

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 29th October, 2008

The House met at 9.00 a.m.

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

PRAYERS

QUESTIONS BY PRIVATE NOTICE

ARREST OF KENYAN FISHERMEN BY
UGANDAN SECURITY FORCES

(Mr. Mbadi) to ask the Minister of State for Provincial Administration and Internal Security:-

- (a) Could the Minister confirm that the Ugandan security forces have continuously been harassing Kenyan fishermen near Migingo Island, and latest being two weeks ago, and state what immediate steps he has taken?
- (b) Could the Minister explain why Ugandan security forces have a base on the island, while Kenya has none?
- (c) Could the Government also consider establishing a Kenya Navy base in Lake Victoria to protect the country's territorial waters?
- (d) What concrete steps is the Government taking to ensure that Kenyan fishermen are protected from arbitrary arrest and continuous harassment by the Ugandan security team around Migingo Island?

The Temporary Deputy Speaker (Prof. Kamar): Mr. Mbadi is not here? His Question will be left until the end.

ORAL ANSWERS TO QUESTIONS

Question No.415

INDISCRIMINATE CUTTING OF TREES IN
KITISH FOREST BY ILLINOIS RESEARCHER

The Temporary Deputy Speaker (Prof. Kamar): Mr. Letimalo also not here? His Question will be left until the end.

Next Question, Dr. Eseli!

Question No.106

PLIGHT OF KENYAN NURSES IN LESOTHO

Dr. Eseli asked the Minister for Medical Services:-

(a) whether he could confirm that over 50 trained nurses left the country between February and April, 2008, via South Africa for jobs in Lesotho; and,

(b) what steps he will take to rescue the nurses who are now employed in low paying jobs in the remotest

parts of Lesotho and in poor working conditions.

The Temporary Deputy Speaker (Prof. Kamar): Where is the Minister for Medical Services? Is the Minister not here? We will move to Question No.107. We will come back to your Question, Dr. Eseli!

Next Question, Mr. Kaino!

*Question No.107*NON-COMPENSATION FOR RELOCATION OF
COMMUNITY FACILITIES IN CHEBARA

The Temporary Deputy Speaker (Prof. Kamar): Mr. Kaino also not here? His Question will be left until the end.

Next Question by Mr. Were!

Question No.139

REHABILITATION OF MUMIAS-BUNGOMA ROAD

Mr. Were asked the Minister for Roads:-

(a) what plans he has made to repair the Mumias-Bungoma Road, which is badly worn out, especially the section between Mayoni and Harambee Shopping Centre,

(b) whether he is further aware that there are no speed bumps at Harambee Market, posing serious threat to pedestrians and other road users; and,

(c) what plans he has to re-carpet the road and erect speed bumps at Harambee Market.

The Assistant Minister for Roads (Dr. Machage): Madam Temporary Deputy Speaker, I beg to reply.

(a) My Ministry has included the Mumias-Bungoma Road in the routine maintenance programme for the Financial Year, 2008/2009. The potholes, which are the main defects affecting about 15 per cent of the road surface area, will be addressed during the routine maintenance works. The section between Mayoni and Harambee Shopping Centre lies on a high water table, which makes the damage more severe. My Ministry will institute measures to improve the drainage system so as to maintain and contain the problem.

(b) Yes, I am aware that there are no speed bumps at Harambee Market. The Ministry is studying the volume of traffic at the location to rationalise the erection of speed bumps.

(c) The performance of that road will be monitored during the routine maintenance within the Financial Year, 2008/2009. Thereafter, the road will be considered for re-carpeting in the Financial Year, 2009/2010.

Thank you, Madam Temporary Deputy Speaker.

Mr. Were: Madam Temporary Deputy Speaker, the Assistant Minister has said that he has

included the road for routine maintenance works in the Financial Year, 2008/2009. How much money has been allocated for that purpose and when will the work begin?

Dr. Machage: Madam Temporary Deputy Speaker, I have allocated Kshs1.3 million for the purposes of that work. That will begin immediately after we pass the Budget, maybe, today.

Dr. Eseli: Madam Temporary Deputy Speaker, now that the Ministry of Roads is aware that one of the major means of transport in western Kenya is by *boda boda* riders, when are we going to design that road so that we have a section that *boda boda* riders can use instead of increasing the number of accidents that are happening on that road?

Dr. Machage: Madam Temporary Deputy Speaker, although that is a different Question, I would like the hon. Member to know that we are not only looking at that road, but very many other roads in this country in the advent of the introduction of *boda boda* riders on our roads. But I have not budgeted for that this year. Maybe, we will consider it in the next financial year. I request that the District Works Committee presents that request, so that we can consider it in our allocations.

Mr. Ogindo: Madam Temporary Deputy Speaker, aware that the Ministry for roads, especially through the Kenya Roads Board (KRB), normally prepares work plans for one year in advance, what is the Ministry doing to ensure that there is a master plan that will tell Kenyans how many kilometres of road are tarmacked or maintained annually? I would not want to ask about every small road. We would like this to be captured. So, what plans does the Ministry have to ensure that there is a master plan covering tarmacking and maintenance of roads?

Dr. Machage: Madam Temporary Deputy Speaker, the master plan is available and ready. The hon. Member can access it at any time he wishes. He is welcome to come to my office and I will let him know how to access it.

Mr. Wambugu: Madam Temporary Deputy Speaker, let me take this opportunity to thank you for giving me a chance to ask a question. I come from a place called Kamacharia which is in Mathioya Constituency. To get there we connect from Nairobi to Thika, Kenol, Murang'a and then Kiriaini. Recently, I was on the Kenol-Murang'a-Kiriaini Road and I found that it is completely worn out. It is so risky driving on that road these days because of potholes; also, one drives at a speed of less than 20 kilometres per hour. Could the Assistant Minister tell us what action he will be taking to have this road repaired because it is becoming a great risk driving on this road? If not so, when will he come and inspect it for himself to understand its state, so that he can help us?

Dr. Machage: Madam Temporary Deputy Speaker, that is completely a different Question, and I would advise the hon. Member to raise it in a different Sitting so that I can adequately answer him. However, the Ministry is concerned about that section of Kenol-Muranga Road. A Question was raised on the Floor of this House about two weeks ago. We are looking at it and we will repair it. I cannot give him the details because I did not bring them here.

Mr. Were: Madam Temporary Deputy Speaker, I asked this Question in June. It is now four months down the line and the Assistant Minister is telling us that he is studying the volume of traffic. Four months have elapsed since the Question was asked. How long does he need to study the volume of traffic on that road to enable him know how much he should spend on it and whether he should put speed bumps on it?

Dr. Machage: Madam Temporary Deputy Speaker, I need a little more time to study, but traffic changes depending on seasons. However, I want to let the hon. Member know that my Ministry does not take designing of bumps as its priority. We do not build roads and then also decide to build bumps. It is not within the policy of the Ministry. They are only erected on request by those who feel the risk exists, just as the hon. Member has now brought to my attention the situation on that road. So, I will look at that.

Mr. Ogindo: On a point of order, Madam Temporary Deputy Speaker. My colleague, the hon. Member for Matungu, is asking "how long?" That is length of time! So, could the Assistant

Minister be specific on the length of time?

Dr. Machage: Madam Temporary Deputy Speaker, I have clearly told the hon. Member that I need, at least, one year to look at the different seasons, the road use and how much traffic flows on it. However, **[Dr. Machage]**

I have also said it is not the policy of the Ministry to build bumps on the roads we have constructed. We usually respond to requests by members of the public. The urgency is usually indicated by a request. The hon. Member has indicated the urgency in his request. I am looking at it and I will build those bumps very soon. Just give me the money today!

Mr. Were: On a point of order, Madam Temporary Deputy Speaker. Is the Assistant Minister in order to say that he requires one year when I expect the Ministry to have statistics on the use of the road? They should be having the statistics! Why does he need another year to study the situation while people are dying on that road?

The Temporary Deputy Speaker (Prof. Kamar): Although that is not a point of order, he is requesting for time. Mr. Assistant Minister, can you wind up?

Dr. Machage: Madam Temporary Deputy Speaker, I have noted the concern of the hon. Member concerning this road, and that is what is very important. I will consider putting up the bumps and that is what is important.

Question No.184

WAIVER OF VAT ON TOURISM TRAVELS

The Temporary Deputy Speaker (Prof. Kamar): We have received information from the Acting Minister for Finance that he will answer the Question tomorrow, because of reasons that the Chair is satisfied with.

(Question deferred)

Question No.297

CREATION OF 24-HOUR ECONOMY
FOR NAIROBI

Mr. C. Kilonzo, on behalf of **Mr. K. Kilonzo**, asked the Minister for Nairobi Metropolitan Development:-

- (a) what plans the Ministry has to make Nairobi a 24-hour economy, and,
- (b) what other measures he is taking to make Nairobi more attractive for businesses.

The Temporary Deputy Speaker (Prof. Kamar): The Minister for Nairobi Metropolitan Development? Is he here?

We will move to the next Question!

Question No.380

ANNUAL NUMBER OF CERVICAL
CANCER CASES

The Temporary Deputy Speaker (Prof. Kamar): Is Mr. Odhiambo not here?
We will move to the next Question.

*Question No.400*MEASURES TO CURB INSECURITY
IN NYAMUSI DIVISION

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

- (a) whether he is aware that Nyamusi Division in North Mugirango/Borabu Constituency has for the last one year experienced a lot of gun attacks which has made it difficult for the Provincial Administration to discharge its duties; and,
(b) what steps the Government is taking in order to curb the high rate of insecurity in the constituency and bring the culprits to book.

The Temporary Deputy Speaker (Prof. Kamar): Minister of State for Provincial Administration and Internal Security!

We will move to the next Question.

Question No.408

OPERATIONALIZATION OF GARISSA IMMIGRATION OFFICE

Mr. Affey asked the Minister for Immigration and Registration of Persons what steps he is taking to make the Garissa Immigration Office fully operational and ease the burden of the people from the region in acquiring passports.

The Temporary Deputy Speaker (Prof. Kamar): Minister for Immigration and Registration of Persons? He is not here!

We will now go back to Mr. Mbadi's Question by Private Notice!

(Resumption of Question by Private Notice)

QUESTION BY PRIVATE NOTICEARREST OF KENYAN FISHERMEN BY
UGANDAN SECURITY FORCES

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

(a) Could the Minister confirm that the Ugandan security forces have continuously been harassing Kenyan fishermen near Migingo Island, the latest being two weeks ago and state what immediate steps he has taken?

(b) Could the Minister explain why Ugandan security forces have a base in the island, while Kenya has none?

(c) Could the Government also consider establishing a Kenya Navy Base in Lake Victoria to protect the country's territorial

waters?

(d) What concrete steps is the Government taking to ensure that Kenyan fishermen are protected from arbitrary arrest and continuous harassment by the Ugandan security team around

Mingingo Island?

The Temporary Deputy Speaker (Prof. Kamar): Minister of State for Provincial Administration and Internal Security? I think we shall now turn to the Leader of Government Business?

An hon. Member: Where is your Government?

(Laughter)

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, I really must profusely apologise to the House, because I am also mesmerised. According to the records that I have, an answer is ready with regard to several of these Questions on the Order Paper. It must be that, being a Wednesday morning, hon. Members are trying to wrestle with the jam to get here. However, I am taking a very serious view of this matter.

Mr. Mbadi: On a point of order, Mr. Temporary Deputy Speaker. I appreciate the excuse given by the Leader of Government Business but given the gravity of this Question, I would request that it is placed on the Order Paper this afternoon. This is because, as we talk right now, there are Kenyans who are under arrest in Uganda and I expect this Question to be answered urgently.

The Temporary Deputy Speaker (Prof. Kamar): Leader of Government Business, can we defer this Question? Hon. Members, the Order Paper for this afternoon is already done. So, can we pick it up tomorrow? Can you give us an assurance that you will mobilise the Minister for us this time round?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, I can definitely give that assurance. I appreciate the gravity of this matter and I also know that the Ministry of Foreign Affairs and the Ministry of State for Provincial Administration and Internal Security have been working on this matter. So, I think it is important that Kenyans who are affected get to know what the Government is doing. Therefore, I am sure the Ministers will be here to answer this Question tomorrow afternoon. I actually have a copy of the answer myself.

The Temporary Deputy Speaker (Prof. Kamar): So, the Question is deferred to tomorrow afternoon.

(Question deferred)

RESUMPTION OF ORAL ANSWERS TO QUESTIONS

Question No.415

INDISCRIMINATE CUTTING OF TREES IN KITISH FOREST BY ILLINOIS RESEARCHER

Mr. Letimalo: Madam Temporary Deputy Speaker, I was informed by the Minister for Forestry and Wildlife that he will be engaged in an official function today in Kitale and then we agreed with the Leader of Government Business that the Question be deferred to tomorrow afternoon.

The Temporary Deputy Speaker (Prof. Kamar): Okay, the Question is deferred to

tomorrow afternoon because of the Minister's absence.

(Question deferred)

The Temporary Deputy Speaker (Prof. Kamar): Next Question by Dr. Eseli!

Question No.106

PLIGHT OF KENYAN NURSES IN LESOTHO

Dr. Eseli asked the Minister for Medical Services:-

- (a) whether he could confirm that over 50 trained nurses left the country between February-April, 2008 via South Africa for jobs in Lesotho; and,
- (b) what steps he will take to rescue the nurses who are now employed in low paying jobs in the remotest parts of Lesotho and in poor working conditions.

The Assistant Minister for Medical Services (Mr. Mungatana): Madam Temporary Deputy Speaker, I beg to reply.

(a) I confirm that under a bilateral arrangement with the Government of Lesotho, my Ministry recruited and sent 59 nurses to work in the Kingdom of Lesotho with effect from 1st September 2008.

(b) In an effort to address the plight of the nurses, my Ministry will send a four-member Inter-Ministerial Fact-Finding Mission to Lesotho for one week on 10th November, 2008. The mission will be joined by officials from the Kenya High Commission in Pretoria, South Africa. Further action will be taken after this mission submits its report.

Previously, my Ministry, through the Ministry of Foreign Affairs, had written to the Government of Lesotho to raise concerns over the complaints by the nurses and is awaiting a response.

Dr. Eseli: Madam Temporary Deputy Speaker, going by the Assistant Minister's answer, he is admitting that the nurses are actually living in deplorable working conditions.

Could the Assistant Minister inform the House whether these nurses were informed of their terms and conditions of service before they were dispatched to Lesotho?

Secondly, if indeed they were informed, could he table the terms and conditions that the nurses were employed under what was the role of the Clinton Foundation in employing these nurses?

Mr. Mungatana: Madam Temporary Deputy Speaker, I thank the hon. Member for asking that question. At the time of signing that agreement, the Kenyan nurses' entire package was about Kshs22,000. What the Government of Lesotho was offering at that time was Lesotho Maloti 79,260 per annum which is equivalent to Kshs513,425 per annum or Kshs42,785 per month. This was attached to a minimum of eight hours working condition. They were to be given a further hardship allowance of Lesotho Maloti 600 which is equivalent to Kshs3,927 per month. The only deduction that we knew of at that time was a 20 per cent remuneration that was supposed to be cut on their side in terms of tax and things like that.

However, even at the termination of the contract, they were to be paid a gratuity which will be increased by about 27 per cent. So, the terms under which we negotiated and agreed on were fair. I then happened to be serving in the Ministry of Foreign Affairs. We knew that this was a good deal. We were sending our nurses to better conditions and we even processed their visas properly.

Madam Temporary Deputy Speaker, what has turned out to be the reality is that there was renegeing on some of the conditions under which we had agreed. What we are doing right now as I

have explained to this House is that, we are dispatching on, 10th November, from our Ministry, the Head of Human Resources, the Chief Nursing Officer, the Assistant Labour Commissioner from the Ministry of Labour and Human Resource Development and one Senior State Counsel from the Attorney-General's Chambers. We intend to get the complete set of the facts upon which we can formally engage the Government of Lesotho because, as I have said, we wrote a letter which has not been responded to.

If we find out that these grievances are confirmed and no action is taken to redress the issues, then we shall advise on what we shall do immediately after that. However, we want the report first to give us the facts.

Mr. Njuguna: Madam Temporary Deputy Speaker, could the Assistant Minister inform the House what measures the Ministry is taking to contain the number of nurses leaving our country so that this exodus to other countries does not impede services in our health centres and national hospitals? This is a serious development!

Mr. Mungatana: Madam Temporary Deputy Speaker, I thank the hon. Member for his question. It is not our wish not to improve the working conditions of nurses so that we can stave off the exodus. The problem we are having is that even the ones that are already in Government employment, we have been honestly negotiating with the Treasury and with the Ministry of State for Public Office and the Office of the Prime Minister to try and improve their conditions.

Like we have announced before, what we have managed to secure so far is the Kshs10,000 uniform allowance as a new thing. The problem we are having is that, we still have a lot of nurses out there but because of budgetary constraints, we have not been able to absorb them into the Civil Service. So, when we have trained personnel - Kenya is well known within the region - and we are able to secure contracts for them outside, we will continue to do so. This is the policy we have now as we continue to try and absorb them given the budgetary constraints.

Madam Temporary Deputy Speaker, as far as the employment of nurses is concerned this year, the Ministry has managed to have a commitment to employ 700 nurses. However, we have more who have not been employed. We have not refused to employ them but it is the situation we are in. When we get opportunities outside the country, we try to help our young people.

The Temporary Deputy Speaker (Prof. Kamar): Ask the last question, Dr. Eseli!

Dr. Eseli: Madam Temporary Deputy Speaker, I commend the Ministry for going out of their way to secure jobs abroad for Kenyan nurses. That is a very commendable thing that they are doing. However, in this case, they have ended up in a country that probably has no respect for gender, as Kenya does. So, they might be taken advantage of. When is the Assistant Minister going to give us the report that he has promised?

Mr. Mungatana: Madam Temporary Deputy Speaker, we are dispatching them on 10th November and expect them back after a week. Let me undertake that as soon as they come back, they should compile the report in another week and I will come to this House and lay the report on the Table.

The Temporary Deputy Speaker (Prof. Kamar): Next Question, Mr. Kaino!

Question No.107

NON-COMPENSATION FOR RELOCATION OF
COMMUNITY FACILITIES IN CHEBARA

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

(a) whether he could confirm that Chebara Primary and Secondary schools, Chebara A.I.C. and Chebara Cattle Dip, which are community facilities at Chebara in

Marakwet District, were relocated during the construction of the Chebara/Moiben Dam under the Eldoret Water Supply Project;

(b) whether he could confirm that the community has not been compensated for the relocation; and,

(c) when the compensation for the facilities will be made.

The Temporary Deputy Speaker (Prof. Kamar): The Deputy Prime and Minister for Local Government is not here!

Mr. C. Kilonzo: On a point of order, Madam Temporary Deputy Speaker. We have seen the Government, in particular the top cream, preaching water and taking wine! The Ministers have signed performance contracts and they are not coming to the House to answer Questions. Are they in order to ask other Kenyans to sign performance contracts when they, as the leaders, cannot come and answer Questions here?

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

The Temporary Deputy Speaker (Prof. Kamar): Could you allow the Minister to respond to the first point of order? The Leader of Government Business, why do we not have Ministers in the House today? Maybe you should address this because we are calling out these Questions for the second time!

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, I recall the earlier statement that I made when I profusely apologised before this House for what is happening this morning. One can only, perhaps, blame it on the terrible traffic jam in Nairobi. Many of these answers are ready. This particular Question was supposed to be answered by the Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government, Mr. Njeru Githae. I am sure he must be trying to get to this House. The matter of performance contracts is a completely different invention by the Member for Yatta.

Mr. Ethuro: On a point of order, Madam Temporary Deputy Speaker. Are you satisfied with the response by the good Leader of Government Business that this morning there is traffic jam and, therefore, Ministers cannot come to the House to answer Questions? Where are we from? We are also from this city and we are in this House! This is not happening only today. Even last Wednesday, Ministers were not available. The Chair was concerned that Ministers do not seem to be taking the business of the House seriously, particularly on Wednesday morning. What assurance could the Leader of Government Business to Kenyans that the Minister will be available to answer Questions henceforth?

The Temporary Deputy Speaker (Prof. Kamar): Leader of Government Business, could you give us an assurance?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, I will give full assurance. Unfortunately, both the Whips are out of the country. This could also explain the reason why Ministers are not here. We will issue a four-line whip and I am sure next Wednesday, the Member for Turkana Central, and I dare him to be here in good time, will see a big difference.

Mr. Kaino: Madam Temporary Deputy Speaker, I think the Vice-President and Minister for Home Affairs is trying to mislead this House. He is trying to protect his colleagues. However, almost half of the Questions on the Order Paper have not been answered today. I thought the Leader of Government Business should have told the House what would happen to these Questions to have not been answered today.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary

Deputy Speaker, I really sympathise with my friend, Mr. Boaz Kaino, and I can share his fury. However, I want to assure him that His Excellency the President has called for a Ministerial retreat this Friday and Saturday. As the Leader of Government Business, I intend to take advantage of that forum and rub in the fury that is clearly written on Mr. Kaino's face this morning. I am sure there will be a difference.

The Temporary Deputy Speaker (Prof. Kamar): Thank you! I think we have disposed of that issue! Before we go to the next Question, I want to mention that, last week, we had an even worse situation because even the Leader of Government Business was not here! Hon. Member's really felt that Ministers are taking them for a ride. They have raised the issue again today. We want you to take full advantage of the retreat that you are going to have to emphasize the fact that Questions belong to the House once they are asked and Ministers owe it to the House to answer the Questions!

Next Question!

Mr. Ethuro: On a point of order, Madam Temporary Deputy Speaker. I am seeking the indulgence of the Chair. The Leader of Government Business, who is a very good lawyer and the Vice-President of the Republic, is fully aware of Section 17(3) of the Constitution. It states that:-

"The Cabinet shall be collectively responsible to the National Assembly for all things done by or under the authority of the President or Vice-President or any other Minister in the institution of his office"

I am sure he has copies of the answer. Why can he not be responsible to the National Assembly by answering the Questions on behalf of the Ministers?

The Temporary Deputy Speaker (Prof. Kamar): Mr. Ethuro, I think the Leader of Government Business asked for two Questions to be deferred to tomorrow when the Ministers will be present. We are not going to compel the Government side to answer Questions when Ministers are

supposed to be in Nairobi. Should it be that they have missed because of traffic jam, as we are being told, let us see them come tomorrow to answer the Questions!

Question No.297

CREATION OF 24-HOUR ECONOMY
FOR NAIROBI

Mr. C. Kilonzo, on behalf of **Mr. K. Kilonzo**, asked the Minister for Nairobi Metropolitan Development:-

- (a) what plans the Ministry is having to make Nairobi a 24-hour economy; and,
- (b) what other measures he is taking to make Nairobi more attractive to business.

Madam Temporary Deputy Speaker, I am asking this Question for the second time.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, this happens to be the Minister who should deal with this problem. However, both the Minister and the Member for Mutito are out of the House. I can almost suspect that the Member for Yatta would have given himself the responsibility to ask the Question, which is very good. Be that as it may, I do not have an answer. My office is of the view that the Ministry was not in a position to answer this Question today. Could it, therefore, be deferred to next week? I really plead with the Member for Yatta to be understanding in this matter.

Mr. C. Kilonzo: Madam Temporary Deputy Speaker, the House knows that the doctrine of a 24-hour economy did not originate from the particular Minister but the Vice-President and Minister for Home Affairs. I, therefore, know that the Vice-President and Minister for Home

Affairs is able and perhaps, knows better than the Minister. So rather than deferring the Question, he might as well respond!

The Temporary Deputy Speaker (Prof. Kamar): Mr. C. Kilonzo, the Minister does not have an answer. I think you should be satisfied with that. If the answer is not here, and you are interested in it, let us wait.

Question No.380

ANNUAL NUMBER OF CERVICAL
CANCER CASES

Mr. Odhiambo asked the Minister for Public Health and Sanitation:-

- (a) whether she could provide data on the number of cervical cancer cases reported annually in the country and clarify whether there are linkages between cervical cancer, HIV/AIDS and other infections;
- (b) what steps the Ministry is taking to provide facilities to contain the rising number of cases of cervical cancer; and,
- (c) what awareness programmes, if any, are in place in rural areas, particularly Busia District, with regard to cervical cancer.

The Minister for Public Health and Sanitation (Mrs. Mugo): Madam Temporary Deputy Speaker, I beg to reply.

(a) Statistical data estimates indicate that every year, 2,635 women are diagnosed with cervical cancer. I also wish to confirm that there is direct correlation of cervical cancer, HIV/AIDS and other infections, since women with persistent infections of human papilloma virus (HPV), which is highly contagious and found in sexually active women below the age of 25 years, have 100 times greater risk of developing cervical cancer than uninfected women.

(b) My Ministry has put in place the following measures to contain rising cases of cervical cancer:-

(i) Screening services at provincial, district hospitals and health centres such as Matayos, Nambale, Sio Port, Khunyang'u, Mukhoboloa and Nangina in Busia District.

(ii) Re-launched the Community Strategy through information on importance of early screening will be disseminated.

(iii) Training of health workers is ongoing in the country.

(c) My Ministry has already put in place the following awareness programmes in rural areas especially in Western Province:-

(i) In Western Province, in one of the areas with high cervical cancer prevalence, we have intensified screening services especially in district and sub-district hospitals.

(ii) Health workers have been sensitised to ensure that women get health messages on cervical cancer during routine health services.

(iii) Use of Mass Media where cancer specialists host talk shows to educate the public on ways of detecting cancer, importance of screening and early treatment.

(iv) The month of October has traditionally been marked as the World Breast Cancer Month. However, my Ministry decided to dedicate the month to all the reproductive tract cancers. That activity aims at creating awareness on the cancers and screening for early detection.

The hon. Member for Butula should be pleased to learn that the cancer month was launched in Busia District in Western Province on 17th October, 2008, in which the Permanent Secretary represented the Minister. We have many programmes going on in the district.

Mr. Odhiambo: Thank you very much, Madam Minister, for the answer that you have

given. But I need to bring to your attention the fact that, what you are saying is not really what is on the ground. The awareness that you are talking about is not on the ground. I know the talk-shows you are talking about here. But that kind of awareness has not been brought to the people of Busia. You see, Busia District is on the border and there are many HIV cases. I request that more efforts should be put to increase the people's awareness. You should have more officers on the ground to sensitise the people on what facilities are available, so that they can make use of them. We should not have things on paper while nothing is happening on the ground.

Mrs. Mugo: Madam Temporary Deputy Speaker, I wish to inform the hon. Member that I was personally in western Kenya in the last two weeks. I launched community health programmes both in western Kenya and Nyanza. We chose Busia District specifically to make sure that we are right down at the grassroots and many people came for that awareness. I directed my public health officers in the province to make sure that they are present in public *barazas* to educate people not on the cancer risk, but all the other health messages. I take your advice and we will go deeper to make sure that the information gets down to where the people are. But I beg to differ with you that there is nothing on the ground. There is quite a lot on the ground. In fact, I spent four days in western Kenya with the whole team including the Permanent Secretary and Heads of Department in my Ministry. We take the rural information very seriously.

Dr. Eseli: Madam Temporary Deputy Speaker, it is very sad to hear the answer by the Minister. We are living in the past. We are trying to detect cervical cancer when it is already there and cutting the cervixes of women. That is outdated. Right now, there is a vaccine against papilloma virus. That is the way to go. Cervical cancer is a problem for women all over this country. When is the Minister going to avail that vaccine for all the women in this country?

Mrs. Mugo: Madam Temporary Deputy Speaker, the truth is that, that vaccine is available. At the moment, that vaccine costs between Kshs30,000 to Kshs45,000 per dose, which is quite high. But it is a matter we are exploring. Indeed, I attended a conference in Uganda where, as regional Governments, we were looking into ways and means of making that vaccine available to our people. So, it is something that we are exploring. We are discussing on how the vaccine could be subsidised. We are also discussing that with our development partners. We also hope to start trials even if not in a very big way. But funds have to be organised. We are also fighting other diseases. As soon as the Government has funds, yes, we will provide the vaccine.

Mr. Nyambati: Thank you, Madam Temporary Deputy Speaker. First of all, I think the Ministry of Public Health and Sanitation must get serious. That is because many of our people are dying, not because of diseases which can be cured, but because the Ministry is not serious. I am surprised to hear the Minister say that they have facilities in the country which take care of those kinds of diseases. In my constituency of Kitutu Masaba, there is nothing. There is no single facility. I do not know whether the Ministry has facilities in selected areas or in the entire country. I would want to know from the Minister---

The Temporary Deputy Speaker (Prof. Kamar): Could you ask your question?

Mr. Nyambati: Madam Temporary Deputy Speaker, I would want to know from the Minister whether there are only selected areas with those facilities or it is the whole country. That is because in Kitutu Masaba, there is not even a single facility of that kind.

The Temporary Deputy Speaker (Prof. Kamar): Your question is clear. Hon. Minister!

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, I would like to inform the hon. Member that we do not have selected facilities for that. Every medical centre where we have services for reproductive health, that kind of information is available. I understand that, at Manga District Hospital, there is such a facility. At every hospital, we have a reproductive health department. That facility is available at every district hospital and health centre. So, do not look for special clinics

which are giving that service. It is inclusive in our health service delivery. I would like to inform this august House that we have upgraded Family Health into a full department headed by a full Departmental Head, just like the Preventive Health Care department. It is receiving maximum attention.

The only thing that is lacking is the funding; you all know that the funds for the Ministry of Public Health and Sanitation are passed in this House. In fact, I would like you to check in the Printed Estimates how much money my Ministry has been allocated. If it were not for our development partners, we would not even be able to do half of what we are doing. We are always sourcing funds for supporting public health. I would like to ask this House to ask our Treasury to note the importance of public health, because it is cheaper to prevent than to cure. At the moment, most of the funds are directed to curative health. If we had more funds in the Ministry we would do a lot more.

Mr. Mututho: Madam Temporary Deputy Speaker, could the Minister confirm how much it costs to treat a cancer patient in relation to Kshs30,000 for the vaccine? I will repeat it. Could she confirm how much the treatment would cost in relation to what the cost of the vaccine is? My view is that it would cost millions and eventually death to treat a cancer patient, yet you are talking of Kshs30,000. Finally, this vaccine is proven; so, you do not have to conduct any further trials.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Member, you are answering your question. What have you asked the Minister?

Mr. Mututho: Madam Temporary Deputy Speaker, I want the Minister to state whether they have look at the advantage of the vaccine versus treatment.

Mrs. Mugo: Madam Temporary Deputy Speaker, Sir, to begin with, this vaccine is relatively new. So, it is not something that has been planned for in the past. I just said that it is something we are considering. He is right that it is cheaper to give vaccines than to treat, just as we give vaccines for polio and other diseases. So, this is one of the areas that we are trying to stress on and see how we can develop to the stage where we are able to give vaccines. But everything needs planning. We cannot say that we can immunize very many children, or give polio vaccine without planning. I believe that if we get enough funds we will be able to give the vaccine. Moreover, we are already looking into the possibility of going that extra mile.

Mr. Washiali: Madam Temporary Deputy Speaker, I do not know whether the Minister is aware that, in this country, we only have four doctors who deal with cancer. What is she doing, as the Minister for Public Health and Sanitation, to increase the number of doctors who are dealing with this problem? We only have three doctors who deal with adult cases and one doctor who deals with children with cancer.

Mrs. Mugo: Madam Temporary Deputy Speaker, that question is for the Ministry of Medical Services, because they are in charge of the training of doctors in this country; but it also touches on my Ministry. I will definitely discuss it with my colleague to see how the situation could be improved.

The Temporary Deputy Speaker (Prof. Kamar): Last question, Mr. Odhiambo!

Mr. Odhiambo: Madam Temporary Deputy Speaker, the Minister, in her speech, said that it is easier to prevent than to cure. We know that when cancer has reached a certain stage, you cannot heal it. That is why I personally brought this Question. This recently discovered vaccine called "savary" is expensive but there are also other cheaper measures like the pap smear---

The Temporary Deputy Speaker (Prof. Kamar): Ask your question, hon. Member!

Mr. Odhiambo: I will ask it! She could encourage women to go for pap smear because it is cheap. What measures is she putting in place to ensure that this vaccine is made available to our women, who are at risk?

Mrs. Mugo: Madam Temporary Deputy Speaker, no one is more concerned about cancers, especially those that attack women, than I am. I am very concerned. I would like to inform all hon. Members that the public awareness campaign is about telling women to visit clinics, health centres and hospitals and get tested for pap smear. Pap smear is testing for any cancer cells which could be forming to become cancer later. We are intensifying the campaigns, and we have messages even on radio. I also ask hon. Members that in their development committees in the constituencies and political meetings they should deliver health messages.

Hon. Members will be interested to know that we are in the process of forming grassroots health committees, under what we are calling the "Community Health Strategy", which will work with the trained officers from our health centres and clinics to deliver health messages right to the grassroots. That is the work they will be doing. We have distributed bicycles and motor cycles for the health workers to visit the constituencies to work with these committees. The Provincial Medical Officers (PMOs) are in the process of establishing those committees in all the constituencies. If you do not have such a committee in your constituency, let us know so that we can get our PMO to speed up formation of a committee. They will do a very good job in delivering health services to the doorsteps. Each health worker will have ten households to take care of. This means that there will be penetration right to the grassroots. Help us with the information. Give me more money because prevention is better than cure.

Question No.400

MEASURES TO CURB INSECURITY
IN NYAMUSI DIVISION

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

- (a) whether he is aware that Nyamusi Division in North Mugirango/Borabu Constituency has, for the last one year, experienced a lot of gun attacks which have made it difficult for the Provincial Administration to discharge its duties properly; and,
- (b) what steps the Government is taking in order to curb the high rate of insecurity in the constituency and bring the culprits to book.

The Temporary Deputy Speaker (Prof. Kamar): Is the Minister of State for Provincial Administration and Internal Security not here? Leader of Government Business, it refers to the same Minister whose other Question was deferred earlier.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Yes, indeed, Madam Temporary Deputy Speaker. It could also be deferred.

Mr. Were: On a point of order, Madam Temporary Deputy Speaker. A precedent was set in the last Parliament, where when the Ministers were not available to answer Questions, the Leader of Government Business would answer them here. Why can the current Leader of Government Business not do the same?

The Temporary Deputy Speaker (Prof. Kamar): Mr. Were, I ruled that we expect the Question to be answered by the Minister of State for Provincial Administration and Internal Security tomorrow. It is the same Minister. Since the ruling was that he answers the Questions tomorrow, we can only agree that he cannot answer for this Minister until tomorrow. So, we cannot change the ruling.

(Question deferred)

Mr. Ethuro: On a point of order, Madam Temporary Deputy Speaker. Just before we went to the next Question, there was a Question for the Ministry of Nairobi Metropolitan Development. I just wanted to bring to the attention of the Chair that the Assistant Minister for Nairobi Metropolitan Development has just walked in, in a very majestic manner, which we do appreciate. So, could she confirm whether the traffic jam is too heavy for other Ministers to come?

The Temporary Deputy Speaker (Prof. Kamar): You are out of order! Could we move to the next Question? Mr. Affey!

Question No.408

OPERATIONALIZATION OF GARISSA IMMIGRATION OFFICE

Mr. Affey asked the Minister for Immigration and Registration of Persons what steps he is taking to make Garissa Immigration Office fully operational and ease the burden of the people from the region in acquiring passports.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, Sir, according to the records in our office, the Ministry should have been here to answer this Question. Neither Minister Kajwang nor his Assistant Ministers are actually around. I have seen a copy of this answer myself. It is not the type of answer I would have given to satisfy the hon. Member for Matungu. In future, I may have to answer where the House feels that, that is in order particularly where I have copies brought to the Office of the Leader of Government Business. Looking at this answer from the Ministry of State for Immigration and Registration of Persons, I am satisfied that the Minister will be best placed to answer it. It is talking about strategic plans up to the year 2012 and it is a very important matter for the residents of Garissa.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Leader of Government Business, again, we emphasize that today we have only done 50 per cent of the Questions because of the absence of Ministers. This is not good for the House. It is not fair to the House. We raised this issue on Wednesday last week and we are raising it again.

(Mr. Baya entered into the Chamber)

The Assistant Minister for Immigration and Registration of Persons is here! Could you give us an answer to Question 408?

The Assistant Minister, Ministry of State for Immigration and Registration of Persons (Mr. Baya): Madam Temporary Deputy Speaker, I apologise for arriving here late. However, I have the answer---

Hon. Members: Why were you late?

The Temporary Deputy Speaker (Prof. Kamar): Mr. Assistant Minister, go ahead and answer the Question!

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

The Ministry of State for Immigration and Registration of Persons has noted the burden the people of Garissa and the entire region have to shoulder in passport acquisition in terms of extra travel costs they incur to come to Nairobi to get the services. To address this problem and embrace the Government policy of bringing services closer to the citizens, my Ministry has put in its strategic plan an objective of decentralising passport issuance to all provincial headquarters including the Garissa office by the year 2012. The Ministry, therefore, will implement the

devolution of issuance of passports to Garissa as envisaged in the Ministerial Strategic Plan.

Mr. Affey: Madam Temporary Deputy Speaker, currently, Kenyans are being issued with passports in Kisumu, Mombasa and Nairobi. The Passport Office in North Eastern Province, particularly the one in Garissa, has already been established. Perhaps the Assistant Minister is not aware that there is an officer in Garissa. Apparently, he is not working. Could the Assistant Minister tell this House why they have opened an office in Garissa if it cannot be made operational for the residents of the region to access passports easily?

Mr. Baya: Madam Temporary Deputy Speaker, it is true that there are officers within this station. However, there are other logistics that are required before the office is made operational.

Mr. Ethuro: Madam Temporary Deputy Speaker, the people of North Eastern Province, where Garissa Town is the provincial headquarters, deserve services and this Government has made

commitments to that effect. Only last week, the Minister in charge of internal security assured us that the police barrier on River Tana, as you enter Garissa, will be removed. I was there on Saturday and that barrier is still there. Is the Chair satisfied that the Assistant Minister can send personnel and they do not issue passports because they are still working on a strategic plan? Let me put it to the Assistant Minister that the reason why they are setting an office that is not operational is because this Government has a policy of discriminating against the pastoralists of northern Kenya. Could he confirm or deny that?

Mr. Baya: Madam Temporary Deputy Speaker, there is no discrimination on the part of the Ministry towards the North Eastern communities or any other community within this country. As I indicated, it is in our Strategic Plan for 2008-2012 that, come that time, these offices will be operational not only in Garissa but all provincial headquarters will be issuing passports.

Mrs. Noor: Madam Temporary Deputy Speaker, the people of North Eastern Province in particular have been victimised in Nyayo House. Nyayo House is becoming a place for income generation from communities from North Eastern Province. It is giving people of North Eastern Province a lot of problems because of the kind of service that is given there. Once a person is identified as coming from North Eastern Province, he is given different service unlike people from the other parts of Kenya. We have people who are already on the payroll and they are in Garissa. They have not been given the tools to serve people from North Eastern Province; in particular those in Garissa. They travel more than 700 kilometres to come to Nairobi---

The Temporary Deputy Speaker (Prof. Kamar): Ask your question!

Mrs. Noor: I am building my question! Why do we have those officers in Garissa if they cannot serve us? We need them to serve us. Please, facilitate them to serve us.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, it is Question Time! Ask your questions very precisely.

Mr. Baya: Madam Temporary Deputy Speaker, I am not aware that people from northern parts of this country are subjected to other conditions when they apply for issuance of passports and other personal identification documents. I am aware that---

Ms. A. Abdalla: On a point of order, Madam Temporary Deputy Speaker. Did you hear the Assistant Minister say that he is not aware that there are special circumstances for people from northern Kenyan when they are asking for identity cards? There is a vetting committee in Nyayo House that interviews every single applicant from northern Kenya!

The Temporary Deputy Speaker (Prof. Kamar): Mr. Assistant Minister, could you comment on that?

Mr. Baya: Madam Temporary Deputy Speaker, Sir, what I meant was that there was an indication that special money was being given by people from that region. Vetting is brought about

by security considerations. This is normally done not only by the Ministry but other security agencies and Ministries that we liaise with. Yes, there is vetting, not only for passports but also for identification cards.

Mr. J.M. Kamau: Madam Temporary Deputy Speaker, we appreciate the fact that people from northern Kenya are going through so many problems to get passports. What is the Ministry doing to make sure that Kenyans get their passports at birth because getting a passport in Kenya is a very tall order? Everybody is trying to get a passport and I believe it is every Kenyan's right to get a passport.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Assistant Minister, the question is this: Can we get our passports at birth?

Mr. Baya: Madam Temporary Deputy Speaker, perhaps that would be very convenient for all of us. There are some other considerations in terms of the equipment to be used. Right now, we are struggling to change the equipment for issuance of national identification so that we have IDs that are multi-purpose. Perhaps there will be a time when we will reach that stage whereby you can get your passport at birth amongst other personal identification documents.

Mr. Affey: Madam Temporary Deputy Speaker, you can clearly see that the Assistant Minister has not answered the Question. I am not interested in a strategic plan that takes about five to six years. As you know, this is a high season and quite a number of our people go and perform these religious duties. The need is more apparent in Garissa than any other part of this country, for example, Kisumu.

The Temporary Deputy Speaker (Prof. Kamar): Ask your question!

Mr. Affey: Madam Temporary Deputy Speaker, when will the Assistant Minister make this office operational? I am not interested in the strategic plan. Could he tell us when the office will be operational? Will it be tomorrow or next month? If he needs money, he should tell us!

Mr. Baya: Madam Temporary Deputy Speaker, there is nothing that can be done without planning. Planning is necessary for all activities. Like I have indicated, we are going to have that office ready by 2012.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, the Question that was put to the Assistant Minister sought to find out what steps he is taking. I think he has stated the steps he is taking. Let us not introduce new Questions.

Mr. Affey: On a point of order, Madam Temporary Deputy Speaker. Will I be in order to suggest to the Assistant Minister to close the office in Garissa and recall the officers back to Nairobi as he plans?

The Temporary Deputy Speaker (Prof. Kamar): That is not a question! You are out of order, hon. Affey!

Mr. Affey: Madam Temporary Deputy Speaker, I want to assist him. He is out of order!

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, we have come to the end of Question Time. The Questions that have been deferred will appear tomorrow except for the Questions to be answered by the Minister of State for Provincial Administration and Internal Security. I have received information that the Minister will not be in tomorrow. So, I want to rule that the Questions to that Ministry appear on Tuesday next week.

I had not made a ruling with regard to Question No. 107. I would like to rule that, that Question is put back on the Order Paper tomorrow in the afternoon. We have a satisfactory answer, but the Deputy Prime Minister and Minister for Local Government is hosting a visiting ambassador this morning in his office. That rests the issue of Questions.

POINTS OF ORDER

SOMALIA MEMBER OF PARLIAMENT ARRESTED AT JKIA

Mr. C. Kilonzo: On a point of order, Madam Temporary Deputy Speaker. I rise to seek a Ministerial Statement from the Ministry of Foreign Affairs. This concerns the arrest of one hon. Abdi Ahmed Haji Farah, who is a Member of the Transition Federal Parliament of Somalia.

The said Member of Parliament was arrested about three days ago at the Jomo Kenyatta International Airport. The Government, together with the European Union (EU) and Inter-Governmental Authority on Development (IGAD) had sent a plane, specifically to go and collect the Members of Parliament from Mogadishu, Somalia. The Government knew that, indeed, these were Members of Parliament and not criminals. On arrival, the said Member of Parliament, since there are no screening machines in Somalia, had forgotten three or four bullets in his briefcase. Thereafter, the said Member of Parliament was arrested and arraigned before court.

I would like to get a clarification from the Government as to whether it is in order for it to harass Members of Parliament from other countries. More importantly, the Kenyan Government is involved in supporting the Transitional Federal Government of Somalia. What action is the Government going to take to ensure that, in future, other Members of Parliament are not harassed in this manner?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, I undertake to inform the Minister of Foreign Affairs.

The Temporary Deputy Speaker (Prof. Kamar): When can we have the Ministerial Statement?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, can we do it on Tuesday, next week?

The Temporary Deputy Speaker (Prof. Kamar): Okay!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, I am saying this because we are having an IGAD meeting which is chaired by the Minister for Foreign Affairs.

The Temporary Deputy Speaker (Prof. Kamar): Okay! The Minister for Foreign Affairs is attending the IGAD meeting. We should have the Ministerial Statement on Tuesday, next week.

PENDING UN-ANSWERED QUESTIONS
IN THE MINISTRIES

The Assistant Minister for Energy (Mr. Keter): On a point of order, Madam Temporary Deputy Speaker. Every Monday, we in the Ministry of Energy receive a tentative programme for the whole week, which shows that we have Questions to answer in the House. Apparently, some of us have a lot of Questions pending in our offices. When we come here to answer them, we are very surprised to find that they are not on the Order Paper. This is caused by the deferment of Questions.

Could you kindly make a ruling to the effect that when you defer Questions, they appear below the others in the Order Paper, so that we can also give time to other Questions? The Ministries which are not answering Questions should be put on notice. It is unfair for some of us to be always on time, but fail to deal with our Questions.

The Temporary Deputy Speaker (Prof. Kamar): Thank you, hon. Keter. Earlier before you came, I actually informed the Leader of Government Business that I want that to be an agenda in the retreat of the Cabinet. The disappointment by the Members was aired last week and even this week; that Ministers are not coming to answer their Questions. We concur with you that it is not right for Ministers to be absent. It is because of the absence of the Ministers that we are deferring

Questions. Today, we have only done 50 per cent of the Questions and we have deferred the others. The problem is not on any other side, except the Government side.

However, I want to agree with hon. Keter, that maybe, we need to put on notice Ministers who are not coming here to answer Questions.

The Assistant Minister for Energy (Mr. Keter): Madam Temporary Deputy Speaker, as much as I agree with you, it is Parliament which generates the order of Questions on the Order Paper. Even if we are going to have a retreat, it will not sort out anything. The Clerk of the National Assembly should be directed not to be tampering with the Order Paper for the whole week.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Keter, I want to tell you that there is no tampering with the Order Paper. The hon. Members who asked their Questions four weeks ago would like to have them answered. The order that we are using is that those who come early, their Questions are answered first. If we put these Questions last, it will mean that a Question that was asked four months ago, will continue to be pushed down because the Minister is not coming to answer it. So, these Questions always get the priority on the listing of the Order Paper, so that they can be answered. At least, the later Questions can be pushed further. So, the pushing is because of the backlog of the Questions.

My appeal is that the Cabinet should take this seriously and Ministers should come and answer these Questions.

Mr. Mbadi: On a point of order, Madam Temporary Deputy Speaker. I have heard your ruling that all the Questions that were directed to the Ministry of State for Provincial Administration and Internal Security are deferred to next week. You had ruled that my Question be answered tomorrow afternoon. Next week, I might not be there. What do I do? The Assistant Minister is here. Why can he not answer this Question? It is very urgent!

The Temporary Deputy Speaker (Prof. Kamar): Hon. Mbadi, we are time barred for Question Time! So, we cannot have the ruling today.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, I have heard your ruling that you are blaming the Government side. I do not think that the Chair is right by blaming the Government because of the following reasons: First, if you look at the schedule for the week, you will find that the Questions which came today are not in this week's schedule. One example of such Questions is today's Question by Private Notice. That is why I did not come in the House to answer it. It is not listed in the schedule.

The blame should also go to Parliament. Nowadays, we get the Order Paper the morning of the same day. We are not getting the Order Paper early enough, as before.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Assistant Minister, may I inform you that, if you are not aware, Questions by Private Notice are not put on the schedule! What they are interested in, and that was raised last week is that, Ministers have the opportunity to give their answers through other hon. Members. So, that is where that issue stands and, as such, we rest the case there!

Can we go to the next Order?

The Assistant Minister, Ministry of Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, you are right. But what I am saying is that the Order Papers that we are receiving---

The Temporary Deputy Speaker (Prof. Kamar): Mr. Assistant Minister, we are done with that. You are out of order! You are out of order because Questions by Private Notice do not appear on the schedule! That has been the tradition of this House for as long as it has been there.

The Assistant Minister for Livestock Development (Mr. Duale): On a point of order,

Madam Temporary Deputy Speaker. We need to put the record straight. Last week, I remember we had five hon. Members who were not here to ask their Questions. Likewise, if you look at the schedule for this week, Question No.297 for the Ministry of Nairobi Metropolitan Development was not there in the schedule. But it is on the Order Paper today.

Madam Temporary Deputy Speaker, what we are saying is genuine and an answer is needed!

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, let us not lengthen the debate on this issue. I think we deliberated on this earlier and a ruling was made that the responsibility of asking and answering Questions rests in this House. It is for the sake of the reputation of the House that both sides of the House take their responsibilities seriously!

Next Order!

CRITERIA FOR ISSUANCE OF
DIPLOMATIC PASSPORTS

Mr. Ethuro: Madam Temporary Deputy Speaker, 20 days ago, I sought a Ministerial Statement from the Minister for Foreign Affairs on the criteria of issuance of diplomatic passports and, in particular, to hon. Members. The Chair ruled that, that Ministerial Statement would be brought to the House within ten days.

Madam Temporary Deputy Speaker, with apologies, this is another case where the Government cannot add up its figures. When will I get my Ministerial Statement?

The Temporary Deputy Speaker (Prof. Kamar): Could we have somebody from the Government side to comment on that?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, I undertake to inform the Minister to come on Tuesday and issue the Ministerial Statement.

Madam Temporary Deputy Speaker, I indicated to Parliament that the Minister is hosting the Inter-Governmental Authority on Development (IGAD) meeting here. So, he is not able to have the time to come and issue the Ministerial Statement.

The Temporary Deputy Speaker (Prof. Kamar): So, is next week on Tuesday fine with you?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): That will be appropriate, Madam Temporary Deputy Speaker.

Mr. Ethuro: On a point of order, Madam Temporary Deputy Speaker. Why would an Assistant Minister purport to be speaking for the Government when the Deputy Prime Minister and Minister for Local Government is around? We want legitimate answers!

The Temporary Deputy Speaker (Prof. Kamar): Hon. Ethuro, on your demand, let me allow the Deputy Prime Minister and Minister for Local Government to say something.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Madam Temporary Deputy Speaker, hon. Ojode has given a very legitimate and honest answer.

(Applause)

So, I beg the hon. Member to be patient until Tuesday, so that he can get the response.

The Temporary Deputy Speaker (Prof. Kamar): Thank you.
Next Order on the Order Paper!

MOTIONSEQUITABLE DISTRIBUTION
OF DEVOLVED FUNDS

Dr. Eseli: Madam Temporary Deputy Speaker, I beg to move the following Motion:- THAT, aware that devolution has been implemented successfully through funds such as CDF, roads fund and youth fund; noting that there is no criteria used to determine allocation; which means that constituencies receive equal amounts of money regardless of their peculiarities such as size, population, poverty levels and HIV prevalence; cognizant that continued uniform distribution of funds perpetuates unequal development; this House urges the Government to ensure that distribution of devolved funds presently and in future takes into consideration all factors that may influence the impact of such funds in order to remedy the situation and ensure equity in the distribution of national resources.

(Dr. Eseli on 22.10.2008)

*(Resumption of Debate interrupted
on 22.10.2008)*

The Temporary Deputy Speaker (Prof. Kamar): Hon. Kaino, you were on the Floor. You still have seven minutes!

Mr. Kaino: Thank you very much, Madam Temporary Deputy Speaker. I was on the Floor seconding the Motion by Dr. Eseli. The intention of this Motion is to bring about fair distribution of resources in this country.

Madam Temporary Deputy Speaker, you will realize that, immediately after Independence, some regions in this country were favoured. Some were well developed and, even today, as we are speaking here, some regions in this country are actually well developed. Some are under-developed while others are developed. So, the Motion seeks to bring about equal distribution of resources according to the development levels of such areas.

Madam Temporary Deputy Speaker, I am not saying that some regions were favoured against the others. But I am just saying that in the past, there were some very powerful Ministers in the Kenyatta Government, Moi Government and even Kibaki Government! When those very powerful Ministers say something, it is almost absolute. No one reverses what they say. So, this Motion is very important.

Madam Temporary Deputy Speaker, if we really love this country and we desire that it develops, we should examine, determine and gauge the development status of each area. So, before we give out the resources, we should examine and determine the status of development of every section of this country. When the resources are given out, it would be according to the desires and needs of those areas. Otherwise, we shall end up having some parts of this country being donors to other sections of this country because they are well developed and some are extremely under-developed.

Madam Temporary Deputy Speaker, in the recent past, in the Ministry of Water and Irrigation, for example, we have seen more than Kshs500 million going to one constituency or even several constituencies in one district. There are some parts of this country which are connected with clean piped water which is safe for drinking, while some people walk for many kilometres looking for water! They walk for a whole day in search of water when other people have tap water

in their houses. Such people have the energy to do other development and income generating activities!

Madam Temporary Deputy Speaker, there are some areas which have well developed schools. They have schools which send 100 students to the universities. But when you go to areas like Garissa and Marakwet, you can hardly get ten students going to the university! You can compare the number of students who go to the universities from one district like Marakwet, to just one school in the developed areas, which sends about 100 students to the universities! You can get an entire district taking only ten students to the universities. How do you compare those areas?

Madam Temporary Deputy Speaker, we want a situation where a proper study of the regions is done before resources are actually allocated. We should examine them in terms of schools, roads, water distribution and so on. Once we know that, we should allocate more resources to those areas.

Madam Temporary Deputy Speaker, it is very important to mention that very little resources get to areas which are the least developed. It is like a drop in the ocean because the problems there are enormous! If what we give there is equal to what is given to developed areas, we cannot see any improvement. So, the other areas continue to develop very fast and so rapidly that they can actually compare to Europe!

Madam Temporary Deputy Speaker, in Kenya, we are very lucky to have a Government that has introduced devolved funds. But if we are not careful about that, we shall leave other areas that have been left behind for many generations. They will go backwards because the other areas are developing more rapidly, while others are just left like that! We are in one Kenya and we want to develop together! I know that not everything can be equal. There is nothing that can be equal but we want to bring other regions just close. We do not want to leave other regions very far behind. We need to bring them closer to us and ensure that the money which is allocated to regions that are developed is more or less distributed to the less developed areas.

So, Madam Temporary Deputy Speaker, as I conclude my seconding remarks, I beg my colleagues to see this country as one. We should see every region and citizen of this country as very important. They deserve services! They deserve water, education, better roads and better agricultural activities in their areas. I beg hon. Members to support this Motion and ensure distribution of resources to the less developed areas. We should examine the development of each part of this country, so that when we are sharing resources, we do so knowing that we are doing what can make some impact on a particular community.

With those few remarks, I beg to second.

(Question proposed)

The Assistant Minister for Livestock Development (Mr. Duale): Madam Temporary Deputy Speaker, I stand to support this Motion. When we talk of unequitable distribution of resources in this country, we are talking about how the education sector and infrastructure resources are distributed. We look at the health and water sectors, and then the people of this country and their livelihoods. We know for sure that the Constituencies Development Fund (CDF), which is a devolved fund, has greatly improved things, and shown that if resources are used equitably, this country will grow at the same pace. If you look at the road network in this country and you compare the North Eastern Province and the Central Province, 99.1 per cent of the roads in the North Eastern Province are impassable. The whole of North Eastern Province, for 45 years, has only seen a 20 kilometres tarmac road. If you compare that with the Central Province which has up to 75 per cent passable roads, you will see the kind of inequitable distribution of resources that has been in this country for the last 40 years or so.

If look at the girl child, you will see that for every five educated males in the North Eastern Province, there is one female, while in Central Province you will see that for every one educated woman, there are two educated men, or 1.2 per cent. You will see the graph, or the variance. You will see the same thing with the national examinations. Children in the North Eastern Province walk a distance of not less than 20 kilometres to school; they are victims of poor educational infrastructure and do not have access to clean water. The same children do the same national examinations with children from the Central Province and Nairobi Province, who have all the resources available.

We are not treating Kenyans equally. We are not developing this country equally. When you leave one part of this country under-developed, I can say without any fear that you are not developing this country. For you to have a developed country, a country that can be proud of its per capita income--- For you to talk of wealth creation and poverty reduction, it is paramount and that, development occurs at the same pace and devolved resources are prioritised.

Madam Temporary Deputy Speaker, that is why I am saying that if you look at the water system and the provision of clean water in this country, the disparity is so wide; when you look at what is in the ASALs, access to clean water, water for livestock and water for basic needs, it is far below what is in other parts. I want to propose here that if the CDF has shown that equitable distribution of resources can be put in place, we want the the Youth Enterprise Development Fund (YEDF), the Women Enterprise Development Fund (WEDF) and the roads funds to be distributed on the same basis; let us look at how this country has developed over the last four years.

The rate at which this country invests in many agricultural subsectors, the tourism sector and the manufacturing sector must be the same rate at which it invests in the livestock sector. This will improve the livelihoods of the people of the north, create wealth and fight poverty.

Constituencies, districts and regions in this country are not the same. If you look at a district like Kirinyaga, for example, where the employment rate for the girl child is 100 per cent and you compare it with my Dujis Constituency, which is one of the best constituencies in northern Kenyan, where the employment rate for the girl child is 18 per cent, you will see the essence, importance and the urgency of this Motion. We want to create an equitable society and a country where, if one region is lagging behind, the rest of the country feels it.

Madam Temporary Deputy Speaker, we are talking of one Kenyan family where you can look at those who are malnourished, those who have no water and those who cannot access education and tell those who have, in one way or the other--- Maybe the Head of State came from that region; maybe people there had more opportunities, but they can say: "Yes, we are ready at this time to sacrifice and have more resources go to other regions."

I support this Motion, because one of the foremost political parties put emphasis in its manifesto, during the last general election, on the equitable distribution of resources to the grassroots.

Madam Temporary Deputy Speaker, I propose that on that arrangement and basis, then we should look at constituencies and regions based on the several factors that this Motion emphasises. We look at the population, infrastructure, human resource development of that region and the provision of water and education. Even when you want to devolve the Women Enterprise Development Fund (WEDF), the women of Dujis in northern Kenya and from pastoral communities are not the same in terms of education, awareness and their own capacity, compared to those from Central Province who have 100 per cent access to education.

It is very important to note that as leaders we must put the issues on the table and look at this country as one. For Kenya to develop and realise Vision 2030 and the Millennium Development Goals (MDGs), this country must be developed at the same rate and par, taking into consideration the various factors influencing the various regions. We should ask ourselves why it is

that 45 years down the line, we only have a 20-kilometre tarmac road in North Eastern Province. Why is the student enrolment rate in North Eastern Province below the internationally accepted rate? Why do we have 75 per cent of the people of Arid and Semi-Arid Lands (ASALs) living below the poverty line?

Madam Temporary Deputy Speaker, with those many remarks, I urge my colleagues to support this Motion and to approve that we base the devolution of resources on the so many factors and make sure that we build one country that is equitable in terms of education, health and provision of water, so that we can create more wealth and reduce poverty.

With those remarks, I beg to support.

The Assistant Minister for Nairobi Metropolitan Development (Ms. Ongoro): Thank you very much, Madam Temporary Deputy Speaker. I rise to support this Motion and I am in agreement that the idea of devolved funds is very noble. However, certain parameters must be put into consideration if these funds are going to impact positively at the grassroots level.

It is incredible, for example, for a constituency like Kasarani, which covers an area of almost 90 square kilometres with a population of almost 700,000 people, almost 43 per cent of them living below the poverty line and with 46 per cent of households headed either by women or children, to receive an almost equal allocation of funds like a constituency which has 60,000 people. If this kind of trend is not corrected, then this noble idea is going to be negated and the impact is not going to be felt in certain constituencies. Certain constituencies will still lag behind in development, despite the availability of such funds.

Madam Temporary Deputy Speaker, I want to say that in my constituency, for example, if I am to undertake any development project for the youth, I will be considering about 400,000 people. If my allocation did not consider this kind of variance, then I am not going to be able to impact positively on the youth in my constituency. I also want to say that in cases where we have infrastructure that is already developed in certain constituencies and areas of this country, it is incredible that those areas would still receive the same allocation as areas that are completely lacking in such infrastructural development. If we want to impact the development in this nation and if we want the people of Kenya to move uniformly and avoid issues such as were witnessed early this year, then certain parameters must be considered when we are allocating funds so that this positive noble idea impacts at the grassroots.

Madam Temporary Deputy Speaker, Sir, when we look at the poverty levels in certain regions and constituencies in this country, you will realise that the strategic plans that any Member of Parliament in such a constituency will come up with, must completely be different from a strategic plan in an area where the poverty level is very low. If we want Members of this House to be effective and pass Bills that are going to encourage development in every area of this nation and to avoid development that is lopsided and truly consider ourselves as one people and unified nation, then we must stop this pretence of giving equal allocation when it is so obvious that some areas in this country are lagging behind.

I recently took some visitors on a tour and while we were touring some parts of this country, I am sorry to say, they asked me if we were still in Kenya and I was so embarrassed. If we want to avoid those kind questions and avoid exposing our youth to the idea that they really do not belong to this nation, and any occurrence that definitely if not addressed rightly right now will still erupt, then this House must support that we must take into consideration all factors that may influence the impact of such funds. These funds must be allocated according to the grassroots data that is contained within every region, society and constituency.

Madam Temporary Deputy Speaker, for example, in my constituency, there is a very high prevalence of Human Immuno-Deficiency Virus (HIV) infection and the funds allocated to it can hardly cope. It is the same Government that presents us with data collected at the grassroots. So it

is incredible for the same Government while allocating these funds to give us less when they have even given us data. I am left wondering why they still allocate funds not according to their own data but according to other parameters. If the same Government is presenting you with data that this region has got a 70 per cent prevalence of HIV, then why is it that when it comes to the time of allocating the same funds, then that region is given less? It would only be logical that, that region is given 70 per cent of the allocation. These kind of hypocrisies must stop because we are not dealing with dummies in this country; we are dealing with an elitist society. These are people who are educated and exposed. Our youth are now exposed to all manner of information and while you want to force them to remain united and they read certain issues and come across data and facts that make a different statement from what we as leaders and the Government are trying to tell them, then that is an effort in futility.

We are building castles in the air! If we continue building castles in the air, it is a time bomb. We have to address this issue and accept that we are not going to continue with uniform allocation of funds; be it the Constituencies Development Fund, (CDF), Kenya Roads Board funds, Youth Enterprise Development Fund (YEDF) or Women Enterprise Development Fund (WEDF). When allocating the women fund, we want to be told how many women are in each constituency, how many women are in a constituency who live below the poverty line; and how many youths are found in a particular region so that when presented with data on allocation, then, it will make logic and will be supported by all.

With those few remarks, I beg to support.

Mrs. Noor: Thank you, Madam Temporary Deputy Speaker. Forty years plus, after Independence, every part of this country is still crying. People are talking about injustices, unfairness and unequal distribution of resources. Everybody in this country is looking for those resources so that we can make a difference in our society.

Madam Temporary Deputy Speaker, Kenyans do not choose where they are born. However, they choose a Government which is sensitive, reasonable, and which can stand up for justice and fairness and can reach every part of this country without putting conditions and saying, "there are parts of this country we cannot give services because they are hardship areas". This is the answer I got from the Floor of this House that some parts of this country, because of their nature and conditions, cannot be given services by the Government. If the Government is not able to render services to some regions in this country, then they do not have business in asking for the mandate to serve this nation as a Government.

Madam Temporary Deputy Speaker, at the end of the day, resource distribution will be a cancer to this nation. We all saw what happened early this year. There was violence and it was because of the development initiatives that we, as the Government, undertake. Government priorities and vision must be changed. Forty years after Independence, we still have the strategies that we used just after Independence. We have documents and data that do not change the status quo. If we look at the kind of development in Nairobi, the kind of traffic jams and problems we are facing, the population of Nairobi is growing and we are not changing the strategy of addressing issues in this country.

Madam Temporary Deputy Speaker, if we look categorically and critically into all sectors of development starting with education, this is what is causing problems to the Kenyan society. If we look at resource distribution at the national level, how many national schools do we have in each region? We only have two national schools out of Central Province. There is one in western Kenya and another one in Rift Valley. The rest of the regions, North Eastern Province, Coast Province, Eastern Province and others, do not have any national school. When we do not have schools, which are centres of excellence, where we can get human resource to serve this country, we get answers like, "we do not have people who can serve in hardship areas". We do not have

centres of excellence at the regional level! We bring all our resources to the centre. This way, we have a problem and we will have outcries all over the country. I have mentioned education because I feel it is a key sector in the development of human resource. At the end, when we get the human resource, this is what can translate into meaningful development.

Madam Temporary Deputy Speaker, we are talking of equal distribution of resources. About 50 per cent of the children in ASAL areas are not in school. They cannot access educational facilities even with the Free Primary Education Programme. The data is with us. What is the Government doing about it? We need to know what they are doing about the children who are out of school. We have systems and structures from the grassroots. We do need not to put our issues on papers. We need to translate them to action.

Madam Temporary Deputy Speaker, when I talk of food security, we know the situation we are in currently. As I am speaking now, how many people cannot access food? For example, Turkana is a clear case. Women and children are starving. They are eating wild fruits. They are looking for wild fruits while we have a Government. We must look at our development priorities. A country like Namibia, today, has enough food for all its citizens. They even have surplus stock to export. They are even becoming a donor. I think we have more opportunities. We have a country that is more advanced than Namibia. Kenya is an advanced country and we can do better than what we are doing.

Madam Temporary Deputy Speaker, there is water problem in this country. About 50 per cent of Kenyans cannot access water. If we do not have basic needs like access to water, it becomes a problem. That is why we want to have a data bank and a resource bank where we can critically evaluate what we have, what are the gaps and how can we improve. This is what I am saying. We are Kenyans and we are here together. There is no Kenyan who has more rights than any other Kenyan in this country.

Madam Temporary Deputy Speaker, our technocrats must be people who are educated, exposed and know the issues all over the country. These people must be given an exposure all over the country. I have in mind the planners and designers. When they do not understand the uniqueness of different parts of this country, they cannot plan for us and give us equal distribution of resources. They sit on their desks and give us information from there. They tell us that, "Central Province has a big population and this is the money they will get". They do not look at other problems. That is the reason why I am supporting this Motion. We must look at the poverty level, infrastructure development, educational levels and all development indicators in order to distribute the resources equally to every part of this country.

Thank you, Madam Temporary Deputy Speaker.

The Assistant Minister for Medical Services (Mr. Mungatana): Ahsante, Mheshimiwa Naibu wa Spika, kwa kunipa nafasi ili nichangie Hoja iliyo mbele yetu.

Pili, namshukuru Dr. Eseli kwa kuleta Hoja hii mbele ya Bunge kuzungumzia maswala muhimu kuhusu mipangilio ya kugawanya mali katika nchi ya Kenya. Pia, namshukuru mhe. Kaino kwa kuunga mkono Hoja iliyoletwa na Dr. Eseli. Yangu hayatakuwa mazungumzo marefu. Nataka kusema kwamba nakubaliana kabisa na wenzangu wote ambao wameizungumzia Hoja hii kwa kirefu.

Lakini, nataka pia kukosoa kidogo kwa kusema kwamba, pengine siyo mahali unakotoka ambako kumeleta shida ya ugawanyaji wa rasilimali katika Kenya. Siyo kwa sababu umetoka Nairobi ndio unapata rasilimali nyingi. Siyo kwamba umetoka Mkoa wa Kati ndio umepata nyingi. Ama umetoka Kisumu ndio unapata nyingi. Sababu kubwa ya taabu katika ugawanyaji wa rasimali hapa Kenya ni namna Serikali ilivyoundwa kwa sasa.

[The Temporary Deputy Speaker]

(Prof. Kamar) left the Chair]

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

Mfumo wa Serikali uliopo kwa sasa umeathiri maeneo ambayo yako kando kando na Jiji la Nairobi. Umeathiri maeneo ambayo hayana watu wengi. Kenya hii, tukubali au tusikubali, tuko na mikoa minane. Kuna sehemu ambazo Mwenyezi Mungu amezipatia fanaka. Amezipatia mvua nyingi na watu ni wengi. Kuna sehemu ambazo zina watu wachache. Ukichukulia mfano wa Kisii na Garsen, kuna fanaka huko na kwingine hakuna. Mvua inachukua muda mrefu kunyesha. Ukilinganisha Garsen na Kirinyaga, kuna fanaka sehemu hiyo. Lakini sehemu nyingine hakuna kwa sababu ya mvua. Wananchi wanaishi kwa taabu.

Lakini mpangilio wa Serikali ambayo tuko nao tangu Uhuru, ndio unaleta matata. Taabu ilioko ni kwamba, sisi katika Bunge, hasa Bunge hili la Kumi, tumezungumza na kusema kwamba kuna umuhimu wa swala la ugawaji wa rasilimali hapa Kenya uangaliwe kwa undani. Lakini, hata tukipitisha Hoja hii - na tumepitisha nyingi - utakuta kwamba ndani ya Serikali, kuna mipangilio ya kiserikali. Inakuwa kwamba mazungumzo ya Bunge hayatekelezwi katika Wizara mbali mbali. Hii ndio taabu ilioko. Swali ambalo tungependa kuliuliza ni: "Je, Bunge ni mjakazi wa Serikali ya nje ama Serikali ni mjakazi wa Bunge?" Inayokuja kwanza ni Serikali ama ni Bunge? Nani alimzaa nani? Hayo ndio maswali ambayo ni lazima tujiulize.

Katika mawazo yangu, najua kwamba Bunge ndio mama mzazi wa Serikali. Lakini kwa sasa ukiangalia, ni kana kwamba Bunge limekuwa mjakazi wa Serikali. Hivi sasa, tukipitisha Hoja hii na kusema kwamba ni lazima tuwe na usawa katika ugavi wa rasilimali ya Kenya, kuna watu katika Serikali, katika Utumishi wa Umma, watasema hayo ni mazungumzo ya Bunge. Wacha yaishie pale Bunge. Hiyo ni kwa sababu wanajua mfumo wa Serikali. Wao ndio wanapanga Bajeti na sisi tunakuja kupitisha.

Ningependa ndugu zangu waheshimiwa, wakati huu ambapo tunataka kubadilisha hii Katiba, tuhakikishe ya kwamba Serikali itakuwa mjakazi wa hii Bunge. Tukipitisha maneno hapa, yataenda kutekelezwa na Serikali kuu. Jambo mmoja ambalo ni lazima tupitishie ni kwamba kutoka kitengo cha Katibu wa Kudumu kushuka chini - watumishi wakuu wa Serikali kama vile wakurugenzi - wawe wanaajiriwa kwa mkataba. Wasiwe wafanyakazi wa Serikali haswa. Wawe watu waliopewa mkataba.

Huko Marekani, wafanyakazi wa kitengo cha juu wanajua kabisa Serikali ya George Bush ikiisha, wanatoa barua ya kuwacha kazi. Kwa sababu gani? Kwa sababu Rais mpya atakayekuja atakuja na maswala yake na mipangilio yake. Yule wa kuhakikisha inatekelezwa ni yule ambaye yuko kule ndani. Ikiwa ni wale wale ndio watatupangia--- Ni wale wale ambao watatupangia mwaka kesho na mwaka ujao, inakuwa ni kazi ngumu kwa Bunge hili kuwatumikia wananchi inavyopaswa. Kwa hivyo, ningewaomba wenzangu Wabunge kwamba, wakati huu, tuko na nafasi. Wakati tutakapobadilisha Katiba yetu, tuhakikishe ya kwamba sisi Wabunge tumejipatia mamlaka ya kutosha kuhakikisha kwamba maneno tunayoyazungumza hapa yanatekelezwa na Serikali. Tukifanya hivyo, tutarejesha heshima na nafasi ya Bunge katika Kenya. Tumekuwa na taabu. Mazungumzo tunayafanya hapa. Tunaleta mambo kutoka kwa waliotuchagua. Tunayazungumza hapa na kupitisha. Lakini kutekelezwa inakuwa ni taabu kubwa.

Kwa hivyo, ningependa kuunga mkono Hoja hii kwa nguvu sana. Lakini nasema ya kwamba, pamoja na mazungumzo tutakayoyafanya hapa, tuhakikishe ya kwamba wakati tunaleta mazungumzo ya kubadilisha Katiba, sisi Wabunge wa Bunge la Kenya tumechukua mamlaka ili kuhakikisha wananchi wanapata haki yao.

Kwa hayo mengi, naunga mkono Hoja hii.

Mr. Kioni: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion.

I want to start by thanking and congratulating Dr. Eseli for coming up with this kind of Motion; a Motion that deals with the core issues; a Motion that needs to be, in future, discussed in much depth. These are issues that need to be brought out more clearly. They are issues that need to be expounded upon. We need to make sure that they are not clouded in some things that are not clear.

Mr. Temporary Deputy Speaker, Sir, many speakers have raised a number of issues; all of them very valid to some extent. But I would like to add my voice to the same discussion and say: Since we are doing a lot of devolving of funds, it is important that we actually understand the parameters and factors that are helping us to decide on how much money goes to what region. It is also important to make - and I have not heard this mentioned by any of the speakers who have talked before me--- We also need to pay attention to the amount of money that is taxed from one region to another. If we just continue talking about issues of distribution of resources without paying attention to how we get those resources, then eventually, we will have shot our own foot. You cannot tax people and expect them not to get any return from that taxation. It is true that regions are different. We need to look at regions differently. But we should never ever lose that opportunity.

*(Messrs. Lesrima and Mungatana
consulted loudly)*

There is a lot of loud consultations going on. I think the Assistant Minister needs to lower his voice.

The Temporary Deputy Speaker (Prof. Kaloki): Order!

Proceed, Mr. Kioni!

Mr. Kioni: Thank you, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has kept quiet. I was saying that it is important that we also pay attention to the Kenyans whom we are taxing. They also want to see some form of returns going back to the areas that they live in. It would be sad if this issue is reduced to a point where we look at Mt. Kenya. A lot of this has been said; so, I feel obliged to say something about it. A lot has been said, that there are a lot of resources which have been taken to central Kenya, and other regions have been denied their share because all the resources have gone there. I do not think that is true. The province that is suffering a lot from jigger infestation is Central Province. If there is any other better indicator of poverty levels in a region, I need to be told if jigger infestation is not a top mark. That tells you that the notion that a lot of resources have been taken to central Province is nothing but a perception.

Many people have said that what we witnessed at the beginning of this year had to do with distribution of resources. If that is the case, leaders gave the wrong facts to the people. They told people things which were not accurate. When you talk about things like the number of schools in Central Province and fail to tell them that even those schools that are next to my constituency do not benefit us, because there is the quota system--- We can only take 12 students to those schools. If we give half-baked truths then there will be violence in this country. I totally disagree with those who say that it is because of those things that we had violence. It was because of the leaders who went out to tell lies and half-baked truths, without giving true facts. That is why we have envelopes that may need to be opened far away from this country.

Mr. Temporary Deputy Speaker, Sir, as we continue talking about the review of the Constitution, it is important for us to now think whether we just want to talk about regional balancing or balancing people. These resources are meant to help people. If there are people in a

region, then they need to be helped. My child should not get less just because he comes from Mt. Kenya. That is discrimination and that child has nothing to do with where he came from and with the resources that may have been allocated to that area in the past. We must wake up to those things and I accept it is not fair to have leaders talking about this all the time. I was in Siakago and the amount of poverty there is unbelievable.

Mr. Temporary Deputy Speaker, we talk of the Constituencies Development Fund (CDF) allocations. I have used the figures we were given by the Ministry; in Ndaragwa Constituency, the amount of money that will go to an individual in Ndaragwa, given our amount of CDF allocation is Kshs406; in Embakasi every individual will get Kshs106; in Galole an individual there will get Kshs826. In one of the constituencies in Samburu District an individual will get Kshs1,156. Yet when we talk here there is this notion that it is central Kenya that is getting all these resources. This kind of perception must be changed. I want to say that even as we look at the Constitution, the issue of equal distribution of resources to the people, and not regions, should be looked into. Look at the transition rate in schools in the recent past; it is the most worrying.

There are a lot of issues which are being talked about from very inaccurate information. Those are issues that are just being mentioned to go to the minds of Kenyans, yet they are just perceptions. Until we move out of these perceptions, the factors that guide us in the distribution of the devolved funds will always be elusive. We have figures that were given to us at the beginning of the year, but we were not able to use them because there was a lot of objection. We also need to know how the poverty indices were arrived at. In my constituency, we do not have water, for example, and we are in central Province, where we are bound to have water. Why can you not come to my constituency? I am saying this because all the contributors have narrowed down to the point that because resources went to Mt. Kenya region there is a problem. If we go that route, our leadership capability will also become very doubtful. Our capacity to help this country will be questioned.

I have no problem with the issue of affirmative action for areas that have been disadvantaged; but when it comes to distributing money that has been collected as taxes, it should be distributed to individuals, or heads, because those are the people who are going to contribute to the kitty that is going to help the Government in future.

Mr. Temporary Deputy Speaker, Sir, again we must make sure that all regions are developed. If we are looking for resources to develop the regions, we must ask ourselves where the resources come from. If there are regions that have better resources for the Government to generate more revenue, then it is only good that some attention is paid to them.

My final statement is that I come from Ndaragwa Constituency where we grow pyrethrum. I know there is a rescue package for the sugar-cane farmers and coffee farmers, but there is no rescue package for the pyrethrum farmers. The cash crop has died in that region and the poverty levels have gone up, because of this unequal distribution of resources. I support this Motion but we have to understand the factors we are using, and, as leaders, live up to our calling.

Mr. Mwadeghu: Bw. Naibu Spika wa Muda, nasimama hapa kuunga mkono Hoja hii ambayo imeletwa na Dk. Eseli. Ni jambo la uwazi kuwa ugawaji wa raslimali katika nchi hii umeelekezwa mahali fulani. Hata mtoto mchanga analiona hilo jambo. Kwa hivyo, tunaomba kwamba wakati huu madhumuni yetu ni kuangalia kuwa yale ambayo yalikuwa yametendeka kuhusu ugawaji wa raslimali--- Siko hapa kusema kwamba umeenda mahali fulani, lakini ugawaji wa raslimali ya nchi hii utegemee, kwanza, watu walio mahali fulani. Jambo la pili ni kwamba utegemee eneo ambalo linahusika katika ugawaji wa raslimali. Naomba nikupatie mfano; katika Mkoa wa Pwani. Kodi ambayo inatoka bandarini ndiyo kodi kubwa zaidi katika mikoa yetu nchini. Lakini angalia ugawaji! Wakati hiyo kodi imeingia katika Serikali kuu inagawanywa namna gani? Angalia ndugu zetu ambao wako Likoni; huwezi kuamini kwamba wale watu ndiyo wanaishi

karibu na bandari. Hiyo kodi inaenda wapi? Ikiwa ni ugawanyaji inapelekwa wapi na wale wanaofaidika na hiyo rasilmali ni kina nani?

Bw. Naibu Spika wa Muda, nikirudi katika sehemu ambayo ninawakilisha ya Wundanyi, Taita, utakuta kwamba barabara zetu ni haba, maji hamna, shule hamna, na si kuwa hatuna rasilmali. Zipo! Lakini zinaenda wapi? Maji ambayo yananywewa Mombasa yanatoka Milima Taita. Wakati ule yalikuwa yanashughulikiwa na National Water Conservation and Pipeline Corporation, wakikusanya zile fedha walikuwa hawazirudishi kwa mfereji, ama kwa bomba, ili kurekebisha lile bomba na kuzileta kwa Serikali kuu, ndipo zigawanywe. Ni pahali pamoja peke yake nimeona watu wanatoa mchango wa mali ile walio nayo iuzwe, na yule ambaye anaichukua anaichukua bure, na akipata zile hela yeye anaamua atazitumia aje, na wala hafikirii mahali ile mali imetoka. Hii ndiyo sababu tunasema kwamba National Water Conservation and Pipeline Corporation ilikuwa imewajibika kuhakikisha kuwa mfereji wa Mzima Springs umerekebishwa na maji mengine yamegawiwa watu wa Taita, huku maji mengine yakienda Mombasa. Kodi kutokana na maji haikufaa kwenda kwa Serikali kuu na kugawiwa mahali kwingine, na huku wale ambao wametoa hayo maji hawakupatiwa chochote.

Tunaona kwamba kulikuwa na njama ya kuhakikisha kuwa ugawaji wa rasilmali katika nchi hii umeelekezwa mahali fulani. Nikisema hivi ninamaanisha nini? Angalia mbuga za wanyama kama Tsavo East na Tsavo West, kuna wanyama kadhaa wa kadhaa. Wakenya wenyewe wanakubaliana na mimi kuwa zile hela ambazo zinaingia nchini kutokana na watalii wanaoenda kutalii Tsavo East na Tsavo West zinaweza kujenga barabara nyingi zikitumiwa vizuri. Wale watu ambao wanapakana na mbuga hizi wanapata nini? Hela zote zinakusanywa, zinaingia katika mfuko wa serikali na kupelekwa kwingine. Hakuna mtu ambaye anaweza kuniambia hapa kuwa Serikali imeanza kulinda wanyama tangu hapo awali. Tangu hapo, wanyama walikuwa wanalindwa na wenyeji. Serikali imekuta wanyama wamelindwa na wenyeji na ikawachukua wanyama hawa kuwa wake. Tumekubali wanyama hawa ni wa Serikali lakini yale mapato yanayopatikana kutokana na watalii ambao wameingia hapa nchini yanamfaidi nani?

Bw. Naibu Spika wa Muda, hii ndiyo sababu tumeleta Hoja hii ili tuangalie jinsi rasilmali zinaweza kugawanywa kwa uhaki. Yule ndovu aliye Maasai Mara ni sawa na ndovu ambaye yuko katika Mbuga ya Tsavo National. Utakuta watoto ambao wanakuwa katika mtaa wa Maasai Mara wanasomeshwa na hela ambazo zinatokana na watalii. Lakini watoto Wataita hawasomeshwi. Tunasema huo si usawa. Ugawaji wa rasilmali zetu umeenda upande mmoja. Tunaomba madhambi haya yarekebishwe.

Tukiangalia madini, inasemekana kwamba asilimia themanini ya rasilmali ya nchi hii iko Mkoa wa Pwani. Tuna Coffee Board, Tea Board na Lake Basin Development Authority. Ni shirika gani limeundwa na Serikali kuangalia kwamba madini katika Mkoa wa Pwani yanatumiwa kisawa na kuwa wenyeji na Serikali wanafaidika?

Tukiangalia Mkoa wa Kaskazini Mashariki, watu wale wanafuga ng'ombe. Lakini tumefanya nini kuhakikisha kuwa ng'ombe wao wanauzwa vizuri; wamepata kichinjio karibu na kupata mauzo? Itambidi mtu atoke North Eastern na ng'ombe awasafirishe mpaka hapa Athi River waje kuchinjwa. Je, hiki kichinjio kingekuwa kimepelekwa kule juu, si watu wale wangefaidika? Serikali ihakikishe kuwa rasilmali zinagawanywa vile zinavyostahili ili kila mtu ambaye anaishi nchini humu aone anafaidika kwa zile rasilmali za nchi.

Ni jambo la kusikitisha kuwa mkoa mzima unawapeleka wanafunzi 12 katika chuo kikuu na ilhali shule moja katika sehemu zingine hapa nchini inawachukua wanafunzi 200 ama 300 katika chuo kikuu. Mtihani wanaofanya ni ule ule mmoja. Ukiangalia shule hizo ambazo hawa watoto wanafunzwa hazina vifaa na mtihani ni mmoja. Je, kuna usawa hapo? Kweli tunahitaji mtu awe profesa wa taaluma ya hesabu ya fedha ajue kuwa hamna usawa wa ugawaji wa rasilmali nchini humu? Utakuta mikoa mingine ina shule, barabara na kila kitu na mingine haina chochote.

Jana tulienda kuwaangalia watoto wale mapacha ambao walizaliwa wakiwa wameshikamana. Imebidi watolewe Mombasa waletwe mpaka Kenyatta National Hospital na hii si mara ya kwanza. Je, hizi hospitali zetu kubwa kubwa zingekuwa zimepatiwa vifaa vya kutosha na kupanuliwa, hakungekuwa na haja ya watoto hawa kutolewa Mombasa na kuletwa hapa Nairobi. Tunaona kuwa rasilmali za nchi zimewekwa mahali pamoja na huku wengine wamekosa kabisa. Akina mama ambao walikuwa vijijini katika mikoa mbali mbali wanaweza kufa hasa wakati wa kujifungua kwa sababu hakuna vifaa katika hospitali. Ukiuliza kwa sababu gani, utakuta kuwa kila hela zinazochukuliwa zinaletwa Nairobi. Mfano ni ugawaji wa hela za maji mwaka jana. Hii ndio maana ninaomba niwakosoe wale ambao wanasema kuwa labda kuna mawazo duni kuwa hela nyingi zimepelekwa Mkoa wa Kati. Si mawazo duni. Ni mambo tumeona yakitendeka tangu tuwe vijana na hivi sasa sisi ni waheshimiwa Wabunge. Itakuwa ni jambo la aibu sisi kama waheshimiwa Wabunge tukiona mambo kama haya yakitendeka na tunanyamaza. Wakati umefika tuambiane ukweli na tuseme rasilmali zigawanywe kwa haki. Rasilmali zinafaa zigawanywe kulingana na hali ilivyo lakini zote zisirundukwe mahali pamoja kwa sababu mtu fulani ni Waziri. Ukiwa Waziri, basi, hela zitapelekwa kwako. Ukiwa Waziri wa Maji basi hela za maji itapelekwa kwako. Ukiwa Waziri wa Uchumi, hela za uchumi zitapelekwa kwako. Ukiwa Waziri wa Barabara basi barabara zako zitatengenezwa. Tunasema la! Tunataka tuwe na usawa nchini na tuhakikishe kwamba kila mwananchi anapata haki yake. Tukiendelea kunyamaza na dhambi kama hii inatendeka, tutajikuta tuko pale pale ambapo tumetoka mapema mwaka huu, kwa maoni yangu. Kitu kilichowafanya watu wakazozana, kuraruliana nguo na kupigana kwa mishale na silaha zingine ni kwa sababu ya rasilmali.

Watu wengi walikuwa na uchungu. Wengi wamenyang'anywa mali yao. Watu wametoka huku juu bara wakaenda Pwani wakaona mashamba hayo hayana wenyewe; wameyavamia. Wanatoka Nairobi na vyeti vya umilikaji shamba na kukuambia: "Ondoka, nenda, nina title deed; wewe huna." Kwa nini Serikali isitoe pesa ihakikishe kuwa watu hawa wamepewa stakabadhi za kumiliki mashamba? Tunanyamaza tu. Na watu wanasema tuendeleo vivyo hivyo. Tunasema la! Haitaendeleo hivyo hivyo na hatutaruhusu mambo kama haya yaendeleo. Uonevu huu umepitwa na wakati. Tunatakiwa kutambua kuwa sisi wote ni Wakenya na tuna haki ya kuishi nchini humu na haki ya rasilmali zetu za nchi hii.

Kwa hayo machache, naomba niunge mkono Hoja hii. Asante.

Mr. Twaha: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia fursa hii nami nichangie Hoja hii.

Ningependa kuwapongeza waheshimiwa Wabunge wa Bunge la Tisa wakiongozwa na Eng. Karue aliyekuwa Mbunge wa Ol Kalou kwa kuleta Hoja ya CDF na tukaipitisha. Mimi nilikuwa mmoja wa Wabunge hao waliopitisha Hoja hiyo. Kwa sasa, kuna usawa katika Kenya kuliko vile ilivyokuwa. Kama vile Dr. Eseli alivyopendekeza, kuna haja ya kurekebisha mambo fulani.

CDF imetuwzesha kujenga shule za msingi na za upili katika kila lokesheni. Tumesambaza maji katika sehemu ambazo maji hayakuwa. Tumejenga zahanati na vile vile, tumewasaidia wananchi kwa njia nyingi kutumia pesa za CDF. Kwa hivyo, tunashukuru Mungu kwa sababu pesa za CDF zipo. Sasa tunatajikana kuboresha maadili ya ugawanyaji wa pesa za CDF. Ninaunga mkono Hoja ya Dr. Eseli kwamba kuna haja ya kuyarekebisha mambo. Nitatoa mfano.

Kule kwangu, Lamu Magharibi, nina wapigaji kura 31,000. Jirani yangu huko Lamu Mashariki ana wapigaji kura 11,000. Huko Lamu Mashariki wanapata Kshs36 million. Lamu Magharibi ambayo ina wapigaji kura 20,000 zaidi inapata Kshs41 million. Yaani zile Kshs5 milioni za ziada zinawahudumia watu 20,000 zaidi ya wale wengine. Ninapata maswali magumu kwa sababu sisi ni majirani. Ninaulizwa mbona kule wanafunzi wanalipiwa karo ya shule yote na

sisi tunalipiwa kidogo. Jawabu ni kwamba kule kuna watu wachache na sisi tuna watu wengi na pesa ni karibu sawa sawa. Kwa hivyo, ni muhimu tuunge mkono hii Hoja ya Dr. Eseli ili mambo kama idadi ya watu yaangaliwe wakati wa kugawa pesa hizi. Kabla hatujafika hapo lazima kuwa na kongamano. Tunafaa tukubaliane vizuri tujue mabadiliko haya yatakuwa namna gani. Mabadiliko hayafai kuwa mabaya kuliko vile tuko sasa.

Kuna maonevu katika kugawana rasilimali. Ukiangalia Mkoa wa Pwani kuna wilaya nane. Nafikiri juzi Tana River wameongeza zingine, zimekuwa tisa. Wilaya pekee ambaye haina bara bara ya lami ni Lamu kwa miaka 45 kutoka tupate Uhuru. Mahali ambapo lami imemalizika ni kutoka Garsen kuingia Lamu District. Kwa hivyo, ni lazima mambo haya yaangaliwe. Tunashukuru Serikali ya Rais Kibaki kwa kufanya *planning* na *design*.

Bw. Naibu Spika wa Muda, kuna mimea ambayo sisi tunakuza kama vile korosho na bixa. Tulipopata soko huru katika Kenya, uuzaji wa mimea yote ukawa katika soko huru. Lakini bixa na korosho ziliondeshwa kama *scheduled crops* ambayo sijui maana yake. Nimesoma Kiingereza, lakini orodha hii inamaanisha kuwa ni lazima umuuzie ule mnunuzi mmoja kwa bei anayoitaka. Werevu ukizidi unakuwa ujinga. Wakaweka bei chini sana mpaka watu wakakosa kuuza hiyo mimea na mtambo ukafungwa kwa kukosa mazao. Hii ni dhuluma ambayo ilitokea.

Sasa kumetokea dhuluma nyingine. Waziri wa Kilimo ameweka kodi kwa watu ambao wanasafirisha korosho au bixa mbichi. Ni lazima hawa watu walipe kodi ya asilimia ishirini. Anadai kwamba kodi hii itasaidia kukuza viwanda. Kwa bahati mbaya au nzuri, hawa wanunuzi wanunua na kusafirisha bixa ikiwa mbichi, lakini ile gharama ya kodi, wanaisukumia mkulima. Kama walikuwa wakinunua kwa Kshs20 kwa mkulima, sasa watanunua kwa Kshs16 ili yule mkulima alipe ule ushuru. Yule mkulima ni maskini na hana njia ya kufika sokoni na inambidi auze mazao yake kwa bei ya chini. Ningeomba Serikali iondoe huo ushuru wa korosho ili wakulima wanufaike. Korosho ndiyo inalipia watoto karo ya shule na mambo mengine.

Kwa hayo machache, ninaunga mkono Hoja hii.

Dr. Nuh: Thank you, Mr. Temporary Deputy Speaker, Sir. I first begin by commending and thanking the Mover of this Motion, Dr Eseli. This Motion should have been passed yesterday. I would like to urge hon. Members not to make this Motion a forum where everyone starts lobbying for a region. We have seen what devolved funds can do through the CDF kitty. It is only reasonable that there is reasoning all round the funds that are set aside, just like the CDF, for specific regions.

The issue of population differences or variables has been brought to light. It has been an issue of discussion over the past many months. The Arid and Semi Arid Lands (ASALs) and the regions with low population of human beings have been victimised through receiving low funds. This is because their population seems to be a bit lower than other regions. The trouble that someone undergoes while going to assess a facility, for instance, a health centre, a dispensary or a school which is 30 kilometres away or to fetch water from a borehole 80 kilometres away using a donkey or a camel, should be brought to light.

Mr. Temporary Deputy Speaker, Sir, I want to give a chance to other hon. Members to contribute to this Motion and I do not want to repeat issues that have already been stated. However, there is a lot of inequality when I compare the infrastructure in my constituency with urban centres. Recently, as I was touring the country, I visited Lagdera Constituency to view the CDF projects. During the tour, my Committee came across a primary school with around 50 pupils and almost 30 pupils who were in Class One, were above the age of 20 years. The school was constructed using the CDF. The desks were bought using the CDF and the structures were put up using the CDF. Had the CDF not been here to save these people, would those kids go to school? Would they have got the opportunity like any other Kenyan children get, to go to school?

Then I started estimating when these children will finish their primary education, go to secondary school, join university and get employed as civil servants to serve the people of Kenya

and then retire at the age of 60 years from the Civil Service. Just barely seven years in the Civil Service, such a Kenyan will be called upon to retire because he will have attained the retirement age. He will have attained the seven years of serving in the Kenya Civil Service, courtesy of the CDF.

Mr. Temporary Deputy Speaker, Sir, I come from a constituency where to date, we have not seen electricity, not even a pole. The larger Tana River District saw what electricity looks like just towards the 2007 General Election. Then when it comes to the Rural Electrification Programme, every constituency will be allocated an equal amount of money, and maybe, the ASALs and regions that have never seen electricity would even receive a lesser percentage of the funds just because their population seems to be a bit lower than in other regions.

I would like to urge hon. Members not to make this Motion a forum to score some regional advocacy for population as the basis for everything. Everything else counts! Just as population counts, so does the distance between villages in some of the constituencies and how vast some of these constituencies are. This will prove the effort that a single Kenyan would spare to go and assess a facility, whether it is a school, a water source or even a road. It might take even a week, because people cannot even afford bus fare to go to the nearest shopping centre to purchase a loaf of bread or to sell a litre of milk.

Mr. Temporary Deputy Speaker, Sir, I support Dr. Eseli's Motion in totality. Every aspect that provides an indicator to poverty and hardship should be considered when allocating these funds.

With those few remarks, I support the Motion.

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, I rise also to support the Motion. I wish to thank and congratulate my friend, Dr. Eseli, for bringing this very important Motion to the House. It could not have come at a better time as the nation prepares to embark on the journey towards the completion of the Constitutional Review process, in which I believe that the centre piece should be devolution.

As we complete the review process, we are going to expect that the future of this country will embrace devolution and will have more funds being devolved to the regions through the CDF, the Local Authorities Transfer Fund (LATIF), the Roads Maintenance Levy Fund and the youth and women funds. I believe that we will expand the meaning of devolution to other areas to also cover the landless squatters. We need to have a fund that we will actually be devolved to the regions where squatters can be identified and funds allocated to the various districts to settle them.

Mr. Temporary Deputy Speaker, Sir, I was just listening to my honourable friend from Lamu. I got the figures that he referred to; the difference between his constituency--- I think that was Lamu East and Lamu West. One constituency has a voters population of about 11,000 and it receives Kshs36 million. The other one has 30,000 voters and it receives Kshs41 million. I thought about my own constituency, Saboti. Saboti is one of the largest constituencies in Kenya. We hope that when constituency boundaries will be reviewed, it will be split into two. It has 120,000 registered voters. So, if my friend is talking about 30,000 registered voters and he is getting Kshs41 million--- That is compared to his neighbour who has 11,000 voters and he is getting 36 million. If you were to compare that with Saboti Constituency with 120,000 voters, we would say that Saboti Constituency, which is receiving Kshs56 million, is suffering a great injustice. Indeed, if we were to go by the population, particularly as enumerated, Saboti should be able to receive four times what the other constituency is receiving - the one that has 30,000 voters. We have 120,000 voters. Simple arithmetic would dictate that we should get about Kshs164 million and yet, we get only Kshs56 million. But we do not blame and we cannot blame anyone for it, except that we should seek to establish a clear criteria that will take into consideration those factors to ensure equitable distribution of resources.

Mr. Temporary Deputy Speaker, Sir, that affects the other funds as well. For example, the Youth Enterprise Development Fund. With the youth being about 70 per cent of our population, if my constituency is four times more populated than the other constituency, and we are getting Kshs2 million each for our youth, it will mean that 70 per cent of 120,000 voters, I would have more youths than the other constituency. Yet, because of lack of a clear criteria, what is being allocated really, is almost equal. It would mean that there are some constituencies in certain parts of this country that are actually being short-changed because of lack of a criteria! I want to thank Dr. Eseli for having actually thought through this.

Mr. Temporary Deputy Speaker, Sir, looking at the recent distribution of Youth Enterprise Development Fund cheques in my constituency, we had about 1,400 youth groups. Out of those, only 25 groups succeeded and were given Kshs1 million to share! Out of 1,400 youth groups in Saboti Constituency in Trans Nzoia West District, that is a drop in the ocean! The impact is almost zero! That also applies to the Women Enterprise Development Fund. Going with the population, some constituencies will have more women and youth than others. We need a clear criteria to ensure equitable distribution of resources.

Mr. Temporary Deputy Speaker, Sir, like in legal practice, each case has its own peculiar features. Each case can only be determined on its merits. I think it is very, very important that we establish a clear criteria. That is because, as we are speaking, we are expecting that, in future, and the Minister for Planning, National Development and Vision 2030 has already given an indication - and we are anxiously waiting for that - he will bring amendments to the Constituencies Development Fund (CDF) Act which will enhance the amount allocated to the regions. Right now, we are receiving only about 2.5 per cent and the Chairman of the CDF Committee is here. We are expecting that those amendments will come. If we were to enhance this amount to, say, 7 per cent or even 10 per cent, we are looking at a lot of money being devolved to the regions. But without a clear criteria, some areas will still continue lagging behind and suffering.

Mr. Temporary Deputy Speaker, Sir, that also applies to the Local Authorities Transfer Fund (LATF). We were very pleased to hear the Deputy Prime Minister and Minister for Local Government, hon. Mudavadi, indicate that he intends to bring reforms to amend the LATF Act of 1995 to ensure that the current 5 per cent of LATF is actually increased. If that is increased, we are looking at an increment from the current five per cent of LATF to about 10 per cent, having approved a budget of about Kshs9 billion! That money will be going towards the LATF. We are actually expecting, if we are going to double that, a lot of money to go to the regions.

Therefore, Mr. Temporary Deputy Speaker, Sir, I support this Motion because it is very timely and we need, before we actually move towards this devolution, and before we increase the devolved funds, let us put in place proper legislation to ensure clear criteria that will ensure fairness and equitable distribution of resources.

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

Dr. Otichillo: Thank you, Mr. Temporary Deputy Speaker, Sir. I also want to take this opportunity to congratulate Dr. Eseli for bringing this Motion to this House. This Motion is extremely important because it is dealing with equity. In this country, equity has been one of the key problems. We have had unequal distribution of resources in the county for a long time. That has led to unequal development within the country. This is one of the issues that has brought people in various areas to think that other areas are favoured over the others.

So, Mr. Temporary Deputy Speaker, Sir, I would like to support this Motion. As I support the Motion, I want to raise a number of salient issues that will go with this Motion. I am sure we are going to support this Motion and it will go through. But the most important thing is the data and information that will be required to effect or implement this Motion. Data and information are very crucial. For example, we must come out with a credible system of determining poverty levels

in the entire country, so that we can be able to say, for sure, this area has poverty levels of this size. Otherwise, we will end up with a lot of disagreements as to whether your area is poorer than the other or not.

So, Mr. Temporary Deputy Speaker, Sir, I think that with this Motion, we require, particularly, the Ministry of Planning, National Development and Vision 2030 to come up with very good information on poverty levels and population. As we all know, in this country, the population Census report of 1999 was never officially released because of various disagreements. Therefore, we have to plan. It is good that this Motion is coming when we are planning for a national Census next year. So, as we plan for a national census, we must take into consideration all the factors that will be necessary to implement this Motion. Therefore, the way we are going to conduct our population census must be clearly well understood by all the hon. Members of this House and all Kenyans. That way, when we get the results of the census, we will not have people arguing against it or for it. We do not want them to say that the census was not carried out well. So, that important aspect is very crucial for this Motion to be implemented.

Mr. Temporary Deputy Speaker, Sir, there are also very many other social economic indicators that are required to fully implement this Motion. Again, I believe they will all be captured during the 2009 population Census. So, personally, I put a lot of premium on the population census that we are going to carry out next year, to give us credible information that will enable this country to equitably share out our meagre resources. That way, all parts of this country will equitably receive resources that will contribute to their development.

Mr. Temporary Deputy Speaker, Sir, like other colleagues have said, I want to emphasise, particularly on the issue of the CDF. We need to put into consideration, at least, the issue of population, poverty levels and the size of the area. All these parameters are extremely important if we are going to allocate the money fairly and equitably. For example, Emuhaya has one of the highest population density in the country. In Emuhaya, the population density is 1,200 per square kilometre. This is a very high population density on the scale of the world comparison. Therefore, we need to consider all these factors when we are trying to share out the resources we have.

Mr. Temporary Deputy Speaker, Sir, the other area I want to highlight is particularly the issue of grants. We have so many grants that are given out to various areas, particularly grants from Ministries, for example, the Ministry of Education. You will find that most of these grants are given out and we do not know the criteria used to allocate them, for example, for school rehabilitation, laboratories or for all these aspects of the Government. We need criteria to be clearly set out within the Ministries if we have grants that are given out to various parts of the country. We need to know the criteria used so that we can know that the particular area that has received the grant deserves to get it.

Also when it comes to the formulation of development projects in the country, we have noted that there is a lot of bias. You will find that particular areas

continuously keep receiving projects, particularly donor funded, mainly because the technocrats involved who are in the Ministry are from those areas. So, they spearhead those projects to go to their areas. In that process, you find that certain areas where we do not have technocrats in the key Ministries do not have projects. All the time when we are passing the Votes and we have questioned a number of them that we have so far passed in this House, you will find that particular areas are having donor funded projects with millions of shillings while other areas are receiving nothing. So, we also want to come up with a criteria, clear principles and guidelines on how these projects are formulated and how they are awarded so that we have areas that need more development being given top priority. I want to make it clear that we want equity for the whole country but we need to be fair.

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

The Temporary Deputy Speaker (Prof. Kaloki): Thank you, Dr. Otichilo! I will now call upon the Mover to reply.

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. You will notice that since we started contributing to this Motion, the expectation of the House is that there should be an official Government Responder. Up to now, there is no official Government Responder. Are you satisfied that the Government side is taking the business of this House seriously, given that even in the morning, more than 50 per cent of the Questions were deferred because Ministers were absent?

The Temporary Deputy Speaker (Prof. Kaloki): Your comments are well taken! The Prime Minister's Office should have been so pleased if there was a representative sitting here. That you; your comments have been noted and we will follow them up.

Dr. Eseli, please, reply.

Dr. Eseli: Mr. Temporary Deputy Speaker, Sir, before I respond because of the interest the Motion has generated, I would like to donate three minutes to Mr. Otieno and two minutes to Mr. I.E. Mohamed to also contribute to the Motion before I respond.

The Minister of State for Public Service (Mr. Otieno): Mr. Temporary Deputy Speaker, Sir, first of all, I would like to thank the hon. Member for allowing me to contribute and first to say that this is an excellent idea. The Motion may not be very precise but the idea is an idea whose time has come and everything should be done to achieve the spirit of this Motion. I would like to say that development is just not resources. It is both resources and leadership. There is a preliminary bit that has to be done throughout the country to prepare every region, constituency and location in this country for development under the right leadership dispensation in every area.

Certainly the issue of regional inequality, particularly that has led to income inequality and the worst gender inequality in this country, is an issue we should take very seriously within the spirit of this Motion. But, what we need is not to change the existing devolved funds which are already under implementation under separate statutes. The country needs an equity fund to address the inequity in this country as regards regional disparities in development. Such an equity fund would be available and open for contribution from throughout the world. We should go out mobilising resources for an equity fund. What do I mean by an equity fund? This is a fund that would give priority to the worse developed areas to start with. For a long time, I have been agonizing on how we will wake up the North Eastern Province, where my brother Mr. I.E. Mohamed is responsible. I have just come from a conference of the Commonwealth Ministers of Public Service and I was glad to find a solution that actually, the northern provincial area can go direct to the information age and all we need are solar panels and water points. With clear development programmes, they will be ahead of the rest of Kenya. I feel excited! We need a much bigger fund than just a method of dividing what is already devolved under the present statutes. The time was too short, I will elaborate later. With those few remarks, I beg to support.

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. I.E. Mohamed): Mr. Temporary Deputy Speaker, Sir, first, I must thank the hon. Member for giving us the time. Because the time is very short, I just want to add to this beautiful idea. The first is to add is another criteria called equalisation. We know that this country has not developed in an equal pace for a variety of reasons, some of them Government policies like the Sessional Paper No.10 of 1965 which said we should develop high potential areas, with all the good intentions, so that it can propel development to other areas. That has led to unequal development. So, we need a fund initially that brings the whole country at par. I think this Motion should be moved to the constitutional level so that when we are reviewing the Constitution, we should entrench the spirit of this Motion in it.

I also feel that in those areas that have been left behind for a long time, some funds should

be allocated that should be of greater interest to the whole nation. For example, we have had our trade with East Africa with 100 million, Ethiopia, which is land locked with 80 million, Sudan with 20 million and another 20 million from Somalia. If we only did three roads towards the north, the rest of the country will expand its economy in a big way. So, there has to be a special fund that is national in nature but also to be used to bring up those areas that have been left behind.

Dr. Eseli: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to thank all the contributors to this Motion because if you noticed, even the Front-Bench has supported it. I would like to state that this Motion that I have moved, was actually put across to me by my constituents, especially the youth who kept on telling me that they were getting only Kshs1 million and yet they are so many whereas in the neighbouring constituencies, more youths are benefiting while they are not benefiting. This really touched me. I realised that this inequitable distribution is actually countrywide and across very many funds.

Mr. Temporary Deputy Speaker, Sir, the reason for this Motion is to urge the Government not to just stand up like the Ministry of Finance did the other day during the Budget Day and say Kshs1 million will go towards football in every constituency and yet we do not have any criteria backing that decision. Let us not make arbitrary decisions. Let us not make decisions on political whims that do not really carry any substance. If we want our youth to play football, let us count them in each constituency. How many are they? How much will they require for them to play that football? How many stadia are there? Let us be more realistic in what we are doing rather than just devolving funds. If we do not do that, we will actually end up devolving poverty rather than devolving funds. That is the unfortunate situation we might end up in.

Kenyans, and especially the youth, are angry and in despair because they cannot see a future. That is where the problem is and that is why I brought this Motion. I really thank those who have supported the Motion and I believe that in the long-run as we develop a new Constitution, if we follow the basics that we have come up with, we will be able to develop a more equal country. It will be a country that moves as one and not a country that is divided. If we continue the way we have been doing, then what happened in December and January will look like a picnic when Kenya next erupts and we need to guard against that.

If we plan poorly, the results that we reap are poor. As I have said before, if we fail to follow the plans that we lay down, that is even worse. Through the Ministry of Planning, National Development and Vision 2030, I am sure this can be achieved.

Mr. Temporary Deputy Speaker, Sir, I am usually very sad that the Prime Minister and his two deputies and an Assistant Minister who comes from the wider Bungoma are actually not here. I specifically directed this Motion to the Prime Minister's Office because he supervises and coordinates the Cabinet and many Ministries have got devolved funds. I was sure that he was the right person who could be able to urge those respective Ministries to have some proper criteria.

I know the Ministry of Energy right now has got it all wrong. On the Rural Electrification Programme (REP) devolved funds, they are using the CDF criteria. The CDF criteria is so different. It is totally unsuitable for rural electrification and that is the criteria the Ministry of Energy is using. That kind of misdirected activity should not be allowed. As I said, I am a bit sad that the Prime Minister was unable to avail any of his people to be here to listen to what we are telling them because this, as I said, was a Motion that I got from the grassroots for him to listen to what the people at the grassroots are saying.

Mr. Temporary Deputy Speaker, Sir, the other thing concerns our fear of science. We take statistics and put it into the Central Bureau of Statistics. We take information that would be useful in our planning and shelve it away. This fear is what allows political impunity to continue ruling this country to the extent that we cannot have equitable development. I urge hon. Members to join the rest of Kenyans who actually want a more equitable society. Let us join them because if we do

not join them, they are our voters and they are the ones who elected us here and that is what they want. So, we need to join them so that we assist them to get to where they want to get and where we all want to get.

Mr. Temporary deputy Speaker, Sir, the CDF is a great example. It has achieved a lot. It might need a bit of fine-tuning here and there but it has achieved a lot. We all agree on that and even the international community agrees that it has achieved a lot. That is a very fine example. They used some criteria. They did not just dump it there. So, if CDF could use some criteria and achieve so much, that tells us that for all the other funds, we need to use some criteria and not to just say: "Take Kshs1 million or Kshs5 million".

Mr. Temporary Deputy Speaker, Sir, the other thing that brings up some worry is the non-implementation of the Motions that we pass. This is very sad. I hope that this particular Motion will be implemented when Members finally pass it.

(Question put and agreed to)

BILL TO AMEND SECTIONS 58/59
OF THE CONSTITUTION

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-
THAT, this House do grant leave to introduce a Bill to amend Sections 58 and 59 of the Constitution of Kenya to provide for the National Assembly to control the calendar of business in the House.

Mr. Temporary Deputy Speaker, Sir, this is the third attempt that this House is trying to pass this Motion. It is so obvious and desirable that every institution and, particularly, the august House must be able to control its own calendar for just a basic and sensible thing of knowing when to resume the business, when to adjourn and when to go for elections.

This Motion comes against a back-drop of an assertive country. Kenyans are expecting this country to move forward and we as their representatives, would like to do our bit in ensuring that the principle of separation of powers between the Executive, Judiciary and Parliament must be enshrined in the Constitution. In the previous attempts, we were in unanimity on the need to control our calendar because if you look at all the amendments that have taken place in our Constitution, about 34 of them since Independence have all been moving in one particular direction. It was an issue of amending the Constitution to empower the Presidency to make it all powerful, important and omnipresent. They were always moving in that particular direction. As a nation, we have to trust institutions and not personalities, no matter how beautiful or handsome they may be. Institutions are more important than the personalities in them.

Mr. Temporary Deputy Speaker, Sir, if you look at Section 5 of the Constitution, it vests legislative powers in Parliament and Parliament is defined as comprising of the President and the National Assembly. Then all of a sudden, you get the President now being the one who knows when we should come and when we should go home. This section can only represent a sad relic of an imperial Presidency. It can only determine that Parliament that was elected by the people--- That we come here through very competitive elections and do not know when we are going home is sad because what does Section 59 say?

Section 59 says that the President "may" prorogue or dissolve Parliament at any time without any reason or justification. Even primary schools have calendars and when they close. We know when they go on half-term. We know when there is a speech day and we, as parents, are asked to attend. However, the Parliament of Kenya does not know when it will go home. This has been used by the Executive as a secret weapon, especially when it comes to the final year when we

are about to hold general elections. It holds the country at ransom. As a Member of Parliament, you even do not know whether to get a loan because you do not know when you will go home next. How do you plan?

Mr. Temporary Deputy Speaker, Sir, more substantially, as the premier institution of the land, if you go to Section 23 of the Constitution, it says the Executive Authority of the Government of Kenya shall vest in the President.

Section 23(2) says:-

"Nothing in this section shall prevent Parliament from conferring functions on persons or authorities other than the President".

It, therefore, means that even though the President has those Executive powers, we, as Parliament, can still actually help him in discharging some of those responsibilities. Is that an institution that we want to put under one person to control its calendar?

Mr. Temporary Deputy Speaker, Sir, I know the fear of people is in Section 59(3) which says:-

"If the National Assembly passes resolution which is supported by votes of a majority of all the Members of the Assembly (excluding the *ex-officio* members), and of which not less than seven days' notice has been given in accordance with the Standing Orders of the Assembly, declaring that it has no confidence in the Government of Kenya, and the President does not within three days of the passing of that resolution either resign from his office or dissolve Parliament, Parliament shall stand dissolved on the fourth day following the day on which that resolution was passed."

Mr. Temporary Deputy Speaker, Sir, this has been used as an opportunity for Parliament not to act on major scandals of corruption. This is because everybody fears that if we pass a resolution of a vote of no confidence in the Government, like you attempted all this morning; when you have a Government that is not responding to Questions that we ask on behalf of the Kenyan people, there is reason to start wondering whether the Government is competent enough and whether it can continue enjoying the confidence. We are not yet there. I want to allay these fears. The few Members who have come here should relax. We are not yet there but we are seeing the building blocks of an executive that is not taking the House seriously.

Mr. Temporary Deputy Speaker, Sir, I really do not think this Motion should take a lot of our time. I only need to say that Parliament will need to consolidate the dignity, the authority and independence of this Parliament. One of the specific objectives will be to provide for Parliament to prorogue, dissolve and convene on a definite date. It will also provide for a recall of Parliament.

Mr. Temporary Deputy Speaker, Sir, this business of seeking for leave of the House has frustrated our work. The public out there think that Parliament is not productive. This is the third time we are discussing this Motion. A Bill was even published earlier but we do not know if this will even see the light of the day.

Mr. Temporary Deputy Speaker, Sir, I am going to ask good friends; as you can see the attendance has improved drastically--- Just as much as they are interested in contributing, this is a matter we should finish within the remaining time so that we can get on with the real business of publishing the Bill.

Mr. Temporary Deputy Speaker, Sir, I would like to underscore that this is the route to more democracy, an open society and a more vibrant Parliament. Only a vibrant Parliament that asserts itself will be able to help this country.

Mr. Temporary Deputy Speaker, Sir, the question that many people are asking is: "Why now? Why not wait for the reform process?" I want to invoke the concurrent principle. We cannot wait. Let us do what we can do. When the other time comes, you know we have always been told

"within 12 months". But we do not know when these 12 months are beginning and when they are ending. In fact, if we are going to be serious, the National Accord was signed on the 28th February and we started counting the 12 months of the Constitution from 28th February, 2008. Are there any prospects of having a new constitution by 28th February, 2009? So, we cannot wait. In any case, in the Ninth Parliament, we were promised that within 100 days, there would be a new constitution. I do not know who in this country is not alive to the fact that six years down the road, we do not have a new Constitution. So, we cannot wait! I have none other than the authority of my good friend from Imenti, the former Minister for Justice and Constitutional Affairs, Mr. Kiraitu, who quoted the Great William who wrote the laws in the commentaries of England. I wish to quote and I am happy that Mr. Kiraitu is here. I know we were supposed to be with him somewhere else but because this is an issue they had initiated, it is good that it sees the light of the day.

Mr. Temporary Deputy Speaker, Sir, Mr. William Blackstone wrote:-

"The power and jurisdiction of Parliament is so trans-developed and so absolute that it cannot be confined within any bounds. Parliament has a sovereign and uncontrollable authority in making, confirming, enlarging, restraining, abrogating, repealing, revising and expounding on the laws".

Mr. Temporary Deputy Speaker, Sir, he concluded that it is within the competence of this Parliament to make these amendments to the Constitution without waiting for the review to be completed. I do not need to dilute that kind of statement from a very scholarly Minister of Government who we all know, Mr. Kiraitu Murungi, quoting from another authority.

Mr. Temporary Deputy Speaker, Sir, in amending Sections 58 and 59, we are not re-writing the Constitution. It is not in our interest for now. That can wait for the opportunity. I am trying to say that the great tradition of multi-party era, starting with Parliament itself forming the Parliamentary Service Commission (PSC), with the recognition of the Leader of Official Opposition, we need to complete this process now and not tomorrow.

Mr. Temporary Deputy Speaker, Sir, Parliament, as the supreme institution of the land, can only operate when it is fully informed of its programme. I know we are doing this to some extent but as long as these provisions are in the Constitution, who knows somebody somewhere can still exercise them. The founding President of this Republic, Mzee Jomo Kenyatta, never changed the Constitution to make Kenya a single party State. It was there, but single partism was encouraged, allowed and promoted. He, however, never changed the Constitution. When the retired President Moi came to power, they came to this House and changed that overnight. So, there is always a danger. You cannot rely on the goodwill of men holding certain offices and assume that is the law. It is important that we make it explicit so that whoever is coming to use it against our interest, we can be able to use the law itself against such encroachment and deliberate savaging mindsets that have been bent and contribute a lot in the way this Constitution has been amended for a long time. It has been amended in one direction only; to empower the Presidency and weaken Parliament.

Mr. Temporary Deputy Speaker, Sir, as I finish, I want the House to remember that you do not wait for another person to lobby for you. You should not wait for the magnanimity of the Government to let go what it is used to be doing. I am glad the Minister concerned is here unlike others who disappear, including the one we had before from the Prime Minister's Office and others.

Mr. Temporary Deputy Speaker, Sir, we expect a considered opinion from the relevant Ministry after widely consulting the Government side. But I do not expect this particular Motion to have any disagreement. The spirit that has prevailed in the last two attempts--- I wish, at this juncture, to acknowledge the contribution of hon. Keter who is now an Assistant Minister in the Ministry of Energy. He is an Assistant Minister whom we have confirmed that, in the last one month, as the most effective by giving answers that are very good to this House. I also want to remember hon. Oloo-Aringo. We are walking in the footsteps of great people who have been

committed to transforming this Parliament, and to make it what it is. Indeed, when Parliament gets the kind of positive reviews that we got a few weeks ago, it is because of the work of such people. The Tenth Parliament cannot let them down. We want to speak from here that we recognise their efforts and we will pursue this matter to its logical conclusion.

With those few remarks, I beg to move. I wish to ask the hon. Member from Yatta, Mr. C. Kilonzo, to second this Motion. He is a man of trust. He is a man who makes very serious contributions to this House. I am sure he would deliver on this one too.

Mr. C. Kilonzo: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to second this Motion that the Constitution of Kenya be amended to provide for the National Assembly to control its own calendar.

Mr. Temporary Deputy Speaker, Sir, I wish to start with an example. If you go to Section 58(1) of the Constitution, it reads:-

"Subject to this Section, each Session of Parliament shall be held at such place within Kenya, and shall commence at such time as the President may appoint."

Section 58(2) reads as follows:-

"There shall be a Session of Parliament, at least, once in every year, so that a period of twelve months shall not intervene between the last sitting of the National Assembly in one Session and the first sitting thereof, in the next Session."

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

[Mr. Deputy Speaker took the Chair]

I want to give an example of a country down in the South. In the last two years, when they conducted their general election, they elected a Head of State. The Head of State defected from the party he was in and went to another party. He realised that if he allowed Parliament to sit, it would pass a vote of no confidence and throw him out. So, what he did was that immediately he defected, he sent the Members of Parliament (MPs) home. For two years, that House never sat. They went back last year and the election is due next year. For us to avoid a similar case happening in this country, this House must have its own calendar.

Mr. Deputy Speaker, Sir, when they tell you that a period of twelve months--- When we come for swearing in--- The swearing in ceremony is taken as one Session. We can be sworn in and come back after 11 months, and the President will be within the Constitution. Nobody can complain. We should not take things for granted. This is an error which has to be corrected because we have seen cases happening. I have given a very good example. That good example is none other than the country called Malawi. For three years, Parliament did nothing. Members of Parliament stayed at home. Now, they have come back after the Head of State has solved his political problems and the election is scheduled for next year.

Mr. Deputy Speaker, Sir, Section 59 shows a country which is either under dictatorship or imperial presidency. It reads as follows:-

"The President may, at any time, prorogue Parliament."

Section 59(2) says:-

"The President may, at any time, dissolve Parliament."

Mr. Deputy Speaker, Sir, if a Head of State sees he is very popular after serving for three years, what would stop him from dissolving Parliament and calling an election when he, himself, is ready and his opponents are not ready? It is these Sections which must be removed. The Constitution has to be amended. There is a saying that: "When the going gets tough, the tough get

going." But in this House, when the going gets tough on the Government, it is us who are sent home. When Parliament is on recess, the Government is on honeymoon. For all that to be avoided, we have to amend the Constitution. It is very unfair when we come here in the morning and we have not been told there is going to be a Motion of Adjournment and we are sent home. That is done because we do not have our own calendar.

If, indeed, students in primary schools, colleges and universities know when their institutions open and close, why should the Government be afraid that Parliament resumes on date "A" and closes on "B"? The only reason is that the Government does not want Parliament to have a fair playing ground. For that reason, the Government has always used that as a weapon to cripple the operations of Parliament. A lot has been said. This is one Motion which I believe has 100 per cent support of the House. All I would appeal, as I second this Motion is that, let us move with time. Let us pass it and have a calendar for this House.

With those few remarks, I beg to second.

(Question proposed)

The Minister for Energy (Mr. Murungi): Mr. Deputy Speaker, Sir, I rise to support this Motion. As you know, you, yourself, were involved in this struggle with us. We have fought for the independence and empowerment of Parliament since 1982, on the Floor of this House.

(Applause)

Mr. Deputy Speaker, Sir, as the hon. Member has said, Sections 59(1) and (2) of the Constitution which allow the President to prorogue and dissolve Parliament at any time makes Parliament a very weak institution. In the Commonwealth tradition, Parliament is supposed to be so powerful that it can turn a man into a woman.

(Laughter and applause)

Mr. Deputy Speaker, Sir, we have seen how those powers have been used in the past. During the JM Inquiry, when the debate became too hot on the Floor of the House, President Jomo Kenyatta prorogued Parliament for almost one year so that, that debate could not continue. During 1997, as we were negotiating IPPG, we spent a weekend with the late George Anyona crafting a programme for implementation of IPPG reforms. When we came on Tuesday, we found a notice written: Parliament has been prorogued. So, Part IV, which was supposed to be implemented in the IPPG reforms was never implemented and, therefore, causing the problems that we have seen. So, those powers have been misused in the past.

Mr. Deputy Speaker, Sir, the struggle for second liberation of this country was the struggle to tame imperial presidency. I think time has come for us to rethink the whole institution of presidency and its implications for this country. Some of the permanent tensions that we see in Kenyan politics are because of this institution which we have inherited mechanically without critically looking at the way it should operate in a democracy. Even the recent clashes were because a tribe wanted to have a President. The other one wanted to have a President. That is because everybody believes that if the President comes from your tribe, all the resources and jobs will go to that tribe.

Mr. Temporary Deputy Speaker, Sir, unless we change that theory in politics, there are going to be permanent tensions and it is going to be a recipe for future trouble and chaos in this country. Time has come for us to abolish direct presidential elections in this country. We should

only have a situation where wananchi elect their own Members of Parliament, and then they come and elect the President or the Chief Executive Officer of the country, whichever name you give them. We should find a way in the new Constitution on how we are going to have equitable distribution of power and resources in this country. Once we do that, Kenya is going to be a peaceful and prosperous country.

If you ask a nursery school child when his or her school is going to open or close the child will tell you, but ask a Member of Parliament when Parliament is going to be opened. They do not know! If you ask them when Parliament is going to close, they have no idea. We look so foolish, even in the presence of our own children when we cannot tell them when Parliament is going to open or close.

With those few remarks, I want to support the idea of having a calendar for Parliament.

Mr. Deputy Speaker: Mr. Minister, should you want to continue contributing on the same, then you have seven minutes left when the same Motion comes up again for debate on Wednesday next week.

Hon. Members, as the Chair had ruled, at the close of the normal sitting of the day, Mr. Baiya wanted to move a Motion for Adjournment under Standing Order No.18(1), basis of which is unsatisfactory answer to a Question in connection with the prices of fuel in the local market.

Mr. Minister, could you now move that the House adjourns?

The Minister for Energy (Mr. Murungi): Mr. Deputy Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Medical Services (Mr. Mungatana) seconded.

MOTION FOR ADJOURNMENT UNDER SO 18

UNSATISFACTORY REPLY TO QUESTION
BY PRIVATE NOTICE:
MEASURES TO REDUCE HIGH OIL PRICES

Mr. Deputy Speaker: Hon. Members, every hon. Member, including the Mover, will have five minutes to give sufficient time to all hon. Members to contribute to this very important Motion for Adjournment.

Mr. Baiya, you may proceed.

Mr. Baiya: Mr. Deputy Speaker, Sir, thank you for giving this opportunity. I wish to move a Motion under Standing Order No.18(1), asking this House to deliberate on a very important Question about the prices of oil in this country.

As the House will recall, in about 2003, the pump prices of petrol in this country were about Kshs23 per litre. As we are speaking now the prices are at about Kshs97 per litre. There has been a price increase across the world, and it is generally understood that has been due the high demand for petroleum products by the growing economies of the world, especially those of China and India.

Around July this year, the prices reached their peak and the price per barrel of crude oil was at US\$147, and that was when consumers in Kenya were paying about Kshs108 per litre. But the price increases have stopped. Worldwide, the prices have now gone down to US\$64 per barrel of crude oil. We have even seen the OPEC countries are now rushing to reduce production. So, the world prices of petroleum products have plummeted, and the world economy is shrinking. Kenyans paid very dearly when those prices were going up. The inflation levels went up tremendously, affecting all manufactured goods and inputs that had to be transported. Farmers are saying that they

cannot even manage to till their land because of the cost of diesel. The prices of all domestic items have gone up due to high price of fuel. Kenyans cannot afford their meals, because of the cost of food. So, the inflation that this country has experienced in the last one year has basically been oil-driven inflation.

Now that the prices of crude oil have gone down by over 50 per cent, Kenyans have actually expressed concern that the price of oil have only gone down from Kshs108 to only Kshs97. That is about only Kshs10 down. This is not fair. It means that those trading in oil have a very big margin that they can reduce, but they have refused to do so basically because they enjoy monopolistic status and Kenyans have no choice. What we have seen from the Government is very dismaying, because we have only heard pleas being made, threats to control prices being issued; at times, we have seen demands or the Government officials urging the multinationals to reduce prices. The point is that those companies, be they multinationals or local companies, are in business for profits. If they are urged to do it on account of their moral considerations, I can assure you that their morality is profits. We want the Government not to look so impotent when the oil companies are going for Kenyans' throats. The Government should use the power and mandate that the Kenyan people have given it to either control prices or come up with other strategies that would effectively ensure that the drastic plummeting of oil prices in the world market is reflected in the retail prices in Kenya.

Mr. Deputy Speaker, Sir, I think that the Government has power---

Mr. Deputy Speaker: Your time is up!

Mr. Baiya: With those few remarks, I beg to move and ask Mr. Wamalwa to second.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I beg to second this very important Motion. I want to thank the Minister for Energy for being in the House. When the matter came up, there was a lot of interest in this Question, but there was not enough time. This is something that touches on every Kenyan, the lowly and the mighty. In every corner of Kenya, everyone is feeling the pinch. Even the worker and the farmer in the field, who is not able to plough because the cost of ploughing an acre has doubled. Last year, ploughing an acre of land cost about Kshs1,200, but now it has doubled. The cost of hiring a tractor to plough five acres of land is far beyond the capacity of many farmers. The prices of petroleum affect many aspects of our human life; whether in the First World or the Third World, we are all affected. You will find that it touches on everything, and translates into increasing the cost of living; this is because when any goods are manufactured, the manufacturing cost goes up as the result of high fuel prices. Whether it is ordinary items in the house that are eaten or the fertilizer used for planting in the farm, or transport cost for going to work or school, the cost of everything has gone up.

Mr. Deputy Speaker, Sir, we raised the issue regarding the farmers of this country recently and the Minister of Agriculture assured us that the price of fertiliser that had skyrocketed from Kshs1,800 to Kshs4,000 in May and now, it has gone up to Kshs6,500, would come down by last Friday because of the subsidised rates. Yesterday, we asked the Minister the same question and he said they still intend to import the subsidised fertiliser. We wondered what happened to the resignation. It is all part of the high cost of petroleum everywhere in the world that has caused the price of fertiliser to go up.

Since we live in a world that has become a global village, we know what is happening. We know the price of crude oil per barrel had gone up to US\$147 per barrel as Mr. Baiya has said. That was way back in June. The prices have come down. As we speak now, the prices have gone down to US\$64 per barrel. Everything has remained the same. The prices have changed but the high cost of living remains the same. Kenyans still continue to suffer under the burden of very high prices.

Mr. Deputy Speaker, Sir, the monopoly of this company still continues to burden Kenyans. What are we hearing from the Government? Threats? We have heard Ministers, including the

Prime Minister, begging or threatening these multinationals but no solid action has been taken and nothing has been done to date. Kenyans remain at the mercy of these multinationals. They continue to suffer. It is saddening to hear what is happening out there. Kenyans have had to forego meals because they cannot afford them. Kenyans have to walk for many kilometres to get to work because they cannot afford to board vehicles to get to work.

As I drive to work every day, I see many Kenyans walking from Kawangware all the way to Industrial area to seek their daily bread for themselves and their families and it is a saddening thing. We need to do something to ensure that Kenyans are able to lead dignified lives and should not continue suffering under the burden of this very high cost of living because a few unscrupulous businessmen are unwilling to lower the prices when it is common knowledge that the price of crude oil throughout the world has gone down.

With those few remarks, I wish to support this very important Motion.

Mr. Deputy Speaker: Ms. Abdalla.

(An hon. Member stood up in his place)

Mr. Deputy Speaker: Order, hon. Member. You are not Ms. Abdalla, are you?

(Laughter)

Ms. A. Abdalla: Thank you, Mr. Deputy Speaker, Sir. It could be because Mr. Murungi threatened that there is the possibility of men being changed to women!

(Laughter)

Mr. Deputy Speaker, Sir, my colleagues have elaborated how the lives of Kenyans have been badly affected by the increase of oil prices. The fact that the Ministry has acted impotently shows that it has remained a lame duck. I will not elaborate on how miserable the lives of Kenyans have been made by the prices of fuel because that has been well articulated by my colleagues. My plea is to the Ministry: How could the Ministry have its hands tied by the multinationals if they do not wish to be in that position? It is very simple that the multinationals can be forced to reduce the oil prices. If there are any laws that are tying the Minister's hands and preventing him from forcing the multinationals to reduce the prices, he should bring that law here because there are a lot of hon. Members ready to vote.

For once let us have the Executive bring legislation that is pro-poor. We should not protect multinationals all the time. As Members of Parliament, we do not want to be accused of being there for the tobacco, beer and even petroleum lobby. The Minister should bring here that law that has made him a lame duck that all he can do is to plead to the media houses to report which petrol station is charging less so that mwananchi can go there. It is a big shame that we have to stoop to that level as a country that all we can do is to say: "Tell us which petrol station is charging less so that the mwananchi can go and buy petroleum there."

Mr. Deputy speaker, Sir, we must start to move from being a copy-cat leadership where we say that the world is moving towards liberalisation, so we must liberalise even when it is killing our people. Children are dying of communicable diseases caused by the fact that parents cannot afford to boil water for them and we are saying here that *wananchi* should report this to the media. Even affording that airtime to call the media houses and tell them which petrol station is charging less on fuel is a burden to a person who has already been badly affected.

Mine is not to say how bad the situation is because the Minister should know how badly the

common mwananchi is affected, unless he does not live in Kenya.

Motions of Adjournment on important matters have remained talk shops. What will the Minister do because we will help him pass any laws, even if it looks illegal and backward to the international community. We do not answer to the international community; we answer to the people who brought us to this House.

Thank you.

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

Petroleum is a backbone of every economy of this world. I would like to congratulate the Ministry of Energy because of the way they have been tendering for this product. We complain that oil prices are high but even the strongest nation---

Ms. A. Abdalla: On a point of order, Mr. Deputy Speaker, Sir. Before the hon. Member on the Floor continues speaking, I think he needs to declare his interest in this matter.

Mr. Kambi: Mr. Deputy Speaker, Sir, even if I declare my interest, I suppose I am an interested party because I represent Kaloleni people and they need to know what is happening.

I was trying to say that even the most powerful president in the world, that is Mr. George Bush cannot control oil prices. Kenya does not produce oil. Oil is regulated by the OPEC---

Dr. Eseli: On a point of order, Mr. Deputy Speaker, Sir. I think the hon. Member is misleading this House by saying that the most powerful president Bush cannot control oil prices. It is a fact that they are nationalising everything in America now because of the economic meltdown. What he is saying is not true.

Mr. Deputy Speaker: Proceed, Mr. Kambi. Hon. Members, limit yourselves to the spirit and objective of the Motion.

Mr. Kambi: Mr. Deputy Speaker, Sir, as leaders if, we want to arrest the situation, we should first give money to the National Oil Corporation. As we talk today, we have the most open tender system in Kenya, whereby we tender every month. Whoever wins supplies the market for that---

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

Mr. Kambi: Mr. Deputy Speaker, Sir, I hope you will protect me.

Mr. Deputy Speaker: Those who are raising points of orders, why do you not allow the hon. Member finish what he wants to say? The five minutes have been allocated to him.

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is the responsibility of the Chair to enforce the rules of the House. The Standing Order No.75 is what hon. Abdalla invoked, which says that:-

"A Member who wishes to speak on any matter in which he has a personal interest shall first declare that interest unless it is obvious".

Could the hon. Member declare his interest? It is consistent with his contribution.

Mr. Deputy Speaker: Hon. Kambi, do you have an interest in this matter?

Mr. Kambi: Mr. Deputy Speaker, Sir, I cannot declare the obvious.

Mr. Deputy Speaker: Hon. Kambi, the Standing Orders are very clear; if you have an interest in this matter, that is not obvious. I will tell you what obvious is. That we are all consumers of oil is an obvious thing, but if you are in the business yourself or you are in a regulatory body, if you have an interest that is not obvious, you had better declare that interest before you proceed on this. That does not necessarily mean that it eliminates your right to contribute on the same. But the Standing Orders are very clear; that you have to declare that interest. Can you declare if you have a non-obvious interest in this matter?

Mr. Kambi: Mr. Deputy Speaker, Sir, I declare my interest and proceed.

Mr. Ethuro: Which is?

Mr. Deputy Speaker: Are you in the oil business, Mr. Kambi?

Mr. Kambi: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Proceed, then!

Mr. Kambi: Thank you, Mr. Deputy Speaker, Sir. If you want to save the soul, then you must know something about the body. As it is today, the prices of petroleum products have fallen, but some stock was bought when the prices were low. The only way in which we can solve this problem is by empowering the National Oil Corporation of Kenya (NOCK), to be procuring the oil products. Otherwise, currently, the oil industry is being operated by cartels. The only way in which we can get rid of these cartels is for this House to pass laws to empower the NOCK to be the only entity which can procure petroleum products. If we do that, we will get cheaper products.

Mr. Deputy Speaker: Your time is up!

Mr. Kambi: Most of my time has been spent on points of order.

Mr. Deputy Speaker: That is your problem! Mr. Mwatela!

The Assistant Minister for Education (Mr. Mwatela): Mr. Deputy Speaker, Sir, first, I would like to thank hon. Baiya for bringing this Motion.

There is a correlation between the cost price of any item and its selling price. When crude oil costs US\$64 per barrel, the pump prices should be low. The current situation is that the price of crude oil has come down from US\$100 per barrel to US\$64 per barrel. This is not marched by the pump prices that were there at the time when prices went up. It is, therefore, my suggestion that the Ministry of Energy, instead of avoiding the obvious, as has been suggested by hon. Abdalla, to come to this House with a legal machinery which will ensure that these prices are pegged on the price of crude oil internationally. This is possible and it needs to be done.

Mr. Deputy Speaker, Sir, I would like to ask the Minister to study the pattern from the time the oil prices were going up and relate the crude oil prices with the pump prices as they went up and go back to the same records and bring down the prices to match the crude oil prices internationally. That would solve our problem and nobody would complain. There is a habit with the oil companies that when the crude oil prices go up, they raise the pump prices, but when the crude oil prices go down, they do not lower the pump prices. They raised the prices of even the stock which they had bought at a lower price. So, they make unusual and unfair profits.

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

Mr. Deputy Speaker: Hon. Members, we only have time for the Minister. Hon. Members, this is a-half-hour Motion of Adjournment.

The Minister for Energy (Mr. Murungi): Mr. Deputy Speaker, Sir, I want to thank hon. Members of Parliament for raising this important matter. We are also feeling it.

I am actually aware of the pain and suffering that Kenyans are going through because of high petroleum prices in this country. I do not need to elaborate. It is also true that when the prices of crude oil go up, the oil companies in Kenya increase the pump prices immediately. However, when the international prices come down, those prices do not come down immediately or in the proportion that they should come. As the Government, we have on many occasions pleaded and begged the oil companies to reduce these prices in tandem with the fall of international oil prices, but all our pleas, as the hon. Members have said, have fallen on deaf ears.

Mr. Deputy Speaker, Sir, no other person than His Excellency the President, gave a directive that the prices should come down by at least, Kshs8. They did not. On analysis, as the Ministry, we said that they should come down by Kshs10. They did not. I saw Rev. Musyimi here and he can bear me witness that the Bible says: "Knock and knock and the doors will open for you". I have knocked and knocked on the doors of the multinational companies, but the doors still remain closed. They remain sterile and my knock remains futile.

Mr. Temporary Deputy Speaker, Sir, the Government is not impotent as one Member has said. The only reason why I have not exercised my powers, which are conferred to me by the Energy Act, Section 102(w), to determine oil prices in this country is because I thought we had moved away from price controls. We thought that we are in a market economy where the laws of supply and demand should operate. But these laws do not seem to give us the desired results. In fact, if you look at the entire global economy today, you will find that the fundamentals of capitalism are being challenged.

Just like we have seen in the United States of America where the Government is no longer shy in intervening to save the banks, our own Government has to take some extra-ordinary measures to respond to this extra-ordinary situation. It is our duty as the Government to protect our people from exploitation. As the Minister for Energy, I have decided to take the following measures under the Act, and I hope that the Members will support me.

First, the Energy Regulatory Commission will, within the next two weeks, publish a legal notice fixing domestic oil prices at a maximum of 7 per cent above the landed cost of the product. That should give them some operating margin. Secondly, we are also publishing a legal notice to empower NOCK to import a maximum of 30 per cent of the entire petroleum products which are consumed in the country. We also want to make the NOCK a major player in the distribution of petroleum products in this country. Consequently, the Government is supporting NOCK to acquire 86 new petrol stations which are on sale by Caltex.

Mr. Deputy Speaker, Sir, we have also decided, as the Government, to move away

from thermal generation towards non-thermal generation because most of the petroleum products in this country are used for generation of electricity. We are, therefore, asking the Government to improve our budget allocation to improve the development of geothermal resources by an annual supplement of Kshs10 billion, so that we can move away from thermal generated electricity to geothermal generated electricity. This country has a lot of geothermal resources. We can supply all the country's needs from geothermal sources. So, we will be requiring your support for enhanced budget support for our geothermal development.

Mr. Deputy Speaker, Sir, we are also intensifying our search for oil and gas in this country. We have 38 exploration blocks in our sedimentary basins. We have allocated 19 blocks to various international companies. I am on a search to give away the remaining 19 blocks so that the entire blocks in the country are fully explored. We hope that with this intensified programme, the chances for discovering our own oil and gas are going to be improved.

(Applause)

Mr. Deputy Speaker, Sir, on 21st of this month, I am holding a meeting. We are promoting development of green energy or bio-fuels in this country. We hope to produce enough bio-diesel to blend with diesel so that we can reduce the amount of diesel imported into the country.

Mr. Deputy Speaker, Sir, we believe that the introduction of these measures, and with the support of hon. Members, Kenyans are going to see a difference in the petroleum prices in this country.

Thank you, Mr. Deputy Speaker, Sir.

(Applause)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time to interrupt the business of the House. The House, therefore, stands adjourned until 2.30 p.m. in the afternoon.

The House rose at 1.05 p.m.