

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 13th July, 2005

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### PAPER LAID

The following Paper was laid on the Table:-

The Report of the Controller and Auditor-General on financial statements of the Kenya Roads Board for the year ended 30th June, 2002.

*(By the Minister for Roads  
and Public Works)*

### COMMUNICATION FROM THE CHAIR

#### QUESTION TIME TO BE REDUCED

**Mr. Deputy Speaker:** Hon. Members, we will have a very short Question Time because the Minister of State, Office of the President will issue a comprehensive Statement on the security situation in Marsabit District. Therefore, we will finish Question Time a little bit earlier.

### ANSWERS TO ORAL QUESTIONS

*Question No.115*

#### REVIVAL OF YOUTH POLYTECHNICS IN LUGARI CONSTITUENCY

**Dr. Kibunguchy** asked the Minister for Labour and Human Resource Development:-

- (a) whether he is aware that all the youth polytechnics in Lugari Constituency have collapsed and the infrastructure is in the process of decay; and,
- (b) what urgent steps he is taking to revive and revamp them.

**The Minister for Labour and Human Resource Development** (Dr. Kulundu): I beg to reply.

(a) I am aware that youth polytechnics in Lugari Constituency are on the verge of collapse and the infrastructure is deteriorating due to under-utilization of facilities and lack of community support.

(b) My Ministry has undertaken to sensitize the local community to aggressively boost the number of youth enrolment, supplement the instructors' earnings and also engage in income generating activities in the polytechnics. These will bring income to the polytechnics hence revamp the institutions.

My Ministry is also soliciting for support from development partners to upgrade the physical infrastructure and equip youth polytechnics countrywide. Youth polytechnics in Lugari will benefit once we receive the donors' support.

**Dr. Kibunguchi:** Thank you, Mr. Deputy Speaker, Sir. I would like to thank the Minister for his answer. The problems facing youth polytechnics revolve around equipment. Could he assure this House that his Ministry will equip some youth polytechnics in Lugari Constituency?

**Dr. Kulundu:** Thank you, Mr. Deputy Speaker, Sir. The question of equipment affects nearly all the youth polytechnics in the country. I have already said that the equipment in some youth polytechnics in Lugari Constituency is dilapidated. However, I assure the hon. Member that my Ministry will equip all the youth polytechnics in his constituency, if a written request is sent to us.

**Mr. Muiruri:** Mr. Deputy Speaker, Sir, youth polytechnics all over the country have collapsed. I have two youth polytechnics in my constituency which have collapsed, and yet they are very important to this country. That is where the youths learn skills. Youth polytechnics are like public universities or any other college of learning.

If the Ministry of Labour and Human Resource Development cannot fund youth polytechnics adequately, could the Minister consider surrendering them to the Ministry of Education, Science and Technology which gets Global Funding? The Minister should accept that all youth Polytechnics in this country have collapsed.

**Dr. Kulundu:** Mr. Speaker, Sir, I think youth polytechnics should continue being under the Ministry of Labour and Human Resource Development because what the students are taught in those institutions is labour-tailored. There is good linkage between the labour requirements and the institutions which employ people.

**Mr. Muriungi:** Thank you, Mr. Deputy Speaker, Sir. The tone with which the Minister has answered this Question shows that the situation is very pathetic. However, he does not give us any hope that the youth polytechnics in Lugari Constituency, or any part of the country, will be assisted.

One of the problems facing youth polytechnics is the low calibre members of staff, who are paid as little as Kshs4,000 per month. These institutions admit students who do not join secondary schools. A secondary school principal earns over Kshs40,000. Could the Minister assure us that the managers of youth polytechnics will be at par with their colleagues in secondary schools because those institutions are the same size?

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, it should be understood that youth polytechnics are run by communities and not the Government. The Government only supplements Kshs2,000 per month to the instructors' salaries. We do not build youth polytechnics. In the new policy we intend to bring to this House, the Government will absorb additional responsibility of building youth polytechnics. It will also look into the remuneration of the instructors.

**Capt. Nakitare:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead this House by saying that youth polytechnics are supposed to be run by communities, and yet we know that they were started by the International Labour Organisation (ILO) and handed over to the Ministry of Gender, Sports, Culture and Social Services and eventually to the Ministry of Labour and Human Resource Development?

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, I am very much in order. I repeat that youth polytechnics are built by communities. The ILO may have built model polytechnics. After that, the communities were supposed to not only build youth polytechnics but also remunerate members of staff.

**Mr. Mwanicha:** Mr. Deputy Speaker, Sir, the Government does not take youth polytechnics seriously. This can be seen from the number of Ministries they have fallen under in the past. The Minister has said that the Government supplements Kshs2,000 per month to the instructors' wages, and yet he knows that it is below the minimum wage. Is he satisfied that the Kshs2,000 the Ministry supplements to the instructors' wages is sufficient for them?

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, there is a distinction between salary and allowance. The communities pay salaries to the instructors of youth polytechnics, while the Government supplements their earnings with an allowance of Kshs2,000 each per month.

**Dr. Kibunguchy:** Thank you, Mr. Deputy Speaker, Sir. There is a programme being co-ordinated by the Ministry of Education, Science and Technology to get funds from the African Development Bank (ADB). Part of that money will go towards revamping youth polytechnics.

Could the Minister tell this House whether his Ministry has an input in what is going on in the Ministry of Education, Science and Technology?

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, we have approached many donors to fund youth polytechnics. Some of them have assisted us to come up with a new policy on those institutions. We hope that in the not too distant future, we will discuss this policy in this House and attract donor support.

**Mr. Deputy Speaker:** Next Question by Mr. Rotino!

*Question No.187*

EXPANSION/REHABILITATION  
OF WEST POKOT  
YOUTH POLYTECHNICS

**The Minister for Roads and Public Works (Mr. Raila):** On a point of order, Mr. Deputy Speaker, Sir. I rise under Standing Order No.37(4) with regard to this Question. I am wondering whether the Question does not contravene Standing Order No.37(4), which says:-

"A Question shall not repeat in substance any Question already answered either as a Question or in the course of a debate in the current Session."

I am wondering how this Question was cleared by the Office of the Speaker because its substance is very similar to the Question which has just been answered.

**Mr. Deputy Speaker:** You are right as far as the Standing Orders are concerned. Maybe the Clerk will explain to us later, but I am not aware that a similar Question came to the House. In any case, Mr. Rotino is not here, therefore, the Question is dropped.

*(Question dropped)*

*Question No.496*

ASSAULT ON MS. HELLEN BII  
BY POLICE OFFICER

**Mr. S. Koech** asked the Minister of State, Office of the President:-

- (a) whether he is aware that a police officer, Constable David Kipkurui Chirchir (P/No.53714) then attached to Litein Police Station assaulted Ms. Hellen Chepkosgei Bii at Litein on 5th April, 2003, inflicting serious bodily injuries,
- (b) whether he is further aware that the matter was reported to the local Officer

Commanding Police Division but no action was taken against the culprit who was later transferred to Londiani Police Station, and;

(c) what action he is taking to ensure that the Government meets Ms. Bii's hospital expenses and that the culprit is apprehended and prosecuted accordingly.

**The Assistant Minister, Office of the President** (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, I beg to reply.

(a) No, I am not aware that Hellen Chepkosgei Bii was assaulted by police constable, David Kipkurui Chirchir, on 5th April, 2003.

(b) I am aware that an assault report was made by one Reuben Lagat on behalf of his sister Hellen Chepkosgei, alleging to have been assaulted by one Chirchir who was known to her. An inquiry file No.1 of 2003 was opened and the report fully investigated. Investigations did not adduce sufficient evidence to link the officer with the alleged crime.

(c) The Government cannot be held responsible for meeting the hospital expenses of Ms. Chepkosgei since there is no proof that her alleged injuries were caused by a Government officer on official duty. The complainant is requested to avail additional evidence, if any, to the police that could sustain prosecution of the alleged officer.

**Mr. S. Koech:** Mr. Deputy Speaker, Sir, arising from the Assistant Minister's answer it is obvious that he has been misled into giving an answer which is part of a cover-up for the crime committed in this case. We are talking of a lady whose life has been shattered. As I speak, the lady is lying in a nursing home, paralysed as a result of this erroneous act.

Could the Assistant Minister undertake to do investigations into this matter and apprehend the culprit, because he is still roaming around and he is a police officer?

**Mr. M. Kariuki:** The information available to us is that, on 26th April, 2001, Chepkosgei had reported an assault against one Francis Masigiyo. A Criminal Case file No.468 of 2001 was opened at Sotik law courts and that particular suspect was acquitted. The allegation was that her tooth had been knocked out by one Francis Masigiyo.

Mr. Deputy Speaker, Sir, according to the medical report, she then made another complaint against Mr. Chirchir. She came alleging that Chirchir had removed that same tooth that was alleged to have been removed by somebody else. That is why the file was closed.

*(Mr. Salat moved to the  
Dispatch Box)*

**Mr. Salat:** Mr. Deputy Speaker, Sir, there---

**Mr. Deputy Speaker:** Mr. Salat, why do you not ask your question from where you were standing? Just go back and ask your question. There are rules here.

**Mr. Salat:** Mr. Deputy Speaker, Sir, there has been a coup in KANU.

**Mr. Deputy Speaker:** Order! Just go back!

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

**Mr. Deputy Speaker:** Mr. Wanjala, could you sit down?

**Mr. Salat:** Mr. Deputy Speaker, Sir, whenever we have cases that involve police officers and civilians, you will find that they are usually tilted to make the civilian appear guilty. The other day we had a case in Namanga where a civilian was shot. When the case was reported, that civilian was made to look like he was on the wrong and yet the public was very much aware that the officer was on the wrong.

Mr. Deputy Speaker, Sir, as this Government continues to actually improve security by introducing community policing, what is the Ministry doing to ensure that action is taken concerning cases which are reported by citizens against officers and then the citizen is made to appear like the guilty party?

**Mr. M. Kariuki:** Mr. Deputy Speaker, Sir, when a citizen has been assaulted by an officer, we advise that they report to an officer of a senior rank than the one who allegedly assaulted the citizen. If that is not possible, our doors are open and any member of the public who feels they can report to the Office of the President is free to do so and we will receive the report and act on it.

**Mr. Mwancha:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to stand before this august House and say that their doors are open, when we actually do not know which doors in the Office of the President are open to the general public?

**Mr. M. Kariuki:** Mr. Deputy Speaker, Sir, there are two entrances which remain open all the time.

**Mr. S. Koech:** Mr. Deputy Speaker, Sir, we are not talking about a tooth here. We are talking about somebody who is lying paralysed in a hospital. I am requesting the Assistant Minister to initiate fresh investigations, with independent officers, to establish the root cause of these injuries.

**Mr. Deputy Speaker:** Mr. M. Mirugi, do you know the hon. Member is raising a fundamental question?

**Mr. M. Kariuki:** Mr. Deputy Speaker, Sir, I can appreciate what he is saying. I said in my answer that if, for example, there is evidence of paralysis as alleged by the hon. Member, he should bring it to the attention of the police. The P3 Form that was filled was in relation to assault resulting in the removal of a tooth. If we have fresh information that this was an injury of the spine and, that this particular lady is paralysed, let me have that information available so that fresh investigations can be carried out.

*Question No.347*

INVESTMENT IN ELECTRICITY GENERATION  
BY SMALL HYDRO-POWER STATIONS

**Mr. Osundwa** asked the Minister for Energy what plans the Government has to encourage investment in electricity generation from small hydro-power stations.

**The Assistant Minister for Energy** (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I beg to reply. The Ministry of Energy is in the process of compiling hydrological data of potential sites for small hydro-power development. This task will commence during this financial year. A report so prepared will be given to potential investors.

A new Energy Bill is in the process of being finalised. One of the provisions in the draft Energy Bill is to allow investors to develop small hydro-power sites and sell power to their neighbourhoods, unlike under the current Electric Power Act No.11 of 1997, which prohibits direct sale of electricity by generators to customers.

Under the current Power Act, only Kenya Power and Lighting Company is licensed to buy from power producers and distribute electricity to customers.

**Mr. Osundwa:** Mr. Temporary Deputy Speaker, Sir, I am not satisfied with the answer from the Ministry. The data has been combined by various stakeholders and investors. The only problem here is the Electric Power Act, whose repeal the Ministry should initiate. There is too much inertia in this Ministry. I do not understand why they cannot bring an amendment to this House. The only reason why the Ministry is not moving is because it wants to protect the interests of Independent Power Producers (IPPs) like Westmont and IberAfrica. I do not want to mention others belonging to some prominent people in this country. But when will the Assistant Minister initiate the repealing of that Act?

**Hon. Members:** Name them! Name them!

**Mr. Deputy Speaker:** Order, hon. Members! Mr. Osundwa, please, stick to your question!

**Mr. Osundwa:** Could the Assistant Minister tell this House when he will bring an amendment to that Act so that, potential investors can invest in that sector?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I am equally surprised that the hon. Member is not satisfied with this answer, which is so comprehensive. You remember we brought a Sessional Paper to this House and it was unanimously agreed upon. Secondly, in my answer to part (b) of the Question, I have clearly indicated that we are in the final stages of the draft. I agree that these days, we are co-operating. But the hon. Member should know the meaning of the words "finalisation stage". We are bringing the draft soon.

Lastly, I want to assure this House that we are doing away with IPPs, and Westmont is no longer in existence in this country, unless Mr. Osundwa wants to make a political statement.

**Mr. Weya:** Mr. Deputy Speaker, Sir, I think there is no coordination among the Ministries. The Lake Basin Development Authority (LBDA) had done some studies on River Yala and River Nzoia to prove that they are viable and feasible to generate electric power. The Assistant Minister knows that there have been problems with power generation companies which the Kenya Power and Lighting Company has paid to supply electricity. Could he tell us why they do not want other investors to invest in the power sector?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, the work of the Ministry is to harmonise all the studies. They should bring them to the Ministry. We will then filter and harmonise them. That is why we are bringing the Energy Bill. We have indicated clearly that we are going to give out the proposals for people to come and invest in the energy sector. We are the first people, through the Energy Bill, to say that we are ready to end the monopoly of power supply in Kenya. We are ready to accommodate private participants.

**Mr. Deputy Speaker:** Last question, Mr. Osundwa!

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, could the Assistant Minister inform this House how much the Government is paying to IPPs and KenGen? What is the difference?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, there is a difference of about four cents. It is clearly indicated here that KenGen is part of the Government. IPPs are private investors. So, the prices cannot be the same.

**Mr. Deputy Speaker:** Hon. Members, let us move on to the next Question by Mr. Mwandawiro!

**Mr. Mwandawiro:** Bw. Naibu Spika, naomba kuuliza---

**Hon. Members:** English! English!

**Mr. Deputy Speaker:** Mr. Mwandawiro, the Question is in English!

**The Minister for Roads and Public Works (Mr. Raila):** On a point of order, Mr. Deputy Speaker, Sir. I have two issues here. One, under the Standing Orders, the hon. Member is supposed to declare any interest in this Question. Does the "wandawiro" in the Question have anything to do with him?

Secondly, the Question is in English in the Order Paper. Therefore, it should be asked in English.

**Mr. Deputy Speaker:** Mr. Mwandawiro, is that your son or you?

**Mr. Mwandawiro:** Mr. Deputy Speaker, Sir, Mr. Mwandawiro Mghanga happens to be my uncle. But he is a citizen of this country. He has a right to his pension. That is why I am asking this Question.

*(Applause)*

**Mr. Deputy Speaker:** No problem! But you see, Mr. Mwandawiro, all you needed to do was declare your interest and proceed! So, could you declare your interest and ask the Question in English?

**Mr. Mwandawiro:** Yes, Mr. Deputy Speaker, Sir.

*Question No.407*

RETIREMENT BENEFITS  
FOR MR. D.M. MWANDAWIRO

**Mr. Mwandawiro** asked the Minister for Finance:-

(a) whether he is aware that Mr. D.M. Mwandawiro (File No.APN/PC 141572), a former civil servant who retired in September, 2001, has not received his lump sum and monthly pension payment to date;

(b) when he will be paid his retirement benefits; and,

(c) how much compensation will be paid to him for the suffering he has undergone as a result of the delay.

**Mr. Deputy Speaker:** You have declared that, that is your uncle?

**Mr. Mwandawiro:** I declare that Mr. Mwandawiro is my very able uncle who needs his pension.

*(Laughter)*

**The Assistant Minister for Finance** (Mr. Obwocha): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that, Mr. Danielson M. Mwandawiro (File No.APN/PC 141572) has not received his pension payment to date. That has been occasioned by his transfer of services from the Central Government to Mombasa Municipal Council in 1980, which necessitated consultations between the Municipal Council of Mombasa, the Ministry of Lands and Housing and the Pensions Department under our Ministry with regard to separation of claim forms and determination of the aggregate pensionable emoluments.

(b) The delay in processing Mr. Mwandawiro's pension benefits was caused by the transfer of services from the Central Government to the local authority, which warranted thorough verification of pensionable emoluments in order to avoid cases of over-payment or under-payment of the pensioner.

(c) The Pensions Act does not provide for compensation for the resultant delay. The amendment to the Pensions Act came into effect after this issue had been raised. We have already paid Mr. Mwandawiro. He received his money during the month of May, 2005.

**Mr. Deputy Speaker:** But, Mr. Assistant Minister, do you consult for five years? Mr. Mwandawiro, can you ask your question now!

**Mr. Mwandawiro:** Mr. Deputy Speaker, Sir, it is true that, Mr. Mwandawiro has been paid his pension. But it took me about three months going to the Director of Pension's office before I asked this Question. How can the Assistant Minister assure us that we will not be coming to Parliament to ask Questions about pensions, before the people are paid?

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, that is a good Question. But if the man has received his pension, what is the hon. Member bothered about?

**Mr. Deputy Speaker:** I think it is good that the man has been paid. What is the big deal

now?

**Dr. Ali:** On a point of order, Mr. Deputy Speaker, Sir. Does a pensioner need to have a nephew in Parliament to be paid pension?

*(Applause)*

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, I said that, that is a very good question. We are addressing the issue of pensions. We are in the process of moving the Pensions Department from the Industrial and Commercial Development Corporation (ICDC) Headquarters to Bima House. There is enough space in Bima House and we are in the process of installing computers. As the Assistant Minister in charge of that, I am now going to be in control. They are going to be getting their pensions straightaway.

**Mr. Deputy Speaker:** Hon. Members, I do not think we need to belabour on that. I have, personally, taken this matter very seriously. I cannot believe consultations took five years. But I want to believe what the Assistant Minister has said; that he is now in charge and everything will be okay.

Let us move on to the next Question! Mr. Mwandawiro has been paid!

**Mr. Sasura:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has said that they have moved from ICDC to another building. This is not about shifting from one building to another. This Assistant Minister says that they were paying pensions through the district cashiers in this country, and they changed and started paying through Postbank. Over the last three years, there has been a lot of confusion. Could the Assistant Minister streamline the personnel and not the building? He can even paint the building or go into a bigger one. But could he streamline the personnel and do "a radical surgery" in that department?

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, the reason of transfer is because certain files were missing, and that is part of the question that hon. Mwandawiro is asking; where the file was. The place is congested. We cannot get these files because they are in one place. So, in a larger place, the files would be accessible. Postbank is doing very well. We will make sure that our personnel channel the pensions properly.

**Mr. Deputy Speaker:** Next Question, Mr. Mwanzia.

*Question No.431*

IRREGULAR COLLECTION OF FUNDS BY  
MACHAKOS ST. MARY'S HEADMASTER

**Mr. Deputy Speaker:** Is Mr. Mwanzia not there? His Question is dropped.

*(Question dropped)*

*Question No.425*

NUMBER OF HEALTH FACILITIES  
IN KURESOI CONSTITUENCY

**Mr. Cheboi** asked the Minister for Health:-

- (a) how many health centres and dispensaries there are in Kuresoi Constituency;
- (b) how many there are in the new settlement schemes of Tinet, Ndoinet, Saino and



Baraget; and,

(c) the number of personnel manning the health centres and dispensaries in the new settlement schemes.

**The Assistant Minister for Health** (Mr. Konchella): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Kuresoi Constituency has one hospital, three health centres and 11 dispensaries.

(b) Ndoinet and Tinet settlement schemes have one dispensary each, while in Saino and Baraget, the two dispensaries there are not complete.

(c) The dispensaries in Tinet and Ndoinet are each served by one nurse.

**Mr. Cheboi:** Mr. Deputy Speaker, Sir, you can see that we are now third rate citizens only served by nurses. I want to inform the Assistant Minister that the dispensaries in Saino and Baraget are now complete. Could he confirm to the House that he is going to send personnel immediately?

**Mr. Konchella:** Mr. Deputy Speaker, Sir, I cannot confirm because there are processes of doing so. So, let that process take place and we are going to send nurses to the place.

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, most of the district hospitals and health centres in this country are running with very few personnel, as a result of the suspensions of the nurses and clinical officers during the recent strike. What is the Ministry doing to make sure that these district hospitals and health centres are running up to their capacities?

**Mr. Konchella:** Mr. Deputy Speaker, Sir, I am aware that a number of health centres in the country are constrained because of personnel who were suspended for going on strike illegally. But I can assure the House that the Ministry is trying its best to provide *wananchi* with adequate personnel and additional staff will be sent there once recruitment is done.

**Mr. Cheboi:** Mr. Deputy Speaker, Sir, part of the main reason why we always do not get personnel in these dispensaries and health centres in my constituency is that some of those areas are very remote, and not many people are willing to go and work there. Could the Assistant Minister give a confirmation to this House, now that they are admitting students to Kenya Medical Training College (KMTC), that they are going to give a priority to students from those particular areas, who can serve in those dispensaries without any difficulties?

**Mr. Konchella:** Mr. Deputy Speaker, Sir, I would like to agree with the hon. Member. But I must say that if the said people are qualified to undertake the training, we will take them.

**Mr. Deputy Speaker:** Next Question, Mr. Kembi-Gitura.

*Question No.428*

PAYMENT OF BENEFITS TO  
MR. WALTER KIBUNJA

**Mr. Deputy Speaker:** Is Mr. Kembi-Gitura not there? His Question is dropped.

**The Assistant Minister for Local Government** (Mr. Kamanda): On a point of order, Mr. Deputy Speaker, Sir. On two occasions, this Question has been deferred because of the absence of the Member. He was here this morning and we agreed that he was going to ask the Question. When Ministers are not here to answer Questions, the Chair castigates them. But you are not talking about Members who do not come to the House to ask their Questions.

*(Applause)*

**Mr. Deputy Speaker:** Hon. Members, I thought the fact that a Question has been dropped

is enough punishment for a Member. That is why we said we would not be deferring Questions when a Member is absent. So, Members need also to understand that Ministers do a lot of work to get these Questions answered. Therefore, to be fair to the House and the Minister, a Member must come and ask his Question.

I will now move on to the next Question by---

**Ms. Mwau:** On a point of order, Mr. Deputy Speaker, Sir. Hon. Kembi-Gitura requested me to ask this Question on his behalf.

**Mr. Deputy Speaker:** Order! Ms. Mwau, if that was the case, you ought to have stood up early. I have called Mr. Kembi-Gitura very many times. If he had requested you to do that, then you have failed him. So, the Question is dropped.

*(Question dropped)*

*Question No.461*

VALUE OF ALOE VERA IMPORTS  
OVER THE LAST TWO YEARS

**Mr. Mwanicha** asked the Minister for Trade and Industry:-

(a) what the value of Aloe Vera products imported into the country for the last two years is; and,

(b) what steps he is taking to ensure that the products are produced locally.

**The Assistant Minister for Trade and Industry** (Mr. Miriti): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The value of Aloe Vera products imported into the country has not been determined due to the following reasons. Aloe Vera products are classified alongside other similar products that do not contain Aloe Vera, for they have no separate customs import tariff classification code. Aloe Vera products are not free for import into the country, and are not reflected in the statistics provided by the Kenya Bureau of Statistics. Aloe Vera is an ingredient catalyst which is used in varying percentages in the manufacture of other products.

(b) The Ministry of Trade and Industry and other stakeholders have taken the following steps to ensure that Aloe Vera products and those of other medicinal aromatic plants are produced locally.

1. They have compiled an inventory of all medicinal aromatic plants found in Kenya and are participating in the study on the cultivation and commercial development of medicinal and aromatic plants found in Kenya.

2. The committee is drafting a policy on cultivation and commercial development of aromatic plants found in Kenya.

**Mr. Mwanicha:** Mr. Deputy Speaker, Sir, the Assistant Minister does not seem to know the value of Aloe Vera products imported into the country. But I can assure the House that they run into billions of shillings. This is a plant that is the answer to the problem of Arid and Semi-Arid Lands (ASALs) in this country which year in, year out, we are giving famine relief. The Assistant Minister is saying they are carrying out research along with other organisations. What are the preliminary results showing about this product, which would be the answer to ASAL areas?

**Mr. Miriti:** Mr. Deputy Speaker, Sir, I understand the value of this very important plant. Aloe Vera is a cactus-like plant of lily family which grows wild in Kenya and it serves as a medicinal or aromatic plant. There are over 200 imported species of Aloe Vera products, of which

four are recognised as having nutritional value. Aloe Vera grows mainly in the dry areas of Kenya, including Taita-Taveta, Pokot, Turkana, Lamu and Suba. In Kenya, Aloe Vera is traditionally used as a medicinal plant in its raw form by the indigenous communities. In Kenya, we use a wide range of imported products, which contain varied percentages of Aloe Vera. These include soaps, body lotions, gels, creams, juices, capsules, tooth pastes, detergents, shampoos and other health care products. We are aware of the value of the plant and the study continues.

**Mr. Deputy Speaker:** Hon. Members, I realise that this Question is important, but as I told you earlier, I have to give the Minister of State, Office of the President in charge of internal security, a chance to issue a Ministerial Statement on the Marsabit massacre. Therefore, I will defer this Question until tomorrow afternoon.

*(Question deferred)*

## MINISTERIAL STATEMENT

### BANDIT ATTACKS IN MARSABIT

**The Minister of State, Office of the President (Mr. Michuki):** Mr. Deputy Speaker, Sir, following yesterday's banditry attack in Turbi area of Marsabit District, I wish to seek the leave of the House to issue a Ministerial Statement on these senseless attacks and beastly killing of innocent Kenyan citizens.

On the night of 11th/12th July, 2005, between 4.00 a.m. and 6.00 a.m., a group of about 200 bandits attacked two Gabra manyattas at Did-Gagalo, Turbi area of Marsabit District. During the incident, they killed 50 people, among them children, and made away with an unknown number of animals. Twenty others were injured and they were admitted at the Marsabit District Hospital. Among the injured are 12 children. Six of the injured are being flown to Nairobi for specialised treatment as I speak.

Mr. Deputy Speaker, Sir, since the incident occurred, the Kenya security forces have killed a total of six attackers in hot pursuit. Four other bandits were killed during the attack to bring the total number of the attackers killed to 10. A total of 5,000 sheep, 60 head of cattle, 10 camels and four donkeys were recovered. A combined team of security officers from the military, regular and the Administration Police are still on the ground. Some of the attackers are believed to have crossed over to Ethiopia. Helicopters have been deployed in the area to enhance aerial surveillance and assist the ground forces.

Besides yesterday's attack, I wish to inform the House that I have confirmed reports that this morning, at Bobisa on Marsabit-Moyale Road, 10 passengers were killed in an apparent reiteration to yesterday's incident after a Pick Up they were travelling in was attacked. These heinous acts are a culmination of ethnic and political hostilities and tensions that have been brewing over the past few months in the district. The Government security machinery has made a series of attempts to reconcile and encourage harmonious co-existence between the hostile communities in the district.

Mr. Deputy Speaker, Sir, the Government is concerned that some leaders have been making irresponsible statements, boundaring on incitement to violence, which have served to heighten tension in the district. The Government wishes to appeal to hon. Members and other local leaders to desist from making inflammatory, reckless and divisive utterances which incite people to violence. I expect the leaders from Marsabit to help in the identification of those who are responsible for these terrible criminal acts in order for them to be dealt with according to the law. They should also help

in the restoration of calm, law and order.

**Mr. Deputy Speaker:** This is a grave matter and I will, therefore, allow a number of hon. Members to seek clarifications. Who is the Shadow Minister for Security?

*(Mr. Salat stood in his place)*

Mr. Salat, you had better be taking the business of this House seriously. We know the line up of the Shadow Cabinet. Therefore, you should not try to impose yourself where you do not belong.

**Mr. Sasura:** Mr. Deputy Speaker, Sir, certainly, this is a grave matter. It is no longer a Marsabit matter, but a national issue. It involves the lives of Kenyans. I believe the Minister has not been given the correct position on the ground. While I want to agree with the Minister that the situation is exactly as he said, I think the Government has not got into the genesis of the problem.

I rise to seek a clarification, but it is important that I mention the background of what is happening in Marsabit because it is happening in part of my constituency. The attack which occurred on the night of 11th/12th was by bandits from Ethiopia. The Government has machinery, intelligence and otherwise, to get information every night and day. The Minister cannot convince us that the Government was not aware of what was bound to happen. From January this year, tension has been building in that district and at the border between Kenya and Ethiopia.

The 10 people that the Minister has talked about were not killed in Ethiopia. They were killed in Bobisa, 30 kilometres from Marsabit. The Government cannot fail to arrest people who are killing Kenyans. It might fail to arrest the attackers who have ran into Ethiopia, but it cannot fail to arrest the ones who attacked people 30 kilometres away from the district headquarters. If policemen are not doing their work, it is very wrong for the Government to pass the buck by pointing fingers at politicians.

**Mr. Deputy Speaker:** Mr. Sasura, I understand your predicament. Just seek a clarification, so that you allow others to do so.

**Mr. Sasura:** Mr. Deputy Speaker, Sir, I will just seek a very simple clarification. Hon. Members are not above the law. We are three hon. Members from Marsabit District and one from Moyale District. If, over the last two months we have made any inflammatory statement or any statement infringing on security, the Government should have arrested us and taken us to court. The Government knows that the basis of its Statement is not true and that is why it is passing the buck to politicians.

On 1st June, 2005, a chief and a Kenya Police Reservist were killed when they were pursuing stolen animals. The police knew the killers, but they failed to arrest them. This was again at Bobisa, which is 30 kilometres from Marsabit Town. How does the Government expect us, as leaders of that area, to solve the problem of Ethiopia? We do not have the capacity. The Government has the capacity to solve the problem, but it is not willing to solve the problem that is facing the people of Marsabit.

I honestly challenge the Minister that if he believes that myself, Dr. Godana or hon. Ngoyoni; the hon. Members from the district, are part of this, he should take us to court tomorrow in the morning. He should not pass the buck to politicians if the Government is failing in its duty to protect the lives and the properties of Kenyans.

**Mr. Deputy Speaker:** Mr. Minister, Please take notes; I will give you an opportunity to reply after two other hon. Members have contributed to the issue.

**Capt. Nakitare:** Mr. Deputy Speaker, Sir, thank you for giving me this opportunity. This is a border issue---

**Mr. Deputy Speaker:** Could you, please, seek clarification from the Minister. It is not time for debate.

**Capt. Nakitare:** Mr. Deputy Speaker, Sir, I would like to know from the Minister why he deployed the police, who are supposed to deal with internal security, to deal with issues related to international boundaries, when this is supposed to be an area for the military.

**Mr. Deputy Speaker:** Let us have very quickly, Mr. Billow, Dr. Ali and Mr. Moroto.

**Mr. Billow:** Mr. Deputy Speaker, Sir, it is clear that the escalation of conflict among pastoralist communities depicts the total failure of this Minister. In the last four months, killings have taken place in many corners of this country, because he does not appreciate the way of life of pastoralists and the underlying conflicts that make them fight each other. I agree with my colleague, that there is no way he can blame leaders when he himself does not respect them. When 26 people were killed in my constituency four months ago, this Minister refused to give me an audience. Up today he has not done that. He said: "Mr. Billow cannot come to my office". He has to change course. I want to seek clarification from him now that he has seen that his over-reliance on the Provincial Administration does not work. He is leading us as if we were living under the previous colonial regime. Could he change course now?

**Dr. Ali:** Mr. Deputy Speaker, Sir, there is one problem in this country. Whenever we are attacked from across the border, be it from Ethiopia, Somalia, Sudan or Uganda, the communities living around our boundaries with these countries are blamed, yet Government agents in those areas are not ready to perform their duties. The Ethiopians move about 50 to 100 miles into Kenya, yet our security forces cannot cross into our neighbours' land by even one step. My question to the Minister is, how does he want to defend our citizens when people from other countries do not care about this country's borders and move in and out of our land because Kenyan security forces fear to cross their borders?

**Mr. Moroto:** Bw. Naibu Spika, ningependa kumjulisha Waziri kwamba ni heri yeye mwenyewe aende katika sehemu zinazohusika na kujionea ukweli wa mambo badala ya kupashwa maneno kwa njia ya simu. Nilipata nafasi juzi ya kuandamana na ndugu zetu, Wabunge kutoka Bunge la Afrika Mashariki. Tulienda kule Mkoa wa Kaskazini Mashariki na Lokichogio. Tulipokua tukisafiri katika sehemu hizo maafisa wote wa usalama waliletwa kutulinda. Wananchi walitueliza kwa nini tulilindwa hivyo hali wao hawalindwi. Leo nimetoka nyumbani huko Kapenguria, na niliona kuwa Waoromo, Sebei na Karamojong walikuwa wakijiandaa kuja kuvamia Turkana kwa sababu wanajua kuwa wananchi wa sehemu hiyo wanapokonywa silaha. Hii ni aibu, na tunaamini kuwa Serikali haiyajali maslahi ya wafugaji. Badala yake inatunyang'anya silaha ambazo tungetumia kujikinga.

**Mr. Deputy Speaker:** Finally, let us have Mr. Ngoyoni for one minute.

**Mr. Ngoyoni:** Mr. Deputy Speaker, Sir, the insecurity in Marsabit District has escalated, simply because the Government is not giving us any attention. The issue is being treated very casually. Since January, my constituency has experienced several attacks. Simply because these incidences are taking place in that remote part of Kenya, they are reported and Kenyans feel as if there is nothing wrong happening. I have complained about the issue in and out of this House, yet the most I get is a Ministerial Statement. At one time, 14 people were killed and the department in charge of internal security accused me of incitement, simply because the number of people who were reported to be dead had been exaggerated. One lost life is just as valuable as 14 lost lives. I do not know what machinery our hard-working Minister has, to confirm the situation on the ground. I blame the Government because it does not have any independent way of counter-checking any information it gets. I want to ask the Minister: Why is it that one community, which is led by a very senior politician in this House, has been fighting six communities within Marsabit District? The

community has been fighting the Rendilles, Turkanas, Samburus and Boranas among others. Why is it that the Minister has never called hon. Members from the affected areas to find out what the problem is? Could he stop saying that these are normal incidences because I believe that someone is responsible for the crimes and deaths which occurred in Marsabit District?

**Mr. Deputy Speaker:** Hon. Members, as you can see, this is a very important issue. The extra time we will spend discussing this issue from now on will be added to our sitting time after 6.30 p.m. I will now give the Minister a chance to respond to the clarification.

**The Minister of State, Office of the President** (Mr. Michuki): On a point of order, Mr. Deputy Speaker, Sir. Is it possible for hon. Ngoyoni to clarify further, which community keeps on fighting?

**Mr. Ngoyoni:** Mr. Deputy Speaker, Sir, this is an obvious thing which the Minister knows, but I will say it for record purposes. I think the Minister knows that there is a small community, which has not been known in the Kenyan history, but now has made a name. This is the Gabra tribe and is found in Dr. Godana's constituency.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order, hon. Members! We need to listen!

**The Minister of State, Office of the President** (Mr. Michuki): Mr. Deputy Speaker, Sir, my Ministerial Statement covers the aspects of the efforts we have made to try and get the people who have been fighting in Marsabit District to reconcile. So far, I cannot confirm or deny that those people were Ethiopians because investigations are still going on. We have our people on the ground, not only to look for the killers, but also to ascertain who amongst the leadership in that region incited people to kill each other. That work is in progress. Let me assure the hon. Member who raised this matter, Mr. Sasura, that we shall not hesitate for a minute to apprehend those who will be identified, whether it is hon. Sasura himself or whoever it is. The people who attacked Kenyan citizens, whether from a neighbouring village or from within the area, must have had their own contact people within the attacked area to know where the manyattas are located. We did not have any volunteered information so far, as the one which we have received from the hon. Member, so as to identify any of the killers. We are waiting to be assisted in this direction. The Kenyan-Ethiopian boundary is 812 kilometres long. Whereas we do, to a certain extent, keep surveillance on the border, you can see the magnitude of the problem we have to deal with. It has been stated here that I have refused to attend to an hon. Member regarding this issue. On the contrary, I have spent hours with the hon. Member in question and any other. However, I cannot be visited on the same issue every morning. That, I refuse to do!

*(Loud consultations)*

*(Mr. Billow stoop up in his place)*

**Mr. Deputy Speaker:** Order! Order, hon. Members! The Minister sat very attentively to listen to what you had to say! So, please let him say what he has to say and hold your peace!

**The Minister of State, Office of the President** (Mr. Michuki): Mr. Deputy Speaker, Sir, I am in office to serve everybody. However, there must be a system of doing things. There is still the Executive provision which allows for appointment. Anybody who may---

*(Loud consultations)*

Mr. Deputy Speaker, Sir, can I be allowed to respond to what I had been asked because there appears to be a divided feeling here? There are hon. Members who want to listen and those who do not want to. Could the Chair ensure that I present what I have? We have a big problem in the northern part of Kenya because of the culture of our people. This is because of how they live and the feelings they have among themselves. Not only do the clans have differences in their way of life, but also the tribes. This is why, despite what is being vilified here, we have arbiters; people on the ground, who ensure that whenever chaos flairs up, we are informed about them. We shall continue to do what we can to reconcile people in Marsabit District. We have provided Government transport in terms of choppers everytime hon. Members want to visit the area. We will continue to do so because it is our duty to provide peace.

Mr. Deputy Speaker, Sir, I wish to take this opportunity to convey my condolences to the families of the bereaved and the clans which have lost their people.

**Mr. Deputy Speaker:** It is now 10 minutes after the time we were supposed to end this discussion. So, we will close our House business at 6.40 p.m.

Let us move on to the next Order!

### POINT OF ORDER

#### NON-PROVISION OF ITEMISED EXPENDITURE BY OFFICE OF THE PRESIDENT

**Mr. Billow:** On a point of order, Mr. Deputy Speaker, Sir. I rise to seek the indulgence of the House on the matter that you had given a ruling last week regarding the Printed Estimates. You will recall that you gave a ruling that the Minister for Finance should prepare detailed estimates for each Ministry, which would show the itemised expenditure of each Vote.

The district allocations that have been prepared for the Office of the President and which were laid before this House yesterday only show a portion of the total Vote for that Ministry. For example, in the Development Vote, out of the Kshs7.6 billion allocated for that Ministry, only Kshs1.2 billion is captured in the district allocations. How could hon. Members find out what the Kshs6.5 billion is meant for?

*(Applause)*

In the Recurrent Expenditure, out of the Kshs27 billion included in the Vote, only Kshs12 billion is included in this district allocation leaving out Kshs15 billion. What we had yesterday was a general debate similar to the Budget debate. However, hon. Members are not able to scrutinise expenditure of the total Kshs34 billion that has been voted for this Ministry. Clearly, it is our responsibility, as a House, to scrutinise the Kshs34 billion allocated to the Ministry and approve it. It is the dignity of this House which is in question, and this House is being taken for a ride. We are being asked, as a House, to append our signatures to a blank cheque to be given to a Minister or Ministry.

*(Applause)*

I wish to seek your ruling on this matter; that the Minister for Finance goes ahead and prepares the detailed Estimates for each Ministry as you ordered. He should be given as much time

as possible, even if it takes two weeks to do so. We find it very difficult to debate an expenditure for which we do not have details in this House.

**The Minister of State, Office of the President** (Mr. Michuki): On a point of order, Mr. Deputy Speaker, Sir. Yesterday, when the substantive Speaker was in the Chair, I was asked to bring details of the Estimates of the Office of the President, which I now have. Could we proceed with that business?

**Hon. Members:** No! Where are they?

**Mr. Deputy Speaker:** Order, hon. Members! The point that Mr. Billow is raising was raised - I believe you were not in yesterday - and a substantial ruling was made from the Chair. I just want to read a paragraph from the Chair's ruling. We have at least got those ones; itemised allocations from the districts. The Speaker said:-

"I will now direct the Minister that as we proceed on this Vote now, tomorrow is the day that we must scrutinise all the Heads. We must ensure that itemised allocations at the Ministry headquarters are made available to hon. Members by tomorrow afternoon so that they know exactly what they are voting for. That is the rule of Parliament!"

*(Applause)*

Do we have these itemised allocations?

**Hon. Members:** No!

**Mr. Deputy Speaker:** Are they available to hon. Members, Mr. Minister?

**Hon. Members:** No!

**The Assistant Minister for Finance** (Mr. Obwocha): Mr. Deputy Speaker, Sir, we agree with what the hon. Member is saying. However, when the substantive Chair made that ruling, he did so in light of the presentation which the Minister was going to make.

**Hon. Members:** No!

**The Assistant Minister for Finance** (Mr. Obwocha): Mr. Deputy Speaker, Sir, let me finish! Mr. Billow knows this and he just wants to make political capital out of this.

*(Loud consultations)*

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

Let me finish!

**Mr. Deputy Speaker:** Order, hon. Members! Could you sit down, all of you?

Mr. Obwocha, you are making things worse. Let us cool down and handle this matter properly. Do not impute improper motive on the hon. Member. This is not Mr. Billow's matter! This is a matter that concerns the whole House.

*(Applause)*

**The Assistant Minister for Finance** (Mr. Obwocha): Mr. Deputy Speaker, Sir, I basically agree. For the issue he is raising, the current method of preparing these Estimates is that the big ones that are in the head office are represented in principal terms.



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

**Mr. Deputy Speaker:** Why do you not let the Assistant Minister finish what he has to say?

**The Assistant Minister for Finance** (Mr. Obwocha): Mr. Deputy Speaker, Sir, the current Vote is Kshs27 billion. They have been given the itemised allocations for the Kshs15 billion. The balance is emoluments and they are going to be answered by the Minister. The issue that the substantive Chair ruled on was that the Minister should provide the details to the House.

**Hon. Members:** No!

**Mr. Deputy Speaker:** I will hear a few more hon. Members and then I will make a ruling.

**Mr. Mwenje:** On a point of order, Mr. Deputy Speaker, Sir. Mr. Obwocha has been in this House long enough. He knows from experience that every single item is indicated in the Printed Estimates, showing the amount of money that is going to be spent on that particular item. This has been the tradition! We have been in this House long enough with the Minister for Finance. Clearly, that is not the case in the current information in these Printed Estimates.

*(Applause)*

Why the Speaker ruled that way, and I think he was right, is because one of the major responsibilities of this House is to scrutinise and authorise the amount of money to be spent on a particular item. In this case, it is clearly not possible to do that.

For anybody to tell us that the Minister will answer as we go along, that denies us the opportunity to scrutinise the items. It is, therefore, important that we postpone debate on this Vote to another day to give the Minister time to lay the details. That will enable the House to have a chance to scrutinise the allocations.

**Mr. Kosgey:** Mr. Deputy Speaker, Sir, the fundamental function of Parliament is to appropriate money. No penny should be spent without the authority of Parliament. The Minister is telling us that we should vote and agree to give money that we do not know what it is meant for. In all fairness, we demand that proper itemised Votes be given to us so that when we vote and allocate money, we know what it is meant for. Short of that, we cannot, as a Parliament, break the law and the Constitution.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order, hon. Members!

**Mr. G.G. Kariuki:** On a point of order, Mr. Deputy Speaker, Sir. While I agree with you that we would want to hear more from hon. Members before you make a ruling, is it in order for us to continue debating the ruling which was already made?

*(Applause)*

**Mr. Deputy Speaker:** Mr. G.G. Kariuki, we are not debating the ruling.

**The Minister of State, Office of the President** (Mr. Michuki): Mr. Deputy Speaker, Sir, I thought the Chair was quite clear when he said that I should come here prepared to give this information.

**Hon. Members:** Where is the information?

**The Minister of State, Office of the President** (Mr. Michuki): Mr. Deputy Speaker, Sir,

where has this culture come from, that nobody seems to want to hear what I am saying? In fact, the Chair said: "You better come prepared to face the questions on these details." I came prepared to participate in the debate and to answer in detail the information that has been sought by hon. Members. Therefore, I agree with Mr. G.G. Kariuki that we should not debate an issue that was adjudicated on.

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

### CONSIDERED RULING

DEFERMENT OF DEBATE ON VOTE 1 -  
OFFICE OF THE PRESIDENT DUE TO NON -PROVISION OF ITEMISED EXPENDITURE

**Mr. Deputy Speaker:** Order, hon. Members! Will you sit down? This is very clear. I do not think we should take more time. The ruling from the Chair is that we must get itemised allocations, which must be made available to hon. Members. The Minister may as well have the details, but they are not available to hon. Members.

Standing Order No.142(1), says:

"Twenty days, being those before 31st October, shall be allotted for the consideration in Committee of Supply of proposals in respect of Annual Estimates: Provided that not more than two allotted days shall be spent on any one Vote, and any Vote which has not been granted within that period shall be left for disposal under paragraph (7) of this Standing Order."

Ordinarily, the Chair would have said we go on to debate until we come to the Committee Stage, but if we did that, then it will mean that we have taken the second day for this Vote. Therefore, there is no alternative left for the Chair than to postpone the debate on this Vote until such time that this House or hon. Members will be given the itemised allocations by the Minister. This means, therefore, that if we resume debate on this Vote, we will still have one day to conduct debate and move on to the Committee Stage.

Mr. Deputy Speaker, Sir, I also would like to caution other Ministers that, in order that we do not waste time, let us ensure that all Ministries comply with the ruling from the chair.

Hon. Members, I, therefore, order that this debate is adjourned. This also applies to the Ministry of Agriculture because we do not have the itemised Estimates.

*(Applause)*

### ADJOURNMENT

**Mr. Deputy Speaker:** Hon. Members, since there is no other business, it is now time to adjourn today's proceedings. The House is, therefore, adjourned until tomorrow, Thursday, 14th July, 2005, at 2.30 p.m.

The House rose at 3.55 p.m.