

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 18th August, 2010

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTION BY PRIVATE NOTICE

NUMBER OF DEATHS CAUSED BY CONSUMPTION OF ILLICIT ALCOHOLIC BREWS FROM 1999

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

(a) How many deaths have been caused by illicit brews from 1999 to date?

(b) Could the Minister provide the names of manufacturers and brand names of all alcoholic drinks and beverages sold in the country and details of chemical analysis of such drinks, indicating whether the respective drinks are acceptable (fit) for human consumption or not?

(c) Could the Minister also indicate the number of those prosecuted for brewing and distributing such illicit drinks and when will the Government close down all the businesses manufacturing, distributing and selling alcoholic beverages that do not meet World Health Organization (WHO) standards?

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

(a) The number of deaths caused by illicit alcoholic brews from 1999 to date is as follows:-

(i) Nairobi Area Province	-	35
(ii) Central Province	-	18
(iii) Nyanza Province	-	4
(iv) Rift Valley Province	-	14
(v) Eastern Province	-	71
(vi) Western Province	-	1
(vii) North Eastern Province	-	0
(viii) Coast Province	-	0
Total		143

(b) The Kenya Bureau of Standards (KEBS) has granted 192 permits on alcoholic beverages under the Standardization Mark Scheme. For a firm to be granted the permit to use the standardization mark, the firm must fulfill the following.

(i) That particular firm must submit an application by filing the STA 1 forms together with payments for the permit fees.

(ii) Inspection is carried out by the KEBS technical officers who verify the processes for compliance to a documented scheme of supervision and control.

(iii) Samples are drawn from the processing line and tested for compliance to the respective Kenyan standards.

(iv) Upon confirmation of compliance, the technical officer presents the firm to KEBS Service Standardization Committee.

(v) Based on the recommendations by technical officers, the firm is granted the permit to use the standardization mark for a period of one year.

Surveillance is done on the firm within the permit validity period to monitor compliance.

Mr. Deputy Speaker, Sir, I wish to table a list of firms that have been approved to use the standardization mark.

(Mr. Ojode laid the document on the Table)

(c) The number of those prosecuted for brewing and distributing illicit brews is as follows:-

(i) Nairobi Area Province	-	0
(ii) Central Province	-	21
(iii) Nyanza Province	-	4
(iv) Rift Valley Province	-	29,452
(v) Eastern Province	-	1
(vi) Western Province	-	0
(vii) North Eastern Province	-	0
(viii) Coast Province	-	0
Total	-	29,478

Mr. Deputy Speaker, Sir, whenever any illegal brewer and distributor is identified, such persons are arrested and prosecuted. The illegal businesses are closed and equipment used for such activities is confiscated and destroyed. The Government does not and will never condone such illegal businesses.

Thank you.

Mr. Mututho: Mr. Deputy Speaker, Sir, I find this answer most inaccurate. I say this because looking at the number of prosecutions in Nairobi Area Province; it is still fresh in our memory that over four people died the other day in Kibera. People have been dying. The British Broadcasting Corporation (BBC) reported this and in the absence of other records, we rely on the BBC. We do not rely on newspapers but the BBC is electronic media, and it reported that 140 Kenyans died in 1999 in Mai Mahiu. I would like to table this document. That is my constituency. We also had 100 people die in Mukuru kwa Njenga in the year 2000, the list goes on and on.

Mr. Deputy Speaker, Sir, looking at the list the Assistant Minister has given, cases prosecuted in Rift Valley is given as 29,452 and nil for Nairobi. Central Province has had 21 cases; these statistics show lack of seriousness on the part of the reported cases. Would I be in order to seek for more time so that I study this long list, given these glaring inaccuracies that are shown here?

Mr. Deputy Speaker, Sir, I beg your indulgence, when we went to Nyeri---

Mr. Deputy Speaker: Mr. Mututho, it is Question Time! Much as the Chair is prepared to give you a certain leeway because of the seriousness of the threat that illegal brews pose to the lives of Kenyans, please, as much as possible, work within the confines of the House rules. Not only that, this is a Question by Private Notice, you cannot have a deferment on a Question by Private Notice if the Assistant Minister himself is ready to answer it.

Proceed and prosecute the Question!

Mr. Mututho: Mr. Deputy Speaker, Sir, would I be in order to ask the Assistant Minister to take this Question more seriously and give us the exact number I am seeking for? This is not statistics. These are people's sons, wives and daughters who have died.

Mr. Ojode: Mr. Deputy Speaker, Sir, this is a very serious Question because it involves some deaths. A number of innocent Kenyans have so far died as a result of illicit brews. I wish to confirm to this House that we are going to investigate those who are brewing some of those lethal substances. I also want to confirm to this House that we will close down some of those companies if they are found to have broken the law. I want to say in this House that each and every company will be investigated so that we can come up with an elaborate report, showing which company is going contrary to the licence that it is holding. I will start that by this Friday and I am going to instruct my people to start investigating some of the companies that are listed here. If need be, I will also report the same to this House. I will give the number of companies that we have so far closed down as a result of contravening their licences. I want to confirm to the House that we will do exactly what I have enumerated.

(Applause)

Mr. Mwangi: Mr. Deputy Speaker, Sir, this problem has become a national issue. Hardly a week ago in Laikipia, a certain brew was sold and it was given by a distributor. We passed a Bill here to legalize local brews. We should not take it negatively because even if we try to stop it, it is not possible. What steps is the Government taking to legalize the local brews that will benefit the people of this country? In any case, that is an industry. Millet will find a market if the brewers are legalized and controlled. What action is the Government taking to stop the brewing of those illicit brews?

Mr. Ojode: Mr. Deputy Speaker, Sir, I think I have answered that particular question. I said that we are going to investigate some of those companies; those who are licensed to brew some of those alcoholic beverages. I want to say that once the investigation report is complete, you will see a number of companies that are brewing those illicit brews. If they contravene the same law, we will have no other alternative but to close down those companies. There is a law which was passed by this House. We are trying to fast-track its enactment so that we can enforce it.

Mr. Ochieng: Mr. Deputy Speaker, Sir, so many people have died or lost their lives while the Government is watching. It is the Government which licences those who brew the illicit alcohol. When is he going to consider compensating those who have lost their lives? It is the Government which has left those people to thrive in that illegal business!

(Applause)

Mr. Ojode: Mr. Deputy Speaker, Sir, with regard to the issue of compensation, there is a lot to be followed. If you take the Government to court for purposes of compensation, you know what it takes. We will follow what the law provides! I still want to confirm to this House that from Friday, you will be seeing some inspectors going round, checking whether there is any company that is contravening the law. If there is anybody who wants to sue the Government for compensation, we cannot say “no” to that.

Mr. Gaichuhie: Mr. Deputy Speaker, Sir, I want to ask the Assistant Minister to tell us the official drinking hours in this country and confirm whether those hours are adhered to.

Mr. Ojode: Mr. Deputy Speaker, Sir, I do not know what the hon. Member means by “drinking hours”. Any time is tea time!

(Laughter)

There are bars which start operating--- It depends on what kind of licence you have. There are bars which operate from as early as 8.00.a.m.

Mr. Deputy Speaker: Mr. Ojode, are you sure the licenses that you give to liquor outputs do not have limitation of time?

Mr. Ojode: Mr. Deputy Speaker, Sir, there are categories of licences which are issued. There are bars which start operating from 10 a.m. to 11.00 p.m. There are bars which operate up to morning time - the so-called night clubs. So, the licences differ from one bar to another.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, we keep on seeing policemen arresting brewers of those illicit brews. But going by the figures which have been given by the Assistant Minister, for example, Nairobi Area Province, there have been 35 deaths. But how many people have been prosecuted? Nil! Eastern Province has had 71 deaths emanating from the consumption of those illicit brews. How many people are being prosecuted? Imagine, it is only one! We keep on seeing policemen arresting those brewers. In Rift Valley Province, where there have only been 14 deaths, 29,452 cases have been prosecuted. So, my big question to the Assistant Minister is this: What is his Government doing? Even in my constituency, I keep on seeing those people being arrested. Does it mean that they are arrested and released? I am saying that because there is suspicion that the police and the Provincial Administration are also involved in those illicit brews.

Mr. Ojode: Mr. Deputy Speaker, Sir, ordinarily, in many occasions, when a suspect is arrested, investigations are done and then, later on, some of them are released for lack of tangible evidence of criminal activity. That is why some of the arrested persons are being left to go scot-free. But we have told the police officers that, whenever they arrest a suspect, they must take that suspect to court, after investigations are carried out. There are cases where a swoop can be done---

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. It is very clear that in the Rift Valley Province, the police are doing their work. A total of 29,452 cases have already been prosecuted. But in Eastern Province, there is only one case. He cannot possibly tell us that it is only the police and the courts in the Rift Valley Province that

know how to deal with cases of illicit brews and the ones in Eastern Province do not know. So, could he tell us what is happening in Eastern Province where the police are not able to prosecute?

Mr. Ojode: Mr. Deputy Speaker, Sir, we cannot prosecute before we do thorough investigations. When a swoop is done, you must investigate those people first. When you find they have a case to answer is when you take them to court. There must be some evidence!

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. The question is very simple. Does it mean that it is only the police in the Rift Valley that are able to get evidence in those cases and the ones in Eastern Province do not know? There is only one case in Eastern Province against 29,452 cases in Rift Valley.

(Applause)

Mr. Deputy Speaker: Mr. Ojode, simple logic dictates that something is happening--- The functions of the Police Force are being performed fairly well in Rift Valley and not in other parts of the country. Those other parts of the country are registering deaths caused by illegal brews. Can you give an explanation?

Mr. Ojode: Mr. Deputy Speaker, Sir, you know the work of the police! The police arrest the suspects, they investigate the matter and, if there is sufficient evidence, they take those particular people to court. That is what is happening in the Rift Valley. The Rift Valley is an expansive province!

Hon. Members: No!

Mr. Ojode: Mr. Deputy Speaker, Sir, in Eastern Province, there are those who are being investigated as we speak. Once the investigations prove that they committed a criminal activity, they will be taken to court. The good thing is that Eastern Province is becoming disciplined a bit. When some of them see my police officers, they run away. So, the police do not arrest them when they run away. But for those who have been arrested, they are being investigated and they will be taken to court.

Mr. Mututho: Mr. Deputy Speaker, Sir, could the Assistant Minister name any major manufacturer licensed by KEBS who has been taken to court to date for causing death by these illicit drinks?

Mr. Ojode: Mr. Deputy Speaker, Sir, it is not possible for me to name anybody right away because there are investigations still going on. As I mentioned earlier, I will give information to this House regarding the report we have which states who is involved and what action we will take, as the Government. I want to promise that those companies will be---

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. Shall I be in order, therefore, to ask the Assistant Minister to table this within two weeks, seven days, one day or whichever time is applicable?

Mr. Ojode: Mr. Deputy Speaker, Sir, I am quite happy to table, after the investigations, any report which is compiled, after three weeks.

Mr. Deputy Speaker: Order, hon. Assistant Minister. Does the Chair have to presume that these investigations will only take off today when the matter has been brought to the Floor of the House, or is this an ongoing thing?

Mr. Ojode: Mr. Deputy Speaker, Sir, I did say that we will investigate as from Friday. So, let us do a meaningful job by---

Mr. Deputy Speaker: You will start investigations as from Friday?

Mr. Ojode: Yes, on this particular company. Then after three weeks, I will be able to report to the House and the whole country.

(Mr. Mututho stood up in his place)

Mr. Deputy Speaker: Mr. Mututho, I thought you did ask your last supplementary question on the same! Are you standing up on a point of order?

Mr. Mututho: I am standing up on a point of order, Mr. Deputy Speaker, Sir.

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

Mr. Mututho: Mr. Deputy Speaker, Sir, I did not get your ruling on the tabling of the report by the Assistant Minister.

Mr. Deputy Speaker: Mr. Assistant Minister, you had given an undertaking to the House that, indeed, you will table the list of all those companies that essentially manufacture illegal brews and have also been licensed by the Government, in three weeks time. Under the circumstances, the Chair directs that this Question appears on the Order Paper three weeks from today.

Mr. Ojode: That is fine, Mr. Deputy Speaker, Sir.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.165

INCLUSION OF VOI-TAVETA RAILWAY LINE IN VISION 2030 STRATEGY

Mr. Deputy Speaker: Is Mr. Mwadeghu not in the House? We will come back to this Question later.

Question No.170

HUMAN/WILDLIFE CONFLICT IN TSAVO NATIONAL PARK/SHIMBA HILLS GAME RESERVE

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

- (a) what practical steps he is taking to address the unprecedented increase in cases of human/wildlife conflicts in Tsavo National Park and Shimba Hills Game Reserve;
- (b) how many people have lost their lives to such conflicts and how much the Government has spent to compensate the victims; and,
- (c) when he will bring the Wildlife Bill to the House for debate.

Mr. Deputy Speaker: Is the Minister for Forestry and Wildlife in the House? We will come back to this Question later.

Question No.265

UPSURGE OF ARMED ROBBERIES
WITHIN MATUU TOWN

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

- (a) Whether he could explain the reason behind the rise of armed robberies within Matuu town; and,
- (b) What action he is taking to ensure that the residents of the town and their property are safe.

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

- (a) The recent wave of armed robberies within Matuu Town has been due to the recent release from prison of hardcore criminals through a presidential pardon. Investigations carried out by police have also pointed to collusion by employees of the targeted business establishments, the so-called supermarkets.
- (b) Following the spate of robberies, police conducted investigations that led to arrests of several hardcore criminals, some of whom have been charged before courts with robberies while others are assisting police to recover the firearms used.

Beats and patrols have also been stepped up, leading to reduced incidents of crime. Also, community policing initiatives have been re-activated and the business community has been advised to vet their employees to avoid collusion with criminals.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I am actually surprised because every time there is a presidential pardon the Government says that it has released prisoners who have reformed, and that they are petty prisoners. The Assistant Minister has told us that the presidential pardon is for the release of hardcore criminals, which I find to be very amazing. Who has been advising the President to release these hardcore criminals? Could he advise us?

Mr. Ojode: Mr. Deputy Speaker, Sir, the prisons management advises on those who are supposed to be released. They assume that these criminals have actually reformed. They assume the criminals will be able to be integrated together with other citizens in order for them to continue with their daily lives. With time, things turn out to be contrary to the thinking of the prisons management. As we talk, in Matuu Town alone, we have arrested nearly eight criminals as of last week. Some of them are being charged today in court.

I want to assure the hon. Member, who is also a good friend of mine, that we are continuing to arrest those who engage in these criminal activities within Matuu Town. This is not just happening in Matuu Town. There are those criminals also who are going round in Kakamega. Some of them have been arrested. I want to assure this House that those criminals who have been released from prison, if they cannot change, they will go back to prison.

My duty is to arrest criminals. It is the duty of the court to take them to prison or to release them. I want to assure the hon. Member, and the country at large, that criminal activities will not be allowed to occur in this Kenya of today. We will arrest anybody

who perpetuates criminal activities. Anybody who colludes with those who come to rob with violence will also not be spared.

I am happy with my police officers who are doing a good job to arrest these culprits, and we will take them to court.

Mr. Wambugu: Mr. Deputy Speaker, Sir, the Assistant Minister has tried to answer the Question. Every time he stands in this House, he always talks about the good work that his officers do, but he does not want to face the fact that we have got a very big shortage of security personnel in this country, who are supposed to be suppressing the upsurge in crime, particularly in a place like Murang'a and Mathioya, where we have a police post which has been the way it is since the 1950s. He has refused totally to even upgrade some of those police posts to police stations so that we can have more personnel. Could he indicate to this House when he will upgrade the police posts and also post enough security personnel to police posts like Kiria-ini in Mathioya?

Mr. Ojode: I want to confirm to this House that we do not have a shortage of security personnel. You remember that during the referendum period, my police officers did a commendable job; we have to say the truth. Police officers did a commendable job.

Mr. Wambugu: On a point of order, Mr. Deputy Speaker, Sir. How can the Assistant Minister stand up and say that there is no shortage of personnel? We have been waiting for policemen to be posted to Kiria-ini for the last two years! We have got less than 10 officers to man a whole district!

Mr. Ojode: Mr. Deputy Speaker, Sir, we do not have any shortage of security personnel; not that I am aware of. What we will do is to---

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. This Assistant Minister is taking this House lightly. We know very well that the ratio of policemen to civilians--- This country does not meet internationally recognized standards, and the Assistant Minister has been on record confirming the same. Is the Assistant Minister in order to take this House lightly and in circles?

Mr. Ojode: Mr. Deputy Speaker, Sir, the Member for Mathioya insinuated that he does not have enough policemen in his place, and that means we, as the Government, have a shortage of security personnel. That does not necessarily mean we have shortage of personnel. We post police officers to a given area, considering the number of criminal activities reported in that particular place. So, in other words, I cannot post 60 police officers in Mathioya where there is calm and there is no insecurity and leave out Matuu, where the crime rate has gone up. It is not possible and I will not do so. I will transfer those idle police officers from Mathioya to Matuu, where their services are required.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. Could the Assistant Minister simply give us the ratio that is internationally accepted with regard to the population of Kenya in provision of the police officers?

Mr. Deputy Speaker: Hon. Assistant Minister, if there is no shortage of police officers then, why does the Government do recruit them?

Mr. Ojode: Mr. Deputy Speaker, Sir, I said the UN ratio is 1:450. As I said, as at now, Mathioya does not require many policemen because we do not have insecurity within that area.

Mr. Joho: Asante Bw. Naibu Spika. Mhe. Waziri Msaidizi amesema hapa anawatuma askari katika maeneo fulani kulingana na hali mbaya ya usalama. Ikiwa kuna upungufu wa usalama, basi anawatuma askari wa kutosha. Nina habari thabiti kuwa

katika eneo langu hali ya usalama ni mbaya sana. Hii ni kwa sababu baada ya kila wiki moja kuna ripoti ya mtu mmoja au watu wawili kuuwawa na majambazi. Je, ni kwa nini Serikali haijatuma askari wa kutosha katika sehemu hiyo? Je, ni kigezo gani mnachotumia kujua eneo fulani lina hali mbaya ya usalama na linahitaji askari wengi?

Mr. Ojode: Mr. Deputy Speaker, Sir, ordinarily, the District Security Team sits down and suggests how many personnel they require in every area.

Mr. Deputy Speaker, Sir, recently in Kisauni we had some problems. If the District Security Committee (DSC) applies for more security officers, we will not hesitate. We will give more security officers together with a mobile vehicle for them to conduct patrols within that particular area. As at now, we have not heard of any security--

Mr. Wambugu: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to continue threatening me that he will withdraw security officers from my place when I have been actually asking for more? He is trying to avoid questions in this House. Could he withdraw those threats? Could I also get some protection from this House, so that he does not continue threatening me and my people in Mathioya?

Mr. Ojode: Mr. Deputy Speaker, Sir, that is not a point of order!

As I said, if there are idle police officers in Mathioya, where there is no insecurity at all, I will have to withdraw those idle police officers and transfer them to more busy stations. That is exactly what I said. I want to congratulate the hon. Member of Parliament and his people for improving the security situation in that area. So, if there are idle police officers in Mathioya, I need them somewhere else.

Mr. Joho: Jambo la nidhamu, Bw. Naibu Spika. Mhe. Waziri Msaidizi amesema ikiwa kamati ya usalama ya wilaya yangu itapendekeza idadi fulani ya askari wanaohitajika katika eneo langu, basi yeye atawatuma askari hao. Ningependa Waziri Msaidizi atoe hakikisho katika Bunge hili kuwa kamati hiyo ikipendekeza idadi ya askari wanaohitajika katika eneo langu, atawatuma mara moja.

Mr. Ojode: Mr. Deputy Speaker, Sir, I will do exactly that. Once I get the requirements, I will do exactly that.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, it appears from the Assistant Minister's answer that the cycle is as follows. The cycle is that the police arrest hardcore criminals, courts jail them and the President pardons them. That is the answer he has given to the House.

Under the law of Presidential Pardon, what is provided for is for petty criminals to be released. If the Assistant Minister does not understand what "petty cases" or "petty criminals" mean, I will help him. These are minor offences like traffic offences and disorderly conduct. Those who are petty criminal offenders cannot just become hardcore criminals. So, I want him to confirm whether, indeed, the Presidential Pardon had been including hardcore criminals and who has been giving this advice to the President to give release them.

Mr. Ojode: Mr. Deputy Speaker, Sir, it is quite unfortunate that those who are supposed to be released as either petty offenders or hardcore criminals do not fall under the Office of the President. That falls under the Office of the Vice-President and Minister for Home Affairs, where the Prisons Department is. I had said earlier that the management of the Prisons Department are the ones who come up with the names of those who are supposed to be pardoned by His Excellency the President. It is not the

Office of the President. So, the only advice I will give is that the Prisons Management should look for petty offenders as opposed to the so called hardcore criminals. It is the prisons officers who must give advice on those criminals who are supposed to be released or those who are supposed to be pardoned by the President. It is not the Office of the President.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. I do not wish to waste the time of this House because I could as well ask this Question to the Office of the Vice-President and Ministry of Home Affairs, which is in charge of prisoners. I have raised it variously. Could the Assistant Minister explain to the House why hardcore criminals are being released through Presidential pardon? The answer would be very obvious from the Vice-President and Minister for Home Affairs. You have said that they do not release hardcore criminals. So, is he in order to mislead this House? If, indeed, they are being released, is his Ministry not working hand in hand with the Office of the Vice-President and Ministry of Home Affairs?

Mr. Ojode: Mr. Deputy Speaker, Sir, we will work hand in hand with the Office of the Vice-President and Ministry of Home Affairs. We will advise them to at least suggest names of petty offenders as opposed to hardcore criminals. Ordinarily, the law will take its course; if the hardcore criminals are released, they will be taken back to the prisons once they have been arrested.

We will advise the Ministry in charge of matters related to prisons. Thank you.

Question No.209

REDUCTION OF FUNDS FOR REPAIR
OF ROADS IN NYANDO BY KERRA

Mr. Ochieng' asked the Minister for Roads:-

(a) why he has, through the Kenya Rural Roads Authority (KERRA), reduced the amount allocated for repair of roads within the greater Nyando region from Kshs.18 million to Kshs5.6 million; and

(b) when he will release the balance of Kshs12.4 million to the region so that the intended roads can be repaired.

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

(a) I am aware funds due to Nyando District under the 10 per cent roads maintenance levy portion of the financial year 2009/2010 as approved by the Kenya Roads Board was reduced from Kshs18 million to Kshs5.6 million. Indeed, this deduction affected the entire country and not only the district in question. The deduction was inevitable since the Budget for 2009/2010 was prepared in the preceding financial year, 2008/2009, and it had not factored in the Kenya Rural Roads Authority's operational costs. For this reason, a total of Kshs549,000 was used to fund KERRA's operations both at the head office and at the regions. Subsequently, a total of Kshs307 million was also used as Government's counterpart funding for projects with our development partners. The rest, amounting to Kshs1.05 billion was disbursed in the respective regions.

(b) My Ministry is not in a position to release the balance since the money was utilized as explained above. Nevertheless, the works on the intended roads will be funded and carried out in this 2010/2011 Financial Year.

Mr. Ochieng’: Mr. Deputy Speaker, Sir, could I know from the Assistant Minister why KERRA operational costs were not factored in the Budget of 2009/2010? Was there an omission by those who were charged with the responsibility of factoring this amount in the Budget?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I wish to inform the hon. Member that the law was changed in December, 2009. By the time it was changed, the Budget had already been read and the expenditure had already been incurred. Therefore, we could not be able to reverse what had already been spent.

I also want to assure the hon. Member that the operational costs of these authorities which are directly charged with the maintenance of roads in the rural areas must come from these particular funds. That will be the case as the law has stipulated.

Mrs. Noor: Mr. Deputy Speaker, Sir, this Assistant Minister undertook in this House some time last year that the road from Ijara to Hola via the bridge would be repaired. He had said that starting January this year, they would start repairing the road. May I get your direction on that undertaking because it is serious for a Minister to give an undertaking and yet up to today, that has not been done.

Mr. Deputy Speaker: Mr. Kinyanjui, you gave an undertaking as an Assistant Minister.

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, quite clearly, this is a different Question. However, for the benefit of the hon. Member, I wish to state that we have started the procurement process. As the hon. Member knows, it takes quite some time before you see the actual work on the ground. We have taken the matter seriously. I know it is about the approach roads on the bridge. Before long, they will be able to see action on the ground.

Mr. Mungatana: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for the answer. However, it is very worrying when you hear that allocations for certain regions are being reduced arbitrarily from Nairobi. How prepared is the Assistant Minister and his Ministry in terms of implementing the new Constitution which makes it mandatory for resources to be allocated to regions? What ground preparations have been put in place? Even from my own area, we complain a lot. We have been told before that money has been allocated, but it never reaches the ground. I am asking this because the new budget cycle has commenced. What preparation is the Assistant Minister putting in place to ensure that the necessary percentages reach the ground?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I hope I was understood. I said that in the Financial Year 2009/2010, we had already started spending the money from the Roads Maintenance Fund before the law was amended. Previously, we used to disburse the funds equitably. After the law was amended in December, 2009, we changed that to equal disbursement. This means that money had already been sent. We could, therefore, only give what had actually remained.

I would like to remind the hon. Member that it is during the same year that these particular authorities were started. Therefore, the start-up cost was, of course, high but from now henceforth, it will be the operational cost. I want to assure the hon. Member that from now henceforth, there will be no changes as we saw. The salaries that have to

be paid for the KERRA and the other roads authorities will come from the Fund. However, that will be a specific cost that will be known to the House and Members will get the money as stipulated.

Mr. Njuguna: Mr. Deputy Speaker, Sir, since the Assistant Minister has accepted that the money meant for roads in Nyando region was reduced, could he now indicate how much money has been factored for the same roads this financial year? That way, the hon. Members and *wananchi* in that area will develop confidence in what the Ministry is doing for that region.

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, the money that is sent for roads is actually a percentage of the total collections. Therefore, we are not able to know the exact amount of money until the collections have been done. However, given time, I will be able to table all the amounts allocated to the respective constituencies and hon. Members will benefit from that information.

Mr. Ochieng': Mr. Deputy Speaker, Sir, since the law was changed and, of course, the Assistant Minister knows that as a result of that, there is an amount of almost Kshs500 million that was reduced from the Roads Fund account. Has he now factored the same amount so that the roads that were meant to be done by this money can now be taken care of?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, it is, indeed, so, but as I have said, even in future the operational cost of these authorities will have to come from the Fund. After removing the operational cost, we will be able to divide the money equally among all the constituencies.

Mr. Ochieng': Mr. Deputy Speaker, Sir, just one clarification. Could the Assistant Minister tell us why they want to include the salaries into the monies that go to constituencies? Why can they not just say that a particular amount of money will be allocated to a constituency to do the roads and then salaries will be their own issue which they should be able to keep in their own offices?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I am not too sure what the hon. Member means by "their own issue" but the law is very clear and it was made by this House. The operational costs of those authorities must be factored within the funds coming from the Kenya Roads Board. Those funds come directly to these boards. So, unless the law is amended to reflect what the hon. Member is saying, I am afraid the situation will remain the same.

Question No.186

LIST OF TEACHERS RECRUITED IN NAROK SOUTH

Mr. ole Lankas asked the Minister for Education if he could provide a list and give details of teachers recently recruited in Narok South.

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

You will recall that this Question came up last Wednesday and upon examination, a number of issues were raised, including whether the Ministry could provide the list of members of staff in the District Officer's Office in Narok South. The list shows their

ranks; district of origin; whether the recruitment was done strictly in accordance with the Ministry's policy and if not, what remedies the Ministry would take and what disciplinary action would be taken against the recruitment officers if they acted contrary to the Ministry's guidelines and policies. I beg to table the list again. It includes the names of the recruits, their districts of origin and the names of the officers in charge of the various districts.

(Mr. Mwatela laid the document on the Table)

The recruitment was done strictly in accordance with the Ministry's policies and guidelines. The process was conducted with the highest degree of professionalism, integrity, merit and transparency in accordance with the Public Officers Ethics Act, 2003. The candidates were awarded marks against academic and professional certificates - Masters, basic degree, post-graduate diploma and diploma certificates. Other factors that were also considered during the interviews were equity, duration after graduation, communication ability, moral character, special talents and willingness to participate in co-curricular activities. No disciplinary action will be taken since we strictly implemented the recruitment policy and guidelines without any irregularities. Further, the TSC Vetting Committee scrutinized all the application forms submitted by the DEO with a special consideration and first priority for employment to qualified candidates from the local community. I beg to submit.

(Mr. Mwatela laid the document on the Table)

Mr. ole Lankas: Thank you, Mr. Deputy Speaker, Sir. Going by the list that the hon. Assistant Minister has just provided, although I have not read through it, if you look at the list of the primary school teachers, you will see that the first four all the way to number 9 are from outside the district. You will see that some come from Imenti Central, Kirinyaga, Mathira, Manga, Bomet and Bureti. I have asked this Question because when the Government employs any cadre of people, the idea is to address the issue of unemployment in the country. Each district is given its quota. From the list, you can see that the people of Narok South have been denied that right to access employment as the rest of Kenyans. Could the Assistant Minister tell us why the locals of Narok South cannot access employment like the rest of Kenyans and yet, that was their quota?

Mr. Mwatela: Mr. Deputy Speaker, Sir, the hon. Member's brother sat in the District Education Board that did the vetting.

Mr. ole Lankas: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is misleading the House by saying that I sat in that meeting where recruitment was done. Could he table that evidence? I deny that I was in that meeting?

Mr. Mwatela: Mr. Deputy Speaker, Sir, I said that the hon. Member sent his brother, Mr. James Lankas, I believe that is his brother. He sent him to represent him. The vetting was done in his presence. People of this country live in different places. It is true that the names of the first four of the 19 people belong to people from other areas. However, they are residents of Narok South.

Mr. Pesa: Mr. Deputy Speaker, Sir, this Question does not involve Narok only. I remember sometime ago when this Question came to this House. The Minister who

answered the Question on that day undertook to go, investigate and find out whether there were people who had been employed there from various districts. He said that he will come back and assure this House that he had made the corrections. That is the question we are asking here. It had been accepted by the Minister that there were complaints and Migori was not excluded in those complaints. We want to know whether the Minister corrected the mistakes that were made by the recruitment officers.

Mr. Mwatela: Mr. Deputy Speaker, Sir, indeed, the initial recruitment list that was done is very different from the final list. That is because the recruitment list did not include as many members of Narok South. That is why this final list is made up of Narok South people. The names may appear to belong to people from different areas, but I know that there are people who share names. I know that people have moved over to other countries. But those are residents of Narok South.

Mr. Mungatana: Mr. Deputy Speaker, Sir, the question of marginalization is almost like a continuous curse because you will find that in some of the areas where we come from, the Ministry will insist on certain standards and yet, our people from those areas cannot meet those standards. The Ministry then says that we are not qualified. Then we are marginalized. People from other districts are brought and take up the positions that should have gone, as hon. Lankas has said, to alleviate the unemployment in our areas. There will be teacher recruitment exercise on contract basis. We want an undertaking from the Minister - here on the Floor of the House – that, when it comes to areas like Garsen, Kajiado and other marginalized areas, he is going to put special considerations so that the local people are given that opportunity. That way, we will remove the unemployment that is prevalent in those areas and give a chance to our people. The other people do not like living in dry areas. Could we have that undertaking?

Mr. Mwatela: Mr. Deputy Speaker, Sir, first, let me say that the hon. Member has raised a very pertinent issue. It is, indeed, the concern of the Ministry that people are given the opportunity to serve in areas that they originate from. That is because they will give the best service there. At the same time, we will not want to compromise on quality by just employing anybody. So, subject to reasonable quality, we undertake to make sure that the recruits are from that area.

Mr. Lankas: Thank you, Mr. Deputy Speaker, Sir. Now that the Assistant Minister has accepted that seven of the vacancies that were for Narok South were taken by other districts, is there a way he can make an undertaking to this House that I will be compensated now that we have another opportunity of recruiting teachers?

Mr. Mwatela: Mr. Deputy Speaker, Sir, in the coming recruitment exercise, we will make sure all the recruits will be from Narok South as long as they meet the qualifications.

Mr. ole Lankas: On a point of order, Mr. Deputy Speaker, Sir. My question is very clear. Out of the normal 16 vacancies that you are going to allocate to all the districts - this is a special request – will I get the seven on top?

Mr. Deputy Speaker: The issue is: Are you going to compensate Narok South?

Mr. Mwatela: Mr. Deputy Speaker, Sir, that may be difficult for me because it means that I have to create an opportunity for employment that is not within my docket at this stage. It will be difficult.

Mr. Deputy Speaker: In whose docket is it then? If you cannot make that undertaking, who has to make it?

Mr. Mwatela: Mr. Deputy Speaker, Sir, we need the total revision of the whole thing and it may not be possible at this particular time.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has confessed that there was an anomaly and, therefore, seven people from Narok South area suffered. That problem could be across the country and not in just one area. There are instances where people are recruited from far away and yet, the guidelines are very clear. The first priority should be given to people from that area. What is the Assistant Minister doing to make sure that the problem does not arise again? Is he in order to avoid answering that question?

Mr. Deputy Speaker: On the strength of your own admission of the lapses in the execution of this programme, could you give an undertaking?

Mr. Mwatela: Mr. Deputy Speaker, Sir, first of all, I repeat that the people recruited were residents of Narok South District. They may have originated from elsewhere, but they are residents of Narok South District.

Mr. ole Lankas: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House by saying that those who have been recruited outside the district are residents of that district and yet, it is very clear from the answer that they come from outside this district? His answer is very clear.

Mr. Deputy Speaker: Mr. Mwatela, have you gone back to your office and confirmed that, indeed, those recruited are residents of Narok South District?

Mr. Mwatela: Yes, Mr. Deputy Speaker, Sir. Yes, that is exactly what we did. The fact that the names appear to be different, does not mean that they are from outside the district. Unfortunately, we, as a Ministry, cannot discriminate against individuals strictly on the basis of their names.

Mr. Deputy Speaker: Next Question by Mr. Olago.

Question No.199

LIST OF RETIRED/DEAD KISUMU MUNICIPAL COUNCIL
EMPLOYEES FROM 2000

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

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

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

(c) what steps the Ministry is taking to assist and encourage the Council to make these payments without undue delay and to ensure that pension and retirement funds are administered.

Mr. Deputy Speaker: Hon. Olago, the Chair has communication from the Minister concerned. Indeed, I am satisfied with his reason for not being available to answer the Question. The Chair directs that this Question appears on the Order Paper tomorrow morning.

(Question deferred)

Next Question, Dr. Monda!

Question No.275

DEATHS CAUSED BY JIGGER INFESTATION

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

a) whether she is aware that there have been over 265 reported death cases as a result of jigger infestation; and,

(b) what mechanisms the Government has put in place to fight the jigger menace in the country.

Mr. Deputy Speaker: Where is the Minister for Public Health and Sanitation? The Chair has, indeed, noticed the presence of hon. Mugo. Is she still around?

The Minister for Public Health and Sanitation (Mrs. Mugo): Yes, I am around.

Mr. Deputy Speaker: Proceed! You have a Question to answer!

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

(a) I am not aware that 265 people have died from jigger infestation. However, I am aware that in the year 2009, 901 people were found infested with jiggers out of which 471 were treated and completely cured. Currently, 430 persons are undergoing treatment.

(b) My Ministry has put in place the following measures in order to fight the jigger menace:-

1. Procurement of chemicals and other commodities for jigger prevention and control worth over Kshs10 million. These have been distributed to all provinces in the country.

2. We target to spray 70 per cent of households in 15 districts in the country which are worse affected by the jigger menace.

3. We are also planning to have intensified public education focusing on the following areas: Improved housing through smoothening surfaces of floors and walls, observation of high state of personal hygiene, spraying of houses and pets to kill flees, use of detergents to de-infest the parasites, physical removal with sterile pins, use of flame or detergent solution to treat those who are infected and setting aside a jigger control week during which jigger control and prevention activities will be highlighted throughout the country.

Specifically for Kisii Central, the Ministry has already disbursed adequate supplies for control of jiggers and treatment for those affected. Pursuant to this, public health staff have sprayed a total of 1,278 households and 161 schools which had favourable conditions for jigger infestation. In addition, the officers have embarked on an aggressive health education campaign to create awareness among members of the public on control measures.

Dr. Monda: Mr. Deputy Speaker, Sir, while I thank the Minister for the answer she has given, could she tell the House in which districts the 430 jigger infested Kenyans are and if Kisii Central is one of the 15 districts she is talking about?

Mrs. Mugo: Mr. Deputy Speaker, Sir, the 15 districts are in five provinces. The districts in Central province include Thika, Murang'a North, Murang'a South, Kiambu East, Kiambu West, Nyeri North and Nyeri South districts. The districts in Rift Valley Province include Kericho, Narok North and Narok South districts. Nyanza Province includes Siaya District. Western Province includes Emuhaya and Kakamega East districts. Coast Province includes Kwale and Malindi districts. We are in the process of identifying countrywide other districts which need to be prioritized and added to the list.

Mr. Deputy Speaker: You have not answered the second part of the supplementary question about Kisii Central.

Mrs. Mugo: Mr. Deputy Speaker, Sir, Kisii Central does not seem to be on the list, but we will add it on.

Dr. Eseli: Thank you, Mr. Deputy Speaker, Sir. I would like to thank the Minister for that good answer. This Question referred to a possibility of 265 deaths. This could be very alarming to the rest of the country. To the medical profession's knowledge, maybe this may not be the cause of death, but there may be other causes of death related to the jigger problem. Could she ensure that thorough investigations will be made so that we do not have such alarming reports again of deaths being caused by jiggers when we know that the deaths by jiggers could be secondary? Could she assure this House that she will investigate the background of the 265 which apparently did not exist, so that she allays the worries of Kenyans?

Mrs. Mugo: Mr. Deputy Speaker, Sir, we are carrying out an investigation to establish the cause of these deaths. After investigation, strong action will be taken to ensure that the deaths do not continue to occur.

I want to assure this House that the numbers of deaths were not caused by jiggers. They could be, as hon. Dr. Eseli said, have been caused by other related issues. Indeed, jigger infestation is part of our PS's performance contract and a lot of interest is being put in this area. An area we guard very closely is the HIV/AIDS transmission because of using the same pin and any other infection that can be caused by jiggers. However, I want to add that we have some supporting NGOs that are doing a very good job. I want to comment that they are doing a very good job and they are partners in this. However, in their effort to get more funding in this area, from donors, they exaggerate certain figures. So, I would like hon. Members to take that into account. I want to enlist the support of hon. Members that this has to do with personal hygiene. Let us take every opportunity in our *barazas* and meetings with our constituents to emphasize personal hygiene. Maybe the Ministry of Education should also add this in their curriculum.

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

Dr. Monda: Mr. Deputy Speaker, Sir, the Minister is on record to have said that there is a survey that is being carried out all over the country. When will that survey be completed, so that people can have sufficient information on the jigger control week that she intends to hold and know where to operate from?

Mrs. Mugo: Mr. Deputy Speaker, Sir, that is part of the planning. I cannot say exactly when, but the survey is being carried out so that it can inform policy. Before we have the jigger control week, we will definitely have all that information. We will pay particular attention to the hon. Member's area.

Question No.296

GOVERNMENT'S COMMITMENT TO INTERNATIONALLY
AGREED DEVELOPMENT GOALS

Mr. Deputy Speaker: Hon. Members, regarding Question No.296, there is communication from hon. Ethuro and the Minister. The Question is deferred to Tuesday next week.

(Question deferred)

Question No.299

MEASURES TO ENSURE SUGAR-CANE FARMERS
ENJOY MAXIMUM BENEFITS

Mr. Odhiambo asked the Minister for Agriculture:-

(a) whether she is aware that farmers supplying sugarcane to the Government-owned millers could miss out on the high prices in the international market due to production inefficiencies;

(b) whether she could assure the farmers that the final payment made is not reduced by maximizing the cost of services rendered given that farmers depend on millers for farm inputs (fertilizer and transport); and,

(c) what arrangements are in place to ensure that the farmers enjoy maximum price benefits.

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

(a) I am not aware that farmers supplying sugar-cane to the Government-owned millers could miss out on the high prices in the international market due to the high cost of sugar production.

(b) The Government will ensure that final payment is not reduced by ensuring that transporters maintain a competitive price, and that millers do not increase the price of fertilizers.

(c) The Government has ensured that farmers enjoy maximum price benefit by ensuring that factories pay farmers in accordance with the fixed formula.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Odhiambo: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for the answer he has given. However, I would like to point out that it is not an honest answer, because we know that the price of imported sugar is even lower than the price of locally produced sugar. The cost of producing sugar locally is very high, because of the inefficiencies I am talking about. Transport costs are very high. Fertilizers are very expensive. The costs of ploughing, harrowing, *et cetera*, are very high. Therefore, his answer is misleading. Could he assure this House that strict measures will be put in place to control the charges levied on farmers for delivery of their sugarcane to the millers? These charges are so high that the farmer ends up getting very little profit or none at all.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, the answer is not misleading. It is the correct information. I would like to assure the hon. Member that we are looking into the issue of the prices of the inputs for sugar production, especially fertilizers, as well as the

rate charged for transportation. We have made the millers to come up with categories, from zero to 10, and state how much it costs per tonne and so on. The price of our sugar is not based on international sugar prices. It is based on domestic factors because we do not even export sugar. We always import sugar into the country.

Dr. Khalwale: Mr. Deputy Speaker, Sir, our greatest concern about our farmers is the amount of corruption that is involved; it is to the extent that farmers get their cane weighed at the factory. We had hoped that the Ministry was going to help farmers by having the cane weighed at the farm, so that the losses that they incur through transportation could be curtailed. However, the Kenya Sugar Board (KSB) is telling us that they want to pay farmers based on the sucrose content. Could the Assistant Minister confirm that, that is going to be the new formula, and state how they are going to make sure that they curb corruption? How will the farmer know how much sucrose his sugarcane had?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, the KSB is trying to do an experiment to find out whether making payment on the basis of sucrose content of sugarcane can apply. They are sourcing for a machine which can test the sucrose content of sugarcane. At the same time, we found it very difficult to place a weighing scale in every sugarcane farm, because the farmers are many, and are scattered. So, we are trying to come up with a common area, where sugarcane can be weighed before it gets to the factory. It is impossible to supply all the farmers with weighing scales at their farms' gates.

Dr. Eseli: Mr. Deputy Speaker, Sir, the history of sugar the world over is tragic. In fact, sugar drove the slave trade industry in the medieval times. At the moment, sugar is driving the "slavery" of the sugar growing zones. You just have heard the Assistant Minister say that they are going to do an experiment to see whether payment on the basis of the sucrose content of sugarcane can be applied. In other words, they want to continue experimenting on the farmers and enslave them further.

Could he assure this House that the sucrose content experiment will be done on the nucleus estate sugarcane and not on farmers' sugarcane, so that once they come up with the results, they can extend the same to the farmers, so that the farmers can finally start benefiting from their sweat instead of the sugar barons lining the sugar pecking order, from the KSB down to the factories?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, that is exactly what is going on. That is what is going to happen. Immediately we get the machine, that is where it is going to be based. Farmers will benefit out of their production.

Mr. Deputy Speaker: Last question, hon. Alfred Odhiambo!

Mr. Odhiambo: Mr. Deputy Speaker, Sir, apart from the production of sugar, we have other by-products; these come from the process of producing sugar; examples are molasses, ethanol, coal generation, *et cetera*. Could the Assistant Minister assure this House that, in future, farmers will also be paid part of the benefits that the companies get from the sale of these other products arising from the sugar production process? The farmers do not benefit in any way, from these by-products. So, could he assure this House that in future, farmers will also be given part of the money realised from the sale of those by-products?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, it is only a few millers who produce by-products such as molasses, and so on. However, I will communicate this message to

the KSB to make sure that the farmers are also considered for payment from the proceeds of those other products.

Mr. Odhiambo: On a point of order, Mr. Deputy Speaker, Sir. The Minister should not say that it is only a few factories which produce these by-products. All the factories that I know produce molasses. Maybe, he can deny production of the other by-products. It is wrong for him to say that only a few factories produce by-products. Can farmers get paid for the molasses that the sugar factories produce? All the factories produce molasses.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, I have said that with regard to those factories producing products other than sugar, I will talk to KSB and find out whether payment for by-products can be included when they pay farmers.

Mr. Deputy Speaker: Hon. Members, the Chair directs that Question No.313 appears on the Order Paper tomorrow, Thursday morning.

Question No.313

NUMBER OF BOREHOLES DRILLED BY MINISTRY COUNTRYWIDE

(Question deferred)

Let us now go back to Question No.165.

Mr. Mwedghu: Mr. Deputy Speaker, Sir, I rise to ask Question No.165 on the Order Paper.

Mr. Deputy Speaker: Order, Mr. Mwedghu! You were not here to ask this Question at the appropriate moment. Can you apologize to the House, first of all, before you ask your Question?

Mr. Mwedghu: Mr. Deputy Speaker, Sir, I want to apologize to the House for coming late. May I be allowed to ask Question No.165 on the Order Paper?

Question No.165

INCLUSION OF VOI-TAVETA RAILWAY
LINE IN VISION 2030 STRATEGY

Mr. Mwedghu asked the Minister for Transport:-

(a) whether he could clarify to the House if Voi–Taveta railway line is included in the National Development of the Vision 2030 strategy and at what cost;

(b) whether there are new lines which have been erected since Independence aside from the Mombasa–Kisumu–Uganda and Nairobi–Thika lines built during the colonial period; and,

(c) whether he could also confirm if there are negotiations between Kenya and Tanzania governments for the construction of Voi–Moshi–Voi–Dar-es-salaam railway lines

The Assistant Minister for Transport (Mr. Mwau): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I would like to clarify that the Voi-Taveta Railway line is not specifically included in the national development plan for the Vision 2030. However, plans are underway and consideration to upgrade and modernize the railway line as part of the proposed modern rail-commuter passenger services network in the coast region.

(b) The Government has not yet built any new railway line since Independence.

(c) The East African Community (EAC) has developed a railway master plan covering the whole region, including the proposed railway connection between Kenya and Tanzania. Both Kenya and Tanzania being members of the EAC may not therefore negotiate for the railway connection as this has to be agreed upon at the EAC level.

Mr. Mwachugu: Mr. Deputy Speaker, Sir, the railway line from Voi to Taveta and back to Moshi has been idle for the past 20 years. Could the Assistant Minister consider giving that portion of the railway line to a private operator so that the communities living in Voi, Mwatate and Wundanyi could be served? Otherwise, up to now, they are completely stranded, given that even the Voi-Taveta Road is gone. What do you expect the voters of Mwatate, Voi, Wundanyi and Taveta to do? They are completely stranded.

Mr. Mwau: Mr. Deputy Speaker Sir, I really appreciate the concern raised by the hon. Member and I would want to confirm that currently, the master plan for East Africa is creating an open travel system that would create a passage from Voi to Tanzania so that there is easy flow of movement. At that particular time, it is possible that your constituency would be considered.

Mr. Deputy Speaker: Mr. Mwachugu, would you like to ask the final question or you are satisfied?

Mr. Mwachugu: Mr. Deputy Speaker, Sir, I am not satisfied with the answer given by the Assistant Minister. That area has been neglected for years since Independence. The railway line was abandoned and whatever is there is being vandalized. I am surprised that the Assistant Minister can watch as the whole railway line is being abandoned by people and does not take any action and wait for the EAC to do a master plan. When will the Ministry take its assertive role and do something on this railway line between Voi and Taveta?

Mr. Mwau: Mr. Deputy Speaker, Sir, as I said, I have guaranteed the hon. Member for Wundanyi that although 20 years is a long time, it is possible to rectify that problem with the current master plan. When the plan is being executed, I assure you that I will personally address this problem.

Mr. Mbau: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister confess that since Independence, there has never been another line except those that were put up by the colonial government. We have a line that runs from Nairobi to Nanyuki and which has not been put to use. There is a time, 2003/2004 when it was put to use but that also stopped. Does the Ministry or the Government have a policy on the railway line in Kenya given that it is a cheaper mode of transport for Kenyans between places within the country? Is there a policy to address that so that Kenyans could get that cheaper and easier mode of transport?

Mr. Mwau: Mr. Deputy Speaker, Sir, I would want to respond to Mr. Mbau's question. In the past, there has been no policy on transportation. Currently, we are putting the policy into place. That policy that we are putting into place is to have a faster railway line from Mombasa to Western Province and into Uganda. We are also trying to

rehabilitate the Nanyuki line but not directly from Nairobi. The Lamu Port is going to create an opening in the northern region of Kenya. So, we are going to have a major inter-change in Isiolo. Isiolo is going to be a big place. One lane would come from Isiolo and then it will join the Nanyuki one up to Nairobi. The other one would go up to Moyale to join Ethiopia. The other one will go up to Lokichoggio and Juba. So, this master plan is what is in place. As we speak now, the work is starting in Lamu Port. I can assure you that, all that has been considered and within a very short time, this would start coming up.

Mr. Deputy Speaker: The Chair directs that Question No.170 appears on the Order Paper tomorrow morning.

Question No.170

HUMAN/WILDLIFE CONFLICT IN TSAVO
NATIONAL PARK/SHIMBA HILLS GAME RESERVE

(Question deferred)

Next Order!

POINTS OF ORDER

DELAYED ASSENT TO INDEMNITY (REPEAL) BILL

Mr. Yakub: Mr. Deputy Speaker, Sir, I rise to seek for a Ministerial Statement from the Office of the Attorney-General. On 14th April, 2010 Parliament passed the Indemnity (Repeal) Bill and contrary to the timeline given in the current Constitution, the President has not yet signed it into law.

In his reply, the Minister should consider the following:-

(a) Why the delay after almost four months; that is, since 18th April, 2010.

(b) What is the way forward for the enactment of this Act.

Mr. Deputy Speaker: Hon. Yakubu, the Chair is going to give a Communication on the same in the House tomorrow afternoon.

STATUS OF BUTALI SUGAR COMPANY

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. I rise on two points of order. The first one is to remind the Minister for Agriculture that before we went on recess, I had demanded for a Ministerial Statement in respect of Butali Sugar Company in Kakamega County. So, I request that she indicates when she is going to issue that particular Ministerial Statement on Butali Sugar Company.

The second point of order---

Mr. Deputy Speaker: Order! Could the Minister, in line with the collective responsibility, give an undertaking on behalf of the Minister for Agriculture on when that Ministerial Statement will be issued on the Floor of the House?

The Minister for Industrialization (Mr. Kosgey): Mr. Deputy Speaker, Sir, I undertake to inform the Minister for Agriculture that this Ministerial Statement is urgently required.

Mr. Deputy Speaker: Any date or day?

The Minister for Industrialization (Mr. Kosgey): I will inform her today and I hope that the Ministerial Statement will be issued early next week, maybe on Tuesday or Wednesday.

Mr. Deputy Speaker: Wednesday morning! It is so directed.

Dr. Khalwale, what is your next point of order?

Dr. Khalwale: Mr. Deputy Speaker, Sir, may I request that you consider the Ministerial Statement to be issued tomorrow because on Tuesday and Wednesday, we shall be away in Kitale with the Committee on Lands? We are looking at the issue of settlement of squatters. That is a petition which I had brought before the House. So, I request that either the Ministerial Statement comes tomorrow or on Thursday next week.

Mr. Deputy Speaker: The Chair has noticed that the Assistant Minister for Agriculture is in the House now. Are you in a position to make an undertaking to have the Statement available tomorrow or you rather have it on Thursday next week?

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Deputy Speaker, Sir, let us do it on Thursday next week.

Mr. Deputy Speaker: Fair enough, it is so directed. Next order!

ENHANCEMENT OF NATIONAL HOSPITAL INSURANCE FUND RATES

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. My next point of order is a request for a Ministerial Statement from the Minister in for Medical Services. This is in respect of the new enhanced National Hospital Insurance Fund rates charged on contributors. I would like the following issues to be clarified:

(i) What was the scientific basis for raising by 600 per cent to Kshs2,000 for those in the upper income bracket and what are the accruing rebates in NHIF accredited hospitals?

(ii) Did the Minister make any consultations with stake holders, for example, COTU, Federation of Kenya Employees, insurance companies, Kenya Hospitals Association, among others, before gazettment?

(iii) Is the Minister aware that the International Finance Corporation, an arm of the World Bank is currently conducting a study with a view of establishing the capacity of the NHIF to administer these massive funds to ensure that contributors get value for their money?

(iv) What is the relationship between these new rates that have just been announced and the intention by the Government to introduce a universal health insurance scheme for all Kenyans?

(v) Will the Minister consider rescinding his decision in view of the outcry from workers so as to pave way for further consultations with stakeholders and await the conclusion of the above World Bank-funded study by the International Finance Corporation?

(vi) How much money is currently collected by the NHIF annually from contributors and how will the massive increase improve the services that NHIF dolls out to the contributors?

The Minister for Industrialization (Mr. Kosgey): I know the Minister for Medical Services is out of the country but as soon as he arrives, I will communicate. I will also appreciate if that detailed request for a Statement could be availed to me for onward transmission to the Minister.

Mr. Deputy Speaker: It is in the HANSARD. You do not have to worry.

The Minister for Industrialization (Mr. Kosgey): Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: When is the Minister coming back from outside the country?

The Minister for Industrialization (Mr. Kosgey): I am not sure, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Do you want two or three weeks? What kind of timeframe do you want?

The Minister for Industrialization (Mr. Kosgey): From the request for the Statement, it looks like quite a lot; maybe, the next two weeks.

Mr. Deputy Speaker: Okay.

Dr. Khalwale: Mr. Deputy Speaker, Sir, the matter I have raised has already been gazetted by the Minister. The import of this is that probably by the end of the month, contributors will start facing the consequences. I, therefore, request that before we go on recess, we should have cleared with this matter. It is extremely important.

Mr. Deputy Speaker: Fair enough! I direct that you have the Statement in two weeks' time.

The Minister for Industrialization (Mr. Kosgey): Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Next Order!

MOTION

ADOPTION OF REPORT ON FACT-FINDING VISIT TO SAMBURU EAST/ISIOLO NORTH DISTRICTS

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

THAT this House adopts the Report of the Departmental Committee on Administration and National Security on its fact findings visit to Samburu East and Isiolo North districts on 21st to 23rd of September, 2009, laid on the Table of the House on Wednesday August 11, 2010.

Mr. Deputy Speaker, Sir, the Committee undertook a visit to Samburu East and Isiolo North districts, arising out of the massive insecurity that was prevalent in those areas, culminating in serious cattle rustling activities that were perpetrated by the communities that live in those districts. The Committee undertook this visit on 21st September and took three days to meet various stakeholders on the ground. Among them, the Committee had a meeting with the Samburu East District Security Intelligence Committee and the Samburu District leaders whom we met at Larasoro in Archers Post.

We had a meeting with the Isiolo Conservancy stakeholders, the Isiolo North District Security Intelligence Committee and Isiolo North District leaders. Finally, before we came up with this Report, we had a meeting with the Minister of State for Provincial Administration and Internal Security in Nairobi.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, what came out very clearly is that the Government has done absolutely very little in terms of containing insecurity in Samburu East and Isiolo North. There has been absolute neglect. These are vast areas but unfortunately in terms of having schools, this area has very little infrastructure on education. Therefore, the impact of education in Samburu East and Isiolo North districts is hardly visible. These areas are very vast and the security personnel on the ground are not adequately provided for to undertake their work. You find a situation whereby the Officer Commanding Police Division in Samburu East District is based in Wamba. He is also in charge of three other Divisions and these areas are so vast, yet he has one vehicle and a few litres of petrol. We were told that in a single day, the police are provided with 47 litres of fuel to undertake security patrol in those vast areas.

Mr. Temporary Deputy Speaker, Sir, another issue that makes it very difficult to ensure that there is adequate security in those areas is that the population is scattered and the terrain is very harsh. This has led to a loophole which has led to rampant banditry and frequent robberies, particularly along the highway. Apart from that, there are other issues that came out particularly from the District Security Intelligence Committee. They told us that the peace committees that have been put in place in Isiolo North and Samburu East, most of them have outlived their usefulness. Therefore, it is critical that this component that complements the security personnel on the ground is reconstituted so that more or less, it can undertake its noble task without a lot of bias.

Mr. Temporary Deputy Speaker, Sir, another issue that came out very clearly is that there are political differences amongst the local politicians. This has created serious divide amongst the population on the ground. This alone creates bad blood because one community is being protected by the local politicians. This has led to compromised security in those areas.

As a Committee, after interrogating the various groups, we felt that if a raft of recommendations that we proposed are followed by the Government, more or less peace may be realized, at least in the shorter term. However, more so, what is required in Isiolo North and Samburu East is serious Government attention. The level of funding that is there hardly makes any difference. These people require special attention and special funding from the Government. The people who are basically pastoralists need to change their ways and engage in other income generating activities. If education is prioritized and adequate schools are built to ensure that school going children go to school instead of going to look after animals and engaging themselves in *moranism*, this would reduce the level of insecurity in those areas.

Mr. Temporary Deputy Speaker, Sir, further, the Committee felt very strongly that the fire-fighting approach by the Government whereby security would be deployed to go and undertake a disarmament exercise has been tried many times but has not born any fruits. This is for the simple reason that we have communities bordering Kenya in Ethiopia who are armed. That has created a scenario that disarming Samburus or Boranas, for example, would leave them open to hostility and attack from the other communities that are on the Ethiopian border and who would easily get access to arms because of insecurity that is prevalent in those areas. Therefore, the Committee suggests very strongly that cattle rustling as a vice cannot be stopped by way of disarmament. The Government needs to undertake a multi-pronged approach if this vice has to stop.

Stakeholders, local leaders and businessmen should all be brought on board so that the culture of tolerance is preached. The communities that live in these areas would then find a more harmonious way of living together and engaging in other income generating activities.

Secondly, the Committee felt very strongly that the arms that the Government issued to the Kenya Police Reservists (KPR), particularly from the Borana and other communities should be immediately withdrawn since the exercise has pitted these communities against others like the Samburu and Turkana, hence fueling a kind of arms race, other criminal activities and tribal animosity. The KPR should be disarmed and a proper manner of recruitment, vetting and management be put in place to streamline the unit.

Mr. Temporary Deputy Speaker, Sir, this has to be done in consultation with the District Security Intelligence Committees (DSIC) of Isiolo North and Samburu East districts. Previously this was not the case and that is why those in possession of arms are people who are not properly vetted. Some of them have criminal backgrounds or they are friends of local politicians. This more or less, compromises security.

The Government should, as a short term measure, carry out a complete disarmament. We are very particular on this. We have said disarmament has never been a solution and disarmament would never solve the issue of insecurity. What is required is pumping of resources to those areas and provision of security. However, in the short term, it is prudent that disarmament is carried out so that all the illegal arms and ammunition in the hands of the local communities are repossessed.

Mr. Temporary Deputy Speaker, Sir, the Committee further felt that the Government should engage the other neighbouring countries, particularly of Uganda, Southern Sudan and Ethiopia because these are the conduits through which arms come into our country. Disarming local communities inside Kenya without engaging these neighbouring countries is a futile exercise. This is because it is easier for these communities to be disarmed today and replenish the next few months because the security situation would force them to rearm themselves.

This Committee felt that because cattle rustling has been very prevalent, the sponsors of this unending conflict in Samburu and Isiolo should be investigated and those found to be funding these warlike activities brought to book. It is understood that powerful politicians are sponsoring cattle rustling and arming some communities against others. This information is with the Government. It is very unfortunate because having the information and not taking action more or less creates a scenario where some believe there is some impunity. Therefore, it exacerbates insecurity in those areas.

Mr. Temporary Deputy Speaker, Sir, we further felt that there should be a sustained campaign to expand formal education in these communities. It should be undertaken to ensure that young men who are idle or are looking after their animals and who would prefer to pursue moranism and other traditional practices of heroism go to school. But when the schools are put in place, because there is a Government policy that all school-going children should go to school, then those activities would drastically reduce.

Mr. Temporary Deputy Speaker, Sir, the Committee further felt that the Government should sink boreholes and dams to act as watering points in the vast grazing areas. That is what worsened the scenario in Samburu and Isiolo at that time. Because of drought, communities had taken their animals to Shaba Ranch where there are boreholes and their animals could get water. So, that alone, had driven tourism, which is a major boost in those areas, to its lowest ever. If the Government could undertake to have many boreholes in those areas, I think the level of insecurity would come down. The communities living in those areas should gradually be introduced to farming as a way of diverting their preoccupation with animals. I had said this earlier. The Government ought to increase the budgetary allocation in future to enable the Ministry to properly equip the security teams in the marginalized areas to effectively fight banditry.

The district peace committees should be disbanded forthwith. That was a very strong recommendation. New teams should be put in place because those committees have outlived their usefulness and, therefore, they have turned into avenues of corruption, partnership and political youth wingers operating with a lot of impunity. Further, the Government should deploy more security personnel to national parks and game reserves to weed out the bandits and protect tourist from possible attacks. Security should also be beefed up along the several community borders to avoid frequent cross-border attacks. It is also very prudent--- What we found out is that, at some stage, the Government confiscated 4,115 cattle from the Samburu community. The animals were netted at Larasero Manyatta during a Government operation. The Committee feels very strongly that those people, because they are wholly dependent on livestock, should be compensated.

Mr. Temporary Deputy Speaker, Sir, Archer's Post is one of the oldest police posts that we have in this country. The Committee feels that being at the centre of Isiolo North and Samburu East, it should be upgraded to a fully fledged police station. I remember that when we were there, the Officer Commanding Police Division (OCPD) came all the way from Wamba, which is over 200 kilometers away, to have a meeting with us at Archer's Post. The police at Archer's Post have no patrol vehicle. The District Officer (DO) is also suffering. In fact, when we went to meet elders at Larasero, it was his first time to go there. That is because we gave him transport to accompany us. So, that suggests the kind of neglect that is out there. We have officers on the ground but they are not provided with facilities to offer services to wananchi. So, the Committee feels very strongly that Archer's Post should be elevated into a fully fledged police station so that it can co-ordinate and effectively root out insecurity around Samburu East and Isiolo North.

Further, there were a number of vacancies that were not filled within the Provincial Administration. It had taken several months. Chiefs and assistant chiefs who had been dismissed had not been replaced, particularly, from the Samburu community. As you know, the services of those provincial administrators are very vital, particularly,

when it comes to security matters in a society that is still very traditional. So, the Committee feels very strongly that those vacancies should be filled up immediately. Further, it was also the feeling of the Committee that since tourism in those areas is something that is giving the people a lot in terms of employment opportunities and income for other projects, at least, it is important for the Ministry to make a deliberate effort to carry out civic education in those conflict zones, educate the people about the benefits of tourism and the need to preserve the sector. The people should be encouraged to own the conservancies. The Government should also reciprocate by initiating development projects such as schools to motivate the local community to embrace park preservation.

Mr. Temporary Deputy Speaker, Sir, further, because of the vastness of that area, the Committee also felt that the Government should, in conjunction with the mobile telephony service providers, open up the remote areas which are crime prone to enhance information flow from wananchi to security agents in case of attacks. With those and many other proposals, we felt that if the Government takes its role seriously--- If you go there, you will see for yourself--- We saw for ourselves that those people are neglected and something must be done as a matter of urgency to address the situation in Samburu East and Isiolo North. The Government should have a more strategic approach instead of embarking on fire fighting. When insecurity occurs, that is when the Government reacts to deploy security personnel to the ground. That has been counter-productive. It will not bear any fruit. We propose that a more proactive and strategic approach should be adopted so that we can have a permanent solution to the culture of cattle rustling that has been prevalent, and that has brought a lot of misery to the people of Isiolo North and Samburu East.

With those many remarks, I beg to move and ask Mr. Ochieng to second.

Mr. Ochieng’: Mr. Temporary Deputy Speaker, Sir, I rise to second this Motion. I want to make very brief remarks. Cattle rustling is a very serious problem which the Government must rise immediately and make sure that it is tamed. I also want to urge the communities that continue to practice cattle rustling to wake up and discard that practice because it is outdated. As you know, that problem has cost lives. The rustlers have also maimed quite a number of people in this nation. They have also deprived some families of their only wealth. It has made them poor to an extent that they cannot even send their children to school.

Mr. Temporary Deputy Speaker, Sir, I want to support my chairman here who has just moved the Motion, that the Government should actually be proactive. Instead of waiting to react when incidents of this nature have taken place, they should wake up through their intelligence officers, whom we believe are spread all over this nation. They should wake up and make sure that they tame this problem before it spreads further.

We cannot continue to lose wealth and lives. We cannot continue to allow weapons of destruction to infiltrate into the country through our borders simply because the Government at times goes to bed. The Government has a responsibility and duty to make sure that it takes care of everybody’s life, especially the tax payers of this country. Even in my own constituency, that is Nyakach, for the last three years, I have lost 13 lives through cattle rustling and three or four people have been maimed and are now on wheelchairs as a result of this problem. We cannot continue to do that. We want to urge all our neighbours and even people from within the country, to stop coming into this

country and stealing animals. At the same time, they should also stop this practice of making sure that every now and then, they come and steal animals. Even what they get out of the sale of these animals is very little; it cannot sustain them for a very long time.

Mr. Temporary Deputy Speaker, Sir, if you go to areas like Samburu, the people who do this are known. The tribes which practise this are known. We know in some places of Baringo, the Government does not even have chiefs who can administer security at that particular level. We want the Government to wake up and make sure that proper administrative units and the people to man those units are kept in place, so that they are able to make sure that the rustlers are kept at bay.

Mr. Temporary Deputy Speaker, Sir, if we continue to have this menace in our midst and especially for the young generation--- Those who live in these communities know when rustlers strike, they cause a lot of mayhem. They cause the young boys and girls in families to fear, especially when the night comes. They get so scared that they do not know when they are likely to face an attack. As such, I want to urge the Government to wake up and make sure that they move very fast to detect when cattle rustlers are likely to strike and in which area. They should also make sure that people who own illegal arms are brought to book.

Since we recently passed a law here that will allow the Government to actually put those who have illegal arms in jail forever; this should start to work very fast, so that evil people are kept at bay.

At the same time, with the passage of the new Constitution, I want to believe that the Government will be able now to devolve funds to those areas so that various development activities can take off; that would also engage the youth who practise cattle rustling.

Mr. Temporary Deputy Speaker, Sir, I beg to second.

(Question proposed)

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this interesting and commendable topic, that has always been ignored by not only the Government of the day, but sometimes also by Members of this House.

First of all, I want to commend the Departmental Committee on Administration and National Security for having made a field tour to those areas of Isiolo and Samburu, and coming up with a report that is so comprehensive. I stand to support the adoption of this report because it not only indicates the problem that has been found to exist in Isiolo and Samburu, but also because it mirrors the bigger problem that is experienced in all the 32 districts in upper eastern and upper north rift; they experience this problem of cattle rustling.

Mr. Temporary Deputy Speaker, Sir, you have to realize that this problem of cattle rustling is not only a cultural problem. It is a big problem; it is an economic problem. So many lives have been lost. Livelihoods have been affected. To give you some statistics, 15 percent of the total number of districts in this country are affected by cattle rustling and related insecurity. Over 40 percent of the Kenyan land mass is the area that is affected by cattle rustling insecurity. Twenty percent of the total Kenyan population that resides in those areas are the people who face the daily problems and

challenges of losing livelihoods and displacement. So, it is not a problem that can be wished away. For 46 years, we have wished this problem away. I think this is the time we have to say, let this problem come to an end.

I remember that the Tenth Parliament came in, in 2008. We had a series of meetings following a number of deaths that occurred in Turkana. More than 40 Members of Parliament met with the Minister for Provincial Administration Internal Security and all the security chiefs to discuss what actions and programmes could be implemented to eliminate this problem.

In addition to that, recently 24 Members of Parliament met his Excellency the President to discuss with him how best we could comprehensively resolve this particular problem. We did present to the President, a comprehensive budget of Kshs5.2 billion, that not only looks at the disarmament issue but also looks at peace building and providing peace dividends to ex-combatants, who have been born into, and known only, conflict in most of their lives.

This is a testament that some Members of Parliament from these areas think that this is a critical problem. It is high time the Government took this as a national security problem, a national priority and planned for it. It is disappointing that even when we had the budget estimates tabled here by the Treasury, not a single shilling was seen to be devoted to eliminating this national security nightmare that affects 20 percent of our population. That is why I urge this House to adopt this Report. We should not only adopt it, but make sure that those who are responsible in the Government allocate enough resources to tackle these issues. I know the Government is strong. It has massive fire power. We saw it recently in Mt. Elgon when they were facing the SLDF. We saw it recently when it was tackling the Mungiki threat. We saw it also recently when it was tackling the mass action, following the disputed 2007 election violence. Why can the Government not put its foot down and tackle this problem now and forever?

Before discussing the Vision 2030 in this country, we need to realize that about 20 per cent of the Kenya land mass, where majority of Kenyans are living, we have exhausted all the resources. Be it energy or water, we have exhausted it. The only way Kenya can achieve its Vision 2030 is by exploiting untapped resources in those areas that are affected by cattle rustling. I can tell you for a fact that my own constituency, the green energy holds a potential of about 4,000 geothermal power. But the only thing that can make the Government not to exploit this resource is the problem of insecurity. So, time has come for us to tackle this issue head on because it is a threat to our national security. These areas have potential to develop.

We all remember the NARC Government tackled the issue of street children. It put in place special programmes to rehabilitate street children. It did succeed by rehabilitating them and putting them into gainful employment. Why can we not come up with special programmes for ex-combatants, so that they can abandon these illegal activities?

Mr. Temporary Deputy Speaker, Sir, one of my colleagues did mention that cattle rustling is a cultural issue. But I may say that it is no longer a cultural issue. The big problem is about resources. It is about borders and pastures. This is the problem we should tackle first. Two years ago, this House put in place, the Interim Independent Boundaries Review Commission (IIBRC). I would urge the IIBRC to expedite resolution of boundaries problems, particularly between the Pokot and Turkana. If we do not resolve

it amicably, we will not wish it to go away. The problem is no longer about cattle rustling but it is about massive resources in those particular areas.

Mr. Temporary Deputy Speaker, Sir, many hon. Members here talked about the recent amnesty on illegal arms. I know last year, the Government did a commendable job. However, it seems from the communities' point of view and we their leaders, this was just a public relations exercise. What actually happened was that those communities who surrendered their illegal arms voluntarily are the ones who are now suffering. In fact, they are the one who are now facing the biggest threat of insecurity to their livelihood. So, we wonder what the Government was doing then with their public relations exercise. I think it is the high time that this House brought the Ministry of State for Provincial Administration and Internal Security to do the things that it promised to do after this public relations exercise.

Mr. Lessonet: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member serves in the current Government, specifically in the Cabinet. However, he has come to the Floor of the House to tell us that the exercise they did in terms of disarmament was a public relations exercise. Is he in order to criticize the Government he serves as an Assistant Minister?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Nanok, of course, you can express your opinion. But I was just about to raise that point myself. You are a Member of the Government criticising the same Government.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Temporary Deputy Speaker, Sir, yes, I am a member of the Government. But I am also a Member of Parliament for Turkana South. I stand here to represent the views and the problems that my people are experiencing.

Mr. Ethuro: On a point of information, Mr. Temporary Deputy, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Do you want to be informed?

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Yes, Mr. Temporary Deputy Speaker, Sir.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I want to inform the Assistant Minister and the House that, indeed, what the Assistant Minister is talking about is real. Only two days ago, bandits came and raided my constituency and his constituency. How can an Assistant Minister who represents a constituency not say such things?

The Temporary Deputy Speaker (Mr. Imanyara): He may say so, but there is a collective responsibility on all Government Ministries. So, you cannot criticise or move against your own Government. But you may express your views on what is going on in your constituency.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): As I stand here, Mr. Temporary Deputy Speaker, Sir, I represent 150,000 inhabitants of Turkana South. So, as I speak, it is good also to point out---

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, I need your direction. Hon. Nanok sits in the Cabinet. He has taken an oath as an Assistant Minister in the Ministry of Wildlife and Forestry. We have taken an oath to uphold the Cabinet responsibility. We need your direction on this matter that a Cabinet Minister cannot criticise his own Government that he represents.

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Mr. Temporary Deputy Speaker, Sir, we are cheating ourselves in this House.

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

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Mr. Temporary Deputy Speaker, Sir, let me use another word. I think we are misinforming ourselves in this House when we say that Assistant Ministers sit in the Cabinet. We do not sit in the Cabinet. I was a Minister and sat in the Cabinet. I wish today we are given the Floor of this House even if we are Assisting Ministers to talk about cattle rustling because it affects the very people we represent.

The Temporary Deputy Speaker (Mr. Imanyara): Order! No one is preventing any Member from raising the issues that the Motion addresses.

What the Chair is concerned about is a Minister who has a collective responsibility on that Motion, who ought to stand up to state the Government position, is contradicting the same Government.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Temporary Deputy Speaker, Sir, let me thank hon. Kilimo. This is a Motion by a departmental Committee that has been raised for discussion. I rose to debate it as a Member of Parliament for Turkana South. I do not sit in Cabinet. If there are issues that I need to bring out, this is the House where I should be bringing them up, despite the fact that I am part of Government. I think I should be listened to and I should be able to lay it down. It is also important for Government, whether we are Government or not, for self criticisms.

I will urge that---

The Assistant Minister for Livestock Development (Mr. Duale): On a point of order, Mr. Temporary Deputy Speaker, Sir. We are not talking about the Report *per se*. The Assistant Minister alleged, and if he feels that that is not contrary, then he could withdraw, that the Ministry of State for Provincial Administration and Internal Security is doing a PR exercise and that it is not serving the people it is intended to serve. We have a problem with that statement. So, we are seeking the Chair's direction. If it is possible, the Assistant Minister should withdraw that statement.

The Temporary Deputy Speaker (Mr. Imanyara): I do not think that is a point of order. He does not have to withdraw that statement. As a Member of the Government, it is his responsibility to respond to this Motion, but he cannot do that by criticizing it. That is the point the Chair is addressing to you.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Temporary Deputy Speaker, Sir, it is difficult to withdraw a statement that is very close to the truth. This is the feeling of the people and their representatives.

As I conclude, allow me to raise an issue that is not here, but I think the Departmental Committee should have looked at. It is the issue of displaced persons as a result of cattle rustling. For example, in Turkana South, we have had more than 60,000 people displaced. Recently, we tried to resettle people in two areas in Turkana District. However, we were faced with a lot of insecurity and we lost policemen, Kenya Police Reservists (KPRs) and local people. The efforts we are putting towards this should be considered. These people require to be resettled the same way we have been thinking about the internally displaced communities of the post-election violence. I urge the Government and this House to support us in all areas where we would like to resettle our people.

Finally, I urge this House to take this matter seriously so that this Report is adopted. This Departmental Committee should be able to visit all the other areas it has not visited so that it can see for itself the problems people are experiencing. We have areas where Government security personnel are posted and yet they feel they have been posted there to be punished. This Departmental Committee should be able to bring up recommendations that can be adopted and enforced by us who are in Government and tasked with the responsibility of ensuring the security of Kenyans. We need to make sure that their livelihoods are protected.

With those many words, I beg to support.

Dr. Nuh: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since this Motion has generated a lot of interest and I see that we are running short of time, would I be in order to request that hon. Members be limited to five minutes so that all of us can have time to contribute?

The Temporary Deputy Speaker (Mr. Imanyara): You do not need the direction of the Chair. Hon. Members, please, allow other Members to participate in the debate by limiting your contributions. Avoid repetition and irrelevance.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I will try to be brief. First and foremost, I want to thank my good friend, the Chair of this Committee, who knows what it means to be inside a prison cell, for going out of his way to look at the issues in Isiolo and Samburu in particular.

The issue of cattle rustling requires more than a Departmental Report. It requires Government commitment to what obtains in northern Kenya in particular. This has serious impact on our international borders. This matter requires a regional approach. The Departmental Committee has actually recommended that unless you deal with issues of cattle rustling in this part of the country in terms of the IGAD framework, then we shall be exposing our people to genocide. I could not agree more with the previous speaker that the Ministry of State for Provincial Administration and Internal Security is engaged in a PR exercise. Fortunately for me, I have the liberty of not being confused with any pretence to the Cabinet.

Mr. Temporary Deputy Speaker, Sir, the PR exercise we are talking about is on disarmament. The Government says that it is disarming people. Only two days ago, I lost 10 people in a place called Muguru. Where did the bandits get their guns from if the Government is purporting to disarm the people? These are the basic questions that you cannot refuse hon. Members, whether in Cabinet or otherwise, to speak freely and confidently about. First and foremost, we represent the people of Kenya who brought us to this House. If we are going to be cowed to speak here because of some non-existent flags, we beg to differ.

Mr. Temporary Deputy Speaker, Sir, some recommendations have been made by the Departmental Committee and to me, they should be basic. If you look at recommendation number 13, it states thus: "The Government ought to compensate the Samburu Community for the 4,115 cattle netted." When you have a Government that decides to become another thief so that it takes livestock which is the livelihood and property of the people and yet the whole basis of having a Government is to protect lives and livelihoods--- Now, they want to outdo the bandits and the thieves by taking away 4,115 heads of cattle from peasant Samburus.

Mr. Njuguna: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to term the Government as one composed of thieves?

The Temporary Deputy Speaker (Mr. Imanyara): Are you seeking substantiation or you are asking whether or not he is in order?

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, is the hon. Member in order to continue terming the Government as one that is allowing theft of animals and, perhaps, not controlling this threat?

The Temporary Deputy Speaker (Mr. Imanyara): Continue, Mr. Ethuro!

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, what I only said is that the Government attempts to outdo the thieves. What happened is that some bandits came and stole the animals. The Government went and removed others from the rightful owners. The simple meaning of “stealing” is obvious. However, I have no reason to engage my good friend. I am sure he was hoping in the last reshuffle, he could be appointed an Assistant Minister.

If you look at recommendation number 14, Archers Post is one of those traditional police posts in that part of the world. It lies on the road between Isiolo, Merille, Laisamis, all the way to Marsabit. It is along this road that you have a lot of cattle rustling and highway robbery incidences. The Committee is just recommending something obvious. I do not know where the Minister of State for Provincial Administration and Internal Security is. This Archers Post must be made a fully functional police station. Do you need a Committee to visit to state the obvious? As a Minister, can he not recommend that to the Government? We have the Minister for Development of Northern Kenya and other Arid Areas who is present here. Can we not recommend such obvious things? This is because part of the problem of cattle rustling is that the Government must take responsibility. The Government has abandoned the people of northern Kenya. It has left us to our own devices and so, you do not expect any development from there. In fact, there is no Vision 2030. Isiolo is supposed to be a satellite city. Isiolo is the headquarters of Kenya. It is the centre of Kenya. What are we doing there? We can have plans with the Vision 2030, but if we do not handle the issues of cattle rustling, those plans will come to nought.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Ethuro, you are the one who supported Dr. Nuh’s suggestion that we should limit ourselves to five minutes. You have exceeded that unless you do not want to be bound by your own suggestion.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, you did not put the proposal. You only appealed to us and yet you cannot exhaust some of these issues in five minutes. However, since I know my colleagues will say what I have not said, I wish to support this Report and recommend that the Government must implement it before the Implementation Committee works on it in the next two months.

The Minister of State for Public Service (Mr. Otieno): Mr. Temporary Deputy Speaker, Sir, I rise to support this Report and say that actually, the recommendations are inadequate. It is time we had a clearer strategy to deal with this issue. Come next Friday, 27th August, 2010, a new Constitution guaranteeing personal security to Kenyans, that is, right to water, food, and so on, will be in place. The mass of one million, two million, or three million Kenyans in these areas will not be guaranteed if we continue to allow these intercommunity feuds.

Over the periods, leaders have been brought up under this system where you are a hero if you can go and collect 1,000 animals across the border. Up to now, a number of those leaders, at national level, have not been able to remove that feeling of heroism by damaging the other community next door. We need a very comprehensive policy to deal with that inter-community rivalry over resources and food. It is time that we had a taskforce that can assign adequate resources to address this issue. What has been recommended in this report is really curative. We should get a police post, return those animals and appoint chiefs. We have been doing those things for the last 50 years in those regions and yet, they have had no impact. It is time we went down to the roots of the attitudes that continue to perpetuate those rivalries. As we are talking now, even Ministers like me forget that they are Ministers of the National Government of the Republic of Kenya. They quickly wear the robes of their little community and they start castigating members of other communities. After that, they still feel proud that---

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to call our constituencies little communities? We are talking about the lives of our people.

The Minister of State for Public Service (Mr. Otieno): Mr. Temporary Deputy Speaker, Sir, I think the hon. Member misunderstood me. I said that a Minister at the national level forgets and starts castigating a smaller community. There are big and small communities. He should feel responsible for service delivery to all the communities, big and small. So, I have no insulting intention on the size of any community at all. My point is that we need a comprehensive strategy with adequate resources to deal with this matter. If we say that children should go to school, it is not enough to put it on paper. Let those schools be built, funded and all children should go to those schools.

If those who already have the attitude of moranism; that you have to go and give 1,000 animals before you marry---- Let us put them in an army under a command within that community and totally control them to do the right things. We should make them dig dams, boreholes and use their energy productively for the benefit of this country. That way, we will not give time for commercial interests to take over old ethnic rivalries and start benefitting from them. I think the Committee must have come across intelligence information that people with capital actually promote cattle rustling. They use lorries and big trucks to move animals. They impoverish the people who have suffered to bring up those animals and they take them in their thousands. Massive resources must be deployed if we are going to implement the new Constitution. What the leaders from those communities should be demanding is a separate budget line to deal with the insecurity in those areas. That budget line is beyond the equalization fund.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): On a point of information, Mr. Temporary Deputy Speaker, Sir.

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

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

The Temporary Deputy Speaker (Mr. Ethuro): Does the Government want to inform itself?

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Temporary Deputy Speaker, Sir I just want to inform my colleague, who sits in Cabinet, that the issues he is raising here should not be public relation exercise in this House. He sits in the Cabinet and that is where he should push the issues so that the policy is put in place.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Nanok! That is not information! Proceed, Mr. Minister!

The Minister of State for Public Service (Mr. Otieno): Mr. Temporary Deputy Speaker, Sir, I am sorry but my friend, hon. Nanok, does not have the full view of the policy formulation processes. They have to be initiated at some place before they are addressed at the national level.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Nanok! You are now completely out of order! Proceed, Mr. Minister.

The Minister of State for Public Service (Mr. Otieno): The duty is on him---

The Assistant Minister for Forestry and Wildlife (Mr. Nanok) On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): What is it Mr. Nanok? It should be a proper point of order!

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Temporary Deputy Speaker, Sir, is the Minister in order to demean an hon. Member of this House by saying that he does not know the process of policy formulation? This is wrong! I do not agree with it. He must apologize!

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Nanok! Order, hon. Members! I thought hon. Nanok you defended yourself by saying that you do not sit in the Cabinet and you were supported by one hon. Assistant Minister for Co-operative Development and Marketing, Mrs. Kilimo. I think it was in that context that the Minister said that you may not appreciate the full purview of the policy.

Proceed, hon. Otieno.

The Minister of State for Public Service (Mr. Otieno): I am sorry hon. Nanok. There is no time I will ever abuse any hon. Member of this House. You can be sure of that. Let me finish by making this point. Our leaders from the areas where these problems have been recurrent for so long should equally take it seriously and insist that, at the national level, we provide solutions, creative and innovative approaches to stamp out that problem. It is possible and I believe that the first thing we need is to accept that there is a problem. Thereafter, we can jointly look for a solution.

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister implying that Members of Parliament from communities which are affected by cattle-rustling do not take the issue seriously? You have already seen it on the Floor of the House. We were ready to break the rules of being partisan to the Government so as to address the issues of our communities. The hon. Minister is now saying that we are not taking it seriously. Is he in order?

The Temporary Deputy Speaker (Mr. Ethuro): Order! If the Minister meant it that way, then he will definitely be out of order. But, unfortunately, he did not mean that. I heard him very well. Hon. Members, we seem to be a bit excited, but for understandable

reasons. However, let us remind ourselves that we are hon. Members of the House. We must debate every Motion soberly and professionally.

Proceed, Mr. Minister!

The Minister of State for Public Service (Mr. Otieno): Thank you, Mr. Temporary Deputy Speaker, Sir. I only took a point from a report which said that powerful politicians are acting in a manner supportive to some of those activities. That is why I was throwing the challenge to our leaders from those areas to put their heads together with a view to seeking permanent solutions that will be backed by adequate resources to stamp out that practice once and for all because the new Constitution actually demands that we do so. Initiative must come from the ground. I am sure that you know we can do these things.

Thank you.

Mr. Koech: Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity to contribute and support this very important report. As I support the report, we are all aware that we formed a select Committee to extensively look into issues surrounding cattle-rustling in this country, and this one comes ahead of that. I want to state categorically that I do not come from Isiolo, neither do I come from Samburu. However, Isiolo and Samburu are part of this country known as Kenya. It is time that we, as Kenyans, looked at each and every part of this country as one country. I want to appreciate the recommendations made by the Committee and ask that--- This is not the first time we are having such recommendations. There are very many recommendations that have been made, but the implementation part has been wanting especially, on the part of Government. It is important that, as hon. Members of this House, we all empathize with our colleagues from those regions, who are very emotional in their feelings about what goes on amongst their people.

Any leader of this country visiting those parts of the world will always realize one thing; that insecurity is real. It disturbs us, as leaders, to note and see in the report that they do not have enough police officers. Even the patrol vehicles that the hon. Assistant Minister, Ministry of State for Provincial Administration and Internal Security has been talking about--- He even claimed this morning that he has enough police officers to man this country. The police officers are very scarce and they are never found in certain parts of this country. Some of our Government leaders sometimes talk as if they do not understand issues regarding certain parts of this country. I would have loved to see in the report and I want to recommend the same; that it is high time the Ministers of the Republic of Kenya who fly flags take one week off to visit the entire upper Eastern and North Eastern, so that they come back and make policies that will guide, help and ensure that these areas are taken on board as far as development is concerned. When we talk of disarmament, we have been watching our poor Kenyans when the disarmament exercise is executed, telling the entire public "as we surrender these guns, who is going to provide security to us?" That answer has not been provided by the Government so that as it disarms these people we should see it moving in full force to provide security to the entire people of that part of the country.

Mr. Temporary Deputy Speaker, Sir, disarmament is necessary and very important for the security of this country. We had post-election violence in 2008 and saw many Kenyans using crude weapons when trying to protest to the Government. It was the prayer of everybody--- We thank God that none of these people participated in the post-

election violence. If they did so, with the arms in the wrong hands, we would not be having a good country. So, it is important that we, as a country, ensure that no arms are found in the wrong hands. That is very important and critical.

Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Koech! We agreed that hon. Members be mindful of others who wish to contribute.

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, the last one is on education. Long time ago before I was born, our communities used to get across to neighbouring communities and get animals. They did not call it cattle rustling; they used to go and bring them home. That was their livelihood then. With education, we can correct many things. I want to recommend very seriously that the Ministry of Education gives more resources to ensure that we have many people from these parts of the world going to school. That is going to help us, as a country.

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

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to congratulate the Committee that did this work. However, there are a few areas which I feel they did not capture.

Mr. Temporary Deputy Speaker, Sir, cattle rustling is a cultural practice and to change people's culture, they need to be taught new ways of life. I expected that in their recommendation they would have asked the Government to send more community social workers to those communities.

Mr. Temporary Deputy Speaker, Sir, the other issues that I feel were not captured are to do with early marriages and female genital mutilation. Once girls are circumcised, men are ready to marry them and resulting from that is the issue of dowry. To afford dowry, men have to raid neighbouring communities. So, for these people to change this aspect of life, we need community social workers.

Mr. Temporary Deputy Speaker, Sir, I once went to Israel and found that the descendants of Jethro are the ones who give more security because of their ability or character. Some of the recommendations could be that when they are recruiting people into the armed forces, more should come from those communities because they are good. But what happens is that when they are recruiting people into the armed forces, they take more people from the densely populated areas and just post one or two to those areas. In the Ninth Parliament many street children, both boys and girls, were taken to the National Youth Service (NYS). We also tried to ensure that our children, who might not be on the streets, but sit under trees in the name of cattle rustlers, were taken to the NYS, but they were taken because they had some education. The Government should know how to integrate people without education.

Mr. Temporary Deputy Speaker, Sir, I saw in the recommendations the issue of the Kenya Police Reservists (KPRs) who have become cattle rustlers or thieves because the Government does not give them any stipend or remuneration. I oppose the fact that they should be sacked. Instead, they should be rehabilitated. It is unfortunate also that the Government does not provide enough vehicles in those areas. Policemen who are posted to those cattle rustling prone areas really suffer and we pity them. They have to wait for a politician to appear, so that they can ask for some money to educate their children because the Government does not cater for them. What do they do? At the end of the day,

they use their guns to get something to feed their families, yet the Government counts on them.

Mr. Temporary Deputy Speaker, Sir, investors in those areas, even if they are local, because of the illegal guns in the hands of people, cannot invest. So, these areas are underdeveloped. One of the recommendations I expected is an affirmative action by the Government, not just through the counties, but it should put up structures in those areas. If it is growing of cotton, for example, the Ministry of Industrialization should be able to go to those areas and put up factories, so that people begin to settle there.

Mr. Temporary Deputy Speaker, Sir, finally, it is unfortunate that budgets in this country have always been skewed to favour Ministers. This is my second term in Parliament. We have recommended to the Ministry of Water and Irrigation that we must have boreholes and water for people in those areas, so that they can settle around them and not move from place to place, but if you look at this year's budgetary allocation, people have been marginalized. It is our hope in this area that devolution will be able to give us more resources. Unfortunately, 15 per cent might not be enough. How I wish that 85 per cent of the money was going to the regions or counties and 15 per cent remains in Nairobi!

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Kilimo! You have said "finally" twice. Surely, you cannot go the third one.

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Mr. Temporary Deputy Speaker, Sir, thank you for the time.

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, as a proponent of cutting short the speeches I would want to take a very short time.

Mr. Temporary Deputy Speaker, Sir, I would want to agree that maybe cattle rustling is multipronged. There are several aspects leading to why cattle rustling should appear. Culture has been cited, but I want to say that this is now becoming minimal. If anything, if someone would have to go and raid his neighbour because of culture, you are not going to raid a neighbourly and friendly society or community that you co-exist with, you always go and raid a community that you think you have issues to settle with and you have some animosity. These animosities are usually brought by lack of adequate resources. I want to disagree with hon. Nanok when he says that the Government has not been able to improve infrastructure and take development to these areas because of insecurity. No, it is the other way round. Insecurity has thrived in these areas because of lack of commitment by Government to take development down there. It is utter negligence.

When the Isiolo-Moyale-Marsabit Road was being constructed, the Government said that it was incurring extra expenses because of beefing up security. They were afraid that people who were constructing the road would be robbed. Why is this? This is because adequate water has not been supplied to the communities which are there. Owing to wanton neglect of so many years, the only livelihood that these people know is look for water and even rob water from people who are constructing the road. It is the Government that has impoverished and reduced its people to a point of seeking such assistance.

On that note, recommendations have been given that we should improve education, the livelihoods of these people, infrastructure and develop those areas. These should be taken seriously. Even after this Government gave us a Ministry that they call

the Ministry of State for Development of Northern Kenya and other Arid Lands, you will see the neglect in the budget line that they are giving us. This was just to appease us and a public relations exercise to show that they had given us a Ministry to take care of northern Kenya. If the Ministry is not well funded, how will it take care of cattle-rustling, water shortages and the wanton education negligence in this area?

People are said to go for cattle rustling because that is the only “education sector” they try to be in. If the only education such a person has seen is to be a moran, then why would you castigate him for practising what he thinks he has rightfully and skillfully acquired? It is up to the Government to convince them that there is formal education through which such a person can be a doctor, a military officer, *et cetera*. However, that has not been done. So, the Government should take developing those areas, which are prone to cattle rustling, quite seriously.

Mr. Temporary Deputy Speaker, Sir, the second aspect is the talk about disarmament. Although we recommend that disarmament should be done, even if you disarm those communities today, they will buy new guns tomorrow morning, because it is not fancy to have and carry illegal weapons. They just carry weapons, which they have to hide every other minute, because of survival. They are forced to carry weapons because the Government has not reinforced and provided adequate security.

I would want to thank the people of Bura because they respect calm. I have urged for peaceful co-existence since the time I came to Parliament. I convinced the people of Bura to surrender guns to the Government, and this led to the surrender of about 60 guns to the Government; this led to the pledge that it was going to beef up security in that area and even provide the Kenya Police Reservists (KPR), but the Government has not lived to the expectation of the people.

What would prevent the people of Bura from going across the border to buy guns, if they feel threatened? The fact that we have to disarm communities has to be accompanied by the Government’s adequate provision of security. If that is not done, disarmament will be done every other day, and people will purchase guns the following morning.

Mr. Temporary Deputy Speaker, Sir, my third point is about communal punishment. You go and punish a community because you think that it is the community that went and raided the other community. In essence, you end up punishing a widow and confiscate the cattle of a peasant, people who have only that cattle as their means of livelihood. The Government punishes communities because it fails in the provision of security. Because the Government failed to provide security, communities were raided.

Because of the utter neglect and failure by the Government to provide security to communities, the Government transfers guilt from itself to the communities. The Government should not transfer guilt to the communities. It is because of the same Government’s failure to provide security that people were raided. Therefore, the Government is supposed to compensate the communities who were raided, but not to go and raid other communities.

With those remarks, I support the recommendations.

Ms. A. Abdalla: Mr. Temporary Deputy Speaker, Sir, I also wish to congratulate the Select Committee for its wonderful report. I am, however, very saddened by the actions of the Ministry of State for Provincial Administration and Internal Security. They have left this to be a debate of people from areas where cattle rustling takes place. None

of them is present to hear the opinion of the people. This is the casual way in which the Ministry of State for Provincial Administration and Internal Security takes issues of pastoral communities. That is why they are unable to get long-term solutions to the insecurity problems in that region.

I would also want to disagree with hon. Nanok on his two points of orders, during which he insinuated that we, Members of Parliament from areas where cattle rustling is rampant, are seen not to be serious about fighting vice. We must start looking for local solutions to the problem. We must, first of all, agree that part of the problem emanates from political leadership which invests in some of the cattle rustling incidences. If we do not appreciate the reality and the truth, we will not have a long-term solution to the problem.

Mr. Temporary Deputy Speaker, Sir, it is a fact that some of us fund cattle rustling, so that it can displace people who are going to give us problems in the next general election. Before we reach there---

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to attribute to me a point which was raised by hon. Dalmas Otieno? Can she withdraw it?

Ms. Abdalla: Mr. Temporary Deputy Speaker, Sir, it could be the sugar content. Maybe, I did not here well who said it, but the reality is that we must start by looking for local solutions. To start adopting local solutions is to identify those of us who are guilty of funding cattle rustling, so that we can name and shame them; that way we can move forward.

In the past, before the Ninth Parliament, Marakwet/Pokot fights were very rampant, but since hon. Kilimo took it upon herself to ensure that peace prevailed, there has been peace in that region. So, we must start looking for local solutions amongst ourselves. Since hon. Nderitu and hon. Leshomo started this effort in those regions, now there is peace in those areas.

So, as members of the Amani Forum, we must name and shame those of us who are not supporting cattle rustling openly, but who support it quietly, and who are beneficiaries of the displacement of pastoralists. That is an area which we, as Members of Parliament, who are either genetically or physically present in pastoral communities, must accept, so that we move forward. We should criticise the Ministry of State for Provincial Administration and Internal Security, and the Government at large, for engaging in the game of musical chairs in relation to our issues instead of taking them seriously.

Mr. Temporary Deputy Speaker, Sir, another area which I would like us to note is that, yes, in the area of security, when people who are trained on security issues are posted to our areas, they make a big difference. The peace being enjoyed in the North Eastern Province can be attributed to a Provincial Commissioner in that area; it came when he was posted there.

On issues of development such as those which can be raised by the Ministry of State for Development of Northern Kenya and Other Arid Lands; we need to have diversity, so that we can stop having inbreeding of ideas. If you just leave pastoralists to head the Ministry for the pastoralists – the Minister, the Permanent Secretary (PS) and the Assistant Minister are pastoralists – what are you trying to say? Are you trying to say: “We have given you this token Ministry, with very little money, and three of your people

have gotten jobs?” Is that enough to bring development that is supposed to stop the insecurity that we are currently suffering?

We must see the good and the bad. The Government is asleep. Fortunately, issues such as corporal punishment of our communities when our cattle are raided, and then you raid the cattle of the poorest of the pastoralists, cannot take place because we have been protected by the new Constitution. With the creation of the counties, we hope and pray that the influence of this very insensitive Central Government on issues affecting pastoralists will come to an end.

With those few remarks, I beg to support.

Eng. Gumbo: Mr. Temporary Deputy Speaker, Sir, I thank you for giving me this opportunity to support this very important Motion. I stand here to speak as a Member of the Select Committee investigating the root causes of cattle rustling in Kenya.

While I thank the Chairman of this Select Committee and his team for bringing here this important Motion, I think we have to call a spade a spade. These problems thrive because of total lack of Government in those areas. We have been to areas where cattle-rustling is rampant, and what you see is a depressing situation. It is time that the people in charge of internal security knew that merely rushing to Wilson Airport and getting into a chopper when people have been killed in Isiolo is dealing with symptoms. That is not dealing with the causes of the problem.

Mr. Temporary Deputy Speaker, Sir, we visited Cherengany and parts of Pokot in our fact-finding mission. What we saw was very depressing. We met a District Commissioner (DC), who told us very clearly: “I know that there are cattle rustlers in that forest but there is nothing I can do, because I do not have enough policemen. I do not even have a car to go and flush them out.”

We met a DC who told us that he was aware that some of the cattle which were being stolen in Cherengany were sold at the border with Tanzania. You must ask yourself: “When cattle are loaded in Cherengany and transported all the way to Tanzania, are there no roadblocks on the way?” We must call a spade by its proper name. The Government, especially the Ministry of State for Provincial Administration and Internal Security, is not doing its work in those areas.

Mr. Temporary Deputy Speaker, Sir, it is very depressing to find a District Commissioner (DC), like in Pokot, operating in a very remote place with four Administration Police (AP) officers and has only one vehicle which has been discharged to go and deal with a case of cattle rustling where people have been killed. The Government has all these reports. The National Focal Point on Small Arms has reports on how to deal with cattle rustling. The Ministry of State for Defence and the Ministry of State for Provincial Administration and Internal Security have many reports on how to deal with cattle rustling. It is not that the Government does not know what to do but it just does not want to do its duty. I think we have to address these issues.

Who does not know that in areas where there are high levels of education, insecurity goes down? Who does not know that if you provide people with water, you reduce insecurity? Who does not know that if you provide other forms of economic empowerment, insecurity goes down? The Government knows that and it has known it for the last 50 years. Why is it not doing it? I am glad that with the new constitutional dispensation, we are now going to be able to do these things at the local level. Even as we wait to promulgate the new Constitution, this Government must stand condemned. These

things have gone on and the Government is aware and it knows what to do but it has not done anything. So, how can we not then say that the Government cannot be condemned on this matter?

Mr. Temporary Deputy Speaker, Sir, we cannot talk about these things without talking about the roles of leaders. The report clearly says that and we have seen it publicly where some groups have denied some leaders a chance to address them because they perceive them as the cause of those problems. These are the things that we know. There are leaders who incite communities against each other for their own selfish interests. We must address such issues.

The underlying commercial issues are also very important. You cannot transport cattle from Samburu to the border of Tanzania unless you have big business people involved. These are issues that the Government knows about and I think it is time that it stamped them out permanently.

Finally, the question of peace committees has been discussed here. Some people feel that they may not be doing their job and others feel that they are doing the right thing. I have had a chance to talk with one of the most effective peace committees in this country and that is the peace committee that was in Garissa District. I do believe that non-partisan peace committees made by the local communities themselves are very useful in stamping out these problems. It is important that as the Government and leaders, we encourage the formation of peace committees in a non-partisan way without vested interests. That can be an important source of sorting out those problems as was told by Mrs. Leshomo and Mr. Mureithi where their communities have come together. We need to make it a culture to build peace committees within the local communities, encourage and empower them because it is no use having peace committees which are not empowered and cannot respond to emergencies.

With those remarks, I beg to support.

Ms. Leshomo: Asante sana Bw. Naibu Spika wa Muda. Naunga mkono Hoja hii. Kuhusu mambo ya wizi wa ng'ombe, ninamshukuru mwenyekiti wa Kamati hii kwa kuleta Hoja hii mbele ya Bunge. Jambo la wizi wa ng'ombe ni jambo ambalo lingeangaliwa kwa njia ambayo inaweza kusaidia wafugaji. Hili ni jambo ambalo limeleta hasara sana na tumepoteza watu wengi. Tumetembea Isiolo na Samburu East na tukaona chanzo cha shida hiyo. Mimi ninaona kwamba ingekuwa muhimu ili tutengeneze sheria ambayo itaweza kutatua shida hiyo. Tumeona mengi kule Isiolo na Samburu East. Hayo mambo yalikuwa yanafanyika hivi; vijana wakienda kuiba ng'ombe upande wa Samburu, upande wa Borana na Somalia pia watakuja kuiba. Kwa hivyo, kilikuwa ni kitendo cha kurudiwa. Watu wakiiba leo, wengine wanaenda kuiba kesho. Kwa hivyo, ingekuwa muhimu sheria ipitishwe ili ikomeshe wizi huo.

Bw. Naibu Spika wa Muda hapa ingawa tunazungumzia jambo hili wale watu ambao wanaumia ni wamama na watoto kwa sababu mama atapoteza mtoto wake kwa wizi wa mifugo. Mama pia atakosa chakukla cha kulisha yule mtoto wake. Hili jambo la wizi wa ng'ombe lingeakuwa linachukuliwa kama jambo zito sana kwa sababu maisha ya watu wengi yamepotea. Mimi ninaonelea kwamba hili jambo silo la Isiolo na Samburu East peke yake bali linajumulisha jamii ya wafugaji wote. Ukiangalia mambo ya Pokot na Samburu, tulipoteza watu 30 kwa siku moja. Watu 30 kufa siku moja na kuzikwa katika kaburi moja ni jambo ambalo linashangaza kila mtu. Ukiangalia, hakuna hatua ambayo imewahi kuchukuliwa kwa kitendo hicho cha watu 30 kufa siku moja. Kwa hivyo, hili

jambo la wizi wa ng'ombe linafaa liangaliwe sana kwa sababu linaweza kuwa hata sio wizi wa ng'ombe bali pengine kuna mpango mwingine.

Mimi ninashukuru "peace caravan" ambayo tulianzisha na vijana kutoka pande zote. Wakati tuliingilia kati na kuuliza wananchi kwa nini vita vinazuka tulipata ukweli. Kuna wananchi ambao walituambia kwamba hawajasalimiana kwa miaka mitano. Mara nyingi wanaenda kusalimia wenzao na bunduki. Kwa hivyo unaweza kujiuliza ni jambo gani linaloendelea. Unaweza kupata kwamba ile habari ambayo inafika kwa Serikali ni tofauti na ukweli. Kwa hivyo, ingekuwa muhimu kama tungepata ukweli. Sisi tunaunga mkono hii ripoti kwa sababu inaweza kusaidia.

Bw. Naibu Spika wa Muda, mimi pia najiuliza, katika Isiolo na Samburu East, wakati ng'ombe 4,000 walichukuliwa na kila mtu kupatiwa mji---

The Temporary Deputy Speaker (Mr. Ethuro): Mheshimiwa Leshomo, tulikubaliana kwamba tutachukua muda mfupi sana.

Ms. Leshomo: Bw. Naibu Spika wa Muda, ningeomba unisaidie niseme machache tu. Wakati hao ng'ombe walichukuliwa, hawakuchunguza kama walikuwa wametokana na wizi ama ni wa mama maskini ambaye hana kitu kingine, ama ni wa mzee ambaye mtoto wake hakuwa ameenda kuiba. Hao ng'ombe walikusanywa na watu kupatiwa. Sasa utashangaa ni kwa nini wasifuate wezi mpaka mahali wameenda. Kwa sababu hao wezi hawatoki nchi nyingine bali ni sehemu hiyo tu. Kwa hivyo, ingechunguzwa ili ijulikane wizi umetoka wapi na wezi wafuatwe.

Ninawashukuru vijana wetu kwa sababu wamesema kwamba wanataka kazi. Mimi ningeomba kwamba hao vijana wapewe kazi. Hiyo ndio shida iliyoko katika jamii ya wafugaji. Vijana hawana kazi. Ningependekeza kwamba vijana waajiriwe kama askari kwa sababu wanajua kutumia bunduki. Kwa sababu ya ujuzi wa kutumia bunduki ni afadhali wawekwe katika mpaka ili wauchunge mpaka wa Kenya. Kwa hivyo, ninaomba Serikali ichukuwe hatua ya kupatia hawa vijana kazi ya kuchunga mpaka wa Kenya badala ya kupeleka watu ambao hawawezi hiyo kazi. Ni afadhali wapeleke vijana wa Samburu na Turkana huko.

Kwa hayo machache ,ninaunga mkono Hoja hii.

Mr. Letimalo: Thank you, Mr. Temporary Deputy Speaker, Sir. I commend the Mover of this Motion for highlighting the most critical areas where we require Government intervention. I just want to say something very briefly in support of this Motion. Those of us who come from pastoral communities admit that cattle rustling is an old cultural practice that has outlived its usefulness. It has to be discarded in all ways possible. I want to emphasize that the Government should make a deliberate effort through affirmative action to deal with the youths who are actually the people involved in cattle rustling from all the communities that are involved. I think the most critical area here is through education. The Government should ensure that all those youths who have attained the school going age are enrolled in school so that they grow up with a new mentality of getting livelihood instead of engaging in cattle rustling.

Mr. Temporary Deputy Speaker, Sir, the Government should also come up with an approach to engage these youths in income generating activities. This has worked well because in my own constituency, Samburu East, the community has embraced community based conservancy and many youths have been employed as security guards to protect wildlife and conserve the environment. I am sure once they are engaged, they

will be able to get some income and put it into proper use instead of engaging themselves in cattle rustling.

Mr. Temporary Deputy Speaker, Sir, my major concern is the way the Government handles or deals with communities affected by cattle rustling. The Government must be seen to be fair and not discriminative when it handles issues of cattle rustling. Just as we have acknowledged that cattle rustling is an old phenomenon, we have had a traditional way of handling cattle rustling amongst the communities. For example, when animals are stolen and they are pursued by the people, once the footprints lead to a given village or a community, it is the responsibility of the village elders and the community either to produce the cattle thieves or to pay for the stolen animals. That one has been accepted all over. But the way the Government is handling it now, there is a lot of unfairness and discrimination. I am particularly concerned with what happened in February 2009 when the Government carried out a security operation in Samburu East targeting one community where over 200 security personnel were deployed backed by military and police choppers. They went to water points where livestock were drinking water, rounded up livestock from the water points and the grazing fields. They seized 4,116 head of cattle from innocent families, drove across the border and distributed them to other communities while the claimants and the owners of the livestock were not even given an opportunity to identify the stolen livestock from the herds that were impounded by the security personnel. They were just distributed. The Government was not concerned on what was going to happen to those families whose livestock had been taken given that the pastoralists entirely depend on livestock for their livelihood. We have now had children who have dropped out of school because the Government has made the communities in Samburu East poor. They depend on livestock for medical care, school fees and for their own foodstuffs.

Mr. Temporary Deputy Speaker, Sir, I have a list here which I want to table of the 86 families whose livestock were taken and amongst them are Government officers. I do not want to imagine that a Government officer can abandon his or her responsibilities to go and steal animals. Ordinarily, a woman cannot engage in cattle raids. But here we have several widows whose livestock were taken by the Government. The Government had no reason whatsoever to round up the livestock without establishing whether they belonged to morans or responsible person who could not go to raid. Amongst them is a 76 year-old man, a retired army officer who used his pension to invest in livestock and all his 72 head of cattle were taken away. I think that is really unfair.

I beg to support that the Government should compensate the innocent families that have been made poor and children who have dropped out of school.

(Mr. Letimalo laid the document on the Table)

I beg to support.

Mr. Njuguna: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Report. First of all, let me thank the Chairman of this Committee for leading the Committee to come out with very wonderful recommendations. If these recommendations and findings are fully implemented, we are likely to change the way our people live in that region.

I would like to address myself to two issues only. We have noted with concern that security has deteriorated in that region. Therefore, it is important that the National Security Intelligence Service is strengthened by way of making sure that vehicles are provided as well as fuel. The other concern is the upgrading of Archers Post where currently we have about ten police officers manning two huge districts. This is beyond human imagination. As we intend to improve security, we need to seriously address and upgrade that post. The number of police officers should be increased even to 100. When you look at the issue of police reservists, you will realize that they have not been given any basic training. They need to be trained in order to serve the people better. On peace committees, credible elders from the society must be given the opportunity to serve in these areas again.

To improve on economic and social lives of the people, there are areas that the Government must address. One of them is provision of adequate water where the communities are concentrated. This water should also be available to schools and health facilities. Health care for the people is very important and health centres must be put up in those areas. Adequate number of secondary schools in this area must also be given serious thought. Our children in that area should not be walking long distances. We have also noted that there are kids who are learning under trees. This should not happen in modern Kenya.

It is also important that a university must also be established in that area so that it can also benefit the way other areas have benefited. We should not see industrialization only in certain regions. We should start seeing industries coming up in that area. We should be seeing the National Bank of Kenya, Kenya Commercial Bank and Equity in those areas. By so doing, the youth in that area will be attracted to look for these opportunities.

Mr. Temporary Deputy Speaker, Sir, on employment, the criteria of admission in any sector must be moderated so that the youth from that region can be assimilated into all sectors.

When we look at the issue of recruiting teachers, if the criterion for admission is a minimum of grade C+, it must be moderated downwards so that youths from that area will also be admitted. When you look at the armed forces, the Administration Police (AP), National Youth Service (NYS), the grades for admission must be lowered so that these people can also take ownership of this country. They should also see to it that there is real distribution of resources.

When we look at the recruitment of nurses, they are being exported to those areas. They need to have their own nurses and doctors. By so doing, we will be empowering the people of this region. We note that tourists have been attacked by youths in that area. Tourists must be friends to these people in terms of improving the economic strength of the region.

With those few remarks, I fully support this Report for quicker and very deep consideration by our Government.

Mr. Oyongo Nyamweya: Thank you Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this very important Motion.

First I want to thank the Committee for the time they took to prepare the report.

Mr. Temporary Deputy Speaker, Sir, all communities have been engaging in cattle rustling. What has made some communities change is the economic activities that

they engage in. Some people have adopted farming to earn a living. These particular communities have been neglected by the Government. Nothing goes to these areas to empower the communities to do other economic activities. This has been the case from the time of Independence to date. We have police posts in an area where everybody knows there is insecurity. I would urge the Government to have a marshal plan for North Eastern Province and other areas which have been neglected so that resource mobilization is done.

The person who steals somebody's cow in order to earn a living is like any other person who is farming. I am not supporting this but there must be an alternative activity for these people. If there is no other economic activity then they have no choice. Therefore, it is upon the Central Government to take necessary steps to give resources to these areas.

Mr. Temporary Deputy Speaker, Sir, I read a certain report which indicated that tourist lodges provide water and allow animals to graze. The county councils earn some small money and they are grateful to the people who run the lodges in these areas. If that is the situation, where is the Government's contribution in these areas? To me, it is the responsibility of the Government to allocate resources and consider providing necessary infrastructure and enough education facilities so that children, both girls and boys, are encouraged to go to school.

The Government must make a deliberate effort to start schools in that area. It should even make it mandatory, with the support of the local leadership, for people to go to school. The Government should also provide money for irrigation. There must be a clear plan so that the community can move away from cattle rustling. We may say we are disarming the communities. Disarmament does not help unless you give an alternative activity to these boys. If they do not have alternative activities, they will always go to it! It is, therefore, upon the Government to find a method to improve the welfare of the people of this area.

Mr. Temporary Deputy Speaker, Sir, unless something is done, I am afraid cattle rustling is not going to end. So, it is really the work of the Government to look into the issue of cattle rustling. Let us not pretend that it is a culture, it is not! It is a way of earning a living. If you have nothing to do--- For a young person who is idle and does not have animals, the option which is there for anybody to earn a living is cattle rustling. If there are no other activities there, they will adopt that system. So, it is important for the Government to allocate more money in those areas so that the people can change. It is cultural need that is necessary. People must change! They cannot change without economic support. They will change when they get economic support from the Central Government with time. Do not force it. They will see the need to change from what they are doing and start a new process in life which is beneficial to all.

With those few remarks, I beg to support.

Mr. ole Lankas: Mr. Temporary Deputy Speaker, Sir, first of all, I wish to thank the Committee for a job well done. When we talk about cattle rustling in this country, we are talking about politics, social fabric and economic life of this country. Cattle rustling has been with us for a very long time. It was with us before Independence, it came with us after Independence and it is still with us. The successive regimes that have taken over the leadership of this country have never – and I can say that – really addressed the problem as a serious problem in this country. If you look at where the problem is

concentrated, it is northern Kenya, part of eastern and other small pockets of this country. We have lost lives in that game. The economic life of this country has been drastically affected. So, what we are saying here is that something must be done. The sooner it is done, the better for this country.

The Government has been a major player in trying to address this problem. But for whatever reason, it has never succeeded. There have been a lot of inconsistencies in the way the Government has been addressing this problem. It is true that this problem has been situational. Some of us have had the opportunity to serve in some of the areas where cattle rustling is rampant. But what we have seen, as far as the Government hand is concerned, is lot of “do not care” attitude. The value for life in this country is an issue that needs to be addressed. That is because when a pastoralist is killed, no matter what the circumstances, Government action or inaction is very visible. This morning, if you read the *Daily Nation*, so many lives have been lost in Turkana because of cattle rustling. But what kind of action has the Government taken? So, we have always been questioning: What is the value of life in this country as far as some communities are concerned. They have never really taken it seriously! It is a daily occurrence in some parts of this country. We read day in, day out that people have been killed in Turkana, Isiolo and other parts of northern Kenya, but the Government takes this issue as a non-issue and that is where the beginning should be. Is there value for life in this country as far as pastoralists are concerned? So, what we are saying is that the Government should wake up and address this issue with the seriousness it deserves. It has the capacity!

If you look at the Budget---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. ole Lankas! You will proceed with your contribution next time when this Motion will be on the Order Paper. You will have a balance of 15 minutes.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, it is time to interrupt the business of the House. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.