

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 30th June, 2010

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

Report of the Kenya Parliamentary Delegation to the Russia/Africa Horizons of Economic Co-operation Conference

*(By the Chairman, Departmental Committee
on Defence and Foreign Relations (Mr. Keynan))*

NOTICE OF MOTION

ADOPTION OF REPORT ON RUSSIA/AFRICA HORIZONS
OF ECONOMIC CO-OPERATION CONFERENCE

Mr. Keynan: Mr. Speaker, Sir, I beg to give notice of the following Motion:-
THAT this House adopts the Report of the Kenya Parliamentary delegation to the Russia/Africa Horizons of Co-operation Conference which took place between 15th and 16th June, 2010 in Moscow.

ORAL ANSWERS TO QUESTIONS

Question No. 234

FREQUENT CHANGE OF OWNERSHIP
OF ZAIN COMPANY

Mr. Keynan asked the Minister for Information and Communications:-
(a) whether he could explain why there has been a high frequency of change of ownership of the Zain Company from Kencell, Celtel, Zain and finally to Bharti Airtel; and,
(b) what the effects of the frequent change of ownership of the Company are on security of the country and economic stability at large.

The Assistant Minister for Information and Communications (Mr. Khaniri): Mr. Speaker, Sir, before I answer this Question, I am meant to understand that yesterday you made a ruling that before this Question is answered by my Ministry, we should give a written explanation as to why we were not able to answer it last week. We have since done that; we brought the explanation this morning and if it is satisfactory to you, I will reply.

Mr. Speaker: Order, Mr. Assistant Minister! Can you pass on a copy of the written explanation to the Clerks-at-the-Table so that I have time to look at it?

(Mr. Khaniri passed the document to the Clerks-at-the-Table)

This direction by the Speaker was not given yesterday; it was given two weeks ago by one of my deputies.

(Mr. Speaker perused the document)

Order, hon. Members, I am satisfied by the explanation given by the Minister for Information and Communications. He has accounted for why he and the two Assistant Ministers were not available to answer the Question when it appeared on the Order Paper and the reasons are tenable.

Proceed, Mr. Assistant Minister!

Mr. Olago: On a point of order, Mr. Speaker, Sir. In view of the interest that the issue of absence of Ministers caused in the House yesterday, would it be in order for the reasons to be read out to the House, so that we understand them and move accordingly in future?

(Applause)

Mr. Speaker: Order! Order, hon. Members! Hon. Member for Kisumu Town West, yes, that may be a genuine request of the Chair. But the form of the directions was that a written explanation be given to the Speaker, and the written explanation has, indeed, been given to the Speaker and the Speaker is satisfied with the written explanation.

(Applause)

Proceed, Mr. Assistant Minister!

The Assistant Minister for Information and Communications (Mr. Khaniri): Thank you very much, Mr. Speaker, Sir.

Mr. Speaker, Sir, I beg to reply.

(a) I agree with the hon. Member for Wajir West, hon. Keynan, that the ownership of Kencell has changed hands too frequently. I can only speculate that the frequent changes are driven by commercial interests. We are hoping that Bharti Airtel, the latest multinational to acquire Kencell will stay longer to provide the stability that can guarantee growth. Kenya is a free market economy, where entry and exit is a normal practice. The Government, through my Ministry, is doing everything possible to continue

to attract and retain foreign direct investors. We have created an enabling environment through the development of common user infrastructure, legal and regulatory environment.

(b) There is no study that links frequent changes of ownership to economic stability or national insecurity. In any liberalized economy, this is a common practice. The latest entrant, Bharti, saw value and growth potential in Kencell for them to have invested enormous amounts of resources that they did.

Mr. Speaker, Sir, the organization has employed many Kenyans both directly and indirectly and continues to pay taxes to the Government. We have not seen any negative effects on either the economy or the country's security.

Thank you, Mr. Speaker, Sir.

Mr. Keynan: Mr. Speaker, Sir, the answer, on the face of it, is a very good answer. What I would like the Assistant Minister to explain to the House is, in this era of very serious security concerns, telecommunications plays a fundamental role in the security of every nation. What measures has the Ministry put in place in order to safeguard both the security and commercial interests of Kenyans?

Mr. Khaniri: Mr. Speaker, Sir, as I stated in my answer to part "b" of the Question, there has been no study that links frequent changes of ownership of these companies to economic instability and threats to security. It was not necessary to put any measures in place because there was no threat.

Mr. Litole: Thank you, Mr. Speaker, Sir. The Assistant Minister for Information and Communications happens to come from the forthcoming Pokot County, and in that area, there is a lot of insecurity. Even those who are in the red cannot even get in. What action is he taking so that the people of that area can also be part of Kenya, and so that there will be proper network coverage?

Mr. Khaniri: Mr. Speaker, Sir, you will agree that, that is a totally different Question on network coverage. The Question we are dealing with now is about ownership of Zain Company. The question of network coverage in various parts of the country is totally different from what we are tackling today. I would urge the hon. Member to put in a Question and we will come up with an appropriate response.

Mr. Speaker: Yes, Assistant Minister, you are entitled to that; it is a different question.

Member for Embakasi! Sorry, Member for Kamukunji!

Mr. Mbugua: Mr. Speaker, Sir, I am the Member for Kamukunji. I think you forgot.

Mr. Speaker: Order, Member for Kamukunji! That has already been corrected. Do not get to sideshows, just ask your question.

Mr. Mbugua: Mr. Speaker, Sir, could the Assistant Minister consider suspending the licence of this company based on the fact that it has changed hands about five times and the jobs of people working for the company may be at risk?

Mr. Khaniri: Mr. Speaker, Sir, I really do not know if the hon. Member listened to the answer that I gave to the House. What would be the justification revoking the licence? I said this is controlled by commercial interests and therefore, Kenya is a free country where anybody is allowed to come in as long as they meet the sector policy that we have put in place. Therefore, there will be no need to revoke the licence of Zain because they have not breached any of the policies that we have put in place.

Mr. Keynan: Mr. Speaker, Sir, could the Assistant Minister confirm to this House that Vodafone (UK) which is a shareholder in Bharti of India and Safaricom, does not have a monopoly in controlling the largest telecommunication companies in Kenya? That itself presents a very serious challenge to Kenyans.

Mr. Khaniri: Mr. Speaker, Sir, I categorically deny that. I want to state that in reviewing such frequency of change of shareholding, the Commission considers among other things, compliance of the proposed structure to the prevailing sector policy and that the proposal does not result in a merger which would distort competition in telecommunication sector in Kenya by creating a monopoly. Therefore, I want to assure the hon. Member and the House at large that there will be no monopoly.

Mr. Speaker: Next Question by the Member for North Horr!

Question No.071

FAILURE TO POST DISTRICT REGISTRATION
OFFICER TO MARSABIT NORTH

Mr. Chachu asked the Minister of State for Immigration and Registration of Persons:-

(a) why the Ministry has not posted a District Registration Officer to Marsabit North, five years after it was gazetted; and,

(b) when the Ministry will post the District Registration Officer to Marsabit North which is the largest District in Kenya.

The Assistant Minister, Ministry of State for Immigration and Registration of Persons (Mr. Baya): Mr. Speaker, Sir, I beg to reply.

(a) The Ministry had not posted a Registrar of Persons and a Registrar of Births and Deaths due to an acute shortage of staff. Marsabit North District was created in 2007 from the former larger Marsabit District. We are currently serving this new district from the former district headquarters.

(b) I used the past tense “had” in part “a” above because we have identified an officer who will be posted to North Horr District so as to operationalize a new district registration unit.

Thank you.

Mr. Chachu: Mr. Speaker, Sir, while I appreciate the response from the Assistant Minister and the fact that they have identified somebody to provide this critical service in North Horr Constituency, when will this officer be posted so that Kenyans in this part of great country start getting that vital service?

Mr. Baya: Mr. Speaker, Sir, I want to assure the hon. Member that the officer will be there before Friday next week.

Mr. Letimalo: Mr. Speaker, Sir, there are so many newly created districts that lack Registration Officers, what arrangements does the Ministry have to ensure that these officers are deployed to these districts?

Mr. Baya: Mr. Speaker, Sir, I agree with the hon. Member because I am also a victim although I am in that office. The reason for this is shortage of staff. We have written to the Treasury and the Minister of State for Public Service to allow us to recruit

junior officers, clerks and so on. We have also asked them to recruit for us senior officers. After that is done, they will be posted to each and every district.

Mr. Abdirahaman: Mr. Speaker, Sir, everywhere the Ministry has posted officers they do not have the necessary equipment including transport and junior staff. The Assistant Minister always tells us that they have written to the Treasury; it is very boring indeed. What we require is the Assistant Minister to tell us the plans they have. We know they cannot recruit for all the districts in the country, but could he very elaborately tell this House the plans they have in the coming financial year even for districts to which they have posted staff?

Mr. Baya: Mr. Speaker, Sir, I do not have the details of how we are going to handle each and every district because those details were not required in this particular Question. However, like I said, we have written to the relevant Ministries to be authorized to recruit. The hon. Member is right to say that we lack facilities like transport and other equipment. We are doing all that we can so that we make sure the offices are run as they should.

Mr. Olago: Mr. Speaker, Sir, pressure on registration of persons in Kenya is caused largely by the influx of young adults who reach the age of 18 years when they are in fourth form in secondary schools. To this extent, what are the Ministry's plans to appoint principals of secondary schools as agents of the Ministry so that registration is done in schools more easily and efficiently?

Mr. Baya: Mr. Speaker, Sir, we are not recruiting them as agents. We have chiefs who are doing that. However, recently we enlisted them as people who should assist headteachers of secondary and primary schools because we would like everybody to get Identity Cards and Birth Certificates. We have included them in the programmes but we have not given them the title of "agents."

Mr. Speaker: Last question, Member for North Horr!

Mr. Chachu: Mr. Speaker, Sir, I appreciate the Assistant Minister's commitment to bring an officer to North Horr by Friday this week. This is a unique constituency with 39,859 square kilometers, it is twice the size of Israel. It is larger than Central, Nyanza, Western and Nairobi provinces put together. Could the Assistant Minister assure this House that the Registration Officer will have a vehicle? Due to lack of public transport in North Horr, sending an officer there may not be of much use. Could the Assistant Minister assure this House that the officer will have a vehicle to facilitate him in that vast constituency in this Republic?

Mr. Baya: Mr. Speaker, Sir, in my previous career, I served in that place. That is a service that must reach all Kenyans. I want to promise the hon. Member that I will get him an officer and a vehicle.

(Applause)

Question No.216

REHABILITATION OF MUMIAS-BUNGOMA ROAD

Mr. Washiali asked the Minister for Roads:-

(a) whether he is aware that Mumias–Bungoma Road is currently not motorable; and,

(b) what he is doing to rehabilitate the dilapidated road as well as the road network in Western Province in general?

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

(a) I am aware that Mumias-Bungoma Road is in dire need of maintenance.

(b) That is why my Ministry has procured a maintenance contract to address the situation and the contractor is already on site. In addition, the Ministry, through the Kenya National Highways Authority (KeNHA) has budgeted for maintenance of all classes “A”, “B” and “C” roads in Western Province. Indeed, my Ministry has already awarded contracts for maintenance of Kisumu-Kakamega and Kakamega-Webuye sections of A1 road.

Mr. Washiali: Mr. Speaker, Sir, I would like to thank the Minister for that answer. I would also like to inform him that I had the privilege of travelling on that road last Friday. We were going to Bungoma for a very successful “Yes” rally. What the contractor is doing is filling up the potholes with soil and stones. The same thing happened when they were repairing the Webuye-Kakamega Road and, today, if you go there, there are very big potholes on the road. How is he supervising those contractors? How does the contractor expect---

Mr. Speaker: Order, Mr. Washiali! It is Question Time; one question at a time!

Mr. Bett: Mr. Speaker, Sir, I want to thank the hon. Member for giving me that valuable information that the contractor on the site is not performing very well. After this, I will follow up the matter because he is supposed to fill the potholes with the appropriate materials. He should not use any other material other the one which is on the ground at the moment. We have put in Kshs23 million and the contractor is M/s Logistics Limited and we expect him to do as instructed. So, I am grateful to the hon. Member for giving me that information.

Mr. Were: Mr. Speaker, Sir, that road passes through my constituency and I want to agree with what Mr. Washiali has said. How long does he expect that contractor to complete the job?

Mr. Bett: Mr. Speaker, Sir, the tender period is 90 days, which is three months.

Mr. Wamalwa: Mr. Speaker, Sir, I was also in Bungoma and drove to Kakamega through that road. One section is completely cut off. I would like to ask the Minister whether he has driven on that road; and even on the road from Eldoret to Kitale? Those roads are beyond maintenance works; they need to be redone fully. Is he considering doing that?

Mr. Bett: Mr. Speaker, Sir, yes, I am aware that a section of that road was washed away and that is why we have a contractor on site. I will not hesitate to add more money whenever I am able to, so that the road is made to the standard that is required. As regards the Eldoret-Kitale Road, I know that from Maili Tisa near Eldoret to Moi’s Bridge there is a bad section. I have placed a contractor on site and I have given him a further Kshs23 million to patch up the potholes.

Mr. Sambu: Mr. Speaker, Sir, you do not have to be an expert to know that there is a lot of shoddy work done during the maintenance of those roads. Could the Minister confirm that he is happy with the standard of work being done on all those roads?

Mr. Bett: Mr. Speaker, Sir, I want to say that every road has got specifications which are supposed to be followed by the contractor. I have a team that ensures quality is maintained on those constructions. If there is any contractor that does not comply with those specifications, we have a liability performance period - normally of 24 months - that a contractor is expected to repeat the works on that road.

Mr. Washiali: Mr. Speaker, Sir, could the Minister consider increasing the allocation of money meant for road repairs because in that zone, there are very heavy tractors plying the roads? The maintenance of those roads is a big problem.

Mr. Bett: Mr. Speaker, Sir, I have already said that. I will not hesitate to add money so that, that work is done properly. In addition to that, in the interest of hon. Members from that part of the country, Kisumu-Kakamega A1 has been awarded to a contractor, M/s Associated Construction Company at a contract sum of Kshs321 million. The commencement letter is dated 7th June, 2010. The contractor is expected to be on the site by early July 2010 - that is next month. The other section of that road into Webuye - that is Kakamega-Webuye - was awarded to M/s Jakulu Enterprises Limited at an expected cost of Kshs316 million and the letter of commencement was issued to the company on 24th May, 2010. They are expected to be on the site now trying to settle down. The other roads we are minding in Western Kenya are C38; Majengo-Luanda, C40, Kakamega-Ekero, A1, Webuye-Kitale, C30 Bumala-Mumias and C29, Busia to Lake Victoria. Those are the roads that we have earmarked for maintenance this financial year. Thank you.

Question No.219

OPERATIONALIZATION OF CUSTOMS
BORDER POST AT DIIF

Mr. Abdirahman asked the Deputy Prime Minister and Minister for Finance:-
(a) when the gazetted customs border post at Diif will be operationalized; and
(b) what stop-gap measures the Government will take to curb illegal cross-border trade?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Speaker, Sir, I beg to reply.

- (a) The customs border post at Diif is to be operationalised by 2nd July, 2010.
(b) The stop-gap measures that the Government is taking to curb illegal cross border trade include the following:-
(i) Frequent border patrols.
(ii) Constant communication and information sharing among Government agencies involved, i.e., Kenya Revenue Authority (KRA), Ministry of State for Immigration and Registration of Persons and Ministry of State for Provincial Administration and Internal Security.
(iii) Prosecution of offenders.

Mr. Abdirahman: Mr. Speaker, Sir, I would like to thank the Assistant Minister for taking quick action to establish that Customs border post. It will really help the people there and it will solve 50 per cent of the problems. The written answer indicates 1st June

whereas he has read 2nd July, which is the day after tomorrow. I have no problem with the dates. He had said that there is constant communication and information sharing between Government agencies. It is unfortunate that the Government agencies on the ground collude with the perpetrators. What is he going to do to stop the collusion between Government officers at the district levels?

Dr. Oburu: Mr. Speaker, Sir, the question of collusion is a very difficult one. That is because it is a moral issue. Normally, when officers who collude are detected, appropriate action is taken. It is normally very severe, especially on the ones that are under my direct charge. We always take very stern measures if we find them culpable and having colluded. The measures include dismissal and recommendation for prosecution.

Mr. Abdirahman: Mr. Speaker, Sir, I am happy with the answer as it is.

Mr. Speaker: Fair enough!

Question No.233

NON-PROVISION OF RAILWAY-LEVEL CROSSING TO
RESIDENTS OF NGUU SETTLEMENT SCHEME

Mr. Kiilu asked the Minister for Transport:-

- (a) whether he is aware that residents of Mbukani and Masamukye Sub-location of Nguu Settlement Scheme have no direct access to their farms from Mombasa-Nairobi Road as a result of being denied low level railway crossing between Simba Railway Station and Kiboko Railway station; and,
- (b) what immediate plans he has to provide the railway-level crossing.

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

- (a) I am aware that the residents of Mbukani and Masamukye Sub-location of Nguu Settlement Scheme have no direct access to their farms as a result of lack of low level railway crossing between Simba Railway Station and Kiboko Railway Station.
- (b) The hon. Member wrote to the Kenya Railways Corporation on 25th February, 2010 requesting, on behalf of the residents, to be allowed to establish the low level crossing and an approval was granted on 5th March, 2010 subject to the following conditions:-
 - (i) submission to Rift Valley Railways of a copy of the signed level crossing wayleave;
 - (ii) an agreement from the Kenya Railways Corporation;
 - (iii) payment to Rift Valley Railways of installation, supervision and protection fee in the sum of Kshs1,365,143.25 before the commencement of the works;
 - (iv) design of all road approaches to specified standards and provision of bumps on both sides of the level crossing.

Mr. Kiilu: Mr. Speaker, Sir, while appreciating the answer the Assistant Minister has given me, you will appreciate that the Assistant Minister has accepted that these farmers, or settlers for that matter, have no access to their shambas. The Assistant Minister appears to be running away from the responsibility of the Government of providing access for these people. These people's shambas are not productive given the fact that they are not able to access their farms to raise this money the concessionaire is asking for.

Mr. Mwau: Mr. Speaker, Sir, unfortunately for the hon. Member, the railway has already been concessioned to the Rift Valley Railways Kenya Limited and the concessionaire, who is the Rift Valley Railways, is the one who is responsible for the railway infrastructure development. Therefore, they are responsible and not the Ministry.

Mr. Kiilu: Mr. Speaker, Sir, even when there is a concessionaire the Government remains responsible for providing services to its people. What is the Ministry doing to ensure that the concessionaire, the Rift Valley Railways, provide this access?

Mr. Mwau: Mr. Speaker, Sir, the Government cannot in any way interfere with the concession after the concessionaire was granted a 25 year concession to manage the railways.

Question No.250

FAILURE TO ABSORB GIDEON KUVA AS PERMANENT
EMPLOYEE OF TELKOM KENYA

Mr. C. Kilonzo asked the Minister for Labour:-

- (a) Why Mr. Gideon Katila Kuva, the club manager at the Telkom Kenya owned Ngong Road Sports Club, has been treated as a casual worker for 17 years without being absorbed as a permanent employee ; and,
- (b) What action he is taking against such Government corporations as the KPTC (now Telkom Kenya Limited) which flout labour laws and also to ensure that Mr. Gideon Kuva is confirmed and paid proper remuneration for the period he has worked.

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Speaker, Sir, we have consulted with the hon. Member and because we want to assist this man and other employees in this club, we requested that we be given up to Tuesday to come up with a comprehensive answer.

Mr. C. Kilonzo: Very well, Mr. Speaker, Sir. I have no objection.

Mr. Speaker: The Question is deferred to Tuesday, next week.

(Question deferred)

Hon. Members, that brings us to the end of Question Time. We would want to move to Prime Minister's time. There are no Questions for the Prime Minister so we move to the next Order.

POINT OF ORDER

THE PROBLEM OF ACQUISITION
OF BIRTH CERTIFICATES

Mr. Wamalwa: On a point of order, Mr. Speaker, Sir. We had requested for a Ministerial Statement from the Minister for Education this morning which they said would be ready this afternoon.

MINISTERIAL STATEMENT

THE PROBLEM OF ACQUISITION
OF BIRTH CERTIFICATES

The Minister for Education (Prof. Ongeru): Mr. Speaker, Sir, I wish to respond to Mr. Wamalwa's point of order on the problem of acquisition of birth certificates by both parents and students in view of the fast approaching 30th June, 2010 deadline, which is today.

Mr. Speaker, Sir, you will recall that the deadline was extended from 31st of March to 30th June, 2010 for a period of three months to enable parents and students to acquire birth certificates. The information from the Kenya National Examinations Council indicates that more than 70 percent of the students have been registered with the Kenya National Examinations Council with the birth certificates already in hand.

Mr. Speaker, Sir, the Ministry is also aware that the Ministry of State for Immigration and Registration of Persons has enhanced the provision of birth certificates within the designated registration centres. The report we have received from this Ministry indicates that it is the parents who are not going to collect these documents from the centres.

However, considering the logistics, and in response to the issues raised by the hon. Members, the deadline for registration for the Kenya national examinations has been extended further from 30th March to 30th October, so that candidates will provide the necessary information to be incorporated into the certificates used by the KNEC.

To that effect, as supplementary information, I have instructed my officers today to issue a circular to all the District Education Officers and Municipal Education Officers to be able to get in touch with the Registrar of Persons in their respective areas and identify the number of certificates which have not been collected, and which have been processed by the Ministry of State for Immigration and Registration of Persons and are still lying in registration offices. Such certificates should be given to the various headmasters of schools who should use them to be able to process registration of candidates.

We have also given a circular to secondary school principals who have been informed not to send away any student from school for lack of birth certificates. The KNEC has also been asked to take the necessary action on the period of the extension.

I want to take this opportunity to thank the Ministry of State for Immigration and Registration of Persons and those parents who have dutifully performed their responsibility, because examination registration is critical and helps us in the examination administration for fair, proper and correct certification of students. Therefore, they still have another three months to go. If they do not collect their certificates, then they will have nobody to blame.

Thank you.

Mr. Speaker: Member for Saboti! We will take three clarifications at minimum and then the Minister will respond. Please, keep note.

Mr. Wamalwa: Mr. Speaker, Sir, I should thank the Minister for handling this matter in the manner that he has handled it. It is a matter that caused quite a lot of anxiety across the country. But because of the haphazard manner in which this matter was introduced, will he tell the House under what provision of the law this requirement had

been put and whether they could consider suspending the whole requirement until next year when proper arrangements have been put in place between the Ministry of Education and the Ministry of State for Immigration and Registration of Persons?

Mr. Mwangi: Mr. Speaker, Sir, we commend the Minister for Education. Considering there is collective responsibility, could he urge his colleague, the Minister of State for Immigration and Registration of Persons to hasten issuance of the birth certificates? I visited one school in Kiharu Constituency and realised the problem is not collection of those documents, it is the hiccup with the Registrar of Persons at Murang'a. Could he make sure that Standard Eight pupils in my constituency are given birth certificates without further delay?

Mr. C. Kilonzo: Mr. Speaker, Sir, only in the morning the Assistant Minister for Education said that to register for examinations, it will now not be mandatory to produce a birth certificate.

Has the position changed since morning barely three hours ago? At the same time, could he clarify what use a birth certificate has for a candidate sitting for an examination? Do they grade the marks according to the age? What is exactly happening?

Mr. Mungatana: Mr. Speaker, Sir, the agents for the Ministry of State for Immigration and Registration of Persons are the chiefs in their various locations.

Mr. Speaker, Sir, we appreciate that there is need of capturing this data even at birth. We also know that the Ministry of State for Immigration and Registration of Persons does have enough personnel to really do this work as fast they should. The question is between the Government departments of education and the Ministry of State for Immigration and Registration of Persons. Is it not possible for both Ministers to co-ordinate, so that headmasters and principals can also be made agents of the Ministry of State for Immigration and Registration of Persons, so that we hasten this process? We do not want to see our children suffering because of lack of talking between departments of Government?

Mr. Speaker: Order, Minister. Because of the persistence of the Member for Bura, I think we should allow him to seek a clarification.

Dr. Nuh: Thank you, Mr. Speaker, Sir. I happen to have seen what is written on birth certificates because I possess one, although not many people in Bura Constituency have them. It is indicated there below that it is a proof of citizenship. So, what are the merits of forcing these students to have birth certificates when they do not even prove whether they are Kenyans or not?

The Minister for Education (Prof. Onger): I think Dr. Nuh, Member for Bura and many others have more or less asked similar question. You remember one of the issues that concern the hon. Members of this august House is the question of examination cheating. Therefore, we needed a correct method of identifying who are the possible impersonators involved in cheating in the examination.

Some of the candidates who appeared for the other candidates impersonated the identity of those candidates. It was not feasible to be able to discern between those who registered genuinely for the examination and those who appeared genuinely for that examination. Therefore, it became necessary to incorporate the birth certificates, so that, that will then be able to tell us how long---

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

Is the Minister in order to say that they are using the birth certificates for purposes of identifying the candidates, while you know very well that the birth certificate does not have fingerprints and a photo?

The Minister for Education (Prof. Ongeru): I think hon. C. Kilonzo knows very well that one of the biggest problems we have, particularly some of our terms are the impersonation of these examinations and the origin of some of these people.

In fact, it was at the request and at the behest of this honourable House that we must look for a credible method of registering these candidates for both Kenya Certificate of Primary Education (KCPE) and Kenya Certificate of Secondary Education (KCSE). That we should be able to find a method of identifying date, bona fide, genuine candidates who have sat for these examinations. It is in pursuit of this request from this honourable House that we thought the simplest and basic method that would be used is to identify these children through their birth certificates.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order! I think that matter is addressed as adequately as can be.f

The Minister for Education (Prof. Ongeru): Secondly, I think we are entering into mainstreaming the Early Childhood Education (ECD) programme into primary sector. In this year you will have noticed there is a little budget that is making an attempt to mainstream the ECD into the primary circle programme, so that we have a continuous education programme right through from early childhood to the primary sector and eventually through the secondary which is a total of 12 years programme in school.

In order to be able to trace some of these children from early childhood and in terms of the identification, this then becomes a useful tool in knowing where these candidates are and what they are doing. It also helps the teachers to be able to mark their progress.

As for the question of hon. Mungatana, yes, indeed, there was a meeting between the Minister of State for Immigration and Registration of Persons and the Minister for Education and the Vice-President and Minister for Home Affairs under whose docket Immigration falls before this exercise was started. We looked at ways and means of energising this exercise because from the immigration point of view people were not coming for registration. Therefore, they were not able to give correct identity or correct number of registration of people who are there. By choosing this other method for our own purposes, it is now possible to be able to net in 70 per cent of those who registered. This figure could be equally higher than 70 per cent because there are more than 300,000 birth certificates which have not been collected from the registration centres; hence the circular today to be able to help parents who may have forgotten that they need these certificates for purposes of registration of KCPE and KCS. They need to get them from the Registration Officers in the district and then send them to the headmasters so that they can be captured there. Eventually, when I was answering this question sometime back early this year, I did indicate that eventually we intend---

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir.

Is the Minister in order to keep referring to parents and asking them to pick birth certificates when actually the children who are most affected are orphans?

Mr. Speaker: Order! Hon. Mrs. Odhiambo-Mabona, I do not see that in my evaluation and considered opinion to amount to a point of order. It is actually a question.

Minister, you may proceed. Finish with the clarifications sought, please!

The Minister for Education (Prof. Ongeru): Mr. Speaker, Sir, I think in order to allay the fears of the hon. Member, these are children who are---

Mr. Speaker: Order, Mr. Minister! I have given direction on that matter. We must use our time properly.

The Minister for Education (Prof. Ongeru): Thank you, Mr. Speaker, Sir.

An hon. Member: Agents!

The Minister for Education (Prof. Ongeru): Yes, Mr. Speaker, Sir. Indeed, that is the way forward. If you have read the circular that we issued today, you will find that the headmasters of schools who know these children will register them. It will speed up the process if they became agents. Therefore, there is need for collaboration between the principals, District Education Officers, Assistant Education Officers and the Registrar of Persons within a given district. That way, the process will go on harmoniously and without any hiccups. I think that is the way forward. The Minister in charge of immigration, Mr. Kajwang and I have met to discuss this matter. We are looking at this as a possible way of handling this matter with ease.

The Member for Yatta has asked whether this is mandatory. Obviously, if 70 per cent of the students have registered, and there are likely to be 90 per cent or so, we will not punish the others. I have already given an assurance to this House that any child who may escape that "safety net" will not be punished for not having registered. We would like to know why they may not have registered because they have been given an opportunity to register at an appropriate time.

Hon. Mwangi has talked about collective responsibility. I have already talked about that. To respond to Mr. Wamalwa's query, you cannot suspend a very useful and opportune programme which is yielding very good results. It is helping us to cope with some of the malpractices that we have noticed in examinations. Therefore, the process will continue.

Mr. Speaker: Order, hon. Members! We are well into the Prime Minister's Time. Perhaps we want to have an indication as to whether or not there is a Statement from the Prime Minister's Office and then we will proceed. Depending on how much time we have, we will take further Statements.

PRIME MINISTER'S TIME

PRIME MINISTER INDISPOSED

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, I would like to inform the House that the Prime Minister is not here because he is indisposed. At the same time, I would like to allay the fears on his health. Many hon. Members have actually seen the Prime Minister. I meet him at about noon. I would like to inform this House that the Prime Minister is recovering very well and he is in an extremely jolly mood.

(Applause)

Mr. Speaker: Order! Hon. Members, you have heard the position in so far as the Prime Minister is concerned. So, the Prime Minister's Time will be deferred until Wednesday, next week.

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

REINSTATEMENT OF SUSPENDED CIVIL SERVANTS
INVOLVED IN FPE/MAIZE SCANDALS

Mr. Speaker: Order, the Member for Ikolomani! Prof. Saitoti, under the auspices of the Prime Minister's Time you answered a question last week. Among the other things, I ordered that you table the KACC Report this afternoon. What is the position?

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, indeed, it is true that during the Prime Minister's Time, last week I answered a Question that had been asked regarding the reinstatement of the four Permanent Secretaries. At the same time I tabled a communication in the form of a letter from the Acting Director of the KACC. You actually directed me to table the report that was the basis of that Statement. I have since found out that the KACC has, indeed, prepared a report and it has been forwarded to the Attorney-General in compliance with Section 35 of the Act. So, I am sure that the Attorney-General will table it in Parliament.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. Listening to Prof. Saitoti, it is quite clear that the Government has tried everything possible to frustrate the original intention of my Question. You directed that the Report be tabled here. Until you vacate that position, the House should not allow Prof. Saitoti to enjoy the kind of privilege he is trying to advance.

Secondly, because the Government has already acted by way of reinstating the suspended permanent secretaries, it means that the subsequent submission of that report to the Attorney-General following what transpired in this House is an afterthought. Therefore, the Chair should proceed and take necessary action to ensure that the Government does not flout the law where it provides clearly as it does in this case. The Report should have, first, gone to the Attorney-General who would advise and then table it in this House before they take action.

Mr. Speaker, Sir, I beg that you move in accordance with the mood of last week.

Mr. Speaker: What is it the Member for Garsen? Is it on the same matter?

Mr. Mungatana: Yes, Mr. Speaker, Sir. The other fundamental point that must be made is that the Executive cannot operate to its on convenience and disregard what Parliament does. These are equal arms of the Government. In fact, Parliament is the supreme authority on matters that affect the people of Kenya. It is a fundamental point because we have no problem with the Government procedures or whatever they do out there. The Attorney-General can receive the Report under Section 35. That has no correlation whatsoever with the order that the Minister was given. He must comply because he undertook before this House that he would do so. The Minister, in fact, relied heavily on an extract of that Report and we want to see the orders of this House being respected by hon. Members.

Mr. Speaker: What is it the Member for Gwassi?

Mr. Mbadi: Mr. Speaker, Sir, I just want to add my voice to the interjections by my colleagues. This House should not act in vain. Last time when you gave your ruling,

it was very categorical that the Government was supposed to table the Report. This House should not act at the whim of the Executive where it decides where the Report should go first before it is brought to this House. I think you need to make a firm ruling, the way you did that day that the Report should be presented to us today.

Mr. Speaker: Order, hon. Members! I have heard the sentiments expressed by the Member for Ikolomani followed by the Member for Garsen and finally the Member for Gwassi. I am satisfied that the directions that I gave on 23rd June, 2010 were categorical in respect of the tabling of the Report by the Minister of State for Provincial Administration and Internal Security. However, as things stand now, the Minister has been able to share with me a letter addressed to him by the KACC indicating that the KACC has transmitted that Report to the Attorney-General. So, as it is, Prof. Saitoti does not have the capacity to table the Report because he does not have it; it has, instead, been forwarded to the Attorney-General.

As I said and sympathizing with sentiments of hon. Members, which I believe have been expressed on behalf of the House, I have a feeling, Prof. Saitoti, that perhaps the KACC is trying to circumvent the directives made by Mr. Speaker.

So as to bring that matter immediately under check, I order that the Attorney-General tables that Report in the House on Tuesday at 2.30 p.m. Like I said when I made the directions last week, I will make further findings on what the law provides with respect to what the fate of the Report of the Kenya Anti-Corruption Commission (KACC) ought to be. If the procedure is in the law, obviously, as the legislative organ, we are bound to comply with the law and the Chair will ensure that we, the House, and the Minister do so. Those were my words last week. I am transferring these words to apply to the Attorney-General. The House will ensure that the Attorney-General complies with the law. To begin with, he must table the Report in the House.

(Applause)

There is Statement by the Minister for East African Community.

MINISTERIAL STATEMENT

EAST AFRICAN COMMUNITY COMMON MARKET PROTOCOL

The Minister for East African Community (Mr. Kingi): Mr. Speaker, Sir, I rise to make a Ministerial Statement on the East African Community (EAC) Common Market.

Mr. Speaker, Sir, the EAC Common Market Protocol was signed last November in Arusha. Each partner State was given six months within which to ratify and deposit the instruments of ratification with the Secretary General. I confirm to the House that Kenya has, indeed, ratified the EAC Common Market Protocol and already instruments of ratification have been deposited with the Secretary-General in Arusha.

Mr. Speaker, Sir, the EAC Common Market Protocol is supposed to become effective from midnight tonight, hence the reason to inform hon. Members about its provisions and implications to this country. The Common Market Protocol comes with its

freedoms and rights that ought to be enjoyed by the East Africans at large. The freedoms that come with the Common Market Protocol are as follows:

With the Common Market, we are going to have free movement of persons within the region. We are going to have free movement of labour or workers, services and capital within the region.

Again, we have two rights that flow from this Protocol; that is, the right of establishment and residence. There has been misinformation and misunderstanding that come 1st July, 2010, the borders of these five countries will collapse and people will start moving immediately and partake of these benefits almost at the fall of the hammer come midnight tonight. I want to put it correct and explain that whatever is going to happen on 1st July is that the formal commencement of the implementation of the provisions of the Common Market Protocol will actually start.

Mr. Speaker, Sir, as I have already said, there are quite a number of freedoms, but for these freedoms to be enjoyed to the full, the East African, partner States are called upon to put legal framework within which they can anchor these freedoms for the benefit of the citizens. Therefore, the journey towards coming up with the legal instruments to cushion the smooth implementation of the provisions of the Common Market Protocol is going to start by midnight tonight.

Mr. Speaker, Sir, all the five countries made commitments to the Protocol. If you read through the Protocol and the annexes to it, there are commitments that each individual country did make, committing to liberalize sectors which East Africans will be able to take advantage of. For instance, in our country, Kenya, we have committed to open up almost all the categories of workers within this year; 2010. The same applies to Burundi and Uganda. For Tanzania, there are categories of workers that they have opened up for 2010. However, there are other categories that may have to wait longer. For instance, if you are a medical doctor and you want to access the job market in Tanzania, you may have to wait until 2015 to access that job market. If, for example, you are secondary school teacher teaching Mathematics, you may have to wait until 2015 for you to access the job market of Tanzania. Therefore, the schedule gives a commitment on how each individual country is going to liberalize its job market and also the services that are willing to open up and remove the restrictions to enable all the East Africans to enjoy the benefits.

Mr. Speaker, Sir, I have already said that, as a country, we have committed ourselves to open up our borders almost immediately. However, that has a challenge in that our legal system must be reviewed to conform to the provisions of the Common Market Protocol. Under the Protocol, there is the issue of non-discrimination of citizens of other partner States based on nationality. If you look at, for example, the right of establishment, a Kenyan can go to Tanzania and open a shop and become a self-employed person, or a company that has been registered using our national laws can go to Tanzania and actually start investment there. According to the Protocol, such a company must be given the same treatment as is given to the companies that are registered under the national laws of Tanzania. The issue of discrimination is actually prohibited under the Protocol, yet if you see our company laws and Registration of Business Act, these companies are deemed to be foreign companies. Therefore, we need to review these kinds of laws. We need to review our immigration laws and administrative procedures to make sure that we embrace Ugandans, Tanzanians, Rwandese and Burundians as our fellow

brothers and sisters. We should no longer see them as foreigners in Kenya. Therefore, that requires some kind of review of our laws.

Mr. Speaker, Sir, immediately the Common Market Protocol was ratified by our country, I, indeed, constituted a task force team that was supposed to audit the provisions of the Common Market Protocol and review all the Kenyan laws; to identify the areas that require to be amended, so that they can conform with the provisions of the Common Market Protocol. I am happy to state that the team is almost cleaning up their final report. Immediately, the report is handed over to us, we will transmit it to the Office of the Attorney-General for them to actually churn out Bills and Motions, so that we can begin to review our laws to enable them conform with the provisions of the Common Market Protocol. That way, East Africans will actually be able to benefit from the commitment that Kenya has made to the provisions of this particular Protocol.

Mr. Speaker, Sir, as I end, I want to extend a warm invitation to all Members present here to join His Excellency the President at the official launch of the implementation of the Common Market Protocol at the KICC today beginning from 6.30 p.m.

Mr. Speaker: I am afraid we will have to restrict clarifications to three only, beginning with Mr. Shakeel.

Mr. Shakeel: Mr. Speaker, Sir, the clarification I would like to seek from the Minister is on the awareness of what actually happens after midnight tonight. I would not be far wrong to say that the majority of the Members of Parliament are not very clear on what will happen. I thought that the duty of making us aware was that of the Ministry. We have had a number of workshops on this with the two committees and it was agreed that before 1st July, the Ministry would try and fast-track an awareness, at least, for the Members of Parliament. This is because when somebody says that he thinks we are going to export our goods to Uganda duty-free, it is not really true. There are a number of other requirements. We urge the Minister to do a small booklet that can help us understand the bullet point, so that we can educate our constituents.

Mr. Speaker: Order, hon. Member for Kisumu Town East! What clarification do you want from the Minister?

Mr. Shakeel: Mr. Speaker, Sir, the clarification I seek is what will happen after 1st July and whether he can clarify to us that position.

Dr. Khalwale: Thank you, Mr. Speaker, Sir. I want to thank the Government for moving towards a common market for the East African Community. I would like the Minister to clarify the following. What is the preparedness of this country, especially along the borders, about the security implications of giving freedom of movement to persons? Secondly, what lessons have the partner states in the East African Community learnt from the experience in the EU where they have started experiencing problems with the monetary union? Does he think that this is something for which we need to be prepared in advance or it is something we can wish away? Finally---

Mr. Speaker: Order! I have already allowed you to ask two. Mr. Minister, please, take notes. You have two requests so far.

Mr. Mungatana: Mr. Speaker, Sir, I also want to join hon. Members who have spoken in support of what the Minister has achieved. My clarification is of great concern. In terms of finances and budget, our country is running a huge deficit Budget right now. We are not so sure about the situation with the other countries. The clarification we want

to seek is: What other implications are there for us walking into a federation or a common market with countries that essentially have problems in managing their deficits including ourselves? What are the implications in terms of our tax base? Are we going to allow people coming into Kenya to trade and have the benefit of our markets and we do not have the benefit of taxing them? For example, will they be taxed from Tanzania, then we lose our tax base and yet they are sharing our facilities in terms of creating wealth? What is the implication of that for our country? Are we well protected enough because I am worried about that?

Mr. Speaker: Mr. Minister, since there are two more Members persistently wishing to seek clarification, we will extend to include those two.

Mr. Wamalwa: Mr. Speaker, Sir, I must congratulate the Minister and his team for the progress they have made so far, as far as the common market is concerned. However, there was the issue of political integration as well. How far are we from that, especially in view of what is happening in our country? When you talk about regional integration, we also have our own issues of our own national integration here, where some communities are threatening others. Could you tell us how far you have gone on that?

Mr. Washiali: Thank you, Mr. Speaker, Sir. In fact, hon. Wamalwa has asked what I partly wanted to ask. However, I want to add that we are in the process of making a new Constitution in this country. How much have you done under the East African Community in terms of marrying the constitutions of each country so that we do not find ourselves in a quagmire?

The Minister for East African Community (Mr. Kingi): Mr. Speaker, Speaker, Sir, the first question was on the issue of security on the border posts, and whether it will be compromised when East Africans will be enjoying the freedom of movement.

The security at the border posts will not be compromised in any way because we will still be using our passports. The East African passport is still very much valid for the purpose of free movement. The Commonwealth passport is still very much valid for purposes of movement. The only aspect that was added in the Common Market Protocol is that for member States which are willing to embrace the machine readable identity card, then they can go ahead. However, an arrangement must be agreed to make sure that we do not compromise on the security as we embrace the machine readable identity card. Indeed, I want to confirm to the House that security will not be compromised at the border posts.

On the issue of the monetary union *viz-a-viz* the problems we are seeing in the EU, it is good that, that is happening at the EU at the moment. We are at a position where we can learn where they went wrong. The issue of having a monetary union is not a new thing to East Africa. If you look back, during the time of the collapsed community, when I was a young boy, we used to have the East African Shilling. Therefore, this is not a new creation for the region. We are able to learn about the problems and the hiccups that we had then and come up with a stronger arrangement of a monetary union. The process of having a monetary union has already started. We started engagements last year. This year, we are busy building this pillar. By 2012, we expect to have a protocol establishing a monetary union for East Africa.

On the implications of why we are coming together embracing countries with huge budget deficits and whether that will affect Kenya's economy, the biggest

immediate beneficiary of the integration process is Kenya. If you look at the statistics since we launched the Customs Union way back in 2005, you will find that the trade is in favour of Kenya and, therefore, we have everything to gain as a result of walking this journey.

On the issue of the taxes, we have already mandated the Secretariat to work out a modality of harmonizing our tax and customs regimes. Therefore, the issue of double taxation of a company that is based in Tanzania coming to invest in Kenya shall not arise. We will have a proper arrangement on how taxation will be done.

On the issue of political integration and how far we are, the journey towards a political integration is divided into four steps, with the political federation being the final step. The first step is---

Mr. Mungatana: On a point of order, Mr. Speaker, Sir. The Minister has groused over the question of deficit. Right now, the entire European Union is paying because Greece has mismanaged its economy and the entire European Union has to pay for it. What we are asking is this: How exposed are we as a country because we are entering a situation where other States--- In fact, newly established states with huge deficits are joining us! What steps have we taken to protect ourselves as a nation? How are we going to fit in that situation? Have we protected ourselves enough? Every time the East African thing comes up, I keep feeling that Tanzania has thoroughly protected itself. But Kenya keeps on being told that it will benefit. How will we benefit in view of the problems that are being experienced in Europe? I would want us to dig in a bit on this?

Mr. Speaker: Mr. Minister, are you able to deal with the protection bit?

The Minister for East African Community (Mr. Kingi): Mr. Speaker, Sir, the East African Community, as a regional economic block, is very different from any other block in the world. All the regional economic blocks in the world tend to integrate at the economic level.

(Loud consultations)

Mr. Speaker: Order Members! Please, lower the level of your consultations so that we can hear the Minister!

The Minister for East African Community (Mr. Kingi): Mr. Speaker, Sir, the East African Community is different in the sense that we are integrating at two levels. The first one is the economic integration and the other one is the political integration. Therefore, whatever we are doing, our concern is to make sure that the economies of the East African Community, at some point, are at par. That is why when Burundi acceded to the Treaty in 2007, during the first year, they were unable to make their contributions to the Community. That bit was actually shouldered by Kenya, Uganda and Tanzania. We want to make sure that we move on as one. We are not just integrating at the economic level. We are going to collapse the borders and have one political leader. If we are going to have one political leader---

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

Mr. Speaker: Member for Ikolomani, let us hear the Minister! We are running out of time for the next business.

The Ministers for East African Community (Mr. Kingi): Mr. Speaker, Sir, if we are going to have one political leadership for the federation, then we want to make

sure that every State or whatever it will be called, is economically viable to fit within the Community arrangement. We are trying to prevent a situation of a member country trying to cocoon itself and protect itself against the activities of another partner State. This is because that will negate the very essence of the integration process.

Mr. Oyongo Nyamweya: On a point of order, Mr. Speaker, Sir. The Minister is saying that we will use passports. If we will use passports, then there will be no free movement. It will be restricted. Secondly, the tax rate in Kenya is 16 per cent, 20 per cent in Tanzania and 18 per cent in Uganda. We have no integration because the tax regimes are different.

Is the Minister in order to say that we are actually integrating when he has already said in the House that we will be using passports? I thought he was going to say that we will be using identity cards. Is the Value Added Tax going to be zero-rated at the border or are we going to continue paying it?

Mr. Speaker: Order, Mr. Oyongo Nyamweya! I gave you that indulgence because you are more or less doing your maiden point of order. But I am afraid, strictly interpreted; it does not amount to a point of order. So, Minister, you need not respond.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. The decision that has been taken by the Government has got far reaching implications to just about everybody in this country. I rise on a point of order to request that the Minister considers giving a notice of Motion of Adjournment, so that we can address this matter sufficiently. The points raised by hon. Mungatana, for example, are very serious. For the last ten years when we have been federating, we have been having serious trade asymmetry whereby goods leaving Kenya going to the other East African countries attract duty, but goods coming into Kenya are zero-rated. Now, he is telling us, over the issue of the right establishment, that professionals from Kenya will have to wait until 2015-2017 before they establish themselves in other countries. However, Kenya has already opened herself to professionals from other areas. We need to address these things. We need a Motion of Adjournment.

Mr. Speaker: Order! That again is not a valid point of order in the context of the Statement made by the Minister. Indeed, I do not find anything that is out of order or not in compliance with our Standing Orders out of your concern expressed in the context of the Minister's Statement. So, I am afraid, Minister, you do not have to respond to that. Move quickly to conclude. I think you have one more point to clarify.

The Minister for East African Community (Mr. Kingi): Mr. Speaker, Sir, the final question was the issue of political integration and how far we are. The journey towards the political integration is divided into steps. The first step was the Customs Union, which was launched in 2005 and became fully fledged by December last year. The second step is where we are now, namely; the common market protocol, which was signed in November and will become effective come midnight tonight. The third step will be the monetary union, which we hope will be launched in 2012. After these three pillars are put in place, then we will now be readying ourselves to embrace a political federation.

However, work has already begun to prepare the East Africans to embrace a political integration. This started way back immediately the Treaty was signed in 1999, where a committee of experts was mandated to go around East African to ask East Africans two questions. One of the questions was whether East Africans are for a political federation. The second question was whether East Africans would wish to attain

the political federation through a fast-tracking mechanism. I can confirm to this House that the score that was obtained from the three original countries was well beyond 60 per cent on the question as to whether East Africans want a political federation. On the question as to whether the political federation should be fast-tracked, Uganda and Kenya scored well above 50 per cent. It is only Tanzania that scored below 50 per cent.

Therefore, with the kind of result, it was then decided that other than fast-tracking the attainment of a political federation, it would be better to integrate our economies first. Let us integrate economic-wise before we can begin to engage on a political federation.

Recently, we have constituted a team of experts that is supposed to again go round East Africa to harvest the fears and the concerns of East Africans on the political federation. This team is supposed to report back to us with recommendations on how we are supposed to address the fears and the concerns that may impede the attainment of a political federation. Our nominees in this particular team are Dr. Mukhisa Kituyi, Dr. Oloo and Ms. Rose Waruhiu. These are the three nominees from the Republic of Kenya who are serving in this team of experts which is trying to harvest the fears and the concerns of East Africans, which may actually impede the attainment of a political federation.

Mr. Speaker: Order, Mr. Minister! You left out the clarification sought by the Member for Mumias.

The Minister for East African Community (Mr. Kingi): Mr. Speaker, Sir, I am sorry about that. In coming up with a new Constitution, we have looked at the other constitutions with a view to having some similarities in our constitutions. The issue of a constitution is a sovereign issue left to an independent republic. Under the Treaty that established the East African Community, there are some tenets, principles and guidelines which an independent State must fulfill for it to be admitted as a member of the East African Community. As long as it is a democratic republic and it shares borders with any member of the East African Community, then it can be allowed to join the East African Community.

At the regional level, therefore, Kenya cannot be concerned about the provisions in the Constitution of Uganda for it to come up with laws to govern itself. However, we are already engaging in decisions and negotiations on how we can have a constitution for the federation. That process has begun. Certainly, we will consult widely before we come up with a constitution for the federation. I believe, at that juncture, then we will be able to bring together all the constitutions for the five partner States and see what we can harvest from there to have a constitution for the federation of East Africa.

COMMUNICATION FROM THE CHAIR

DEFERMENT OF CONSIDERED RULING

Mr. Speaker: Very well! Hon. Members, before we come to the next Order, I have a Communication, which ought to be made this afternoon regarding a suspended Minister – the dos and don'ts of such an hon. Member. Although the Communication was ready earlier on today in draft form, I was not available to put it in final form. So, the House will have to bear with me. I will make that Communication tomorrow at 2.30 p.m.

Dr. Machage, you are the most affected. So, please, hold your horse. I will be able to define your destiny tomorrow afternoon.

Hon. Members, from now onwards, you will be governed by the Supplementary Order Paper, which has re-organised business such that Order No.8 begins with a different Motion. What is Order No.8 on the original Order Paper becomes Order No.9. So, you are guided by the Supplementary Order Paper.

Next Order!

MOTION

ADOPTION OF AKIWUMI TRIBUNAL REPORT ON TERMS AND CONDITIONS OF SERVICE OF MPS

Mr. Nyambati: Mr. Speaker, Sir, I beg to move:-

THAT, this House adopts the Report of the Tribunal appointed by the Parliamentary Service Commission (PSC) on 23rd January, 2009, vide Kenya Gazette Notice No.699, to review the Terms and Conditions of Service of Members of Parliament and members of staff of the National Assembly and presented to the Commission on 12th November, 2009 together with the comments and recommendations of the Commission laid on the Table of the House on Wednesday, 30th June, 2010; and further, pursuant to Section 48 of the Constitution, urges the Deputy Prime Minister and Minister for Finance to introduce the Draft Bills attached herewith to give legal effect to the Tribunal's Report and Commission recommendations within the next seven days.

Mr. Speaker, Sir, the Motion before this House today seeks for adoption of the Tribunal report chaired by Justice Akilano Akiwumi, whose terms of reference include the review of terms and conditions of service for Members of Parliament and staff of the National Assembly, together with the comments and recommendations of the PSC.

The Motion further urges the Deputy Prime Minister and Minister for Finance to introduce to this House the Bills attached to the Commission's comments and recommendations within the next seven days in order to give legal effect to the Tribunal's Report and the Commission's recommendations.

Mr. Speaker, Sir, the Tribunal was appointed pursuant to the provisions of Section 23 of the Parliamentary Service Commission Act, which states as follows:-

“24(1).The Commission shall from time to time appoint an independent body of experts to review the terms and conditions of service of Members and employees of the National Assembly.

(2)The Commission shall upon receipt of the report of experts appointed under this Section transmit the report together with its comments thereon, if any, to the National Assembly.”

That is exactly what we are doing.

Mr. Speaker, Sir, as hon. Members may be aware, the PSC is a creation of Section 45B of our Constitution. This Section came about following the constitutional amendment made by Parliament in 1999. This amendment was as a result of a long struggle of Members of the National Assembly and Kenyans at large for greater democratic space as well as having a vibrant independent National Assembly.

Kenyans had for a long time complained that the National Assembly was a mere rubber stamp to the Executive and, therefore, was not able to scrutinise budgetary matters and other legislations brought before it by the Executive. The National Assembly was also accused of failing to properly carry out its mandate of checking the Executive through oversight.

Mr. Speaker, Sir, the biggest problem facing the National Assembly prior to 1999 was that the Executive controlled all aspects of the National Assembly activities. Members of Parliament, at one point in time used to be paid salaries and allowances from the Office of the President. Members of Parliament used to queue outside the Cash Office at the Office of the President every week to receive allowances to allow them to travel to their constituencies.

The remuneration of Members of Parliament was also totally inadequate to enable them effectively carry out their responsibilities as well as live a fairly dignified life. Members of Parliament were reduced to begging for handouts from senior Members of the Executive.

Mr. Speaker, Sir, further to this, the Executive decided what facilities and amenities Members of Parliament could have in order to carry out their duties. Members of Parliament were denied facilities such as offices, computers, Research Assistants, Budget Officers, Legal Counsel and other members of staff necessary for a Member of Parliament to properly interrogate the Executive and ensure that the Government is working for the good of the people of Kenya.

Parliamentary staff members were civil servants, meaning that they were seconded from the Ministries and, therefore, they owed allegiance to the Executive and worked at the direction and in the interest of the Executive.

Mr. Speaker, Sir, the combination of all these circumstances put Members of Parliament at the mercy of the Executive. The representatives of the people of Kenya were unable to properly represent their constituents as they had no capacity to do so. The ineffectiveness of the National Assembly in these circumstances led to the enactment of Section 45B of our Constitution, and the PSC.

Mr. Speaker, Sir, the PSC is an independent constitutional body with the primary mandate of providing services like the ones I have just mentioned, and facilities as necessary, to ensure that there is efficient and effective functioning of the National Assembly.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I believe that it is plain and obvious to all Kenyans that since the creation of the Parliamentary Service Commission (PSC), the National Assembly has asserted its independence and is now functioning better. The National Assembly has become more open to our society through vibrancy in carrying out its role of oversight of the Executive, representation of the people and of course, legislation. The National Assembly through its Budget Committee and other Committees

now properly scrutinises the Budget and ensures that tax-payers' money is properly utilized in all areas. All these developments are clearly good for the country.

The Papers laid before the House as well as the Motion seeking to review remuneration of Members of the National Assembly are clear and laid properly before the House. This review is informed by several factors, among them various complaints by sections of the public that Members of Parliament are getting unduly favourable treatment when it comes to income tax. There was also no provision in the law for the remuneration of the Office of the Prime Minister and that of the Deputy Prime Ministers. The PSC also notes that it has been over five years since the salaries of Members of Parliament were last reviewed.

Mr. Temporary Deputy Speaker, Sir, the PSC is aware that concerns of remuneration are emotive issues. Human nature is that the employees generally want to pay less to their workers while those who are employed want to earn more for the work done. It is important to strike a balance between the two. There should be fair remunerations for work done and they should take into account the amount of work done as well as the responsibility given to the employee. In this case, the employee is the Member of Parliament and the employer is the people of Kenya.

In making the recommendations on the remunerations of Members of Parliament, in the two documents laid before the House today, both the Tribunal and the PSC sought to strike a fair balance between the need to properly facilitate our Members while at the same time ensuring that the remuneration was not inordinately high. It is important to note that these hon. Members before you carry the responsibility of overseeing the Government's Kshs1trillion budget that was presented by the Deputy Prime Minister and Minister for Finance. The hon. Members shall further be responsible for both deducing and passing legislation affecting the country and the region. The Members are also responsible for bringing forward their constituents' concerns to the national platform. This means that the responsibility of hon. Members is high in the sense that they play oversight role, do legislation and represent their constituents.

Mr. Temporary Deputy Speaker, Sir, it should, however, not be forgotten that Members of Parliament are servants of the people called upon to serve their people. Their remuneration should, therefore, not be designed in such a manner, as top executives in the private sector. The Tribunal, in making its recommendations, has strived to find the right balance concerning Members' remuneration.

I would like to specifically address the issue of taxation. The Commission noted that the Tribunal had received various submissions from Kenyans on taxation on the remuneration of the Member of Parliament, and in particular, the taxation of allowances. The Tribunal recommended the taxation of some allowances and the exemption from taxation of other allowances. Meaning that in its wisdom, the Tribunal looked at some of the allowances which may be taxable and those which may not be taxable. The Tribunal recommended the taxation of some allowances and exemption from taxation of other allowances. The allowances recommended to be taxed are primarily those that accrue as a direct benefit to the Member of Parliament such as sitting allowance, responsibility allowance, extraneous allowance and severance pay. The allowances recommended to be tax exempt by the Akiwumi Tribunal are primarily those that are facilitative. These are the ones which facilitate the Member of Parliament to do his duties. These are house allowance, constituency allowance and car maintenance allowance.

The Tribunal noted that Members of Parliament were elected and sworn in to serve Kenyans while on a specific remuneration. It could, therefore, be unfair and contrary to the general principles of labour relations and against the laws of natural justice to reduce the remuneration of Members of Parliament half-way through their term. The Tribunal, therefore, made recommendations on the remunerations on the basis of increasing the number of taxable allowances while ensuring that Members remuneration packages were not altered in a manner detrimental to Members. This means that quite a number of allowances are now taxable.

The Commission has noted that many Kenya have oppugned that the tax regime levied on ordinary Kenyans should be extended to Members of Parliament. Indeed, the Draft Constitution whose referendum is slated for 4th August, 2010 provides that any law that seeks to exempt the allowances of Members of Parliament from taxation will be null and void to the extent of that exemption. If the Draft Constitution is approved by Kenyans, then the take-home remuneration of Members of Parliament shall be reduced by at least Kshs200,000 as all allowances will now become taxable. This could be largely detrimental to the Members of Parliament who were elected based on a certain take-home remuneration and have consequently made arrangements based on that take-home remuneration.

The Members of Parliament have a legitimate expectation that their remunerations shall not be altered to their detrimental while half-way through their five-year-term. The Commission has, therefore, taken all those factors into account in making further recommendations on the remunerations of Members of Parliament and various office holders.

Mr. Temporary Deputy Speaker, Sir, these recommendations seek to enhance the tax payable by all Members of Parliament and, therefore, take care of the concerns of the public with regard to taxation. The facilitative allowances are, however, proposed to remain the same. This honourable House is being asked to adopt the Tribunal's report together with the Commission's recommendations for the salary of various office holders as contained in the report and the recommendations of the Commission, which are in those two booklets. This includes the salaries of the Office of the Prime Minister, the Deputy Prime Minister and the Vice-President, among other officers.

The full proposed remuneration package is set out in the documents that I laid on the Floor of the House. The Tribunal has also made other recommendations that the Commission agrees with. First, a grievance handling system be developed for Members of Parliament and documented as part of the Members' handbook.

Two, we had recommended that Members of Parliament should be provided with adequate medical cover. This also is a recommendation from the Akiwumi Tribunal and we realize that MPs are not fully covered and the report recommends that we give adequate cover to them. The third recommendation is that upon the unfortunate event of the death of a Member of Parliament, the Commission should ensure that the Member is accorded a decent burial.

The fourth recommendation is that hon. Members should be accorded maternity leave. This applies mainly to our lady members of Parliament and also paternity leave for our male MPs. The fifth recommendation is that adequate facilities should be provided for MPs to enable them effectively carry out their duties, whether it is offices or other things. Sixth, steps should be taken to ensure the effective and efficient utilization of the

Constituencies Development Fund. We should ensure that the CDF money is utilized in the best way possible.

Seven, it recommends that adequate training for MPs be undertaken so that they are fully equipped to carry out their duties in the offices and in the constituencies and the oversight function. Eight, it recommends that members of the public be properly sensitized as to the role of the MP because as of now, they are not fully sensitized on the role and duties of the MP. We are trying to do so by creating even the outreach facilities to ensure that they are informed.

Ninth, the report recommends that the Parliamentary Mortgage Scheme be enhanced. Ten, it recommends that mechanisms be put in place to provide for the retirement of an MP on the ground of infirmity or incapacity. Once an MP is incapacitated in a way, there should be a better method of ensuring that there is something to retire on.

Eleven, it recommends that all MPs develop strategic plans for their constituencies so that their constituents are able to judge at the end of the term, the Member's performance.

Mr. Temporary Deputy Speaker, Sir, the Tribunal further observed that former MPs are part of the face of Kenyan leadership outside Parliament and that people at the grassroots continue to look up to them for all manner of support, guidance and leadership. They bear the burden of social responsibility and meet many challenges of the basic needs of local people which are imposed on them by the circumstances beyond their control. The tribunal also noted that it is virtually impossible for a former MP to get any gainful employment after being an MP. For this reason and drawing from the precedent from other Commonwealth countries that pay their former MPs a token of tax free pension, the Tribunal recommended that former MPs be paid a minimum basic pension.

The Commission has also independently recommended that the Parliamentary Pension Committee look into the issue of the retirement benefits for MPs who retire after serving only one term as they are a particularly vulnerable group members. This is important because a term of an MP is a finality in itself. So we want the Parliamentary Pension Committee to look into the possibility of pension for a Member who has just served for one term.

Mr. Temporary Deputy Speaker, Sir, if this hon. House adopts the recommendations before you, amendments to various laws will need to be effected to give legal backing to the same. Most of the proposals shall occasion additional expenditure on public funds. It is for this reason that the House is requested to urge the hon. Deputy Prime Minister and Minister for Finance to publish and bring to the House, the Draft Bills necessary to give legal effect on the Tribunal to report on the Commission's recommendations within the next seven days. The Commission has made it easier for the Deputy Prime Minister and Minister and Minister for Finance to do so by preparing the Draft Bills which are annexed to the Commission's comments and recommendations.

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

I request Mr. Midiwo to second the Motion.

Mr. Midiwo: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to second the adoption of the Akiwumi Report. I want to thank the Vice Chairman of the Commission for stating in detail what is in this Report. I was the first witness of the

Akiwumi Tribunal and I am glad that most of the suggestions I made are also the recommendations of over 500 Kenyans in recognizing that a lot of those things which are said about MPs are untruths and in recognizing that MPs were getting battered so much for non-payment of taxes.

Mr. Temporary Deputy Speaker, Sir, I want to say that because of that, the impression about the remuneration of the MPs in the minds of majority of Kenyans is that which is created by people who do not even care to tell Kenyans the truth. I want to thank the Commission for appointing this independent Tribunal by a respectable Kenyan; hon. Justice Akiwumi.

I want to say that in 2008, immediately following the violent period that we had, we changed the law to create the position of the Prime Minister, his two deputies and until today, the Government or Parliament has not been bold enough to pay them a salary or even to recommend what the salary of a Prime Minister is. I want to thank these brave Kenyans for doing it for us. I want to say that this thing was due yesterday and we want to thank the Commission for realizing that.

Mr. Temporary Deputy Speaker, we have heard that in 2003, 2004 or thereabouts, we lost the Vice President in office and the Government paid his family out of goodwill. The country has no way to remunerate a Vice President. The immediate former Vice President, "Uncle" Moody is now living out of goodwill. We cannot afford to have public servants begging after serving this nation. I think it is below our dignity; it is undeserving to our public servants, and I think we have to face it, bite the bullet and do something. I was informed that even the Ministry where hon. Ojode serves is just courteous enough to give Uncle Moody security, just out of favor as if or as though he does not deserve it after public service. We must end that era. A few years ago, I know that Prof. Saitoti was summarily dismissed as the Vice President and security was withdrawn through the 01.00 o'clock news as if it was not his right to have it. With the recommendations of Akiwumi, those will be things of the past. I want to plead with this House that as we debate this report, let us support it and recognize that if Kalonzo Musyoka was to retire today, he would have no retirement benefits. One year and-a-half later, the Prime Minister will have no salary; the Deputy Prime Ministers have no properly structured way of being remunerated. We cannot live like that as a country.

Mr. Temporary Deputy Speaker, I beg to second.

(Question proposed)

Dr. Khalwale: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion. As I support the Motion, I am well aware that in this Report that I have read, a total of 369 Kenyans appeared before the Tribunal to make presentations. I have found that out of these 369 Kenyans, 295 of them made oral submissions; 70 of them made written submissions and four of them presented questionnaires. That this Tribunal has finally made this Report, that we are supporting, is a move towards restoring honor to the profession of politics.

Mr. Temporary Deputy Speaker, in this country, whenever a newspaper carries a story about the income of hon. Members, an innocent hon. Member who thought that by coming to this House, he would be adding value to social justice to this country, feels ashamed of being a politician. We would like it to be very clear now to our political

competitors, to our dependants and to all other people who care to be interested to know what an hon. Member earns, so that it is no longer shrouded in mystery, and it is clearly understood that the decision to award particular earnings was not that of an hon. Member, but of a professional body.

Mr. Temporary Deputy Speaker, I want to support this Motion because now it is clear that whereas currently we have been paying 23.5 per cent of our income as tax, we have raised this, or rather the Commission has raised this to 71.1 per cent of our income; we now go towards taxation. I believe that hon. Members, some of whom are currently sitting, and who have been shouting loudest that we have started paying tax will now realize that all of us have legally moved from 23.5 per cent to 71.1 per cent. I would like the whole country to know that the 71.1 per cent that we are talking about is actually equivalent to Kshs227, 861 that every hon. Member will be paying monthly.

Mr. Temporary Deputy Speaker, I would like to support this Report because I find that in computing taxation, the Commission has been very careful and elaborate enough to establish what aspects of our income will be taxable and what are not taxable. That the entire basic salary will be taxed is very welcome. The Commission has gone further and also imposed taxes on allowances. This is something that was attracting a lot of negative publicity. Now, allowances of hon. Members will be taxed. I am glad that in the process of taxing our allowances, the Commission also found wisdom in knowing that there are certain allowances which it is not practical to tax. That is why the Commission has said that we will have tax of extraneous allowances, entertainment allowances, responsibility and transport allowances; they will all be taxed. However, they have been kind and pragmatic enough to appreciate that there is no way you will tax house allowance, because some of the hon. Members at the time when they win their seats, they happen to have been living and working in places like Pokot; probably some of them are coming to Nairobi for the first time. Therefore, if you do not give them a good house allowance, they will be unable to settle down. They have also exempted from taxation car maintenance. I would also like the public to know that hon. Members will be earning tax free, a car maintenance allowance of Kshs95, 000 if this report goes through. This Kshs95,000 is nothing compared to what it costs to replace, within a very short time, the entire suspension system of your car when you go home on a weekly basis.

Mr. Temporary Deputy Speaker, finally, the constituency allowance has also been exempted from taxation. This should be able to cushion hon. Members from whatever inconveniences and uncertainties that they undergo in the constituencies.

Mr. Temporary Deputy Speaker, as I support this, I would like the taxman to think beyond the politicians. I would like the tax net to be extended further so that it can cover all and sundry, and so that most Kenyans, if not all of them, can pay tax. I have in mind certain people in this country who, currently, enjoy tax holidays, and nobody talks about it. We have the leaders of trade unions. The money that they make is not taxed; it is important that the taxman should have a clear relook at them and see whether they cannot pay taxes or pay more than whatever they are paying.

Then, Mr. Temporary Deputy Speaker, with all due respect to the churches, there are some of our churches that make a lot of money from their collections locally and internationally. Probably, this is the time for the taxman to consider having a critical look at the income of some of the churches, so that they can also contribute towards the tax kitty.

Mr. Temporary Deputy Speaker, Sir, as I sit, in support of this Motion, I would like to urge all Members to make time, even if it is just 30 seconds, to add their voice on this so that none of us pulls on us a fast one like what we found after we unanimously passed the Motion that brought in the referendum. After all of us had supported it, some of us who had been quietly sitting on the benches have ended up going to the countryside and telling people that they never supported. So if you do not want to support, you better add your voice so that you are heard and seen by all and sundry. It should be on the HANSARD. We do not want the culture of ambiguity to persist in this country.

With those few remarks, I support.

Mr. Ogindo: Thank you Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion.

Mr. Temporary Deputy Speaker, Sir, it is important that as Members of Parliament, we be bold enough knowing very well that we have a role to play in this country--- (*Recording hitch*)

Mr. Temporary Deputy Speaker, Sir, Members of Parliament have a lot of work. As constitutionally stipulated, a Member of Parliament is a legislator. That itself requires a lot of research and lobbying. The other role the Member of Parliament plays is the oversight role. I want to commend this House that the Tenth Parliament has brought glory to this House. We have gone a long way in trying to entrench and institutionalize the role of oversight and I want to commend this House that the Tenth Parliament has brought glory to this House. It has gone a long way in trying to entrench and institutionalize the role of oversight. That role needs to be played in a very dedicated manner. In doing this role, we are accountable to the public.

Thirdly, Members of Parliament are the representatives of the people. At our level of development and our level of civilization, representation means that you guide the development programmes in your region. This requires that you are constantly in touch with your constituencies. The levels of development in our areas and constituencies are still very low. Therefore, we normally give them a combined approach. We give them the approach of lobbying the Government so that it rallies its policies towards ensuring that we catch up infrastructurally, socially and economically. Sometimes, Members of Parliament are called upon to chip in. It is from these earnings that we chip in towards development initiatives.

Mr. Temporary Deputy Speaker, Sir, I want to call Members to come out in support because in doing that, we are just doing the right thing. In this country, there are many people who earn more than Members of Parliament. We all believe that they earn their money deservedly. If we have Parliament that is not settled, we cannot have a productive Parliament. When you do your research across the globe, Members of Parliament are honored all over. I want to add my voice on the proposal that Members of Parliament that serve one term be made pensionable.

Mr. Temporary Deputy Speaker, Sir, on the face of it, one would think that that is being generous. However, every Member who comes and stands here and makes a contribution, it is a life lasting contribution. We want Members of Parliament to remain honorable to their graves. We also realize that a Member of Parliament has a life after Parliament.

To that end, I want to support this Motion.

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, I stand here to support this Motion.

I think it is high time that the bare facts are put on the table. This Akiwumi Report is not only about salaries of Members of Parliament. This Report contains a lot, including even how to reform the Constituencies Development Fund (CDF). This Report seeks a lot and compares the Kenyan Parliament to many other Parliaments. We should not reduce this intensive Report to salaries.

Mr. Temporary Deputy Speaker, Sir, I think we need to put a number of issues on the table. What is the role of a Member of Parliament? The Report has suggested that one of the recommendations is that Parliament and the citizens need civic education. The people we represent need to go and design the role of a Member of Parliament.

In my humble submission, a Member of Parliament's role is to make laws, deliberate Government policies, formulate public policy, pass the national budget, play the oversight role and to represent the people who chose the 222 Members of Parliament. Above all, the role of a Member of Parliament is to hold to account the Government of the day on behalf of the citizens whom they represent.

Mr. Temporary Deputy Speaker, Sir, before I go to the major recommendations in this Report, in my view, monetary rewards or the amount of money you pay a Member of Parliament cannot adequately compensate the heavy responsibility he is shouldering in formulating both economic and political development of this country. Members of Parliament serve with dedication. The kind of reward we should give to a Member of Parliament is not his salary but the honour and interest he has in that.

Mr. Temporary Deputy Speaker, Sir, this has never happened across the world; that you use public opinion to either reduce or increase the salary of an individual. If you sought for public opinion - if it is not in their interest - the world over, they will say that the salaries must be reduced. I want to put this question to the Kenyan masses; can we first define the role of a Member of Parliament? If we define the role of a Member of Parliament, then that alone will give us how much we can give them. The little we know is that the Member of Parliament is a jack of all trades. He moves from harambees to raise school funds to funerals across his constituency.

Who said that an hon. Member should contribute to every Harambee in his constituency? So, we must, as a country, define those roles. I am sure the new constitutional dispensation – and I want hon. Members to say “Yes” – if we pass it, that Constitution will give this country what will be the role of an hon. Member, the senator and the governor. Today, if you analyze in totality, the environment in which an hon. Member in Kenya operates, I can say without fear of contradiction that nobody can compensate an hon. Member for what he is doing for this country. We should not cheat ourselves. This Report is giving a number of recommendations. It is envisaging a civic education programme to be provided to the people we represent on the role of an hon. Member, national organs of Parliament and Parliament itself. That Parliament should liaise with the national CDF office. It must provide a framework for disseminating information between the electorate and the Member of Parliament through the chiefs. This report is calling for a professional management system to be put in place in the running of CDF. It is recommending an outreach programme to educate the public on the role and job description of a legislator. Parliament is not part of the Government.

Kenyans should know that we have three arms of Government and there are specific roles of an hon. Member.

Mr. Temporary Deputy Speaker, Sir, when you look at the package of a Member of Parliament, you need to analyze a number of both local and external factors. You need to look at the foreign exchange rates, the environment and the infrastructure under which a Member of Parliament works. You need to look at the global economic system. We have crunches! We had the economic meltdown and, in one way or the other, hon. Members are not living in a world of their own. They are part and parcel of that environment. When we pay the CEOs of top companies, especially parastatals, billions of shillings and the so-called opinion shapers of this country do not question, we are telling them that if people feel hon. Members are paid heftily, they just need to join Parliament. They should wait for five years, stand for elections and come to this House. If they feel they are earning less where they are, they should come and see. I think hon. Members should be brave enough to come and support this Report. We should not shy away. We know some of us appeared before this Committee and the same people said that salaries of hon. Members should be slashed. Again, the same people in this House are looking for bigger positions in Parliament in the name of either Whip or Chief Whips. If you feel you have enough, give a chance to your colleagues who feel they have no money; who feel they need more pay. You go out and say that hon. Members are paid heftily.

I think it is high time that even the taxation we are talking about--- How many people in this country evade tax? The amount of money you get from hon. Members--- This Report recommends that hon. Members are going to pay their taxes based on the transport, the salary and many other items. But if we need to widen our taxation bracket, as my colleague has said, we need to move to the civil society and the NGO world. Do they pay taxes? We need to move to the churches, trade unions and big companies!

(Applause)

We need to move to the Port of Mombasa and monitor the transit cargo that is leaving the Port. But when somebody opens his mouth and says that hon. Members do not pay taxes-- This Report that we are going to pass recommends that hon. Members are going to be taxed. But we want the opinion shapers to move to the next group which we feel has not been paying taxes and they are known in this country.

With those many remarks, I beg to wholeheartedly support this Report for adoption.

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Mr. Temporary Deputy Speaker, Sir, I also want to support this Motion. I want to thank the Parliamentary Service Commission for the energy, time and confidence it has shown in taking up this issue from the beginning. It was a very emotive issue all over the country, especially when people talked about the remuneration of hon. Members; when people talked about taxation for hon. Members. But when the PSC took the initiative by instituting that Tribunal, everybody was happy and we supported it. It was made public; the sittings were public and open. I do not think there were sittings that were held in camera and I wish to congratulate the PSC for that transparency. It was good governance and accountability.

One of the things that came out very clearly out of that Tribunal is the fact that, even if many would argue that hon. Members are among the highest paid in the world, what has come out very clearly is that hon. Members in Kenya are not the highest paid people in this country. There is a very big group out there--- My colleagues who have spoken before me have already stated that even in the Civil Service and the civil society, there are those who earn more than hon. Members. That came out very clearly during the public hearings. It is also evident in this Report that some people thought that hon. Members do not pay taxes. In the constituencies, we have not proceeded full throttle and made it public that we even pay taxes as it is now, more than any other member of that constituency.

I would like to support the recommendations by the Tribunal. Those recommendations have been supplemented by PSC. I would like to note two or three reservations. If there is an avenue for such recommendations to be reviewed or taken into account, I think there is a need to do so. But, first, I really wish to commend PSC for the initiative they have indicated in the Report of facilitating hon. Members who have not done their strategic planning in their constituencies to do so. That is a very good facilitation and it is more than welcome. That can be improved more by what they have commented on the e-parliament. You can connect the national Parliament to our constituency offices where the people in Loitokitok can, with a click of a button, access what is happening here. I think the technology in this country has improved so much. The National Assembly should take advantage of the available technology and spread it all over the country.

Mr. Temporary Deputy Speaker, Sir, coming to my reservations I was going through the proposed hierarchy in the parliamentary set-up. I do not think, in my opinion, that it was correctly done. If we say we lump together--- That is because the way the proposal is that we have the Prime Minister, the Vice-President and the Deputy Prime Ministers. Then you come to the Ministers being at the same scale with the Leader of Official Opposition, PSC Members and the Government Chief Whip in Parliament. That is the way it is. I do not think that is a well co-ordinated structure. When you put that structure in place, not only in terms of responsibility but also with respect to remuneration. I think it is not well ranked.

Mr. Temporary Deputy Speaker, Sir, when you go down, you will get the Official Opposition Whip and the Deputy Government Whip. Then you come down to Assistant Ministers. Even before the Assistant Ministers, you still have the Members of the Speaker's panel. Then you get the Assistant Ministers. Next to the Assistant Ministers, you get the other recognized whips, and then a Member of Parliament.

I am glad that the Minister of State for Public Service is here to take this into account. It is good that we merge and integrate the Parliamentary Service Commission structure with the general structures in the Civil Service in this country. That is one of my suggestions.

It is my considered opinion that in the proposed structure of remuneration, the discrepancies are a little bit skewed. They are skewed in favour of the Parliamentary Service Commission members. I think it is good that we really take that into account.

Others who have the structure slightly skewed in their favour are the members of the Speaker's Panel. First and foremost, we are all Members of Parliament in this House. Before any other privileged or additional responsibility is placed on us, we are all

Members of Parliament. When you look at the current remuneration structure--- If you look at the basic pay for everybody who is a Member of Parliament, we are all Members of Parliament, paid basic pay. The allowances now differ based on the additional responsibility bestowed on us.

You are paid as a Member of Parliament. You are not paid as a Minister or the Vice-Chairman of the Parliamentary Service Commission. You are not paid as an Assistant Minister; you are paid as a Member of Parliament. The responsibility you have bestowed upon you as a Parliamentary Service Commissioner or an Assistant Minister now attracts an allowance.

If you look at this proposed structure, you will find one hon. Member in this House proposed to be paid Kshs400,000 as basic payment. You will find that the basic pay for another hon. Member is Kshs300,000. It is my considered opinion that Members of Parliament should all get equal basic pay as Members of this House; the other responsibilities can then attract varying allowances.

I also want to have my reservation that the variations are too skewed in favour of the Parliamentary Service Commission Members. I want to bring to the attention of this House that first and foremost, the Parliamentary Service Commissioners are Members of Parliament, and Members of all other departmental committees in this House.

If the proposed structure puts Members of the Parliamentary Service Commission at par with Ministers, then they should also cease to be Members of departmental committees; there is no Minister or Assistant Minister who is a Member of any parliamentary committee. So, in this proposed structure, if the Parliamentary Service Commission Members and the Chief Whip will get remuneration equal to that of Ministers, then they should not be Members of parliamentary committees.

Mr. Temporary Deputy Speaker, Sir, my final reservation is about the sitting allowance. It is proposed in this structure that the sitting allowance be raised from the current Kshs5,000 to Kshs10,000. My concern is that the PSC has proposed that each hon. Member be entitled to be paid for a maximum of three sittings in a day. You have not increased the sitting days. Take for instance on Tuesdays and Thursdays when this House only sits in the afternoon, and you are saying an hon. Member can be paid for a maximum of three sittings in a day. That is Kshs30,000 in a day in form of sitting allowance. You will get an hon. Member attending two committee meetings in the morning and coming to the House in the afternoon. Those are three sittings. He will be paid for three sittings in a day.

It is my considered opinion that we reduce that to two sittings in a day, so that you can only attend one committee meeting in a day and a sitting in the afternoon. Those are the things we should have.

Finally, is the issue of pension. Maybe, this proposed Report was made in anticipation that the proposed constitution will be passed by Kenyans on 4th August. So, we will have a complete separation from the legislature and the Executive. Let me come back to what I was talking about, the pension. In the proposed Report, we have not been very fair in pension. Pension still remains the way it has been; you must serve two terms and attain the age of 45 years and above for you to be pensionable.

Kenya has been yearning for young leadership in this country. We have seen Members coming to this House at the age of even 28 years. If such an hon. Member serves two terms, he will be 38 years of age. If you do not serve third term, you will have

to wait for seven years to get your pension. I think that is not fair. It is something that should be looked into in such a way that even if you serve one term in this House, you should get your pension and not wait until you reach a certain age.

With those few remarks, I am happy that the Minister for Public Service is here and he is listening. I beg to support.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion. First and foremost, looking at the membership of this Tribunal you will agree with me that they are eminent persons in this country, of various disciplines and professions. The retired Justice Akiwumi is a renowned High Court Judge with vast experience. We have other members who are known like Mr. Namasake, who is a human resource expert, particularly when it comes to job evaluation and salary matters. I have no doubt that they made a positive contribution to this Report. No wonder this is a good report.

Mr. Temporary Deputy Speaker, Sir, this Parliament has gone through various reforms in various ways. We have seen this Parliament come up with the Parliamentary Service Commission to be able to be independent; its costs are charged directly to the Consolidated Fund. We have seen this Parliament become an e-Parliament; you can read all its reports and the Order Paper online. You do not have to wait. Some members used to wait here up to 7.00 to 8.00 p.m. to be able to see the Order Paper of the following day. Now you just need to get to the website and you are able to see from wherever you are what is going on in this Parliament. Also, from the number of contributions as appended in this Report, it is quite clear that Kenyans have shown keen interest and they have made their positive contribution to this report.

Mr. Temporary Deputy Speaker, Sir, with all this put together, as the salaries improve, plus improved terms and conditions of service of Members of Parliament--- You very well know that when you were in the Seventh or Eighth Parliament, there was no independence of this House. Everybody used to rush to some place either in Harambee House or State House to be supported to go home for the weekend. That is not befitting of representatives of the people.

Therefore, with all this put together, it has been possible for this House to visibly exert itself. It has shown some degree of independence which is a reflection that they have been properly supported. It also reflects the wishes of people. We also know quite well that there are three arms of Government; the Executive, the Judiciary and the Legislature. There has been a tendency to believe that the legislature is a lesser arm of Government for a long time. This is not true at all. It is a strong pillar like any other and it must be looked at that way. Particularly the opinion of those in the Executive towards the Legislature was: You know these are politicians. They are not seeing you as an arm of Government that is equally important. Indeed, we are more important because of the election process that we go through and which, therefore, gives us the necessary mandate.

Mr. Temporary Deputy Speaker, Sir, it is, therefore, imperative that since it is now seven years down the line since the last remuneration Act was put in place, then it is only fair that the terms and conditions of service of Members of Parliament are reviewed.

One of the important things that I have seen is the issue of maternity leave. Since a lot of the salaries that Members of Parliament draw are based on allowances, it is extremely important that now we have young Members of Parliament we go on maternity leave. We have seen it happen here before, and that is the reason why this has actually been introduced.

Like my colleague, the Member for Kajiado South said, I want to say that the issue of the Leader of Official Opposition be looked into very seriously if we want to build this Parliament and make sure that it plays its rightful role.

Finally, I want to say that as much it is possible, we would have to scrutinise the difference between the salaries of Members of Parliament; those who have responsibilities like Ministers and Commissioners. We must make sure that the margin is worked out so as to narrow the gap as much as possible. I want to support speaking objectively because there has been a tendency for Members of the Front Bench not to act objectively for fear of losing that position. I think in the last review, in 2003, it was deliberately made meagre so that Ministers do not fear going back to the Backbench where they can stand up and work for Kenya.

With those few remarks, I beg to support.

Mr. Kigen: On a point of order, Mr. Temporary Deputy Speaker, Sir. Judging from the mood of the House, would I be in order to propose that the Mover be called upon to respond?

(Applause)

The Temporary Deputy Speaker (Mr. Imanyara): If that is so, I would like to ask the Mover to respond.

Mr. Nyambati: Mr. Temporary Deputy Speaker, Sir, first of all, allow me to take this opportunity to thank all Members who have contributed for their unanimous support for this Motion. I thank you.

We have taken into consideration all the points that you have raised. We will sit and see how we can accommodate them. It is very important that the Member of Parliament in this country is accorded the respect that he deserves. Parliament is the engine of the nation. It must also be respected.

I also want to appreciate that over 369 people attended and gave their views in different fora. I want to also say that a Member of Parliament should be even more respected than a CEO who earns much more. CEOs in this country earn much more than Members of Parliament. Members of Parliament must be facilitated to do their duty of representing their people; their duty of oversight and legislation.

Mr. Temporary Deputy Speaker, Sir, I thank all Members for supporting this Motion.

I beg to move.

(Question put and agreed to)

BILLS

Second Reading

THE ANIMAL TECHNICIANS BILL

(Mr. Lekuton on 30.6.2010)

(Resumption of debate interrupted on 30.6.2010)

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, I would like to continue from where I left this morning on this Animal Technicians Bill.

Mr. Temporary Deputy Speaker, I would like to re-emphasize the role of the livestock sub-sector in Kenya. To get the figures right and for us to be able to re-evaluate and know that we really need this Bill, we need to understand that the livestock sub-sector contributes to about 12 per cent of Kenya's GDP. It contributes to 42 per cent of agricultural GDP, employs about 50 per cent of agricultural labour force and approximately 60 per cent of Kenya's livestock herd is found in Arid and Semi Arid Lands (ASAL) which constitutes about 80 of this country's land mass.

It is also true that an estimated ten million people living in ASALs derive their livelihood largely from livestock. Within the ASALs, livestock production contributes 90 per cent of the employment opportunities and accounts for 95 per cent of the family's income. In a higher rainfall area like Central Province, dairy production is a major source of livelihood to over 600,000 households.

The reason why I drafted this Bill is to tackle some of the challenges faced by the Ministry of Livestock and the Livestock sub-sector. The livestock industry has undergone tremendous challenges since 1988 when the Government stopped employing field extension workers. We know the importance of the field extension workers. They are the very backbone people who strive night and day to make sure that they report any diseases that crop up in those areas. I can also know that there is an inadequate budgetary allocation to the Ministry of Livestock. That is also a big contributor as to why the livestock is not doing very well.

In Northern Kenya, for example, when you look at the Budget of Isiolo South, Laisamis and other areas, we see that agriculture is given five or ten times more. But we very well understand that livestock is the basis of our societies and economies. That is another discrimination that comes from there.

Mr. Temporary Deputy Speaker, Sir, there is a serious outbreak of livestock diseases because of low capacity of disease monitoring and surveillance which the animal technicians can fill. The Ministry is seriously understaffed. It has an ageing staff. It has a complement of 5,264 officers against an authorized establishment of 14,740 officers. There is a deficit of 8,000 officers. This has created acute succession management challenges. The latter can be primarily attributed to the Government's failure to come up with a clear policy to streamline this sub-sector. They have failed to utilize the huge skills of the animal technicians who practise and have been trained by the same Government.

We have to understand that the Ministry of Livestock Development lacks adequate transport. When diseases break out in different areas--- If it were not for the few extension officers we have out there, we would be faced with a lot of disease outbreaks in this country. This country has lost billions of shillings through diseases, poor quality livestock handling and the aforementioned reasons.

Mr. Temporary Deputy Speaker, Sir, if you allow me, I would like to tell this House the importance of livestock and the potential of this sub-sector. The population of Kenya's livestock is 12.5 million head of cattle. That is a large number to be handled by a

few surgeons. We have 8 million sheep, 11 million goats and 850,000 camel scattered all over the country and yet getting very little attention from veterinary officers.

We very well understand that the issues in this Bill on the livestock sub-sector have been dwelt on in very many Government papers. For example, the National Development Plan of 2002 – 2008; the Poverty Reduction Strategy Paper for Wealth and Employment; Strategy for Revitalizing Agriculture (SRA) 2004 – 2012; and Kenya Vision 2030. In the first Annual Progress Report on the Implementation of the First Medium-Term Plan 2008 – 2012 of Kenya Vision 2030 - weak policies and legal framework, which this Bill is going to address, in the livestock sub-sector are cited as a major weakness. This Bill is trying to address those issues. I understand that there could be challenges from various people with regard to this Bill. However, this is a poor man's Bill. It is a Bill for that person who was trained by the Government for years to get a Diploma. That was money from the taxpayer.

We have the 1963 colonial Act called the Surgeons Act. It bars these people from practicing. How do you expect a few surgeons to cover the whole of Kenya? Countries like Botswana and Ethiopia have had animal technicians who have helped soar the meat production in those countries. I am very much aware of the well-planned scheme by a group of anti-reformists who are also veterinary practitioners who are out to ensure that Members of Parliament do not vote for this progressive Bill because of their personal interests. This is the Bill for the poor man. It is the right of every Kenyan to be given an education and to be allowed to practise.

The spirit and letter of the Surgeons Act is colonial and outdated. The white veterinary doctors did not anticipate that blacks would one day practise. That is where the discrimination started. This Bill is an attempt to put in place a well-co-ordinated legal framework that will not only regulate and conduct the law as proposed in this Bill, but also open avenues for trained animal technicians so that they give service to the local people in the villages, especially in northern Kenya where we lack veterinary surgeons. A district like Marsabit North which is 66,000 square kilometers is served by one surgeon. Most of them spend time in their private practice thereby forgetting about the poor man in the village and yet they stand to oppose a Bill that seeks to help the poor villagers realise quick services that will save this country from a lot of economic turmoil.

Mr. Temporary Deputy Speaker, Sir, we must understand that this Bill is not an attempt to lock out the veterinary surgeons from business as most of our colleagues here are scared of. It is only a complement to the existing surgeons. The only thing the technicians are asking for is to be recognized and be given legal framework to operate under and thus make a living. The livestock farmers and the nomads cannot continue to suffer because of scarcity of qualified surgeons. We cannot put ourselves in a situation where we believe in the *status quo* that was set in 1963.

I said that most surgeons have private practice where they make more money. That is why we have inefficiency in the Ministry. The funny thing is that the same animal technicians are the same ones who compile reports and give them to the veterinary surgeons who in turn print them. The animal technicians are, therefore, competent enough to practice under proper regulation. That is all we are asking for – regulations that will govern their practice, legally and fairly.

Mr. Temporary Deputy Speaker, Sir, Botswana, Ethiopia and many other countries have gone ahead of Kenya. Why are we not moving ahead in the area of

livestock production? It is because we have not been able to put mechanisms in place to help us realise whenever there is a disease breakout. In Pokot, for example, a report takes one month to get to Nairobi. That is why we need the passage of this Bill so that the technicians in the villages report on a daily basis what is happening in those areas. At the moment, we do not have that mechanism.

In 2008 alone, Kenya lost one-quarter of her exports of 4,000 metric tonnes of beef to the European Union (EU). Why? It is because of the issues I have talked about. That opportunity was taken by Ethiopia and Botswana because we had a serious foot and mouth disease in the country.

Before I conclude, allow me to state that if this Bill is passed and the law enacted, this country will never lose such an important opportunity. This is the time Members of Parliament should realise that we must give our youth employment. We cannot deny them jobs because of a few selfish people who want to hang on in that cartel of denying well-trained young men and women their jobs. I believe that the current Veterinary Surgeons Act is discriminatory. Being a Member of the Committee on Equal Opportunity, I will not sit down and see poor people who have used their little money to get educated being refused licence to practice in a capitalistic society like Kenya. We are a nation of entrepreneurs and yet we are being held back and told: "You cannot practice this and that". We must, as a country, initiate homegrown solutions instead of believing so much in international treaties. Botswana and Ethiopia have done that. We have over 6,000 qualified and trained men and women. These people have been trained by the Government in our own institutions. They have been trained by the taxpayers' money and given certificates for passing examinations. Despite that, they are not being recognized. We must create avenues to absorb them so that they can have a livelihood by putting their skills to proper use.

This Bill has seven parts. I will be very brief so that I can give time to my colleagues to contribute. Of course there is the preliminary part which bars a person from practising or carrying himself around as an animal technician unless he is registered under the Act. The second one is about the establishment of powers and functions of the Council. It is well regulated and entrenched in law. This part reads: "--- provides the establishment of the Animal Technicians Council whose membership will be drawn from various stakeholders." The various functions of the Council are listed. The Council will have a Chief Executive Officer, just like any other organization.

Mr. Temporary Deputy Speaker, Sir, Part III is Registration and Licensing of Animal Technicians and it has so many points. I will just read two for you. Allow me to quote:-

"It provides for appointment of a Registrar by the Council with prior approval by the Minister".

Again here, it is to follow the law involving the Government. It also sets out the procedure to be followed when one is applying to be registered as an Animal Technician and the manner in which the application is to be made. I will allow hon. Members to read most of them for themselves.

Mr. Temporary Deputy Speaker, Sir, Part IV are Provisions Relating to Private Practice. It is self-explanatory. Part V is about Disciplinary Provisions. This Bill has, like any other organization, a discipline measure that, as a practicing Animal Technician, you must abide by certain rules and they are well spelt out here.

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

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

Mr. Temporary Deputy Speaker, so, there are financial provisions like all other Bills. Finally, there are Miscellaneous Provisions.

So, I urge this House, that considering the importance of the livestock sub-sector in our country and 6,000 unemployed but qualified youth, we cannot put a lid on knowledge. We cannot keep on not introducing our young men and women into private practice. We cannot continue with a few people oppressing the majority. I know it is the wish of this House to see every qualified student who has gone through a livestock college getting employed. Each of us have in our own constituencies unemployed youth . They should be given the opportunity to train in a manner that is well organized by the Government as this Bill does and be given an opportunity to make a livelihood like all of us.

Mr. Temporary Deputy Speaker, Sir, in conclusion, I would like to say that we need to empower our youth. We should train them in different skills and make sure that those skills are put to use. With those few words, I hope the hon. Members will support my Bill. I now beg to move and ask the hon. Member of Parliament for Turkana Central, hon. Ekwe Ethuro, to second.

Thank you.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I rise to second the Animal Technicians Bill, 2009. It gives me great pleasure to actually stand before this House and be able to second this particular Bill. I want to thank my good friend, the hon. Joseph Lekuton, for introducing this Bill. In fact, we had similar motions on the Order Paper, if you remember in 2008 and it reflected our desire and commitment as professionals from the pastoralist community to ensure that the extension services, particularly in the livestock sector be accessed by these people.

Mr. Temporary Deputy Speaker, Sir, only yesterday, you may recall that the United Nations (UN) through their programme that they call Security and Mobility have confirmed that the pastoralists of the great Republic of Kenya in particular, and generally in most of other nations, secure our boundaries. The issue of security is critically important. Even as a nation, we must be reminded that the productivity of the agricultural sector actually capped in the mid 1980s. For you to continue now looking for economical opportunities, you need to go beyond 20 per cent of the land mass. However, this desire to bring more land under crop production, even where it is not has meant that the productivity of the Kenyan landmass is not commensurate with the kind of commodities that we are planting. Some of us were born to plant maize and we think that you must plant maize in Karai in Kikuyu and Naivasha or even coffee, when you know the altitude does not permit.

Mr. Temporary Deputy Speaker, Sir, the tragedy of the commons is not the fact that the livestock keepers are confined in a particular place and they keep their animals. The tragedy of the commons is the fact that the Central Government has been unable to

provide technical extension services to them. The tragedy of the pastoralists is the extent that these livestock keepers, as a result of a liberalized economy, where veterinary services were privatized, were not able to access the same, and animal health technicians.

Mr. Temporary Deputy Speaker, Sir, I want to submit further that the tragedy of the commons is failure by the State functionaries and policy makers to prescribe the right policies in order to address the issues of that area. I say this with a lot of conviction. Dubai has higher temperatures than our areas but it is an important economy. All of these Ministers go there. The other day they were told not to go there without degree certificates and the next thing we did was to ship out our foreign Minister to go and negotiate. The State of Israel is more arid than the arid areas in the Republic of Kenya but they grow horticultural crops and actually export the same. So, the rigidity of these areas is all in our minds. We have allowed everything to be in the free range. If you look at the staffing levels in all the pastoralist areas where we need these kinds of services, you will be shocked. There is such a dearth of personnel that you cannot believe whether you are in the same republic, compared to other areas where, for every kilometer, you have a veterinary officer.

Mr. Temporary Deputy Speaker, Sir, we are hoping that with this Bill, we will be able to ensure that the Government can actually address the issue of the livestock of this country. If you look at the principal objective of the Bill, it is to be able to anchor the existence and practice of the Animal Technicians in law. Even those of us who have been in the developed world, when we try to make sure that these pastoralists can get veterinary services, the veterinary personnel will always tell you that: "We are veterinary surgeons and you people are quacks; you cannot treat our animals" Amen! All you need is just *ng'ombemicine* for my *ng'ombes*. This is what this Bill is supposed to rationalize. Even the training that is conducted particularly by the Non-Governmental Organizations (NGOs) and the Community-Based Organizations (CBOs) can be regulated and brought within the legal framework so that we can be able to improve and enhance the productivity of the livestock that we keep in this country.

Mr. Temporary Deputy Speaker, Sir, if you look at the contribution of the sub-sector to the entire agricultural sector, you will actually realize that the contribution is greater but the resources going into the sub-sector are minimal. I had an opportunity as a young researcher to look into two commodities in the Republic from colonial times to the present, which were beef and maize. During the colonial times there were quite a number of research centers that were meant for beef. What did the black man do when he attained independence? He converted all of those beef research centres into crop research centres. The only time when he could entertain livestock would be to do with dairy to the extent that 90 per cent of the budget for livestock in the Kenya Agricultural Research Institute (KARI) is for dairy and 10 per cent for beef. We have a centre in Marsabit which has got the national and regional research centre for this country that is supposed to be looking into the issue of livestock and arid lands for this country but it is completely under-funded.

Do you expect that kind of sub-sector to perform? In this country, we have the Coffee Research Foundation, the Tea Research Foundation, the Sugar Research Station and other organizations to take care of each and every commodity, but here even as a sector, you would have wished that there will be a research centre for dairy goats, camels, cows and donkeys, but we do not have similar arrangements in this sector. This country

needs to come to terms with itself and know that these quarantines that we keep putting in place, dealing with CBPP and Foot and Mouth diseases and ensuring that we do not transport our animals at night and putting policemen there whose job--- The Minister confirmed today that the job of a police roadblock is to extort money. These roadblocks have also affected the livestock subsector that we are trying to improve.

Mr. Temporary Deputy Speaker, Sir, let us address ourselves to this Bill and pass it like yesterday. By so doing, we will have created an Animal Technicians Council that will be able to regulate the animal healthcare through proper training, registration and licensing of private practitioners of trained animal technicians in this country. This is the way to go as this country tries to realize Vision 2030. The Government needs to appreciate Parliament, especially the Back Bench. The few surviving Ministers this afternoon need to go and tell their colleagues instead of complaining that everytime, the Government seems to act faster than the Cabinet. We are not going to wait for people who are lazy and do not seem to understand the needs of this country. We are going to move and make progress. It is up to you to play catch-up very hard, because you cannot catch us. The Tenth Parliament is going to demonstrate to this nation that Parliament can actually provide leadership where the Executive has failed. This is because this country is bleeding and getting poorer. This county has suffered inequities and inequalities. That is why we had post-election violence. Only yesterday afternoon, we demonstrated when we brought an amendment to the Finance Act about distributing resources to the roads equally and not equitably. In an area like the greater Kericho with three constituencies, that is, Sotik, Bomet and Bureti, the degree of correlation between the amounts and seniority to Government is equal to one. That is simple regulation analysis.

Mr. Temporary Deputy Speaker, Sir, as I speak now, three years down the road, there is no functioning board at the Kenya Veterinary Vaccine Production Institute (KEVEVAPI) which is a research centre. Our goats and sheep require a vaccine known as CBPP. It is not available because it cannot be produced in good quantities. We have to go and look for it in Ethiopia. What a shame! Just to constitute a board and appoint a chairman to KEVEVAPI has taken two-and-a-half years. These are facts that I am sure that this House may not be aware of. We are in the sector and we know. I wish the Minister for Tourism was in charge of livestock, because maybe he could have done better. At least, we have seen good progress in terms of tourism, which is also good for our country.

Mr. Temporary Deputy Speaker, Sir, we need to invest in the capacity of our people. This Bill is not only for this Republic. In fact, if we train enough personnel in these areas, I can assure you that the Republic of Kenya is going to sell talented trained personnel. Only last month, Members of the Pastoralists Group visited Namibia where we have ranches. They need this technology. What has happened to our ranches in this country? What happened to the grazing blocs in North Eastern Province? It is because of lack of deliberate Government policy and interventions to ensure that these areas are put into production and that the animal is actually healthy and productive, so that it can fetch some very attractive prices. We even have live markets in the Middle East. They are ready to receive our animals. Last December, we went to Somaliland and found that Hargeisa is willing and ready to receive our livestock. That market was open and we need to exploit it. But you cannot exploit these opportunities when you do not have your animals being certified by trained professionals who know their job. I am quoting cases

that I should not. They are Somaliland, Namibia, which got independence in 1990 and Ethiopia. We are supposed to be the leaders in Africa, but we seem to have forgotten our position. Even now as we celebrate the East African Community (EAC) Common Market from tonight, I am not sure whether we are going to provide that leadership when the region is looking up to us.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I really wish to second the Bill.

(Question proposed)

Mrs. Shabesh: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I want to begin by congratulating my colleague and supporting this Bill that he has brought here. I want to congratulate him because I believe that he is doing work that should have been done by the Government and the Ministry of Livestock many years ago. But mostly, I want to congratulate him because he has brought an issue that, definitely, touches on so many sectors and not just livestock. There are also issues of youth employment and opportunity creating in this country.

Mr. Temporary Deputy Speaker, Sir, what I would like to concentrate on, so that I can give my colleagues a chance to speak, is the fact that Kenya is a sleeping giant that is not even aware that it is asleep. There is no way we can ever hope to develop this country if such basic things like having animal technicians have to be brought by a Back bencher to the Parliament, yet we have a Government that has run for years, knowing very well the number of livestock in this country and what it can portend such livestock is taken care of. I am hesitant to say that I believe that if livestock was coming from the “right” part of this country, we would have seen a lot more interest on this issue, but because most of the livestock keepers, who keep livestock in big numbers come from the marginalized Arid and Semi-Arid Lands (ASALs) communities, I truly believe that, that is why a common sense issue like the need for animal technicians so that these animals are well taken care of and produce the best, has not been done. Livestock is not only in ASALs. I was born in one area of this country and married in another. I was born and bred in Nairobi, but my parents came from Kiambu and I am married in Khwisero, in Western Province. It is a shame to see how many litres of milk my mother in Kiambu gets from her cow and what my mother-in-law in Khwisero gets from her cow. It is a shame! The only reason that my mother can get 12 litres and my mother-in-law is getting a cup is simply because of the work that has been put in by the Government to ensure that the cows in Kiambu are fed and taken care of well. They have veterinary services while those of Khwisero are just left to run in the wild.

We must change the way we think about agriculture. We cannot just be stuck in coffee, rice, tea and in areas where the Government has already put in a lot. What about areas where there is another form of agriculture, because livestock is another form of agriculture? Where else have we ever heard the kind of hullabaloo that we hear around the agriculture Ministry? The kind of fights we hear for people to become Ministers for Agriculture. Why is there no fight to become the Minister for Livestock Development? It has been belittled to the point that if you are given that Ministry, it is because you had to be given a ministerial position, anyway. Either we are not alive to the facts or either we are still living in this country in the status quo--- But because of the issues of climate

change and environment, I can tell you that we will need the livestock because all the maize or food that we are waiting to grow will not feed this country. We will need to feed Kenyans from the animals that can be taken care of. For example, we have goats which produce milk. You will never see Kenyans drinking goat milk because nobody has ever bothered to educate them. Nobody has educated them that camel and goat milk is very nutritious. All we know is that we can drink milk from a cow and, if that cow does not come from the highland areas, it is not worth drinking its milk.

I want to congratulate my colleague and simply say that time has come for us to change our mindsets on how we think about agriculture in this country. We must ensure that ASALs become the next centre of growth for agricultural production in this country. With livestock and with this kind of support from the Government, you can be sure that, in the next few years, we will not only lead the East Africa Community, but Africa in terms of livestock development.

Thank you.

Mr. Bahari: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to support this Bill and, at the same time, take the opportunity to congratulate the Mover, the Secunder and all the hon. Members who have spoken before me. The Mover of this Bill has done quite a splendid job.

The case of the livestock sector, as hon. Members have eloquently and emotionally put, is one of the untold stories of how we have sat on a sector that is very productive and that employs many people and yet, we have forgotten it in our policies. One of the visions of the Ministry of Finance is to invest resources where you can get the best returns. This is one of the sectors which, in terms of employment creation and production in the market, comprises of 46 per cent of all the agricultural produce in the market. The sector contributes 3 per cent of the 12 per cent that the agricultural sector contributes to the GDP. But if you look at the Government input in terms of realizing the potential of that sub-sector, it is literally zero. It is a forgotten sector. That level of negligence has cost this country a lot.

I want to start by asking: Who knows the population of livestock in this country? When was a census ever done? You do not know at all! How do you plan for it when you are working from rough estimates? Statistics from those areas have been forgotten. Nobody has ever bothered for a long time. Even human statistics have been forgotten. It is only recently that we started carrying out serious statistical production in arid and semi arid areas. It is a high time we started waking up.

I want to tell you that I do not know how many areas have a laboratory. We do not have livestock laboratories at all. How do you diagnose a problem? Every time, a sample has to be rushed to Kabete from Mandera, Turkana and wherever it is and yet, we are saying that we are a serious Government? We are not, when it comes to livestock development. There has been total negligence altogether. There is nothing you can throw away from livestock; from the horn, hooves, skin, blood and everything. Everything can give you some income. The role of the Government is to be a catalyst and provide the right environment. I heard an hon. Member say that we should thank the Minister for Tourism for having done a good job. I agree that he has done an excellent job. However, even the tourists need to eat beef which is healthy. That is what they will be looking out for. So, this must be looked at in totality. I saw the Minister for Public Service. He was here just now-----

Mr. Ethuro: On a point of information Mr. Speaker, Sir. I just want to agree with the hon. Member that, indeed, tourists will need to eat beef. However, more importantly, if you look at the billboards by Bata Shoe Factory, you will see that tourists love wearing safari boots. That shows that they know Africa.

Mr. Bahari: I want to thank the Chairman of the Parliamentary Pastoralists Group for that extra information. That is how that sector is critical. We are not going to let it go to waste any more. The traditional communities are still keeping the same old breeds because nobody cares about them. The environment has changed as hon. Shabesh has said. We need to move in that area and ensure that we keep the right breed that can persevere and adjust to the changing environment. For example, there is a breed of goats that will always give birth to twins or triplets. We need those ones here so that we can multiply our livestock and increase our productivity. They are not very far. Down here in the South, you will find many of those breeds. What are we waiting for? What is our contribution to that sector? It is inevitable for this Bill to be supported by the Ministry. I am surprised that they are not even represented here. It must be supported by all hon. Members present here. I am not dictating. I am just showing how important that sector is. How many surgeons are there in Turkana and Garbatula? Our own mothers and fathers are the ones who attend to that livestock illegally. However, the technicians are nearby and they can assist. Let us allow them to practice. In human medicine, the nurses and lab technicians practise. That level of paramedics or paravets should be allowed. I have no doubt that these hon. Members are convinced. The surgeons have their own role to play right there. Different professionals have that niche that they have in their own line of professionalism.

At different levels, different professionals have a niche. There is a general practitioner, a clinical officer, a gynecologist or an obstetrician and so many others. Everybody has his niche. In fact, the surgeons should be able to support this. It is only those specialized cases that will need a surgeon. Let the technicians do the rest of the job, so that people in this country have access to veterinary services. Then the person in Lodwar, Garbatulla and Laisamis will get these services in a regulated manner.

Mr. Temporary Deputy Speaker, Sir, since there are many Members who are very keen to support this Bill, I wish to stop here and I want to allow them time so that they have enough time to support it.

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

Mr. Ogindo: Mr. Temporary Deputy Speaker, Sir, I rise to support the Bill. From the onset, I want to say that even fish is part of animals and it is part of livestock. It is with great shame that this country has come this far without appreciating the need to have The Animal Technicians Bill as proposed by my friend, hon. Lekuton. It is very sad that, what this country gave as a priority is more of expenditure for consumption rather than investment. It is the role of the Government the world over, to create conducive environment, so that members of the society can exploit their potentials.

I know that livestock in this country is a very significant source of income. If we allow these trained technicians to practise, three things are bound to happen. First, we will create employment for these people. Over and above creating employment that will earn them an income, we will ensure that there is food security in this country. I know people who refuse to eat our livestock simply because they doubt their quality. As was well articulated by the Mover, at some point, the European Union banned our meat from

its market. Most of the diseases that undermine the quality of our product are diseases that can be dealt with by technicians through vaccines. I want to emphasize that with the introduction of the Economic Stimulus Programme, we now have enhanced production of fish. This fish would require attention if we were to get the right quality for our domestic and export market.

Mr. Temporary Deputy Speaker, Sir, I have seen a trend in this country whereby the Government always waits for a crisis to occur and then it spends all the money that it can lay its hands on to solve it. It is clear that if this country can get her priorities right and synchronize her activities, we can do much more than we are doing with our finances today.

In supporting this Bill, I am aware that the economy of this country will prosper in its width and breath. There are people who are struggling in my constituency to do poultry farming. They suffer losses every day from very simple diseases that can be attended to by technicians in a regulated manner.

Today, it is a shame that Kenya even imports eggs from South Africa. This is something that we can produce here and even export. If we open this market for the technicians in a regulated manner as proposed here, there will be big contribution to our Gross Domestic Product (GDP). That should be our focus. This country cannot engage in productive activities. We always cherish buying merchandises from other economies, but that will not help us achieve the envisaged Vision 2030. First and foremost, we should strive to ensure there is food available locally here. I always disagree with my mother on the kind of animals she is keeping. Every time I tell her to sell the many herds of cattle and take care of only one, she reminds me that she does not know much about other breeds because she was brought up seeing her parents herding the same cattle. However, I know if she was to be persuaded by somebody in the name of a technician, she would buy the idea.

Mr. Temporary Deputy Speaker, Sir, you will realize that the issues of perception are deep in the villages. It is, indeed, time we ensured that there is an increase in the number of field officers who can assist our people in the livestock sector.

With those few remarks, I beg to support.

Ms. Leshomo: Asante sana, Bw. Naibu Spika wa Muda. Kwanza, ningependa kumshukuru sana mhe. Lekuton kwa kuleta Mswada huu hapa Bungeni. Sisi sote tunaunga mkono Mswada huu. Huu ni Mswada ambao utawasaidia sana wafugaji wa mifugo. Ni jambo la kuhuzunisha mno kuwa tangu Uhuru hatujawahi kama nchi kuwa na sheria kama hii inayopendekezwa na Mswada huu.

Ninaomba kila mhe. Mbunge katika Bunge hili kuunga mkono kikamilifu Mswada huu kwa sababu wafugaji wamekuwa na shida nyingi tangu Uhuru. Wizi wa mifugo umeleta madhara makubwa kwa wafugaji na wanyama wao. Wanyama wetu huhaangaishwa sana na wezi wa mifugo. Wanaibwa kutoka wilaya moja hadi nyingine. Hakuna sheria inayolinda wanyama wetu. Wanyama wetu wanapoibwa, huenda masafa marefu bila maji na chakula. Kupitia Mswada huu tutapata maofisa watakaotibu na kulinda wanyama wetu.

Sisi sote tunajua nyama na maziwa ni muhimu sana katika afya ya mwanadamu. Kwa hivyo, tungependa wanyama wetu watunzwe vizuri na maofisa hawa. Tukifanya hivo, watu wetu watakuwa na afya nzuri.

Bw. Naibu Spika wa Muda, kwa sababu ya ukosefu wa maafisa hawa wa mifugo, wafugaji wamekuwa “madaktari” wenyewe kwa sababu ya taabu. Mara nyingi utamuona mfugaji akinunua dawa lakini hana ujuzi wowote wa kutibu ng’ombe. Hii ni hatari sana kwa yeye mwenyewe na ng’ombe huyo. Wakati mwingine, ng’ombe anapofariki akitibiwa, mfugaji huchinja ng’ombe. Yeye na familia yake na majirani hula ng’ombe huyu. Hii ni hatari sana. Watu wengi wamekufa kwa kula ng’ombe waliokufa wakitibiwa na wafugaji. Ni sheri kama hii ambayo tunataka kupitisha hapa ambayo itawawezesha watu wetu kuwa na madaktari wa afya ya wanyama waliyohitimu karibu nao. Kwa hivyo, tunahitaji wafugaji au watu wetu wapate masomo kuhusu ufugaji wa wanyama kwa sababu madaktari kutoka mijini hawapendi kuishi nasi kwa sababu ya ukavu wa sehemu zetu.

Pia wafugaji huuza ngozi za wanyama wao kwa Kshs30. Lakini ngozi hii ikisafirishwa nje ya nchi, inauzwa kwa zaidi ya Kshs30,000. Ninaamini sheria hii itawasaidia watu wetu kupata soko ya ngozi za wanyama wao. Ni ombi langu tuwe na viwanda vya nyama karibu nasi ili tuuze nyama, maziwa na ngozi kwa bei nafuu. Serikali itusaidie kuona ya kwamba mifugo wetu wanasafirishwa moja kwa moja hadi Kenya Meat Commission (KMC). Hii ni njia mojawapo ya kuwasaidia wafugaji wa wanyama.

Bw. Naibu Spika wa Mda, kwa kweli, watu walioumia zaidi ni wafugaji. Hawana maji ama chochote karibu kwa matumizi ya ng’ombe na mbuzi wao.

Kwa hayo machache, ninaunga mkono Mswada huu.

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, from the outset, I support this Bill. I also want to congratulate my friend, hon. Lekuton, for bringing this very candid Bill to this House.

Livestock farmers in this country have been neglected for so long and yet 13 million Kenyans depend on livestock for their livelihood. The livestock sector provides for about 90 per cent of all employment vacancies available in ASAL areas. It accounts for over 95 per cent of family earnings in the ASAL areas. It also contributes 20 per cent to the Gross Domestic Product (GDP) of this country.

In particular, the livestock sector contributes about 42 per cent of the GDP in the agricultural sector. This important sector is doing all this for the nation without any support from the Government. The passage of this Bill will enable livestock technicians to provide extension services, which are so critical in the remote parts of Kenya.

Mr. Temporary Deputy Speaker, Sir, in most of our constituencies, if we are lucky, we will have only one surgeon and yet some of us come from constituencies that are as large as a whole nation. How can an individual in such an area be able to provide services to all those livestock farmers? It is critical that we have these extension service workers in our country providing services.

Under Vision 2030, we want to create disease-free zones, so that our animals can be disease-free and secure markets in Europe and other parts of the world. If our animals are not kept healthy, how can we, as a nation, be in a position to secure those kinds of markets which we have been yearning for, for so long? In order for us to realise the aspirations contained in Vision 2030, this Bill must be passed.

Mr. Temporary Deputy Speaker, Sir, we need to have a legal framework that will enable these technicians to play an active role in the development of our nation. This Bill does not in any way seek to make these technicians compete with the livestock surgeons

in this country. If anything, it complements their work to enable them deliver the services they have been trying to deliver in the country for so long in a very special way.

Every livestock surgeon in this country should support this Bill if he is serious about enabling livestock farmers in this country to realise the gains they can make from livestock. The institutions that have been training livestock professionals are almost going out of business, because their graduates are not able to secure any employment as they leave college. This is because the Government has not been employing them since the 1980s to provide these critical services to Kenyans.

Mr. Temporary Deputy Speaker, Sir, if this Bill is passed, it will revive those institutions and establish one of the few state corporations in the name of Animal Technicians Council, which will enable livestock farmers to access services from the Government. Therefore, it is very important for us to create an enabling environment in this nation for livestock farmers to be able to produce and contribute effectively to the national economy.

With those few remarks, I beg to support.

The Minister for Tourism (Mr. Balala): Mr. Temporary Deputy Speaker, Sir, I stand here to support the Motion and congratulate Mr. Lekuton. On behalf of Government, I want to say that this is a brilliant idea.

The Tenth Parliament will go on record for bringing innovative Bills that are progressive and dynamic. I also want to confirm that the Government is committed and moving very fast. When we formed the Grand Coalition Government, the Government, first of all, established two critical Ministries which had been ignored. One of them is the Ministry of Livestock Development.

It was a good beginning to establish that Ministry and move very fast. As you are aware, the Ministry of Livestock Development was just a department within the Ministry of Agriculture, and the priority of food security was purely on production of mainly maize rather than looking at its alternatives. It is important for us to appreciate the fact that the Government has been able to establish such institutions, so that it can address issues relating to livestock.

Mr. Temporary Deputy Speaker, Sir, a month ago, the Cabinet approved a Bill, which will be coming here any time soon, which seeks to address issues of livestock. The Minister in charge has moved very fast to address those issues. So, he will be here any time to table the same legal framework that will support this sector.

Beef and milk production is very important for our economy as well as a measure to address food security. I was recently in Argentina, where I attended the United Nations World Tourism Organisation Conference, to which I am the Vice-President. Argentina is recognised as having the best beef in the world. I asked myself: What is so peculiar that Argentina can do it and we, in Kenya, cannot do it? I think this Bill is going to improve the quality of certification of that product.

Mr. Temporary Deputy Speaker, Sir, I am also a very spiritual person. I just performed Hajj two years ago. I went to Mecca and performed Hajj. During that time, there were over 4.5 million people attending the pilgrimage. Each one of us, after the end of the pilgrimage, in order to confirm one's ritual, had to slaughter an animal. I asked myself: Can we bring livestock to Saudi Arabia to sell them to the pilgrimage to be able to deliver? All the livestock in Mecca were coming from Australia. I was saddened. This

is a market where every year, each of 4.5 million people has to slaughter an animal. We are missing out on that market.

The market is available. We only have to appreciate the natural resources and what we have in those areas called ASAL. Those areas might appear to be useless since they are made of sand and deserts, but they have wealth. Those people who are called nomads are not just roaming around. They are actually looking after their wealth. That is their pride.

Mr. Temporary Deputy Speaker, Sir, look at a country like Botswana. Before they discovered diamonds, they were running their economy on livestock. In this country, we only look at the dairy cattle, but what happens to the camel? I can tell you that if, today, we had enough camel to sell to the Middle East, they will not only use it for meat and milk, but they will also use camels for sporting. People in the Middle East value camels so much. To them, buying a camel is like buying a Ferrari car to compete in a race.

It is, therefore, important for us to appreciate that livestock is not just about meat and milk. There are lots of things we can do with livestock. The economies of Italy, Spain and South America are well known for their leather industry. What are we doing, through livestock, to address the issue of leather, hides and skins?

Mr. Temporary Deputy Speaker, Sir, I do not want to take much of your time. I just want to say that this is a brilliant Bill that has been brought forward. Congratulations, young man. I also want to assure this House that the Government is fully committed, and that the Bill will be supported.

I beg to support.

Mr. Letimalo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Judging from the mood of the House, would I be in order to request that the Mover be now called upon to respond?

(Question, that the Mover be now called upon to reply, put and agreed to)

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, would I be in order to donate---

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Lekuton, I have given you a chance.

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, would I be in order to request the Chair that I donate some of my time to Mr. Muthama?

Mr. Muthama: Mr. Temporary Deputy Speaker, Sir, I also rise to support this Bill. I really felt that it would be unfair if pastoralists only support this Bill. It should not just be for the pastoralists but for the whole country. We are all concerned with our cultural arrangements and I stand here to speak as a miner who uses our natural and national resources. Kenya is known for being a country that engages in the rearing of livestock and other forms of agriculture. I am surprised that some people are trying to turn this issue political. Some people are suspecting that by passing this Bill, they will lose business. We take our children to school to read so that they can serve this nation in future. Therefore, it is important to pass this Bill so that our children who leave school can get jobs. By doing this, we will eliminate a situation where children turn into thugs or thieves due to lack of employment.

I want to congratulate Mr. Lekuton for bringing this Bill before this House. We have supported it as the people of this country and representatives of Kenyans. Thank you and I beg to support.

The Temporary Deputy Speaker (Prof. Kaloki): Thank you, Mr. Muthama. Mr. Lekuton, you can move.

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, it seems like we are in a very good mood. Would I be in order to request the Chair to allow me to donate two minutes to Dr. Kones?

Dr. Kones: Mr. Temporary Deputy Speaker, Sir, I also want to put my name on record that I do support this Bill because of its good intentions. I want to congratulate my friend and support the point said by Mr. Muthama. Whenever this House brings progressive Bills, we have to be cautious as Members of Parliament that we are not influenced by some people who have other interests out there and want to protect their territories. I know that my friend, Mr. Lekuton, has been under pressure from some people just like the pressure exerted on me because of the Tea (Amendment) Bill. This is because some cartels out there believe that bringing changes or regulations will interfere with their businesses. So, we will be very cautious and watchful so that we pass Bills that support the entire population of this country. Otherwise, I support the Bill.

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, I would like to thank the hon. Members, including the Ministers in the Government, for their support to the Animal Technicians Bill. This Bill will go a long way in not only improving the livestock sub-sector in our country but also in providing employment. The biggest beneficiary in this country will be the Arid and Semi-Arid Lands (ASALs) where Mr. Muthama also comes from because they will now have proper legal documentation. We will do away with quacks because we have a legal framework that will shape the livestock sub-sector through the Animal Technicians Bill.

With those few remarks, I would like to thank all hon. Members. I have nothing else to say and beg to move.

(Question put and agreed to)

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

Second Reading

THE MALARIA PREVENTION BILL

Mr. Kaino: Mr. Temporary Deputy Speaker, Sir, I beg to move that the Malaria Prevention Bill be read a Second Time.

Mr. Temporary Deputy Speaker, Sir, the history of malaria in Kenya and in Africa is devastating. It has caused numerous problems, both economic and social. Malaria has been with us for a long time and the Act of Parliament that we have been using for all these years was enacted in 1929 by the colonial masters. It has disregarded the behavior or changes of the anopheles female mosquito which causes malaria.

Mr. Temporary Deputy Speaker, Sir, in 1942, the DDT was actually used to contain the mosquitoes causing malaria. Today, it is not accepted internationally. Very many things have taken place and this has led me to introduce this Bill. If you go to any hospital, you will realize that about 10 percent of the patients are suffering from HIV/AIDS related diseases while more than 60 percent are malaria cases. We have put a lot of attention on other diseases, leaving this major disease, which has cost us dearly. We have taken other diseases so seriously and we have left this big problem.

Mr. Temporary Deputy Speaker, Sir, you will allow me to outline some important statistics relating to malaria. Available statistics revealed that malaria, and not other illnesses that affect our people, is the leading cause of morbidity and mortality in Kenya. The Kenya Government Division of Malaria Control indicates that 25 million of Kenyans are at risk of contracting malaria. That is a sizeable fraction of our population. It, therefore, comes as no surprise that malaria accounts for 30 to 50 percent of all out patient attendance and 20 percent of all admissions to health facilities.

Mr. Temporary Deputy Speaker, Sir, it is the female anopheles mosquito that spreads malaria. We have no research as yet to establish whether the male mosquitoes also cause malaria---

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Order! Hon. Kaino, you have 57 minutes left to move your Bill.

Hon. Members, it is 6.30 p.m. It is time for the interruption of business. The House, therefore stands adjourned until tomorrow, Thursday, 1st July, 2010 at 2.30 p.m.

The House rose at 6.30 p.m.