

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 20th April, 2005

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICES OF MOTIONS

COMPULSORY COMMUNITY SERVICE FOR GRADUATES

Mr. J.M. Mutiso: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, in view of the acute unemployment in the country; aware that essential and basic services offered by the Government are constrained by lack of staff in public institutions, this House resolves that all graduates from middle level colleges and universities be offered compulsory community service for a period of two years on a monthly maintenance allowance of Kshs5,000 in the rural areas and Kshs10,000 in urban areas.

HARMONISATION OF DEVELOPMENT AT CONSTITUENCY LEVEL

Mr. Gachagua: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, in view of the need to harmonise development at the constituency level and also co-ordinate proper utilisation of resources available from the Local Authority Transfer Fund (LATF) and other Government agencies, this House do grant leave to introduce a Bill for an Act of Parliament to amend the Local Authority Transfer Fund (LATF) Act to provide for equitable distribution of resources to all constituencies within the jurisdiction of the particular local authority and further that the Fund be administered under the Constituency Development Fund (CDF).

ORAL ANSWERS TO QUESTIONS

Question No.251

GOVERNMENT EXPENDITURE ON DIPLOMATIC MISSIONS ABROAD

Mr. Mukiri asked the Minister for Foreign Affairs:-

(a) how much money the government spends annually as payment of rent for diplomatic missions abroad; and,

(b) what efforts he is making to purchase or construct premises to reduce expenditure on rent for the said missions.

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The annual expenditure on rent and rates to the 39 Kenyan missions abroad totals to Kshs837,682,048. Out of this money, the Government spends Kshs596,106,596 on residential properties and Kshs242,575,452 on non-residential properties, that is, offices.

(b) Over the years, the Ministry has been implementing a policy of property ownership for missions abroad with the objective of realising savings on lease rentals. However, the implementation of the policy depends on availability of funds. My Ministry is working with the Treasury to accelerate the purchase of Government properties abroad in order to reduce the amount spend on rent. Currently, the Government owns 47 residential and 13 non-residential property abroad.

Mr. Mukiri: Mr. Deputy Speaker, Sir, Kenya is part of the international community. The amount of money that the Assistant Minister has said is being spent on buildings, I believe, would have been saved. The Ministry spends over Kshs800 million annually and yet it claims that it does not have money. Is the Assistant Minister really comfortable that the Ministry does not have money when they spend Kshs800 million every year? The Ministry should use that money to purchase residential and non-residential properties.

Mr. Ojode: Mr. Deputy Speaker, Sir, I do not know what the hon. Member means by saying that the Ministry alleged that it does not have money. The money we are using now is part of the Budget which was passed in this House. We have money and it is for specific items. I do not know from where the hon. Member got the issue of us not having money. The problem is that whenever we present our budget, we are not given all the money we request for. However, we have money to spend at a given time.

Mr. Deputy Speaker: Order, Mr. Ojode. I think what the hon. Member wants to know is the wisdom of paying over Kshs800 million in form of rent and rates when you could use the same money to purchase those properties.

Mr. Ojode: Mr. Deputy Speaker, Sir, the Ministry will continue to pursue this issue. Already, we have acquired about 47 residential and 13 non-residential properties abroad. This will help us to save some money on rent payments.

Mr. M.Y. Haji: Mr. Deputy Speaker, Sir, the other day, we saw the President presiding over the signing of the performance agreement between the Government and civil servants. How many of these High Commissioners and Ambassadors are benefiting this country? Will we then close down the non-performing missions?

Mr. Ojode: Mr. Deputy Speaker, Sir, it is true we have initiated some reforms and some of these High Commissioners and Ambassadors will also sign the performance agreement.

Mr. J.K. Kilonzo: Mr. Deputy Speaker, Sir, when we visit our missions abroad, we normally receive complaints from the members of staff that they have not been paid for months and even the office rents are in arrears. Could the Assistant Minister confirm that all the outstanding rates have been paid in all our missions abroad?

Mr. Ojode: Mr. Deputy Speaker, Sir, it is true that some missions have been having some problems. However, some of these problems will occur despite the fact that we are doing some rationalisation. We are restructuring and reducing the number of members of staff in our missions abroad. As a matter of fact, the Ministry intends to stop employing Kenyan cooks, gardeners and drivers in our missions abroad. We are encouraging the Kenyans who are in those countries to seek employment in our missions. That will save some money for us.

I would like to plead with the hon. Members that once we bring our budget here, they should pass it the way it is. When the budget is not passed the way it is, we always have a shortage of funds to run the missions abroad.

Mr. Waithaka: Mr. Deputy Speaker, Sir, could the Assistant Minister inform this House the exact value of the properties that they have purchased in pursuance to the strategy of trying to acquire properties from our foreign missions?

Mr. Ojode: Mr. Deputy Speaker, Sir, that is a different Question. I can provide this information later, if the hon. Member so wishes. However, we have already done acquisition in Abidjan, Addis Ababa, Berlin, Brussels, Dar-es-Salaam, Hague, Harare, Lusaka, Ottawa, Paris, Tel Aviv, Washington and Windhoek. In Cairo we have just acquired an undeveloped plot.

Mr. Mukiri: Mr. Deputy Speaker, Sir, the other day, we read in the newspapers that even the banks that are supposed to guarantee the Government payment of these rents, have now refused because they do not trust our missions. Could the Government use this money to purchase these residential and non-residential houses even on hire purchase terms? This money is enough to do that. It is not true that Parliament interferes with the budget of the Ministry when it is tabled here. In fact, Parliament has been very co-operative and have been passing all the money that the Ministry has requested.

Mr. Ojode: Mr. Deputy Speaker, Sir, we are looking into that issue and that is exactly what we are going to do.

Question No.104

PROVISION OF PHYSICAL FACILITIES
TO SCHOOLS

Mr. Owino asked the Minister for Education, Science and Technology:-

- (a) whether he is aware that the physical facilities of most primary and secondary schools are either dilapidated or inadequate to provide quality education; and,
- (b) what the Government's position on the provision of physical facilities to schools in the country is.

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

(a) I am aware that physical facilities in some primary and secondary schools are either dilapidated or inadequate to provide quality education. This is a problem across the country.

(b) The provision of physical facilities in the education sector has for a long time been a partnership between the Government, religious organisations, Non-Governmental Organisations and communities. The Government has so far conducted a needs assessment for all districts, both for classrooms and toilet facilities at primary and secondary schools level and has made a number of proposals in addition to what is already happening. Firstly, through the ASAL Programme, in North Eastern Province, Isiolo, Marsabit and Moyale, the African Development Bank (ADB), through the Education 11 Project, is supporting the construction and rehabilitation of classrooms, laboratory and equipment.

Through the OPEC Project, the Government is supporting the construction of classrooms and finalising this in all districts in the country in three phases. The USAID is supporting the construction and rehabilitation of schools in Garissa, Ijara, Mandera and Wajir, at a tune of US\$150 million. The World Bank has also pledged to rehabilitate and construct the infrastructure in 15 ASAL districts, while there is also a commitment from the Prince of Saudi Arabia to support districts that are not covered by any of the other organisations, namely, Isiolo, Marsabit and Moyale.

In addition, we have a long-term five year investment programme that is going to target 7,024 classrooms in the 35 poorest districts in the country, as well as 300 new primary schools. With regard to secondary education, 10 new boarding schools are planned to be established in North Eastern

Province under the ASAL Programme, while 1,000 secondary schools will be supported to upgrade their facilities during the next five years. The Ministry has also---

Mr. Deputy Speaker: Order, Mr. Assistant Minister! You are answering a Question and not making a statement.

Mr. Owino: Mr. Deputy Speaker, Sir, I do not have the written answer. What the Assistant Minister has said has surprised me because in my district, there are no signs of any development by the Government in any primary or secondary school. I am wondering whether this is about to take off or it is going on. Where is it going on? The Assistant Minister has talked about North Eastern Province, but he has not mentioned other districts.

Dr. Mwiria: Mr. Deputy Speaker, Sir, I said that this is a five year investment programme starting this year. As soon as we pass this year's Budget, we hope to vote resources to cover the plans that are being proposed.

Dr. Godana: Mr. Deputy Speaker, Sir, if I heard the Assistant Minister correctly, he has said that among other things, they are going to build 300 new primary schools? Could he be kind enough to table before the House a list showing exactly where these schools will be built or promise to do so at a future time?

Dr. Mwiria: Mr. Deputy Speaker, Sir, I did not bring with me the list of the proposed new primary schools and the districts that will be the first beneficiaries. However, we have developed a criteria, on the basis of need in terms of teachers to pupils ratios, the available facilities and poverty index, to arrive at the schools that will benefit. We will table that list before the House showing the districts that will be the beneficiaries.

Mr. Karaba: Mr. Deputy Speaker, Sir, it is encouraging to hear from the Assistant Minister that he will come up with a very elaborate physical infrastructure. However, he has missed one point which is very important. Whereas he can talk about putting up so many classrooms, what is he doing with regard to the recruitment of teachers? Without teachers, these facilities will be of no use.

Dr. Mwiria: Mr. Deputy Speaker, Sir, the Question was about the infrastructure. However, we have realised that we will also need to recruit more teachers. The Investment Programme has also a plan as to what we will do with regard to the recruitment of additional teachers.

Mr. Owino: Mr. Deputy Speaker, Sir, recently, there was information to the effect that no physical facilities will be developed by the Government. Has that policy been changed now?

Dr. Mwiria: Mr. Deputy Speaker, Sir, Mr. Owino is an extremely interesting hon. Member. First of all, he would like us to build classrooms. Then he is surprised because we are building them. He is very unhappy that we have to build classrooms because before we had said that we were not going to do so. There is nothing wrong with the policy changing.

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

What is it, Mr. Ethuro, do you have a point of order?

Mr. Ethuro: No, Mr. Deputy Speaker, Sir. I was just standing to ask a question and not on a point of order.

Mr. Deputy Speaker: No, the Question has already been terminated, sorry.

Next Question, Mr. Cheboi!

Question No.044

REPAIR OF MOLO-KURESOI-CHEPSIR ROAD

Mr. Cheboi: asked the Minister for Roads and Public Works:-

(a) whether he could confirm that Road D315 (Molo-Kuresoi-Chepsir) was properly

repaired;

(b) whether he is aware that the section of the road between Kuresoi Centre and Chepsir is already impassable during the wet season; and,

(c) what remedial measures the Minister has put in place to ensure that proper repairs are done.

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I confirm that Road D315 (Molo-Kuresoi-Chepsir) was properly repaired.

(b) I am aware that the section of the road between Kuresoi centre and Chepsir becomes impassable during the wet season. This section is within a forest whose cover makes the road not dry off completely during the rainy season. The forest cover could not be removed due to environmental concerns.

(c) The district roads engineer will continue carrying out routine maintenance on this section of the road to make it passable.

Mr. Cheboi: Mr. Deputy Speaker, Sir, this is very dissapointing. One contractor by the name of Impex Contractors has been given all the contracts in my constituency worth Kshs2 billion. None of the roads that this company has made has been done properly. I wonder what is so special about this company so that every road in my constituency is given to him and he does a very poor job? What are you doing to blacklist this company from the role of contractor, so that he does not continue spoiling roads? Because this company has--- **Mr. Deputy Speaker:** Order, Mr. Cheboi. You have asked the Assistant Minister a question; give him a chance to reply.

Eng. Toro: Impex Contractors were awarded this tender in 2002 at a tender sum of Kshs59,144,432 and when the hon. Member says that he is a bad contractor, we found him there working on the road. He took nine months to complete the road, which was under the *El Nino* Programme and not under my Ministry. Everything was certified by the projects manager who was managing the *El Nino* Projects in the Office of the President. So, as far as we are concerned, the road was handed over to us in a complete condition and the completion certificate was issued.

Mr. Kipchumba: Mr. Deputy Speaker, Sir, the Assistant Minister has clearly said that the programme officer or manager in the Office of the President certified the road. We all know that roads are, indeed, supervised by the Ministry of Roads and Public Works. Since when has a manager in the Office of the President certified a road?

Eng. Toro: Hon. Kipchumba should not choose to be ignorant of the fact that the *El Nino* Programmes were managed by the Office of the President, and there was a project manager who even did the certification of the works.

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

Mr. Deputy Speaker: No, no points of order. Let the Assistant Minister reply.

Eng. Toro: The *El Nino* Programme was removed from the Ministry of Roads and Public Works by the former Government so that it could be controlled by the Office of the President. All the programmes were, therefore, managed from the Office of the President, and my Ministry had nothing to do with those programmes.

Mr. Deputy Speaker: Last question, Mr. Cheboi!

Mr. Cheboi: Last week, I asked a Question and it was about the same contractor. The same contractor is now doing a road in my constituency; one of the roads is worth Kshs400 million while the other one was worth Kshs400 million too. I am saying all the contracts are worth Kshs2 billion. Who is this person who awards certificates? Why is the Environmental Impact Assesment (EIA) not done before you start working on the road, so that you are now telling us that the forest cover is leading to that condition? Who issued the certificates? Instruct him---

Mr. Deputy Speaker: Order! Proceed, Eng. Toro!

Eng. Toro: I do not know about the other Question by the hon. Member which was answered last week. If the hon. Member wants to know what was happening to Impex Contractors, most of those tenders they won was during the previous Government. So, I do not understand--- I will not be able to say what criteria that Government used to award Impex Contractors all the various works in Rift Valley Province, because all those works were done there. If there was corruption involved in those works, he should tell us.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Order! What is it, Mr. Cheboi?

Mr. Cheboi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to answer this Question when he knows that it is supposed to be answered by the Minister in the Office of the President? Could we defer this Question and forward it to the Office of the President, where it will be answered?

(Applause)

Mr. Deputy Speaker: Order, Mr. Cheboi! You stood on a point of order, and I am listening. What is your point of order?

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

Mr. Deputy Speaker: Order, Mr. Billow! I have asked Mr. Cheboi, not you.

Mr. Cheboi: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to continue misleading the House when he knows that he does not have any information? Since this road was done by the Office of the President, could the Question be deferred and taken to the Office of the President, so that it can be answered correctly?

(Applause)

Eng. Toro: I did not say I do not have the information. The information I have here is that the completion certificate for that road was signed by the project manager. Even if you refer this Question to the Office of the President, you will still come with the same certificate I have, which was issued from them. The Defects and Liability Certificate was also issued by the consulting engineers, who were commissioned by the Office of the President. So, this information is here. We are talking about the management of this project which was done through the Office of the President through consulting engineers, and there is nothing much the Office of the President can add to what I am saying right now.

Mr. Deputy Speaker: I agree.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order, because there is a fundamental issue here? The Assistant Minister had earlier referred to the fact that the tenders were awarded by the previous Government. Is he in order not to answer the Question just because it was another Government which awarded the tender? I thought they are all serving the Government of Kenya and so, the Assistant Minister should now be responsible for what the other Minister did!

Mr. Deputy Speaker: Order! I thought the Assistant Minister answered the Question.

Hon. Members: He did not!

Mr. Deputy Speaker: Assistant Minister, I thought you answered the Question?

Eng. Toro: I answered the Question. The only issue that was raised by hon. Cheboi is about

why this contractor has been given so much work in his area of jurisdiction, and I am not able to give the reason for that.

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

Question No.075

MEASURES TAKEN TO CURB
MALARIA EPIDERMIC IN SIGOR

Mr. Rotino asked the Minister for Health:-

(a) how many people have died of malaria epidemic in Sigor Constituency in the last one year; and,

(b) since malaria epidemics are predictable and the disease is both treatable and curable, what measures has the Government taken to ensure that further loss of human lives is minimized?

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

(a) Sigor Constituency had 22,795 cases of malaria in 2004, and 15 people died of malaria in that year. The number of deaths have reduced over the time due to the public health intervention measures which are being undertaken. For example, in 2003, there were 25 deaths in the constituency as compared to 15 deaths in 2004.

(b) The Ministry has put in place the following measures to reduce malaria incidences and deaths: Indoor residual spraying in most public institutions; distribution of PSI mosquito nets to all pregnant women and children under 5 years old at a cost of between Kshs50 and Kshs100 per net; training of shopkeepers on standard drug dispensing practices and community health workers on early diagnosis and treatment of malaria; intensive disease surveillance is in place and finally, all the health facilities have adequate anti-malarial drugs.

Mr. Deputy Speaker: Order, Dr. Kuti! The Chair has continued to ask Ministers to answer Questions as asked. I am asking you to answer the Question briefly, so that we move to supplementary questions. If you want to make a Ministerial Statement, the Chair will oblige, please.

The Assistant Minister for Health (Dr. Kuti): Mr. Deputy Speaker, Sir, we are taking all the public health measures to control malaria in Sigor Constituency.

Mr. Rotino: Mr. Deputy Speaker, Sir, I do not know where the Minister got this answer. The cases of malaria in 2004 were 22,705. He says there are only 15 deaths this year. First of all, the information he is giving is wrong. Could he tell this House how many mosquito nets were distributed in the Financial Year 2003/2004 because that is one of the means of trying to reduce malaria cases?

Dr. Kuti: Mr. Deputy Speaker, Sir, a total of 10,000 mosquito nets have so far been distributed to the constituency.

Mr. Manoti: Mr. Deputy Speaker, Sir, malaria is a killer disease. When it breaks out, you may not want to see the affected. During the period when most people are affected by this disease, you find **[Mr. Manoti]**

most Government health centres and dispensaries closed during weekends. Could the Assistant Minister undertake to have those institutions opened during weekends to assist the affected?

Dr. Kuti: Mr. Deputy Speaker, Sir, all health facilities are meant to be operational 24 hours. However, we know very well that due to shortage of staff, most health facilities may not function as required. However, the Ministry, through support of donors is trying to recruit more staff to ensure that as much time as possible is available to patients.

Mr. Deputy Speaker: Last question, Mr. Rotino!

Mr. Rotino: Mr. Deputy Speaker, Sir, the Assistant Minister says his Ministry distributed

10,000 mosquito nets. Could he tell me which institutions in Sigor Constituency received these nets? How did the Ministry identify the shopkeepers who they trained to distribute those nets?

Dr. Kuti: Mr. Deputy Speaker, Sir, some shopkeepers volunteered to sell these nets between Kshs50 and Kshs100. The number of institutions that received these nets are 12. If the hon. Member is interested, I could give him the list of those institutions.

Mr. Deputy Speaker: Thank you, Dr. Kuti.

Next Question, Mr. Ojaamong!

Question No.055

QUALIFIED STAFF TO MAN COUNCILS

Mr. Ojaamong asked the Minister for Local Government:-

(a) which individuals or firms Teso County Council, Malaba Town Council and Busia Municipal Council are indebted to;

(b) how much these councils owe these individuals or firms in "a" above and how much these councils are owed by individuals and various firms; and,

(c) what urgent measures he is taking to send qualified staff to run these councils to enable them render services to their respective residents effectively and efficiently.

The Assistant Minister for Local Government (Mr. Kamanda): Mr. Deputy Speaker, Sir, I beg the indulgence of the House for this Question to be deferred. This Question covers three councils and we are currently in the process of auditing them. I had spoken to the hon. Member whom I have requested for another three to four days to come up with a response.

Mr. Deputy Speaker: Mr. Ojaamong, what is your reaction?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, that is in order.

Mr. Deputy Speaker: Very well! The Question is deferred.

(Question deferred)

Question No.073

INADEQUATE MARKET SPACES
FOR TRADERS IN KERICHO AND BURET

Mr. Bett asked the Minister for Local Government:-

(a) if he is aware that market spaces at Kapkelek and Kapkatet Trading centres in Kericho and Buret Districts are grossly inadequate to cater for traders and their customers; and,

(b) what steps he is taking to correct the problem.

The Assistant Minister for Local Government (Mr. Kamanda): Mr. Deputy Speaker, Sir, first of all, I would wish to make a correction that Kapkatet Trading Centre is in Buret District, not in Bomet District. However, I beg to reply.

(a) I am aware that market space in both Kapkelek and Kapkatet trading centres is inadequate to cater for traders and their customers.

(b) Kapkelek Trading Centre, which is also officially known Ainabokoi Market, expansion has been constrained by the fact that the land area surrounding the market is freehold.

Mr. Bett: Mr. Deputy Speaker, Sir, I would like to, first of all, thank the Assistant Minister

for that answer. However, I am more concerned with Kapkatet Trading Centre which appears like it does not have space. There is a stadium or playing field near this centre where traders and customers may invade and spoil. What is the Ministry doing to save that stadium from being invaded by these traders?

Mr. Kamanda: Mr. Deputy Speaker, Sir, the problem in those markets is that we do not have enough land. However, the two councils have set aside a total of Kshs1 million to buy land elsewhere so that we are able to compensate for that area traders are currently occupying.

Mr. Nderitu: Mr. Deputy Speaker, Sir, you will realise that in every market centre, we have mushrooming of hawkers. In order to avert the mushrooming of hawkers in major market centres, especially in Nairobi, what plans are there to cater for these hawkers? It does not matter if the plan is for another 100 years or not.

Mr. Kamanda: Mr. Deputy Speaker, Sir, the issue of hawkers, even if we plan for 100 years, will still be there. However, in big towns, we have plans to build more markets. We are also encouraging hon. Members of Parliament, through the partnership with councils, and funds from the Constituency Development Fund (CDF) and the Local Authorities Transfer Fund (LATF), to buy more land to cater for those hawkers.

Mr. Sang: This problem affects many markets in the country. Could the Assistant Minister consider forming a task force to look into it?

Mr. Kamanda: Mr. Deputy Speaker, Sir, we have already constituted a committee to go round the country to look into this issue.

Mr. Deputy Speaker: Last question, Mr. Bett!

Mr. Bett: Mr. Deputy Speaker, Sir, the Assistant Minister says the Ministry has allocated Kshs1 million for the two trading centres. I do not think that money is enough to buy land. Land could cost as much as Kshs10 million. What is the Ministry doing to allocate more money?

Mr. Kamanda: Mr. Deputy Speaker, Sir, that is all what the councils can afford. However, we would like to request the hon. Members of Parliament within those areas to chip in, through the CDF and see whether they can assist the councils.

Mr. Deputy Speaker: Next Question, Dr. Awiti!

Question No.022

IMPLEMENTATION OF OLUCH/
KIRIMA IRRIGATION SCHEME

Dr. Awiti asked the Minister for Water and Irrigation:-

- (a) when the implementation of Oluch/Kirma Irrigation schemes will start;
- (b) what the amount of investment involved is; and,
- (c) what the magnitude of the benefits will be to the local community.

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

(a) The implementation of Oluch/Kimira Irrigation Development Project will start once a donor-financier has been identified and confirms the date of commencement of funding. The African Development Bank (ADB) financed the project's feasibility study and is currently reviewing the project proposal with the view of funding the implementation.

(b) The cost of the project will be Kshs1.9 billion as detailed below: -

<u>Item</u>	<u>Kshs</u>
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Civil works	1.1 billion
Equipment and vehicles	34 million
Project implementation	74 million
Technical Services	
Assistance and Supervision	252 million
Training and Extension	45 million
Environmental Monitoring and Auditing	9 million
Recurrent cost	107 million
Contingencies	<u>226 million</u>
<u>Total</u>	<u>1.9 billion</u>

Mr. Deputy Speaker, Sir, the overall objective of the project is to induce sustainable and improved income levels for the rural households in the project area and thus, help in alleviating poverty, which is a fundamental social-economic problem in this area.

Mr. Deputy Speaker: Mr. Assistant Minister, may I, again, appeal that you answer the Question! If you go through that statement, we will take a lot of time. Could you, please, answer the Question?

The Assistant Minister for Water and Irrigation (Mr. Munyes): Mr. Deputy Speaker, Sir, the benefits to be accrued will be; increased direct employment in agriculture as irrigation is labour intensive, generation of employment, foreign exchange earning, increase in incomes, opportunities for supplies of crop, farm inputs, contract services such as land preparation, transport and agro-processing industries.

Dr. Awiti: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for making an effort to give such a detailed reply. But that project was conceived 15 years ago. The feasibility study was done ten years ago. Could the Assistant Minister tell us when the donors are likely to start the project? That is because the people on the ground are anxious to see the project implemented.

Mr. Munyes: Mr. Deputy Speaker, Sir, we are dealing with a project that will cost Kshs1.9 billion. We have already said that the donor, ADB, has done some feasibility studies. They are still reviewing the project proposal. Therefore, we cannot give the time when the project will start.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, could the Government consider the issue of irrigation more seriously? In the current Budget, we have allocated over Kshs1 billion to renovate the Income Tax Building. Could the Government consider spending its money more wisely and invest in irrigation?

Mr. Munyes: Mr. Deputy Speaker, Sir, we will spend the money wisely. As you know, that is a very critical sector in our Ministry.

Dr. Awiti: Mr. Deputy Speaker, Sir, the question of the donor reviewing the project is too ridiculous. What is the Ministry doing to urge the donors to fund that project immediately? The longer it takes, the more it will cost.

Mr. Munyes: Mr. Deputy Speaker, Sir, we are currently in high-level consultations with the donor. We are also trying to look for other donors. It is just a matter of time. We will inform the hon. Member.

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

Question No.082

ISSUANCE OF TITLE DEEDS TO SQUATTERS

Mr. Ndile is not here! Question dropped!

(Question dropped)

Let us move on to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICEDEATH OF MR. SWALLEH MWAKWAWASA
IN MLUNGU NIPA FOREST

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

(a) Could the Minister inform the House the circumstances that led to the death of Mr. Swalleh Mwakwawasa in Mlungu Nipa Forest in Kwale District three weeks ago?

(b) Could he also indicate whether or not a postmortem was done and, if so, what were the results?

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

(a) The circumstances that led to the death of the late Swalleh Mwakwawasa are yet to be determined. The body of the deceased which was recovered near Dima Primary School on 18th, March, 2005, was almost in a state of decomposition and was removed to Msambweni Hospital Mortuary. An inquest file No.1/2005 has been opened to facilitate investigations.

(b) A postmortem on the late Swalleh was done on 18th, April, 2005. Following the examination, the doctors formed their opinion that the cause of death was head injury due to blunt force, trauma to the head and neck.

Mr. Khamisi: Mr. Deputy Speaker, Sir, the Assistant Minister has said that the circumstances that led to the death of Mr. Mwakwawasa are yet to be determined. Yet, it is common knowledge that, that individual was killed during a raid by police in that forest. Since the postmortem results have indicated that he died due to head injuries, could the Assistant Minister tell this House what investigations have been undertaken prior to the inquest he is talking about?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, it appears that the hon. Member is aware of the facts that caused the death. Therefore, he is not supposed to ask the question. As far as the police are concerned, we do not know what caused the death of that particular person. Any use of bullets has been ruled out. The postmortem has clearly disclosed that no bullets were used. Only a blunt object was used to kill the person.

Mr. Deputy Speaker, Sir, the purpose of the inquiry is to find out what could have caused the death, where it is in doubt. If a suspect is still at large, the inquest will establish that and, once he or she is found, he or she is arraigned in court.

Mr. Abdirahman: Mr. Deputy Speaker, Sir, crime rate seems to be on the increase in Kenya now. Allegations of even policemen being involved in the killing of innocent Kenyans are also on the increase. Last night, on television, I saw women wailing in Msambweni, where three people were killed by policemen. What steps is the Government taking to ensure that security in Kenya is guaranteed? At the same time, could he tell us the causes of the increase in crime rate?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, I would like to state that the police are not above the law. If any police officer breaks the law in the course of executing an arrest, he will be subject to [Mr. M. Kariuki]

prosecution. We invite any evidence or any hon. Member who has information that a particular officer has abused his position or caused the death of an innocent citizen, to report to us quickly. He will be arraigned in court like any other person.

Mr. Deputy Speaker, Sir, two weeks ago, we released a Statement on our policy and strategy to ensure that all Kenyans are safe. I would invite the hon. Member to look at that Statement, which was released through this House.

Mr. L. Maitha: Mr. Deputy Speaker, Sir, that is one of the people who were alleged to have been killed by the police. In the postmortem results of the other two, it is alleged that they were shot at close range. Could the Assistant Minister tell us under what circumstances, under the Police Act, the police are supposed to shoot suspects who are equipped with unmatched weapons?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, in that particular instance, no bullets were used. If there are other instances where the police have used live bullets in a situation that did not warrant use of force, we are quite open to receive such evidence and take appropriate action.

Mr. Deputy Speaker: Last question, Mr. Khamisi!

Mr. Khamisi: Mr. Deputy Speaker, Sir, the situation in this part of Kwale District is very delicate. We know for sure that the youths were not armed. I am wondering why an incident like this provoked the use of arms by the police. That was not the only youth who was killed. We have four other people who were killed by the police.

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, the postmortem was carried out by a Government pathologist, a representative of the family and a medical legal officer and the findings were unanimous. There was no bullet used whatsoever. What the police established was the strange manner in which that person was dressed. He was dressed in two pairs of trousers, two types of paraphernalia tied in his right wrist and one on the neck. A number of writings were also found in his pockets. Those are the relevant details.

MISMANAGEMENT OF MIKINDURI GIRLS SECONDARY SCHOOL

Mr. Munya: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education, Science and Technology the following Question by Private Notice.

(a) Is the Minister aware that Mikinduri Girls Secondary School is facing a major crisis due to mismanagement?

(b) Is he further aware that the crisis has been created by Teachers Service Commission's failure to act on an inspection report of the Ministry on mismanagement at the school?

(c) What immediate measures will the Minister take to address the crises facing the school?

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, I beg that we be given more time to gather more information regarding the issue raised. I had spoken to the hon. Member about it and I told him that I would like to answer the Question next week on Tuesday.

Mr. Deputy Speaker: Mr. Assistant Minister, this is a Question by Private Notice. Our Standing Orders require that it be answered within 48 hours. Do you not think that Tuesday is too far? Mr. Munya, what do you think?

Mr. Munya: Mr. Deputy Speaker, the written answer I have received is totally misleading. I have no objection in giving the Assistant Minister time to search for facts.

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

(Question deferred)

MOTIONS

REVIVAL OF BURA IRRIGATION SCHEME

KWAMBA, ikieleweka kuwa mradi wa Kilimo wa Bura uliwafaidi watu wa tabaka mbali mbali kote nchini; ikifahamika kuwa kuwepo kwa mtkataba wa AGOA kunatarajiwa kufufua viwanda vya nguo; ikieleweka wazi kuwa Mradi wa Bura kwa sasa umesambaratika na kufilisika; Bunge hili linaomba Serikali kutenga pesa za kuufufua mradi huu wa Bura chini ya National Irrigation Board.

(Mr. Wario on 13.4.2005)

*(Resumption of Debate interrupted
on 13.4.2005)*

Mr. Deputy Speaker: Who was on the Floor of the House? Prof. Maathai was on the Floor but she is not in. She, therefore, forfeits her time. Is there anyone who wants to contribute to this Motion?

Mr. Abdirahman: Mr. Deputy Speaker, Sir, I want to contribute to this Motion on the revival of Bura Irrigation Scheme. As we all know, this Irrigation Scheme has previously supported thousands of people across this country. A number of other irrigation schemes have collapsed owing to mismanagement and poor planning by the Government. I know there are a number of times when this Government has talked about negotiating with donors. We lack the element of planning in our Government.

When we talk about budgeting for this project within the constituency, you will also find that there is no coordination between the grassroots needs and the national level plans to prioritise the community's needs. It appears as if there is a gap in-between. This is a useful project which was conceived with very good intentions, yet it continues to suffer because the relevant Ministry is not taking it into consideration. Many people in Bura have in the past lived a pastoral kind of life. Since they wanted to diversify their incomes, they had to settle in that area. They have now lost the pastoral livelihood which they depended on and the alternative livelihood programme which was put in place has collapsed. There seems to be no immediate plan to revive it. I would like to make a request to the Ministry of Agriculture and that of Water and Irrigation, to collaborate and make sure that this scheme is revived. In addition, we want similar programmes replicated in other areas. We are experiencing drought and areas like the one I come from, people are not keeping animals. We need to diversify our income. I appeal that this project is revived.

Way back in 2003, I remember that the then Ministry of Water promised to revive the projects. We always have promises which are not realised. It is important for this Government to live to the expectations of people. That is an element which is lacking. We want plans to be matched with our resources. We have a big problem of not matching our plans with available resources. I call upon the Government to have some coordinated approach in planning.

With those few remarks, I beg to support.

Capt. Nakitare: Mr. Deputy Speaker, Sir, I stand to support this Motion. This country is currently faced with drought. Food security is an impediment--- Bura Irrigation Scheme was started a long time ago with an intention of changing the lifestyles of people in Tana River. The AGOA has

come in with the issue of expanding cotton production. Bura Irrigating Scheme could easily benefit from the project. On the other hand, Bura Irrigation Scheme will not necessarily benefit only the people of Tana River. It is an area which is a viable place for growing citrus fruits which are good for our nutrition. It is also good for growing rice which is favoured by people of the northern region, and it is also a viable place for growing cotton and fish farming. Whether it is through irrigating or not, we can have fish ponds. We can expand our food production and improve on our food security. As much as we talk about areas which flood such as Budalangi, the scheme is now using the new methods of irrigation. Surface water irrigation which had commonly been used in the past is now being superseded by drip irrigation which is applicable in Bura. I urge the Government to think twice and re-introduce this project under the National Irrigation Board.

The irrigation project will accommodate water which will be used by wildlife and provide water supply to people of Bura. It is encouraging to see that people in Bura are looking forward to the revival of this scheme.

With those few remarks, I beg to support.

Mr. L. Maitha: Bw. Naibu Spika, ningependa kuchangia Hoja hii ya kufufua mradi wa kunyunyizia maji wa Bura. Serikali ya NARC ilipokuwa ikiomba kura za kuingia mamlakani, ilitoa ahadi ya kufufua viwanda ambavyo vilikuwa vimekufa katika Mkoa wa Pwani. Inajulikana wazi kwamba kuna viwanda vya korosho, mbata, Bixa, maziwa vilivyokufa na pia mradi wa Bura.

Bw. Naibu Spika, kwa hivyo, kufufua mradi huu leo ni baadhi au mwanzo wa kutekeleza ahadi ambazo Serikali iliahidi watu wa Pwani kwamba watafufua vile viwanda. Viwanda hivi vilikuwa vimetoa nafasi nyingi za kazi. Bura ni mahali ambapo kuna ukame. Jamii ya Waborana na Wagalla ni watu ambao wana uchumi tu wa ng'ombe lakini tutaendelea lini kutegemea uchumi wa aina moja? Ni lazima tupanue uchumi. Tutegemea aina mbali mbali za kiuchumi na ndio maana kuna sababu maalum za kufufua mradi huu ili jamii ya kuhamahama mbali na kufuga wanyama, wawe pia wakulima. Wanapokuwa wakulima watajikuzia vyakula vyao. Hakuna haja ya kuwapelekea mahindi ya msaada. Watajikuzia mimea ambayo wanaweza wakauza wakapata mapato ili kuweza kuongezea yale mapato wanaopata kutoka kwa ufugaji. Kwa hivyo, kuna sababu nyingi mwafaka ambazo zitaleta maana na faida kwa uchumi wa nchi hii.

Bw. Naibu Spika, Serikali imeahidi kupanua nafasi za kazi ili vijana katika Jamhuri ya Kenya waandikwe kazi. Tunajua kupanua kazi si kuandika vijana katika Serikali au makampuni peke yake. Ni kuweka ile hali ya kwamba watu wanaweza wakajitegemea kwa kufanya kazi zao za kujimudu. Kwa hivyo, naamini mradi wa Bura unapofufuliwa watu watapata nafasi za kazi na kujitegemea kama jamii. Kwa hivyo, ni sababu muhimu ya kufufua mradi huu. Pia, Bura ni eneo ambalo liko ndani. Ni eneo la matatizo. Hakuna barabara nzuri. Kwa hivyo, kupanua mradi huu kutakuwa kunapanua uchumi wa sehemu ile na tutapata barabara na maji. Kwa njia hiyo, wananchi watafaidika na zile huduma zingine ambazo Serikali kwa wakati huu inaona vigumu kuzipeleka. Kwa hivyo, kufufuliwa kwa mradi huu ni baraka kwa sababu utaleta huduma zingine ambazo wananchi kwa wakati huu wanakosa na utaona kwamba wanadhulumika.

Bw. Naibu Spika, pia mradi huu ukifufuliwa utakuta kwamba utaleta watu wanaofanya kazi pamoja. Watu wale wakija pale watahitaji huduma za elimu na afya nzuri. Kwa hivyo, kufufuliwa kwa mradi huu kutaleta mambo mengi kwa jamii ile iweze kufaidika na mambo ambayo kwa wakati huu Serikali si rahisi kuyapangilia kwa sababu wafugaji ni watu wa kuhama hapa na kesho wako pale. Mradi huu utakapofufuliwa watu watakuwa wakulima na lazima wajengewe mashule ili watoto wao wasome vizuri. Lazima vituo vya afya viwepo na wafunguliwe aina nyingine za maendeleo. Kwa hivyo, ninafikiri ni sawa na ni haki kabisa Serikali kama ina nia ya kuendeleza kila sehemu ya nchi hii bila ubaguzi, itenge kiasi fulani cha pesa katika matumizi ya pesa zake ili iweze kufufua mradi huu. Sisi ambao ni jamii ya pwani tutaona ni mwanzo wa Serikali hii kutekeleza zile ahadi za kufufua vile viwanda ambavyo vilikuwa vimekufa.

Bw. Naibu Spika, pia nikimalizia, mbali na Bura peke yake, Mkoa wa Pwani una mito miwili mikubwa. Mmoja ni Tana ambapo huu mradi unatajikana ufufuliwe na mto Athi. Mwanzo wa mwaka huu wakati Kenya ilikuwa na njaa kutokana na ukame, zile wilaya ambazo ziko katika mto wa Athi na Tana ni kati ya zile wilaya ambazo zilikuwa zinapelekewa vyakula. Kwa hivyo, tunaomba Serikali mbali na kufufua mradi huu, ianzishe miradi mingine ya kunyunyuzia mashamba maji kutoka mito Tana na Athi ili tuweze kumaliza hili janga la njaa katika mkoa wa Pwani kwa sababu hakuna sababu ya jamii inayoishi katika sehemu zile kupelekewa chakula. Wana maji ya kutosha na ni mito ambayo inamwaga maji miezi 12 kwa mwaka. Kwa hivyo, ninaunga mkono Hoja hii nikisema kwamba Serikali itenge pesa na ifufue mradi huu.

Asante, Bw. Naibu Spika.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, thank you for giving me a chance to contribute to this very important Motion. Just last week we passed a Motion moved by hon. Oloo-Aringo in this Parliament on irrigation schemes in this country. I would like to request the Government to take a cue from that Motion and begin implementing the intent of that Motion by reviving Bura Irrigation Scheme. Bura Irrigation Scheme is one of the greatest hallmark of the Kenyatta Government. The Kenyatta Government started the Bura Irrigation Scheme and at that time we were self-sufficient in the production of rice and cattle.

Mr. Deputy Speaker, Sir, since the irrigation scheme was left to deteriorate and, in fact, collapse, we have increasingly utilised a lot of money in relief food. If we were to divert half of the amount of money that we spend on relief food, we could revive this irrigation scheme and conserve our foreign exchange, that we use to import cereals and cattle, for the production of textiles in this country. This country receives a lot of rain in a year but we let that water flow into the sea or lakes to be utilised elsewhere instead of using it in our own country. Tana River District is one of the poorest districts in this country. It is poor not because the people are not hard workers but because they have not been facilitated by the Government allocations to revive this type of project.

I know that when the irrigation scheme was vibrant in the 1960s and early 1970s, communities from as far away as Kisii were settled in that scheme and they were self-sufficient in their food needs. This scheme, in fact, provided employment for our youth. The NARC came into power with a pledge that they would do things differently from what used to happen in the last 25 to 30 years but they have not proved at all to do things differently. In fact, at times, they are doing them worse. Could this Government rise up and show this country and the world that they are doing things differently by reviving this scheme and empowering the people of Tana River to provide for themselves and produce for this nation?

With those few remarks, I beg to support.

Mr. Deputy Speaker: I will have to stop debate on this Motion. There are only two minutes which I will give to hon. Ms. Abdalla before the Government Responder.

Ms. Abdalla: Thank you, Mr. Deputy Speaker, Sir. With two minutes, all I can say is that the revival of the Bura Irrigation Scheme requires a mere Kshs3 billion. The Government is trying to pump [Ms. Abdalla]

Kshs24 million for projects. In fact, it has sent the President, the Vice-President and Minister for Home Affairs and the entire Cabinet to convince itself over better projects in the area and yet an existing one is not being funded. That is not proper.

With those few remarks, I urge the Government to support this Motion and revive the Bura Irrigation Scheme.

(Applause)

Mr. Deputy Speaker: Mr. Assistant Minister, respond for 20 minutes.

The Assistant Minister for Water and Irrigation (Mr. Munyes): Thank you, Mr. Deputy Speaker, Sir. Before I respond, I will want to donate ten minutes to two hon. Members of Parliament. I will donate five minutes each to Dr. Kuti and hon. Tarus.

The Assistant Minister for Health (Dr. Kuti): Mr. Deputy Speaker, Sir, I would like to support this Motion. This is because food security is a very important issue, especially in the nomadic areas. Therefore, water irrigation must be emphasized. Bura Irrigation Scheme, therefore, is very crucial for the nomadic communities.

Mr. Deputy Speaker, Sir, the basic problem that led to the failure of irrigation schemes in this country is poor management. Most of the managing officers ended up stealing or taking away the equipment and selling them elsewhere. Secondly, over-mechanisation and not involving the communities also led to the failure of the irrigation schemes in this country. There are two irrigation schemes along Ewaso Ng'iro that I am familiar with. These are Malkadaka and Gafarsa irrigation schemes. Around Gafarsa Irrigation Scheme, the community was involved and it is surviving up to now. It is based on gravity canals. Malkadaka which was started by Food and Agriculture Organisation (FAO) flopped on its face because of over-mechanisation which the community could not sustain after FAO left the project.

[Mr. Deputy Speaker left the Chair]

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

Therefore, it is very crucial to revive these irrigation schemes in the nomadic communities, so that food security could be improved. Also, sustainability should be the crucial issue, so that we do not start again and flop. The only way to sustain the irrigation schemes is by involving the communities and do as minimal mechanisation as possible, just like in Gafarsa Irrigation Scheme where they dug canal using hands. The scheme is surviving up to now and year in, year out, it provides food to the surrounding communities. The FAO initiated projects all flopped. I am sure Bura Irrigation Scheme was one of them.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I would like to support that Bura Irrigation Scheme be revived.

The Assistant Minister for Local Government (Mr. Tarus): Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili niunge mkono Hoja hii. Hoja hii ni ya maana sana. Ningependa kusema mambo machache kuhusu mradi huu wa Bura. Ikiwa Serikali itafufua mradi huu, vijana wetu watapata nafasi za kazi. Pili, watu wanaoishi katika sehemu hiyo wataweza pia kuanzisha biashara na kuinua hali yao ya maisha.

Tunawajua watu wanaoishi katika sehemu hiyo kama watu wa kuhamahama. Lakini lazima tufahamu pia kwamba jambo ambalo linamsumbia mwananchi ni maisha yake ya kila siku. Ikiwa wataona maisha ni bora katika sehemu hii, basi hawataweza kuhamahama.

Bw. Naibu Spika wa Muda, ningependa kuwaunga mkono waheshimiwa Wabunge wenzangu waliosema ya kwamba tunahitaji kushughulikia jambo hili la kujitosheleza kwa chakula. Zaidi ya miaka 40 ya Uhuru si vizuri kwa nchi hii kuaagiza chakula kutoka nje. Miradi kama hii ikifufuliwa kote nchini itasaidia wananchi kuinua hali yao ya maisha. Tukifufua miradi kama hii tutaweza pia kuhakikisha kwamba uchumi wetu umeimarika na sisi sote tutakuwa na maisha bora.

Kwa hayo machache, naunga mkono Hoja hii.

The Assistant Minister for Water and Irrigation (Mr. Munyes): Mr. Temporary Deputy Speaker, Sir, I forgot to mention that I had promised to give Mr. Moroto two minutes of my time.

The Temporary Deputy Speaker (Mr. Ethuro): Proceed, Mr. Moroto!

Mr. Moroto: Bw. Naibu Spika wa Muda, namshukuru Mhe. Mbunge aliyeyleta Hoja hii hapa Bungeni. Miaka ya 1970 na kurudi nyuma tulipokuwa katika shule za msingi tulikuwa tukisoma juu ya mradi wa Bura. Mradi huu ulivuma kote nchini na wengi wetu tulitamani kuutembelea. Kwa hivyo, ni jambo la busara Serikali ikiufufua mradi huo. Si watu wanaoishi katika sehemu hiyo watakaofaidika peke yao, bali ni Wakenya wote kwa jumla.

Ningeiomba Serikali pia ifufue miradi mingine nchini na wala si huu wa Bura peke yake. Kuna sehemu kama vile Turkwel na Kerio ambako kuna miito inayofurika mwaka mzima lakini watu wanaoishi karibu hawafaidiki. Watu wanateseka sana na wanategemea chakula cha msaada kila mwaka. Kwa hivyo, mradi kama huu ukianzishwa katika sehemu hizi utawasaidia watu wa Turkana, Pokot na Samburu.

Kwa hayo machache, ninaunga mkono Hoja hii.

The Assistant Minister for Water and Irrigation (Mr. Munyes): Mr. Temporary Deputy Speaker, Sir, I want to start by sincerely thanking hon. Members who have contributed to this Motion for the advise they have given and observations they have made as far as rehabilitation of Bura Irrigation Scheme is concerned. It is true that about 2,488 families in Bura area have lost their livelihoods. Their lives were shattered when the project collapsed. Also, their income levels dropped by a big margin. We, in the Ministry, would want to revive all stalled irrigation projects in the country. It is our policy, as a Ministry, to first go step by step in trying to revive these projects. That is why we have brought a Sessional Paper to initiate this process.

I concur with all the hon. Members who have said our water policy of late is improving, but it has been weak as far as irrigation is concerned. There have been changes in the Department of Irrigation. It was taken to the Ministry of Agriculture, then to the Ministry of Regional Development, and it is now back to the Ministry of Water. This frequent changes affected the implementation of these irrigation schemes.

I also concur with those who say that we have an affirmative action for the Arid and Semi-Arid Lands (ASAL) because that is where we have irrigation potential in this country. I also concur with those who say food relief is not the solution. We spend a lot of money in this country distributing food. The amount of money we spend could be used to irrigate the entire North Eastern Province and North Rift districts. It would increase production in these areas and the Government would save the money which goes into relief food.

Recommendations from hon. Members on rice and cotton growing are good because I know they will help in our success in AGOA. We need to start new schemes. In our Ministry, there is a new policy of starting or supporting small-holder irrigation. The National Irrigation Schemes (NIBs) like Bura and Kano are good and we want to revive them. But we want also to look at other areas in the country. Some of these areas have been mentioned by hon. Members, for example, Turkwel, Athi River, Budalangi, Bumula and Kerio River. We would like to revive the small-holder irrigation schemes which have been in the shelves for a long time. We cannot only rely on the larger schemes like Bura. We will have to start with the smaller ones to cover most parts of the country.

Rain water harvesting will be something else to consider in reviving this Bura Irrigation Scheme. We will provide the expertise which I think has been lacking. We would want to borrow from the Nile Basin Initiative where we have ten countries supporting each other. We would like to borrow expertise from a country like Egypt to help us revive some of these special projects like Bura.

Mr. Temporary Deputy Speaker, Sir, to say that there is lack of commitment from the Government is not true. The NARC Government is lacking capacity. I will report on that later. We are actually reviving the policies of the Ministry step by step. The NARC Government has embraced affirmative action. I think it is coming in form of the Kshs1 billion that the President has offered for water in northern region. That will really help the people of Bura.

Mr. Temporary Deputy Speaker, Sir, to conclude, I would like to say that Bura Irrigation

Scheme will not only benefit the local community of Bura, but also the country at large. I am also aware that the scheme is not fully functioning due to operational problems of the temporary pumping stations that were installed in 1979. My Ministry recognises the important role the scheme played to benefit the Bura community and the entire country when it was operational. The scheme was developed with the aim of producing cotton as the main crop, and maize, peas, cow peas and groundnuts as subsistence crops. I am also aware of the benefit that can be obtained by the production and marketing of cotton under the African Growth and Opportunities Act (AGOA). It is a very good initiative.

The Ministry has, therefore, prioritised that project for rehabilitation, among others. That project is one of our key priorities. As a temporary measure, the Government initiated the revitalisation of that scheme in the year 2003. In the financial year 2003/2004, the scheme was allocated Kshs40 million. I think the hon. Member is aware of that. That money was meant to increase pumping capacity and bring some area under production. In the current 2004/2005 financial year, we have allocated that scheme Kshs51 million. About 500 acres of maize have been irrigated. The maize is about to be harvested. Preparations are being done to plant another 600 acres this season. We hope that will start the scheme as we plan further action.

Mr. Temporary Deputy Speaker, Sir, for the medium and long term solutions, the Government is negotiating with the Kuwait Government to secure funds to fully rehabilitate that scheme. The high-level consultations are in top gear. The Kuwait Government is positive about the project. We will get funds to revive the Bura Irrigation Scheme as we roll out others. Already, a team from my Ministry is updating the feasibility study that was done in 1997. That study will be presented to the Kuwait Government by July 2005. So, we are saying that, by the next two months, we will finalise all the documentation required by the Kuwait Government.

Mr. Temporary Deputy Speaker, Sir, my Ministry is in the process of preparing a Sessional Paper to be presented to this Parliament. That process will start with a Sessional Paper, which we hope this House will pass. One of the main issues to be discussed is the institutional set up for the operation and management of both small-scale and large-scale irrigation schemes. That set up will be acceptable to all stakeholders. We are not only taking care of large schemes, but also small-holder irrigation schemes like River Turkwel, Athi River, Kerio River and also in Budalangi.

I wish to assure Mr. Wario of my Ministry's commitment of rehabilitation of Bura Irrigation Scheme, and appeal to him to come on board during the on-going up-date of the study for the rehabilitation of the scheme.

With those few remarks, I beg to support.

Mr. Wario: Bw. Naibu Spika wa Muda, ningependa kumpatia "General" dakika tatu na ndugu yangu, Bw. Kamama, dakika mbili.

The Temporary Deputy Speaker (Mr. Ethuro): Who is the "General"?

Mr. Wario: Maj-Gen. Nkaissery.

Maj-Gen. Nkaissery: Mr. Temporary Deputy Speaker, Sir, I am Maj-Gen. Nkaissery. I stand to support the revival of Bura Irrigation Scheme. I thank Mr. Wario for bringing this very important Motion. To begin with, it is important to realise that the Government needs to do proper long-term planning. The vision of this Government is to help communities benefit from natural resources. If Bura Irrigation Scheme is revived, it will benefit the residents of that area.

Mr. Temporary Deputy Speaker, Sir, take the example of the proposed Garsen Sugar Project. The Government is planning to set aside Kshs24 billion. That project is on the same River Tana. I would propose that a portion of that money - say Kshs4 billion out of the Kshs24 billion - should be allocated to Bura Irrigation Scheme to revive it. The remaining Kshs20 billion should be given to Garsen Sugar Project. That would be proper planning by the Kenya Government under the NARC administration. There is nothing called "the NARC Government"! It is called the Kenyan Government

under an incompetent NARC administration. We must revive those projects if the Government is going to bring results to Kenya.

The revival of Bura Irrigation Scheme is going to---

The Assistant Minister for Local Government (Mr. Tarus): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to call the NARC Government an incompetent Government?

An hon. Member: But it is!

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! Maj-Gen. Nkaissery, you are on borrowed time. Restrict yourself to arguments that will not invite points of order.

Maj-Gen. Nkaissery: Mr. Temporary Deputy Speaker, Sir, first of all, if you revive the Bura Irrigation Scheme, it will produce 40 per cent of cotton in this country, just like it was producing before it was mismanaged through corruption by members of the NARC administration who defected from KANU. Secondly, it would create employment. I would like the Assistant Minister to note this point. It will create employment, reduce poverty, ensure security in the area and also provide water for the residents. So, it is very important that we revive that scheme. It is important that we allocate money by phases. We should take the Kshs4 billion, as I had said and then, in the next financial year, allocate some more money. Therefore, I support the revival of Bura Irrigation Scheme.

Mr. Kamama: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this chance to support this Motion brought by Mr. Wario on the revival of Bura Irrigation Scheme. That is a wonderful project. I worked there as an officer of the previous regime. Let me tell you that if you want to see real poverty in this country, go to Bura Irrigation Scheme. Kenyans from all walks of life and tribe in this country, some even from as far as Lokichoggio, Lodwar, Lunga Lunga and Kisii were taken to Bura Irrigation Scheme. They were abandoned there! They are suffering and have been surviving on famine relief for the last ten years. If the Government is serious in addressing the biting problem of poverty, then it should revive the Bura Irrigation Scheme. There are only two irrigation schemes that are functioning in this country; they are Mwea and Perkerra Irrigation Schemes. The rest are limping or dead. We need to assist those people.

Again, Mr. Temporary Deputy Speaker, Sir, a former President of the United States of America (USA), that is Bill Clinton, left us with a legacy of AGOA. It was renewed last year. There is no way we can benefit from AGOA, if we do not revive the Bura Irrigation Scheme. The Bura Irrigation Scheme should be extended to North Eastern Province. The second phase of that scheme was supposed to cover Bura East, Galmagala, Garsweno and Masabubu.

Mr. Temporary Deputy Speaker, Sir, as I conclude, the Bura Irrigation Scheme was looted by some people who are known. These people should go to jail so that justice can be seen to have been done.

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

Mr. Wario: Bw. Naibu Spika wa Muda, ningependa kuchukua fursa hii kumshukuru Mwenyezi Mungu ambaye ametuwezesha kuja hapa kujadili juu ya jamii ya wanyonge, iliyonyimwa, kunyanyazwa na ambayo haina tegemeo la maisha katika nchi ya Kenya.

Ningependa kuwashukuru waheshiniwa Wabunge ambao wamechangia Hoja hii kwa kujali hali, maisha na maslahi ya watu wa Bura. Ningependa kushukuru Serikali, Waziri Msaidizi na Wizara yake kwa kusema kwamba watafanya utafiti hivi karibuni ili Serikali ya Kuwait itoe pesa za kufufua Mradi wa Bura.

Zaidi ya miaka mitatu iliyopita, Serikali za Kuwait na Saudi Arabia zilikuwa tayari kufufua Mradi wa Bura. Serikali hizi ziliagiza Serikali ya Kenya ifanya utafiti juu ya mradi huu. Utafiti ambao ungeiharimu Serikali yetu Kshs13 milioni ulifanya Serikali za Kuwait na Saudi Arabia sizioe pesa kwa Mradi wa Bura. Mimi na watu wa Bura tunashukuru Serikali yetu kwa sababu Waziri Msaidizi amesema kwamba Wizara yake iko tayari kufanya utafiti. Mara nyingi tumeelezwa kwamba Serikali

inataka kufufua Mradi wa Bura lakini ahadi hizo hazijatekelezwa na watu wa Bura wamedhoofika. Ninaomba Waziri Msaidizi atekeleze mambo yale ambayo ameahidi hapa ili watu wa Bura wafaidike.

Bw. Naibu Spika wa Muda, kwa hayo machache, ninawaomba waheshimiwa Wabunge wapitishhe Hoja hii ili watu wa Bura wanufaike.

(Question put and agreed to)

ESTABLISHMENT OF OFFICE OF THE
MINISTER OF GOVERNMENT OF KENYA

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, given the constitutional provision under Section 16(1) of the Constitution of Kenya that "There shall be such offices of the Minister of the Government of Kenya as may be established by Parliament"; aware that since the inception of the Republic of Kenya, Parliament has not established such offices of the Minister of the Government of Kenya, resulting in the arbitrary, uncontrolled establishment of excessive Ministries; this House do grant leave to introduce a Bill for an Act of Parliament to create offices of Minister of the Government of Kenya.

Mr. Temporary Deputy Speaker, Sir, it will be recalled that Mr. Paul Muite brought before this House a Motion of similar nature during the Seventh Parliament. However, owing to the then prevailing political situation in which multipartyism had not quite sunk, that Motion did not see the light of day. It was defeated.

The Constitution of Kenya clearly provides that it is Parliament which has the mandate and power to establish Ministries. In addition, the Constitution gives the President a leeway to establish such offices but subject to any provisions made by Parliament. This is a very straightforward matter. Parliament has not acted as provided for under the Constitution. It is Parliament that ought to have, at inception, created the relevant provisions which would guide the President when he appoints Ministers and creates those offices.

It is an altruism that over the years, successful Presidents and, indeed, the current President, have created or purported to create Ministries which for all intents and purposes are illegal because they have not been created in accordance with the Constitution. It is a pity that Parliament has failed in the past to establish such offices or even enacted restrictive provisions. This means that the President has continued to have unchecked liberty in the creation of valid Ministries depending on political whims and convenience of the time.

Mr. Temporary Deputy Speaker, Sir, it is amazing that in this continent whenever a provision is made in the various grand norms or constitutions regarding how offices are to be created, many a leader find it easy to exercise or establish and entrench autocratic systems of government. One can actually argue that presidents have always found the law as their enemies. This is the reason I believe successful regimes have resisted attempts to establish offices of Ministers in compliance with the Constitution. I will not be surprised if this Government opposes this Motion yet it has good intentions of helping it actualise its campaign promises. It went round the country promising to form a lean Government, leaner than the one that it inherited. This is a Motion that is in very good spirit as we would not want to encourage the proliferation of Ministries as a survival tactic in politics.

Mr. Temporary Deputy Speaker, Sir, this Motion, unfortunately, comes at a time when the current Government is in the habit of poaching the so-called compliant hon. Members from the Opposition benches and creating for them illegal Ministries because they have not been created in accordance with the current Constitution. Arguments have been advanced that we should not introduce piecemeal legislation that actualise provisions of the Constitution. However, those

arguments fly in the face of recent practices. A very good example is the provision that was made in the Bomas Draft Constitution for the establishment of political parties funding. What do we see happening now? The Government conveniently has gone and picked up the provisions in the Draft Constitution and purported to publish a Bill called the Political Parties Bill, whose main objective is to provide for funding of political parties. Therefore, the argument that we should not tamper with the current Constitution because certain provisions are already there in the Draft Constitution, is an argument that we cannot buy granted that nobody knows when it will ever become the actual Constitution of the Republic of Kenya.

All that we are doing in this Motion is to ask that mechanisms be provided for establishing proper offices just like the Government has recently been heard to say there are some illegal districts. This Motion intends to correct the illegality that exists in the current arrangement. In doing this, we must borrow examples from other jurisdictions as it is not a first for Kenya. Indeed, in the United States of America (USA), the Government is clearly defined and every President-elect knows the jobs that he will be dishing out to his cronies, if he has to get them into positions of Ministers. It provides for specific number of 14 Ministers and six Cabinet level appointments comprised of the Secretary of Agriculture, the Secretary of the Interior, the Department of Justice, Secretary for Defence, Secretary for Labour, Secretary of Education, Secretary of State, Secretary of Energy, Secretary of Transportation, Secretary of Health and Human Services, Secretary of the Treasury, Department of Homeland Security, Secretary of Veteran Affairs, which is something unique to themselves, and the Secretary of Housing and Urban Development. It then provides for Cabinet ranking positions as those of the Vice-President and the President's Chief of Staff, Environmental Protection Agency, the United States Trade Representative, Office of Management and Budget Director and finally the office of National Drug Control Agency. That is specific! The President of the USA, upon being sworn in, knows very well that he has no capacity or authority to create any other Ministry apart from those.

Indeed, as we are told that we borrow from other conventions, particularly, Commonwealth conventions, in Britain, their so called "unwritten constitution" provides for the existence and establishment of only 23 Cabinet designed portfolios. Within their arrangement, the Office of the Leader of Lords is created as a Cabinet portfolio. When we look at our situation in this country, we find that Ministries have been created that have really no relevance to national development and as a result of this, you find Ministers a lot of times spending most of their time driving around the villages showing off their flags because it is fashionable to do so. It is a well known fact in this country that Cabinet positions are also given to suspected weak political appointees, especially, people described in recent terms as "use once and discard". I do not want to go beyond that to explain. However, it is well known that when a Minister drives around the villages flying his flag, it is a symbol of importance and closeness. Let us not create offices of the Minister of Government to satisfy political whims, tribal or ethnic considerations. We do not want situations in which we end up with Ministers who cannot articulate any policy of the Ministry they purport to head or those whom we see on the Floor of this very House having difficulties answering Questions on account of their capacities. If we want to create tribal chiefs, that is the domain of political parties. It should be left within the political parties to go and create them if they think that, that is going to help. Were it not for the procedure of guillotine that is used when we are in the Committee of the Whole House, it would be a terrible embarrassment to see Ministers defend budgetary allocations of their Ministries. We have seen quite able Ministers finding it very difficult to explain to the House how certain allocations are made.

Mr. Temporary Deputy Speaker, Sir, another aim of this Motion is to save the taxpayers unnecessary expenses and costs. Every year, if you look at the Printed Estimates, you will always see a Recurrent item of Kshs2.4 million. It is now well known that this amount is provided for to cater for some form of gratuity that is paid to Ministers after every two years. If, for instance, we have 10 unnecessary Ministries, it means that we are going to spend a whooping Kshs24 million paying people

whose only purpose in being Cabinet Ministers is to go around villages showing off their flags. I may want to give some examples. We have talked of a lean Government but how many Ministries do we have today? Inclusive of the President who is the Commander in Chief of all the Armed Forces, there are other 30 Ministries, which make a total of 31. Are these Ministries necessary? We have seen incidents in which Ministries have been created merely to please individuals. A case in point is the 1981 creation of the Ministry of Justice and Constitutional Affairs, specifically for one, Charles Mugane Njonjo. This was done merely to entice him not to be an Attorney-General, then it was realised that Parliament - which is still in the current Constitution - had not provided for the retirement age of the Attorney-General. Poor old Njonjo fell for the bait and the rest, I am sure, is history well known to Kenyans and all of us in this House.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Agriculture is a very key Ministry, granted that agriculture is the mainstay of our economy. What have we seen about this Ministry? This Ministry has variously existed as the Ministry of Agriculture and the Ministry of Agriculture and Livestock Development. I think it is good for us to appreciate history even as much as we criticise one another. The current Government started off with a lone Ministry of Agriculture. A little later it was noticed that the long serving Democratic Party (DP) Secretary General needed a flag to show around his village in Mbooni. Suddenly, what did we see? The creation of a Ministry of Livestock Development and Fisheries.

If we are going to plan things in a co-ordinated manner, I see no difference between a separate Ministry of Agriculture encompassing or embracing the activities of livestock and fisheries. It is this uncontrolled and unchecked creation of Ministries that we aim to curb by this very Motion.

We have even seen the Ministry of Special Projects. This is a very strange thing. Ministries are created just to distribute famine relief food. Surely, even as we create these Ministries, we expect that there should be some form of rationalism. How can you create a Ministry to distribute famine relief? It is as if it is hoped that this country shall forever remain---

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): On a point of order, Mr. Temporary Deputy Speaker, Sir. First of all, let me apologise because I was not aware that this Motion was coming to the House today. Nevertheless, I am here.

Mr. Temporary Deputy Speaker, Sir, I would like to object to the tabling of this Motion because this is contrary to Standing Order No.70, which prohibits anticipating discussion on a Motion. This Motion is dealing with issues of creation of Ministries, which is very well determined in the Draft Constitution.

Secondly, we have passed the Consensus Bill in this House, which is now an Act of Parliament. It has received Presidential assent and is just waiting for publication. All these issues will be dealt with when we are discussing the Consensus Act. This Motion is even anticipating that Ministers will be appointed from the House. If you look at the proviso given under Standing Order No.70(3)---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Githae! Under which Standing Order are you objecting to the tabling of this Motion?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Standing Order, No.70, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Then why are you moving around? Be specific and summarise your objection.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, my objection is that this Motion is not properly before this House because it is anticipating debate and it is against Standing Order No.70. It should not even be discussed.

(Mr. Muturi stood up in his place)

The Temporary Deputy Speaker (Mr. Ethuro): Order! Relax, Mr. Muturi! The Clerk will add you the time that Mr. Githae rose on a point of order that was due to you.

I just want to be very clear for the sake of the House. Mr. Githae, you are objecting on what basis? Mentioning a Standing Order is not good enough. What are you objecting to in that Standing Order specifically; anticipating debate on a published Bill or on a Bill yet to be published?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, the Bill has been published, debated and passed in this House. Particularly, Standing Order No.72 which clearly prohibits anticipating discussion of a Bill.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! First and foremost, I want to affirm that every hon. Member of the House rising on a point of order should be heard. That is a right for hon. Members and the Chair will enforce that right. Whether that point of order should be enforced or otherwise, will be determined by the chair.

According to Standing Order No.70(3) that Mr. Githae has raised, in determining whether a discussion is out of order on the grounds of anticipation, regard shall be held to the probability of the matter anticipated being brought before the House within a reasonable time. As far as the Chair is concerned, that Bill is yet to come. So, I will disallow the point of order and ask the hon. Member to proceed.

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, that ruling affirms the well known principle that the provisions you are referring to are subject to the provisions of the Constitution. If the Constitution gives the power to this House to create Ministries, then that must supersede.

As I wind up, I just want to give an example. The connotation by creating the Department of Immigration and Registration of Persons as a Ministry is that, we do not need the Principal Immigration Officer or the Registrar of Persons. It is a pity that we have to create that as a Ministry, and as a result, poor, obedient Mrs. Kilimo is now unfortunately manning border posts. It is a pity. All we are trying to do is to curb this kind of unchecked and unnecessary creation of Ministries. I will support the Draft Constitution, if and when it comes. But that does not mean that existing legislation will not have a place. Indeed, that Draft Constitution envisages a situation in which this very House will have to enact legislation to give effect to some of the institutions that it hopes to create. All we are doing is that, in keeping with the provisions of Section 16 in the current Constitution, we are asking this House to enable us to bring legislation to create the offices proposed.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to move and ask Mr. Billow to second the Motion.

Mr. Billow: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I stand to support the Motion.

Indeed, the President and even the hon. Members of this House took an oath to protect the Constitution. In a number of cases, we have seen the President not actually living up to that oath. This is one of the examples. The Constitution requires the establishment of Ministries to be done by this House. That is the law. The Constitution also requires the President to consult the political parties when appointing Ministers to his Government. There are so many other instances where the President has not actually lived up to the protection of the Constitution. I think this is the issue. This Government is paying lip service to the law.

Mr. Temporary Deputy Speaker, Sir, for a long time, we have had a problem of bad governance, which Kenyans want to forget. Kenyans voted against bad governance and wanted to see some change, but we are not seeing that change. Unfortunately, as Kenyans, we ended up voting for confusion. We voted for a Government that has been involved in confusion throughout; a wrangling coalition. We voted for a coalition that has been fighting for survival day in, day out. What we are

seeing is a Government that today puts premium on loyalty more than competence.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard Mr. Billow say that NARC is a coalition of confusion. Is it in order for him to mislead this House, when we know that even his party, KANU, is also in a lot of confusion? We even have one of KANU's chairmen in this House, sitting right there!

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Githae! You have made your point.

Mr. Billow: Mr. Temporary Deputy Speaker, Sir, my party is not in power. We know that there is a party in power, which is poaching. We are happy that they are, indeed, poaching because they have to survive for the remaining few years.

Mr. Temporary Deputy Speaker, Sir, as I was saying, the issue is about loyalty. The Government seems to put premiums on loyalty more than competence. The whole concept of government in this world today is changing. I want the Government to appreciate that government is no longer that heavy institution which is involved in everything, from business to trading and agriculture. The concept of government now is a leaner one that is concerned with basic issues of governance, for instance, maintaining law and order, providing security, international relations and providing regulatory environment that facilitates business and so forth.

Mr. Temporary Deputy Speaker, Sir, we cannot allow it to go back to the 1960s, 1970s and 1980s, when we had a government of 30 or more Ministries. We are concerned because the number of Ministries in this Government is about to increase. There is a likelihood of more Ministries being created to take on board other people. If that happens, the cost of maintaining the Ministries will be a major burden to this country.

It has now become fashionable in this country to hand out ministerial positions as favours to hoodwink communities, get the votes in the House and keep the so-called NARC ship from sinking. That is why, although this Government took over 17 Ministries from KANU and promised in their election pledge to reduce them to 15, we now have 30 Ministries. They have doubled.

Mr. Temporary Deputy Speaker, Sir, in the Economic Recovery Strategy Paper, which was made public to the world in 2003, this Government pledged, among other things, to rationalise Government Ministries and Departments, and reduce them to the bare minimum of about 15, so that it could cut down on costs. However, one year down the road, we have 30 Ministers.

The cost of maintaining these Ministries is also so high. We know that close to 90 per cent of our total revenue is spent on Recurrent Expenditure. We reserve 10 per cent only for Development Expenditure and then rely on donors for the rest of our development programmes. If you take an average Ministry, up to 20 per cent of the budget of any Ministry is actually spent on the cost of maintaining the Ministry headquarters. This is the cost of paying Ministers, Assistant Ministers, their Permanent Secretaries and their attendants; their furniture, the cost of maintaining them, and the fuel for their vehicles. Twenty per cent of any Government Ministry's expenditure is actually spent on maintaining that Ministry at the headquarters level.

So, if we assume that the Ministry's budget is Kshs1 billion, up to Kshs200 million is actually spent on propping up that Ministry or to allow the existence of that Ministry. If we have 10 extra Ministries, or 10 Ministries that are irrelevant, we are talking of up to Kshs2 billion being wasted. So, we are in a situation where we are actually wasting a lot of resources that could have been spent elsewhere, because of trying to please communities, individuals and other political parties, in trying to keep a "sinking ship" afloat. This is going to cost this country a lot. That is one of the things that we do not want.

Mr. Temporary Deputy Speaker, Sir, this Government pledged to fight poverty, ignorance and diseases. There is no way we can do that if everything about governance in this country is about political expediency. It is important that the President and the NARC Government appreciate that they

came to power on a platform of reform. One of the major reforms that they took over, which was started by the previous regime, was the Civil Service Reform, which was also a programme intended to rationalise the operations of the Public Service and make it more efficient. All those reform initiatives have now been abandoned.

I want to argue that unless we empower this House and allow it to determine the number of Ministries and create the individual Ministries that must exist, we are going to have a situation where every President who comes to power will create his own set of Ministries for the sake of political patronage. My friend gave a very good example of the Ministry of Special Programmes, which was created to provide somebody with a place in the Government. We are saying that, that is not tenable or acceptable. There is total confusion even within some of the Ministries. We have people dealing with HIV/AIDS under the Office of the President, yet there is the Ministry of Health. We were told earlier on, during Question Time, that there is the *El Nino* Roads Programme, which should have been under the Ministry of Roads and Public Works, but is in the Office of the President. There is need to completely rationalise our Ministries, to make them more efficient and bring them all together, so that we do not have that kind of confusion. So, there is an art that has been developed; the creative establishment of Ministries.

The Government has become so creative. They have to think of ways of accommodating a political party or an individual. So, they always find ways of creating Ministries, and we have to stop that. We must go back to our Constitution and the rule of law, and give this House the mandate to create the Ministries. It is, therefore, important that we have a Bill brought to this House, that will actually determine the number of Ministries and which Ministries must exist. That is important, because it is going to set a precedent for proper governance.

We are concerned about the issue of governance. In addition, there is a concern about the cost. There is no way we can handle those two issues unless we actually grant this House leave to bring a Bill to deal with this matter.

Mr. Temporary Deputy Speaker, Sir, I mentioned earlier on about the Economic Recovery Strategy. When that strategy was published last year, one of the issues that were mentioned clearly was rationalisation of Government Ministries. This came up because of the concern about the expenditure of maintaining the Government. We know that Ministries have become very inefficient. They have got excessive costs and wastage, and the whole culture of the conspicuous consumption that we have seen.

Therefore, in that Economic Recovery Strategy we undertook, it was a pledge given to the donors and this country that this Government would, indeed, go for a leaner Government by reducing the number of Ministries. Two years down the road, there has not been a single implementation of that particular pledge. So, I want to support the argument that, indeed, this Parliament should be given the mandate to determine the Ministries. We should take that mandate away from the Government. It is not enough to say that the Draft Constitution is coming. This is a red herring. We have been told for the last two years that a new Constitution would be in place soon.

When it suits the Government, it tells us that the Draft Constitution will address this issue. But when it suits them, they ignore the Constitution and come up with their own piecemeal legislation to amend the Constitution. That will not be acceptable. We must go ahead and bring changes. If there is an illegality, this Government has the mandate to change that illegality. They should not allow it to continue. I want to support what the Mover of the Motion said. Last week, a Minister argued that some districts have been created illegally, yet the Government allows illegality to continue. That is not acceptable. So, I support the Motion and hope that all hon. Members will support it to give this House the mandate to determine the number of Ministries.

(Question proposed)

Mr. Muite: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion.

We need to separate issues here. We need, as a House, to accept our responsibility for blame. Let us not just blame the President. Let us assume responsibility for our own shortcomings as a House.

Mr. Temporary Deputy Speaker, Sir, Section 16 of the Constitution of the Republic of Kenya is unambiguous; it is clear. You do not have to be a lawyer to understand its purpose. It requires this House to fix the number of Ministries. It is this House that should say how many Ministries there are going to be in the Government of the Republic of Kenya, and even their titles. Alternatively, this House should pass an Act of Parliament to enable the President to create the number of Ministries. One of those two things must happen. Either this House fixes the number of Ministries, or it enacts a law to enable the President to do so. This House has been acting in blatant violation of Section 16 of the Constitution. So, we are to blame. We do not need any empowerment because we are already empowered by Section 16 to fix the number of Ministries or pass a law to enable the President to do so. In our failure to do so, the blame lies squarely on us as a House.

It is in that context that I wish to support this Motion. It is never too late. We can redeem ourselves as a House by granting leave for that law now to be enacted.

(Applause)

We cannot blame President Kibaki. We cannot even blame the former President Moi, who, under pressure from the World Bank, had to reduce the Ministries, he reduced the Ministries to 17, but the Ministers remained 30. We had a situation with two or three Ministers. That was the Moi ingenious. He had complied with what the donors wanted, but the Ministers remained 30.

(Laughter)

It is not right. This is an issue that some of us have raised repeatedly from the 7th Parliament.

Regrettably, the Speaker, hon. Francis ole Kaparo, actually told me to go to court if I thought that Section 16 was being violated. How can we talk about constitutionalism or even writing a new Constitution when we, as a House, are not even pretending to respect the existing Constitution? We have a responsibility to respect the current Constitution. I do not see any harm in leave being granted and having that Bill drafted. If the new Constitution comes into being in the course of time, the Bill will be overtaken by events. But what harm can we do as a House in granting leave to draft that Bill?

Mr. Temporary Deputy Speaker, Sir, I want to appeal to my colleagues on this side of the House to avoid the embarrassment of being seen to oppose this Motion.

(Applause)

The only lame excuse that can be given is that we have a new Constitution being debated, and which is going to take care of these things. That is true. But where is the harm? Why do we not demonstrate to the whole world that we respect Constitutionalism by granting the leave to draft the Bill?

Mr. Temporary Deputy Speaker, Sir, the truth of the matter, legally and Constitutionally, is that all the current Ministries are illegal and unConstitutional. They have not been created by this House. There is no Act of Parliament providing for those Ministries. So, they are actually unConstitutional.

(Applause)

So, in my humble submission, the first demonstration that we can make of our respect for Constitutionalism is to grant this leave and draft that Bill so that everybody can see that we are serious when we are talking about the new Constitution.

Mr. Temporary Deputy Speaker, Sir, what we are talking about in the new Constitution is devolution of power. When you concentrate powers in one individual or institution, that power will be abused. We have said many times that even if we were to get an angel from heaven and bring him or her to be the President of Kenya, he or she would turn into a dictator, given our current Constitutional arrangement. It is wrong to allow one individual, without reference to anybody, to create any number of Ministries that they want.

There was a time in this House when the number of Ministers and Assistant Ministers exceeded the number of Back benchers. That was during the days of the one-party rule. It was for the political expedience of ensuring that whatever one individual wanted, it would become law. Let us move away from there. Let us not be partisan.

Mr. Temporary Deputy Speaker, Sir, this Motion should not be debated in any partisan manner. It should not be directed to the current President. It is the authority of this House and we have to say to the President that this House is being assertive and it is living up to its responsibility, and we want to continue doing that. Let us not use the excuse of the new Constitution. Let us grant leave. I agree that, if tomorrow, next month or the month after, the new Constitution becomes a reality, then, of course, this Motion, the leave and the Bill will fall by the wayside. We must fix the number of Ministries.

When I brought a similar Motion in the 8th Parliament, and in order to give the President leeway, I suggested that in the Bill to be drafted, this House should provide for a number of Ministries; say, 17 or 18, and give the President the discretion to create an additional six Ministries. So, this is not targeted at any one individual. It is not targeted at the current President. We will be discharging our responsibility as a House, which is imposed on this House by Section 16 of the Constitution. To oppose this Motion is to make it clear that this House is happy to continue violating the Constitution. We will then lose the moral authority to even talk about the new Constitution.

Mr. Temporary Deputy Speaker, Sir, I know many Members will see this Motion as being targeted at the President. Some of the Members who are now proposing this Motion were even violently opposed when I sat on that side of the House to move the Motion. But let us regard that as history and live up to our responsibility as a House. We are required to fix the number of Ministries and we can only do so by enacting a law.

With those remarks, I beg to support.

(Applause)

Mr. Muchiri: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this debate.

I believe that the chief executive of any country must be given instruments of power that he can use to govern the country. I do not believe that one must govern out of nothing. This Ninth Parliament has the responsibility of giving the President instruments of power. If you do not give him that, you cannot say that he is doing this and that. I support hon. Muite's argument that from Independence, during Jomo Kenyatta's tenure, President's Moi" and now President Kibaki's, this Parliament has never woken up to give the President the instruments of power that I am talking about.

Mr. Temporary Deputy Speaker, Sir, in the same breath, the Constitution is a very powerful tool. It is the supreme law of the land; law above all laws and father and mother of all laws. Therefore, the Constitution must be respected. If Section XVI of the Constitution, indeed, states what the hon.

Mover of this Motion has just told us, then we must give effect.

I am anxiously waiting to hear from the Government Responder. I see a lot of merit for this Parliament to consider this Motion. I was a Commissioner in the Ufungamano Initiative on Constitution Review and I was part of the team that went around the country. I heard Kenyans say that they want a lean Government. Their reasons, principally, were that our country is not rich and it is still craving for development. I heard them say that the number of Ministries should not exceed 16. I am an authority in this matter because I was part of the team that went round the country. The only unfortunate thing is that when we went to Kisumu a lot of stones were thrown at us. However, we visited all provincial headquarters and the message was the same. People want a lean Government. I, therefore, asked myself: "If hon. Muturi was the Chief Executive Officer (CEO) of this country, what would I advise him to do?" I would advise him to appoint Ministers fairly, competitively and based on merit, loyalty, political and public good, experience and relevant training.

Mr. Temporary Deputy Speaker, Sir, I know that politics, and meritocracy and fairness may not go hand in hand, but we are now in an era where we are trying to give good governance good effect. I sometimes ask myself: Why can the Chief Executive of the country not subject Ministers to an interview? What prevented former Presidents Mzee Kenyatta and hon. Daniel Moi; and now President Kibaki, from subjecting their Ministers to an interview? For example, if the President wanted a Minister from Embu or Mandera, why can he not look at the hon. Members from those areas and--- Everybody has his or her own curriculum vitae. He should look at the curriculum vitae of the hon. Members of Parliament and decide whether he should give an MP from a certain constituency the Ministry of Water because the area has no water. I know that a Minister is supposed to serve the whole country, but certainly, the President must look into the political aspects of it. Besides that, I do not see why, for example, the Ministry of Health should be headed by a person who is not a doctor. I cannot reconcile my education with that fact.

Mr. Temporary Deputy Speaker, Sir, I am saying that it is possible to appoint Ministers through an interview. It is possible to get the best from hon. Members from a certain district depending on their political experience and training. If an interview was called today, I would not apply to be the Minister for Finance because I am not an accountant, but certainly, I would apply to be the Minister for Local Government because I have that training. There must be some fairness. Hon. Members from the region where a Minister comes from must accept the choice.

However, relevant Government Departments must be grouped together. Why do we have to separate the Ministry of Finance and Planning? In fact, the sign board at the Ministry of Finance still reads "the Ministry of Finance and Planning". They have not changed the sign board. Why should we split the Ministry of Agriculture? Agriculture involves crop and animal husbandry. I know that chief executives have always had a problem of trying to please various sections of the country. I do not think this country requires all that. This country requires development projects to be initiated. Many areas are suffering from different problems. For example, in Nyandarua District, we are not suffering from the shortage of land. We are suffering from the shortage of roads. People in other places are suffering from water problems. That is the true story of the whole scenario.

Mr. Temporary Deputy Speaker, Sir, this House must not sweep matters under the carpet. We have a responsibility to give direction to this country. This Parliament does not have just to sing songs. I would wish to hear what the Government Responder is going to say, so that I can decide whether to support or oppose the Motion.

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. I think there is need to come up with a Bill, which will later on be entrenched in the Constitution that Kenyans need.

If you look at the institution of the Presidency, you will find that it is very strong. In an institution which is run by a chief executive, the chief executive can direct anything as far as

administrative matters are concerned. Section 16 of the Constitution is very clear that Parliament has a role to play in the appointment of the Cabinet. However, past Chief Executives have misused the institution of the Presidency. There is need for Parliament to say how many Ministries should be created.

Mr. Temporary Deputy Speaker, Sir, I am saying this because experience has shown that Chief Executives are the ones who decide how many Ministries should be created. In the past, many Ministers were appointed to the Office of the President and some of them had nothing to do, but to entertain the President. They earned salaries as Ministers. The same thing happens with the Office of the Vice-President. Very many Ministers are appointed to the Office of the Vice-President just to entertain him and make him happy without doing anything for the nation. Whatever Ministry that the Chief Executive creates should be productive. Kenyans should know what that Ministry is doing. In the past, appointments have been used to buy support. This Motion should state very clearly who should be appointed as Ministers and for that matter, Ministries should have a national outlook and not a tribal one. In the first Government, there was a Cabinet of about 30 Ministers and out of those 30 Ministers, 15 of them came from one community. So, you can see that the past Chief Executives misused these appointments. If you could not dance to their music, then no matter how intelligent you were or how much you could deliver, you were not appointed as a Minister.

So, Mr. Temporary Deputy Speaker, Sir, it is important to support this Motion, and by supporting it, we will limit the powers of the Chief Executive regarding appointments of Ministers and also stop that element of buying support. We do not want to deny the Chief Executive his powers; he is there and he will still have powers to appoint Ministers. But once this Motion is passed, it will later on be entrenched in the Constitution. I am saying "later on" because we are not sure when this Parliament will conclude making the new Constitution.

It is very interesting that when hon. Members of Parliament contribute on a number of issues, when we contribute from the Opposition side, we give our own views. But when we are on the Government side of this House, we change our statement; we have been changing our goal posts. So, it is important that the Mover--- I fully support the Mover of this Motion. It will be very bad for any hon. Member to come and say: "No, this is not good", because it is also in the Bomas Constitution Draft. Had we adopted the Bomas Constitution Draft by now, we would not have any need to come up with these piecemeal Motions on how we should amend this or that law, or on how we should go about this or that section of the Constitution.

So, I still believe we are very far away from making the Constitution, and if we are not careful, the Constitution of Kenya will only be amended in piecemeal manner. There will be no forum at all for Kenyan leaders, including Members of Parliament, to come and sit at one place and make a decision saying: "This is the Constitution Kenya requires" That is the problem we are having today. I would urge key leaders, especially hon. Members of Parliament, to come out in their true colours in the constitution making process. When will this process be completed? It is a pity that we have been cheating Kenyans that the new Constitution will be ready by the end of the year. However, we have never given Kenyans a time framework as to when the constitution making process will actually be concluded. What will happen later on?

I know very well that we will come here and say: "Let us amend section "x" or "y" of our Constitution." But I am sure some sections of the current Constitution will not be amended. This is because African leaders enjoy power. If the Constitution gives power to the Chief Executive, do you expect his or her allies to agree to reduce his powers? It is difficult to do so. I even said it; that, the constitution making process should have been concluded long before we went for the 2002 General Elections. I can assure this House that this process will not be concluded by the time we go for 2007 General Elections. We will witness this. Some of us have been in Kenyan politics for ages. We know "*Mwafrika akishika, ameshika!*"

Mr. Temporary Deputy Speaker, Sir, I do not want to take much of other hon. Members' time. I know hon. Members have heard what I have said.

With those few remarks, I beg to support.

The Minister for Roads and Public Works (Mr. Raila): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I rise to speak, merely to state the obvious. I would like to say from the onset that I am not responding on behalf of the Government. However, I also would like to say that I support the Motion.

Mr. Muite said most of the things that I needed to say. However, for clarity, I would like to quote Section 16 of the Constitution. It says:-

"There shall be such offices of Minister of the Government of Kenya as may be established by Parliament, or subject to any provisions made by Parliament or by the President. The President shall, subject to the provisions of any written law, appoint the Ministers from among the members of the National Assembly."

So, what this Motion is asking is actually already clearly provided for in the Constitution. Secondly, what is missing is that law which Parliament has not enacted. You will remember that when we were at Bomas of Kenya, this matter was discussed at length. In the draft Bomas Constitution, actually a similar provision is included. It is Parliament that is supposed to decide how many Ministries there shall be. This is not just a mistake of this Government. It is a carry-over from the past era; right from the first Government, to the second Government - the Nyayo era - and now! Cabinet portfolios have been used basically for sinecuring and creating positions to deal with political exigencies of the time. It happened in the 1960s under the first President. Mr. Temporary Deputy Speaker, Sir, you remember when KADU was dissolved and merged with KANU, other portfolios were created in order to absorb some of the leading lights of KADU. A similar thing happened during the Nyayo era.

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it right for Mr. Raila to talk about Nyayo "errors"? Is he talking about "era" or "error"?

(Laughter)

The Minister for Roads and Public Works (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, I am speaking English and not Kikuyu.

(Applause)

Mr. Temporary Deputy Speaker, Sir, the hon. Member would, probably, have looked at other sections of the Constitution which require more urgent attention; for example, Sections 18 and 19 of the Constitution. Those sections talk about allocation of portfolios to Ministers and the roles of Assistant Ministers. Those have been left very much open. For example, Section 18 says:-

"The responsibility for any of the business of the Government of Kenya, including the administration of any of the department of the Government, will be assigned to the Vice-President and several Ministers as the President may, by directions in writing, determine."

It leaves it very loose. The responsibilities of Ministries are usually allocated through a circular. The portfolios can be removed from one Ministry to another. I think we have reached a time when we need to be very clear on that. We want to have a specific number of Ministries and their responsibilities. I remember, at Independence, we had the Ministry of Home Affairs. It was only concerned with home affairs. It was in charge and responsible for the police, immigration, prisons, National Youth Service (NYS) and the Provincial Administration. That is really home affairs. But how can you be the Minister for Home Affairs and when foreigners come to your home, you do not know who has come? How can

you be the Minister for Home Affairs when you are not in charge of immigration?

(Applause)

Mr. Temporary Deputy Speaker, Sir, again, over the years, those portfolios have been removed from one Ministry to another. There was one time when the Office of the President had virtually most of the important portfolios. We had so many Ministries there. That is something that we said we are going to correct. We also need to clearly spell out the roles and responsibilities of Assistant Ministers. In my view, we do not need Assistant Ministers. We need Deputy Ministers or Ministers of State.

(Applause)

Mr. Temporary Deputy Speaker, Sir, in Nigeria, Ministers from the States attend Cabinet meetings. This is spelt out clearly in the Constitution, that there must be a Minister coming from each of the 36 States. It is not at the discretion of the President to choose a Minister. A Deputy Minister acts when a Minister is out of office because he or she is more conversant with the duties of that Ministry.

It beats logic that when a Minister is absent, we get a Minister from another Ministry to act. I would have cited more examples, were it not for the fact that we are in the process of comprehensively reviewing our Constitution. This issue is included in the Bomas Draft, unless it is manipulated as some people would like it to be. If we moved with speed and introduced the Bomas Draft as we had promised to do, there would be no need of wasting valuable parliamentary time talking about this Motion. All this is clearly dealt with in the Bomas Draft Constitution. It appears as if we are not about to bring the Bomas Draft to this House because of the so-called contentious issues.

I urge my colleagues to support this Motion so that the Mover may come up with a draft Bill. If by the time we get the Bill, the Bomas Draft will have come to this House, then this Motion will have been rendered nugatory. However, in conclusion, I would like to urge my colleagues in this House to stand firm and lead from the front. The people of Kenya are looking at this House for leadership, on the issue of constitutional review. Let us take the bull by the horns and ensure that the draft Constitution is brought before this House. We are the elected leaders of this country. We need to vet the draft Constitution and pass it so that it can go to the referendum stage for approval by the people of Kenya.

With those few remarks, I beg to support.

Prof. Oniang'o: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion and support it. It is gratifying to see that our Ministers from the Front Bench are supporting this Motion. Let me also thank our brilliant lawyer, hon. Muite, for bringing to our attention Clause 16 of the Kenya Constitution. This shows that there are aspects in the current Constitution that make provisions for us to change and improve things. However we actually do not use these provisions. In fact, we do not have to go back to do what we have been doing. We can use what is in the current Constitution. It also shows that there are loopholes in the current Constitution.

For example, the President is supposed to be the custodian of the Kenyan Constitution. He should not use loopholes to do what he is doing, appointing Ministers from all sides of the House and creating disorder in the governance of this country. With all due respect, this is not right. Therefore, by bringing a Bill to introduce amendments, we should see a much more efficiently governed and accountable Government.

I look at the Ministers who are appointed to different Ministries and wonder why it is done the

way it is. For instance, if you look at the Minister in charge of education, you will see that he is the reason for things going haywire. We have fragmented the sector. Education should be looked at in totality, but not in terms of primary, technical, tertiary or secondary education. This is not right; we need to rationalise the Ministries that we have. If you look at the Ministry of Agriculture, the word "agriculture" means everything to do with food, whether it is livestock, fish, insects, blood or whatever. Therefore, all of these things fall under the Ministry of Agriculture, but when we now begin to divide it, it does not make sense. Therefore, we want to restore good governance in this country. We want to remove excessive powers from wherever they exist, and may I add that they do not exist only in the Executive.

Mr. Temporary Deputy Speaker, Sir, you will find that in this country, wherever there is a leader, he or she wants to have excessive powers. Whether leaders are in charge of schools, universities, a hospital, a location or a household, they want excessive powers. Therefore, if we are going to try and bring good governance in the way we do things and introduce efficiency and be accountable to those we lead, we have to make sure that the powers that any one person holds are actually shared, and that, that particular person understands his or her responsibilities, and that they are there to lead rather than to be worshipped. Therefore, I feel that this Motion is actually going to help so many other aspects that we are dealing with.

Mr. Temporary Deputy Speaker, Sir, in addition to restoring order, it will ensure that we cut down on the expenditure that Government Ministries are actually right now engaged in. I have just been asking our Shadow Minister for Finance: What will it mean in terms of saving if we were to cut down on the number of Ministries to about 15? He said we can save about 20 per cent of what we are already spending. We are talking of over 60 per cent of Kenyans continuing to reel in poverty. They are unable to afford school fees for their children, two meals in a day and consumables. It is a highly taxed nation. I would like to see our own Ministers here, if they are responsible people, to even be able to say: "Look, you want to appoint me as an Assistant Minister? No, I do not want that because it is going to remove me from debating the issues in Parliament that I need to debate, and from properly representing my people".

Mr. Temporary Deputy Speaker, Sir, I have seen some of our great debaters here, now on the other side, keeping quiet because they have been made Assistant Ministers in positions which do not even have any currency or power. Therefore, the rationale of appointing Assistant Ministers has not been the right one, and I hope that when the Bill comes, yes, we shall call them Deputy Ministers, give them performance indicators and functions that they can actually begin to undertake.

I would like to see Ministers vetted, and if we were to go the American way, then Ministers would not come from this House. Ministers will be devoid of politics because politicians need to represent their people, legislate and have an oversight role, whereas Ministries need to be run by professionals. However, when we mix up professions with politics, even people who are professionals like myself begin to be "gramophones" and we do not seriously scrutinise our various sectors on which the Government needs to depend on in order to move forward.

Mr. Temporary Deputy Speaker, Sir, I would like to see a situation where we can say we are going to cut down on expenditure. Ministers will spend only so much because at the moment, we have a distorted economy and most of the money is going to titles rather than to performance. For some reason, we, as a country, value people for the title they hold and not for their performance. For example, in this very House, on the Government side, we have Back-benchers who are extremely qualified people. If I were to appoint Ministers, I would replace some of the Ministers who are just carrying around flags and they are not really performing. Even if we were to look at regional representation, we can merge it with good performance and efficiency, as one hon. Member said.

Mr. Temporary Deputy Speaker, Sir, I wish to support this Motion. I believe that all of us will support it because it only makes sense for our citizens and also our Chief Executive.

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

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to propose an amendment to the Motion. I beg to move that we delete the words "resulting in the arbitrary, uncontrolled establishment of excessive Ministries."

Mr. Temporary Deputy Speaker, Sir, I am saying this because Parliament, so far, has not specified the maximum number of Ministries. Since Parliament has not done this, we cannot have uncontrolled or excessive establishment of Ministries. Secondly, Parliament has not even specified the actual Ministries that are required by the Government of Kenya. Therefore, their creation cannot be excessive or uncontrolled. So, I am proposing that we delete those words, so that this Motion is in line with the Constitution.

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

An hon. Members: Who is seconding!

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir. We need your guidance. In the absence of a Secunder, does the amendment not fall on its face?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I was moving that amendment, but I have just run into some technicalities. Therefore, I will also proceed to make my comments on the Motion.

There is nothing new that this Motion is really trying to say.

Mr. Kipchumba: On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Githae moved an amendment to the Motion, and now he is proceeding to make his comments. Therefore, I do not know whether to support it, because he had already closed his contribution.

Mr. Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Kipchumba! Mr. Githae is the official Government Responder. Therefore, while responding, he could also bring an amendment. That is entirely within his right to do so. But before he finishes, he should have had a Secunder.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir. I was saying that there is really nothing new that this Motion is bringing. What the Motion is proposing to do is actually in the Constitution. But even more, this Motion has not been brought in good faith.

Mr. Muturi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to cast aspersions on the *bona fides* and *mala fide* of the Mover of this Motion, when, indeed, the Motion is clear and he can read English? Does he want it to be translated into his local lingua?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I am not imputing any improper motive. I am just giving my opinion that this Motion has not been brought in good faith. I am going to give reasons why.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Githae! A Motion that has been approved, brought before this House and put on the Order Paper cannot have any other motive, other than for the good of this country.

(Applause)

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, be that as it may, what you have just said--- Under Section 70 of our Standing Orders, this Motion is anticipating debate on matters that will properly come before this House when we will be discussing the Consensus Bill, which is now an Act of this House.

Mr. Munya: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is talking about Section 70 of the Standing Orders. I have never heard of that. I know

numbers of Standing Orders, but I have never heard of Section 70. Could he clarify?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): I have just said Standing Order No.70. I think we need to go and see a doctor. I am saying that all those issues will come properly before this House when we will be discussing the road map to a new Constitution. So, these issues are anticipating debate. We are talking about Parliament creating Ministries. We have not even agreed whether those Ministers will come from this House or from outside.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! I think Mr. Githae has a right to be heard! So, let us not interject. But I think, more importantly, Mr. Githae, this same Chair ruled earlier, when you stood on a point of order under the same Standing Order No.70, that there is nothing wrong with this Motion proceeding. It is not in contravention of that particular Standing Order. You have gone ahead and continued to discuss the same matter when the Chair has ruled. Mr. Githae, refrain from such! That is because now, you will be dealing with the Chair and not other hon. Members!

(Applause)

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, the Motion states that there are excessive Ministries. Parliament has not created the maximum number of Ministries. So, the issue of having excessive Ministries does not arise. This Motion also talks about the President creating Ministries in an uncontrolled manner. If there is no control, there cannot be any uncontrolled manner. That is because Parliament has not controlled nor specified the number of Ministries that should be created.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! Listen to the Assistant Minister!

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, from the discussions that have taken place in this House, some hon. Members have fears that the President may create another Ministry for one of their own. I say that, that is sheer speculation. That is the only reason why this Motion has been moved in the queue. In the last Order Paper, it was number eight. Now, it is number one. That fear is out of sheer speculation and should not have motivated the bringing of this Motion. Nevertheless, we had a case in the previous regime where we had 17 Ministries but 30 Ministers. It is better to be truthful and create 30 Ministries with 30 Ministers instead of hoodwinking people with 17 Ministries and yet we have 30 Ministers.

Mr. Temporary Deputy Speaker, Sir, the Consensus Bill, which is an Act of Parliament, will be brought before this House to give it a road map to a new Constitution. I appeal to hon. Members to support that road map so that we can have a new Constitution by the end of this year. All these issues will be taken care of in the new Constitution. We are doing piecemeal amendments and yet all of us agreed that we should not have them in the current Constitution. We should wait for a full review of the Constitution. This House should support the road map so that we can get a new Constitution as soon as possible. It is a fact in this country Ministries are created for the purpose of including all regions in the Government so that they can feel part and parcel of the Government. Even in a company, it is not specified how many managers a chief executive should have. He can appoint as

many managers as he wants, depending on the exigencies of the business. I have never heard of a company whose articles of association say that there will only be three or four managers. Managers are appointed in line with the exigencies of the business.

We must give the President the leeway to create Ministries and appoint Ministers to enable him govern. We should not put roadblocks on this issue. The Government should be inclusive of all the communities or people from all the regions.

Mr. Temporary Deputy Speaker, Sir, I am not aware of any Ministry which has been created specifically to please somebody, as one hon. Member has said. A Ministry is created because the President of this country feels that it will assist his Government and not to please anybody. There are other ways of pleasing a person, other than by appointing him a Minister. So, I am not aware of any Ministry which has been created to please somebody.

Mr. Temporary Deputy Speaker, Sir, one hon. Member has mentioned the Ministry of State, Office of the President in charge of Special Programmes. If there is a Ministry which is of fundamental importance to this country, then it is that one. This Ministry distributes famine relief food to the arid and semi-arid areas. The people who come from those areas are very happy since this Ministry was created. Therefore, I totally disagree that this Ministry was created specifically to please one person.

If you look at our neighbouring countries, for example, Uganda, you will find that it has more than 50 Ministries, while Rwanda has got 47 Ministries. I have been told that Somalia has got 92 Ministries and yet it is poorer than Kenya. Therefore, it is not the number of Ministries which is important, but the purpose for their creation. There is nothing wrong with the creation of more Ministries as long as there is a good purpose. This Motion is unnecessary because all these issues will be taken care of when we will debate the Consensus Bill, which will be brought before this House very soon. This Bill will enable us to have a new Constitution by the end of the year.

Mr. Temporary Deputy Speaker, Sir, since this Motion is not saying anything new, I think it is not even worthy opposing.

Hon. Members: Then support it!

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the words "resulting in the arbitrary, uncontrolled establishment of excessive Ministries" in the fifth and sixth line.

Parliament has not created the maximum number of Ministries and therefore, these words are superfluous.

With those few remarks, I beg to move.

The Assistant Minister for Finance (Mr. Katuku): Mr. Temporary Deputy Speaker, Sir, I wish to second the amendment. I am sure that the Mover of this Motion has no problem with it. This is just a question of removing unnecessary words in whatever we are doing.

However, what is important to this nation is delivery of services to Kenyans. That is what Kenyans want to see. As my colleague has said, there is nothing new in this because it is provided for in the Constitution. It is a question of performing the necessary duties we are supposed to do in terms of complying with the Constitution. I would like to see the number of constituencies increased. I hope the Electoral Commission of Kenya (ECK) will move fast to bring the necessary recommendations to the Minister so that he can create more vacancies for this Parliament. We want more representation in this House, especially with the new development of the Constituency Development Fund (CDF).

We want these resources to go to the people. We know that in the previous administration, there was gerrymandering by our colleagues where some constituencies were created from villages. One village made a constituency while others are so big like Mwala. The number of registered voters in some constituencies is so small and we can create 10 constituencies from Mwala for some hon.

Members who are seated here. We get equal allocation of resources in terms of bursary while some hon. Members represent 3,000 people. I represent over 70,000 registered voters and over 250,000 Kenyans. It is important that we get better representation. However, as far as this is concerned, I do not see any problem with it.

With these few remarks, I beg to second.

(Mr. J. Koech stood up in his place)

The Temporary Deputy Speaker (Mr. Ethuro): Order! I am on my feet, Mr. J. Koech!

I appreciate there is a bit of confusion, but if you cared to listen, in the opinion of the Speaker, when some amendments are a bit too obvious, we do not have to go through all those Motions. I will do both the proposing and putting of the Question on this amendment in rapid succession.

*(Question of the amendment,
that the words to be left out
be left out, proposed)*

*(Question of the amendment,
that the words to be left out
be left out, put and negatived)*

The Minister for East African and Regional Co-operation (Mr. Koech): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Koech! That means, we will go to the Motion as it appears on the Order Paper.

*(Resumption of Debate on
the Original Motion)*

Mr. Munya: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion. The Motion intends to do what Parliament has failed to do for very many years. It is the mandate of Parliament to create Ministries. We are trying to give effect to the Constitution and, therefore, respect the Constitution. So, I would be surprised if any hon. Member of Parliament who has sworn to respect the Constitution opposes this Motion.

Mr. Temporary Deputy Speaker, Sir, most civilised countries have specific Ministries that are established. Even when elections are being held, people know that there would be this particular Ministry which will deliver particular services. That brings stability and certainty in running Government affairs. We are in a situation where the President can wake up any morning and declare any department in the Government a Ministry. That is not desirable.

QUORUM

The Minister for East African and Regional Co-operation (Mr. Koech): On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to interrupt Mr. Munya while giving such a wonderful contribution, but I am afraid we have no quorum.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members. I am satisfied there is no quorum. May the Division Bell be rung.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order, hon. Members! We now have a quorum.

Proceed, Mr. Munya!

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I was saying that Parliament should have followed the Constitution and done this many years ago. If we have established Ministries that are well known, we will not only reduce the cost of running Government affairs, but we will also preserve what is called institutional memory. When Ministries are split after every two months, we lose institutional memory. Experienced people who have been working in that Ministry are moved haphazardly. So, the delivery of services is affected by the haphazard creation of Ministries.

We are also saying, that once Ministries are established, the work of the President will be easier. All the hon. Members of Parliament who run around campaigning for appointment will stop, because they will know that the Government has specific Ministries. All the squabbles that we have will end. This is an important Motion which we must support.

I beg to support.

(Applause)

Mr. ole Mitito: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. From the onset, I want to say that I support it.

Mr. Temporary Deputy Speaker, Sir, what has surprised me for the very short time I have been in this Parliament is that, the current Government has swapped, not only places with the former Government, but even in ideas. What this Government was supporting while on the Opposition side, it is now opposing. We need to support this Motion. We need to have Parliament establish relevant Ministries to avoid duplication of roles and responsibilities, effectiveness of service delivery and financial implications.

With those few remarks, I beg to support.

An hon. Member: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order!

You may have the Floor, Mr. Koech!

The Minister for East African and Regional Co-operation (Mr. Koech): Mr. Temporary Deputy Speaker, Sir, I stand to make very clear clarifications.

Mr. Samoei: On a point of Order, Mr. Temporary Deputy Speaker, Sir. We have been on this Motion for quite some time. I want you to order that the Mover be called upon to respond.

(Applause)

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order, hon. Members! I appreciate your desire to terminate the discussion. However, Mr. Samoei, every Motion is allocated two hours. So, you cannot say that we have been on this Motion for some time. There are about one or two minutes before we call upon the Mover to reply.

So, proceed, Mr. Koech!

The Minister for East African and Regional Co-operation (Mr. Koech): Thank you, Mr. Temporary Deputy Speaker, Sir. We should be very generous to each other, Mr. Samoei.

Mr. Temporary Deputy Speaker, Sir, I want to speak so that I can elaborate a few issues. I want us to ask ourselves: Why is it that most of the African countries have very large Ministries? There is a reason. It is the question of political evolution. As we continue to move into the future, we

shall always be making necessary amendments to our laws in order to effect changes as per the mood of the country. As we speak now, even in this country, we have so many tribes, and every tribe wants to be represented in the Cabinet.

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order if I asked the Minister to state which tribe he represents in the Cabinet?

(Applause)

The Minister for East African and Regional Co-operation (Mr. Koech): I am not the only one who is representing a tribe. I remember one time when the former President appointed---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Minister! Your time is up!
It is now time for the Mover to reply.

Mr. Muturi: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to thank hon. Members from both sides of the House for supporting this Motion. It has been stated that it is Parliament which has not acted. Indeed, had we done so, we would not have seen proliferation of Ministries to the extent that we now have a Minister for Foreign Affairs and a Minister for East African and Regional Co-operation.

With those few remarks, I beg to move.

(Applause)

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Order! Hon. Members, it is now time for the interruption of our business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House Rose at 12.30 p.m.