, is way beyond 1,000. Therefore, I understand when the hon. Member says that we may have taken a little longer to pay the compensation to specific people. However, we are going to improve on that as we move on. We are going to ensure that all those factors are combined for all the constituencies. So, in future, there will be no reason for delay in terms of compensation.

**Mr. Koech:** On a point of order, Mr. Speaker, Sir. My question was very clear and specific: How long does it take so that Kenyans can know? Is it one year? Is it six months? Is it two months or one month?

**Mr. Magerer:** Mr. Speaker, Sir, I think it should be done within the same financial year.

**Mr. Chanzu:** Mr. Speaker, Sir, I note that those assessments are one sided. It is done unilaterally by whoever is compensating. Could the Assistant Minister consider that those who are affected are involved in the negotiations because there are different values that people put onto their properties?

**Mr. Magerer:** Mr. Speaker, Sir, I think the assessment in terms of the damage is basically what contributes to the total cost of the project. Therefore, I do not really think it is true that it is one sided. Furthermore, the policy is very clear on what amounts of compensations are awarded for to the damages that are caused. I am saying that if the hon. Member wishes, I can provide to this House a list indicating the compensation provided for, whether it is a blue gum tree, a house, a toilet or road.

**Mr. Ruteere:** Mr. Speaker, Sir, I am satisfied with the answers given by the Assistant Minister.

#### *Question No.067*

#### STATISTICS ON MATERNAL DEATHS IN KENYA

**Mr. Joseph Lekuton** asked the Minister for Public Health and Sanitation:-

(a) to provide the current statistics of maternal deaths in the country and state the steps the Government has taken towards achieving MDG 5; and,

(b) what achievements the Government has made so far in terms of improving maternal health.

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

(a) Maternal mortality in this country is at 488 per 100,000 live births. This has been indicated very well by the Kenya Demographic Health Survey that was done in 2008/2009 in the country, with regional disparities in some provinces going up to 1,000 per 100,000 live births. This means that approximately 8,000 pregnant Kenyan women die each year from pregnancy-related complications.

It should be noted that most maternal deaths are actually preventable. The steps that have been taken by the Ministry are to set up a budget line for family planning services. Family planning is the most cost-effective and efficient strategy for reducing maternal and neonatal morbidity and mortality as well as prevention of maternal to child transmission of HIV.

My Ministry has developed the National Road map for acceleration of reduction of maternal and newborn morbidity and mortality which outlines the strategies, priority actions and broad activities for acceleration of attainment of Millennium Development Goals Four and Five.

Mr. Speaker, Sir, my Ministry has also launched the community health strategy, where every village would know how many women are pregnant, how many children are there and, therefore, provide the services required.

(b) The Government has taken the following steps which target MDG5:

(i) contraceptive preference rate has increased from 46 per cent in 2008 owing to improvement in accessibility to contraceptives of choice to all child-bearing women;

(ii) skilled birth attendance has increased to 44 per cent during pregnancy, child birth and post-natal period. This has been shown to reduce maternal mortality and morbidity;

(iii) the Government has increased the number of health workers being trained through pre-service and in-service, for example life saving skills in obstetric care has been done for some provinces and more training has been planned for;

(iv) twenty nurses per constituency have been employed and posted through the Economic Stimulus Programme; this is a step in the right direction;

(v) model health centres in 200 constituencies are being built through the ESP;

(vi) funds have also been provided to get 300 ambulances for distribution to all health centres in the country;

(vii) policy documents such as the reproductive health strategy have been developed, and are being operationalised; guidelines on management of obstetric conditions have been developed as well;

(viii) youth friendly centres targeting adolescents to avoid teenage pregnancies have been operationalised;

(ix) intermittent presumptive treatment for malaria management during pregnancy is provided.

Mr. Speaker, Sir, I want the House to note that malaria during pregnancy is one of the biggest killers of pregnant women in this country.

Finally, introduction and launch of guidelines for prevention of mother to child transmission of HIV has been put in place.

**Mr. Lekuton:** Mr. Speaker, Sir, I have information here from the World Health Organization (WHO) that ranks Kenya number 11 in the world as having one of the highest number of deaths. It is not even about money; it is about policy. How can we rank lower than

countries like Bhutan and Papua New Guinea, which are very poor countries? So, do not tell us about money. What are we doing wrong, as a country, so that we have such high a mortality rate while poorer countries than us are much better off? What are we not doing?

**Dr. Gesami:** Mr. Speaker, Sir, let me inform the hon. Member that, in fact, in this part of the world, that is Sub-Saharan Africa, the maternal mortality rate in Tanzania is 1,500 per 100,000 live births. In Uganda it is 880 per 1,000 live births. In Germany it is 20---

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister, who is actually a doctor of medicine like myself, in order to mislead Parliament about the figures for Uganda when the WHO indicates that Uganda is way ahead of Kenya at position 23 when Kenya is at position 11?

**Dr. Gesami:** Mr. Speaker, Sir, I am not misleading the House. The truth of the matter is that I have got a document to table from the WHO. The maternal mortality rate for Uganda is 800 per 100,000 live births. In fact, in Tanzania it is 1,500 per 100,000 live births.

**Mr. Speaker:** Mr. Minister, do you have the report from the WHO?

**Dr. Gesami:** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** That is your source of authority?

**Dr. Gesami:** Absolutely.

**Mr. Speaker:** Then proceed.

**Dr. Gesami:** I will table it, Mr. Speaker, Sir. I want hon. Members to get me very clearly, that, in fact, I am not saying that the fact that the maternal mortality rate in Uganda or Tanzania is higher means that we are doing well. That is not what I am saying. I am saying that our figure is 488 per 100,000 live births. In this part of Sub-Saharan Africa, we are doing fairly well.

Our main constraint in this part of the world is human resource and financial aspects.

**Mr. Bahari:** Mr. Speaker, Sir, I think the Assistant Minister is getting mixed up in this and, in the process, confusing hon. Members. I hope he gets it corrected. Everybody here is quoting figures from the WHO and you need to help us so that we get the correct figures. My question is this: The Assistant Minister has listed a number of measures the Government has taken. How effective are these measures, given that Kenya is among the top 11 countries? It looks like these measures are not effective at all.

**Mr. Speaker:** Order, Mr. Bahari. Do not begin to answer the question.

**Dr. Gesami:** Mr. Speaker, Sir, I have clearly indicated what percentage of improvement this country has achieved over the last decade in terms of improvement of maternal mortality. The facts are in black and white. I will table them here, so that all hon. Members can look at them.

I am saying that we have not done the best. We would like to do the best in improvement of maternal mortality. For example, in Germany it is 20 mothers per 100,000 live births. In Brazil it is about 200. But in this part of Sub-Saharan Africa we are making progress. The major constraint in this country is human resource. I have addressed all this in terms of the number of nurses employed and level of training we have given to address this issue. I believe that in the next few years, we should reach where other countries have reached.

**Dr. Khalwale:** Mr. Speaker, Sir, the most successful African countries in this respect, in order of success, are Libya, Egypt and Ghana. The Assistant Minister knows that these countries are successful because they have incorporated traditional birth attendants.

What is his Ministry doing to ensure that the majority of births which take place in rural areas in the hands of traditional birth attendants are made safe by making delivery conducted by traditional attendants to be safer and more accessible than it is at the moment?

**Dr. Gesami:** Mr. Speaker, Sir, I think hon. Dr. Khalwale must have practised obstetrics long time ago. We do not encourage any more traditional birth attendants because they have done a lot of mess in this country to our mothers. We are now saying that we want skilled birth attendants with modern knowledge. As a matter of fact, we have abolished traditional birth attendants and we do not include it in our curriculum any more.

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

**Mr. Speaker:** What is your point of order, Member for Ikolomani?

**Dr. Khalwale:** Mr. Speaker, Sir, I just want to assure the Minister that he left medical school many years before I joined and I still practice medicine up to now.

The country knows that majority of births in this country, in the rural areas are conducted by traditional birth attendants. So, if the Government cannot address that issue, they are burying their head under the sand. Almost hundred per cent of the Members of Parliament here were delivered under traditional birth attendants.

*(Laughter)*

**Mr. Speaker:** Order, Dr. Khalwale! You have stood up on a point of order. So, what is your point of order?

**Dr. Khalwale:** My point of order is: Is the Assistant Minister in order to belittle the role played by traditional birth attendants when we know that they conduct majority of births, including the births of Members of Parliament and Ministers?

**Mr. Speaker:** Order! Order! That is not a point of order. It is a point of argument.

**Eng. Rege:** Mr. Speaker, Sir, while I thank the Ministry for the good job they are doing in eradicating mosquitoes in the villages; while the Ministry is sending health officers to the villages to take statistics on pregnancies, could the Assistant Minister assure this House that local midwives in the villages will also be trained to do hygienic and proper baby deliveries in order to avoid the high percentage of losses of children.

**Dr. Gesami:** Mr. Speaker, Sir, I did mention that we have a community health strategy that we have launched all over the country. Every village has got a committee with trained manpower to know how many children have been born in that village; how many pregnant mothers are there; how many elderly men are there, so that they are provided with the necessary assistance as we go forward.

So, we will continue training the local manpower and technicians with a team leader, so that every village in this country will be provided with health services as soon as they want.

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to completely ignore what was raised by hon. Dr. Khalwale a well known gynaecologist?

**Mr. Speaker:** Order! Member for Chepalungu!

I have already given directions on that matter. I did find properly so, that the argument by the hon. Member for Ikolomani did not amount to a point of order. He just gave an alternative view to what the Assistant Minister had said. So, you cannot revisit that matter, not validly.

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

Order, Member for Chepalungu! Stop being frivolous and otherwise abusing the process of the House. If you do, let it rest there!



**Dr. Nuh:** Mr. Speaker, Sir, it is a well known fact that the maternal mortalities in places like the slums of Nairobi such as Kibera is way above 700 per every 100,000 live births. That is almost double the average of the nation. Now, just to tie it with policy, what informed the Government decision to skip constituencies in Nairobi which house the largest slums in Africa from benefiting from the Stimulus Package that was geared towards reducing maternal mortalities, that is the facilities of health centres.

**Dr. Gesami:** Mr. Speaker, Sir, I have the privilege of being in this field for sometime before I changed over to politics.

I want to tell the House that the truth of the matter is that there are so many maternal deaths in the slums. But the truth of the matter is that we have now put in place a strategy on family planning. Most of the slum families have at least five to ten children and you cannot sustainably have a child every year. Definitely, they get very weak. Immuno suppression is also around. Therefore, we have these large numbers of mothers dying. But we have put in place measures that I have enumerated in my answer to address these issues. These issues will improve as we go by.

**Mr. Lekuton:** Mr. Speaker, Sir, I raised this Question because we have respected Newspapers that have headlines like this:-

“ You want an early death, try giving birth in Kenya”.

Mr. Speaker, Sir, that is serious. It does not take a rocket scientist to understand the very basic facts and I quote from another journal:-

“Many lives in Sub-Saharan Africa could be saved if women were given a simple course of tablets during pregnancies. The tablets including iron and calcium supplements and anti malaria drugs, would prevent a range of diseases which occur in the weeks immediately following child-birth. These diseases such as anaemia, infection and hypertension can prove fatal to new mothers”

Mr. Speaker, Sir, could I ask the Assistant Minister: Are we lacking these tablets in our hospitals? If we do, what are you doing to make sure that we do not lose mothers any more?

**Dr. Gesami:** Mr. Speaker, Sir, I want to say that it is very important that mothers attend ante-natal care. Unless they attend, you may not be able to give them the iron and iodine.

We are encouraging mothers to attend ante-natal care. We are not able to go into the villages. But as we increase the number of health facilities, we are seeing more improvements. As I said, given our preference in family planning and health provision, ante natal care has gone up to 46 per cent from where it was about ten years of about 30 per cent. So, we are moving towards that direction.

*(Several hon. Members stood up in their places)*

**Mr. Speaker:** We have given too much time to that Question!  
Member for Isiolo South!

*Question No.065*

CONTRIBUTION OF LIVESTOCK SECTOR  
TO KENYA'S GDP

**Mr. Bahari** asked the Minister for Livestock Development:-

(a) whether he could state what the potential and actual contribution of the livestock sector to the Kenya GDP;

(b) how the Government has harnessed this potential with particular reference to ASAL areas; and

(c) what percentage of the Government budget is allocated to the livestock sector?

**Mr. Speaker:** Minister for Livestock Development?

It appears that the Minister is not here. Minister of State for Public Service, do you want to hold brief for your colleague! Hon. Dalmas Otieno!

**The Minister of State for Public Service** (Mr. Otieno): Mr. Speaker, Sir, I will pass the message to the Minister next week.

**Mr. Speaker:** Hon. Members, we would expect the Minister to come with a reasonable explanation as to why he is not here to answer this Question because that amounts to disorderly conduct. I so find, and we will be prepared to impose sanctions on him in the absence of a rational explanation.

*(Question deferred)*

Member for Kapenguria!

**Mr. Murgor:** Mr. Speaker, Sir, I apologise for not being in the House when the Question was called.

*Question No. 213*

BENEFITS FROM TRIPS AGREEMENT  
/INDUSTRIAL PROPERTY ACT

**Mr. Murgor** asked the Minister for Medical Services:-

(a) whether he could inform the House how the country has benefited from World Trade Organization TRIPS agreement and the Industrial Property Act of 2001 in enhancing access to essential medicines, especially HIV/AIDS, considering that the pandemic had not been gazetted as a national disaster;

(b) whether he could explain how the country has benefited from the opportunity provided under the Agreement, particularly in the fight against the scourge and other opportunistic diseases; and

(c) whether the distribution of these drugs has been done in Kapenguria Constituency and at what cost.

**Mr. Speaker:** Is anyone here from the Ministry of Medical Services? I make the same order as I have with respect to Question No. 065. So, Question No. 213, just like Question No. 065, will appear on the Order Paper on Tuesday, next week at 2.30 p.m.

*(Question deferred)*

**Dr. Otichilo:** Mr. Speaker, Sir, although I have not received a copy of the written answer, I beg to ask Question No.090.

*Question No. 090*

UPSURGE OF CRIME DUE TO  
POOR LIGHTING IN NAIROBI CITY

**Dr. Otichilo** asked the Minister for Nairobi Metropolitan Development: -

(a) whether he is aware of the high insecurity in Nairobi City and its environs at night due to poor lighting of streets and roads, particularly bus-stops and areas with vibrant social activities;

(b) what programme the Nairobi City Council has of lighting all the streets, bus-stops and roads including the road to Jomo Kenyatta International Airport (JKIA); and

(c) whether he could explain what happened to the “Adopt-a-Light Initiative” which had, in early 2000, drastically improved the lighting of the City and its environs?

**Mr. Speaker:** Is anyone here from the Ministry of Nairobi Metropolitan Development? What is happening to the Ministers? You owe an explanation to the country and Kenyans who pay you to hold those positions.

**The Minister of State for Public Service** (Mr. Otieno): Mr. Speaker, Sir, you will realise the urgency that the Members of the House are giving to the civic education under the proposed Constitution. Most of them are scattered all over the country and could not travel back in time. That is why there are very many absentees today. However, we will pass the message and make sure that parliamentary business is not marginalized.

**Mr. Ochieng:** On a point of order, Mr. Speaker, Sir. Yesterday, while I was watching news at 7.00 p.m. the news all over was that Members of Parliament were on a go-slow, probably, because of the issue of salary increases. Now, if we are here to raise Questions and Ministers are not there, are they trying to confirm our fears about what the newscasters put across the country?

**Mr. Koech:** On a point of order, Mr. Speaker, Sir. Last week, when the time for the Motion of Adjournment was being moved, there was only one hon. Member on that side of the Bench. Is it in order for the Executive to avoid coming here to support the Motion of Adjournment only for them to come here say that they have an excuse of going round conducting civic education?

**Mr. Speaker:** Hon. Members, I will defer this Question until Tuesday, next week. I will expect that the Minister for Nairobi Metropolitan Development will be available to offer an explanation as to why he is not here this afternoon. I find that his conduct is disorderly and I will want to impose sanctions on behalf of the House on that Tuesday.

I will also give further directions on what I feel the Executive ought to do. However, obviously, the Executive has many options. It would seem that the easier option is to skip parliamentary business. At least, that is the impression I have as your Speaker, which is unfortunate.

*(Question deferred)*

Let us move on to the Member for Saboti’s Question!

*Question No. 203*

GOVERNMENT VEHICLE  
FOR TRANS NZOIA DEO

**Mr. Speaker:** Is Mr. Wamalwa not here? Hon. Members, I similarly find the conduct of the Member for Saboti disorderly and I will impose sanctions on Tuesday, at 2.30 p.m. In the meantime the Question is dropped.

*(Question dropped)*

Let us move on to the Member for Naivasha's Question!

*Question No. 240*

COMMISSIONING OF CHEMUSUSU DAM

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

(a) when she will commission Chemususu Dam to relieve pressure on tapping on River Malewa, which is the principal source of water for Lake Naivasha;

(b) whether she could state the total cost of the project and also provide a breakdown detailing scope of works and cost of equipment; and,

(c) what the cost/benefit analysis of this project is compared to Masinga Dam, in terms of cost per cubic metres of water stored, as well as the present and projected value.

**The Minister for Water and Irrigation** (Mrs. Ngilu): Mr. Speaker, Sir, I beg to reply.

(a) Chemususu Dam Project will be commissioned on completion in July, 2012. However, the dam will not relief pressure on the tapping on River Malewa which is the principal source of Lake Naivasha since it is situated in a different sub-catchment area on River Pekera in Koibatek District.

(b) The Project will cost Kshs4.862 billion. Normally, for projects of this nature, the contractor provides adequate equipment to undertake the works. Therefore, the cost of equipment is not part of the contract. The scope of this project entails construction of dam embankment of 45 meters high; a spillway; raw water mains to treatment works; water intake tower and the diversion works; rehabilitation of existing treatment works; construction of access road and staff buildings.

© The cost benefit analysis of the Chemususu and Masinga dams are as follows. Chemususu cost Kshs4.862 billion in 2009 and the water volume is 11.5 million meter cubed. The cost per cubic meter is Kshs422 and the purpose is domestic water supply.

The Masinga Dam was constructed at a cost of Kshs1.5 billion in 1975. Had it been done last year, it would have cost Kshs73 billion. The water volume of Masinga Dam is 1.56 trillion liters. The cost per cubic meter was Kshs0.96 at that time. Today it would have cost Kshs46.79 per cubic meter. The water is for power generation and also domestic water supply.

The cost per cubic meter of water is not the only indicator of how viable a project is as a better cost benefit analysis will include social economic analysis like percentage of reduction of

waterborne diseases; reduced time to access water for domestic use especially for women and the girl child; irrigation; livestock use; the number of people employed directly during and after reconstruction and the industrial economic development due to availability of water in the area.

This project is situated in a semi-arid area where there are no other water sources. The project costs are, therefore, justified since it will provide domestic water to over 500,000 needy people.

**Mr. Mututho:** Mr. Speaker, Sir, I seek your indulgence to state here that this answer is completely inadequate. It lacks material facts because of the following reasons.

Malewa River is tapped almost in total and supplies water to Baringo through Konoike Pipeline. So, it is not true for the Minister to assert the River does not serve Baringo. That is what we hoped it would do so that we can have water in Lake Naivasha.

Secondly, Chemususu Dam is in Chemususu Forest which is Ecological Zone II. That is a high potential area. The assertion by the Minister that this is in a semi-arid area is not true. What could be true is that water might be supplied to arid areas, but the dam and the catchment is in a high potential area.

Three, it is a known fact that 25 per cent of the total cost of that project went on to procurement of the equipment---

**Mr. Speaker:** Order, hon. Member for Naivasha! You have benefitted from the fact that there were a few Members consulting the Chair. This is Question Time. You must ask a question. Do not debate, give your opinion or argue with the Minister.

**Mr. Mututho:** Thank you, Mr. Speaker, Sir. I will not argue. I will not give an opinion but I will just state that the answer is totally inadequate. Could the Minister give us the breakdown---

**Mr. Kigen:** On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member to mislead the House that the water coming from Malewa serves Baringo?

**Mr. Speaker:** Member for Naivasha, you have a challenge there from your colleague who comes from that area.

**Mr. Mututho:** Mr. Speaker, Sir, I would like to take him on a geography class and educate him that Malewa River which comes from Nyandarua taps water through Konoike pipeline all the way to Baringo. We do not get that water and that is why Lake Naivasha is dying.

**Mr. Speaker:** Order! Can you then come to your supplementary question?

**Mr. Mututho:** Mr. Speaker, Sir, part "b" of the Question says that: "Provide a breakdown detailing the scope of works and cost of equipment". That has not been supplied. Could the Minister answer part "b" of my question by providing---

**Mr. Speaker:** Order, hon. Member for Naivasha! Minister, the hon. Member contends that you have not answered part "b" of his Question.

**Mrs. Ngilu:** Mr. Speaker, Sir, I gave him a written answer. If he can look at part "b", paragraph 2, I talked about the scope of this project. That is, what it entails and the total cost of the work that is being done, unless he wants a tabulation of the costs.

**Mr. Mututho:** On a point of order, Mr. Speaker, Sir!

**Mr. Speaker:** Order, hon. Member for Naivasha! You have been given an answer! Have some decorum about procedure here.

Minister!

**Mrs. Ngilu:** Mr. Speaker, Sir, maybe the hon. Member can declare his interest. He has a written answer from me and I have given the details of the scope of works. These include the

construction of dam embankments of 45 meters high, a sewerage, raw water mains for treatment works, a water intake tower and diversion works, rehabilitation of existing treatment works, construction of access roads and staff building. That is what is going to cost Kshs4.8 billion because that is what the construction of a dam means.

He asked about the equipment and once we tender works, the contractor will say what equipment he has. That is what now makes the tender committee to go out there and re-evaluate and check whether technically this contractor has the right equipment to do the works so that he awards.

Mr. Speaker, Sir, he also asked about the catchment areas. It is true we usually get water from where it is coming from and distribute it. Therefore, we are taking it to the dry areas of Koibatek, Baringo, Nakuru and other areas. I have given him the comparison between what we are doing now and Masinga which is also written there.

**Mr. Chepkitony:** Thank you, Mr. Speaker, Sir, for giving me an opportunity to ask the Minister a question. My question regards the awarding of contracts.

Sometime ago, the Ministry of Water and Irrigation, in particular the Dam Construction Unit, used to undertake constructions and it used to be much cheaper to use the Ministry of Water and Irrigation Dam Construction Unit. This is like they did in Chebara Dam which supplies water to Eldoret and it is a big dam. Why do you not use the Ministry, to reduce costs in construction of dams of this size?

**Mrs. Ngilu:** Mr. Speaker, Sir, that is really the correct position in order to save money and construct more dams. Unfortunately at the moment, the Ministry of Water and Irrigation neither has money for equipment nor the equipment. However, we have now started buying our own equipment and, indeed, we have even bought equipment from the National Youth Service (NYS) which we are going to use. This is the first time that the Ministry of Water and Irrigation has started constructing dams in the country and we are doing five large dams.

**Mr. Kiuna:** Mr. Speaker, Sir, could the Minister assist by telling this House if it is possible, that instead of getting water all the way from Malewa which is Naivasha, whether there is any way the Ministry can tap water from Mau Forest to the lower zones of Rongai and Baringo instead of going all the way to Naivasha?

**Mrs. Ngilu:** Mr. Speaker, Sir, yes, it is possible with resources and proper designs. However, we have not planned for that.

**Mr. Kigen:** Mr. Speaker, Sir, could the Minister clarify her statement that water comes from Malewa to Rongai since that is not the truth? There is no single drop of that water coming to Rongai. She needs to clarify this so that the House and the nation should not be misled because the water coming to Rongai originates from Molo area and not Malewa.

Could she confirm to us whether this Malewa water goes to Baringo as has been alleged by my colleague who has proposed to take me on a geographical tour and yet I come from that place? I know that place more than him!

**Mr. Speaker:** Minister, are you able to confirm?

**Mrs. Ngilu:** Mr. Speaker, Sir, I am able to confirm that the dam that we are constructing in Chemususu will certainly get water from Malewa but the water will be distributed after the dam will be completed. It is far from completion. We have just started it. In fact, it is only about 30 per cent complete and it is going to be completed by July 2012. By that time, we will then put in more time for distribution, only when it is completed.

**Mr. Mututho:** Mr. Speaker, Sir, calculating what the Minister has given us as the cost of Chemususu Dam in relation to Masinga Dam, we get that even for today's inflated price which is

Kshs73 billion, we are still ten times more expensive per cubic metre than Chemususu. Does the Minister think it is possible and logical that Masinga Dam, going by those factors, should have cost Kshs730 billion? I would repeat for her so that she can---

**Mr. Speaker:** Order! The Minister is a very intelligent person and you do not have to repeat.

**Mrs. Ngilu:** Mr. Speaker, Sir, I would like to ask the hon. Member to listen more carefully. I really said 73 and not 730. I think figures are not doing very well with him.

**Mr. Mututho:** On a point of order, Mr. Speaker, Sir. I will repeat what she has read. It reads:

“Masinga Dam today would have cost Kshs73 billion, that is, Kshs46.79 per cubic metre. However, Chemususu Dam today is costing Kshs422 per cubic metre. That is about ten times more expensive than it would be.”

Working backwards for the volume, on today’s value, to get the same figure of Kshs422, Masinga Dam would cost Kshs730 billion. That is ten times 73. It is simple mathematics.

**Mrs. Ngilu:** Mr. Speaker, Sir, what Chemususu Dam would cost is Kshs42.20 and not Kshs422.

**Mr. Speaker:** That matter must rest there then.

Next Question by the Member for Nyakach!

**Mr. Ochieng:** Mr. Speaker, Sir, I have not received a written answer.

#### *Question No.253*

#### DUMPING OF CHEAP WHEAT/MAIZE FROM EU

**Mr. Ochieng** asked the Minister for Agriculture:-

(a) whether she could explain to the House the extent to which dumping of cheap wheat and maize from the European Union has affected the Kenyan economy; and

(b) what the impact of the imports on Kenyan farmers is.

**Mr. Speaker:** Minister for Agriculture, first, indicate if you supplied a written answer.

**The Minister for Agriculture** (Dr. Kosgei): Yes, Mr. Speaker, Sir.

**Mr. Speaker:** How long ago?

**The Minister for Agriculture** (Dr. Kosgei): Mr. Speaker, Sir, I got the Question yesterday and the answer was distributed before 8.00 p.m.

**Mr. Speaker:** Do you have an extra copy in your possession now?

**The Minister for Agriculture** (Dr. Kosgei): No, Mr. Speaker, Sir, I only have mine.

**Mr. Speaker:** Member for Nyakach, will you be prepared to first hear the Minister’s answer and see whether or not you can proceed?

**Mr. Ochieng:** That is fine, Mr. Speaker, Sir. Let me get her answer first.

**Mr. Speaker:** Proceed, Madam Minister!

**The Minister for Agriculture** (Dr. Kosgei): Mr. Speaker, Sir, I beg to reply.

(a) There has been no dumping of cheap maize or wheat into the country, but importations have been done to offset shortfalls in the consumption demands.

(b) Kenya farmers will be disadvantaged because the prices of the imported wheat are much lower than the locally produced ones. This is because our production costs are very high. Fertilizers come from outside and they are expensive. We, as a Ministry, are endeavouring to

address this cost of production by ensuring that cost effective certified seed is available and that we could possibly do something about lowering or subsidizing the cost of fertilizer to allow the local farmer to produce at a cost effective level. We are also trying to assist in controlling the pests that have consistently destroyed the crop because the pests have made the farmers lower the yields due to the nature of the costs for this. The individual farmers are having a difficulty with this. So, we are addressing that question, so that they do not have to spend too much money in controlling the diseases.

**Mr. Ochieng:** Mr. Speaker, Sir, I think I will proceed. When I asked this Question, what I had in mind was that quite a number of maize and wheat farmers were being turned away by millers who are not able to purchase their produce at the prevailing market prices which were actually given out by the Government. They were being turned away or offered very low prices. We gathered that the millers were able to import very cheaply from other countries, the products that they use to mill. I was wondering whether the Ministry would be able to take some measures in order to cushion these millers or get them some proper market where they can sell their produce.

**Dr. Kosgei:** Mr. Speaker, Sir, as I have already said, the local wheat and maize tends to be expensive because of the cost of production. Since we are talking about wheat, I have already given you an answer on that.

In the case of maize, we have been more aggressive in giving them low-cost fertilizer through Government subsidies. In the case of seed, we have also tried that. With the farmers who are small-scale, these are being offered at a low cost.

In the case of wheat, we cannot actually tell you that we will go out and look for a market, because as you know, currently, our production is below what the country can consume by over 50 per cent. So, the only way out is to make the production cheaper and that is what we are endeavouring to do. But as of now, we cannot guarantee that we can do that today, except to try in the next season to see what we can do with the fertilizer, so that they can compete effectively. Of course, if we have local producers, they should be given priority in the selling. But you will understand that since the liberalization of this industry in 1993, it is not possible for the Government to give a guaranteed minimum price, which should be the ideal situation. This is mainly because the Government is not the buyer of the maize or wheat. We can, of course, as always work with the millers to see that the local producers are not disadvantaged. But we cannot guarantee that one because those are private millers.

**Mr. Ruto:** Mr. Speaker, Sir, the Minister needs to give us answers that can allay the fears the farmers have. Right now, there is so much wheat in Narok and it cannot be purchased. There is also so much maize in Kuria and they have not even been paid for last year's crop. They now have a bumper harvest and the Government has no infrastructure in place to actually receive the produce from the farmers. Could the Minister give us a very clear programme the Government has to ensure that whenever farmers produce food, the Government is able to, at least, put it in stores, unless the Government likes profiting in shortages? When there is no food, they buy it at Kshs3,000 per bag from South Africa and now the Kenyan farmer can only get Kshs1,000 for contaminated maize. Is this not contradictory?

**Dr. Kosgei:** Mr. Speaker, Sir, I have not contradicted myself at all. I have not said that maize is costing Kshs1,000. I have explained the case of wheat. We are aware of the problem in Narok and we are trying to address it where we can. As you may very well know, that was a policy for the East African Community, which the Ministry is rejecting on the grounds that any agricultural policy has to be controlled by the host countries. This is what happens all over the



world and that is what we are trying to address. If you are now telling me that we should buy all the wheat and have infrastructure for buying it, the Government has not bought wheat since 1997/1998 season. The national Strategic Grain Reserve (SGR) is actually under a different Ministry. We, in the Ministry of Agriculture, are trying to see if we can get a new policy through to try and help the farmers. As for when it was bought for Kshs3,000 and sold for this and that, that is not our policy. Our policy is to develop production in this country and see that our farmers and consumers, who must be Kenyans, also benefit, rather than base the entire agricultural process of this country on importation. We are trying to do this but I cannot answer for yesterday's problems.

**Mrs. Shabesh:** Mr. Speaker, Sir, I would like, as I seek clarification from the Minister, to recognize the number of women Ministers who are here and congratulate them for coming to do their work.

Mr. Speaker, Sir, in the discussion of food production and security in this country, the Ministry of Agriculture takes key responsibility. However, from our interaction yesterday with the Ministry of Finance and Ministry of East African Community, we do realize that there are some policy measures from those Ministries that are impacting negatively on, especially wheat and maize farmers. What is your Ministry doing to ensure that policies from other Ministries do not curtail the growth of production which must be protected by your Ministry?

**Dr. Kosgei:** Mr. Speaker, Sir, I wish to thank the hon. Member for raising that important question. The agricultural sector in this country is currently controlled by 12 different Ministries. Some of the crops that, in fact, go into our market do not get actually controlled by the Ministry of Agriculture. Since you mentioned the East African Community issue, my experience or reading of the situation from elsewhere--- You will no doubt be aware of the running battle of the common agricultural policy within the European Union which each country is protecting. If you must go ahead with those things, you must, first of all, work out how to cushion your farmers. Since you asked what the Ministry is doing, when the matter came to the Floor of this House--- I want to confirm that I first heard of the 25 per cent duty while sitting here. It was not worked out with the Ministry of Agriculture. I was, subsequently, informed because I raised it within the shortest time possible within the Cabinet - and that is the highest level I could go--- I received some sympathetic discussions. However, constantly, those who know a little bit more kept on saying that we will have to ask the East African Community to allow us to wait a little bit. The system that I know works around the world is that you do what your country wants first and then you negotiate later. However, I have said that there are 12 Ministries which are involved. Suffice to say, we are trying our best through the system of Government. We have to get a hearing for our farmers because our farmers must come before what is happening anywhere else in the world. So, for me, until and unless this country becomes self sufficient in food, we can forget about development.

**Mr. Kigen:** Thank you, Mr. Speaker, Sir. In our endeavour to try and encourage our farmers to produce enough, particularly for the Strategic Grain Reserve, and to ensure that they compete with the imported products, particularly wheat and maize, what are you doing to ensure that the prices of inputs, particularly those of fertilizers and diesel, are lowered? That is because you are the spokesperson for the farmers?

**Dr. Kosgei:** Mr. Speaker, Sir, I would like to thank the Member for bestowing yet another title on me - spokeswoman of the farmers. Thank you for that. I have already said, and I want to say it again, that we are trying to subsidize fertilizer so that farmers can be able to produce competitively. That is not new. It has been done for the last two years in the Ministry.

We are fighting to see that we have sufficient resources to do so. Since you have talked about the other side which has to do with the Strategic Grain Reserve, yes, I may be the spokesperson for the Ministry of Agriculture. But you do know that, that is not under the Ministry of Agriculture. However, we will try our best to coordinate with our colleagues who have those responsibilities. The overriding message and intention is to see that the Kenyan farmer does not get driven under. As you know, there are many countries within this Continent which, a few years ago, were buying and learning from us. Today, we are importing from them. It is the duty of all of us, and I specifically, to see that we reverse the trend that we have set in motion over the past few years for whatever reason and pay attention to our own farmers and, therefore, our own country.

**Mr. Ochieng:** Mr. Speaker, Sir, for a long time, we have been hearing that the Government is intending to construct a fertilizer plant. Could the Minister confirm when that will be possible so that we can avoid the issue of giving farmers subsidized fertilizers?

**Dr. Kosgei:** Mr. Speaker, Sir, that may be so. However, as you know, the basic ingredients for fertilizer are not available in this country at the moment. We know that Tanzania has some phosphate and may be producing some fertilizer. So, we hope that, under the new common market, we will benefit from that. But let me tell you this: In the last two months or so, we have held meetings in that Ministry with three to four possible organizations that can work with us to set up a fertilizer plant here. Our problem has been that we are not ready since we have to get a few legislative issues across, and which we are working on. However, it is not an idea that is completely lost because if in two months I have had two meetings on this, that sounds quite positive. I think we are making some progress.

*Question No.269*

REHABILITATION OF THIKA-KAMWANGI-FLYOVER HIGHWAY

**Mr. Waibara** asked the Minister for Roads:-

- (a) whether he is aware that the Thika-Kamwangi-Flyover Highway is dilapidated and impassable;
- (b) whether he could confirm the actual date when the work on that road will commence; and,
- (c) what measures the Government has put in place to ensure that the highway remains properly maintained?

**The Minister for Roads** (Mr. Bett): Mr. Speaker, Sir, I beg to reply.

- (a) Yes, I am aware that the Thika-Kamwangi Flyover is, indeed, in need of repair.
- (b) My Ministry has procured a contractor for periodic maintenance of the said road and works are expected to begin in August, 2010.
- (c) As stated above, my Ministry has already procured a contract for the periodic maintenance of the road. In addition, the Kenya National Highways Authority (KeNHA) will be allocating further funds for routine maintenance of that road.

**Mr. Waibara:** Mr. Speaker, Sir, I would like to know from the Minister the exact scope of work procured for the periodic maintenance.

**Mr. Bett:** Mr. Speaker, Sir, that road will cost me Kshs1.1 billion. The works will involve rehabilitation and re-carpetting. Those are the works that have been tendered and are being assigned to a contractor, Kabuto Construction Company. The construction will start in August and it will go on for a period of 24 months.

*[Mr. Speaker left the Chair]*

*[Mr. Deputy Speaker took the Chair]*

**Mr. Chepkitony:** Thank you, Mr. Deputy Speaker, Sir. I want to hear from the Minister whether he has any plans to repair all the roads. He should not wait until we come to ask questions here. What plans does he have to routinely maintain all the roads in the country so that they are not dilapidated and completely impassable?

**Mr. Bett:** Mr. Deputy Speaker, Sir, you will agree with me that, that is a very wise question that requires a lot of time to reply. But, suffice to say, we are putting in place a road sector investment programme which will be indicating - year by year for 20 years - which roads are supposed to be given attention across the country.

**Mr. Njuguna:** Thank you, Mr. Deputy Speaker, Sir. I thank the Minister because he is very much committed to improving the roads network in this country. However, I would like to request him to reconsider the allocation that he has given to that road. He is aware that, currently, the road is in a very deplorable condition. The road is shared between Gatundu North and Lari Constituencies. Our farmers are not able to transport their agricultural produce to Nairobi.

**Mr. Bett:** Thank you, Mr. Deputy Speaker, Sir. I share the sentiments by the hon. Member. Our roads are extremely important for agricultural produce and other developmental issues. That is not a closed door. We will continue working with the contractor with the money that we have allocated that road. When the need arises to vote in more money for that job to be well done, we will do so.

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, some of the roads are worn out due to age, but potholes were not meant to be part of the roads. What is the Minister doing to ensure that he sensitizes his officers? We have officers all over the places, namely, in provinces and districts. He should sensitize them to ensure that every time there is a pothole, they fill it before it becomes too big and the roads get to this kind of state.

**Mr. Bett:** Mr. Deputy Speaker, Sir, all machines and other man made facilities experience wear and tear. With that kind of wear and tear on the roads, we, therefore, expect potholes. Potholes occur as a result of the age of the road. It is just like any other ageing equipment which would have some shortfalls. We are also launching a road maintenance manual and we are going to be very strict. We have now prepared a maintenance manual which will be used by every contractor when they are repairing our roads. I am not allowing repairs to be done haphazardly. Therefore, I have prepared a maintenance manual which will be used by the contractors as soon as we have launched it.

**Mr. Koech:** Mr. Deputy Speaker, Sir, while I appreciate the challenges faced by the Ministry, it concerns us and I want to believe that it concerns the entire nation to see a road being done today and within three weeks, it is impassable. Some roads in my constituency are completely impassable a few months after they are repaired. What is the Minister doing to ensure that there is continuous maintenance of certain sections of roads in the country to ensure that they are passable? Otherwise, this money may be going to waste.

**Mr. Bett:** Mr. Deputy Speaker, Sir, the maintenance manual which I have indicated, will give us a road map or a schedule on when to repair a road after it is constructed. We have a programme that will ensure that our roads are maintained on time. I totally agree that in the past,

we had left our roads to be used without any maintenance and that has increased deterioration of those roads. That will be a thing of the past and when we launch maintenance manual very soon.

**Mr. Waibara:** Mr. Deputy Speaker, Sir, I appreciate the answer given by the Minister. Contractors have been known to do shoddy work. What measures has he put in place to ensure that the users of these roads get the value for the money spent?

**Mr. Bett:** Mr. Deputy Speaker, Sir, it is my determination to make sure that our roads are properly constructed. Any contractor, whom I will find doing a shoddy job, I will have no business doing any business with him. I am not discriminating against any person at all. I will only be going by the quality of the work as prescribed in the contract. I hope the House will support me because in the not too distant future, I am bringing an amendment to the Engineers Act, which will be stressing on discipline and professionalism. My colleague, the Minister for Public Works will bring the National Construction Authority, which will again bring in discipline and professionalism in all those sectors. We are concerned and we want to stamp our feet that shoddy works must be of the past.

*Question No.270*

UNDER-STAFFING OF TEACHERS IN PRIMARY/SECONDARY  
SCHOOLS IN RURAL AREAS

**Mr. Deputy Speaker:** Mr. Alfred Odhiambo! He is not present! The Question is dropped!

*(Question dropped)*

*Question No.285*

ISSUANCE OF TITLE DEEDS TO RESIDENTS OF KILAA SUB-LOCATION

**Mr. Deputy Speaker:** Mr. K. Kilonzo! He is also not present! The Question is dropped!

*(Question dropped)*

**MINISTERIAL STATEMENTS**

APOLOGY FOR FAILING TO ANSWER QUESTION

**The Minister for Public Health and Sanitation** (Mrs. Mugo): Mr. Deputy Speaker, Sir, first of all, I want to apologize to this House. On Thursday, there was a Question by hon. Lekuton, which my Ministry failed to answer. There was a communication breakdown between the officer and the Minister, who was answering the Question. The officer put the answer in the pigeon hole, something that does not normally happen. I apologize for that. We have straightened up the matter and we will have better communication in future. However, I want to add here that the Ministry has been very regular in answering Questions and we go out of our way to really come and answer Questions. For example, just two weeks ago, I left a Presidential lunch to come and answer Questions. So, I have apologized and explained.

Can I now proceed with the Ministerial Statement?

**Mr. Deputy Speaker:** Very well. Proceed!

NUMBER OF PERSONNEL EMPLOYED BY UNICEF  
PROGRAMME IN LARGER TURKANA

**The Minister for Public Health and Sanitation** (Mrs. Mugo): Mr. Deputy Speaker, Sir, I would like to state the following in regard to the issue raised by the Member for Turkana Central, hon. Ethuro. Part “a” of the Member’s Question was: How many members of the personnel, by name and cadre, are employed under the United Nations Children’s Fund (UNICEF) Programme in the larger Turkana District? In response to this, a total of 18 Kenyans were enrolled community health nurses under the UNICEF Programme in July, 2007, in Turkana District and whose particulars I now table before this House.

*(Mrs. Mugo laid the document on the Table)*

Part “b” of the Question was: How come they have not been paid since June last year and what is going to be the effect of this? The answer is that following the expiry of the UNICEF contract on 13<sup>th</sup> June, 2009, my Ministry did not have adequate budgetary provision to pay the workers their salaries with effect from 1<sup>st</sup> July, 2009. However, in view of the fact that the health workers were deployed in hard to reach areas and to avoid a crisis in service delivery owing to their withdrawing from the health facilities in these areas, approval was granted by the Ministry of State for Public Service to extend their services for a further period of one year with a view to absorbing them in the mainstream Civil Service. My Ministry is in the process of seeking additional funds from the Office of the Deputy Prime Minister and Minister for Finance amounting to Kshs30,909,600 to pay the outstanding salaries for all staff engaged under the UNICEF Programme countrywide. Further, my Ministry is in the process of absorbing the affected personnel under the Danish International Development Agency (DANIDA) Programme.

Part “c” of the Question was: I would also like the Minister to consider providing the number of such personnel in other constituencies who have been paid. We need to have a comparison. In response to that, a total of 109 health workers under the UNICEF Programme in Eastern and North Eastern provinces were paid up to December, 2009.

I wish to table a list of health workers from North Eastern Province who have been paid by the Ministry of Health.

*(Mrs. Mugo laid the document on the Table)*

Finally, the hon. Member wanted to know how many other medical personnel in other similar programmes like the DANIDA, the Bill Gates Foundation, the Clinton Foundation, and the one supported by UNICEF, have been absorbed by the Government, as part of the memorandum of understanding between the Government and those other providers.

Mr. Deputy Speaker, Sir, a total of 2,174 health workers from various programmes have so far been absorbed by the Ministry of Public Health and Sanitation, and the Ministry of Medical Services, over the last one year. My Ministry has sought approval from the Public Service Commission to absorb the remaining 936 health workers under the DANIDA programme.

Thank you.

**Mr. Deputy Speaker:** From observation, all hon. Members were consulting amongst themselves. I do not think most of the hon. Members here did actually hear what the Minister said in her Ministerial Statement. So, I am not surprised that there is no hon. Member seeking clarification.

**The Minister for Public Health and Sanitation** (Mrs. Mugo): Mr. Deputy Speaker, Sir, I have answered very well.

**Mr. Deputy Speaker:** Indeed, yes! As long as nobody is seeking clarification, the assumption is that you answered very well.

Yes, Mr. Ojode!

#### INSECURITY IN ELDORET SOUTH

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, on Wednesday, 7<sup>th</sup> July, 2010, the Member of Parliament for Eldoret South, Ms. Chepchumba, rose on a point of order and requested for a Ministerial Statement on insecurity in Eldoret South Constituency.

On 11<sup>th</sup> June, 2010, between 11.00 p.m. and---

**Mr. Deputy Speaker:** Order! Order! Hon. Members, whereas it has been the tradition, and it is always only fair that a Ministerial Statement should be issued when the hon. Member who sought it is in the House, the observation of the Chair lately has been that hon. Members have decided to have a *laissez fair* attitude towards their own responsibility in the House. The Chair does observe that Ms. Peris Chepchumba was not even here to ask a Question yesterday. So, it is only fair to allow the Assistant Minister to proceed and issue the Ministerial Statement. We cannot hold back the business of the House because hon. Members are not taking their work seriously.

Proceed, Mr. Ojode!

**Mr. Koech:** On a point of order, Mr. Deputy Speaker, Sir. I am made to understand that Ms. Chepchumba is out of the country. So, when I saw Questions by Ms. Peris Chepchumba on the Order Paper, I wondered whether the Office of the Clerk had not checked the records.

**Mr. Deputy Speaker:** Mr. Koech, are you certain that she is out of the country on Parliamentary business, and that she has communicated the same to the Office of the Clerk?

**Mr. Koech:** Mr. Deputy Speaker, Sir, I have also been trying to trace her, and rumour has it that she is out of the country. That is why I am asking whether the Office of the Clerk had checked the records. So, it is up to the Office of the Clerk to clarify, and not me.

**Mr. Deputy Speaker:** Order! Order! The Office of the Clerk will always clarify this upfront. The mere fact that the Office of the Clerk did not clarify the matter, the Chair can only assume that Ms. Chepchumba is doing something other than Parliamentary business, outside the country.

So, based on that reason, I direct you, Assistant Minister, to proceed and issue the Ministerial Statement as a property of the House. In any case, Mr. Koech, she is your neighbour. You might as well interrogate the same.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, on 11<sup>th</sup> June, 2010, between 11.00 p.m. and 12.00 a.m., a gang of three persons armed with crude weapons attacked Kapkoiga Secondary School. They severally slashed with a *panga* the school's watchmen, Messrs. Mariko Fununu

and Joseph Kipsang' Bitok, on the heads. They then broke into the office of the Accounts Clerk and stole cash to the tune of Kshs29,600.

Mariko Fununu succumbed to the injuries on the way to hospital, while Joseph Kipsang' Bitok was treated at Moi Teaching and Referral Hospital and discharged on the same day. Police carried out investigations and the following suspects have so far been arrested:-

- (i) Margaret Tanui aged 35 years, who is a worker at the school.
- (ii) Wilson Kiptoo aged 48 years, who was the school bursar.
- (iii) Daniel Matoo aged 56 years.

Mr. Deputy Speaker, Sir, the suspects will be charged with robbery with violence. The robbery took place soon after the school had withdrawn a total of Kshs70,000 from the bank, and collusion with staff is highly suspected in this particular case.

Prior to the robbery, some members of the local community had invaded the school and damaged the school water system, and the following suspects have also been arrested: Lee Kiptoo, Philip Murei and Ben Kipchumba. The trio were charged with malicious damage to property, contrary to Section 339(1) of the Penal Code vide Court File No.3625/09. The hearing will be on 26<sup>th</sup> August, 2010.

Mr. Deputy Speaker, Sir, on 30<sup>th</sup> June, at about 3.20 a.m. an unknown number of thugs, who were armed with crude weapons, attacked the night watchman at St. Catherine Girls Secondary. The night watchman, Paul Mundanyi, sustained deep cuts on the back of the head. The thugs broke into the school's administration block, accounts office, and bursar's office, and stole Kshs23,000.

The watchman was rushed to Moi Teaching and Referral Hospital, where he succumbed to death after three days. Police carried out investigations and the following suspects were arrested: Wilson Kimeli, Tom Kiproop, Samuel Kerarei, William Samoei and Samuel Maiyo.

Two suspects, namely, William Samoei and Samuel Maiyo, have already been charged before the Eldoret Chief Magistrate's Court with failure to prevent a felony, vide Police File No.CR832/135/210. The other three suspects are facing robbery with violence charges, and will appear in court very soon.

Mr. Deputy Speaker, Sir, on 18<sup>th</sup> June, 2010, at unknown time, a number of thugs, who were armed with crude weapons, attacked the night watchman of Lelelmurok Secondary School. The night watchman, Mr. Ngetich, sustained a deep *panga* cut on the head, and was rushed to Moi Teaching and Referral Hospital, where he died while undergoing treatment. Nothing was stolen during that attack.

Investigations carried out revealed that the deceased had recently taken over the job from his father, who had retired. This did not auger well with the local community, and it is suspected that the attack was pre-meditated by people who were not happy with the employment of the deceased to replace his father.

Two suspects, namely, Josphat Koech and Hosea Korir, have been arrested, and will be charged soon with murder. The file has been forwarded to the State Counsel for perusal, after which the two will be charged.

Mr. Deputy Speaker, Sir, following these attacks, several mitigating and pre-emptive measures have been put in place. Thorough investigations have been conducted and several suspects arrested. Armed police officers have also been detailed to guard secondary schools in that area at night. In addition, patrols have also been enhanced within the locality.

Thank you.

**Mr. Koech:** Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for the comprehensive answer that he has given but listening to his submission, it is very clear that there has been a deliberate move by robbers or attackers to attack the watchmen of schools. These are three schools within the same vicinity. Attacks started on 11<sup>th</sup> June, 2010, 18<sup>th</sup> June, 2010 and on 30<sup>th</sup> June, 2010. Some of the schools are girls' schools. It scares the watchmen of the Republic of Kenya to see such things happening, noting that watchmen are people who are underpaid. So, if they are scared to the extent that they would fear doing the very important job they do, then our schools shall be in danger. The Assistant Minister has indicated that he has arrested some people. When did he arrest the people he thought committed the crime in Kapkoiga Girls on 11<sup>th</sup> June, 2010? Did he arrest them before the attack in Lelmolok and St. Catherine? We want the Assistant Minister to convince the entire nation that these are completely different people doing the attacks in the three neighbouring schools.

Mr. Deputy Speaker, Sir, the Assistant Minister has alluded that in Lelmolok Secondary School, the employment of boy or man who was employed as a watchman did not auger well with the community who felt that they should have employed somebody else. Is he fully convinced that Kenyans can actually hack their colleague or friend to death simply because of that simple suggestion?

Lastly, what has the Assistant Minister and the entire Government done to ensure that there is proper security in all our schools and proper investigations are done so that the real culprits are arrested? I am saying this because if you look at the case of Kapkoiga, you will find that what was stolen was Kshs26,000. They arrested the school bursar because they suspected that he colluded with the thieves. How can one collude to the extent of people being killed just because of Kshs26,000? Is he convinced?

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, I would like to seek one clarification. There have been reports in the media that certain districts in the Rift Valley have started being insecure to "foreigners" with suspicion being linked to threats in respect of the forthcoming referendum. Could the Assistant Minister clarify whether the attacks in the boarding schools was aimed at teachers and non-teaching staff who come from outside Rift Valley Province?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, this was an in-house plan. The thugs invaded the school at night the day the school bursar withdrew Kshs26,000 and robbed them of that money. When investigations were carried out, two suspects agreed that they knew that the money was brought in and some of them could have colluded with the thugs. That is why the police managed to arrest six people.

Mr. Deputy Speaker, Sir, the same thing happened when the other school also withdrew Kshs70,000 after four days. There was collusion. I want to commend the police officers for having done a wonderful job. The suspects were arrested the same day the information was given. As we speak here some of them are in the cells waiting to be taken to court. They will be charged with robbery with violence. We have beefed up security in that area. We have enhanced police patrols. The police officers are literally patrolling the school compounds at night. Given this, no robbery will occur in those schools. I want my colleagues to assist us in sensitizing the people within that area that they cannot take law into their own hands. Otherwise the law will catch up with them just like in this case. We will continue to arrest the suspects. On what Dr. Khalwale has said, I have said it before and I want to repeat that we are safe in Kenya in terms of security. I encourage Kenyans to report anybody who looks suspicious. Report to the police, chiefs, District Officers (DO), District Commissioners (DC) or to Mr. Ojode.



**Mr. Njuguna:** Mr. Deputy Speaker, Sir, with the admission by the Assistant Minister that the community was somehow hostile towards the young man who was taking over from his father, what has the Ministry done to unearth the plotters of this murder in the society so that threats and murders will be curtailed?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Deputy Speaker, Sir, I have said in this House that the suspects who were implicated in this case are in the cells and they will be charged with robbery with violence. Right now, there is a lot of tension in that area because they think that more arrests will be made. The Criminal Investigation Department (CID) will not arrest any Tom, Dick and Harry. They will only arrest those who participated in the murder. We have also said that if you know that you participated in the murder of the young man--- We even told the community that they should report any suspect to the police in order for us to take action. That is how we managed to arrest the suspects.

Mr. Deputy Speaker, Sir, I have another similar Ministerial Statement requested by Mr. Ethuro.

**Mr. Deputy Speaker:** Order! Dr. Khalwale asked you to clarify whether, indeed, certain communities in that place were being targeted. Is there any linkage between the murders and the issue of communities being told to leave the place?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** I am not aware of anybody who is trying to incite people. If there was any, I would have known. We will deal with such cases immediately.

**Mr. Koech:** On a point of order, Mr. Deputy Speaker, Sir. If you listened to the Assistant Minister, he has said that there are patrols in the schools every day. Is he in order to mislead this House? Could he tell us the days the patrols are carried out so that I could also be there? Could he also consider assigning, at least, two police officers every night in areas where tension is high until it calms?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Patrolling within the areas where the schools are situated. I have two regular police officers patrolling also within those areas. I am satisfied with the work they are doing and that is why the level of attacks have gone down.

#### DEFERMENT OF MINISTERIAL STATEMENT SOUGHT BY HON. ETHURO

On 6<sup>th</sup> July, 2010, the hon. Ethuro requested a Ministerial Statement---

**Mr. Deputy Speaker:** Has hon. Ethuro communicated to the clerk department that he is on any business? The Chair was sure that hon. Ethuro was supposed to be on official business outside the country and I have gotten confirmation from the Clerk's Department. The chair directs that this Statement be given when hon. Ethuro is back to Parliament.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** A ministerial Statement when sought, especially those bordering on security should be given immediately because---

**Mr. Deputy Speaker:** Order! The Ministerial Statement can only be adequately prosecuted by the hon. Member. If the Member is out on official Parliamentary business, he deserves to be given the opportunity to do the needful. Under the circumstances it is directed that you will issue the Ministerial Statement when hon. Ethuro is back in the country.

**Mr. Koech:** On a point of order, Mr. Deputy Speaker, Sir. I will seek your indulgence; when the Minister for Medical Services answered the Question by hon. Ethuro, the Member was not in the House and you realize nobody could interrogate that Question. With that directive could you consider revisiting the same when hon. Ethuro is in the House?

DETERMENT OF MINISTERIAL STATEMENT SOUGHT BY HON. ETHURO

**Mr. Deputy Speaker:** Fair enough! That, clearly, is the responsibility of Chambers of the Clerks and the Chair. We take full responsibility for it and it is directed that that Ministerial Statement will be repeated when hon. Ethuro is back in the country. No wonder the Statement was not prosecuted at all! Nobody sought any clarification. Under the circumstances I direct the hon. Mugo will again issue that Statement when hon. Ethuro is in the country and he is able to prosecute the Statement.

Hon. Members, we are now going to the business on Supplementary Order Paper. Next Order!

**COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

*[Mr. Deputy Speaker left the Chair]*

IN THE COMMITTEE

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

THE COUNTER-TRAFFICKING IN PERSONS BILL

**The Temporary Deputy Chairman** (Prof. Kaloki): Hon. Members we are now in the Committee of the whole House to pass the Counter-Trafficking in Persons Bill, (Bill No. 3 of 2010), that was moved by hon. Millie Odhiambo-Mabona.

*Clause 2*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, Clause 2 be amended in the definition of “organized criminal group” by deleting the words “existing for a period of time and”.

I propose that we amend Clause 2 as per the Order Paper, the reason being that when you provide that the organized criminal group be existing for a period of time, it may exclude persons who have been, maybe, performing criminal acts for shorter periods of time.

*(Question of the amendment proposed)*

**Dr. Khalwale:** Mr. Temporary Deputy Chairman, Sir, I would like to support this amendment because some of the youth who involve themselves in these criminal activities have

the capacity to organize themselves within a very short time; one week, three days or even two days and they are able to cause a lot of damage. So, this amendment is very necessary.

I beg to support.

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Clause 2 as amended agreed to)*

### *Clause 3*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 3 be amended-

(a) by deleting the words “fifteen years or to a fine of not less than five million” appearing in Subclause (5) and substituting therefor the words “thirty years or a fine of not less than thirty million”;

(b) by inserting a new subclause as follows-

(5) A person who finances, controls, aids or abets the commission of an offence under Subsection (1) shall be liable to imprisonment for a term of not less than thirty years or to a fine of not less than thirty million shillings or to both and upon subsequent conviction, to imprisonment for life.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 3 as amended agreed to)*

### *Clause 4*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I have consulted with hon. Dr. Laboso and she has given me permission in writing that I move her amendments because she is not in the House. I have dropped my amendment and propose that we adopt the amendment as proposed by hon. Dr. Laboso and what we seek to do is to ensure that when acts of trafficking are done against children then the punishment should be life sentence and no other sentence.

On behalf of hon. Dr. Laboso, I beg to move:-

THAT Clause 4 of the Bill be amended by deleting the words “fifteen years or to a fine of not less than ten million” appearing in Subclause (3) and substituting therefor the words “thirty years or a fine of not less than twenty million”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to )*

*(Clause 4 as amended agreed to)*

*Clause 5*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 5 of the Bill be amended by deleting the words “ten years or to a fine of not less than five million shillings or to both and upon subsequent conviction to imprisonment for a term of not less than fifteen years without the option of a fine” and substituting therefor the words “twenty years or to a fine of not less than twenty million shillings or to both and upon subsequent conviction to imprisonment for life.”

*(Question of amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, on behalf of Dr. Laboso, I beg to move:-

THAT, clause 5 of the Bill be amended by-

- (a) inserting a new paragraph immediately after paragraph (b) as follows-
- (c) manages, runs or finances any job recruitment agency for purposes of promoting trafficking in persons”
- (b)re-numbering the existing paragraph (c) as paragraph (d).

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be inserted, put and agreed to)*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 5 of the Bill be amended by deleting the words “ten years or to a fine of not less than five million shillings or to both and upon subsequent conviction to imprisonment for a term of not less than fifteen years without the option of a fine” and substituting therefor the words “twenty years or to a fine of not less than twenty million shillings or to both and upon subsequent conviction to imprisonment for life”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,*

*put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 5 as amended agreed to)*

*Clause 6*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 6 of the Bill be amended by deleting the words “misrepresents any fact for purposes of facilitating the acquisition of travel documents or fraudulently obtains any document from Government agencies, in order to assist in the commission of an offence of trafficking in persons commits an offence and is liable to imprisonment for a term of not less than ten years or to a fine of not less than one million” and substituting therefor the words “knowingly misrepresents any fact for purposes of facilitating the acquisition of travel documents or fraudulently obtains any document from Government agencies, in order to assist in the commission of an offence of trafficking in persons commits an offence and is liable to imprisonment for a term of not less than ten years or to a fine of not less than ten million”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 6 as amended agreed to)*

*Clause 7*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 7 of the Bill be amended by deleting the words “ten years or to a fine of not less than one million shillings or to both and upon subsequent conviction, to imprisonment for a term of not less than ten” and substituting therefor the words “thirty years or to a fine of not less than thirty million shillings or to both and upon subsequent conviction, to imprisonment for a term of not less than thirty”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 7 as amended agreed to)*

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): On a point of order, Mr. Temporary Deputy Chairman, Sir. Unless I am looking at a different Order Paper, I was just wondering whether there is something to come after the “thirty” in Clause 7. It does not seem to flow!

**The Temporary Deputy Chairman** (Prof. Kaloki): Are you looking at the Supplementary Order Paper?

Mr. Minister, I think you are okay!

*Clause 8*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, Clause 8 of the Bill be amended by deleting the words “five million” and substituting therefor the words “ten million”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 8 as amended agreed to)*

*(Clauses 9 and 10 agreed to)*

*Clause 11*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, Clause 11 of the Bill be amended by deleting the words “one year or to a fine of not less than one hundred thousand shillings or to both, and, in the case of a body corporate, a fine of not less than one million shillings” appearing in Subclause (5) and substituting therefor the words “five years or to a fine of not less than five million shillings or to both, and, in the case of a body corporate, a fine of not less than five million shillings”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I beg to move a further amendment that in the last sentence where it is provided “five” we make it “ten” so that we do not hold a corporate entity liable in the same way we hold individuals. Otherwise, individuals would be hiding behind corporate identities.

*(Question of the further amendment proposed)*

*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 11 as amended agreed to)*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I wish to notify the House that Dr. Laboso had brought an amendment to the same clause but my further amendment takes care of Dr. Laboso’s amendment.

*(Clauses 12, 13, 14, 15, 16,  
17 and 18 agreed to)*

#### *Clause 19*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I would request that for Clause 19, we go subclause by subclause because there are amendments to the subclauses.

**The Temporary Deputy Chairman** (Prof. Kaloki): That is fine, we can do that.

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 19 of the Bill be amended-

(a) in Subclause (2) –

(i) by deleting paragraph (a).

The Minister for Gender, Children and Social Development also brought a similar amendment and we agreed that it be deleted.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Paragraph (a) deleted)*

**The Minister for Gender, Children and Social Development** (Ms. Mathenge): Mr. Temporary Deputy Chairman, Sir, I think in this part, we wanted to add after the words ‘gender’ and children affairs” so that it embraces the children because in this amendment, it only talks about gender. We really want to embrace the issue of children

**The Temporary Deputy Chairman** (Prof. Kaloki): Ms. Mathenge, that is next!

*(Clause 19(2)(b) and (c) agreed to)*

*Clause 19(2)(d)*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, we have agreed with the Minister and I am dropping my amendment to that part and the Minister will move an appropriate amendment.

*(Proposed amendment withdrawn)*

**The Minister for Gender, Children and Social Development** (Ms. Mathenge): Mr. Temporary Deputy Chairman, Sir, Sir, I beg to move:-

THAT, Clause 19 of the Bill be amended-

- (a) by deleting paragraph (d) and substituting therefor the following new paragraph-  
(d) the Permanent Secretary in the Ministry responsible for matters relating to gender and children.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted  
in place thereof be inserted, put and agreed to)*

*(Clause 19(2)(d) as amended agreed to)*

*Clause 19(2)(e)*

**The Minister for Gender, Children and Social Development** (Ms. Mathenge): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 19 of the Bill be amended by deleting paragraph (e).

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Paragraph (e) deleted)*

*Clause 19(2)(f)*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, Mr. Temporary Deputy Chairman, Sir, I beg to drop my amendment to (f).



*(Proposed amendment dropped)*

*Clause 19(2)(g)*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 19 of the Bill be amended by deleting paragraph (g).

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Paragraph(g) deleted)*

*Clause 19(2)(h)*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 19 of the Bill be amended by deleting paragraph (h).

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Paragraph (h) deleted)*

*(Paragraph (i), (j) and (k), agreed to)*

*Clause 19(2)(l)*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 19 of the Bill be amended by inserting the words “nominated by the respective civil societies” immediately after the words “civil society” appearing in paragraph (l) .

This is to enable the civil society representatives to nominate persons to the Advisory Board.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 19(2)(l) as amended agreed to)*

*(Clause 19(2)(m) and (n) agreed to)*

Clause 19(2)(o)

**The Minister for Gender, Children and Social Development** (Ms. Mathenge): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 19 of the Bill be amended by inserting the following new paragraph immediately after paragraph (n) –

(o) such other members as may be co-opted by the Advisory Committee.

This is to make it more comprehensive because, as you realize, we had many Ministries and we dropped them. We realize that, as we go along, we may need to bring them on board.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 19(2)(o) as amended agreed to)*

Clause 19(3)

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 19 of the Bill be amended-

(b) in Subclause (3) by deleting the words “ persons appointed” and substituting therefor the words “persons nominated”;

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted  
in place thereof be inserted, put and agreed to)*

*(Clause 19(3) as amended agreed to)*

Clause 19(4)

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 19 of the Bill be amended-

(c) in Subclause (4), by deleting the words “home affairs” and substituting therefor the words “gender affairs”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted  
in place thereof be inserted, put and agreed to)*

*(Clause 19(4) as amended agreed to)*

*(Clause 19 as amended agreed to)*

*(Clauses 20 and 21 agreed to)*

*Clause 22*

**The Minister for Gender, Children and Social Development** (Ms. Mathenge): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, clause 22(1) be amended by inserting the words “which shall be administered by the Board of Trustees” immediately after the word “persons”.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 22 as amended agreed to)*

*Clause 23*

**The Minister for Gender, Children and Social Development** (Ms. Mathenge): Mr. Temporary Deputy Chairman, Sir, I beg to move:

THAT, clause 23(1) be amended by deleting paragraphs (a), (b) and (c) and substituting therefor the following new paragraphs-

- (a) such monies as may be appropriated by Parliament for the purposes of the Fund;
- (b) any proceeds of crime confiscated or forfeited under Section 17;
- (c) income generated by investments made by the Board of Trustees; and,
- (d) any donation received by the Board of Trustees for purposes of the Fund.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof,  
be inserted, put and agreed to)*

*(Clause 23 as amended agreed to)*

*Clause 24*

**The Minister for Gender, Children and Social Development** (Ms. Mathenge): Mr. Temporary Deputy Chairman, Sir, I beg to move:

THAT, Clause 24 be amended-

(1) in Subclause (1) by deleting paragraphs (a), (b) and (c) and substituting therefor the following new paragraphs-

(2) the Chairman of the Advisory Committee;

(3) the Permanent Secretary of the Ministry responsible for gender and children;

(4) a representative of the Ministry responsible for gender and children, appointed by the Minister, who shall be the Secretary;

(5) a representative of the Ministry responsible for finance, appointed by the Minister responsible for finance;

(6) one person conversant with issues relating to trafficking in persons; and

(f) one person with experience in financial management, who shall be the treasurer of the Board of Trustees.

(7) by deleting Subclause (2) and substituting therefor the following new subclause-

(8) The members of the Board of Trustees appointed under Subsection (1) (e) and (f) shall be appointed by the Minister, by notice in the Gazette, for a term of three years and shall be eligible for reappointment at the expiry of the term.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 24 as amended agreed to)*

*(Clause 25 agreed to)*

*Clause 26*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I beg to move:

THAT Clause 26 of the Bill be amended by deleting the words “issues or approves the issuance of travel documents or other documents to any person or who fails to observe the prescribed procedures and the requirement as provided for in any law, with the intention of assisting in the commission of an offence under this Act, commits an offence and is liable to imprisonment for a term of not less than twenty years or to a fine of not less than five million or both” appearing in Subclause (2) and substituting therefor the words “knowingly issues or approves the issuance of travel documents or other documents to any person or who fails to observe the prescribed procedures and the requirement as provided for in any law, with the

intention of assisting in the commission of an offence under this Act, commits an offence and is liable to imprisonment for a term of not less than twenty years or to a fine of not less than twenty million”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 26 as amended agreed to)*

*(Clauses 27 and 28 agreed to)*

*(First Schedule agreed to)*

*(Second Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Counter-Trafficking in Persons Bill and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*[The House resumed]*

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

## **REPORT, CONSIDERATION OF REPORT AND THIRD READING**

### **THE COUNTER-TRAFFICKING IN PERSONS BILL**

**Prof. Kaloki:** Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered The Counter-Trafficking in Persons Bill and approved the same with amendments.

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

*(Question proposed)*

**The Minister for Higher Education, Science and Technology** (Mr. Samoei): Mr. Temporary Deputy Speaker, let me congratulate the House for this momentous step that we have taken as a country, to come about with a Bill that will put to a stop to the agony of many Kenyans who go through nights, days, weeks and months when their loved ones cannot be found.

Mr. Temporary Deputy Speaker, Sir it is because we have men and women in the 21<sup>st</sup> Century who would want to do business using human beings as goods. This Bill will help secure and deter those who would want to engage in such acts. By extension, it will help secure our borders and our country and deter whoever would want to do this kind of illegal business.

With those few remarks, I wish to support.

**The Assistant Minister for Education** (Mr. Mwatela): Mr. Temporary Deputy Speaker, Sir, I thank you for giving me this opportunity.

I would like to start by congratulating the hon. Member for coming up with this very ideal Bill. Indeed, it was an overdue Bill and the House has done justice by passing it.

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

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

Mr. Temporary Deputy Speaker, Sir, for some of us who have lived along the borders of this country, this comes as a really welcome moment in the history of our country to stop once and for all, the illegal movement of our young ones as well as older ones, as if they were goods.

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

**Mr. Konchella:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Mover, and also the Minister, for being keen to move amendments to this Bill.

Mr. Temporary Deputy Speaker, Sir, this is a Bill that will change the way things are done and, in particular, the protection of the innocent and weakest in our society. For so many years, we have had so many children disappearing from homes. They are stolen and some end up in other parts of the world. We do not know what they do with these children; whether they use their body parts or they just go and use them as human slaves.

But with the enactment of this law, anybody daring to do what they have been doing, will be in a lot of trouble. I am very happy with the punishments to be meted out on those persons who would be arrested or who would be found to be committing this heinous crime.

So, I am very happy and I wish to support strongly this Bill. This is a crucial Bill that this Tenth Parliament has brought on board, so as to assist our people.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, once again, thank you very much for giving me this opportunity to echo my support to this very timely Bill.

It has been so scaring to many families in this nation, particularly when children go to school. Children are taken by kidnappers. We realise that it has become a very big burden when the kidnappers demand money from very poor families. This Bill, therefore, will stop that kind of business by these evil minds in the society. It has also been noted that innocent people have

been murdered by greedy people in this society who are not ready to work and toil hard like other people. So, this a wakeup call to evil doers in this society.

I, therefore, recommend faster implementation of this Bill, so that the whole nation will regain its integrity and normalcy in terms of performing our duties in this land.

Thank you.

*(Question put and agreed to)*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, I beg to move that the Counter-Trafficking in Persons Bill be now read the Third Time. I just want to give my gratitude to the hon. Members that have supported me in this.

I started working on this Bill in 2004 when I was in the Civil Society. God deemed it fit that I should be in Parliament at such a time as this to move it myself in Parliament. I also want to thank all the Members and other persons. In fact, most of the amendments that I have brought here were proposed either by hon. Members or members of the media.

I also want to thank the Minister for Gender, Children and Social Development whom we have worked with very keenly before and even now on this issue.

Finally, I just want to thank very specially, the persons that I had mentioned before, but remembering three that I had left out: Kinder Notifer, European Union, British High Commission, US and very specially, the children of Kenya to whom we owe this Bill and to Tony Odera, Maura Sullivan and Gilbert Onyango of the CRADLE.

Thank you.

**Mr. Njuguna** seconded.

*(Question proposed)*

**The Minister for Gender, Children and Social Development** (Ms. Mathenge): Thank you, Mr. Temporary Deputy Speaker, Sir. I also want to commend Mrs. Odhiambo-Mabona and all the people who have worked tirelessly to ensure that this Bill has come of age. It is a Bill that was long overdue and I think it will put us back on the map of the world as people who are concerned.

We have been told that slavery ended, but we know that it still goes on around our homes. However, I know that we have a lot of work to enlighten the Kenyan citizen on what this Bill entails. I fully support it and look forward to working very diligently with the hon. Member.

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill. It is a great joy when the House moves with unity of purpose to do something worthwhile. There are many young Kenyans who have left this country under false pretences to seek gainful employment and other things elsewhere, only to end up in poor conditions as the Minister has described. I think this is fantastic and timely. In fact, I wish the House could find such unanimity on other things such as the *Katiba* and also other things that we are debating.

I beg to support.

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

## ADJOURNMENT

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, that concludes the business on the Order Paper. Therefore, the House stands adjourned until Tuesday, 20<sup>th</sup> July, 2010 at 2.30 p.m.

The House rose at 5.15 p.m.