

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 24th August, 2010

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

QUESTION BY PRIVATE NOTICE

PROVISION OF STATISTICS ON SHORTFALL OF TEACHERS PER CONSTITUENCY

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

(a) Could the Minister provide the per-constituency shortfall of teachers in the country, the respective constituency sizes as well as respective constituency student populations?

(b) Could the Minister clarify whether the current process of teacher recruitment on contract basis is taking all the factors in (a) above into account?

(c) What steps will the Minister take to ensure equity amongst constituencies in the recruitment?

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

(a) The shortfall of teachers and student populations in the country per constituency for primary and secondary schools is per the list which I would like to table.

(Prof. Olweny laid the document on the Table)

(b) The Ministry has taken into account all the relevant factors in the current recruitment exercise. The ratio of 3:1, that is, primary school pupils to primary school teachers will be applied to both primary and secondary school teachers. The ratio of 66 teachers for primary and 20 teachers for secondary, that is, approximately 3:1, will be distributed per constituency. This translates into a total of 13,860 teachers for primary and 4,200 teachers for secondary in all the 210 constituencies.

(c) In line with the Economic Stimulus Programme (ESP), the recruitment exercise will be done equitably for all the 210 constituencies. Each constituency has been allocated 66 teachers for primary and 20 teachers for secondary schools. However, the constituencies that will not raise the required teachers will seek from the neighbouring constituencies. Similarly, constituencies that do not require all the allocated teachers, but

have recruited all the teachers as recommended, will have to deploy the extra teachers to other constituencies.

Dr. Eseli: Mr. Speaker, Sir, I would like to thank the Assistant Minister for that answer and especially, for tabling the document from the Teachers Service Commission (TSC), showing primary school staffing status as at July, 2010. This list obviously shows that there is a glaring difference in the sense that there are some constituencies or districts with extreme understaffing of as high as 627 teachers while others have got as low as 66 teachers or 43 teachers in terms of understaffing. Where is the equity in distributing these positions equally across all constituencies? Could the Assistant Minister tell us whether or not they have achieved the aim which was to reduce the teacher to student ratio? Does this achieve the aim? When I look at this, I do not see it achieving the aim of distributing teachers equally.

Mr. Speaker: Order, Dr. Eseli! Do not answer the question yourself.

Prof. Olweny: Mr. Speaker, Sir, it is true it does not achieve that. However, I would like to remind the hon. Member and the House that this is an ESP which was designed and defined by the Office of the Deputy Prime Minister and Ministry of Finance. We are implementing it as it is. Otherwise, if we had the money to employ the teachers, we would do it as per our requirements based on the shortage of teachers across the country. However, as I have said, in case some constituencies do not need that number of teachers, they will be redistributed to other constituencies.

Mr. Baiya: Thank you, Mr. Speaker, Sir. The Assistant Minister has accepted that the distribution of teachers according to the number they have given does not achieve equity and that this has been done according to the direction by the Treasury. Does it mean that this Government does not communicate amongst itself, for example, the Treasury and the Ministry of Education? Why can the Ministry of Education not indicate to the Treasury what it has done is wrong and will not achieve the goal?

Prof. Olweny: Mr. Speaker, Sir, the issue on the Floor was in the Budget Speech read by the Deputy Prime Minister and Minister for Finance. We debated that here and passed it. There is no Member of Parliament who said anything to the contrary. We are actually implementing what is in the ESP which is a stop gap measure to help alleviate the shortage of teachers in this country.

Mr. Ngugi: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to mislead this House? What this House passed was the principle or the policy. We are questioning the implementation details which are now being done by the Ministry. Is he in order to do that?

Prof. Olweny: Mr. Speaker, Sir, I hope I am not out of order if I remind the House that the Deputy Prime Minister and Minister for Finance said on the Floor of the House that for the purposes of the Economic Stimulus Programme, 66 primary school teachers and 20 secondary school teachers were going to be employed per constituency. I do not think I am misleading the House because that is what was in the House.

Mr. Pesa: Mr. Speaker, Sir, the shortage of teachers in this country is a big problem that we have been talking about in this House for a long time. The speed at which the Ministry is trying to implement the employment of these teachers, to me, is wanting. It is just last week when the Permanent Secretary met with his people here and within three days, we were expected to go and join our District Education Boards (DEBs) and at the same time, we were supposed to be here. Is the Assistant Minister sure that this

exercise is not going to leave some loopholes now that many DEBs will not be properly constituted during the recruitment?

Prof. Olweny: Mr. Speaker, Sir, the hon. Member is not right to say that the DEBs will not be properly constituted. Already, we have DEBs across the country which are constituted and approved by the Minister. So, every district has a DEB and all of us are Members of DEBs. This recruitment has been done successfully and most districts have reported to us that they have done it. Therefore, I do not see any problem. Whenever we have an opportunity, we shall do something more about the teachers' shortage, because it is hurting the Ministry more than anybody else.

Mr. Nyammo: Mr. Speaker, Sir, starting from the point of the shortage of teachers that is well known in the country at 65,000, at this rate of recruitment, could the Assistant Minister tell this House and the country at large, how soon we shall be able to eliminate that shortage?

Prof. Olweny: Mr. Speaker, Sir, I am ready to correct that as soon as I get the money. Even if I get the money today, teachers will be recruited very fast.

Mr. Mbadi: Mr. Speaker, Sir, the Assistant Minister has told us that they are trying to work to correct the situation. However he looks at this list, he will realize that the province where he comes from is the most hit. What concrete steps is he going to take to ensure equity, so that all regions have a balance in staffing?

Prof. Olweny: Mr. Speaker, Sir, I have already said that those constituencies which do not need that number of teachers and will have extra in terms of staffing will have those teachers taken to other needy constituencies.

Mr. I. Muoki: Mr. Speaker, Sir, I would like the Assistant Minister to clarify whether the recruitment is based on districts or constituencies. This is because we have a situation in the greater Kitui, where we have a zone called Voo which is administratively in Mutomo and it is in Mutito Constituency. When they went to Mutomo, they were turned down because they are not in Kitui South Constituency. Likewise, when they went to Mutito, they were turned down. So, in the process, they got lost. If the recruitment is per constituency, could the Assistant Minister direct the relevant constituency to recruit them?

Prof. Olweny: Mr. Speaker, Sir, the teachers are recruited by DEBs. Therefore, it is a district affair. But at the end of the day, each constituency will have 66 primary school teachers and 20 secondary school teachers recruited. But if they do not need all of them, then they will be deployed to other places. But in a situation where a constituency is split into two administratively, you will find that they are shared out. A given number of teachers in one part of that constituency that falls in the other district will be recruited in that particular district where that zone falls. For example, in my case, I have one location which falls in another district. Three teachers were recruited for Muhoroni Constituency in the other district while the other 63 were recruited in Muhoroni Constituency. But at the end of the day, Muhoroni District has a total of 66 primary school teachers. That is the way it is done. But should you have a problem with that, we are ready to handle it for you.

Dr. Eseli: Mr. Speaker, Sir, it is obvious that the Ministry is throwing pebbles at a tank. It is pretty obvious that there is a discrepancy in the needs of schools, provinces and districts and what they have been provided with. Could the Assistant Minister assure and

explain to this House what plans the Ministry has in place to make sure that they alleviate this problem the soonest possible?

Prof. Olweny: Mr. Speaker, Sir, it is true that there is a problem with regard to staffing in this country. But this recruitment is a programme, as I have indicated, from the Office of the Deputy Prime Minister and Ministry of Finance (Economic Stimulus Package). If we get money to recruit teachers normally through the Teachers Service Commission on permanent basis, we shall sort out the problem.

ORAL ANSWERS TO QUESTIONS

Question No.006

ATTORNEY-GENERAL'S ACTION ON KACC REPORT ON HARAMBEE SACCO

Mr. Speaker: Hon. Members, the Member for Gichugu got involved in an emergency which she reported to me. I will, therefore, defer this Question to Thursday afternoon, at 2.30 p.m. Mr. Attorney-General, please, note!

(Question deferred)

Question No.069

PROVISION OF STATISTICS ON CHILD LABOUR IN KENYA

Mr. Speaker: Hon. Members, similarly, the Member for Laisamis communicated to me that he has been caught up in an emergency which he cannot extricate himself out of. I will, therefore, defer this Question to Thursday afternoon. Minister for Labour, please, note!

(Question deferred)

Question No.199

LIST OF RETIRED/DEAD KISUMU MUNICIPAL COUNCIL EMPLOYEES FROM 2000

Mr. Speaker: Hon. Members, once again, the Member for Kisumu Town West is actually out of the country for treatment, which is supposed to be fairly extensive somewhere in Europe. So, I will defer this Question until such time that the Member is back in the country. I am not able to predict how soon he will return.

(Question deferred)

Question No.227

CRITERIA FOR IDENTIFYING BENEFICIARIES OF
AGED PERSONS MONTHLY EARNINGS

Mr. Speaker: Hon. Members, the Member for Mumias requested that this Question be deferred but, unfortunately, the form in which the request has come to my office is unacceptable in this sense and I want all hon. Members to note: The Member for Mumias got his Personal Assistant (PA) to write a letter to the Speaker to explain why he would not be here. That is not acceptable. I will, therefore, drop the Question.

(Question dropped)

Question No.257

SCANNING MACHINE AT MOMBASA PORT TO
CONTROL ENTRY OF ILLEGAL GOODS

Mr. Speaker: The Member for Nyakach not here? The Question is dropped.

(Question dropped)

Question No. 266

RE-ALLOCATION OF FUNDS FOR NEW MARIGAT
DISTRICT OFFICES

Mr. Chepkitony, on behalf of Mr. **Mwaita**, asked the Minister for Public Works:-

(a) to clarify why funds for construction of offices for the new Marigat District were re-allocated and yet, the tenders for its construction had been finalized; and,

(b) whether he could assure the House that the office will be constructed in the 2010/2011 Financial Year?

The Minister for Public Works (Mr. Obure): Mr. Speaker, Sir, I beg to reply.

Funds for the construction of Marigat District Headquarters were not re-allocated. A decision was taken to carry out construction of the district headquarters in two phases. Marigat District Headquarters is included in Phase II.

I wish to assure the House that the funds for that project have been re-voted by the Treasury. It will, therefore, be constructed during this Financial Year, 2010/2011.

Mr. Chepkitony: Mr. Speaker, Sir, I would like to thank the Minister for assuring us that the funds are intact. I would like to ask him why the construction did not start and yet, the tenders were awarded. Why was there a need to return money and yet, the funds had been committed?

Mr. Obure: Mr. Speaker, Sir, that decision was taken by the Treasury presumably because of cash flow problems. The Treasury decided to reschedule the funding over two phases. The first group which included the district headquarters

comprised of 36 sites. It was done in the first phase and it is still ongoing. The second and final phase will be undertaken during this financial year. I confirm that the funds are available and the construction has already started. I am aware that the advertisements inviting tenders for construction of all the district headquarters was done on 12th November, 2009. However, after that decision was taken, the tenders were cancelled through an advertisement on 27th January, 2010.

Mr. Chepkitony: Thank you, Mr. Speaker, Sir. Could the Minister tell this House how much money has been set aside for Phase I and Phase II?

Mr. Obure: Mr. Speaker, Sir, for Phase I, a sum of Kshs1,080,000,000 was set aside. A similar amount of money is available to commence construction of Phase II.

Question No.272

NUMBER OF SCHOLARSHIPS EXTENDED
TO KENYA

Mr. C. Kilonzo asked the Minister for Higher Education, Science and Technology:-

(a) whether he could indicate the total number of scholarships that have been extended to the country for the last three years; and,

(b) whether he could also indicate the countries that have extended the scholarships, the beneficiaries, their constituencies and the criteria used by the Ministry in selecting the beneficiaries.

The Minister for Higher Education, Science and Technology (Mr. Samoei): Mr. Speaker, Sir, I beg to reply.

Mr. Speaker, Sir, you remember the hon. Member had asked this Question and I had partially replied. However, he had wanted, and which I agreed to, that we look at whether it was possible to classify the beneficiaries in accordance with the constituencies or districts that they come from. I saw merit in that request. But because of the way the information was captured, the manner of application then did not require the applicants to indicate their constituencies or districts. They were just required to indicate their provinces. Therefore, it was not possible to capture the beneficiaries by their constituencies. I have, however tried, under annex two, to capture some of the beneficiaries that we could get their information showing the districts. If you go to page 14, you will see that the beneficiaries are captured by districts. I do not know whether I should go over the list but the information is now available to the hon. Member, at least, with regard to the districts.

Mr. Speaker: It will suffice, Mr. Minister, if you table the list.

The Minister for Higher Education, Science and Technology (Mr. Samoei): Mr. Speaker, Sir, I will table the list. Secondly, I have now instructed that new applicants must, from now henceforth, provide information. I will lay on the Table a copy of the form that will form the basis of collecting information from would-be beneficiaries that will include their home province, district, division and constituency. That way, in future, we can easily get the information.

(Mr. Samoei laid the document on the Table)

Mr. C. Kilonzo: Mr. Speaker, Sir, I said that most scholarships end up in districts which have Ministers as Members of Parliament. I know that the Minister is very new in this Ministry. Nevertheless, he has given a longer list of provinces. You know very well that when someone is applying, he has to use an identity card. The identity card does not talk about your province. It talks about your district of birth, home district and division. I would like to request the Minister, unless he wants to tell us that when people are applying for scholarships, they do not need to use their identity cards, to go back and give us those details. It is not fair that a constituency like Yatta and many others, for the last 10 years, have not benefitted in any way as far as scholarships are concerned. Could the Minister assure this House that, as he looks at the issue of criteria--- One of the criteria should be that, as much as possible, all constituencies should benefit?

Mr. Samoei: Mr. Speaker, Sir, it is not a requirement that would-be beneficiaries provide copies of their identity cards. Therefore, that information is not available at my Ministry. The information that is available is the one that I have provided to the House. However, I want to confirm to the hon. Member that, indeed, issues of fairness and equity will, in the future, inform the distribution of the scholarships, including the issue of gender balance. If you look critically at the list that I have provided, you will see that 40 per cent of the beneficiaries are women. We will progressively enhance that position so that we can reach a position where 50 per cent or more will go to women. When you look at the list that I have provided in terms of districts, there is some measure of equity. It may not necessarily be per constituency. However, when you look at the list that I have given to the hon. Member, we have a beneficiary from Bondo, Kisii Central, Imenti, Nzau, Thika, Nyandarua, Nandi, Koibatek, Butula, Emuhaya, Kisii, Machakos, and Kilifi, amongst others. There is a fair representation of the regions of our country. But I want to confirm again that, in future, we will be much more meticulous in the way we handle the distribution.

Mr. Yakub: Mr. Speaker, Sir, I want to commend the Minister for giving hope to the people of the Coast Province that there will be equity from this year onwards. According to the table which he has just laid on the Table, there are some provinces where we have 51 beneficiaries. In other provinces, we have only 28. How do deserving students access these sponsorships?

Mr. Samoei: Mr. Speaker, Sir, again, I had given out the criteria for the selection of the candidates. It includes, among other things, regional balance, originally by province. We will progressively improve that to include the new counties and constituencies. We also consider the courses and the scholarships awarded by various countries. Whenever scholarships are given out, the countries sponsoring them give their conditions for the award of those scholarships. Those conditions are agreed with my Ministry. The selection process involves officers from my Ministry and representatives from the sponsoring countries. Before the scholarships are finally given, the countries that are sponsoring must satisfy themselves that, indeed, the process has been above board.

The undergraduate students, for example, must be below the age of 23 years and post-graduate students must be between 34 and 40 years old. For Doctorate of Philosophy (PhD) sponsors, the students must be between 40 and 44 years old. It is also important for Members to know that whenever a country offers scholarships, they do so, in a specific

discipline, given the nature of the relationship between our Government and their sponsoring Governments. They also take into consideration our requirements. We cannot, therefore, dictate because these are offers. So, they offer what they think their institutions can afford. We go through a tendering process where the scholarships are advertised in the print media and all the applicants are subjected to a process of interview, involving the countries sponsoring the scholarships. Ultimately, the beneficiaries are identified.

Mr. C. Kilonzo: Mr. Speaker, Sir, demand for university education in this country is very high. However, the facilities that the Government has offered in terms of universities are very limited. What is the Government doing to ensure that more universities are put up and university education is accessible and affordable to the Kenyan youth?

Mr. Samoei: Mr. Speaker, Sir, that is a very important question. I can mention three avenues that we are exploring. The first avenue is the Kenya Open University, which in one year, should come into operation. Under this programme, we want to ensure that students who want to join university for courses that do not require much contact between the lecturers and the students can learn through an open-university process. Through the internet, in a clearly defined mechanism, they can learn from the stations where they are without necessarily going to the university itself. Other countries have open learning universities that have 800 to three million students. This is an easier and flexible process, both for the students and the university. To take care of that particular need, especially the pressure on our facilities, we are considering, and the implementation is well on course, that within one year, we will have a Kenya Open University.

Secondly, we have a lot of idle capacity in our universities. This is capacity that can be tapped if we invest a little money, especially in what has come to be known as stalled projects in our universities. For example, if you look at Egerton University, you will find that we have capacity for an extra 4,000 students if we can complete the projects that are stalled. With the Treasury, we are considering to establish a Universities Board, which will make cheap money available to our universities and through the Module II mechanism, they can pay back the money without any additional burden to the Exchequer.

Thirdly, we have a lot of idle capacity in our private universities. For a very long time, students who qualify through the Joint Admissions Board have limited access to university education that is sponsored by the Government to public universities. We think, and we are discussing, that there is, in fact, a possibility that we can use facilities in private universities through the Government paying the same amount of money it pays to public universities to private universities. That money can be paid for places in private universities. We know that this is a very touchy issue because private universities want to keep positions to themselves, but we think that there is additional capacity in our private universities. There is no reason why the Government cannot access those facilities and pay the same amount of money for the same quality and standard of education. These are the avenues we are exploring. I can bring a comprehensive position, if the Member so desires.

Question No.328

REPAIR OF NANYUKI-TIMAU-SUBUIGA ROAD

COMMUNICATIONS FROM THE CHAIR

IT IS DISORDERLY FOR MPS TO COMMUNICATE WITH SPEAKER THROUGH THEIR PERSONAL ASSISTANTS

Mr. Speaker: Member for North Imenti! Hon. Members, once again, in respect to Question No.328, my Office has received a letter addressed to the Clerk of the National Assembly and signed by the Personal Assistant for the Member for North Imenti. That mode of communication is not acceptable to the Chair. I want to discourage that habit completely because I consider it disrespectful, discourteous, if not disorderly!

So, I will drop this Question.

(Question dropped)

The Attorney-General (Mr. Wako): On a point of order, Mr. Speaker, Sir. First of all, I want to apologize for not having been attentive enough because of the loud consultations in the House when you touched on Question No.006 on the Order Paper. You made a ruling that it should be listed on the Order Paper on Thursday.

If you follow the HANSARD of that day, I had actually answered this Question. However, hon. Mututho and Dr. Khalwale then tabled other letters raising complaints against the SACCO, which were not in any way related to the Question which was before the House. The Question was with regard to the letter of 12th August, 2003. These other complaints were about December, 2009. That is why I protested that those were different Questions, which should follow the laid down procedure under Standing Order No.42. The then Chair kept on saying that I must look at them and make comments on those letters, but I protested and said that there must be a ruling on that issue. The HANSARD Report will bear me out. Then out of the blues, you said that the Question should be re-listed when I had already answered it. The issue was whether the other complaints which were being tabled should be answered or not. I objected because Standing Order No.42 had not been followed.

Therefore, I crave your indulgence for you to look at the proceedings and instead of re-listing this Question you, at least, make some ruling on it. The matter can then be re-listed or not re-listed in accordance with the ruling that you may make on it. So, I kindly request you to review the decision to place this Question on Thursday's Order Paper and put it on a day that is convenient to you after you have read the HANSARD Report in order that you can come up with a ruling, if the HANSARD Report bears me out on the matter.

DROPPED QUESTIONS CANNOT BE REINSTATED

Mr. Speaker: Very well, hon. Attorney-General!

Mr. Baiya: On a point of order, Mr. Speaker, Sir. This Question was dealt with when hon. Karua was not in the House; is it in order for the Attorney-General to raise the issues he has raised without regard to the rules of natural justice, which would require that the Questioner also be heard on the same issues that the Attorney-General has raised?

Mr. Speaker: Order! Order! As I have followed and understood the Attorney-General, he has not raised anything new. He has only sought directions, which, indeed, he has intimated he sought when this matter was before the House. I will, therefore, need time to acquaint myself with the HANSARD, so as to be in a position to give proper directions. I shall do so now, instead of Thursday this week to which I had deferred this Question, on Tuesday next week at 2.30 p.m. On Tuesday next week, at 2.30 p.m., I will give directions.

Hon. Members, please, note that Question Nos.227 and 328, which have been dropped on the basis that there had been improper communication, will not be reinstated during this Session. This is because we want to discourage that practice.

MINISTERIAL STATEMENTS

Mr. Speaker: The Honourable Attorney-General, you have indicated that you will do it in five minutes. Please, endeavour to do so.

ATTORNEY-GENERAL'S FAILURE TO ACT ON HATE SPEECH COMPLAINT AGAINST MATUGA MEMBER OF PARLIAMENT

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, the Member of Parliament for Kisumu, hon. Olago Aluoch, asked for a Ministerial Statement as to why hon. Chirau Ali Mwakwere has not been prosecuted for hate speech following accusations by the National Cohesion and Integration Commission (NCIC). I wish to state as follows:-

During a consultative meeting held on 25th June, 2010, between the NCIC, the Department of Prosecutions, and the Director of Criminal Investigations Department (CID), the modalities and procedures for handling complaints and allegations of hate speech were discussed and agreed on. The meeting was convened by the NCIC and chaired by its Vice-Chairperson, Ms Mary Onyango.

It was agreed that complaints of hate speech made by NCIC be referred to the CID for proper criminal investigations and thereafter, the completed investigations file be reviewed and evaluated by a joint team of the Department of Public Prosecutions in my Office, the NCIC and the CID before it is forwarded to the Attorney-General for perusal and appropriate directions.

The agreed procedure was informed by the following expressed imperatives:-

(i) the need to ensure that investigations in complaints of hate speech are thorough, and evidence gathered is water tight, so as to avoid the risk of cases being thrown out, thereby undermining the credibility of NCIC and exposing it to potential civil liability;

(ii) the importance of ensuring the construction of prosecutable cases so as to avoid a situation whereby defendants move to constitutional courts and successfully seek to have their cases thrown out or stayed;

(iii) the need to avoid a perception that people are being charged only to placate the public; and,

(iv) the need for a thorough and extensive research into the legal jurisprudence of hate crimes, including comparative international perspectives owing to the complexity

and constitutional implications of hate speech cases, and the fact that there are few local reference cases on the matter.

Mr. Speaker, Sir, in relation to the complaint against hon. Mwakwere, I wish to state the following.

By a letter dated 14th July, 2010, written to me and the Commissioner of Police, the NCIC made a complaint against hon. Mwakwere, alleging that some of the statements he uttered during the by-election campaigns amounted to hate speech, inciting ethnic hatred and disharmony, and recommended that hon. Mwakwere be charged accordingly. The said letter was not accompanied by any investigation file or any evidence in the form of witness statements or otherwise. However, on receipt of the said letter of complaint, the police commenced investigations.

By a letter dated 17th August, 2010, written under my directions, the Director of Public Prosecutions requested the police to confirm the status of the investigations, and give an indication as to when the same are likely to be completed. The police have since confirmed that the investigations are ongoing, and that they would be completed within the next two weeks.

It is, therefore, clear from the foregoing that the investigations file relating to the allegations of hate speech against hon. Mwakwere is yet to be completed to enable a tripartite committee to review and evaluate it, and thereafter forward it to the Attorney-General for appropriate directions, in accordance with the agreed procedure.

With regard to the earlier cases involving hon. Machage, hon. Kutuny, hon. Kapondi and Ms Christine Miller, which were also the concern of hon. Olago Aluoch, I wish to confirm that their cases were taken to court without the involvement of my office. It was for that very reason that the NCIC, soon thereafter, convened the tripartite meeting to discuss, among other agenda, the modality for future co-operation regarding the Commission's statutory duties under the National Cohesion and Integration Act.

The tripartite meeting was held on 25th June, 2010 as I have earlier stated and came out with the agreed modalities which I have already informed this House, for handling hate speech cases as earlier outlined above.

In conclusion, I would like to appeal to the police to investigate diligently and expeditiously any cases of hate speech reported to them. Similarly, I would appeal to the National Cohesion and Integration Commission (NCIC) to adhere to the agreed modalities for handling of such cases and restrain themselves from making public and premature statements regarding cases and investigations or in respect of which the agreed modalities have not been completed.

Mr. Speaker: Hon. Members, anybody interested in clarifications? We ought to take three but now that there are four of you on your feet, we shall make that exception. I will begin with the hon. Member for Gwassi.

Mr. Mbadi: Mr. Speaker, Sir, the problem that we have had in this country is the double standards in treating the citizens of this country. That is why Kenyans decided to vote for a new Constitution to put a stop to that. You have just heard from the Attorney-General that the earlier cases of Mr. Kapondi, Mr. Kutuny and Dr. Machage were taken to court without involving his office. Is the Attorney-General, therefore, telling us that these particular individuals were taken to court unprocedurally? If so, then the

Government should apologize to them and even compensate them for the unnecessary frustration and mistreatment that they went through.

Mr. Speaker: Mr. Attorney-General, please, take notes.

Ms. Karua: Mr. Speaker, Sir, I have heard the Attorney-General talk of a tripartite committee that will look at Mr. Mwakwere's case. I just want him to let us know whether the same committee looked at the Dr. Machage's, Mr. Kapondi's and others cases. What is the relationship between his office and the NCIC? When NCIC forwards a case, is it not supposed to be taken to court in the manner that Dr. Machage and others were taken to court?

Mr. Speaker: Hon. Member for Alego/Usonga!

Mr. Yinda: Mr. Speaker, Sir, I would like to get a clarification from the Attorney-General, now that he has told this House that the cases of Dr. Machage, Mr. Kapondi and Mr. Kutuny were unprocedurally rushed to court. When is he going to ensure that these cases are dismissed and the hon. Members cleared?

Mr. Baiya: Mr. Speaker, Sir, I wish to also seek a clarification from the Attorney-General about the research or investigation that ought to be done concerning the law on hate speech; that is, the National Cohesion and Integration Act, considering that this is a fresh Act enacted by this House as part of Agenda 4 reforms for the purpose of curbing impunity. Is it not actually an attempt to disregard the law that was properly passed before this House to address problems that have in the past led to the civil strife as a result of this kind of impunity?

Mr. Speaker: Mr. Attorney-General, you may respond.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, first of all, I must state that the NCIC is a very important Commission with heavy responsibilities upon its shoulders to try to create this nation to be a cohesive society. Therefore, it behoves all of us, including the office of the Attorney-General, to support that Commission. But in the discharge of its functions, the rule of law has to be followed. If hon. Members listened to me very carefully, the three hon. Members and one Christine Miller who were taken to court, were not taken there unprocedurally. They were taken in the normal way between the complainant and the police. The police have the power to go ahead, where they think there is evidence, to prosecute. So, it was not unprocedural. But because of the importance of hate speech, it was thereafter that the NCIC itself decided that they must have procedures and modalities on how it will deal with those issues in future.

A meeting was convened and it was chaired by the Vice-Chair of the NCIC at which there were representatives from the Department of Public Prosecutions and the Criminal Investigations Department (CID). After lengthy discussions – I have the minutes here because the matter of hate speech is important – they agreed on the modalities of handling those issues. So, we are now following those modalities. That is why I am saying that in respect of Mr. Mwakwere's case, it might have come up when those modalities were now in place. The police have to complete investigations and the file has to be taken to the tripartite committee. By the way, completed issues of law are involved, particularly when you are creating a balance on what is hate speech, what is freedom of expression and all those things. Sometimes, they are not easy to do. Then from the tripartite committee, the file comes to me to give appropriate directions.

COMMUNICATION FROM THE CHAIR

EXTENSION OF SITTING TIME

Mr. Speaker: Order, hon. Members! Hon. Members will note that because of the magnitude of the business at Order No.8 as demonstrated by the interest of hon. Members to contribute thereto and further demonstrated by the quantum of resources allocated at close to Kshs23 billion, the House will sit until 7.00 p.m. so as to enable as many hon. Members as possible to contribute.

We will share the time between Vote 01 and Vote 02 in the ratio of two-thirds to one-third respectively, including the time to move and reply. Please note and be guided accordingly.

COMMITTEE OF SUPPLY

*(Order for the Committee read
being the Seventh Allotted Day)*

MOTION

THAT THE SPEAKER DO NOW LEAVE THE CHAIR

Vote – 01 – Ministry of State for Provincial
Administration and Internal Security

The Minister of State for Provincial Administration and Internal Security
(Prof. Saitoti): Mr. Speaker, Sir, I beg to move:-

That the Speaker do now leave the Chair.

Mr. Speaker, Sir, I am happy to move the Vote for the Ministry of State for Provincial Administration and Internal Security, Vote 01, which covers the following areas: Provincial Administration, Kenya Police including the Criminal Investigation Department (CID) and the General Service Unit (GSU), Administration Police (AP), Government Press and the National Campaign Against Drugs Abuse Authority.

The Ministry has the following core functions: Organization and co-ordination of the Government business at the grassroots level, maintenance of public safety, law and order, printing and distribution of Government documents, campaign against drugs and substance abuse, maintenance of national and international boundaries, co-ordination of state functions, disaster emergency response and maintenance of security roads and security assets.

Mr. Speaker, Sir, before I present the financial details of the Ministry's budget for the Financial Year, 2010/2011, I would like to highlight some of the Ministry's achievements as well as a policy priority and programme that will be implemented during the financial year. The country is currently facing serious security challenges caused by the continuous instability in Somalia in which we share long and porous borders on land and sea. Of particular concern is the proliferation of small arms and light weapons, overflow of refugees from the designated camps, cases of illegal immigrants and trafficking

of contrabands, all of which provide camouflage for the criminals ferrying narcotic drugs and human traffickers.

Mr. Speaker, Sir, the availability of the illegal firearms has been fueling both internal and cross border conflicts. To address this problem, the Government last year initiated a disarmament programme under Dumiza Amani II, with the objective of mopping out illicit small arms and other weapons in the North Rift, Upper Eastern and the North Eastern Province. The operation involved the voluntary surrender of illegal weapons, security operations to mop those not surrendered, establishing of more security posts, posting of additional regular security personnel, vetting and training of additional Kenya Police Reservists (KPRs) to enhance security and safety to the affected communities. The operation also encompass peace building and reconciliation efforts which are spearheaded by political leaders, Provincial Administration officials, professionals and members of the District Peace Committees.

Mr. Speaker, Sir, the exercise has been highly successful and to date, 3,604 firearms, 21,937 rounds of ammunitions have been recovered in the targeted areas. This has led to marked reduction in incidences of cattle rustling and banditry. I wish to thank the communities and leaders for their co-operation. In addition, let me commend our security personnel for the professional manner in which the whole disarmament exercise has been conducted. While we have deployed adequate security personnel to patrol our borders, security agents require to be equipped with modern equipment for surveillance, detection and deterrent of illegitimate traffic along the borders. In addition, there are agencies which require specialized vehicles that offer personnel protection and tactical flexibility.

Mr. Speaker, Sir, security continues to be our main concern as a nation because without it, there would be no investment which is a necessary prerequisite to accelerating economic growth, creation of jobs and facilitation of poverty reduction. While we have made good progress in improving security, we are aware that more still needs to be accomplished in order to make Kenya a more attractive investment destination for both local and foreign investors. It is for this reason that the Government has undertaken comprehensive reforms in our police services, whose objective is to enhance the performance. In this regard, the Government appointed the National Task Force on the Policing Reforms in May 2009. The task force was mandated to make a comprehensive analysis of the institutional policy and legal framework within which the police operate and to recommend reforms which would enhance the transformation of the police forces into modern police services that are professional, accountable, service focused and friendly to the public.

Mr. Speaker, Sir, the task force submitted its report to the Government in November 2009. The report contains a number of recommendations, all of which are categorized under the following hallmarks: Police accountability, professionalism, operation and administration reforms and institutional policy and legislative reforms. The implementation of the proposed reforms has been costed to be Kshs8.84 billion and to be spread over a period of four years. To spearhead implementation of these reforms, the Government appointed the Police Reforms Implementation Committee. The Committee has since developed programmes to translate the recommendation of the Task Force into the specific project components. Through the co-ordination of the Police Reform Implementation Committee, the drafting of the Independent Policing Oversight Authority

Bill has been finalized and will soon be tabled in this House for debate. Once established, the Oversight Authority will monitor the professionalism, effectiveness and efficiency of the police, promote the fundamental rights and freedoms contemplated in the Constitution in respect of the policing and to hold police accountable to Parliament and to the public. In addition, the Committee has finalized the drafting of the Police Reforms Bill which seeks to embrace the proposed police reforms and amend both the Police and Administration Police Acts, among others. Other bills whose drafting has been finalized and which will soon be tabled in this House include the National Coroners Service Bill, the Police Service Commission Bill and the Private Security Providers Bill. Once these Bills are enacted into law, they will provide a legislative framework that supports policing.

Mr. Speaker, the ongoing reforms in the police are paying a lot of attention to professionalism and ethical conduct of the police officers. In this connection, a comprehensive review of police training curriculum has been undertaken by the two police services with the support of experts from both Britain and Sweden. The next intake of recruits to the police training colleges will be instructed on the new curriculum. During this financial year, the programme of reforms requires Kshs22.3 billion shillings. However, only Kshs5.5 billion has been availed, leaving a resource gap of Kshs16.8 billion. Discussions with the Treasury are ongoing to try and see how the balances can be financed. I will be calling on the support of this August House when the matters come up for debate.

Mr. Speaker, Sir, hon. Members are aware that since 2003, the Government has embraced community policing as a core crime prevention strategy. The strategy seeks to encourage partnership between security agencies and communities with crime prevention management. The newly constituted Police Reform Implementation Committee has embarked on the process finalizing policies on the community policing and has visited several police stations around the country which are implementing the initiative to pick out the best practices and harmonize the various approaches employed by different communities. The Government will soon release policy guidelines to facilitate the roll out of the community policing to the grassroots.

Mr. Speaker, Sir, the Ministry is also faced with the challenges of lack of adequate offices and houses, inadequate transport facilities, lack of modern security equipment, understaffing and underfunding in training, illicit brews and narcotic drugs.

Mr. Speaker, Sir, the provision of adequate office and residential accommodation to our officers continues to be a major challenge to the Ministry. As hon. Members are aware, over the last three years, the Government has substantially increased the number of districts following requests by leaders and wananchi. The development has occasioned managerial, leadership and structural changes that have constrained co-ordinating, mobilization and operational capacities of the Ministry, especially now that we have devolved funds and development activities at the constituencies and grassroots level. The provision of basic infrastructure has been a major challenge to the Ministry and will require concerted efforts by all stakeholders. During the financial year 2009/2010, the Ministry embarked on the construction of 63 new district headquarters countrywide at a cost of Kshs340 million. This year, the provision of Kshs333,730,000 will be utilized in completion of these ongoing projects as well as starting new ones in the newly created districts. In addition, construction of 33 district headquarters commenced under the Economic Stimulus Programme at an estimated cost of Kshs30 million per district.

This year, a provision of Kshs2.16 billion has been made available to the Ministry of Public Works to complete the 36 ongoing district headquarters and also the construction of the 37 others which did not start during the last financial year. This should significantly ease the shortfall of offices that is being experienced in the new districts. Further, a provision of Kshs400 million has been made available for the construction of new border posts at Nadapal and Liboi while Kshs211 million has been allocated for the rehabilitation of security roads and security airfields in the countryside. The provision of decent housing for the police continues to be a major challenge for the Government. Currently, about 48,000 units are required for both regular and administration police. Last year, the Government allocated Kshs2 towards the construction and the renovation on the police houses. This year, a further Kshs1.8 billion has been allocated towards the completion of the ongoing projects.

A task force has been set up to review the status of housing within the police and identified their specific housing needs in all the provinces. The task force will also identify the availability of land for the construction of police houses; prepare a comprehensive police housing proposal and advice on implementation modalities and options, including public/private partnership arrangement.

Mr. Speaker, Sir, the provision of adequate and simple transport facilities is a key component in the delivery of security services by the Ministry. During the financial year 2009/2010 the Ministry was allocated Kshs600 million which was used to purchase 233 assorted motor vehicles for both security agencies and the Administration Police (AP).

This financial year, no allocation has been provided for the purchase of vehicles, even though the lack of adequate motor vehicles continues to pose a serious challenge to the Ministry's operations as we have a shortfall of 6,908 vehicles against an establishment of 9,499. In this respect, discussions with the Treasury are underway to explore the various options, including the credit financing for procuring an additional 1,000 vehicles per year in the next four years for our security agencies beginning this financial year.

Mr. Speaker, Sir, apart from the lack of allocations for the purchase of motor vehicles, the funds earmarked for the running cost of motor vehicles is grossly inadequate. For example, under Head 006 - District Administration Services, the allocation for fuel is Kshs243 million, which is to cater for the 270 districts. This translates to Kshs2,486 per district per day. At the prevailing rate of Kshs94 per litre of petrol, this amount provides only 26 litres per day per district for use by the District Commissioner (DC) and his district officers. Similarly, the allocation of Kshs230 million for fuel under Head 292 – Divisional Police Services, translates to 6.5 litres per day, per vehicle for the 1,130 vehicles attached to the police division stations across the countryside.

The Ministry has been allocated Kshs290 million to purchase two helicopters to be used by the Police Air Wing and the AP. Out of this allocation, Kshs100 million is meant for the purchase of a helicopter for the AP. However, this amount will not be adequate for the outright purchase and will only serve as a deposit as we negotiate for additional funds from the Treasury. Undoubtedly, we require more helicopters to be able to address the emerging challenges of insecurity.

Training is an integral part for the effective delivery of services. However, over the years, this item has been grossly under-funded, thus affecting the provisions of the

various training programmes. As a result, a large number of administrative officers have not been able to attend mandatory schemes of service courses, leading to stagnation and challenges in the succession management. This continues in the current financial year as only Kshs41.8 million has been provided to the department against a request of Kshs307 million.

Mr. Speaker, Sir, under-staffing in the various departments of the Ministry is adversely affecting the service delivery. As hon. Members are aware, a serious shortage of the administrative officers currently exists in the field. To date, over 589 divisional offices have no District Officers (Dos) while 247 locations and 1,371 sub-locations have no chiefs and assistant chiefs, respectively.

Similarly, the police service has over the last two years not recruited new officers as a result of the Ramsey Task Recommendation that a new curriculum be adopted before any further requirements. This is affecting delivery of security services as even those leaving service through natural attrition and other causes have not been replaced.

Mr. Speaker, Sir, in his Budget Speech, the hon. Deputy Prime Minister and Minister for Finance indicated that he had allocated Kshs2 billion towards implementation of a high import targeted security intervention programme covering investment, operation, maintenance, communication, crime profiling and intelligence analysis and enhancing security. It is expected that this fund will be utilized to fund the following projects: Forensic laboratories, installation of the CCTV cameras in Nairobi, Mombasa, Kisumu and Nakuru, establishment of a national security data base and control centres.

Mr. Speaker, Sir, the continued consumption of illegal brews and drugs has not only threatened the social fabric of our society but in some incidents, has led to blindness and fatalities. In respect to this, the Ministry, through the provincial administration and other security agencies, has mounted a sustained campaign against the vice in which thousands of these illicit brews and narcotic drugs have been destroyed and culprits arraigned in court. However, for us as a country to win this battle, concerted effort from all stakeholders is required in this regard. I wish to appeal to hon. Members to fully support the Ministry's effort in the fight against this menace.

Due to the inadequate funding over the years, the Government Press has lagged behind in the acquisition of modern printing technology and has continued to mostly use aging machines and equipment, resulting in inefficiency in the print production system and heavy maintenance cost. In order to turn around the press into an efficient and self-sustaining semi-autonomous Government agency, the Government has, since 2002, been undertaking a modernization programme at the Press through which a number of modern printing machines have been acquired. It is envisaged that at the end of this modernization programme, the Press will become a pace setter in digital security printing in the country and the region. There is, therefore, need to enhance funding to Government Press to enable it invest in new technology so as to reduce operation costs and improve quality.

Mr. Speaker, Sir, to carry out these programmes and projects, my Ministry has been allocated a net sum of Kshs45,631,653,390 against a request of Kshs57,380,262,605 resulting in a funding gap of over Kshs11 billion. The net allocation is distributed as follows: The Recurrent Expenditure is Kshs41,702,173,390 and Development

Expenditure is Kshs3, 929,474,000. The net Recurrent Expenditure is accounted by personal emolument, operation and maintenance.

In conclusion, I wish to assure hon. Members that funds provided will be fully utilized for the purpose for which they have been voted. In addition, let me assure hon. Members that their contributions and suggestions during the debate on this very important Vote, will be taken into consideration at the time of implementing various programmes and projects.

I wish to take this opportunity to commend all our security agencies for their extensive work of maintaining law and order during and after the just concluded referendum.

With those remarks, I beg to move.

I would like to request the hon. Deputy Prime Minister and Minister for Local Government, Mr. Mudavadi to second.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I rise to second the Vote as presented by Prof. Saitoti, the Minister of State for Provincial Administration and Internal Security. One of the things that I would really want the House to take note of is that, in his presentation, the Minister has clearly indicated that he has a major deficit of about Kshs11 billion as a funding gap. At the same time, I think it would be important for the House to take note of the fact that, out of the Kshs45.6 billion that has been approved by the Treasury, Recurrent Vote amounts to Kshs41.7 billion. Therefore, that leaves just about Kshs4 billion as the Development Vote for the Ministry.

One can very clearly see that, that is a very dangerous balance in the sense that it completely inhibits the capacity of the Ministry of State for Provincial Administration and Internal Security to undertake the very important programmes that he has outlined in this particular request and, especially, when it comes to equipping the security forces, being able to have the high impact security requirement and equipment that he would like to spread across the country. So, I would like to request this Parliament to consider his request with a lot of sympathy, bearing in mind that the challenges are now immense.

We, as a country, will be forced to spend a lot of money because of the Somalia problem. This is a problem that we do not have any direction at all as to when it will end and the nature that it will take. As of now, we have seen very clear signals that, apart from the high refugee problem that is beginning to come into the country, we are seeing increased threats of terrorism being nipped in the bud. To this extent, I would like to congratulate the security forces because coming through the media, one can see that they have been able to intercept a number of potential trouble spots and areas where bombs were being planned to be detonated. Recently, there was a case of people being caught with plans of certain buildings in Lamu area, plans of certain buildings in this City and around country and bomb-making materials. So, clearly, we have a major problem in our hands. We do not know for how long it will last. So, this is something that will call for a lot of outlay in terms of security funds by the Government of Kenya for quite a long period of time to come.

Mr. Speaker, Sir, I would like to encourage the security forces, particularly the police, to make sure that just as much as they give Nairobi attention, they must have a clear strategy to give some of the other towns attention. What is happening is that the thugs are beginning to migrate from Nairobi to other centres in our country where they

think that the security is thin. Here, I would like to talk specifically about Kakamega, where we have seen recent spates of armed robberies and some deaths. So, the strategy must be such that those people do not think that the rest of the country is a playing field and Nairobi is the one that is becoming extremely difficult. So, I would urge them to make sure that, that is taken care of effectively.

We are also seeing increased attempts to destabilize the tourism industry and, again, in the course of this week or late last week, there was an attempt in Malindi, where armed thugs moved into some hotel premises, beat up the occupants and injured some of the people there. Those are clear signals that we are under threat from a number of areas. Arms are beginning to flow quite freely and this is something that needs clear surveillance. I also want to urge and commend the Ministry in terms of trying to equip – in spite of the limited resources--- There has been a fairly balanced effort to equip the districts. Both the police and district commissioners have been given Land Rovers. The Ministry should be encouraged to continue doing that.

With those few remarks, I beg to second.

(Question proposed)

(Several hon. Members stood up in their places)

Mr. Speaker: Mr. Kapondi!

Hon. Members: Chairman! Chairman!

Mr. Kapondi: Mr. Speaker, Sir, I need your protection because of hon. Members who are taunting me behind here! That will give me time to concentrate on---

Mr. Speaker: You have my protection!

Mr. Kapondi: Mr. Speaker, Sir, thank you! First, I wish to take this opportunity to thank the Minister for putting a very brave face and for doing the level best under the circumstances. The Committee has noted those circumstances and is seriously concerned about the kind of funding levels that we have at the Ministry of State for Provincial Administration and Internal Security.

The Committee was able to examine the 2010/2011 Printed Estimates of the Ministry of State for Provincial Administration and Internal Security on Monday, 28th June, 2010. The Committee looked at the following areas of interest. One, the Budget Policy Statement, the Financial Statement, 2010/2011 Printed Estimates and the Medium Term Expenditure Framework (MTEF), programmes set out under Vision 2030, the total net requested from the Exchequer by the Ministry, comparison of the previous year's allocation, allocation to new projects and programmes, Ministry's absorption capacity, areas or projects that were left out of the Estimates, proposed allocation *vis-a-viz* the achievement of the Ministry's strategic plan, budget for the State corporations under the Ministry, dis-aggregated to district budgets and other issues related to the subject matter.

The Committee noted that though there was a slight increase in terms of allocation from the previous Budget of 2009/2010, there were major areas of concern by the Committee. This is one Ministry which is very critical. No serious progress can happen in this country without security. Without security, all the other sectors cannot flourish. Security is critical. It enables other Ministries to perform their tasks as required. Given the fact that law and order essentially rests with this Ministry, it should have been

given an allocation that reflects the challenges that it shoulders. Its main responsibility is to ensure that this country is safe.

Mr. Speaker, Sir, this Ministry has been given another additional responsibility that basically falls under the Administration Police (AP). The responsibility is to ensure that our porous border with Ethiopia, Sudan and Somalia is properly patrolled. But when you look at the allocation to this Ministry, what we have been blaming the Police Force and AP for not doing--- I think the onus first is for this House, before we blame the police for not undertaking certain duties. They are overwhelmed because they are under-provided. They lack adequate vehicles and finance for field operations. We shall continue blaming the Police Force and AP and yet, the mistake is basically ours. We do not provide them with adequate funding.

Mr. Speaker, Sir, one area which I have stated is non-allocation of funds for recruitment of regular and Administration Police. In the Financial Year 2009/2010 it was not done, and the excuse given was that we had to undertake police reforms, which so far have not taken place, because funds are not available. Even this year, 2010/11, funds for police reforms were not provided in the Budget.

Mr. Speaker, Sir, the United Nations ratio of one police officer to 450 civilians has not been met, what we are talking about in this country is a ratio of one to over 1,250. There was no recruitment last year because money was not allocated. This year, money has not been allocated for recruitment of 3,500 policemen, and 3,500 Administration Police officers. Given the fact that the police are overwhelmed because of the challenges that we have pertaining to security, it means we will have more problems unless this is addressed.

Mr. Speaker, Sir, we must also bear in mind that every year, there is natural attrition that is taking place among the security personnel. That creates a further gap, especially when we have security threats across the country. In volatile areas in this country, which are along the borders and in the pastoral areas, security has been a major challenge.

Our security personnel are not properly provided for when it comes to adequate vehicles. The Minister has stated here that the Ministry has a shortfall of 6,908 vehicles against an authorized capacity of 9,499 vehicles. The amount allocated to the fuel kitty translates to 26 litres. This is for the entire administration to undertake security operations on a daily basis; what service do we expect from the security personnel that are underfunded?

Mr. Speaker, Sir, the information that the Committee got is that 80 District Commissioners in this country have no Land Rovers. As you know DCs are chairmen of security committees in their respective districts. Four hundred and thirty eight District Officers have no vehicles. I remember that when I went with the Committee to Samburu, the DO we met at Archers Post had no vehicle; we had to take him round. That was his first time to tour the division that he had been posted to, to undertake work. That clearly shows that we have a serious challenge in terms of security, and we need to provide the Ministry of State for Internal Security and Provincial Administration with adequate funding.

On police reforms, further to that, the OCSs who are in charge of 220 police stations and OCPDs have no vehicles. We expect them to apprehend criminals and react to situations as they arise on the ground. We have provided them with 28 litres of fuel.

We have not provided many of them with vehicles to move to the field. What do we expect out of such a situation, if not just a blame game from the members of the public, who may not know the depth of the problem that the Ministry in charge of internal security faces?

Mr. Speaker, Sir, the Committee noted that in the Financial Year 2009/2010 National Campaign Against Drug Abuse (NACADA) got Kshs210 million. This year there was an increase to Kshs310 million. Drugs is a major problem in this country. There is a serious increase in the abuse of drugs. NACADA has not been empowered enough to move to the grassroots. The amount of Kshs310 million is still very inadequate to ensure that their presence is felt right to the grassroots level. In Mombasa it is a serious challenge, yet what we have focused on is just administrative operations and producing pamphlets to educate the public at the headquarters. This area requires further funding.

Mr. Speaker, Sir, in the office of the Government Printer, the Committee took issue with an error which cost the taxpayers Kshs540,000 during the printing of 3,000 copies of the draft Constitution that contained errors, and which were later destroyed. The Committee saw this as a blatant waste of public funds, and further recommended that the culprits, those who were responsible, be made to answer charges of abuse of office and impropriety.

On the creation of districts the Committee felt that we have created them, but we have not factored in money to operationalise them.

So, the Committee recommended on Vote R01 that, despite the serious challenges that the Ministry faces, the proposal by the Minister to withdraw from the Consolidated Fund a sum of Kshs41,702,179,390 for the Recurrent Expenditure be approved, and also that the Ministry be allowed to raise Kshs593,528,471 as Appropriations-in-Aid in order to finance its operations.

Mr. Speaker, Sir, the Committee further recommends, on Vote D01, that the proposal by the Minister to withdraw from the Consolidated Fund a sum of Kshs3,929,474,000 for the Development Expenditure be approved, and that the Ministry be allowed to raise Kshs70 million as Appropriations-in-Aid to finance its operations.

Mr. Speaker, Sir, the Committee finally recommends that come the next financial year, let there not be a repeat of what we get now and what was there in the last financial year, if we are serious with the security situation in this country. We are recommending that this Ministry be adequately funded to ensure that we have security and order in this country.

With those few remarks, I beg to support.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this very important Vote. In doing so, I would like to begin by commending the Minister, his two Assistant Ministers, the Permanent Secretary and the entire staff of this Ministry for doing a commendable job under very difficult circumstances.

Mr. Speaker, Sir, looking at this Ministry's Budget, it is very much under-funded compared to its mandate. This Ministry is composed of two very important departments; the department of the Provincial Administration and that of the Internal Security, which has regular and Administration Police (AP). The cardinal responsibility of any

Government is security of its citizens. So, if the Ministry with that mandate is underfunded then it becomes very difficult for it to fulfil its mandate.

Mr. Speaker, Sir, you heard from the Chairman of the Departmental Committee on Administration and National Security alluding to the issue of one policeman to 450 people by the UN standards. In our case, it is one policeman to over 1,000 people. So, how do we expect them to be more effective and efficient? We, as a House, need to critically support issues of the national security. Without national security, there is nothing else we can do. There will be no development and education. No investors will come to this country. Therefore, we must be a serious law making institution. We must guarantee our citizens security before we do anything else. We need a professional, efficient and competent police force. We cannot get that without effective and proper training because that requires money.

Mr. Speaker, Sir, you cannot patrol our porous border, which is very expansive running between Mandera and Lamu. I know majority of my colleagues here do not know that, but I know. It is too big. To patrol that border, we require high mobility vehicles. We require communication equipment to be able to effectively guard this nation. I will recommend that every police station should at least have one vehicle and a motorbike. Those police stations in outer areas should be having at least two vehicles and effective communication equipment.

Mr. Speaker, Sir, the issue of morale is fundamental if we want to have efficient and effective security organs. We cannot achieve that if we do not give good housing to take care of the regular and Administration Police officers. We cannot achieve high morale unless we have given proper welfare due consideration.

[Mr. Speaker left the Chair]

*[The Temporary Deputy Speaker
(Dr. Laboso) took the Chair]*

Madam Temporary Deputy Speaker, as a House we need to say that the recommendation of this Ministry should be given due consideration. As you realise, we are undertaking police reforms. This is the right time that we take into consideration the issue of national security and fund it appropriately.

With those very many remarks, I beg to support.

Mr. Nyambati: Thank you, Madam Temporary Deputy Speaker, for giving me the chance to also support this very important Vote.

Madam Temporary Deputy Speaker, first and foremost, I want to take this opportunity to thank the Minister and his team for the wonderful job they are doing under very difficult situation. Beside the wonderful job they are doing, they are also accessible to us when we come up with security issues.

Madam Temporary Deputy Speaker, the issue of security is extremely important and should never be compromised. If we cannot have security in this country, then we cannot do anything. We cannot even have investments that we are talking about coming from outside. Our children cannot go to schools and we cannot even know whether we will wake up in the morning. So, the issue of security is extremely important. So, when

we are told here that there is a deficiency of over Kshs11 billion, then we do not know where we are going. This is one Ministry that must be well funded. There are no two ways about it. We, as a nation, must find ways and means to ensure that we fund security.

Having said that, I am really disappointed Manga District headquarters does not have even a police post or a police station. It is extremely important that the Ministry takes note so that at least they give me one police post at the district headquarters. However, I commend the Ministry officials for the wonderful job they are doing. It is amazing when we are told here that the police force has a deficiency of over 7,000 vehicles. How do we expect them to operate? How do we expect them to reach the areas when there is an emergency call? I want to submit here and now that it is extremely important that this House and nation goes out of its way to ensure that our security is given priority.

Madam Temporary Deputy Speaker, even as we say our security is paramount, we must also think of those people who provide security in this nation. If you look at the kind of houses our police officers live in, it is pathetic. It is inhuman. It is about time that we also started thinking of the conditions that our security forces live in. We must provide them with good services. We must pay them well, so that they can carry out their duties as required. It must be also a deliberate policy for this Government, not only to provide proper housing, but also ensure that we retrain our police officers. It is will not be cheap, but that is the cost of having good security. We must retain our police officers to the point where they know that things such as corruption are things of the past, so that we start enjoying the kind of security that we want.

Madam Temporary Deputy Speaker, this is an important Ministry. It also takes care of our District Officers and chiefs. We have created many district headquarters which must be built. We cannot ask the Ministry to build these headquarters if we do not allocate it money. I think this is a priority Ministry that we must provide funds to if we want to get the services that we want.

There is also deficiency of officers. My constituency lacks nearly six DOs and yet we have divisions. This is because of deficiency in funding. It is, therefore, extremely important that we look into these issues which are critical.

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

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Thank you, Madam Temporary Deputy Speaker. From the outset I support the Motion. I want to join my colleagues in applauding the Office of the President particularly the Ministry of State for Provincial Administration and Internal Security. A lot of work has been done. Those of us who started from the early days in the Provincial Administration can say with authority that a lot has been done in transforming this nation into one that can feel proud and secure.

The Provincial Administration has come a long way. We want to applaud the recent creation of additional districts, divisions and locations. Service delivery has been improved. It has been brought closer to the people. The Government should note that we appreciate this very much. We only ask that the new administrators be trained because many of them do not know what they are doing. We also want equipment to be supplied to these officers so that they can perform their work properly. I am talking about transport in particular. As we speak now, we still have DCs who go to work on *boda boda*. We still have DOs who have no means of transport. We want money to be availed towards this

end. This House must rise to the occasion and approve the necessary funds so that the Provincial Administration can be properly equipped, provided with transport and be trained in order to deliver. So, I applaud the Government.

I also want to say something very critical. We now have officers like DCs---

(Loud consultations)

Madam Temporary Deputy Speaker, could you restrain my good friends in this House because I cannot make my contribution properly?

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Members! Please consult quietly.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Thank you, Madam Temporary Deputy Speaker. I was talking about accommodation. We want to see proper offices for these officers. It does not augur well for a DC to live behind a lodging somewhere or perform his or her duties in an old chief's office simply because the location became the district. We want offices to be built that will match the position of these officers. I am encouraged because I know some money has been made available under this Budget to put up some district headquarters.

Another component of the Office of the President is the Internal Security. We all appreciate that the investments we see all over can only be possible if sufficient security is provided to investors, their investments and also to the citizens of the country. We owe this to our policemen. We sympathize with the conditions under which they work. Some of them have no accommodation and we want to see all these things improved. I hope that in the next financial year, the Parliamentary Budget Office will team up with the Ministry to ensure that sufficient money is provided to give our officers decent accommodation, living conditions and equipment so that they can perform their work.

I also want to applaud the professionalism of the Kenya Police, particularly its leadership. However, you will recall sometime ago after the incident at Uhuru Park, I made a statement on the Floor that the police must find the killers of the people at Uhuru Park. I said that their reputation was on the line. Many months have passed and to date that matter remains the way it was. Nobody has been apprehended and yet people were killed at day light. How come in Uganda it happened and the following day people were arrested? In fact, even our police are participating in the arrest of the suspects when they have not arrested any of the people who maimed and killed our people. That is a challenge.

I beg to support this Motion.

Ms. Karua: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to support the Motion and also to break the monotony of listening to the Government congratulate itself.

We must, for the reasons given by the last speaker condemn the leadership of the police for not having found out who killed innocent people at Uhuru Park. If Uganda can investigate and within days arrest culprits, then what is happening in Kenya? If Tanzanian police cannot only arrest, but also sentence a person who is trafficking human beings, what is happening in Kenya? We cannot just be asking for more money and returns are not showing!

It is true that this is a vital service and that is why I am supporting this Vote, but unlike my colleagues, I am not supporting that they get a penny more. The reason they cannot appreciate Kshs45 billion is that they are not changing their mindsets. The budgeting is the old method of exaggerated cost of services and goods. If the Ministry is buying vehicles in their thousands, why can they not negotiate factory prices? The Government still uses the Ministry of Public Works which determines prices above the market price. I am saying this having been an insider in Government and having voted unsuccessfully because the Ministry of Public Works recommends higher prices than the ones ordinary people are buying for. Does it make sense to anyone that a bulk buyer gets a higher price than the one buying one unit? If that is not corruption, I do not know what it is.

About the equipment that the police need, and I support the fact that they must be equipped to look after the security, it is again about the market price. The Kshs45 billion, with serious budgeting, can do wonders. We can have our police earning more than what they earn now. Currently, the lowest paid police officers have been added Kshs2,000 and have been told that, that is reforms. We need something to happen in this Ministry. I urge the Minister to lead from the front. It is reform time and let us see a reformed way of budgeting. We can lament that our ratio is not right. How will it help us if we have more and they do not have equipment? Why do we not start by re-organizing and ensuring that they have the equipment and the training they need?

I must lament here that two days after we passed the new Constitution, precisely on Friday 6th August, 2010 I saw traders at Kongowea Market in Mombasa being beaten by the police worse than Reverend Njoya was beaten. I also saw the police two weeks ago in Ruiru throwing teargas at octogenarian women. By now, heads should have rolled. The responsible officers should have been brought to book. Reforms are not just about money but about the way things are done.

Madam Temporary Deputy Speaker, I want the Minister to know that as a representative of the people, and as a Kenyan, I am totally dissatisfied with the manner police project the reforms.

Let us see a change in mindsets and civility in the way they address people. Let us also see police accounting for everybody killed in the course of arrest. I know that there are circumstances that warrant sometimes police to open fire to defend their lives and the lives of others, but to avoid this channel being used by rogue officers to kill people, let us have an audit of people killed in the course of arrest and a team assessing whether the force used was reasonable, so that we do not have people who are trigger happy at all times.

Madam Temporary Deputy Speaker, I also want to say that as we promulgate the new Constitution on Friday, it will be time for appointing a head of the Police Service who will be head of both Administration Police and the regular police. Let the appointments not be business as usual. If those leading now cannot lead reforms, then it will be time to go home. If people cannot show that they can lead the way forward so that other people feel that the police are their friends and protectors--- What is the criteria of choosing the 30 districts where headquarters were built? There is no place in Kenya I will say should not have a headquarters built. But let us have clear criteria, so that it is not a question of favouritism and nobody has to kneel down either to the Minister or the Permanent Secretary.

Madam Temporary Deputy Speaker, I beg to support.

The Minister for Education (Prof. Ongeru): Thank you, Madam Temporary Deputy Speaker. Yes, we are in the era of reform and surely enough, reform must come. But that reform is not without a cost. It has a cost element. I think my hon. Members and colleagues will realize and appreciate that where we are today as a nation, there are emerging sophisticated and very difficult crimes being committed in this country. You cannot ask the police in the current status in which they are to confront these crimes with this kind of meagre financial support. I think it will be too much asking of them. We need, first of all, to equip them so that they can be up-speed with the current sophistication of crime, the way we see it. These emerging crimes are beginning to be a threat to all national securities not only in Kenya but all over the world. If you look at the rate at which the Information and Communication Technology (ICT) is developing, the sophistication of crime along this line alone is so enormous that if we still continue saying that the money we have given the police is enough and, therefore, let them first of all prove what they are able to do for us to be able to add more, I think it will be a wrong end of the stick. We should confront the situation head-on. I am saying this from a position of strength because we had a great challenge during the national examinations. We were confronted by computer errors and other such ICT problems. To unravel this, we needed equally up-speed and up-to-date police officers who could handle this. I want to congratulate them because we have been able to reduce the rate of cheating in examinations to a manageable level. We hope that one of these days, we will zero-rate them. So, I am one of those who fully support that the financial support to the police force should be enhanced.

Madam Temporary Deputy Speaker, all of us are beneficiaries of new districts, locations or sub-locations in one form or another. These stations should be adequately funded in order to be able to deliver services to the *mwananchi*. It is not easy to detect what I call petty crime. But the assistant chiefs and chiefs through the Provincial Administration can take care of these things, including the small boundary quarrels and theft of cows between one neighbour and another. They may look petty but, yet, very important and essential for the livelihood of those who live in those areas. I think this Parliament, through this budgeting process, must come into terms--- Just like I also complain of not getting sufficient resources in order to run the education system, I think it is also equally the same in saying that the Ministry of State for Provincial Administration and Internal Security should be given adequate resources to run this very critical security agency.

Madam Temporary Deputy Speaker, I am worried that drug peddling in this country is causing loss of lives, so much so that even the very security agents who are supposed to be doing surveillance on this drug peddling are themselves victims of the crime. Recently, we had a National Security Intelligence Service (NSIS) officer who was shot dead in Mombasa for doing his duty. What morale do we give these officers when they are carrying out their duties diligently other than supporting them in the budgetary provisions? It does not matter how long it takes, but as long as the ICT is developing, we have a sophistication of crime in this country that we need to train an efficient and effective police force. That is how the reform agenda comes in.

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

Eng. Gumbo: Thank you very much, Madam Temporary Deputy Speaker, for giving me this chance to support this Motion.

Madam Temporary Deputy Speaker, allow me to start by acknowledging the role of sports in Kenya in achieving peace, security and national cohesion. This has been aptly demonstrated by the activities of such organizations like the Tecla Lorupe Foundation, whose annual peace runs have helped to heal deep divisions between communities. I think, perhaps, it is time the Ministry of State for Provincial Administration and Internal Security considered working with the Ministry of Youth Affairs and Sports to use sports to heal divisions between some of our communities.

Madam Temporary Deputy Speaker, many Kenyans are contributing to peace and security but their efforts are going unnoticed. On this note, allow me to congratulate a gallant individual; a true son of Kenya, a patriot and world beater, David Lekuta Rudisha, for his achievements in Berlin on Sunday. Judging by the many callings to radio stations on Sunday from all parts of the country, e-mails, short messages, discussions in sports fora and social networks, I want to say here that Rudisha's effort of just over one-and-a-half minutes, perhaps, did more for peace, security and national cohesion in Kenya than what we see as sometimes unco-ordinated and haphazard efforts of the Ministry of State for Provincial Administration and Internal Security. It is my hope that one day this country can recognize and immortalize the likes of Rudisha and their achievements for truly, indeed, they are the heroes of this country.

Madam Temporary Deputy Speaker, law and order must remain the prime responsibility of this Ministry. All our national aspirations will come to naught if Kenyans cannot feel secure when they go to work and back to their houses and most importantly, if they cannot feel secure in their houses where they live. I think it is important that at all times, efforts at achieving law and order are seen to be well co-ordinated and requires effective response by this Ministry. But sometimes, it is discouraging. That is why the Ministry needs to ask itself why, for instance, its efforts at disarmament and mopping out of small arms has not achieved much. *Ad hoc* and poorly co-ordinated efforts seem to be the Ministry's way of doing things. I say this particularly with the incidents of cattle rustling in northern Kenya and the remote parts of Kenya in mind.

Madam Temporary Deputy Speaker, I want to affirm that this Ministry has many reports about cattle rustling. There was a meeting of the Association of East African Police Chiefs which was discussing cattle rustling. In the Office of the President, there is department which deals with small arms and cattle rustling. There is the Institute for Security Studies which has done a lot of research on how to deal with cattle rustling. Indeed, even the Ministry of State for Defence has received many reports on how to fight cattle rustling. I think it is time this Ministry told the country why, after so many years, cattle rustling still remains a major menace in Kenya. Every time it occurs, we see unco-ordinated and unplanned efforts to stamp it out.

The issue of promotion is one, especially among the Police Force, that has to be taken seriously. As I drive around the countryside, I see police officers with force numbers beginning with 50. I am told that force numbers beginning with 50 are of police officers who joined in the mid-80s. How is it possible that somebody who joined the Police Force in mid-80s is still a constable? If they are unable to discharge their duties,

why are they not fired? How can you be motivated when you remain in one job group for over 25 years? These are the issues that the Ministry must look into.

Finally, in the late 80s, I was a student at the University of Nairobi. One of our weekend rituals was to see off our colleagues who were going home at the country bus. It was very joyous for us to walk from the country bus, through Kirinyaga Road and down the tunnel through Murang'a Road up to the University of Nairobi. We never used to worry about anything. To me, the Minister and his team will have achieved the aspirations of this country in terms of security if a day shall come when Prof. Saitoti and Mr. Iteere will walk from country bus at midnight, without guns, cross Nairobi up to the Uhuru Highway without worrying about insecurity.

With those few remarks, I support.

The Minister of State for National Heritage and Culture (Mr. ole Ntimama): Thank you, Madam Temporary Deputy Speaker. First of all, I would like to congratulate the Minister for moving such a clear-cut Vote of the Ministry of State for Provincial Administration and Internal Security. I also congratulate him further for having controlled cattle rustling, insecurity, deaths of people in northern Kenya, including Turkana, Samburu and all the other areas. I would like to say that, at least, there is stability there. I think it is very important to mention that for a long time, there has not been stability in the north. That is a credit to the Minister and his personnel who are listening here.

Secondly, I want to say, very clearly, that we need the Provincial Administration in the new Constitution. It must be properly structured. We cannot do without the Provincial Administration as it is. It requires a few adjustments. It is very important in many ways. It brings about cohesion, puts the community together and settles the little problems among the people. That work is done by chiefs and sub-chiefs. However, we should train those people. I have seen, personally, in recent years, that provincial officers who are well educated and well trained are fitting very well in the administration of the people. They are trained on how to handle the people without any taint of tribalism. That is the kind of training that those people should have. Days are gone for old guys who were happy to put handcuffs on people, throw them into cold cells and take them to court without knowing what they had done. It is important to train them. I have travelled all over the country and I have seen a new breed of officers who are well trained, well educated and they are fitting very well in their work. They are not like the old guys who were trigger happy among many other things.

The chiefs should also be trained because we need them in the villages for many reasons. I do not think there is anybody who would think that we should remove the Provincial Administration. That is because they are very important to us. I also want to say very clearly that police reforms must come. This is a new dawn for this country. We have just ratified a new Constitution which includes, among many other things, human rights. The police are now friends of the people. They are helping people to be free to work in their own communities and thus eliminate crime. They are identifying criminals and investigating them, among many other things. They must know whether the two forces will be put together or not and whether they will be under two commands or one command. I think the best thing is for them to co-ordinate and work as a team.

I think reforms must be introduced in the Police Force. It is shameful to continue with this thing called corruption. The police are stuck with corruption. They are at the

top of the corruption list every year. I think that trend must stop. We must stop the vice called corruption in this country, especially among the group that is supposed to defend our livelihoods, interests and economy. How can they be on top of the corruption list all the time? We must all start thinking. I am sure that the new Commissioner here, as an individual and all the people who are helping him, are conscious of that fact. We must work together.

I support.

Dr. Nuh: Thank you, Madam Temporary Deputy Speaker. For the benefit of many Members who want to contribute, I will be very brief. I will not even consume my five minutes. Condemnation and commendation always go together. When condemnation comes, it is not because the police or the Provincial Administration is hated by hon. Members. When condemnations are due and given, it is not that everything is well and going on smoothly. I know that the police have come from far, since the years I was in school. I was a young boy then and now, I am an old man. There is a big difference in the Police Force that we have now. We need to commend them for the steps they have taken to improve their image. I know that they cannot achieve 100 per cent. But we call upon the Provincial Administration to strive to have a Police Force that is more disciplined and which has respect for human rights. As we enter into the second Kenya, we expect more from the Police Force in terms of enforcing the law and respecting the values of the Kenyan people.

Going to the Votes, I do not think that the Ransley Report recommended a freeze on hiring of the general police and Administration Police. When the Treasury allocates some money that is supposed to better the terms of the general police and Administration Police, it forgets that the Kenya population is growing. The services grow in tandem. So, if we stop hiring the police and Administration Police, we are over-burdening those who are already in service. Although we may have hiked their salaries, they may be required to enforce the law 24 hours in seven days because they cannot match the population. So, I think it is in order for the Minister to request for more money to recruit new police officers and Administration Police.

On that note, I want to over-emphasize the need for us to supply our police officers with good equipment and vehicles. Where I come from, we have vast area. The police are supposed to patrol and enforce security in that vast area. This is worrying. It is only us who come from cattle rustling and insecurity prone areas who would understand what I am talking about.

Madam Temporary Deputy Speaker, when you allocate 6.5 litres of fuel per vehicle in Bura, this can only go for about 40 kilometres a day. When we expect the police Land Rover to patrol from one station to the other and be called for emergencies in the middle of the night, then I would not doubt why the police would say that they have no fuel to go and attend to insecurity matters when they are raised. This is a concern that we need to address.

Positioning a border post in Liboi and Nadapal is commendable, but more ought to be done. There has to be a linkage between the Provincial Administration and the Ministry of State for Defence. If the Ministry of State for Defence is supposed to patrol the borders, why should the police at any one time be so much concerned with border issues? Where are military personnel? If they are confined in Nairobi, then funds should be channeled to the police to patrol our borders.

I wish to conclude by saying that everything is about image. I would want the police to also respect the dignity of the Kenyan people. We should not hear that Kenyans are being arrested and taken to foreign countries without the necessary court papers and orders. Security is not only about the police, but it is also about the co-operation of the public with the officers concerned. If we are not going to offer dignity to the Kenyan people when it comes to arresting criminals, then we do not expect the people to co-operate with the police. That will in turn cause insecurity.

(Several Members stood up in their places)

Madam Temporary Deputy Speaker, I am seeing so much anxiety. With those few remarks, I beg to support.

The Temporary Deputy Speaker (Dr. Laboso): Could I ask the Members now to contribute for only two minutes? You can see the interest that the Members have in this Vote.

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): Thank you, Madam Temporary Deputy Speaker. I stand to support the Motion.

I would like to start by saying that we cannot stand here and condemn the police. We should instead ask ourselves the root cause of the problem? Why is the police not delivering? First of all, if we look at their accommodation, they live in very deplorable condition. How do we expect them to protect us when they are living in such condition? If we really want them to take care of us, it is high time we improved their living condition. We know sometimes they die in the line of their duty. These are children of women.

An hon. Member: And men!

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): Madam Temporary Deputy Speaker, they are children of women and men. They also need to be protected and live in decent houses. We need to give them good equipment and vehicles.

Our chiefs and their assistants do not have offices. In fact, most of them operate from their houses. In some constituencies, hon. Members are using Constituencies Development Fund (CDF) to build offices for chiefs and assistant chiefs. This Ministry should be allocated enough money to build offices for them. It is a pity that some of them have converted their homes into offices. Some of them have had matrimonial problems because of people going to their homes. We need to build offices for them where they can serve their subjects.

(Several Members stood up in their places)

Madam Temporary Deputy Speaker, the hon. Members are intimidating me. They should sit down, so that I finish my contribution to this very important Vote!

The Temporary Deputy Speaker (Dr. Laboso): We agreed that each hon. Member speaks for only two minutes. Please, let us stick to two minutes.

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): Madam Temporary Deputy Speaker, chiefs and sub-chiefs should be provided with offices.

The other persons that we are forgetting are the *wazee wa vijiji*, who take care of our people. They work very hard without pay. These people are very important at the

grassroots level. In fact, they are considered as representatives of the Government on the ground.

With those remarks, I support.

Mr. Ngugi: Madam Temporary Deputy Speaker, as somebody who went to school, I will only take two minutes. I rise to support this Ministry's Vote. I can see that it has been allocated only Ksh45 billion. This is about 5 per cent of the national total kitty. There is no money that will ever be enough. I want to challenge this Ministry to efficiently use the little money at their disposal.

Secondly, I would want to see quick gains in this Ministry. We have illicit brews in villages and even near schools, but the brewers are not prosecuted. If we see quick gains, even the public will have a lot of sympathy for this Ministry. What happened to community policing? My hope is in Article 77 of the new Constitution which provides that a public officer should not engage in two jobs. I have no doubt that this will make public officers more efficient. We should also pay them well.

Lastly, we are the people who can help this Ministry. Let us, as Members of Parliament, keep peace. Let us preach peace. Let us not be a security threat to this Ministry.

With those few remarks, I support.

The Assistant Minister for Livestock Development (Mr. Duale): Thank you, Madam Temporary Deputy Speaker. I will take two minutes. I do not want to dwell much on what the Minister has said about the Police Reform Bill, the Private Security Service Providers Bill and the many challenges the Ministry is facing despite the good work it is doing, more so in the area that I come from.

I want this Ministry to focus on one area that has been an issue in this country, namely, the border between Kenya and Somalia and the emergence of the *Al Shabaab* militants. For a long time, the Ministry of Foreign Affairs has failed this country. As part of the Inter-Governmental Authority on Development (IGAD) initiative, the Ministry has failed to address the Somalia question. Today, Somalia is in a very dangerous process. There has been an element of militancy and off shoots of *Al Qaeda* running across the Kenyan border. Who are the victims? Who suffer the biggest blunt of all this? It is the people of northern Kenya, namely, the people I represent to live along the border. It is high time that the Ministry of State for Provincial Administration and Internal Security took the bull by its horns. The Minister should take the initiative because the issue of Somalia is becoming a regional and global issue.

With those few remarks, I support this Vote and ask the Minister to look into the area of concern along the Kenya-Somalia border.

Mrs. Shabesh: Madam Temporary Deputy Speaker, I would like to congratulate the Minister and his Assistant Minister. I appreciate the work being done by Assistant Minister, Orwa Ojode in this House; he has made this Ministry very visible.

I want to speak about the issue of reforms. The issue of enhancing the salaries of police officers has been spoken about since time immemorial. We cannot continue to use it as an excuse, because it is the same Government that allocates resources which says that police officers are not well paid. If the Minister brings the problem to us when we send him security issues, who will solve the problem? It can only be the Government to decide to dip into pockets and pay well its security officers.

We cannot allow security to get out of hand by saying that police officers are poorly paid. Therefore, I would like the Minister not to talk about payment when we give security issues to him, because that is not our work. It is actually the work of the Ministry to bring a budget here, and we approve it.

The Temporary Deputy Speaker (Dr. Laboso): You have two minutes!

Mrs Shabesh: Madam Temporary Deputy Speaker, Sir, I want to finish with the issue of rehabilitation centres and illicit brews. I know that the issue of illicit brew is being talked about, but I have not seen any money allocated for rehabilitation of people who are alcoholics. I would like the Ministry to re-look into this issue.

Thank you.

The Assistant Minister for Industrialization (Mr. Muriithi): Madam Temporary Deputy Speaker, I rise to support the Motion.

First, on the question of restructuring of the Provincial Administration, it is my view that, in fact, we should have the position of a county commissioner, so that the new structure can fit in with the new Constitution.

Madam Temporary Deputy Speaker, one of my colleagues spoke about petrol and so on. I would like to say that it is not just the matter of petrol. In many places, you cannot, in fact, even if you had petrol, be able to traverse them. Therefore, the question of security roads is important, and we should pay attention to it.

On the question of reforms, it is my view that we must pay particular attention to the question of community policing, because a key element in ensuring security is the community itself. If we get the police and the community working hand in hand, we shall be able to solve most insecurity issues.

Madam Temporary Deputy Speaker, we must, with whatever resources available, deal firmly with the issue of law enforcement. We have far too many incidents where we do not end up arresting anybody. I will give you one example. Last year, 40 citizens died in Laikipia West but 12 months later, we have not arrested even a single person. We must be strong on law enforcement.

Thank you.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Muturi is going to be the last one to contribute, unless the Mover will be willing to donate part of his time.

Mr. Mwangi: Madam Temporary Deputy Speaker, as I support the Motion, I want to draw the attention of the Minister to the disparities between the salaries paid to chiefs and assistant chiefs on one hand and the Administration Police (AP) on the other. Chiefs have AP officers who are paid higher salaries than them. This disparity should be addressed.

Another point which is very worrying is that we have dilapidated houses, especially at Kahuro Police Station in my constituency. Roofs of offices and houses leak. We would want the Government to support police stations---

(Loud consultations)

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, can you, please, consult quietly?

Mr. Mwangi: Madam Temporary Deputy Speaker, I am talking about houses in police lines. Buildings in some of the old police lines are dilapidated and leak.

On transport, roads in my area are very bad, and we have a security problem. I am sure that the Minister knows the area I am talking about in Kiharu. We need vehicles to be able to move police officers around. I will appreciate if my area could be allocated a few more vehicles, so that we can maintain security.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Dr. Laboso): Minister, are you willing to donate two minutes to hon. Kamama?

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Madam Temporary Deputy Speaker, I have already promised the Member of Parliament for Runyenjes that I would donate two minutes to her.

Mr. Waititu: On a point of order, Madam Temporary Deputy Speaker. I come from a constituency where the level of insecurity is highest, and it is only fair that I say something.

(Laughter)

The Temporary Deputy Speaker (Dr. Laboso): Mr. Waititu, it is at the discretion of the Minister. If you are willing, Mr. Minister, please, give him two minutes.

The Assistant Minister for Tourism (Ms. Mbarire): Madam Temporary Deputy Speaker, I want to concentrate on three major points.

First, I want to speak about the Tourist Police Unit, which, in many senses, has not been properly catered for. Speaking for the Ministry of Tourism, we would really want to see more money and more vehicles allocated to this very important unit, because without ensuring the security of tourists, we will always have the problem of tourists not wanting to come to Kenya.

Madam Temporary Deputy Speaker, I also want to add my voice on the need to increase the budgetary allocation to NACADA. We do not have public rehabilitation facilities in this country. Right now, the rehabilitation facilities available to alcoholics and drug addicts are run by private institutions, and cannot be afforded by common *mwananchi*. So, we would like to see more money going to NACADA for awareness creation and rehabilitation.

Finally, on the issues of police reforms and a new curriculum, I hope that the people responsible are taking very seriously the issue of gender-based violence, and how to handle it when it happens.

With those few remarks, I beg to support and congratulate the Ministry for its good work.

The Temporary Deputy Speaker (Dr. Laboso): Thank you very much. I now call upon the Mover to reply.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Madam Temporary Deputy Speaker, first of all, I would like to thank profoundly all the hon. Members who have made contributions to this Vote. I am very much encouraged by the fact that hon. Members have realised on their own the fact that security plays a major role in the day-today lives of all Kenyans, and that no development can take place in any country without sustainable security. They have, therefore, come out to say clearly that security needs to be funded.

I want to emphasise that point of view. In education, we say: If you think that education is expensive, try ignorance, and the consequences will be awful. I want to put it in the same way in terms of security. For a number of years, we have been shying away from allocating substantial resources to our own security agencies in order to enhance their capacities to deal with the challenges they face. Every time our security agencies are unable to effectively tackle those challenges, because they do not have enough vehicles, people end up condemning them. The police need vehicles to be able to respond very quickly to any challenge that comes up.

Madam Temporary Deputy Speaker, as I said, one thing which I find useful today is the fact that hon. Members now appreciate that we need to have a very well equipped police force. We need to have the police force equipped in terms of the necessary motor vehicles, tools and equipment – the necessary weapons they need to deal with, for example, the situation along our border with Somalia. Our border with Somalia is extremely volatile.

We know for sure today that we have an extremely dangerous body which is operating in Somalia, namely the *Al Shabaab* militia group. It is no longer secret that *Al Shabaab* is working very closely with *Al Qaeda* and other terrorist elements. This was denied. We have a situation where quite a number of those people are coming into the country, disguising themselves as refugees when they may not be refugees.

Madam Temporary Deputy Speaker, we do not know what those elements carry. They have very sophisticated weapons. So, the police force, too, requires that kind of equipment. It requires the necessary vehicles. The police need motivation.

Madam Temporary Deputy Speaker, the police need adequate remuneration and decent housing and I am very glad that at least this Financial Year, a sum of about Kshs5.1 billion has been factored in terms of the 28 per cent increment for remuneration of the police. I want to inform this particular House that, indeed, this is going to be implemented over a three year period.

Madam Temporary Deputy Speaker, that may not be enough, we require resources in order to be able to build or buy decent houses for these people. They are human beings after all. We have held discussions with the Treasury and I am very happy to say that throughout the discussion we have agreed that we should look for resources from somewhere else. I can see that I am being warned that my time is over but I believe that five minutes are enough.

I want to thank the Treasury because out of our discussion, it has been appreciated that token allocation every year is now going to be able to purchase sufficient vehicles to address the deficit that we have. At the same time, even the resources that we get on a yearly basis which are not enough - because Treasury too has major cash constraints - will not be able to provide sufficient and decent houses for the police. Therefore, the approach now, which is fairly imaginative, is either together with Treasury we are going to uphold various ways in which, in the case of housing, we will approach various mortgaging firms so that we can get financing on a long term repayment period. We have also discussed that the same model will be used to buy 1,000 vehicles on a yearly basis. Now, Treasury does not have that much money. So again, we will get in touch with an institution so that we can make sure that the amount is paid over a long period of time. That is the only way in which we can sort out that issue.

Madam Temporary Deputy Speaker, Sir, let us also appreciate that we are living in the 21st Century. As we become sophisticated as a country, criminals too are becoming more sophisticated and they are using all kinds of modern techniques. For example, we do have organized criminal gangs who have been giving us a lot of problems. They are extorting money and killing people. Fortunately, and I want to commend hon. Members, when I brought a Bill here on organized criminal gangs, it was passed by this House. I am happy to say today that assent to that Bill has been given by His Excellency the President.

I also want to thank an hon. Member who brought a Private Bill on anti-human trafficking. The Bill was brought here, it received a warm reception and it was passed. That too has been assented to. Very recently, we have had quite a number of foreigners. About 80 Ethiopians were held in a house in the country while waiting to be trafficked to another country. We also have Somalis and other people. That particular Act is going to fight that very hard.

Madam Temporary Deputy Speaker, money-laundering too has been a major problem. The Anti-Money-Laundering Bill has also been passed. So, we are making a lot of progress. Let me say that we are looking into the future and that is why we have embarked on major police reforms. Within the framework of police reforms, the vision we have is to have a police that is friendly, trusted by *wananchi* and one which is accountable. I want to put it this way; the manner in which we are approaching the reforms, we are definitely going to have that because first and foremost, the curriculum in training colleges of both the regular police and the Administration Police is being revised. Training of the new recruits that we shall get in September, will be based on the new curriculum.

Much more importantly, the serving officers under the regular police and the Administration Police will have in-service and broadened curriculum that also features human rights and matters of governance. There are legislations which we are now planning. I did say much earlier in my own presentation that I will be bringing to this House the Oversight Bill which will be an institutional authority so that any citizen who feels wronged by the police, can complain and appropriate investigation will be carried out. In the event they find that police was wrong, they will be dealt with. At the same time, much greater work is also happening within the police and the Commissioner of Police has done a great deal in terms of making sure that further down, those who are in charge are thankful for whatever they are doing.

With those few remarks, I beg to move.

(Question put and agreed to)

THAT THE SPEAKER DO NOW LEAVE THE CHAIR

Vote 03 –The Minister of State for Public Service

The Assistant Minister, Ministry of State for Public Service (Major Sugow):
Madam Temporary Deputy Speaker, I beg to move that the Speaker do now leave the Chair.

Madam Temporary Deputy Speaker, as you are aware, the overall goal of my Ministry is to provide strategic leadership, advice and guidance to the public service on

the human resource management and development. In this light, my Ministry is expected to guide public service management to ensure efficiency and effectiveness in delivery of public services, management and development of human resource in the public service to support efficient and effective delivery of services; comprehensive restructuring to ensure that the Ministry and department and public organizations and institutions function effectively and optimal utilization of available human resources. The overall policy objective is positioning the Ministry to play its role in the attainment of the objectives of Kenya Vision 2030.

Madam Temporary Deputy Speaker, to achieve this mandate, my Ministry requires adequate budgetary allocation. In the current Budget, a number of important proposals were left out in the Estimates of expenditure 2010/2011. I now want to report on the performance of the sub-sector and come to the budgetary issues later.

My Ministry has embarked on various programmes to fulfil its mandate and meet demands of stakeholders and customers. In the last financial year, training and capacity building which is necessary to improve performance and to achieve the objective of Vision 2030 was undertaken in the public service. A comprehensive recruitment and training policy to provide a framework for effective recruitment and training in the public service has been developed and it is under implementation. The objective is to ensure continuous upgrading of competencies, knowledge, skills and attitudes of all staff for improved performance. Training has been transformed to demand-driven model where employees are trained on the skills and competencies that are of high demand in the public service.

Madam Temporary Deputy Speaker, public service performance at the institutional level is being addressed through the performance contracting process that has seen Permanent Secretaries and heads of departments in Ministries and departments placed under performance contracts. To complement this process and more importantly to enhance performance at the individual staff level, a revised performance appraisal system is under implementation as an integral part of human resource reforms.

Performance appraisal system emphasizes participatory performance targeting and is linked to other human resource management and development initiatives and processes, including staff development, career progression, recruitment, placement, incentives and sanctions. Performance appraisal system will in due course, provide a basis for performance related pay.

My Ministry administers the Integrated Payroll and Personal Data Base (IPPD) which is used to process salary in the Civil Service and for complement control. In addition, a team has been put in place to develop and maintain a Human Resource Management Information System (HRMIS) for the Civil Service. The HRMIS encompasses all the major functions of human resource management and will be interfaced with pension system so as to expedite the process of pensions management.

Madam Temporary Deputy Speaker, a contributory pension scheme where officers will contribute a percentage of their basic salary towards their pension scheme with the Government contributing a percentage for each employee has been introduced. It aims to ease the burden of rising pension expenditure occasioned by the increased number of pensioners and improved salaries for civil servants. The contributory pension scheme is also expected to improve benefits payable to the employees on retirement. Moreover, the new contributory pension scheme will be portable and thus allowing for

employees to write to transfer pension benefits credits from a former employer to a current one.

Madam Temporary Deputy Speaker, one of the key concerns of the public service reforms has been the disparities in the remuneration levels within the Public Service. To address the disparities, a pay policy for the public service is under implementation to provide a framework for determining competitive, harmonized and sustainable remuneration across the entire service. The pay policy defines the principle for determining pay for public servants through a transparent remuneration system that also links pay and performance as well as meets the objective to attract, retain and motivate staff to better service delivery. The pay policy has guided the recent competitive harmonized and sustainable remuneration across the entire service for core civil service; the Teachers Service Commission Secretariat and the Judiciary.

Madam Temporary Deputy Speaker, despite the positive achievements made so far, I would like to assure this House that I will even put more efforts towards transforming the public service to a modern and competitive one as envisaged in Vision 2030. In particular, I will take measures to ensure that areas of success are upscaled further to greater heights of achievement. During 2010/2011, I intend to continue with efforts to improve service delivery in the entire public service. This cannot be done without adequate financial support. It is for this reason that I would like to mention a few areas that require the support of this House.

The Code of Regulations stipulates that all staff are eligible for transport allowance provided that they are not granted Government transport. This is in line with the implementation of the pay and benefits harmonized policy which enhances the welfare of employees. A request to partly implement commuter allowance totaling Kshs5.7 billion was made to Treasury. The requested funds have not been allocated in the 2010/2011 financial year Printed Estimates of expenditure. However, after further consultations the Treasury has approved Kshs2 billion for this financial year allowing Kshs3.7 billion for 2011/2012 and 2013/2014 financial years.

Madam Temporary Deputy Speaker, my Ministry carried out rationalization and harmonization of hardship areas and allowances to restore parity of treatment and equity among public servants. The proposed hardship allowance is no longer paid as a percentage of basic pay but is based on the classification of the hardship area, irrespective of job group or marital status. A request to facilitate implementation of hardship allowance totaling Kshs3,767,601,600 has been made to Treasury but no funds have been included in the financial year 2010/2011.

My Ministry will carry out a job evaluation exercise in the public service. Job evaluation is an analysis carried out on jobs to determine pay levels and job worthiness, to remove disparities and set up pay structures across the Civil Service. The evaluation will provide job analysis for all job classifications currently in the Civil Service. My Ministry requested Kshs40 million to undertake the job evaluation exercise. However, only Kshs18 million has been provided in the 2010/2011 Printed Estimates of expenditure.

Let me now turn to the issue of medical insurance for civil servants. Madam Temporary Deputy Speaker, a proposal had been made to reform the structure of medical benefits in the public service by introducing a comprehensive medical insurance scheme. The proposed comprehensive medical insurance scheme will replace the current system

of paying the staff graduated monthly outpatient medical allowance and *ex-gratia* assistance for in-patient hospitalization. Funding for the scheme was to be sourced outside the Ministry's ceiling and was submitted to the Treasury. The scheme which will cost Kshs4.879 billion has not been allocated funds in the Printed Estimates of expenditure and revenue for 2010/2011.

Madam Temporary Deputy Speaker, Sir, Government Training Institutes (GTIs) play a leading role in public service training and capacity building. The core functions of GTIs are training and capacity building, research and consultancy services, including evaluation of training programmes. The GTIs that fall within the Ministry include; Mombasa, Baringo, Embu and Matuga. The objective has been to transform the GTIs to provide high level quality training programmes to meet the needs of the public service for the attainment of the Kenya Vision 2030. My Ministry has been making efforts to modernize and expand the facilities in these existing GTIs for which we requested Kshs627 million and were granted Kshs371,469,000 in the Development Vote. The Ministry is also in the process of establishing a fifth GTI. The Ministry requires Kshs500 million to develop the institute. However, funds for this have not been allocated.

Madam Temporary Deputy Speaker, let me turn to the Training Revolving Fund. To support training and capacity building and employees self-development schemes, a training revolving fund to supplement Government efforts to offer advanced professional training for career development for public service staff has been established. My Ministry requested Kshs200 million to operationalise the scheme while only Kshs95,979,360 was granted to the Kenya National School of Government.

Madam Temporary Deputy Speaker, the Kenya Vision 2030 strategy envisions the establishment of a Kenya National School of Government to spearhead the creation of a strategic vehicle for developing Kenya's human services which, in turn, will spearhead development over the next two decades and achieve set targets. The school will inculcate public service values and ethics as well as enhance public service leadership. The Kenya School of Government is a flagship project for the Kenya Vision 2030. This initiative which will cost Kshs750 million has not been allocated funds in the current Budget.

Madam Temporary Deputy Speaker, the Treasury has put an embargo on any new recruitment for the next two years. The requirement that any recruitment must go through the Cabinet for approval before recruiting officers including filling of posts left due to natural attrition makes it difficult for the growth of the Civil Service. The unfilled authorized posts created through natural attrition or retirement of officers will increase workload on the remaining officers and may negatively compromise service delivery. Recruitment of officers to fill key posts and to ensure sound succession management will not be possible in the face of non-existent budgetary support.

On Personnel Emolument Budgeting, the shift from budgeting for authorized posts to budgeting for in-posts only is affecting the Civil Service because its manpower has started to shrink and to, ultimately, affect public service human resource management.

On the Technical Assistance Programme, Madam Temporary Deputy Speaker, the MoU between the Government of Southern Sudan and Kenya created a technical support programme. The technical support to the Government of Southern Sudan is a programme that aims to build capacity and assist the Government of Southern Sudan to come up with

structures of governance to enable it operate independently. The Ministry of State for Public Service developed a framework of co-operation in 2007.

Through this programme, senior members of the Government of Southern Sudan management have been trained at the Kenya Institute of Administration (KIA). Other offices from the same Government of Southern Sudan will be trained. This financial year, the Government has allocated Kshs150 million for that cooperation.

Madam Temporary Deputy Speaker, the main objective of the Pan-African Conference of Ministers responsible for public service, public sector management and Civil Service administration is to enhance the delivery of public services and good governance. The Sixth Pan-African Conference of Ministers of Public Service or Civil Service took place on 13th and 15th of October 2008 in Midrand, South Africa. The conference was attended by member States, representatives of Africa and international organizations and invited experts. During the meeting, Kenya was selected as the chair and hence was tasked to host the secretariat offices. The next conference of Ministers will be held in Nairobi in September to October 2010. The Ministry requested Kshs60 million for the conference and Kshs10 million for the secretariat operations. The Treasury granted the Kshs60 million only.

My Ministry requested for a total of Kshs1, 487,425 under Recurrent Vote but the Treasury granted Kshs1, 274,152 only, which I will use to continue implementation of the most critical programmes.

I beg to move and request Mr. Musila to second.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Madam Temporary Deputy Speaker, I am humbled to have been requested to second this Motion. I, therefore, wish to confirm that I support Vote 03 - Ministry of State for Public Service.

The public service is the engine of any Government. The success of any Government depends on the ability of the Public Service to deliver services. Let me therefore, emphasize that when we stand and praise the work done by the Government, we are not doing it for the sake of it. I for one would call a spade a spade. While seconding this Motion, I support and congratulate the Ministry of State for Public Service for the work they have done. I want to thank all public servants wherever they are for how far they have taken this country since Independence; 47 years ago. It is through these officers that we have been able to achieve whatever we have achieved.

Madam Temporary Deputy Speaker, I want to commend the Minister and the able Assistant Minister for the work that they have done. I am glad that the Permanent Secretary and the Director of Personnel Management are here and can hear as we congratulate the staff who have given so much service to this nation.

Having said that, I have two concerns that I would like the Assistant Minister and his staff to listen to very carefully. First, we have lived through the Public Service. Some of us served the Public Service for over 30 years and we can attest to how things have gone. I think right now, there is change of attitude for the worst in the public service. Many public officers, particularly the senior most like Permanent Secretaries and so on, have attitudes that are not going to take this country very far unless they are checked. Correspondence is not attended to. Members of this House will tell you that they write letters to Permanent Secretaries and they are never acknowledged, even after writing to them by name. Members of this House will tell you that even when they call Permanent Secretaries and other senior officers they never bother to return their calls. I am speaking

this because I have heard what Members say. Even for an Assistant Minister like me, you can write, write and call but you will not get a response.

However, I am not saying it is the whole public service. You can probably count those who do not do that with one hand. Those who are not delivering service as they should are not more than five. Some of them do not even respect elected leaders. I think this is a pity.

Madam Temporary Deputy Speaker, the other issue that concerns me most is the issue of pensions which the Assistant Minister has talked about. As you are aware during the Ninth Parliament, we passed an amendment to the Pensions Act which I sponsored. To date, nothing is followed.

Section 16(a) of that Act reads:-

“A person to whom a pension or other allowances are payable under this Act shall be entitled to be retained in the service until payment in full of the gratuity or pension”

Today, people retire and go home, wait for years and some even die before they get their pensions. We wonder why this should be happening 47 years after Independence. More serious is, if an officer dies in service, it takes many years before the relatives or next of kin are paid their dues. This same law, in Section 19(a) which this House amended, said that dues must be paid within 90 days, failure of which interest accrues. This does not happen.

Madam Temporary Deputy Speaker, I would like to urge the Permanent Secretary to enforce this law which was passed by this House.

Finally, on Friday this week, we are going to witness the birth of a new Republic through the promulgation of a new Constitution that Kenyans overwhelmingly approved. I urge the Public Service in this country to be born again along with the new Republic so that we start afresh and push this country to higher levels. We cannot afford to let our country down.

With those few words, I beg to second.

(Question proposed)

Mr. Kapondi: Madam Temporary Deputy Speaker, I wish to state here that the Committee on Administration and National Security under which the Ministry of State for Public Service falls when it comes to oversight role was able to examine the Estimates for this financial year 2010/2011. This was done on Thursday July 8th, 2010. The Committee looked at the following areas of interest:-

- (i) The Budget Policy Statement.
- (ii) The Financial Statement.
- (iii) The 2010/2011 Printed Estimates and the Medium Term Expenditure Framework (MTEF).
- (iv) The total net requested from the Exchequer by the Ministry.
- (v) A comparison of the previous year's allocation.
- (vi) Allocation to new projects.
- (vii) The Ministry's absorption capacity.
- (viii) Projects left out of the Estimates
- (ix) Proposed allocation *vis-a-vis* the achievement of the Ministry's strategic plan.
- (x) Budgets for the State corporations under the Ministry.

(xi) Segregated district budgets and other issues related to the subject matter.

Madam Temporary Deputy Speaker, there were a few areas of concern to the Committee. One, the Committee observed the drastic reduction of funds to the Ministry of State for Public Service in general. The Ministry's budget was reduced by a whopping Kshs153 million. The Committee was gravely concerned by that, considering that the absorption capacity of this particular Ministry is very good. All outstanding bills by this Ministry had been cleared as at 30th June, 2010. The second issue which was of grave concern to the Committee was the fact that hardship and commuter allowances for public servants were not factored in the Budget. As you know, without hardship allowance, there are certain areas in this country where public servants cannot offer services enthusiastically. Take areas like Moyale, Mandera and Marsabit, which I had an opportunity to visit. For an officer to travel from Moyale, for instance, to Isiolo, it will take him three days. He will be travelling on a lorry carrying cattle to Nairobi. From Isiolo, it will take him or her another one day because once they reach Isiolo, that is when they consider themselves to be in Kenya. Life and conditions in those areas require those officers to be provided for in terms of hardship and commuter allowances.

Another area of concern was the procurement bottlenecks. It was observed by the Committee that some projects could not be completed in the designated period due to the long procurement processes that, in turn, hampered the effectiveness of the Ministry. The Committee felt very strongly that the Ministry performed to its satisfaction in the given working environment. However, it is the feeling of the Committee that the legislation regarding procurement should be looked into afresh to avoid, in particular, capital expenditure. That is because when you look at the absorption capacity when it comes to capital expenditure, it is always much lower not only in this Ministry, but even in the Ministry of State for Provincial Administrative and Internal Security and other Ministries. It is something which is cross-cutting.

In view of that, the Committee recommends that under Vote R03, the Minister withdraws from the Consolidated Fund a sum of Kshs1,234,150,700 for the Recurrent Expenditure under the Ministry of State for Public Service. That should be approved. Secondly, the Ministry should be allowed to raise Kshs40 million as Appropriation-in-Aid to finance its operations. Under Development Vote 03, the Committee proposes that the Minister withdraws from the Consolidated Fund a sum of Kshs343,520,000 for the Development Expenditure under the Minister of State for Public Service. That should be approved. The Ministry should be allowed to raise Kshs27,949,000 as Appropriation-in-Aid to finance its operations.

Madam Temporary Deputy Speaker, with those very few concerns and recommendations, I beg to support.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Madam Temporary Deputy Speaker, I stand to support the Vote for this Ministry and congratulate the Minister and his senior staff, including those who are heading the parastatals under the Ministry, for doing a good job. This is a very critical Ministry in terms of the current constitutional dispensation that we find ourselves in. It is the Ministry that is leading in terms of training. It needs to be supported in the coming years in terms of more resources to meet the training needs of the implementation of the new Constitution in the newly devolved Government. As we know, over the years, the Kenya Institute of Administration (KIA) has been the major

institution for training public servants. In the past, it was elevated to a university. But I am happy to note that KIA has improved a lot in terms of getting the facilities and, in particular, training staff for the Provincial Administration. We have been training our people there. So, I want to encourage the Ministry to think ahead and take care of the training needs.

Finally, I would like to request a bit of flexibility in terms of recruiting junior staff in the remotest parts of this country. I just want to give two examples. There is a problem of recruiting young chiefs with C+ grade. We feel that in those remote areas of Kenya, C+ graduates aspire to do other things than become chiefs. I know that this is something that we designed together with the Public Service Commission (PSC). But I request for a bit of flexibility. We should not be lowering the standards. But we should understand that where there is no candidate with a C+ in a particular area in Kenya, we should go for equivalent qualifications. Similarly, we are experiencing problems with the recruitment of drivers simply because the requirement under the scheme of service is D+. Again you know D+ graduates are young people who aspire for other things, jobs and other professions. Unless we relax those qualifications, it will be difficult to get drivers from some of those marginalized areas.

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

Mrs. Shabesh: Madam Temporary Deputy Speaker, I would like to congratulate the Minister for moving this Motion so ably, and also to acknowledge his officers who are here. I want to speak very quickly on three points. One, that there has been a policy on affirmative action; one third representation of women in the Public Service. It has never been implemented. I would like the Minister to clarify and tell us--- I can see in his presentation that he has not touched on that issue. Since the Constitution does not give you a choice, what structures have you put in place? There is no point to keep on passing good policies which are not implemented. You can even look at the officers who are present here from the two Ministries. There is no woman. I do not see a woman! If there is one, she is obviously hidden by the Chair. I cannot see her.

Madam Temporary Deputy Speaker, I am saying that it is quite unfortunate that we continue to say that we are a Government that recognizes women. But even as I say that, I do know that there is a new Constitution and, therefore, this issue of women representation will no longer be something we have to beg for. It will be something that will have to be implemented. So, I am asking this Ministry that is in charge of the Public Service and employment of people in the Government to ensure that this is really taken care of.

Madam Temporary Deputy Speaker, I will also raise the issue of the retirement age that this Ministry sneaked into the Cabinet and had it passed; it did not bring it to this House. You can be sure if you had brought it here it would not have passed, because we have an old Civil Service. An old Civil Service cannot have new ideas. It cannot bring change. There is no way we are going to cheat ourselves that when countries are harnessing the potential of their young people, we are raising the retirement age of our older generation and, therefore, locking out people from being employed by the biggest employment agency, which is the Government. The Government is the biggest employer.

Madam Temporary Deputy Speaker, I would like to ask the Government to really re-think its policy in terms of employment, because we have many young people graduating from universities and have no jobs in the Government. The Government is

instead raising the age of retirement. I really think this is something that you must address.

Lastly, I would like the Ministry not to keep on raising peoples hopes in terms of remuneration and then not effecting any change. You know very well, Mr. Minister, that you spoke about hardship and commuter allowances for the Civil Service, but when the budget came here we did not see that effected. Really, it would be unfortunate if it was just public relations. The issue of making promises and then you use an excuse of saying that the Government did not release the money, we are saying we are tired of it. If it can happen, then let it happen. If it cannot happen, do not raise the hopes of Kenyans and then when the Budget is read, they see nothing in it for hardship and commuter allowances.

Madam Temporary Deputy Speaker, I want to support this Motion, but ask the Ministry to put what I have said into consideration.

The Minister for Co-operative Development and Marketing (Mr. Nyagah): Madam Temporary Deputy Speaker, I stand here to support the Vote of this very important Ministry within the Office of the President which, once upon a time, I had the privilege of being a Minister for.

I know it is an area where great men in this country are doing a wonderful job. Some of the best brains in Kenya work in this particular area. It has a team of well-trained people that I have personally worked with. I know they are very capable people. So, it is for that reason that it is my privilege to support them.

Let me support the good work they are doing in the Sudan. My Ministry is actively involved in the Sudan and this particular Ministry has been given the responsibility of training the Sudanese people. When the Comprehensive Peace Agreement (CPA) was negotiated in Nairobi, it was agreed that the Government of Kenya would continue training all the people whom the Southern Sudanese Government would require. My Ministry is involved in this; they are training people at the Kenya Institute of Administration (KIA).

I want to confirm that I know that the Government of Southern Sudan is very happy with what this particular outfit is doing. May I propose that next year they be given more resources. Our foreign policy and image in the region will improve, if we do more of this in the region. I think it requires about US\$4.5 million. That is petty cash. We should be able to get to a much higher figure, so that the impact of the super power, Kenya, can be felt in this area, because we have qualified people who can train civil servants in the surrounding countries, especially with the forthcoming referendum in that particular country.

I want to thank this Ministry for helping my Ministry. When I joined the Ministry of Co-operative Development and Marketing, our people were very lowly paid and were in low job grades. This Ministry came in and helped us. It restructured our Ministry and now our officers feel that they belong to the rest of the Civil Service. For many years, they had served on the same job grades and had never had any promotions, but now they have been able to help and motivate the staff of my Ministry. So, I want to thank this Ministry and encourage it to continue supporting other areas.

Training is important. The Government Training Institutes (GTIs) that we have around the country play a very important role in ensuring that civil servants are well trained. We need those institutions. May I ask the Ministry not to try and turn them into

universities. GTIs play a very important role. Please do not make them universities. We need training of middle level civil servants. We need places where they can go for further training and exposure. Let us not do what we have done with other middle level institutions in the country; we have converted all of them into universities. The GTIs have, over the years, played a very critical role in ensuring that the quality of civil servants across the board is of high calibre.

If I remember from my good old days, this is an area that requires more funding. I know that over the years the GTIs have been assisted with buildings, lecturers and facilities, but I think we could do with more funding in this particular area, if we are going to retain the quality of civil servants that we have. In particular, given that we are now moving into the new constitutional dispensation in three days time, we need to train people to get used to the new system that we are developing. The devolved Government will require a lot of training and re-training of public servants. It is for that reason that these institutions should be given additional funding to cope with the huge demand that the public sector, particularly the 47 counties, will thrust on them. Change in the thinking that has been there over the years will not be easy.

Madam Temporary Deputy Speaker, in conclusion, let me thank the Minister and his team for a job well done in the last year, and they can count on our support.

Thank you.

Mr. Njuguna: Madam Temporary Deputy Speaker, let me also take this opportunity to thank the Minister for the manner he has presented this Motion this afternoon. I would also like to take this opportunity to thank the PS and the staff for discharging their responsibilities in the best manner. I also wish to extend the same congratulations to the chairman of the departmental committee for wonderful findings and recommendations.

On the area of promotion of civil servants I would urge that fairness, justice and equity be practiced; all the workers in the Government should really be given attention. Promotion should be pegged on commensurate service. If there are some people who are not serving well action, must be taken against them.

On the retirement of civil servants, time and again the retirees have been frustrated, because their benefits have been delayed. This inconveniences the planning of the individuals and their families. It even affects the incomes and development of families. It is important that, that area be addressed properly.

On a strike by civil servants, this should not be contemplated or seen in this country. An impending strike by civil servants should be stopped in good time, so that performance in the Government is not affected.

Mutual engagement with the union and other parties must be fruitful. Retaining of workers must be a priority. A well equipped Civil Service will improve the image of this Government and the country. This will attract more investments to the country. Civil servants must be given the required skills in order to render good services to this country.

Madam Temporary Deputy Speaker, on hardship allowance, there are areas that need to be designated like Lari Constituency, where the climate is terribly cold. We are 8,500 feet above the sea level. When civil servants are posted to that area, they request for transfers immediately. They do not come to serve our people. Lari Constituency must be considered as a hardship area in order to attract public service officers and improve the economic and social welfare of the people.

Unproductive civil servants in this country are an unnecessary baggage to the Government. Civil servants are the engine of the Government. This engine must be vibrant and running all the time. It must give the best image of this country. The junior athletes did this country proud in Canada. They emerged number one in the whole world. I take this opportunity to congratulate them. We also need to recognise the senior athletes who participated in the African Athletic Championship held in Nairobi. They emerged in the first position. The civil servants should emulate these people, if, indeed, they want to be promoted.

Finally, it is important that civil servants' salaries be reviewed every time as it is done in the private sector.

With those few remarks, I beg to support.

The Minister for Education (Prof. Onger): Madam Temporary Deputy Speaker, first of all, let me stand to fully support this Vote. I see it from a position of generating human capital in the Ministry of Education. In the process of educating our young people in all levels, we always emphasize on the need, not only to have access to information education and what is valuable in society, but also to be able to retain that information for use in their various capacities.

Madam Temporary Deputy Speaker, under Vision 2030, it is quite clear that education and training will be the empowering engine to be able to move this sector forward. Therefore, investment in this area of public service is a worthwhile exercise that we need to support fully. I have looked at the various modalities that are available in enhancing the training capacities of some of our senior civil servants in various categories. In fact, more resources should be availed to train these officers. If we are accepting the proliferation, with a good sense of planning, of universities, tertiary colleges and other training institutes, we should also allow our civil servants to upgrade their skills. We want them to be in tandem with the new features of running the new Civil Service.

One area that we have invested heavily is in the ICT. It is important that all the civil servants, particularly at the managerial level, be ICT compliant. I hope that there will be a robust and clear programme put in place, so that we enhance the way of doing our business. For instance, the human resource information management systems have been adopted to ease the way we compute pension benefits in the Civil Service.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Dr. Laboso): Is the Assistant Minister willing to donate some two minutes to Prof. Saitoti?

The Assistant Minister for Public Service (Maj. Sugow): I donate two minutes to hon. Muriithi and two minutes to Prof. Saitoti.

The Assistant Minister for Industrialization (Mr. Muriithi): Madam Temporary Deputy Speaker, I rise to support the Vote.

I just want to make one point about performance management. In the end, it is about whether we actually manage according to plans and targets that we set. Performance management is not just about Ministers and Permanent Secretaries signing performance contracts in a big ceremony. It is about whether those targets are, in fact, aligned to Vision 2030.

Madam Temporary Deputy Speaker, we have inherited a system where people in the Civil Service who do not perform are moved to other stations. This, therefore, compounds the problem. I think time has come for us to be able to bite the bullet. In management, there are rewards and punishment. There is no need of transferring an officer from one Ministry to another if he is not performing. It is better for such an officer to be dismissed from the Civil Service. This should apply to all officers who are not performing in all Ministries. Even if it is a District Commissioner and/ or any person who is not performing, he should be dismissed from the service. Let us bite the bullet.

With those few remarks, I beg to support.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Madam Temporary Deputy Speaker, I have very few remarks to make.

It is a well known fact that we are now in a globalised world. A globalised world is characterised by a great deal of competition. It is only those countries which demonstrate sufficient competitiveness that will survive and succeed. That means that the human capital is an extremely important dimension of competitiveness. In this respect, one thing that is extremely clear in the modern world is that any institution has got to be efficient. Efficiency comes about by way of speed and efficiency in making important decisions. In this respect, it should really become a culture that each one of our civil servants needs to be information technology literate and also embrace the culture of lifelong learning. This is because we live in a very dynamic world. It is a world where knowledge keeps changing. Unless one continues to embrace modern knowledge, he cannot be efficient. This is something this Ministry which is fairly efficient can ensure that they emphasize to our civil servants. Once they leave university and are employed, they must continue with their education. It is easy today to work and, at the same time, access knowledge. The e-learning is right here. The e-learning is such that it can be tailored to somebody's time, so that one can learn.

This is one point I wanted to stress because we need a very efficient and knowledgeable Civil Service. Today with the new constitutional dispensation, we are going to be very competitive to be able to deliver services to our people.

With those few remarks, I beg to support.

The Assistant Minister, Ministry of State for Public Service (Maj. Sugow): Thank you, Madam Temporary Deputy Speaker. I would like to take this opportunity, first of all, to thank all the hon. Members who contributed to this Motion. We take their contributions very positively and we will ensure that those issues that do not require any extra funding are implemented.

I would like to respond to a few issues that have been raised. First of all, there is the issue of attitudinal problems amongst our civil servants, particularly at the higher echelons, respect for elective office and, generally, performance problems. This is one of the issues I raised in my speech with regard to performance appraisal systems we have been working on over the last few years and for which reward and punishment issues are being worked on to ensure that civil servants remain accountable to all levels of the public, whether they are leaders or ordinary wananchi.

The other issue I want to talk about is on pension which Mr. Musila was concerned about. We are undergoing reforms and we believe that the delays that are currently taking place will be addressed once we start to get the necessary funding. If

there will be a delay there will be automatic benefit to the pensioner. Therefore, whoever will be responsible will pay the price for that.

On the issue of hardship allowance, the Chairman talked about some officers not being paid that allowance and commuter allowance. I agree with him. After further consultations, we managed to get Kshs2 billion for commuter allowance, but hardship allowance has not been touched in this financial year. We got Kshs2 billion for commuter allowance this financial year and Kshs3.7 billion for the next two years.

Procurement is a major bottleneck for performance in the public sector. It is an issue that we need to address wholly. The issue of employment of chiefs and lower cadre staff has now been taken to the districts. I am talking about clerks and Job Group F officers whose employment has been taken to the districts. Although there is a set criterion, it all depends on the situation, that is, what is available on the ground as far as the quality of applicants is concerned. Therefore, it is not cast in stone. The best available is what will be considered and that is being implemented.

I agree very much with hon. Shabesh that there is serious gender disparity in the Civil Service. This has been a problem in the past and we have been addressing it. Today, we have only one Ministry where there are more women than men, that is, the Ministry of Medical Services. In the higher echelons, though, there are more men than women. So, we have a serious problem as far as gender parity is concerned. The Ministry is cognizant of this fact and is addressing it to intercede in respective Ministries. The technical Ministries have been giving us many problems because there are few women engineers, doctors and so on. Certain careers have fewer women than men. It is these Ministries which have more men employees than women.

With this allocation, we have a challenge. The Ministry requested for Kshs1.4 billion, but it has received Kshs1.2 billion. The Kshs1.4 billion was the ceiling that was set by the Treasury. We, however, still received below that ceiling. Performance, as the Chairman has indicated, will in a way, be affected. However, we will go out of our way to ensure that we perform our level best and ensure that whatever money that we have been allocated is used for the right purpose and to the fullest.

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

(Question put and agreed to)

*[The Temporary Deputy Speaker
(Dr. Laboso) left the Chair]*

IN THE COMMITTEE

*[The Temporary Deputy Chairperson
(Mrs. Shabesh) took the Chair]*

Vote 01 – Ministry of State for Provincial
Administration and Internal Security

The Minister of State for Province Administration and Internal Security
(Prof. Saitoti): Madam Temporary Deputy Chairperson, I beg to move:-

THAT, a sum not exceeding Kshs22,815,826,695 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2011, in respect of:-

Vote 01 – Ministry of State for Provincial
Administration and Internal Security

(Question proposed)

VOTE R01 – RECURRENT EXPENDITURE

SUB-VOTE 010 – GENERAL ADMINISTRATION AND PLANNING

(Heads 001 and 797 agreed to)

(Sub-Vote 010 agreed to)

SUB-VOTE 011 – FIELD ADMINISTRATION SERVICES

(Heads 005 and 006 agreed to)

(Sub-Vote 011 agreed to)

SUB-VOTE 012 – ADMINISTRATION POLICE SERVICES

*(Heads 010, 011, 012, 279, 281, 285,
319, 337 and 525 agreed to)*

(Sub-Vote 012 agreed to)

SUB-VOTE 013 – GOVERNMENT PRESS

(Head 014 agreed to)

(Sub-Vote 013 agreed to)

SUB-VOTE 017 – POLICE DEPARTMENT

*(Heads 003, 007, 008, 009, 083, 085, 086, 091, 092,
093, 094, 095, 097, 101, 104, 105, 106, 107,
108, 109, 110, 111, 112 and 118, 150, 301, 302, 388, 389,
390, 394, 396, 397, 398, 586 and 747 agreed to)*

(Sub-Vote 017 agreed to)

SUB-VOTE 019 – GENERAL SERVICE UNIT

(Heads 088, 102, 103, 303 and 304 agreed to)

(Sub-Vote 019 agreed to)

(Vote R01 agreed to)

VOTE D01 – DEVELOPMENT EXPENDITURE

SUB-VOTE 010 – GENERAL ADMINISTRATION AND PLANNING

(Head 001 agreed to)

(Sub-Vote 010 agreed to)

SUB-VOTE 011 – FIELD ADMINISTRATION SERVICES

(Heads 005 and 006)

(Sub-Vote 011 agreed to)

SUB-VOTE 012 – ADMINISTRATION POLICE SERVICES

(Heads 010, 011, 012, 281 and 319 agreed to)

(Sub-Vote 012 agreed to)

SUB-VOTE 013 – GOVERNMENT PRESS

(Head 014 agreed to)

(Sub-Vote 013 agreed to)

SUB-VOTE 017 – POLICE DEPARTMENT

(Head 003, 007, 008, 009, 085, 086, 092 and 095 agreed to)

(Sub-Vote 017 agreed to)

SUB-VOTE 019- GENERAL SERVICE UNIT

(Heads 088, 102, 103 and 304 agreed to)

(Sub-Vote 019 agreed to)

(Vote D01 agreed to)

(Question put and agreed to)

(Resolution to be reported without amendment)

The Temporary Deputy Chairperson (Mrs. Shabesh): Hon. Members, we will now move on to the next Vote on the Order Paper. I call upon the Minister of State for Public Service to move his Vote.

Vote 03 - Ministry of State for Public Service

The Assistant Minister, Ministry of State for Public Service (Maj. Sugow): Madam Temporary Deputy Chairperson, I beg to move:-

THAT, a sum not exceeding Kshs788,836,350 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2011 in respect of:-

Vote 03 – Ministry of State for Public Service

(Question proposed)

VOTE R03 - RECURRENT EXPENDITURE

SUB-VOTE 030 – GENERAL ADMINISTRATION AND PLANNING

(Heads 025, 341, 365 and 366 agreed to)

(Sub-Vote 030 agreed to)

SUB-VOTE 031 – TRAINING

(Heads 018, 027, 028, 033, 034 and 952 agreed to)

(Sub-Vote 031 agreed to)

(Vote R031 agreed to)

VOTE D03 - DEVELOPMENT EXPENDITURE

SUB-VOTE 030 – GENERAL ADMINISTRATION AND PLANNING

(Head 025 agreed to)

(Sub-Vote 030 agreed to)

SUB-VOTE 031 – TRAINING

(Heads 018, 027, 028, 033, 034 and 952 agreed to)

(Sub-Vote 031 agreed to)

(Vote D03 agreed to)

(Question put and agreed to)

(Resolution to be reported without amendment)

[The House resumed]

*[The Temporary Deputy Speaker
(Dr. Laboso) in the Chair]*

REPORTS

Vote 01 – Ministry of State for Provincial
Administration and Internal Security

Mrs. Shabesh: Madam Temporary Deputy Speaker, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs22,815,826,695 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2011 in respect of Vote 01 – Ministry of State for Provincial Administration and Internal Security and has approved the same without amendment.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Madam Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Resolution.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode) seconded.

(Question proposed)

Mr. Njuguna: Madam Temporary Deputy Speaker, I take the opportunity to highly commend the Minister and his staff for maintaining meticulous security during the national referendum. I urge the Minister to continue waging war against the kidnapping of innocent and harmless Kenyans.

(Question put and agreed to)

Vote 03 – Ministry of State for Public Service

Mrs. Shabesh: Madam Temporary Deputy Speaker, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs788,836,350 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2011 in respect of Vote 03 – Ministry of State for Public Service, and has approved the same without amendment.

The Assistant Minister, Ministry of State for Public Service (Maj. Sugow): Madam Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Resolution.

The Minister for Education (Prof. Ongeru) seconded.

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, there being no other business, the House stands adjourned until tomorrow, Wednesday, 25th August, 2010, at 9.00 a.m.

The House rose at 6.35 p.m.