

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 19th October, 2005

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

SHOOTING OF MR. MAULID SHAKLAN BY POLICE OFFICER

Mr. Wario: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice:-

(a) Is the Minister aware that on 7th October, 2005, Officer Commanding Police Post (OCPP), Gamba, Inspector Jackson Kiema shot and seriously wounded Mr. Dol Maulid Shaklan?

(b) Is he further aware that the victim was secretly moved from Malindi District Hospital by police?

(c) What immediate action is the Minister taking against this police officer who shot an unarmed civilian?

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

(a) I am aware that Mr. Shaklan was among a group of armed herdsmen who were violently resisting police action to drive them away from grazing their animals in a private rice field.

(b) I am not aware.

However, I am aware that Mr. Shaklan was taken to Malindi District Hospital for X-ray since the facility was not available at the Gao Sub-district Hospital where he was initially rushed and admitted on 7th October, 2005 when he was injured.

(c) The victim of the shooting was armed at the time of the incident. In any case, an inquiry file No.1 of 2005 has been opened to investigate the incident with a view to taking appropriate action.

Mr. Wario: Mr. Deputy Speaker, Sir, the problem we have as hon. Members of this House is that the Ministers do not even cross-check the answers given to them by their officers on the ground. Could I ask the Assistant Minister which part of Mr. Shaklan's body was shot on that day and from which position; from the front or from the back?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, I have said that the incident is still under investigation. The information we have so far, is that, the shooting took place and the injury was on the thigh of the victim.

Dr. Rutto: Mr. Deputy Speaker, Sir, in a case like this one, the Assistant Minister says that investigations are going on, whereas, if it was a police officer who was shot, most likely the investigations would be in favour of the police officer. What does his Ministry do to ensure that investigations are as objective as possible, because this matter involves the criminal justice system?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, the Kenya Police is a statutory force that is supposed to carry out investigations. There is no way we shall remove this mandate from them to another force, unless we amend the law. What is important is to ensure that the officers who were involved in this shooting are not involved in the investigations. We can get officers from another police station to carry out the investigation, and that will be done. Let me add that we are already holding suspects who were bonded and we are waiting for this other person to be discharged, because there will be charges to be preferred against them.

Maj-Gen. Nkaisserry: Mr. Deputy Speaker, Sir, this incident happened 12 days ago. It involves a police officer and an individual who is known and yet the Assistant Minister is telling us that investigations are still going on. How long are these investigations going to take if it is not a cover-up by the police officers?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, there are two aspects to this matter; the person who was allegedly shot is going to be subjected to a court process because he had committed a crime of malicious damage to property and he will be arraigned before court together with five other people. As to whether the shooting was lawful or not, the Police Act has very clear provisions, that shooting should only take place to disable a suspect who is trying to escape from arrest. As soon as these investigations reveal whatever took place, we will be able to decide whether the shooting was lawful or not.

Mr. Mwandawiro: Bw. Naibu Spika, hivi karibuni, tumeanza kujenga utamaduni mbaya katika nchi yetu. Polisi wamekuwa wepesi sana kwa kupiga watu risasi na hata kuwaua kabla ya kuwapeleka mahakamani. Nasi tunalichukulia jambo hilo kana kwamba ni tukio la kawaida katika nchi yetu, wakati ambao watoto wetu au sisi wenyewe hatuhusiki. Je, Serikali hii inawaruhusu polisi kuwapiga wananchi risasi na kuwaua bila hata kuwapeleka mahakamani?

Mr. M. Kariuki: Bw. Naibu Spika, hakuna mtu yeyote anayeruhusiwa kuchukuwa sheria mikononi mwake; awe polisi au raia. Vile tunavyojua, wakati mwingine raia wa nchi hii huchukua sheria mikononi mwao kwa kuwapiga washukiwa na kuwaua. Mtu yeyote ambaye anashukiwa kuvunja sheria atashikwa na kupelekwa mahakamani ili ahukumiwe kulingana na sheria.

Mr. Wario: Mr. Deputy Speaker, Sir, it is actually true that human beings change. This Assistant Minister was once a known human rights activist but, today, I can hardly believe what he has just said in this House. Mr. Shaklan was shot from the back. This is an indication that he was running away from the police officer who shot him. What action is the Assistant Minister going to take against this trigger-happy police officer who shot an unarmed innocent Kenyan at will?

Mr. M. Kariuki: First of all, Mr. Deputy Speaker, Sir, let me assure the hon. Member who is trying to treat this issue as a personal matter, that I have consistently defended the human rights of Kenyans and I will defend them from whatever position, whether in the Government or Opposition. I have been consistent and my track record speaks for itself. The first thing is that, this person was armed and we are holding the exhibit. Secondly, if you are saying that he was shot from the back, that is all the more justification that he was trying to run away. Therefore, if he was shot while trying to run away from arrest, then the shooting is lawful in accordance with the Police Act.

Thank you.

ORAL ANSWERS TO QUESTIONS

Question No.622

DISBURSEMENT OF HIV/AIDS
FUNDS TO SABOTI CBOS

Capt. Nakitare asked the Minister of State, Office of the President:-

(a) how much money has been disbursed to Saboti Constituency Aids Control Committee from 2002 to date;

(b) whether he could table a list of all Community-Based Organisations (CBOs) through which the money has been disbursed in Saboti Constituency, giving the names of their officials and the respective locations that have benefited from these funds; and,

(c) what measures he has put in place to ensure that some CBOs do not misappropriate funds meant to fight HIV/AIDS.

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

(a) There are 28 CBOs in Saboti Constituency which have to date received Kshs6,950,000 for HIV/AIDS activities as at 5th August, 2005.

(b) I will lay on the Table, the list of all the CBOs through which money has been disbursed to Saboti Constituency with the names of the officials and their respective locations which benefitted from the funds as at 5th August, 2005. I will also lay on the Table, the respective allocations for the CBOs.

(c) The Constituency Aids Control Committees (CACCs) in each constituency, including Saboti, whose patron is the sitting Member of Parliament, approve all proposals from the registered CBOs to fund HIV/AIDS activities in each constituency. The CACCs also sign all the grant agreement forms from registered CBOs whose proposals have been approved before funds are disbursed. The role of the National Aids Control Council (NACC) is to facilitate disbursement of funds through the financial management agency directly in the bank account of the CBO. The CACC in that constituency, including the patron, co-ordinates, monitors and supervises the project implementation once projects are funded. It is, therefore---

Mr. Deputy Speaker: Dr. Machage, that is sufficient! I think your reply is taking a little bit long. Can you spare the rest of the reply for supplementary questions?

The Assistant Minister, Office of the President (Dr. Machage): Thank you, Mr. Deputy Speaker, Sir.

Capt. Nakitare: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister's answer pins the Member of Parliament on the wall by saying and suggesting that hon. Members of Parliament, know what the CBOs do, how they get the money and how that money is disbursed. It is actually the opposite in my constituency. CBOs are briefcase carriers and, therefore, it is very hard for us, hon. Members of Parliament, to track down the records of the recipients of that money and the disbursement of those funds. What steps is the Assistant Minister taking in order to audit those people and have hon. Members exposed to the records in order to know what kind of people are benefitting from those CBOs?

Dr. Machage: Mr. Deputy Speaker, Sir, it would really be difficult for me to carry the inefficiencies that might be practised in the management of CACCs in the respective constituencies. I have persistently repeated in this House that hon. Members of Parliament are patrons to CACCs, and they must participate in all decision-making at that level. If you, as a Member of Parliament, have ignored your duty, not to know what goes on, it is unfortunate. I will repeat once again; please, get to know all the CBOs operating in your area because the responsibility lies on the hands of the Member of Parliament and the CACC.

Mr. Deputy Speaker: Dr. Machage, just to assist hon. Members, you said that the NACC sends the money directly to the accounts of CBOs. Do you, at the same time, inform hon. Members

that this CBO has this money so that the CACC can know how to monitor the CBO? I think that is the issue here.

Dr. Machage: Exactly, Mr. Deputy Speaker, Sir, because the CACC also signs all grant agreement forms from registered CBOs whose proposals have been approved before the funds are disbursed.

Mr. Ndambuki: Thank you, Mr. Deputy Speaker, Sir. This problem is common to almost every constituency. The hon. Member of Parliament is involved in the process of looking at the applications and proposals, which are forwarded to the NACC. Once those applications and proposals are forwarded there and the NACC starts releasing the money, they never advise the CACC office that they have released so much. So, could the Assistant Minister tell us what he is going to do to control the situation and make sure that, once they are release the money here, the CACC is made aware, because it is not involved?

Dr. Machage: Mr. Deputy Speaker, Sir, not only do we inform the CACCs that money has been released, but we even go a step further to buy space in the news media and actually print all the allocations disbursed to different CBOs in this country. However, if there is a doubt from you as a Member of Parliament regarding the activities of the CBOs in your area, you have the prerogative and power to write and notify the NACC that you are not satisfied with the activities of a certain CBO, and action will be taken immediately.

Mr. Deputy Speaker: I am surprised because I am a patron of a CACC and I have never been informed.

Proceed, Dr. Ali!

Dr. Ali: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister is not being frank. I think he does not know what happens in the CACCs even in his constituency. I have taken the liberty to make sure that I write a letter from my office to NACC about all the names which are forwarded from my constituency, but I have never received a letter from NACC and they have never sent a letter to the CACC! It is only when they have disbursed some money to some CBOs whose names we have never sent to them--- What are you going to do about that? Do not tell us about things you write in the newspapers when you have already disbursed the money and you have cleared it one year down the road! That is not going to help us!

Dr. Machage: Mr. Deputy Speaker, Sir, let the hon. Member know that I am fully in control of my CACC in my constituency, and I pray that he does the same for his constituency. Take an active role, and you will be happy.

Dr. Ali: On a point or order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order, Dr. Ali! I will take your point of order later. Let me hear Mr. Mukiri first.

Mr. Mukiri: Thank you, Mr. Deputy Speaker, Sir. A lot of the money was disbursed to those CBOs under the guise of "capacity-building". We were quite restricted due to the fact that we have so many orphans in the constituencies, but they are not being assisted. Could the Assistant Minister confirm that, that money is still existing, because we are told that they have already exhausted the money. Could he also tell us whether they are going to change their policy so that this money can be used to assist orphans in the constituencies?

Dr. Machage: Yes, it is true that the applications have overstretched the available funds. Actually, we have about Kshs8 billion pending and which is supposed to be disbursed to the CBOs once funds are available. We are really working hard to see that we get those funds as soon as possible. Now, let me also bring it to the notice of hon. Members in this House that most CBOs get about Kshs300,000. This amount is usually disbursed in two instalments; the first disbursement is usually Kshs200,000 and then an assessment report is sent back to the NACC by the CACC before

the second disbursement of about Kshs100,000 or Kshs150,000 is given to the CBOs.

Mr. Deputy Speaker: What is it, Mr. Abdirahman?

Mr. Abdirahman: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is so obsessed with the activities of the Constituency Aids Control Committees (CACCs) and patron supervision at the grassroots level! Is he in order to evade hon. Dr. Ali's question which touched on approval by the National AIDS Control Council (NACC) headquarters of CBOs in our constituencies?

Dr. Machage: Mr. Deputy Speaker, Sir, I have not attempted to evade hon. Dr. Ali's question. All the approvals for funding by NACC are actually done after recommendation by the CACCs at the constituency level. I cannot avoid to mention CACCs because that is their responsibility and function. The NACC never decides who should be given what. That approval is made at the constituency level. We only disburse the funds, when they are available, according to the applications that have been submitted to us from the constituencies.

Capt. Nakitare: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister avoid to answer questions. In the absence of information from CBOs to the Member of Parliament, how would a Member of Parliament control the existing problems of HIV/AIDS in his or her constituency?

Dr. Machage: It is unfortunate that such a scenario might actually occur in many constituencies. However, I would like to urge Members of Parliament to ensure that they are close enough to the CACC in their respective constituencies so that they can get this information. Please, take your role as the patron seriously and act the same!

Mr. Deputy Speaker: Next Question by the Member for Eldama Ravine!

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

Mr. Deputy Speaker: Order, Mr. Kimeto! You had better know that when the Chair says something, you are supposed to obey. So, please, sit down!

Question No.663

ATTACK ON MR. KIPLAGAT KIPROP
BY KOIBATEK DC

Mr. Deputy Speaker: Mr. Sirma is not in. I, will, therefore, drop the Question.

(Question dropped)

*(Dr. Kituyi was applauded as
he entered the Chamber)*

Mr. Deputy Speaker: Mr. Kimeto, that applause is not meant for you.

(Laughter)

Question No.411

PROVISION OF SECURE TOILET
FACILITIES FOR PRIMARY
/SECONDARY SCHOOLS

Ms. Mwau asked the Minister for Education, Science and Technology:-

(a) if he is aware that lack of functioning and secure toilets in both primary and secondary schools is a major factor contributing to girl-child drop-outs and poor performance; and,

(b) what immediate measures the Government is taking to ensure that the girl-child has access to functioning secure toilets to guard her privacy.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that with the introduction of free primary education, physical facilities including toilets have been overstretched. In secondary schools, however, the lack of functioning and secure toilets is not a major factor contributing to girl-child drop out and poor performance.

(b) The Ministry released Kshs50,000 to all public primary schools towards water and sanitation to take care of the girls' and boys' toilets. Secondary schools have got functional Boards of Governors (BOGs) and Parents, Teachers Associations (PTAs) that are responsible for the provision of adequate sanitary facilities for both boys and girls. It is a standing instruction to make secondary schools build toilet for boys and girls away from each other.

The Ministry also regularly carries out inspections of toilets among other facilities in primary and secondary schools.

Ms. Mwau: Mr. Deputy Speaker, Sir, I am not satisfied with that answer because, for sure, one of the major factors that affect the girl-child's education is lack of toilet facilities. According to the World Health Organisation (WHO), for every 25 girls, there should be one toilet and for every 40 boys there should be one too. Could the Assistant Minister tell us how many schools in this country have met that requirement?

Dr. Mwiria: Mr. Deputy Speaker, Sir, that is a good ratio, but we must realise and appreciate the prevailing conditions. All we can say for the time being is that given the resources that are available, we are trying our best. The first step was made last year when we provided Kshs50,000 to every school for the construction of toilets.

Ms. Mwau: Mr. Deputy Speaker, Sir, could the Assistant Minister give us a time-frame within which every school in this country will meet the WHO requirement?

Dr. Mwiria: Mr. Deputy Speaker, Sir, I cannot do that right away. We have to do some calculations in terms of projections. However, we can only aim at achieving the WHO requirement. We cannot realistically say that we can reach that target like the countries which have more resources than us. We will, however, ensure that as many young people as possible have access to clean toilets.

Question No.507

CONSTRUCTION OF NJABINI-
OL'KALOU-NDUNDORI ROAD

Mr. Deputy Speaker: Hon. Muchiri is absent. This Question is, therefore, dropped!

(Question dropped)

Question No.335

GOVERNMENT EXPENDITURE ON
BUNGOMA MUNICIPALITY
WATER/SEWERAGE PROJECT

Mr. Wamunyinyi asked the Minister for Water and Irrigation:-

- (a) what the contract sum in the tender awarded to Kirinyaga Construction Company for the Bungoma Municipality Water and Sewerage Project is;
- (b) how much money the Government has spent so far on the project;
- (c) how much more is outstanding in the form of pending bills including interest; and,
- (d) why the project has not been commissioned officially and handed over to the Government.

The Assistant Minister for Water and Irrigation (Mr. Munyes): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Bungoma Sewerage Project was awarded to the lowest evaluated bidder, M/S Kirinyaga Construction Company, in January, 1999 for a contract sum of Kshs126 million. This was a sewerage project and had no water supply component in it. The mandate to undertake sewerage works was transferred to my Ministry in the year 2003 in accordance with the Water Act, 2002.

(b) The Government paid Kshs50 million for consultancy services and a further Kshs730 million under the construction contract. Payments to the contractor included contractual claims on price variations, interest on delayed payments, idle plant and labour and increased haulage of materials and were effected between January, 1999 and October, 2002. The construction works were completed in October, 2002.

(c) This contract has no pending bills. Nevertheless, the contractor submitted two other contractual claims amounting to Kshs107 million in November, 2002 for extra charges for idle plant and labour which my Ministry evaluated and subsequently rejected.

(d) The project was handed over to the Municipal Council of Bungoma in November, 2003 after the expiry of the one year defects liability period. The contractor was issued with a completion certificate in January, 2004.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister state that the contract sum was Kshs126 million and further that the amount paid was Kshs780 million. This is a very enormous amount with over Kshs600 million variation.

While I appreciate the fact that this project was previously undertaken by different Ministries in the previous Government and now this Government, some of the works which were part of the contract were not completed and this included a bridge and the road to the sewerage plant. Also, a vehicle was supposed to be provided to the Municipal Council of Bungoma as part of this contract, but that never happened. Could the Assistant Minister give this House the details involving the escalation of costs in this project? Could he also tell us what the over Kshs600 million paid to the contractor is made up of?

Mr. Munyes: Mr. Deputy Speaker, Sir, this project was handled by the Ministry of Local Government and the mandate transferred to this Ministry under an Act of Parliament, the Water Act 2002, in the year 2003. We detected the variation of Kshs126 million against the Kshs780 million paid to the contractor after it had already been paid by the previous Government. The Government made the payments through the Ministry of Local Government. I know that the payment was fraudulent and the contractor should have been blacklisted. The difference in payment was as a result of pipe variations and interest on delayed payments, idle plant and labour, increased haulage

and materials. We said that this should not have been entertained, and that is why we went ahead, as a Ministry, to cancel the Kshs107 million payment, which the contractor was expecting from the Ministry of Water and Irrigation.

Mr. Billow: Mr. Deputy Speaker, Sir, the Assistant Minister should take this House seriously. The Kiptoon Committee on Pending Bills, which was set up by the Ministry of Roads and Public Works in 2003, listed Kirinyaga Construction Company as one of the "cowboy" contractors. Subsequently, it has been identified as one of those politically-correct companies. Remember that there are some politicians who were hosted for dinner by the owner of the company somewhere in the Mount Kenya region? After the Kiptoon Committee on Pending Bills recommended and blacklisted this company, the company was paid Kshs600 million out of the Kshs780 million. Could the Assistant Minister tell this House, now that the project is not functional, whether the Government intends to recover the money from the company and blacklist it from any future Government contracts if he is serious?

Mr. Munyes: Mr. Deputy Speaker, Sir, I want to say again, that the money was not paid by my Ministry. I have no facts about it. The money was paid before the mandate of managing the project was transferred to the Ministry of Water and Irrigation.

Mr. Billow: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister said that he has no facts about the project. He again said that the money was paid by the previous Government. Could he get the actual date of payments for the Kshs780 million and present the information to this House so that we can believe him?

Mr. Munyes: Mr. Deputy Speaker, Sir, I can only give information that I am sure about. The money was paid in the year 2002, by the Ministry of Local Government and not by the Ministry of Water and Irrigation.

Mr. Serut: Mr. Deputy Speaker, Sir, I want to give the Assistant Minister the benefit of the doubt, that the money was not paid by his Ministry. But, what is the point of issuing a clearance certificate? To me, that means that the work was done perfectly and was accepted by the Government. Which Ministry issued the certificate and why was it issued before inspecting the works first?

Mr. Munyes: Mr. Deputy Speaker, Sir, the certificate was issued by the Ministry of Local Government before the project was handed over to the Ministry of Water and Irrigation.

Mr. Omingo: Mr. Deputy Speaker, Sir, we have kept on saying that corruption is still rampant. It is as if the inhabitants of a forest changed tenancy. So, corruption is still going on. Having said that, could the Assistant Minister tell this House what measures he is putting in place to recover the money because there is an institutional procedure of Ministries transferring such issues formally? One year after the project was started, the Ministry should have known whether it was viable or not. What measures is the Assistant Minister taking to ensure that the people of Bungoma get value for their money and blacklist the contractors who keep on changing depending on which Government is in power?

Mr. Munyes: Mr. Deputy Speaker, Sir, we have informed the Treasury about the matter. As I said, my Ministry does not condone corruption. That is why we got another claim of Kshs107 million from the same contractor but we rejected it. We thought that the same contractor wanted to take money from the Government fraudulently. I am very sorry about the Bungoma project. My Ministry is finding ways of reviving it by putting money into it.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, this House was recently informed that the Government was investigating allegations that some contractors were funding the "Orange" campaigns. Could the Assistant Minister tell us if the investigations are complete and if this contractor is one of those funding the "Orange" campaigns?

Mr. Munyes: Mr. Deputy Speaker, Sir, you know that is a very difficult question. I have no facts regarding it. I know that according to the facts brought here today, the contractor is fraudulent and should be blacklisted by the Government.

Question No.597

INCREASE OF DIABETES CASES
IN RIFT VALLEY DISTRICTS

Dr. Rutto asked the Minister for Health:-

- (a) whether she is aware that diabetes is becoming a killer disease in Kericho, Bomet and Buret districts;
- (b) what explanation she has for the alarming rate of increase in the diabetes cases in the region; and,
- (c) what the Ministry is doing to enhance preventive and management measures to deal with the disease.

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I beg to reply and apologise for not being here to answer Questions in the recent past. I have been out of the country.

(a) I am aware that diabetes and its complications has been a killer disease countrywide, including Kericho, Buret and Bomet districts.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Let us listen to the Minister!

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, for part "b", there is no documented increase in the incidences of diabetes in the communities. However the number of cases in our health institutions has increased due to effective health education on how to detect diabetes, expansion of screening services and an increase in health-seeking behaviour.

(c) The Ministry has intensified health education on change of lifestyles. Diabetic camps have been held countrywide, where the public is provided with health education. Free diabetic screening, drugs for treatment of diabetes are available in all our district and sub-district hospitals. Diabetics are registered and are regularly followed up in the medical clinics.

Dr. Rutto: Mr. Deputy Speaker, Sir, diabetes has affected many people in Kericho, Bomet and Buret districts. When the Minister says that there is no documentation of an increase, does she mean that there is no documentation that has ever been carried out, and if so, when does she intend to carry out documentation? Secondly, who on the ground carries out health education because that is crucial, as she has emphasised? Thirdly, which hospitals and dispensaries in the three districts have free screening services?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I said that the documentation that we have is the data we collect after screening people who come forward due to the health education we are giving countrywide. This is done by our public health officers, clinical officers and other medical officers within our districts. On the final question, people can access drugs in all district and sub-district hospitals. We are carrying out an expansion project to ensure that the drugs will also be available in dispensaries.

Mr. Kagwe: Mr. Deputy Speaker, Sir, I think the Question has more validity than what the Minister is expressing. It is a fact that diabetes is a disease which is prevalent all over the country. Could the Minister undertake to carry out research to find out why there is a definite shift as far as

the increase in the spread of diabetes is concerned? In Mukurweini we definitely have an increase in diabetes cases. Could the Minister undertake to ensure that research institutions like KEMRI carry out research to find out why this is happening?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I will undertake to get KEMRI and other organisations to do research to find out why there is an increase in diabetes cases. Change of lifestyle, what people eat and drink, where they sleep, where they work and how they live are the causes for the increase in diabetes cases.

Mr. Kimeto: Mr. Deputy Speaker, Sir, we have heard that diabetes is prevalent all over the country. The Minister has said the Ministry is making efforts to curb the increase of diabetes cases at the district level. Could the Ministry provide refrigerators in the local hospitals and health centres where medicine can be stored? The medicine is not available in the locations because there are no refrigerators! Could the Minister extend her hand to the locational level?

Mr. Deputy Speaker: Mr. Kimeto, what do refrigerators have to do with diabetes?

Mr. Kimeto: They are for storing the medicine!

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I think the hon. Member is talking about the storage of insulin. In most cases, people with diabetes just use tablets and not insulin. This is because nowadays a lot of health education is taking place to ensure that people take charge of their health and their lives. That is why we feel that a lot more people now know their health status. That is why they can detect when they have diabetes.

Mr. Mwenje: Mr. Deputy Speaker, Sir, there are very many Chinese and local herbalists who claim that they have medicine which can cure diabetes. Could the Minister confirm whether they are genuine and whether it is possible to cure diabetes either through herbs or any other medicine?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, the Ministry of Planning and National Development has come up with a project to ensure that herbalists and others can be taken on board. It is still too early to say how far they have gone with herbal drugs. Anything that can cure diseases is acceptable.

Dr. Rutto: Mr. Deputy Speaker, Sir, upon being requested to introduce preventive and curative measures to curb the spread of diabetes, the Minister has said that they are offering effective health education and screening exercises. What is she doing to improve those services particularly in the rural areas? As far as I know, those services are not very effective in the rural areas. What is she doing to improve that?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, the hon. Member is right. We have to scale up the programmes that screen people in the rural facilities. We also need to scale up treatment and education. We will do so using our public health officers and medical officers.

Question No.224

SACKING OF MR. ROGERS DUNDA

Mr. Kombe asked the Minister for Agriculture why the services of Mr. Rogers Dunda, (P/No.89070155), a Technical Assistant were terminated in the year 2000 while working at Gongoni in Magarini Division.

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

Mr. Rogers Kazungu Dunda was dismissed from the service with effect from 3rd August, 1999, on account of desertion of duty.

Mr. Kombe: Mr. Deputy Speaker, Sir, the Assistant Minister has said that Mr. Dunda was dismissed on 3rd August, 1999. Mr. Dunda had health problems and was advised to apply for early retirement which he did on 29th October, 1999. He then received a reply from the DALEO, Malindi, Mr. D.M. Kangeso, on 21st February, 2000. It is clear that Mr. Dunda was maliciously dismissed because you cannot correspond with a person you have already dismissed from service. Could the Assistant Minister make arrangements to make sure that Mr. Dunda is paid his dues?

Mr. Akaranga: Mr. Deputy Speaker, Sir, I have a copy of the letter which the hon. Member is talking about. If the hon. Member goes through that letter he will note that we asked Mr. Dunda to come to the Ministry to complete the forms, but he never turned up.

Mr. Kombe: Mr. Deputy Speaker, Sir, I have a list of all the correspondence between Mr. Rogers Dunda and the Ministry which I wish to table. The Assistant Minister is not telling the House the truth because I have all the correspondence here and the officers on the ground advised him on what to do and he did everything. I started assisting him even before I became a Member of Parliament. Could the Assistant Minister tell this House the whole truth?

Mr. Deputy Speaker: Could this matter be resolved because the Assistant Minister is saying that Mr. Dunda ought to fill some forms? It looks like it is a matter that Mr. Kombe and the Assistant Minister can discuss and resolve for the benefit of this man.

Mr. Akaranga: Mr. Deputy Speaker, Sir, the hon. Member says that I am not telling the House the truth. I have a copy of the letter dated 2nd November, 1999, addressed to Rogers Kazungu Dunda where we asked him to report to the Ministry to complete the forms. If the hon. Member has copies of the forms which were completed I have no objection to having access to them. I would advise the hon. Member that he should ask Mr. Dunda to come to my Ministry so that we can resolve this issue amicably.

Mr. Deputy Speaker: That is a better arrangement. Mr. Kombe, could you try and resolve that matter with the Assistant Minister?

Mr. Kombe: Mr. Deputy Speaker, Sir, I will do that.

Mr. Deputy Speaker: Next Question, Prof. Olweny!

Question No.472

NUMBER OF DECEASED VOTERS SINCE 2002

Prof. Olweny asked the Minister of Justice and Constitutional Affairs:-

- (a) if he is aware how many registered voters have died since the last general elections; and,
- (b) what mechanisms he has put in place to collect the voters cards of the deceased persons.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The number of registered voters who have died and have been deleted from the voters' registers since the last general elections is 360,314.

(b) The Electoral Commission of Kenya (ECK) collects voters cards of deceased persons from the relatives of deceased persons and, where possible, from the chiefs, assistant chiefs and the police.

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

Mr. Deputy Speaker: Prof. Olweny, you are not supposed to be rising on a point of order! You should be asking your supplementary question!

Prof. Olweny: Mr. Deputy Speaker, Sir, I have a point of order to raise before I ask my supplementary question.

Mr. Deputy Speaker: All right, proceed!

Prof. Olweny: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to mislead this House and the country at large that the police, chiefs and assistant chiefs are used to collect these documents yet we know that when people die in this country, it is only the identity card (ID) that is returned to the registrar's office in the district when applying for the death certificate?

Mr. Deputy Speaker: Prof. Olweny, could you ask your supplementary question now?

Prof. Olweny: Mr. Deputy Speaker, Sir, I will do so once the Assistant Minister responds to my point of order!

Mr. Githae: Mr. Deputy Speaker, Sir, the ECK has a voter registration committee in every district. It is the responsibility of that committee, whenever they are informed of the death of a person, to try and retrieve the voter's card. They do this using the police, chiefs, assistant chiefs and even through the relatives of the deceased.

Prof. Olweny: Mr. Deputy Speaker, Sir, the voters' register is a major problem in this country. Kenyans are really complaining about many errors contained in that register. It is my belief that old information should be safely stored in the computers. What goes wrong in the computer memory that creates errors even on old data unlike in the new entries?

Mr. Githae: Mr. Deputy Speaker, Sir, I confirmed in this House last week that there were, indeed, some errors in the voters' registers. However, the electronic data was intact. Those errors were due to the binding and printing of those registers. We need to congratulate the ECK for having deleted more than 360,314 names of deceased people from the voters registers. This is not an easy exercise because in this country we do not have computerised lists of the ID registers. In other jurisdictions, immediately a person is born, that information is stored in the computer. When he or she reaches 18 years of age, he or she is given an ID automatically. When he or she attains the age of the majority, he or she is given a voter's card automatically. When he or she dies, the register is updated automatically. We do not have that system, but we are aiming to have it. So, it is a question of time. We will be able to delete the names of the deceased people from the voters registers. Let me confirm that the 360,314 is not even the actual number. This number is bigger. However, this is the number that the ECK has been able to retrieve.

Mr. Muturi: Mr. Deputy Speaker, Sir, we have in the past, in this House, insisted that there is need to have the system of voter registration synchronized with the system of registration of persons so as to avoid the kind of situation the Assistant Minister is alluding to. That has not happened. However, be that as it may, you have heard the Assistant Minister say that voters' cards are collected by chiefs or assistant chiefs just like the IDs. I would like the Assistant Minister to tell us where this happens because I recently had a list of 40 people in my constituency; living persons, who have been deleted from the register allegedly because they are dead. Where is the requirement for the chief, assistant chief to collect voter cards from families of deceased persons?

Mr. Githae: Mr. Deputy Speaker, Sir, it is not a requirement for the chief or assistant chief to collect the voter's cards. I said that the ECK uses chiefs, assistant chiefs and relatives to collect these cards. We have also requested the Registrar of Persons to provide a space on the burial permit and the death certificate where the ID of the deceased person can be affixed so that those errors are avoided. It is possible for two or three people to share the same name. Therefore, when the assistant chief is told somebody has died, and he informs the ECK, it is possible that the name of a person who is not deceased is deleted instead of the one who is actually dead. We admit those errors are there. We want to move to the computerised system which is applicable in other areas. We have started computerising the Ministry of Immigration and Registration of Persons so that all

registration is under one Ministry. This way, the left hand will know what the right hand is doing. At the moment, that is not happening. **Prof. Olweny:** Mr. Deputy Speaker, Sir, is the Assistant Minister legally convinced that the present voters cards are valid for the referendum? At the back of that card, it is indicated that we are allowed to vote in the Presidential, Parliamentary and Civic elections.

Mr. Githae: Mr. Deputy Speaker, Sir, I am convinced.

Mr. Deputy Speaker: Next Question, Mr. Munya!

Question No.238

ENNDA EXPENDITURE IN
MERU NORTH DISTRICT

Mr. Munya asked the Minister for Regional Development Authorities:-

(a) how much money Ewaso Ng'iro North Development Authority (ENNDA) has spent in Meru North District since its inception; and,

(b) how much money it projects to spend in Meru North District during the 2004/2005 fiscal year.

The Minister for Regional Development Authorities (Mr. M.A. Mohamud): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Ewaso Ng'iro North Development Authority spent a total of Kshs600,000 on irrigation and rehabilitation of water points in the district. The ENNDA, however, intends to spend Kshs2 million in the district in the current financial year, 2005/2006 on conservation, water resources and irrigation programmes.

(b) The ENNDA spent Kshs500,000 to rehabilitate water points on Laaria Springs in Mitundu Location in the district in the 2004/2005 Financial Year.

Mr. Munya: Mr. Deputy Speaker, Sir, the Minister, in his answer to this Question, has said that Kshs600,000 was spent on irrigation and rehabilitation of water points. He further said that Kshs500,000 was spent to rehabilitate one water point. I do not know how much money was spent on irrigation and rehabilitation. Since the ENNDA was started, is the Minister saying that it is only Kshs600,000 that has been spent in the entire district? The answer is not clear!

Mr. M.A. Mohamud: Mr. Deputy Speaker, Sir, since the ENNDA was established, Meru North District was only allocated Kshs600,000. The reason for this is that this Authority was grossly underfunded. In fact, the ENNDA operates in 12 district in the ASAL areas. Therefore, the amount of money that was allocated annually was only Kshs3 million. If you divide Kshs3 million by 12 districts, this is really peanuts. That is why the district was underfunded.

Mr. Rotino: Mr. Deputy Speaker, Sir, the Minister has informed us that the district was under-funded. What plans does he have to fund that district? It is very important to fund that district through the Ewaso Nyiro South Development Authority.

Mr. M.A. Mohamud: Mr. Deputy Speaker, Sir, I wish I was the Exchequer. I would have given my Ministry a lot of money. However, during this financial year, we are giving that particular district Kshs2 million for irrigation and conservation of water.

Mr. Mwanicha: Mr. Deputy Speaker, Sir, there are about 60 authorities with members of staff and vehicles. Is the Minister satisfied that the funding they are getting is commensurate with the roles they are supposed to perform? Otherwise, they are just guzzling Government funds through staff and directors who sit there doing nothing! They should be abolished!

Mr. M.A. Mohamud: Mr. Deputy Speaker, Sir, I am not satisfied with the amount of

money the authorities are given, considering the wide mandate that they have. But the Government is trying its best to rehabilitate and support regional development authorities. For example, Ewaso Nyiro North Development Authority will get a loan of Kshs2.5 billion from the African Development Bank to develop and manage water and natural resources.

Mr. Deputy Speaker: Hon. Members, that brings us to the end of Question Time. I have several requests for Ministerial Statements. Where do I start?

Mr. Munya: On a point of order, Mr. Deputy Speaker, Sir. I am entitled to the last question!

Mr. Deputy Speaker: I am sorry, Mr. Munya! You did not ask it! Please, go ahead!

Mr. Munya: Mr. Deputy Speaker, Sir, there is a borehole at Kandebene which has broken down and requires rehabilitation at a cost of less than Kshs100,000. Could the Minister confirm that the Authority will repair that borehole because the herdsmen there are suffering because of lack of water? Even the Anti-Stock Theft Unit that is stationed there does not have access to water because that borehole is not functioning! It requires only Kshs100,000 to repair it!

Mr. M.A. Mohamud: Mr. Deputy Speaker, Sir, I undertake to rehabilitate that borehole!

POINT OF ORDER

ISSUANCE OF INVESTMENT CERTIFICATES

Mr. Kagwe: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Trade and Industry regarding a cautionary advice statement that has been issued by international lawyers to international investors in Kenya, in relation to the recently enacted Investments Promotion Act passed in 2004. As a result of the change that was made on the Floor of the House to Section 6(iii), the meaning of that section is taken to mean that investors in Kenya are prohibited to invest in this country, without an investment certificate. That issue is compounded by the fact that, the Ministry has not issued regulations, so that the Investments Promotion Authority can issue that investment certificate. That has caused all the investments that used to flow into Kenya to come to a standstill, until that situation has been cleared, particularly regarding Section 6(iii) of the Investments Promotion Act.

Mr. Deputy Speaker: The Minister for Trade and Industry!

The Minister for Trade and Industry (Dr. Kituyi): Mr. Deputy Speaker, Sir, thank you---

Mr. Deputy Speaker: Do not issue the statement now! Just indicate when you will issue it!

The Minister for Trade and Industry (Dr. Kituyi): May I issue the Ministerial Statement now?

Mr. Deputy Speaker: No! We do not have time! I want you to tell me when you can do it next week.

The Minister for Trade and Industry (Dr. Kituyi): I am afraid I will be out of the country next week!

Mr. Deputy Speaker: How long will you take to issue the Ministerial Statement?

The Minister for Trade and Industry (Dr. Kituyi): I will take five minutes.

Mr. Deputy Speaker: Go on!

MINISTERIAL STATEMENT

ISSUANCE OF INVESTMENT CERTIFICATES

The Minister for Trade and Industry (Dr. Kituyi): Mr. Deputy Speaker, Sir, I am aware

of the matter that the hon. Member has raised and, I would like to say the following:-

Last week, at the international investment policy review of Kenya in Geneva, I had to answer a similar matter from UNCTAD and United Nations Development Programme (UNDP). The truth of the matter is that a Member of this House raised an amendment to the Bill during the Second Reading, which had the impact of converting the Investment Authority--- The certificates to be issued to be mandatory for every investor in this country. The original thinking when we framed that legislation was that we were going to have a benchmark of minimum foreign investment, through which we

qualify to be fast-tracked by the Government. We fast-track you when you travel in business class. When you are a tourist, we do not fast-track you. But the impact of that amendment was that every traveller had to be fast-tracked and pay business class. We are introducing amendments to the Act through miscellaneous amendments. Although there has been pressure that we remove a minimum benchmark for investment to qualify for investment certificate, my position is twofold:-

(i) To lower the bench-mark from US\$500,000 to US\$100,000 as a qualification for investment certificates and fast-tracking.

(ii) To allow the normal investments of any denomination to come into the country without being fast-tracked and without needing the investment certificate.

(iii) My office, together with the Office of the Attorney-General, is working on the regulations which will be published soon.

So, although I gazetted the coming into force of the Investment Act on 3rd October, 2005, we are in the process of converting Investment Promotion Council (IPC) into the Kenya Investment Authority. The operative functions which require regulations to the legislation will have to be delayed until we have published those regulations.

The Deputy Speaker: Mr. Kagwe, do you want to seek a clarification?

Mr. Kagwe: Mr. Deputy Speaker, Sir, could the Minister clarify what, in the meantime, foreign investors should do, given the current situation? Could he take some form of action?

Mr. Deputy Speaker, Sir, secondly, could the Minister fast-track those amendments through the current Finance Bill on the Floor of the House?

The Minister for Trade and Industry (Dr. Kituyi): Mr. Deputy Speaker, Sir, I am aware that Kaplan and Stratton Advocates had written an advisory letter to their clients around the world, telling them not to invest in Kenya because even the properties they buy might not be honoured by the Government. They wrote derogatory remarks about Kenyan courts being used to frustrate their investments. That was very unfortunate, reckless and irresponsible. As of now, foreign investments still continue to flow into this country. What we are doing is that the operative regime before the coming into force of the investment law continues to work. All investors are guaranteed the protection and sanctity of their property if their transactions are legitimate in this country. We are hoping to complete, through the Miscellaneous (Amendments) Bill which is before this House, the normalisation of that defect in the law.

(Mr. Billow stood up in his place)

Mr. Deputy Speaker: Mr. Billow, what is it? Is it on the same?

Mr. Billow: No, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Then I will move on to Mr. Weya.

POINTS OF ORDER

LIST OF KPCU DEBTORS

Mr. Weya: Mr. Deputy Speaker, Sir, the Ministry of Co-operative Development and Marketing has, on numerous occasions, promised to table the list of debtors who owe money to the Kenya Planters Co-operative Union (KPCU) since the last Session of Parliament. That has not been done up to today. I am wondering who the Ministry is trying to protect by not tabling that list of debtors who owe KPCU up to Kshs3 billion!

Mr. Deputy Speaker: Where is the Minister for Co-operative Development and Marketing? That matter has been raised for a very long time. Can I get a Minister to say something about that? The Minister has, on several occasions, promised to table a list of KPCU debtors in this House, and nothing has been forthcoming.

The Minister for Labour and Human Resource Development!

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Deputy Speaker, Sir, I will forward the Member's concerns to the Minister for Co-operative Development and Marketing and, maybe, he may wish to issue a statement this afternoon.

Mr. Deputy Speaker: I will order that the list of debtors be laid before the House not later than Tuesday next week. So, if he cannot bring it this afternoon, he still has Tuesday to do so. Dr. Kulundu, I will hold you responsible if that information is not communicated.

RECARPETING OF THIKA ROAD

Mr. Nderitu: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Roads and Public Works in connection with Thika Road.

Mr. Deputy Speaker: Is the Minister for Roads and Public Works here? Again, let me ask the Minister for Labour and Human Resource Development to take notes.

Mr. Nderitu: Mr. Deputy Speaker, Sir, Thika Road has been ripped open by maintenance teams on both sides for about 15 kilometres. Is it procedural for maintenance teams to open up roads and leave huge gulleys for more than two weeks when motor vehicles are using that road?

Secondly, when will that road be re-carpeted? What is the position of the Ministry and the Government because that road is now becoming a pain in the neck?

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Deputy Speaker, Sir, I will liaise with the Minister concerned and ask him to respond on Tuesday, next week.

PROPOSED CREATION OF NEW DISTRICTS

Mr. Billow: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Office of the President on the proposed creation of new districts. We have only 33 days to the adoption or otherwise of New Constitution, which has elaborate procedures for creating districts. The creation of new districts has political and economic implications in this country. Under what power does the Office of the President plan to create new districts? What criteria is being used? Does the Office of the President intend to table those proposals in the House so that Members can have an opportunity to discuss and approve the proposed new districts? The districts that are being mentioned are those where Members who seem to have access to State House come from. People like my friend, Capt. Nakitare who have been locked out of State House cannot have their views to the President. So, we want to get, as a matter of urgency, the answers to those questions.

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Deputy Speaker, Sir, I will pass on the information to the Office of the President. But since this is a

weighty matter, I will ask him to bring the statement on Wednesday, next week.

Mr. Osundwa: On a point of order, Mr. Deputy Speaker, Sir. We have a Minister from the Office of the President present here, and I would suggest that he undertakes to inform his colleague rather than a Minister from a different Ministry.

Hon. Members: Why? Why?

Mr. Deputy Speaker: Order! Mr. Osundwa, the Chair can see the Minister has just entered. Therefore, the matter is still with Dr. Kulundu.

MOTION

INTRODUCTION OF NEW LAND TENURE SYSTEM

THAT, in view of the fact that many Kenyans lack land and aware that there is a wide disparity that exists in land ownership in this country and conscious that land is the resource based commodity which is an important factor for agricultural, industrial and commercial development of our country, this House urges the Government to review the land policy in order to establish a new land tenure system to fix a ceiling on the amount of land that an individual can own depending on the type of use and where the land is located.

(Dr. Awiti on 28.9.2005)

*(Resumption of Debate
interrupted on 12.10.2005)*

Mr. Deputy Speaker: Hon. Members, there were only 20 minutes remaining for the debate on this Motion. Last time, Mr. Mungatana was on the Floor replying on behalf of the Government, and he had a balance of 20 minutes. Is he here? If he is not there, I will, therefore, call upon the Mover to reply.

Dr. Awiti: Mr. Deputy Speaker, Sir, with due respect to the Chair and the House, I have had quite considerable pressure from my friends who have requested me to withdraw this Motion. I hereby withdraw the Motion.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Mr. Deputy Speaker, Sir. I would want to know under what Standing Order the Member wants to withdraw the Motion. I thought that once a Motion comes to the Floor of this House, it becomes the property of the House, and it is decided on a vote; either carried or lost. If the Member has changed his mind about the Motion, let him use his time in replying to argue against it and then we vote.

Mr. Deputy Speaker: Indeed, I advised the Mover that it was his time to reply. If he wants to reply in that manner, he cannot do that. The Motion is the property of the House. He moved it, it was seconded and proposed and it was debated, and there are only 20 minutes remaining. So, Dr. Awiti continue with your reply and then I will put the Question at the end.

The Assistant Minister for Finance (Mr. Katuku): On a point of order, Mr. Deputy Speaker, Sir. I have heard Dr. Awiti say that he has been under pressure from some of our colleagues. I have been in this House listening to the debate on this Motion and I did not hear anybody put pressure on him to withdraw it. Would this pressure be coming from some of the Members who have huge tracts of land out there, some owning district-size pieces of land? Could

he have been given some portion of land by those rich Members?

Mr. Deputy Speaker: Order! Mr. Katuku, I think that is a frivolous point of order. I have already dealt with the matter raised by Mr. Wetangula and the Member needs not explain who pressurised him. The pressure does not have to come from here, it can also come from outside.

So, I now ask the Member to continue with his reply.

The Assistant Minister for Foreign Affairs (Mr. Ojode): On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to ask hon. Katuku to substantiate his allegations that there are some Members of this House who own large tracts of land?

Mr. Deputy Speaker: Order! Hon. Members, let us not trivialise issues in the House.

Carry on, Dr. Awiti.

Dr. Awiti: Mr. Deputy Speaker, Sir, I had said with due respect to the Chair and the House, I understand that the Ministry of Lands and Housing is considering bringing a Land Policy Paper very soon in the House. Furthermore, given the political circumstances prevailing in the country, I feel that we would not be giving justice to the Motion if we continue with it. Therefore, I beg to withdraw it. But if the House rejects it, so be it.

Mr. Deputy Speaker: Under what Standing Order do you want to withdraw the Motion?

Dr. Awiti: That is the prevailing situation in the country.

Mr. N. Nyagah: On a point of order, Mr. Deputy Speaker, Sir. It is quite obvious that there is no Standing Order providing for the withdrawal of a Motion. Since this Motion does now belong to this House, would it not be in order for the Chair to put the Question so that we can vote on it?

Mr. Deputy Speaker: Hon. Members, the only way in which I can dispose of this Motion, which has taken nearly three hours, is to put the question.

(Question put and negatived)

EQUITABLE DISTRIBUTION OF
EMPLOYMENT OPPORTUNITIES

Mr. Kimeto: Mr. Deputy Speaker, Sir, I would like the hon. Members to listen to this Motion---

Mr. Deputy Speaker: Mr. Kimeto, I called you to move the Motion and not to address the hon. Members on other issues.

Mr. Kimeto: Mr. Deputy Speaker, Sir, this Motion will assist the NARC Government to be elected in 2007. When the NARC Government took over power, it promised us that soon or later---

Mr. Deputy Speaker: Mr. Kimeto, what are you doing? You are not moving the Motion.

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

THAT, taking into consideration the Government's desire to create over 500,000 employment opportunities annually; considering further that in the past some constituencies have been under-represented in recruitment of their youth into the public sector; this House urges the Government to put a mechanism to ensure that recruitment into the public sector is not only based on merit, but is done on equitable constituency distribution.

When the NARC Government came into power, it promised to create 500,000 jobs. I would like to suggest some ways through which the Government can create these jobs. In all our Ministries, it is only the Ministry of Education, Science and Technology which has a straightforward employment policy. It recruits teachers at the zonal level and this ensures that teachers are recruited in all the constituencies. Some Ministries have failed to emulate the Ministry

of Education, Science and Technology.

I would like to talk about the Office of the President. The recruitment of police officers is done at the district level and the recruiting officers recruit their brothers and sisters. Some districts are very large and nobody would know whether the recruits come from the constituencies in that district or from outside. I would like to appeal to the Office of the President to make sure that the recruitment of police officers is done at the constituency level, so that every constituency is represented in the police force. In some constituencies, there are people from different tribes.

Mr. Deputy Speaker, Sir, the same thing happens in the recruitment of the Administration Police (APs). The recruitment is done at the district level and District Commissioners (DCs) recruit their people. If recruitments are done at the constituency level, Members of Parliament would be responsible to ensure that they are done without fear or favour. If the MPs recruit their people only, they will be voted out by the constituents.

If you look at the Armed Forces, you will find that most of the officers come from the same tribe. If the officers are recruited at the constituency level, all the tribes in this country will be represented in the Armed Forces. Some tribes, for example, the Elmolos are not represented in the Armed Forces. I would like to take this opportunity to ask the Government to ensure that employment opportunities are distributed fairly to all the tribes in Kenya.

Let me talk about the Ministry of Health. We have very few doctors in this country, and yet most of them come from the same tribe. We should train doctors from the minority tribes. A mechanism should be put in place to ensure that we train doctors and nurses from every tribe in this country. If we do not train personnel at the grassroots level, we will be forced to go for nurses from those areas that are already developed. We need to train the people at the grassroots level so that they can assist their people. If we continue in the same way as usual, the NARC Government will eventually be voted out because they have not created the 500,000 jobs they promised Kenyans. Therefore, every Ministry should have a provision for training a particular number of doctors. This will enable us to cope with the number of people in this country.

Mr. Deputy Speaker, Sir, we have built dispensaries using funds from the Constituency Development Fund (CDF). However, in my constituency, some dispensaries do not have nurses while others have only one nurse. There is no nurse in Kirinjat. The Ministry of Health should set aside funds for training of personnel. We have many people who need to be trained. Why do we not put in place mechanisms to ensure that more people are trained in the medical field? In last year's Budget, we voted funds for the Constituency Development Fund (CDF). Those funds have gone a long way to assist our people. Why do we not allocate some money from other departments to the CDF? Every department should allocate some amount of money to the CDF so that people can be employed in the Ministry of Health because it is worst hit by shortage of staff. There are 35 million Kenyans yet we have few nurses. We have very few doctors and not 600,000. There are no dentists. Why do we not start to implement measures that will enable this Government to restore its credibility by showing commitment to keeping its promise of creating 500,000 jobs annually?

At the district hospitals, there may be only one or two doctors serving a population of, say, 600,000 people. Why do we not train doctors who will assist our people? We need to set aside funds for training of medical personnel. We could also include it in the Supplementary Estimates so that we can employ more doctors.

Mr. Deputy Speaker, Sir, the Ministry of Roads and Public Works is also worst hit by shortage of staff. I brought an amendment to the Ministry but up to now, it has not been brought back to the House. The roads in this country are in a pathetic situation. However, we have never thought of putting people in charge of our roads. For better communication in this country, we need better roads. We also need people who can construct and maintain the roads. Why do we not

allocate money for the training and employment of personnel for the Ministry? We should not wait for the campaigns to tell our people that we will create 500,000 jobs annually and thereafter abandon it. How will we manage the next campaigns in 2007? It is not far! If the NARC Government cannot fulfil its 2002 pre-election promises, it will be voted out and another Government will take over. We do not want that to happen!

We need the researchers in the Ministry of Agriculture to advise the farmers on how they can produce enough food for this country using the latest technologies. For how long shall we continue to import food while we have enough land? Why can we not employ researchers who will advise us on such issues? If we think of ways and means of employing such people, we will learn how to produce enough food for our country.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to move and give the remainder of my time to Mr. Wario and Dr. Kibunguchy to second.

Mr. Deputy Speaker: Order, Mr. Kimeto! Please, move the Motion and tell the Chair the hon. Member who will second.

Mr. Kimeto: Mr. Deputy Speaker, Sir, I beg to move.

Mr. Deputy Speaker: Who is seconding your Motion?

Mr. Kimeto: Mr. Deputy Speaker, Sir, Dr. Kibunguchy will second the Motion.

Dr. Kibunguchy: Mr. Deputy Speaker, Sir, I would like to thank Mr. Kimeto for coming up with this Motion. At the heart of this Motion is the question of fairness and equity.

In the wisdom of this Parliament, we have seen that the best way to distribute resources and improve the well-being of this country is to have programmes that are constituency-based as opposed to programmes that are district-based. At the heart of this Motion is the issue of equitable distribution of opportunities at the constituency level. We have also seen what constituency-based programmes can do. We have also seen what the CDF has done to this country. In many of our constituencies, many projects have been implemented and other opportunities have opened up because of the CDF. We have seen what the Constituency Bursary Fund (CBF) has done in terms of giving equal amounts of money to every constituency to assist poor and impoverished students to go to school. We have seen what the Constituency AIDS Control Committees (CACC) and Constituency AIDS Fund have done in this country. We have also seen what the Fuel Levy Funds, that are channelled through the Districts Roads Committee (DRC) in the constituencies, have done. Therefore, the spirit of this Motion is that we would like to see recruitment in, for instance, the Police Force, the Army, prisons, the National Youth Service (NYS) and any other done at the constituency level rather than at the district level. Training opportunities for our young ones, for instance, in teacher-training colleges, medical training colleges and others should be based at the constituency rather than at the district.

Mr. Deputy Speaker, Sir, as we speak, the issue of districts is a topical issue. We have seen that certain districts are over-populated. We have been told that districts like Nakuru have a population of up to 1.8 million people yet there are other districts that are much smaller in this country. Therefore, it is completely unfair if we are going to do recruitment at the level of the district to compare a district with, for instance, two million people and another district with 300,000 people. That is completely unfair. So, the spirit of this Motion is to see whether we can bring fairness by doing recruitment at the constituency level.

Mr. Deputy Speaker, Sir, another issue about employment in this country, is the problem of skewed distribution of employment opportunities in certain areas. During Mzee Jomo Kenyatta's administration, we used to have something called "the Kiambu Mafia". In the last Government, we had a loose group called "the Rift Valley Mafia". Right now, we have what is called the "Mount Kenya Mafia". Why do we have all these groups coming up? I am very sure that very soon, we will

have the "Lake Victoria Mafia" or something like that.

(Laughter)

We have all these groups coming up because it is the feeling of Kenyans out there, I included, that certain areas in this country have been favoured by successive governments. This Motion is trying to cure that issue of favouritism in terms of making sure that opportunities are equally distributed in all the constituencies. The good thing about a constituency is that, it has an elected leader, who can monitor what is coming to his or her constituency, rather than leaving things loose.

Mr. Deputy Speaker, Sir, when we say that we are going to concentrate at the level of the district, then we have certain districts like Bungoma, which have so many constituencies. So, it is not easy. If we are going to give equal opportunities to each district, you will find that some constituencies will be marginalised.

Mr. Deputy Speaker, Sir, let me touch a little on the economic growth rate of this country. The economic growth rate of this country is billed to be close to 5 per cent right now. Many economists will say so. The only problem is that most of this growth is, in my view, concentrated in the middle and upper class. We have not seen this economic growth translated to the lower class of the Kenyan society who are mainly to be found in the rural areas and the urban slums. Despite the many good programmes this Government has put in place, there is a lot of disenchantment among the people. You can notice this from people's reaction during the on-going referendum campaigns, even with the good programmes the Government has put in place, like the Free Primary Education Programme and the Constituency Development Fund. To me, this is because of the opportunities that are available in terms of employment.

The feeling of the people out there, I included, is that employment opportunities are not equally distributed to all the corners of this country. They tend to be concentrated in certain areas of this country. You will hear people say: "We have not seen any of our own elevated when the Government promoted police officers or military officers. None of our people is in that group." That is one of the things that is causing a lot of resentment out there.

Mr. Deputy Speaker, Sir, if I may digress into the issue of the referendum, if at all the "NO" vote is going to win in the forthcoming referendum on the proposed new Constitution, to me, it is because of this skewed distribution of opportunities in this country. That would be one of the main things. It is not that the Government has not done its best, but the perception is that opportunities are being concentrated in certain areas of this country. That is one of the big problems that is in the minds of Kenyans.

In order to cure this problem, we need to make sure that these opportunities are equally distributed in all the constituencies as much as possible. If we are recruiting, for example, 200 new police officers, we should make sure that each constituency is given at least one person. If we are recruiting 500 new military personnel, each constituency should be given at least two chances. That is what we are saying. If we were to do that, plus all the good things that the Kibaki Government is doing - people in Lugari Constituency are grateful - the thinking of Kenyans would be different. It is just some of these incidents of unfairness that are tainting the otherwise good name of the Government.

With those few remarks, I beg to second.

(Question proposed)

Mr. Wario: Ahsante Bw. Naibu Spika, kwa kunipa nafasi hii ili nichangie Hoja iliyoko mbele yetu.

Ningependa kuchukua fursa hii kumpongeza Bw. Kimeto kwa kuileta Hoja hii Bungeni. Ukiangalia Hoja hii kwa undani, utaona kwamba inaumuhimu mkubwa, haswa kwa jamii za wachache nchini. Pengine Hoja hii italeta usawa na utendaji haki katika nchi ya Kenya. Ninasema hivyo kwa sababu kila wakati Rais Kibaki anapotangaza majina ya watu aliowateua kushikilia mamlaka ya mashirika fulani ya umma nchini, unashangaa na kujiuliza iwapo anajua mahali panapoitwa Bura katika nchi hii. Tangu Kenya ipate Uhuru mpaka leo, wakazi wa Bura hawajawahi kubahatika kuona mmoja wao akiandikwa kazi kama mkuu wa wilaya (DO).

Kwa hivyo, pengine Hoja hii itaikumbusha Serikali kusambaza nafasi za kazi katika sehemu za uwakilishi Bungeni ili jamii za wachache na wanyonge katika nchi hii nao wapate kutendewa haki. Jamii ninazozungumza juu yake hata hazijulikani kwa majina. Kwa mfano, ninazungumza juu ya jamii za Mnyoyaya, Malakote na Wata.

[Mr. Deputy Speaker left the Chair]

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

Labda, wengi wa waheshimiwa katika Bunge hili wanasikia kwa mara ya kwanza juu ya jamii zinazoitwa Mnyoyaya, Malakote na Wata. Ili jamii hizi ziweze kutendewa haki na kupata nafasi sawa za kazi kama jamii zingine, tunafaa kubadilisha mtazamo wetu, katika mipango ya uajiri kutoka wilaya hadi sehemu za uwakilishi Bungeni. Sizungumzi kuhusu uajiri wa askari polisi na vikosi vingine vya askari, bali pia uajiri katika ofisi kubwa za umma.

Bw. Naibu Spika wa Muda, sisi pia tuna watu ambao wametosha kuhudumu katika vyeo mbalimbali. Jamii hizo za wanyonge zitaweza tu kutendewa haki tutakapoanza kuwaajiri watu kutoka sehemu za uwakilishi Bungeni.

Hapo awali, Serikali ilitumia wilaya kama mahali pa uajiri nchini. Utaona kwamba makundi ya kuwaandikisha vijana katika vikosi vya majeshi yetu vilitumia ndege kubwa ambazo zilichoma mafuta mengi ili kuwaajiri vijana watano pekee katika wilaya, licha ya kuwa na tarafa saba ama nane katika hiyo wilaya. Wakati uchaguzi au kufuzu kwa askari kunafanyika utaambiwa idadi yao ni 1,200. Je, ikiwa wilaya za Kenya ni 71 na kwa kila moja wamechaguliwa watu watano, jumla ya idadi hiyo imekuwaje 1,200? Hii ni kwa sababu kuna mfuko mwingine wa siri unaotumika. Kuna watu wanaopeleka nusu ya hao vijana kwa mafunzo hayo bila kupitia uchaguzi wilayani. Je, ni vipi tutamaliza matatizo haya? Tutayamaliza iwapo tutatoa nafasi za kazi kwa sehemu wakilishi Bungeni. Iwapo nafasi 21 za kuajiriwa katika idara ya polisi zimepeanwa kwa Wilaya ya Tana River, watu saba wanafaa kutoka Garsen kisha wengine saba watoke Galole na wengine saba watoke Bura. Ingawa ni vijana tano pekee wataajiriwa, hao wanahakika kwamba mara nyingine polisi wakiajiriwa, Bura itapata nafasi kadhaa.

Hivi juzi Wizara ya Elimu, Sayansi na Teknolojia iliajiri walimu 44 kutoka Wilaya ya Tana River. Nasikitika kujulisha Bunge hili kwamba kati ya hao hakuna mtu aliyetoka sehemu ya uwakilishi Bungeni ya Bura. Sio kwamba hatuna wale waliofuzu kutoka vyo vya walimu. Wote walioajiriwa wanatoka katika jamii moja. Hii ni sikitiko kubwa. Matatizo kama haya tutayatua iwapo tutaweza kutoa nafasi za kazi kwa sehemu za uwakilishi Bungeni. Kuajiri walimu 44 kutoka katika jamii moja---

The Minister for Labour and Human Resource Development (Dr. Kulundu): On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to interrupt my honourable friend. But

could he tell us which village had 44 people recruited into teaching? Which community is that?

Mr. Wario: Bw. Naibu Spika wa Muda, nilisema walijajiri watu 44 wanaotoka jamii moja. Sikusema kuhusu kijiji kimoja. Hii ni Wilaya ya Tana River. Naweza kuleta orodha ya walimu walioajiriwa. Walimu hao wote wanatoka katika jamii moja ya Pokomo.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Wario, that is why Dr. Kulundu is saying you should substantiate that. You are responsible for it. You cannot say you will go and bring the list. Once it comes out of your mouth, you must substantiate.

Mr. Wario: Bw. Naibu Spika wa Muda, nina orodha ofisini ya walimu walioajiriwa.

The Temporary Deputy Speaker (Mr. Khamasi): Najua uko nayo. Lakini Sheria zetu hapa zinasema kwamba ukisema jambo lolote hapa, ni jukumu lako kulidhibitisha zaidi.

Mr. Wario: Bw. Naibu Spika wa Muda, haya sio siri. Walimu 44 walioajiriwa wote wanatoka katika jamii ya Pokomo. Kama sio kweli Wizara ya Elimu, Sayansi na Teknolojia inikosoe.

The Minister for Labour and Human Resource Development (Dr. Kulundu): On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Wario has been asked to substantiate his claims that 44 teachers were recruited from one community. Now, he is evading that by saying he has the figures in his office. He knows which community this is. Could he substantiate his claim?

The Temporary Deputy Speaker (Mr. Khamasi): Order! You have made your point. Mr. Wario, the only way to get out of this is to withdraw. If you want to substantiate, bring the information with you. Otherwise, you cannot get away from it.

Mr. Wario: Bw. Naibu Spika wa Muda, natumai Bunge hili linastahilil kutuelewa. Mimi nilikuwa katika Bodi ya Elimu ya Wilaya ya Tana River. Kwa hivyo, nina orodha ya walimu wote walioajiriwa katika wilaya hiyo. Naweza kuwasilisha orodha hiyo Bungeni saa nane unusu.

The Temporary Deputy Speaker (Mr. Khamasi): You cannot do that and you know that!

Mr. Wario: Bw. Naibu Spika wa Muda, kwa hivyo niseme yale yaliofanyika hayajafanyika? Yalifanyika!

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Wario! You can save your time by really sticking to the rules of the House. The rules of the House as of now are: When you make a claim and you are challenged to substantiate, you do so. If you do not have the figures, you withdraw. Those are the rules of the House.

Mr. Wario: Bw. Naibu Spika wa Muda, nilisema nina orodha ya walimu 44 walioajiriwa kutoka Wilaya ya Tana River ofisini mwangu. Naliomba Bunge hili linipatie fursa niwasilisha orodha hiyo leo saa nane unusu. Lakini Bunge hili halinielewi, sijui nitasema nini, kwa sababu walimu wote walioajiriwa wanatoka kwa jamii moja. Nitawasilisha orodha hiyo leo saa nane unusu. Naomba Bunge hili linielewe.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Unless we are going to change our rules, you cannot do that. The Chair is only operating within the rules of the House. So, I am not going to change the rules from this Chair. We must stick to them.

Mr. Wario: Bw. Naibu Spika wa Muda, kwa sababu Bunge linataka nibadilisha ukweli, siwezi kuondoa hayo. Nitaleta orodha hiyo saa nane unusu, hata kama itanilazimu kukatiza mchango wangu kwa Hoja hii.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, I thank you for giving me the opportunity to contribute to this Motion and sympathise with Mr. Wario for giving up his time. But that is his business. From the outset, I support this Motion. There are people who argue that you cannot have merit and equity at the same time. But the two are not mutually exclusive. It is possible to have merit and still have an equitable system that looks at the qualified persons on the basis of the kinds of environment they

come from and in terms of what it is that kind of person with a different qualification from a more endowed area can do.

The point that has been raised about representation is a matter of national importance. This is because if we are talking about a country that we call Kenya, it must be clear. When you talk about senior, middle level and lower level positions even in the military, it must be clear that wherever you go, you see "some kind of Kenya" in that kind of composition of those that are employed. That is why those who argue for representation based not just on districts but also on constituencies, are basically arguing for a situation where, then, we will have a Kenya, whichever Ministry or department you will go to, in the composition of those that are employed, which you cannot argue that right now is the case. This is because areas that have been historically advantaged in terms of political power--- Because there was no system that was fair, the people that occupied positions have abused that opportunity and filled positions with people from specific communities, sometimes even villages.

A point has been made by Dr. Kibunguchy about the need for even the recruitment into the military and police to go to the constituency level. Questions may be raised about whether or not there is adequate time and whether the modalities are there to really go to every constituency on the part of those that are recruiting. But be that as it may, if we were to recruit from the districts and we know we have a district with four constituencies and we have 12 places to be offered in the military or police, why is it not possible to ensure that those positions are constituency based even though the recruitment is from the districts? There cannot be a problem with that. It should be easy to do that.

Mr. Temporary Deputy Speaker, Sir, sometimes, we talk about senior positions such as those held by permanent secretaries and chairmen of parastatals. We forget that there could be deeper problems with middle-level positions. We should get data on District Commissioners, District Officers and do a matrix of representation in terms of districts. We should do the same for positions of deputy secretaries, directors of departments and members of boards. We will be surprised by what we will come up with. That is important because those who will eventually occupy those senior positions will have to come from middle-level positions. We tend to forget that and concentrate too much on senior positions. We forget that future senior people will come from middle-level cadres. That level has been forgotten. As a country, we need statistics to ensure that, in future, we will not encounter the same problems because we did not take care of them at the roots.

We have been complaining about people in senior positions. There have been complaints in the last regime, and even in the current Government, about the concentration of people from particular places and ethnic groups in senior places. I cannot see why we cannot solve that problem. For me, if we were really interested in solving it, we could do it. We can do that by having a data bank. In the Office of the President, if we wanted to do a data bank of Kenyans occupying senior positions such as permanent secretaries, deputy secretaries, chairpersons, vice-chancellors, commissioners of police and senior people in the military, it is very easy. We just need to do a matrix so that, when we are recruiting, we just say: "This area is over-represented! This area is not represented!" That should not be a big problem if we have the interest.

Mr. Temporary Deputy Speaker, Sir, I congratulate the President for being a great delegator. Delegation is all right. In fact, I doubt those who are arguing that the Draft Constitution has concentrated too much power on the Presidency. If you look at the experience and practice of our President, he delegates duty a great deal. Therefore, I am not convinced that he is after too much power. However, delegation is good if it is given to people of integrity and those who believe in national state; people who do not see positions in terms of rewarding their friends, political supporters, tribesmen and relatives.

We should, therefore, avoid a situation where power to appoint people to senior positions is vested in a minister or a permanent secretary. Our experience is that there has been no fairness, equity and consideration of merit. Unless we get to a situation where we have data banks and all positions are given out by committees, the problem is going to continue. Delegation is important, but it should be done further down to committees. That way, you will reduce the powers of the individuals who are giving out those rewards.

Mr. Temporary Deputy Speaker, Sir, with regard to future careers, we should go back to a system where we centralised the admissions to post-secondary institutions like medical training colleges, polytechnics or Utalli College. It should be very clear that, that is the system when you are in secondary school. That is what we are doing in the universities. That way, it is possible for students to have first and second choice. Their first choice would be a university and the second choice a post-secondary institution. It could be medical training colleges or agricultural colleges and so on. When the intake is done and you do not make it to the university, you are taken to your second or third choice. That way, we will deal with the problem of having to make applications to individual departments and colleges. Too much money is spent on those applications. For example, to apply to join a medical training college, one has to pay Kshs1,000. Hundreds of thousands of candidates apply to join those colleges. We will avoid a system where hon. Members have to canvass for their constituents to join colleges and the military. That way, we will minimise corruption. It will make it unnecessary for the poor to begin spending their money on school fees even before their children are admitted to those colleges.

Mr. Temporary Deputy Speaker, Sir, that system will reduce corruption by more than 70 per cent. We know that it will be resisted. When principals of colleges can just determine who to admit to colleges without merit and nationwide distribution, then we are joking. If we do what we are saying, in the long run, the system will solve many problems that we have in terms of representation countrywide. A data bank can also be made for lower levels.

Talking about the police, if you have only five police officers being recruited in a district, I think it is possible to find out how many police officers come from different parts of this country. If we are really interested in having a national police force, we can identify communities that have been discriminated historically and favour them more directly. That can be by getting more of their people recruited in the armed forces. That way, the force will be much more representative of the Kenyan communities.

Finally, unless we distribute economic benefits and development programmes across the country, it is going to be very difficult. Unless we de-concentrate economic activities in Nairobi and take them to other parts of the country, it is going to be very difficult to distribute the benefits of employment more evenly across the country. So, apart from putting in place the structures, it is important to focus on development.

With those remarks, I beg to support.

Mr. Mwandawiro: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa fursa hii ili nami niweze kuchangia Hoja iliyo mbele yetu. Hoja hii ina nia ya kuangalia kwamba kuna haki katika kuleta ajira katika nchi yetu, ili kudumisha umoja wa kitaifa. Vile vile, kwa njia moja ama nyingine, inajaribu kutukumbusha kwamba, tatizo la ukosefu wa kazi ni halisi. Pia, inajaribu kutuambia kwamba kuna umuhimu wa kujaribu kufanya mikakati ya kuzalisha kazi.

Kwanza, wale wote wanaopewa majukumu mbali mbali ya kitaifa, kutoka kwa Rais, Mawaziri, wakuu wa mashirika ya umma na wote waliopewa majukumu---

Mr. Wario: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Nilisimama katika Bunge hili nikasema nina makaratasi ya kudhibitisha kwamba walimu wote 44 walioajiriwa katika Wilaya ya Tana River ni wa jamii moja. Nimekuja kuleta dhibitisho hilo mbele ya Bunge.

(Mr. Wario laid the document on the Table)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Wario! You still flout the rules of the House! You cannot do that now. We asked you at the time you had your chance to contribute, but you were unable to produce the list. You discontinued your speech. Now, you cannot ask the Chair to allow you to do what you are doing! That is out of order.

Proceed, Mr. Mwandawiro!

Mr. Mwandawiro: Bw. Naibu Spika wa Muda, nasema kwamba wale watu ambao wanapewa majukumu ya Serikali ya kitaifa, ni juu yao kuwa watu wenye utu, maadili na siasa za maendeleo za kuhakikisha kwamba majukumu yote unapewa kama Raisi, Waziri ama mtu yeyote, unaweza kuangalia taifa lako la Kenya na kuhakikisha kwanza haki inatendeka kila pahali. Ni masikitiko yangu kwamba jambo hili halipo Kenya. Karibu miaka 42 tangu tupate Uhuru, bado mtu anakuwa Waziri halafu anazungumza mambo ya kikabila. Unapewa jukumu kama Katibu Mkuu wa Serikali lakini bado unazungumza mambo ya kikabila. Hiyo ni aibu kubwa. Hata hayo mambo yako hapa Bungeni. Tuko hapa Bungeni ili kutunga sheria za kitaifa za nchi kwa uzuri na ni aibu kama tutakuwa tukifanya sera ambazo zinatazama tu pahali tulipotoka ama ukiwa Waziri, unapeleka huduma na ajira za kazi pahali ulipotoka badala ya kuzingatia haki itendeke kila pahali. Na kama haki ingekuwa inazingatiwa kila pahali, hiyo pia ingemulika kabisa. Inaonekana wazi tu kwamba kwa sababu Kenya iko na kabila tofauti na jamii mbali mbali, tungekuwa tunaona watu kila pahali wakitokea lakini kwamba tunaanza kulisuhulisha hili jambo kwa maneno. Kwa kweli hii ni aibu katika hii nchi yetu ya Kenya.

Nazungumzia hali hii kwa sababu wakati fulani inaletwa na ulegevu. Mambo haya hufanyika. Kwa mfano, sasa kuna uajiri katika polisi na katika wilaya ya Taita-Taveta bado mambo ni mabaya. Unaona kwamba sasa katika sehemu ya Uwakilishi ya Taveta kuna uajiri wa polisi na wenyeji wanaambiwa kwamba mwingine unafanyika Voi. Watu wa Mwatate na Wundanyi ambao wanatoka mbali hawaambiwi juu ya hili jambo. Wataenda wapi? Na mwishowe kwa sababu vijana wa Wundanyi ni wengi na Voi ni mbali na hapo na labda hawana tikiti, watakosekana katika idara ya polisi na sehemu zingine zitapata waajiri wengi kwa sababu ya uzembe na ulegevu na vile vile kutoangalia haki na kufanyia maamuzi Nairobi bila kuangalia mambo mashinani yako namna gani.

Bw. Naibu Spika wa Muda, kwa mfano, ukiangalia hata mambo ya waalimu, tumeona juzi katika kuangalia sehemu ngumu, wale waalimu ambao wametoka sehemu za Mwatate na Taveta wanapewa marupururu ya kukabiliana na hali ngumu kwa kufanya kazi katika maeneo ya sehemu ngumu. Ukweli ni kwamba ukienda sehemu zingine za Wundanyi na Taveta, kama utafiti na haki zimefanyika, utaona kwamba kuna sehemu zingine za Taveta ambazo maeneo ni magumu sana. Hata hakuna waalimu wanawake katika hizo sehemu. Sasa unaona kwa sababu ya uzembe wetu na ulegevu, haki haipatikani katika sehemu za mashinani.

Kwa hivyo, nasema umuhimu wa Hoja hii ni kujaribu kukabiliana na hilo tatizo lakini muhimu ni kwamba inatukumbusha hata tukigawa hizi kazi ndogo ndogo zilizoko, hiyo sio suluhisho. Kabla hatujakuwa na mikakati ya kuzalisha na kutengeneza kazi katika jamii, tufahamu kwamba hizi ni kazi ndogo tu. Kwa hivyo, kuna umuhimu wa kuleta mikakati halisi ya kutengeneza kazi. Ni aibu kwamba Serikali ilichaguliwa kwa kusema kila mwaka tutakuwa tukizalisha kazi 500,000 na hazijatokea mpaka sasa. Ni aibu kwamba sasa Serikali yetu inaambiwa na mabepari ambao wanakuja kwa njia ya wafadhili; yaani wale watu wa kutoka IMF and Banki Kuu ya Dunia, eti waajiri watu wangapi na wasiajiri wangapi. Hao ndio wanatuambia tuajiri waalimu na wauguzi wangapi na tunakubali. Ni aibu! Nasema kwamba hii Kenya na Afrika kwa jumla, kama hawatakuwa na ujasiri wa kukataa kuaibishwa na mabepari na kuzingatia hali halisi ya kiuchumi

kuangalia raslimali zao za mali asili na watu halafu wafanye mikakati yao na sera zao zikitegemea hiyo, ni bure. Watakuwa ni wasaliti wa nchi yetu na hawatazalisha hata chochote. Ni aibu kwamba hii Serikali mpaka sasa inakubali kuimbishwa. Hapa tuna upungufu wa waalimu na wauguzi na mpaka sasa tunaangalia hiyo sera.

Bw. Naibu Spika wa Muda, tunaibishwa na sera mbaya za ubinafsishaji. Sasa tunabinafsisha shirika la reli na mimi nilisema hapa ubinafsishaji unaondoa kazi. Inaonekana wazi maelfu ya watu wanapoteza kazi na sisi tunakuja hapa kuendelea na hizo sera bila aibu, haya, huruma na bila kutazama watu wetu wataenda wapi. Bado tunaendelea kuzingatia sera mbovu ambazo zimeanguka kote duniani badala ya kufikiria kwa wabunifu. Tunatengeneza sera ambazo zinaondoa kazi katika nchi yetu.

Kwa hivyo, nasema pamoja tuangalie haki ya kugawanya raslimali kazi na ajira katika nchi yetu lakini jambo la muhimu ni uzalishaji wa kazi katika nchi yetu. Wakati utatokea tutakapoangalia viwanda vyetu, tuvidumishe, tuendeleze kilimo, tuweke mikakati ya kulinda na kuendeleza vitegea uchumi vilivyoko katika hii nchi yetu ya Kenya hivi sasa na hiyo ndiyo italeta suluhisho. Hata tukisema tutaendelea kuweka mikakati tu eti kwa kugawanya kile kidogo tulichonacho changamoto kubwa iliyoko katika nchi yetu ni uzalishaji wa kazi.

Bw. Naibu Spika wa Muda, kwa hayo maneno, naomba kuunga mkono Hoja hii.

Capt. Nakitare: Bw. Naibu Spika wa Muda, asante kwa kunipa fursa hii ili nami nichangie kuunga mkono Hoja hii ambayo imeletwa na mhe. Kimeto. Mambo ya uajiri wa kazi umedhoofishwa na hii Wizara ya Leba. Hii ni kwa sababu mwongozo wa kuwaajiri kazi Wakenya na kujua masilahi yao ni jukumu la Wizara ya Leba.

Bw. Naibu Spika wa Muda, wengi wamesema ya kwamba hakuna utaratibu mzuri wa binadamu katika kuajiri wakazi katika nchi yetu. Tumetaja mambo ya ukabila na upendeleo na tumesahau jambo lingine, ya kwamba uwajiri mwingine ni mbovu na kwa sababu Waziri wa Leba yuko hapa, leo nitatambua yale maovu ambayo yanatendeka kwa watu wangu wa Trans Nzoia.

Wizara ya Leba inajua ya kwamba kuna kampuni katika Trans Nzoia ambayo imeandika asilimia 99 ya watu kutoka kabila moja na wale watu pia ni watu wa kutoka nje ya wilaya ya Trans Nzoia. Kenya Seed imekuwa kampuni ambayo inaajiri watu kutoka nje ya wilaya ya Trans Nzoia. Unapata ya kwamba mtu anatoka mbali na anaajiriwa kuenda kufagia kwa maofisi yao na yule mtu ambaye anatoka kilomita mbili kutoka hii kampuni pale kijiji cha Matisi mahali ambapo kuna wale watu ambao waliathirika wakati wa vita vya ukabila na ambao wanakaa bila kazi, wanadhulumiwa. Watu hawa ndio wale ambao sasa wanajimudu kwa kuuza kuni. Wanaenda msituni kutafuta kuni ile ambayo imeanguka chini halafu wanaikusanya kusudi waiuze ili wapate mapato ya kulisha watoto wao ama kulipia nyumba. Huu ni uzembe! Sisemi ya kwamba kuna makabaila huko nje bali wako hapa Kenya. Kama hatuwezi kusema haya mambo, ni nani atayasema?

Bw. Naibu Spika wa Muda, nasema haya kwa sababu mashamba ya ADC na ambayo yanalisha nchi hii ya Kenya, yako Trans Nzoia. Maziwa, ng'ombe, mahindi, ngano zinakuzwa katika wilaya ya Trans Nzoia. Ni mshangao mkubwa kwamba katika Uwakilisho wa Saboti, wasomi kutoka vyuo vikuu wanafanya biashara ya *boda boda* ili wapate Kshs2 hata za kununua stempu ya kutuma maombi ya kutafuta kazi Kenya. Kwani hao sio watu wa Kenya?

Bw. Naibu wa Spika wa Muda, watoto wanadhulumiwa. Wafanya biashara katika Wilaya ya Trans Nzoia wanawaajiri watoto wenye umri wa miaka chini ya 15 kwa Kshs2 au Kshs3 kupepeti mahindi. Huu ni unyama. Inafaa Waziri wa Leba atumie maafisa wake ambao wako wilayani ili ajue ni watu wangapi wameajiriwa katika kila wilaya. Hii ni kwa sababu jukumu lake ni kubuni nafasi 500,000 za kazi kila mwaka.

Kwa upande mwingine, inafaa uajiri wa wafanyakazi ufike mashinani. Sioni shida uajiri ukizingatia eneo la uwakilishi Bungeni. Hii ni kwa sababu mtu ambaye ako Kiborowa, katika eneo

la uwakilishi Bungeni la Saboti, Kisawai, Kiminini au Moi Farm hajulikani Kitale. Ukiangalia Wilaya ya Trans Nzoia, utakuta kwamba ni kabila mbili ambazo zinaendesha kazi za Serikali. Kama kazi itasambazwa kwa ujamii na kwa usawa, ni vyema Waziri wa Leba apewe ripoti ili ajue watu hao wanatoka sehemu gani ya nchi na ni kwa nini kuna mgaragazano katika uajiri wa wafanyikazi.

Tunataka Wizara hii ichunguze Kenya Seed Company na Agricultural Development Corporation (ADC), badala ya kutilia maanani uajiri katika kikosi cha polisi. Tume ya Kuajiri Wafanyikazi wa Umma ina Code of Regulations ambayo inaongoza maafisa wa Serikali.

Ningependa kuongea juu ya maskini ambao sauti zao hasisikizwi hapa Nairobi. Kuna unyanyasi na simba mla watu. Hatuna balozi kutoka Wilaya ya Trans Nzoia. Tulikuwa na balozi mmoja katika nchi ya Sudan. Balozi huyo ambaye jina lake ni Bwiza alitoka Wilaya ya Trans Nzoia. Lakini alistaafishwa, alirudishwa nyumbani na hakupewa kitu chochote. Alistaafishwa hata ingawa umri wake ulikuwa wa makamu na alikuwa na elimu. Alistaafishwa kwa sababu yeye ni sauti ya mnyonge. Hata akilia huko, sauti yake haiwezi kusikika. Ni lazima tuchangie katika mambo haya. Ningependa waajiri wajue kwamba macho yetu yanawaangalia. Tunataka usawa katika Wilaya za Turkana, West Pokot na Trans Nzoia, ili watoto wetu wawe na hamu ya kusoma. Hakuna haja ya kwenda shuleni kama unajua kwamba unaenda kunyanyaswa na walio mbele.

Bw. Naibu Spika wa Muda, inafaa Ripoti ya Tume ya Ndegwa kuhusu Wafanyikazi wa Serikali ipigwe marufuku.

(Applause)

Ripoti hii inaleta ufisadi katika nchi yetu. Mfanyakazi wa Serikali anaacha koti lake afisini na anaenda kuhesabu pesa katika kibanda chake cha kuuza makaa. Au, anaenda kuhesabu pesa ambazo wafanyikazi wake waliuza petroli katika kituo chake. Mambo haya yanaleta ufisadi. Ufisadi hautoki mbinguni! Tume ya Ndegwa ndio ilileta ufisadi nchini Kenya.

Inafaa uajiri wa wafanyikazi uanzie eneo la uwakilishi Bungeni ili watu wangu walio Kimilili, Kiborowa, Gituamba na Matisi waajiriwe. Isiwe mtu anatoka Nairobi na kwenda kufagia katika ofisi ya Kenya Seed Company kwa sababu ndugu yake anafanya kazi huko. Kuna wafanyikazi 99 kwa mia moja kutoka sehemu moja wanaofanya kazi katika kampuni hiyo. Bw. Wario alisema, ijapokuwa hakuthibitisha---

The Assistant Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member for Saboti has made a very serious allegation. It is desirable that he substantiates that 99 per cent of the employees of the Kenya Seed Company come from one place. Could we know from where those employees come from?

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Wetangula, you are right! Capt. Nakitare, you have said that, and you have to substantiate!

Capt. Nakitare: Bw. Naibu Spika wa Muda, ninaweza kuthibitisha mambo ambayo ni ya kweli? It is obvious!

The Temporary Deputy Speaker (Mr. Khamasi): Order! We do not end a debate like that! Capt. Nakitare, you have made an allegation and you have been challenged to substantiate. You cannot say that you cannot substantiate the obvious! What is this obvious?

Capt. Nakitare: Bw. Naibu Spika wa Muda, nikipewa muda, ninaweza kuleta orodha ya majina ya wafanyakazi hao. Kwa sasa, ninayaondoa ambayo nimeyasema.

Mr. Poghiso: Thank you very much, Mr. Temporary Deputy Speaker, Sir. Increasingly, I am impressed that more and more hon. Members use Kiswahili language in debate. I would like to encourage this House to produce the Standing Orders in Kiswahili so that we can also engage them in the Kiswahili debates. As you can see, hon. Members are getting away with many things because

nobody engages them for lack of Standing Orders translated into Kiswahili.

Having said that, I would like to say that this is a very interesting Motion. While I support it, I would like to point out two things which are not very clear. First, the Motion is based on some party campaign propaganda. The 500,000 jobs per annum was just a party's campaign propaganda. This should not be used to bring a Motion before the House. It is not the Government that said that it would create 500,000 jobs every year. Those in the Government said that to win the last general elections.

Mr. Temporary Deputy Speaker, Sir, the other thing which is faulty in this Motion, and I speak as the Shadow Minister for Labour and Human Resource Development, is that we are assuming that it is directed to the right Ministry. I think the Motion is misplaced. If anything, this is a Ministry---

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Temporary Chair in order to say that the Speaker directed this Motion to a wrong Ministry?

Mr. Poghiso: Mr. Temporary Deputy Speaker, Sir, the hon. Member, whom I respect very much, should know that the Chair is not the Member for Kacheliba. It is wrong to assume that I am standing here as the Temporary Chair. The hon. Member knows that I am standing here as the Member for Kacheliba and the Shadow Minister for Labour and Human Resource Development.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Poghiso! At no time did Mr. Angwenyi say that, but somebody else said that. However, I do not know who it was. Mr. Angwenyi only asked whether it is right for you to suggest that the Chair was wrong in directing that the Motion be dealt with by the appropriate Ministry.

Mr. Poghiso: Mr. Temporary Deputy Speaker, Sir, the HANSARD will bear me out. He said: "Is the Temporary Deputy Speaker in order---" So, you can see he is bringing things---

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

Mr. Poghiso: Mr. Temporary Deputy Speaker, Sir, besides, he is wasting my time!

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, senior Members of this House give us direction and educate us, junior Members. Is the hon. Member in order to insinuate that the Speaker directed this Motion to a wrong Ministry?

Mr. Poghiso: Mr. Temporary Deputy Speaker, Sir, I have said that I am not sure this Motion was directed to the right Ministry because the Ministry of Labour and Human Resource Development has no capacity at all to stop people from being employed or to ensure equitable distribution of jobs! They do not have that capacity, and that is specifically what I am saying! We are here and they have brought people to listen, but they are not going to be of much help to us. So, as I said earlier, I like to see the Minister here because he is listening and is actually nodding, but at the end of it, what are we going to do?

So, Mr. Temporary Deputy Speaker, Sir, this is like one of those Motions where you express yourself, and I am going to express myself and really ventilate on a few issues. One, I would like to say that we need equitable distribution of jobs for our young people. We need societal change; we need people to begin to think like Kenyans. But where are we going to get that change? I will begin with the most recent recruitments; one of them was for teachers, the other one was for the police and the other day, it was for cadets. As sure as yesterday is followed by today and tomorrow will follow today, these things are determined by the Government of the day. We tried to send people there, they were interviewed and were in the military for a week, but they were sent off to be replaced by people from the right constituencies.

So, Mr. Temporary Deputy Speaker, Sir, we have to think that, as Kenyans, we have already established a pattern and culture which is very bad! Which means that when you are in power, it is the winner "take-it-all" when it comes to employment. We cannot bring a Motion like this hoping

for good results, although I am contributing to it.

So, where we go wrong in this country is where we continue to think that the Government is the Cabinet. We have continued to make that big mistake; that they have the power to sit around a table and distribute jobs amongst themselves. This is not something that I even need to mention; everyone of them knows that when we are recruiting the police, apart from the ones taken from the districts, every Cabinet Minister has some of their own that they take separately. We have suffered this kind of thing now---

The Minister for Labour and Human Resource Development (Dr. Kulundu): On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to interrupt my friend, hon. Poghisio, but he has made a very serious allegation that the Cabinet Members dish out jobs to themselves. Could he cite a specific example where, for example, the Minister for Labour and Human Resource Development and any other Minister was given some jobs by the Cabinet?

Mr. Poghisio: Mr. Temporary Deputy Speaker, Sir, we all know the famous case of the Kenya Wildlife Service (KWS); it was who-is-who in the Cabinet! Unfortunately, I cannot--- Order, please, help me. Save me from---

The Minister for Labour and Human Resource Development (Dr. Kulundu): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Poghisio purports to substantiate his claim by citing the KWS case. Is he aware that it is the Government which recruited Mr. Evans Mukolwe, not because he was a Luhya, but purely because of his level of competence, having worked for the International Labour Organization (ILO) as its deputy secretary general?

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order, Mr. Minister!

Mr. Poghisio: Mr. Temporary Deputy Speaker, Sir, you know that my time is limited. Please, protect me from the Minister!

I am only saying that there are places in this country where you can obviously tell that jobs are distributed according to how close one is to some influential people in the Government. You go to the records and tell me how many people from Kacheliba Constituency were recruited in the last Police recruitment exercise? How many people, for example, from Lurambi Constituency were recruited? If we compare records and find out that the same number of people were recruited in all constituencies, then only can we say that there was equitable distribution of employment opportunities. However, I am not going to dwell on that.

Mr. Temporary Deputy Speaker, Sir, another area where we have gone wrong is the area of capacity building. We have not managed to prepare our people well to take over job opportunities that arise.

(Mr. Poghisio gestured at Dr. Kulundu)

The Temporary Deputy Speaker (Mr. Khamasi): Could you, please, address the Chair, hon. Poghisio?

Mr. Poghisio: Yes, I will, Mr. Temporary Deputy Speaker, Sir.

If you have ever attended a graduation ceremony in any of our universities, it is not very interesting because when the graduands' are called out by their names in alphabetical order, names of persons from certain communities dominate the list. You would expect that most Pokot names will fall under "P", "L" and a few other letters. However, rarely will you hear of many Pokot names being mentioned. One can then conclude that we are not certainly preparing everybody in this country to take over jobs that are available. In fact, it appears like we are preparing certain communities to take over those jobs. Really, you cannot do anything if you are not educated. So, it is apparent that we have no intentions to prepare everybody in this country for recruitment to

various places of work.

Mr. Temporary Deputy Speaker, Sir, yesterday, when we were discussing the Vote for the Ministry of Education, Science and Technology, we said that it is difficult to get a Pokot student to qualify to join any of our public universities given the adverse conditions in primary and secondary schools in Pokot. In fact, there is a shortage of teachers in Pokot. Students from Pokot cannot compete for faculties such as Law and Engineering in the university because they certainly will not make it. Now, is the Government ready to prepare these students to be admitted into institutions of higher learning for those competitive courses?

Every year there is recruitment of teachers, but there is a big shortage of teachers in Pokot. I have an example which was also stated by the Member for Bura Constituency, hon. Wario.

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

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute on this Motion. First, I would like to congratulate the Mover of this Motion, hon. Kirigiti, because, so far, he has brought two very important Motions in this House.

The Temporary Deputy Speaker (Mr. Khamasi): Honourable who?

Mr. Angwenyi: Hon. Anthony Kimeto Kirigiti. That is his name and I know him well.

Mr. Temporary Deputy Speaker, Sir, this country, and particularly this Parliament, must ensure that there is equitable distribution of national resources. I am particularly talking about employment opportunities in this country. The only way we shall be able to monitor whether these opportunities are equitably shared among Kenyans, is by basing recruitment on constituencies.

(Applause)

I will give an example of the bursary funds and the Constituencies Development Fund (CDF). Today, you can see the impact of Government programmes in our local areas. Before we introduced CDF in this House through an enactment of law, I had been in this Parliament for seven years and during all that time not even a single shilling trickled down to my constituency for the purpose of development. However, the moment we enacted a law that these resources should be channelled to the constituencies, now you can actually see the impact of the Government at the grassroots level. The same thing has happened to the Ministry of Education, Science and Technology. Now, let us extend the same to employment. Let us pass this Motion and if the Government does not want to implement it, we shall bring a Bill and enact a law that will force the Government to recruit public servants based on constituencies.

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

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

The previous speaker said that capacity building is skewed towards those communities which have people in senior positions in Government and public service. When people are being identified and recruited for training, that is the stage where skewed employment begins.

Mr. Temporary Deputy Speaker, Sir, you should not recruit people from Kapenguria unless they have been trained to the required standards. During the recruitment exercise, some communities are discriminated against. For instance, since Independence, no one from the Kisii community has been promoted to the level of a "general" in this country, yet we are physically fit,

we have sharp minds, we are brave and can run. Not a single Kisii has been promoted to the level of a "general" since we are not prepared or given the capacity to meet the standards required for one to progress in the system.

We know that parastatals offer many opportunities in this country. But, if you look at the way people are recruited into parastatals, you will find that there has been abuse of office. There has been corruption. This House, year in, year out, allocates money to the same parastatals that are abused. This House must take up its responsibility of being a watchdog for the people of Kenya to ensure that it works hard for the welfare of all.

We have the Public Service Commission (PSC) which is currently dormant, as far as I am concerned. Police officers are recruited at the district level. The department may be recruiting twelve people from Kisii Central Division, but the twelve people may be not be from Kisii District. The same thing happens in the army, prisons and the Administration Police Department. Under the PSC, the Kenya Revenue Authority (KRA) has been recruiting people in the past two years. However, there has never been anybody recruited from my constituency or your constituency, Mr. Temporary Deputy Speaker. You will find that there is none. Is it that we have no people who qualify to be recruited? We have people who qualify for recruitment, but they cannot be recruited because there is no one senior out there who can ensure that our people are recruited.

Do we have a parastatal service commission that ensures that standards and equitability are met? We do not have. This country has based its recruitment and promotions on the basis of ethnicity. That is why everybody wants to be a President of this country. Those who feel as if they cannot go through the election process successfully want to be Prime Ministers. Maybe, they want to propel themselves to a point where they can assist their communities. Where will some of us who come from a minority community go to? Unless there is a mechanism that ensures fair play, we will be doomed and enslaved. We will see people being appointed to Ambassadorial and Judicial positions. I hope that we will pass the proposed new Constitution so that it ensures that the appointments are done fairly.

We were told by the Government that there would be creation of 500,000 jobs every year. About a year ago, I did a survey among 45 hon. Members and asked them to tell me whether they knew of people who had been recruited into jobs from their constituencies. We interviewed 45 Members of Parliament. Out of these 45 MPs, it is only one MP who told me that he had got about 10 jobs for his people. Where were these 500,000 jobs? If they existed, they must have been offered to the people who are still in the Government. This means these jobs were not offered fairly. It is only one out of 45 MPs who said that he had secured jobs for his people. I have not seen a single job being offered to the constituents of the other 44 MPs.

Mr. Temporary Deputy Speaker, Sir, if this Motion is passed and implemented, at least each constituency in this country will receive 20,000 jobs. If 20,000 jobs had been offered to the people in Kacheliba I do not think we would have had enough Pokots to take up these jobs. We will have stopped them from engaging in cattle rustling and given them jobs to do. We will also give these jobs to some Kisiis to prevent them from turning into thugs.

The Minister for Labour and Manpower Development (Dr. Kulundu): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member right in insinuating that Pokots are cattle rustlers?

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, the Minister knows we have got a cattle rustling problem in the North Rift. We have got thuggery in Kisii and Kericho. He knows these things. They are obvious. I am saying that those Pokots involve themselves in cattle rustling while some Kisii tribesmen involve themselves in thuggery because they do not have jobs. This is because jobs, have been distributed unfairly. If you give them their fair share of jobs they will not

have the time to do cattle rustling or begin to kill like they do in Kisii. You are a Minister of Government and yet you are not aware of this?

The Temporary Deputy Speaker (Mr. Poghisio): Address the Chair, Mr. Angwenyi.

Mr. Angwenyi: I am saying that from next year, we should know on the basis of this Motion that 20,000 jobs go to Kitutu Chache and another 20,000 to Lurambi. If this happens, Mr. Minister, your people will like you. They will not stone you when you go to Kakamega. If you give them jobs they will not stone you.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Angwenyi! Address the Chair.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, let us support this Motion. Let us also ensure that if we pass it, it must be implemented. That is the day this Parliament will rise up to be a national institution which is independent and also clearly executes its role and mandate.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, we only have two minutes before the Government Responder speaks.

Eng. Nyamunga: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this important Motion. The issue before us here is that in the past some constituencies have been under-represented in recruitment of their youth into the public sector. Therefore, this House urges the Government to put in place a mechanism to ensure that recruitment into the public sector is not only based on merit, but is done on equitable constituency distribution.

Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion because we need to have a national face in areas which involve mass recruitment like the police force, the army or nursing because these officers will eventually be distributed to serve in every corner of this country. There is no place in this country where you will not meet policemen, nurses or teachers. It is only fair, therefore, that when the Government is carrying out recruitment, this is done, taking into account the constituencies as the units to determine how many officers are to be distributed to those various constituencies. That way, we shall have staff that is representative nationally. Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to congratulate the Minister for Education, Science and Technology. While the entry point to national schools for students in Nairobi is high, a student from North Eastern Province can have access to the same national schools at a lower grade. This is because the Ministry is taking into account the harsh living conditions of North Eastern Province which are very different from those in Nairobi. If the entry points to national schools were the same for all students, there would be no student from North Eastern Province being enrolled in national schools.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghisio): I will now call upon the official Government responder.

The Minister for Labour and Human Resource Development (Dr. Kulundu): Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to reply.

Mr. Temporary Deputy Speaker, Sir, first, I must admit that this Motion is very well intentioned, but it is directed to a Ministry that normally does not deal with the public sector. However, in the name of collective responsibility, I will try and respond to the Motion.

Dr. Godana: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to be better informed. Is Dr. Kulundu in order to deny his responsibility as the Minister for Labour and Human Resource Development? This Motion is about the development or recruitment of manpower in the public sector.

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr.

Temporary Deputy Speaker, Sir, my Ministry deals with the private sector. For the public sector, we have the Directorate of Personnel Management (DPM) that deals with the recruitment of the police, Army, officers of the Ministry of Health and other Government institutions.

Capt. Nakitare: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to say that his Ministry is not responsible for Labour and Human Resource Development and yet he presides over disputes of trade unions and civil servants?

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Speaker, Sir, I am very specific. The public sector has the DPM that deals with its affairs. However, in the name of collective responsibility, I would like to reply---

Mr. Bahari: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are in agreement that there is need for collective responsibility. However, the substantive Ministry responsible for recruitment in the public sector is very active. Why did Dr. Kulundu take up the responsibility to address this issue if he will not take any serious action on it?

The Minister for Labour and Human Resource Development (Dr. Kulundu): On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know if the word, "ridiculous" is Parliamentary as used by Dr. Godana.

The Temporary Deputy Speaker (Mr. Poghismo): Which word has he used?

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Speaker, Sir, he said that I am ridiculous. I am not ridiculous!

The Temporary Deputy Speaker (Mr. Poghismo): Order, Dr. Kulundu! In fact, you should listen more to the Chair. If you listen to what is spoken quietly from the sides, you will be hearing a lot of things that the Chair might not hear. So, if you bring that to the attention of the Chair, the Chair is unable to point out what was said. When you begin to exchange words directly with the hon. Member, then you make the Chair irrelevant at that particular point. So, you seem to be sorting out your own matters. You should address the Chair. In any case, Parliamentary language must be observed. I did not hear what Dr. Godana said, but let us not dwell on that issue.

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Speaker, Sir, if I may continue---

Capt. Nakitare: On a point of order, Mr. Temporary Deputy Speaker, Sir. The word "ridiculous" translated in simple terms is not abusive. Is the Minister in order to lose his temper?

The Temporary Deputy Speaker (Mr. Poghismo): Do not dwell on that!

Dr. Godana: Mr. Temporary Deputy Speaker, Sir, he is the one who has said "ridiculous!" If it is unparliamentary, then the Minister should withdraw it. But it was off-record and it is him who has put it on record. That aside, I am not sure whether we should go on with this Motion. If the hon. Minister has continued to insist that it does not fall within the purview of his responsibility--- I can see civil servants here, presumably from his Ministry. If he knows that the Motion is not within the purview of his portfolio, he should have made it clear that it is not properly placed. What he is doing now is denying responsibility for it. So, how can we trust that he is giving the right response on behalf of the Government? We seek your guidance.

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Speaker, Sir, Dr. Godana has not heard me speak about collective responsibility. Let me say that the first time this Motion appeared on the Order Paper, we, as a Ministry, forwarded it to---

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

The Minister for Labour and Human Resource Development (Dr. Kulundu): Can I finish my point?

The Temporary Deputy Speaker (Mr. Poghismo): Let him finish.

The Minister for Labour and Human Resource Development (Dr. Kulundu): The first time it appeared on the Order Paper, we forwarded it to the Office of the President, Directorate of Personnel Management (DPM). They looked at it and thought that we could go ahead and respond to the Motion here.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Minister! Are you saying that there is correspondence between you and DPM? Did you send the Motion to them and they sent communication to you saying "go ahead?" Is that what you are saying?

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Speaker, Sir, even the Office of the Clerk has that correspondence. I now beg to continue.

The Temporary Deputy Speaker (Mr. Poghisio): That means that you have the authority to reply from that Ministry?

The Minister for Labour and Human Resource Development (Dr. Kulundu): Yes, Mr. Temporary Deputy Speaker, Sir. Even Mr. Ntimama, who is in charge of DPM, was here! He told me to go ahead.

Dr. Godana: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are becoming even more confused! A Minister stands here and says that this matter is not within the purview of his Ministry but, in the name of collective responsibility, he will try to reply. He is now telling us that he referred the matter to DPM and, that after some consultations, he feels that he has to continue. I think this House is being taken for a ride. We are engaging in serious business here. Collective responsibility is supposed to ensure that a Minister does not deny what his colleague has assumed responsibility for. But collective responsibility was never designed for a Minister to say, even where he has no competence, and where he has no preparation!

The Temporary Deputy Speaker (Mr. Poghisio): What is your point of order?

Dr. Godana: Is he in order to tell us that, because of collective responsibility, we can take this House for granted and go on in a casual manner to deal with a Motion that was brought, with all seriousness, by a member of this House? He is being very casual.

The Temporary Deputy Speaker (Mr. Poghisio): It is the responsibility of the Government to respond. Since there has been correspondence and communication, the Minister is responding on behalf of the Government.

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Speaker, Sir, whereas this country has a policy in place about the recruitment of doctors, police officers, nurses, army officers and many other professionals, it is fallacious to say that Kenya has six million doctors as the Mover claimed. I would like to inform the House that the Government has a policy in place on recruitment of the youth into the public sector. The recruitment of our youth into the security services, for instance, has been conducted openly throughout the country, where the qualification requirements are set out clearly and deserving cases are considered accordingly.

The Government intends to maintain the current system of recruitment that considers equitable distribution based on district allocation. I urge the hon. Members of this House to get their constituencies share from the districts. The days when undeserving cases of recruitment into the public sector was the order of the day are long gone. The Government, through my Ministry, has further formulated an employment policy that will streamline recruitment, not only into the public sector, but also in the private sector.

Mr. Temporary Deputy Speaker, Sir, yesterday I laid on the Table of the House Sessional Paper No.7 which deals with employment strategies for Kenya. The Government, within the

framework of the policy, is in the process of establishing a Multi-stakeholder National Employment Council of Kenya whose role shall be to advise the Government on employment issues and co-ordinate the process of employment and employment creation in the country.

Mr. Temporary Deputy Speaker, Sir, my Ministry is ensuring harmony and peace in industrial relations to secure the sustainability of existing jobs. The Sessional Paper indicates certain things that we are required to do such as to strengthen the district offices to source for jobs and place job seekers. Secondly, it should provide guidance and counselling to school leavers and prospective entrepreneurs. Thirdly, it should allocate funds for the enhancement of employment services.

Mr. Temporary Deputy Speaker, Sir, other areas that the Sessional Paper addresses are the export of Kenyan labour to willing and friendly countries like the Southern Sudan, the East African Community, the Middle East and the whole world. The Sessional Paper intends to mainstream special groups to employment, namely, the youth, women and the physically challenged. It also intends to improve working conditions through health and safety programmes of work places. I must admit that this is area in which my Ministry did not pay particular attention to in the past. We are doing all we can to rectify the situation. Indeed, health and safety at work places must be foremost in the employers plans.

We also intend to improve productivity and economic efficiency to stimulate economic growth and the resultant job creation. To this end, we have already set up productivity centres. The Government has already donated Kshs19 million towards this end. Once we source funds from friendly organisations and countries, these productivity centres will be of immense importance. The creation of productive employment on a major scale in both private and public sectors and the reduction of poverty will be achieved and sustained through sustained growth in the gross domestic product (GDP). Currently, this is at 4 per cent and it is projected to grow at 5 per cent.

Mr. Bahari: On a point of order, Mr. Temporary Deputy Speaker, Sir. This Motion is about employment, both in terms of equitable distribution across the country and on merit. The Minister is telling us about labour relations, productivity and growth. I wonder whether these are relevant issues to this Motion.

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Speaker, Sir, the issue of equitable distribution of employment is in the Sessional Paper that I laid before the House yesterday. Hon. Members will have an opportunity to ventilate on this Sessional Paper before we bring a Bill to the House.

Mr. Temporary Deputy Speaker, Sir, the equitable distribution of employment is a good thing, but there must be strategies to reach it. Why has it failed in the past? These are the problems that are addressed by the Policy Paper that I laid before the House yesterday.

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

The Temporary Deputy Speaker (Mr. Poghio): I now call upon the Mover to reply.

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, let me take this opportunity to reply to this Motion. I want to thank all the hon. Members who have contributed positively towards this Motion. However, I want to request the Minister to take into account the provisions of this Motion and bring a Bill to this House.

Mr. Temporary Deputy Speaker, Sir, I had mentioned that there are about 600,000 doctors in this country. However, that cannot be true. Even if we include the nurses, they cannot reach that number. With over 35 million people, the few doctors and nurses cannot serve them adequately. That is the reason why we need to train people in every constituency.

I do not want to take all my time. I will, therefore, donate my remaining time to Dr. Wekesa.

Hon. Members: You cannot do that! You cannot make new rules here!

Mr. Kimeto: I can donate part of my time to Dr. Wekesa. It is procedural!

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Kimeto! You cannot consume and donate your time. You donate your time first before you spend it.

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, I have already donated two minutes to Dr. Wekesa.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Kimeto! If you have finished talking, we will put the Question.

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, I have not finished.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Kimeto! You should be seated. I am on my feet.

(Mr. Kimeto stood up in his place)

Mr. Kimeto: I am seated, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Kimeto! The rule is that if you would like to donate any of your time, you do so first before you even say the first word in contributing. That is why I was telling you that it is too late for you donate your time now. However, your time is still there. If you have not concluded, you can spend the remainder of your time.

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, will I be in order to donate my time to Dr. Wekesa?

Hon. Members: No!

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, if that is the case, I will finish.

We want this Ministry to translate this Motion into a Bill that will help this country. This will ensure that we do not wait until another time when other people will do the same. Let us do it now! Let us research more and be dedicated. I am requesting the Minister to be dedicated. He should not say that another Ministry would do it. When we direct the Motion to the Ministry of Labour and Human Resource Development, it means that it was directed there by the House Business Committee (HBC). Hon. Members of the HBC include the Speaker of the National Assembly. The Minister should not imagine that the Chairman of the HBC does not know where to direct the Motion to. The HBC knows who is to deal with what and that is none other than the Minister. He should live to his standard! He should also bring a Bill to this House for debate to enable him implement the proposals which have been advanced by hon. Members. This will enable us to train more personnel in all the fields. It will also ensure that there is money allocated to every Ministry for such a purpose. We should allocate more money to the Constituency Development Fund (CDF).

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

(Question put and agreed to)

ESTABLISHMENT OF PRODUCTION
SUPPORT FUND FOR LOCAL PRODUCTS

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT, in view of the fact that agriculture is the economic backbone of this country and that the agricultural sector is threatened by cheap commodity imports from countries in which agriculture is heavily subsidized; this House urges the

Government to urgently curb importation of maize, rice and sugar and facilitate the production of these commodities by putting in place production support funds for each of these commodities.

Mr. Temporary Deputy Speaker, Sir, the importance of agriculture in this country need not be over-emphasised. It is obvious that without agriculture, our economy would be in pieces. The agricultural sector contributes over 50 per cent of our GDP either directly or indirectly. Almost 45 per cent of the Government revenue is generated from the agricultural sector. At least, 77 per cent of this country's population are employed directly or indirectly by this sector.

So, the direct relationship between the agricultural sector and our economy is very obvious. This suggests that if the agricultural sector performs poorly, the economy will be adversely affected. Almost 80 per cent of our population lives in the rural areas where most of the economic activities are directly related to agriculture. So, if agriculture performs poorly, the larger population of this country will be affected.

Mr. Temporary Deputy Speaker, Sir, due to the recent poor performance of this country's agricultural sector, up to 80 per cent of the population in some parts of the country are living below the poverty line. Within the last two decades, the agricultural sector has had a downward trend. It has performed very poorly.

Some of the crops that have been most affected within the last two decades include wheat, maize and pyrethrum. Even the cotton industry is almost gone. It is no longer heard of. Sugarcane growers are experiencing serious problems. The livestock sub-sector which comprises dairy, beef, among many others, has also been adversely affected.

Mr. Temporary Deputy Speaker, Sir, only the perennial crops are known to have survived well within the last two decades. Crops like coffee and tea have, to some extent, done well during the last two decades while the annual crops that I have mentioned and some medium-term crops like sugarcane have suffered greatly.

The horticulture sub-sector has also performed well. It has gone up because of the premiums that go with it. But the important crops like maize, wheat, sugar cane and rice have suffered. The factors that have brought these problems are liberalisation and the removal of Guaranteed Minimum Returns (GMRs). This country used to have GMRs since the colonial days. The colonial Government had realised that unless farmers were supported, the economy would not survive. Unless farmers are guaranteed some minimum returns on what they produce, then the agricultural sector would collapse. So, the GMRs which we used to have in this country was some kind of subsidies to our farmers. It was initiated to help farmers to boost their production. It was a kind of insurance that they had, that irrespective of what would happen, they were assured of some income. This is what we have in countries like India even today. Even in Western countries, the farmers are assured of some income. In fact, farmers are sometimes paid not to produce anything if the Government feels that production would lead to a glut in the market of any particular commodity.

The GMR was supposed to support the commercial production of crops like maize, wheat and barley. But when this was stopped it marked the start of a decline in the production of these crops. There was an allegation that it was abused. We used to export wheat, but today, we are a net importer of wheat. We are importing substantial amounts of wheat. In fact, quite often we import maize.

The collapse of the Agricultural Finance Corporation (AFC) worsened the situation. Things became worse in the 1990s when the International Monetary Fund (IMF), World Bank and other development partners forced Kenya to liberalise the agricultural sector, while in their countries that is not done. Kenya was forced to implement the Structural Adjustment Programmes which led to the removal of the remaining support that we had for our farmers by 1995. This led to the prices of

agricultural inputs skyrocketing and the cost of production going up. This cost of production is still going up today. This has had a devastating effect on our agriculture. It has led to serious poverty in this country, particularly, in the rural areas. Unemployment has also gone up because of this problem.

Kenya has also been forced by the World Trade Organisation (WTO) to commit herself to tariff ceiling of 100 per cent for all agricultural commodities, while in the Western countries the tariffs on agricultural commodities are over 100 per cent. In some countries, it is up to 800 per cent. In Western countries, agricultural production is very cheap because they support farmers. Farmers enjoy themselves. They are assured of good income all the time. Exportation of agricultural commodities is subsidised by the governments of those countries. So, products from rich countries end up being dumped here. They are produced cheaply in those countries. We are forced to import them. That is the application of double standards by the rich countries. They protect their farmers and force us to buy their cheaply produced commodities. That has adverse effects on our agriculture.

Mr. Temporary Deputy Speaker, Sir, a tonne of wheat in the United Kingdom (UK) is sold at 40 per cent of its production cost. Sugar is sold at less than 60 per cent of what is spent to produce it. We have also been denied access to the markets in the western world. If you try to export maize from Africa to the United States of America (USA), it is an uphill task.

Mr. Temporary Deputy Speaker, Sir, may I just give a few examples of the subsidies that are given in western countries. In the European Union (EU), the subsidy on milk powder is 60 per cent. On butter, it is 136 per cent. Let us take the example of sugar. In Brazil, there are huge import tariffs and subsidised credit for the farmers. In Australia, they have single-desk marketing for sugar, income support to the farmers and input subsidies. In the EU, there are import tariffs, production quotas and export subsidies. In South Africa, there are import tariffs, single-desk marketing, irrigation subsidies to farmers and drought relief. All those subsidies suggest that farmers are heavily supported in the developed countries, where agriculture is doing well.

In India, there are import tariffs, domestic supply support and a minimum cane price. If you go to Japan, there is raw sugar support price, import tariffs, minimum prices for cane and beet growers, income support to the processors and import quality standards - you do not export sugar to Japan unless you meet their standards.

In the USA, there are also import tariffs of up to 200 per cent, domestic support price to the producers and domestic market allotment. At the end of the day, we end up with that kind of sugar in this country. They are cheaply produced---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghio): Order, Prof. Olweny! You will have seven minutes when the debate resumes!

Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.