

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 14<sup>th</sup> December, 2011

The House met at 9.00 a.m.

*[The Temporary Deputy Speaker  
(Dr. Laboso) in the Chair]*

### PRAYERS

### PAPER LAID

The following Paper was laid on the Table:-

Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on sugar shortages and escalated cost in the country.

*(By Mr. Mututho)*

### NOTICE OF MOTION

#### ADOPTION OF REPORT ON SHORTAGE/ESCALATING PRICE OF SUGAR

**Mr. Mututho:** Madam Temporary Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on sugar shortages and escalated cost in the country laid on the Table of the House on Wednesday, 14<sup>th</sup> December, 2011.

### QUESTIONS BY PRIVATE NOTICE

#### CONSTRUCTION OF PERMANENT STRUCTURES ON TWIGA FARM

**Mr. Kabogo:** Madam Temporary Deputy Speaker, I beg to ask the Deputy Prime Minister and Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that residents are constructing permanent structures on Twiga Farm within Ruiru Municipality without title deeds or approvals from the Ruiru Municipal Council?

(b) What measures is the Minister taking to ensure that the matter is dealt with and Kenyans do not lose money as recently witnessed in Syokimau Estate?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, I seek the indulgence of the Chair that the hon. Member asks this Question during the second round, so that I have enough time to look for the Minister.

**Mr. Kabogo:** Madam Temporary Deputy Speaker, that notwithstanding, it has become a trend by the Members of the Front Bench not to appear in the House and then expect a “second round”. In Parliamentary language, there is nothing like “second round”. Could the Chair order the Ministers to be here, at least at 9.00 a.m. because that is the time when we start business?

**The Temporary Deputy Speaker** (Dr. Laboso): Very well. That is noted. Members of the Front Bench, you have a habit of coming in late and so do the Members of the Back Bench. It is not always the Front Bench that is at fault.

Next Question!

#### KILLING OF GOVERNMENT OFFICERS IN LAFEY DISTRICT

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

(a) Under what circumstances were Messrs. Yusuf Godana, Hassan Sheikh Birik Mohamed and James Waweru killed in Lafey District on 27<sup>th</sup> October, 2011?

(b) Can the Minister confirm that the officers met their death while on duty?

(c) What assistance did the Government extend to the families of the deceased during the burials?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, this Question had been deliberated on, on the Floor of this House, and there was information which I had been directed to bring. The Ministry of Education is yet to furnish us with that information. In the meantime, I had suggested that the Question be deferred. As a matter of fact, it was supposed to be answered on Thursday and not today. However, now that it has been put on the Order Paper, I would request the indulgence of the Chair that our Ministry be allowed to write to the Ministry of Education in order for them to answer this Question. This is because the Question does not concern my Ministry at all. Because of their delay in furnishing us with the information, I suggest that we re-route the Question to the Ministry of Education.

**The Temporary Deputy Speaker** (Dr. Laboso): I happen to have been on the Chair that day and I ruled that this Question be on the Order Paper today. This information is on the HANSARD. Clearly, you had been asked to consult with the Minister for Education and then come up with a comprehensive answer that addresses both the security and education concerns. I am reading from the HANSARD.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, if you read the same HANSARD, you will see that my argument was based on the fact that I had already dealt with the security issue. What is now remaining is the fact that the Ministry of Education was alleging that it had paid for the coffin which cost about Kshs20,000, yet there was evidence to the contrary. The hon. Member, who is a friend of mine, has receipts showing

that it is the family members of the deceased who paid for the coffin. The Ministry of Education is unable to furnish us with details. That is why I was suggesting that we re-route this Question to that Ministry. They are running away from their responsibility!

**Mr. Bahari:** On a point of order, Madam Temporary Deputy Speaker, Sir, this Question has now appeared for the fifth time on the Order Paper. Every time the Assistant Minister is giving excuses and avoiding answering the Question. This is an emotive matter. It is about the death of citizens and how the Government has handled the people. The Chair directed the Assistant Minister to get in touch with the Ministry of Education and then came back here to answer this Question comprehensively. Why is he giving himself another directive of going to consult instead of obeying? Is he in order?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Madam Temporary Deputy Speaker, ordinarily, I do not fear answering Questions, but I have to be factual in my responses. If I am waiting for documents from the Ministry of Education and they are not able to provide those documents, the only fair thing to be done is to re-route the Question to the Ministry of Education.

**Mr. Mwangi:** On a point of order, Madam Temporary Deputy Speaker. You have heard the Assistant Minister imply that he has no capacity to answer this Question. Should he not have referred the Question to the Prime Minister's Office, if he and the Minister for Education were incapable of answering it? Is he in order to mislead the House for the last two weeks that he cannot answer the Question?

**The Temporary Deputy Speaker (Dr. Laboso):** Your point has been made!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Madam Temporary Deputy Speaker, it is not a question of not being capable of answering. However, my docket does not deal with education issues. If my colleagues want me to deal with all affairs pertaining to Ministries, I will be able to do so. I am ready and capable of doing so.

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

**The Temporary Deputy Speaker (Dr. Laboso):** Order! Hon. Members, let him complete what he has to say.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Madam Temporary Deputy Speaker, what can be done is either to wait until we get the documents from the Ministry of Education or we direct the Question to the Ministry of Education to be able answer it.

**Mr. K. Kilonzo:** On a point of order, Madam Temporary Deputy Speaker. In view of the fact that the Assistant Minister says he is unable to answer this Question because it falls under the docket of the Ministry of Education, would I be in order to ask the Chair to direct this Question to the Ministry of Education so that the matter can get instant justice?

**Mr. Kabogo:** Madam Temporary Deputy Speaker, as that happens, it is sad that we have to wait for the Question to come to the Floor of the House for it to be redirected. This is happening every other time. It would have been in order for hon. Ojode, as the Assistant Minister, Ministry of State for Provincial Administration and Internal Security to have forwarded that Question to the Minister for Education, so that it could have

brought today the Ministry of Education. So, we have to waste the time of the House. The Member has been waiting for three weeks since the Chair ruled that this Question be on the Order Paper. He should not wait for the House to redirect the Question. It should be done through inter-ministerial situations.

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

**The Temporary Deputy Speaker** (Dr. Laboso): Order! Hon. Members, we have deliberated on this matter. Hon. Members, hear me out.

Hon. Assistant Minister for Provincial Administration and Internal Security, this was a matter about a death. The bulk of the Question really lies with your Ministry. Therefore, as I had directed earlier, I stick by the earlier decision that you consult and get the information, and you come and answer this Question next week for the final time.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, Sir, I cannot challenge the ruling of the Chair.

Madam Temporary Deputy Speaker, I will try and prevail again upon the Ministry of Education to furnish, hon. Ojode with the details in order for Ojode to answer this Question rightly. However, in the event that I do not get the documents which I require, I will come and plead with the Chair that we direct the Question.

Thank you, Madam Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Assistant Minister, I have ordered you. You are in one Government. You are not from different Governments. If that Government is one, I do not see why a Minister for Provincial Administration and Internal Security cannot obtain information from the Ministry of Education. Therefore, hon. Assistant Minister, for the very last time, we do not want this Question to appear another time on the Order Paper. Answer it in the next one week for the final time.

Next Question!

*(Question deferred)*

## ORAL ANSWERS TO QUESTIONS

*Question No.1232*

DISMISSAL OF CONSTABLE G.K. MBINDA

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

(a) Under what circumstances was police constable Gerald Kioko Mbinda (P/F No. 54962) dismissed from the Force on 30th April, 2009, and,

(b) whether he could consider reinstating him.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, this particular

Question came and we answered part of it. However, I was ordered by the Chair to check if there is a possibility of getting the appeal letter taken to the Commissioner of Police.

We have since discussed with the Questioner---

**Mr. K. Kilonzo:** On a point of order, Madam Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Dr. Laboso): What is out of order in what he is saying? He has not said anything!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): You listen to the "Government!"

Madam Temporary Deputy Speaker, we have already discussed with the Questioner that we need to assist this particular officer. We have suggested that we defer this Question until a later date. Once I get the information, then I will bring it here. Two weeks will be enough for me.

**Mr. K. Kilonzo:** On a point of order, Madam Temporary Deputy Speaker. When a matter comes to the Floor of this House, the Chair has ruled severally that it becomes the property of the House, as opposed to a matter of Members of Parliament to discuss individually.

When this matter came here, the Chair ruled that the appeal had been done properly. A letter was laid on the Floor of the House where the officer had appealed for reinstatement through the correct channel. Therefore, he was directed to come and answer the Question, because what he was alleging has not been done, had been done. Is the Assistant Minister, Ojode, in order to come and start telling the House that he has agreed with the Questioner, they take two weeks, yet this is the business of the House, and he must give the information to the House?

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Kabogo, allow the point of orders first.

**Mr. Kabogo:** Madam Temporary Deputy Speaker, mine is not a point of order. It is just a question to the Assistant Minister, because he says---

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Kabogo, if that is a question, then can the Questioner be given the first opportunity to ask the question? You can ask supplementary questions after that.

**Mr. Kabogo:** I will do so.

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

**The Temporary Deputy Speaker** (Dr. Laboso): Is yours a point of order?

**Mr. Bahari:** Yes. My point of order is that hon. Ojode's performance of late has seriously deteriorated.

Madam Temporary Deputy Speaker, on my Question, it was the fifth time that that Question had to be deferred for him to get an answer. Yesterday, he was not able to answer the Question on fuel from the Member for Bura. Even, thereafter, he said he did not have an answer to another Question. Today, he is unable to answer one. Why is hon. Ojode, taking this House for a ride? Is he in order?

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

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Members, allow him, first, to prosecute the points of orders that have been brought before him!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, I want my colleagues to know that I am not just dealing with Questions in Parliament. I am dealing with big matters of this country. I am dealing with the *Al Shabaabs* for this country. I am also dealing with insecurity of this country and not Questions alone!

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

**The Temporary Deputy Speaker** (Dr. Laboso): Allow him to respond to the points of order.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, my colleagues should be proud of what I am doing to them, because I am making them to come here without any problem. I am making them to sleep without any problem. They cannot come here and say---

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

**The Temporary Deputy Speaker** (Dr. Laboso): Order, hon. Members! Let him respond.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): When the Government is on its feet, you sit down!

**The Temporary Deputy Speaker** (Dr. Laboso): Are you admitting, hon. Ojode---

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, I am just saying that---

**Mr. Mututho:** On a point of order, Madam Temporary Deputy Speaker. You have heard the Assistant Minister say: "When the Government is on its feet, Members should sit down" Are we here as subjects of the Government or under your direction, Madam Temporary Deputy Speaker?

**The Temporary Deputy Speaker** (Dr. Laboso): You are here legitimately as a different arm of Government.

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

Order, Members! Order, hon. Bahari!

**Mr. Kioni:** On a point of order, Madam Temporary Deputy Speaker. The Assistant Minister says that he has made it possible for us to come here without any fear of insecurity. This same Assistant Minister was on the Floor two years ago and he promised to give me a patrol vehicle from Nyeri to Nyahururu. The HANSARD here can bear me witness. All that he has managed to do to this House is to reduce this hour to a comedy hour where he comes to entertain us with promises that he does not fulfill. He cannot do this for forever.

Madam Temporary Deputy Speaker, if he has no capacity to handle these issues any more, let the Minister himself come and give us substantive answers. We do not want entertainment.

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

**The Temporary Deputy Speaker** (Dr. Laboso): Order, Members! Order! Remember, we are not here discussing the character of Ojode and his performance. There is a specific Question that we are addressing ourselves. Could we address ourselves to the Question?

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

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, the issue of giving patrol vehicles, I had said, and I want to repeat it in this House that we have ordered the vehicles. The procedure of getting the vehicles is known even to my colleagues.

The other bit is that I was waiting for the hon. Questioner to put his question. He has actually put a question since he asked for the Question to be read. So, I would kindly ask the Chair to ask him to say something before I speak.

**The Temporary Deputy Speaker** (Dr. Laboso): The order in this House is that the Questioner gets the first opportunity before the other hon. Members!

*(Mr. Kabogo stood up in his place)*

Order! You have already raised a point of order! We are not discussing hon. Ojode at this point.

**Mr. Kiilu:** Madam Temporary Deputy Speaker, the issue before this House touches on the basic rights of one of my constituents. This issue is coming before this House for the fourth time today. This morning, the Assistant Minister is unable to give a different story from what he has been giving this House. He has no answer and has not been able to tell us why the basic rights of Mr. Mbinda are not being honoured. Under the circumstances, since the Assistant Minister appears not to be ready to tell us why he has ignored a superior court order and relied on orderly room proceedings to deny my constituent his right, would I be in order to request you to direct this matter to the Departmental Committee on Administration and National Security so that we can prosecute it further?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, I do not have any problem with that because, first, when I perused the file, I could not get the appeal which was being alleged to have been posted to the Commissioner. So, I would like to go the way the Questioner wants us to go in order for the Departmental Committee to investigate whether, indeed, he applied for reinstatement.

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Assistant Minister, could you also address yourself to the earlier point of order raised by hon. K. Kilonzo about what had been directed concerning this matter?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, I think when Questions are brought here, we need some solutions and we are not playing to the gallery. I want to assist this particular constable and you can see the way some of my colleagues are tackling this issue. Let us be sober and find a way of assisting this innocent person.

Madam Temporary Deputy Speaker, I was saying that I have not seen the purported appeal which the Questioner was saying had already been taken to the Commissioner of Police.

*(Mr. Kabogo stood up in his place)*

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Kabogo, is it a point of order or you want to ask a supplementary question?

**Mr. Kabogo:** Madam Temporary Deputy Speaker, you gave me a chance.

**The Temporary Deputy Speaker** (Dr. Laboso): You are asking a supplementary question.

*(Mr. K. Kilonzo stood up in his place)*

Hon. K. Kilonzo, please, rest your case and allow the hon. Member to ask a supplementary question.

**Mr. Kabogo:** Madam Temporary Deputy Speaker, you have heard the Assistant Minister say very well that he wants to help this officer. It is not help but the right of the officer. I want to remind him that a similar Question came from me and he could not answer why an officer was dismissed. The matter was referred to the Departmental Committee that is responsible, where the Assistant Minister colluded with the Committee so that a favourable decision is reached by the Committee. It will be against the---

*(Messrs. Ojode and Letimalo stood up in their places)*

**The Temporary Deputy Speaker** (Dr. Laboso): Let him finish the sentence! Hon. Kabogo, you might be treading on very dangerous grounds.

**Mr. Kabogo:** Madam Temporary Deputy Speaker, I am trying to say that it is for the good of the country and this House that this matter is dispensed with. It is a minor matter. Hon. Ojode is trying to tell the House that an appeal was not done, and yet it was done. Could he commit himself to reinstate this officer and the matter ends there? It is a simple matter!

**Mr. Letimalo:** On a point of order, Madam Temporary Deputy Speaker. Is it in order for the hon. Member to impute improper motive on the Committee by alleging that the Assistant Minister colluded with the Committee? I am a Member of that Committee and I never discussed anything with the Assistant Minister. Could he substantiate or withdraw his remarks?

**The Temporary Deputy Speaker** (Dr. Laboso): That is why I said that he is treading on very dangerous grounds if he cannot substantiate.



**Mr. Kabogo:** Madam Temporary Deputy Speaker, the hon. Member did not hear what I said. I said that there is a situation where a Minister can collude. I did not say that he did collude.

**Hon. Members:** No! No!

**Mr. Kabogo:** Madam Temporary Deputy Speaker, if that is what the House heard, then I may apologise and withdraw the remark.

**The Temporary Deputy Speaker (Dr. Laboso):** Hon. Members, that matter now rests.

Mr. Assistant Minister, do you have the last word on this before I give directions?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Madam Temporary Deputy Speaker, I was just suggesting that Parliament does not reinstate people. This is a disciplined force and we do not just dismiss officers for the sake of it. You know the police force---

**Mr. K. Kilonzo:** On a point of order, Madam Temporary Deputy Speaker. This Assistant Minister cannot get away with this because last time, the Chair directed that this matter does not go to the Committee since the appeal had been done procedurally. The Chair directed that this Question should appear for the last time and this Assistant Minister must come with an answer. Now he wants it to be referred to the Committee which the Speaker at the time thought it was not necessary. The Assistant Minister must stop his theatrics and give this House an answer as a matter of right and not privilege.

**Mr. Bahari:** On a point of order, Madam Temporary Deputy Speaker. Hon. Ojode understands this issue just as a Question from his earlier statement. This is about accountability on fair administration action which is provided for in the Constitution. Is he in order to take this matter very lightly? It is not just about a Question but about instant accountability.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Temporary Deputy Speaker, my hands are tied. I cannot do anything on reinstatement without getting an appeal. Unless I get an appeal the Committee dealing with disciplinary matters will sit down and either reinstate or dismiss him completely. Period!

**The Temporary Deputy Speaker (Dr. Laboso):** Hon. Members, this matter has been prosecuted long enough. As it is, from what the Assistant Minister is saying, we can only ask him--- We are not going to ask the Committee because it is at liberty, as you are all aware, at any time to pick up any matter that they feel like prosecuting. So, I will not order any Committee to handle this matter, but I will ask the Assistant Minister for the very last time to give us a final answer again, in one week's time. Bring us a comprehensive answer as to whether or not this person will be prosecuted. If it is true, as it has been said, that the appeal is there and he has followed the right procedure, then you must come with an answer to this House as to why this man has not been prosecuted. It is so ordered!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Madam Temporary Deputy Speaker, let us be serious when we are dealing with parliamentary matters. Hear my side of the story also. I agree with what you are saying. The final answer is that we cannot reinstate this particular person, more so, if there is no appeal letter. The disciplinary committees deals with the

appeals of individuals and not parliamentary matters. So, my hands are tied once an individual has not given any appeal letter.

**The Temporary Deputy Speaker** (Dr. Laboso): I think I have given my ruling on this matter and I do not want to prosecute it any further. It is so ordered!

*(Question deferred)*

Let us move on to the next Question by hon. Chanzu!

*Question No.1175*

NON -ISSUANCE OF TITLE DEEDS  
TO RESIDENTS OF SHAVIRINGA

**Mr. Chanzu** asked the Minister for Forestry and Wildlife:-

(a) whether he is aware that the people who were relocated to Shaviringa in Hamisi District from Mbale in Vihiga District in 1991/1992 to pave way for the construction of Vihiga District Headquarters and Vihiga District Hospital have not been issued with title deeds to-date; and,

(b) when they will be issued with title deeds.

**The Temporary Deputy Speaker** (Dr. Laboso): Is the Minister for Forestry and Wildlife not here?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, I request the Chair to come to the second round while I am looking for the Minister. I have to go and call him to find out where he is.

**Hon. Members:** Where is he?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): I am speaking to the Chair. I do not want to speak to House.

Madam Temporary Deputy Speaker, allow me to look for the Minister behind the office in order for this Question to be answered.

**The Temporary Deputy Speaker** (Dr. Laboso): It is okay! Let us move on to the next Question by Dr. Kones!

**Dr. Kones:** Madam Temporary Deputy Speaker, although the situation appears the same, I beg to ask Question No.1061.

*Question No.1061*

EARNINGS FROM MAU FOREST  
CARBON CREDIT SCHEME

**Dr. Kones** asked the Minister for Forestry and Wildlife:-

(a) how much the Government has earned from the Mau Forest through the Carbon Credit Scheme;

(b) how much has been ploughed back to the community as benefit from the scheme; and,

(c) what plans the Ministry has put in place to ensure that there is an elaborate and clear plan on community involvement on projects meant to conserve the Mau Forest.

**The Temporary Deputy Speaker** (Dr. Laboso): Apparently, it is from the same Ministry. Therefore, we will also give it a little bit more time.

Let us move on to the next Question by the Member for Bura!

*Question No.1223*

ISSUANCE OF NATIONAL IDENTITY CARDS

**Dr. Nuh** asked the Minister of State for Immigration and Registration of Persons:-

(a) how long it takes a Kenyan to obtain a new national identity card or replacement of a lost one upon application;

(b) when the forms bearing Serial numbers 2276151157, 2264792765, 2253246922, 2269263157, 2272603401, 2260975963, 2264804604, 2277590052, 2273990196, 2296464536, 2261300711 and 2271853683 were received at the Registration of Persons Headquarters and whether he could provide particulars of the applicants, including their respective names, age, place and date of application and home district as well as the respective stages of the application; and,

(c) when the identity cards will be ready.

**The Minister of State for Immigration and Registration of Persons** (Mr. Kajwang): Madam Temporary Deputy Speaker, I beg to reply.

This Question is coming up for the second time. The reason why it was deferred is that the answer then was not quite satisfactory. But now I have dealt with most of the applicants and, according to the list that was given to me by the Questioner, Dr. Nuh, only two people are still doubtful, and we are working on it. The first one was captured in our database as a refugee. So, we are checking whether he is a real refugee or whether he was a Kenyan who registered to get some food from the refugee camp. That can be done by the elders down there, the chief and the security officers. The other four were asked to reapply. When they do so, we will deal with them speedily. That disposes off the Question by Dr. Nuh.

But there was a supplementary question that arose while I was on my feet from the hon. Member for Laisamis. He gave me a long list of applicants who were in distress because their applications had not been dealt with. I have gone through them and I have a detailed an answer for him. I have already given him a copy. But in summary, I would like to say the following:-

Out of the list that he gave me, 26 of those applicants had their identity cards delivered. A total of 12 applicants had their identity cards produced and sent to the registrar. So, the applicants can now go and pick them. In that list, 10 applicants have not come from the ground. The headquarters do not have the papers and we have asked the registrar to bring them so that we can deal with them. A total of 15 applicants did not indicate whether they were applying for the first time or replacing a lost identity card.

That information is not with us. We have returned them so that they can reapply. Those are the matters that I was given to deal with, and I have done so.

The last case which I been given by Dr. Nuh while I was sitting here is of a person who applied sometime back - almost a year ago - and when he last did a search in March, the status was that it was still being processed. That is very distressful. I will proceed, look at it and supply an answer.

**Dr. Nuh:** Madam Temporary Deputy Speaker, I just want to thank the honourable Minister, at least, for once. Since I brought this Question, there has been some considerable delivery of identity cards to Tana River District as a whole and Bura Constituency in particular. Even for some of the applicants whom the Minister has said they should reapply, some of them have been reapplying for the second generation identity card for the last four years. In fact, every time the data gets here, they are frustrated and, at the last minute, they are told that their data cannot be traced. Some of them can even verify that they had identity cards. Specifically, that applies to Sugow Adan Godana. I know that it was even a matter of a court case where the police officer who had confiscated the identity card died before the case was concluded. Later on, the prosecutor withdrew the case. So, the Ministry cannot purport that it was unable to trace the file. I request and ask the Minister that when those applicants reapply for their second generation identity cards, to fast-track that process because they have been in the pipeline for the last so many years, so that they can be issued with identity cards as fast as possible.

**Mr. Kajwang:** Madam Temporary Deputy Speaker, I want to confirm that if those four applicants proceed and apply, we will deal with them speedily.

**Mr. Affey:** Madam Temporary Deputy Speaker, it is quite obvious that the greatest majority of the people who live in northern Kenyan and parts of Coast Province have not received that vital document for so long. Even when they register, they are not processed. They are all kept here at the National Social Security (NSSF) Fund Building. I want to ask the Minister whether it has now become the policy of the Ministry that when a Member of Parliament from a particular constituency provides the details to the Minister on the Floor of the House, action is taken. I would like to give the example of the case for the Member of Bura. He brought the names before Parliament and the Minister has confirmed that all of them have been processed. Shall we now be required, as Members of Parliament, to provide the names of all the applicants here so that the Minister can be able to process them as soon as possible? Is it a policy? They are now doing it in Wajir South. Could you confirm that I do not have to bring names here so that they can be processed? Could he confirm that if the applications are brought to the headquarters, the people in Wajir South will receive their identity cards?

**Mr. Kajwang:** Madam Temporary Deputy Speaker, His Excellency, the Ambassador is right to some extent because, at one time, he was, himself, very frustrated and he brought me a long list which we dealt with. Actually, that should not be the practice. The practice is that applicants go to the places where they should register and their elders can confirm whether they are Kenyans or not and they fill the forms. The applications should be processed within the timelines that have been given; 38 days for Arid and Semi-Arid Areas (ASALs). There are cases where there are some difficulties. Some information that is given is not the same as that in the database and that delays the processing. Otherwise, a clean application that has been done properly and has been

approved should be done within the time allocated. So, we are on top of this because at one time, it was the question of materials and now, that excuse is not there. We are on top of this and we will deliver. I appreciate that you have not checked. But if you check in your constituency in the last one month or two, you will find that applications have been coming in large numbers.

**Mr. Kioni:** Madam Temporary Deputy Speaker, I did check in my constituency last week and not in the last one month. The situation on the ground in my area, which is not far from Nairobi, is that we have young people who are still waiting for their identity cards two years down the line. It is not an isolated case. My question to the Minister is this: He has indicated that there are forms that have been referred back to the applicants for the reason that they were not properly filled. They did not indicate whether they were replacement or new applications. Is it the work of the applicant to do all those things or is there an amount of guidance that would come from the clerks? At the point at which the clerks receive the forms, they should do that initial checking so that they can help the applicants to avoid that kind of thing. While he has given 38 days as the time that a person can wait for an identity card to be processed in the ASAL areas, how many days are those outside the ASAL areas expected to wait? Is there anything that the Ministry is doing to assure the young people who are now feeling frustrated are actually fearful that they are not going to vote next year because they have been denied identity cards? What is the Ministry doing to address those issues which are rampant in Central Province?

**Mr. Kajwang:** Thank you very much. First of all, nobody will be stopped from voting because he does not have an identity card. I can tell you that. We have put a lot of money into this; our registrars are moving from location to location. I want every hon. Member to just take five minutes of their time, call their registrar and ask him: "Where were you last week? Which chief's camp were you at last week and where are you going next week? Which secondary school have you gone to? Which one are you going to next?" Take just five minutes and you will know that some work is being done.

Madam Temporary Deputy Speaker, let me answer the first one that he raised. Nairobi Area has 17 days. Other areas, including your constituency, have 26 days. Those are the timelines that we have tried to be guided by. If there is anybody who is still waiting for an identity card – because now we should have cleared them – two years down the line, please, let me know because it is your job to keep me on my toes, and it is my job to keep my guys on their toes. So, please, let me know, so that I do my work. We will give you an answer and, of course, somebody will be disciplined.

*(Applause)*

I can tell you that because there is no reason why I should come here and be ridiculed when somebody is earning a salary to do his job. We have given them money, we have given them fuel, we have told them what to do and there is no reason whatsoever why work should not be done.

**The Assistant Minister for Agriculture** (Mr. Ndambuki): On a point of information, Madam Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Dr. Laboso): Are you willing to be informed?

**Mr. Kajwang:** I am very much willing.

**The Assistant Minister for Agriculture** (Mr. Ndambuki): Madam Temporary Deputy Speaker, I want to inform the Minister that in my constituency, some people registered for identity cards when we were doing the last elections and as we speak, they have not even gotten anything.

*(Laughter)*

**The Temporary Deputy Speaker** (Dr. Laboso): Is that information?

**Mr. Kajwang:** Madam Temporary Deputy Speaker, if I knew the kind of information I was going to get, I would not have been very enthusiastic about it.

*(Laughter)*

But if that is true, *Waziri*, that is the kind of information I would need. Please, just check and give me a few names. When I give them a few names, they will go through the whole roll and do as much work as they can do. Please, help me. You do not have to bring Questions here; just write a note and tell me: "These ones have not been dealt with" and I will do it.

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Mwangi!

**Mr. Mwangi:** Thank you, Madam Temporary Deputy Speaker. While we appreciate the effort being made by the Minister, I would want to remind him that I visited my constituency in Murang'a with him sometime back and the information he is giving, as sweet as it may sound, is not the real thing on the ground. Could the Minister be kind to this House? Instead of requesting us to give him names, he should actually give a statement and instruct his registrars to display in their offices the areas they have visited and what they have achieved.

**Mr. Kajwang:** Yes, I did not think of that. They should post on their notice boards information about the areas they have visited. What I have asked the hon. Members to do is actually to even tell their councilors and even chiefs, to work with my registrars, so that they plan together. The chiefs are really active on this. This week, we may be in this place, this week we are in this place and the other week, we will be in that place and it will work. I have seen it work. Wherever I have gone to launch this mobile registration drive, I have seen it work. Please, take a little time. It is not a very difficult thing to do. It is part of your job really to represent your people and to put the registrars on their toes.

If there is any misdemeanor by any registrar, let me know, so that we can straighten these things. It is in our interest to do so. Also, let me add one thing. There are very many areas where there are so many identity cards that have been produced, and which are not being collected. I was in Thika when I went to see the constituency of hon. Mwangi last time and we found 75,000 identity cards lying in the office of the registrar, which had not been collected. I have asked my registrars to send them to the DC, so that he can send them to the chiefs, and then the chiefs can give them to *Mlango Kumi head*, but that is not our job. Every applicant should be able to pick their identity card. Please, encourage them to do so. Some of them are telling you that they do not have identity cards, yet they have not even picked them.

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Wamalwa!

**Mr. Wamalwa:** Thank you, Madam Temporary Deputy Speaker. I want to thank the Minister for requesting us to work with his registrars, but I want to find out how many counties he has visited to actually find out the position on the ground and also, the reasons why some of the identity cards have not been collected. Is it true that some of the registrars are asking for money from the people? That could be one thing that is discouraging people from collecting their identity cards.

**Mr. Kajwang:** No, if the registrars were to ask for money. I am sure they would ask for it before they produce the identity cards. These ones have already been produced. We are enthusiastic that we give them out. It does not add value when they keep them in their offices. I wish I could speak from every vernacular radio station and tell them that they should go out and check for their identity cards, because there are many. I have gone to Kwale; I recently to Nakuru, I have gone to Bondo, I have gone to Mr. Muturi's Constituency. In fact, I have been to the whole of Central Province. Next time, I am going to Lari and then I will visit Trans Nzoia. I will continue this exercise. Actually, the reason I go out is to keep it in the public domain that this is a matter that we are *pambanaring* with and we must deliver.

Thank you very much, Madam Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Letimalo!

**Mr. Letimalo:** Thank you, Madam Temporary Deputy Speaker. First, let me thank the Minister for posting a District Registrar of Persons to my district. But now, Mr. Minister, in view of the questions that have been raised here, it is evident that processing of identity cards actually takes unnecessarily long before the applicants get them. Could the Ministry come up with a mechanism that will enable District Registrars to know when the identity cards have actually been released to the districts and those still waiting at the Ministry Headquarters, so that people get this information? For those of us who come from remote and difficult areas, the applicants should not keep on going to the district headquarters. At least, the Ministry should come up with a system that will advise the applicants that the identity cards are there or that they should wait for a given period. You should be able to come up with the mechanism, Mr. Minister.

**Mr. Kajwang:** The mechanism is that we have agreed with the Provincial Administration that the identity cards that are ready should be with the chiefs. So, you can check with your locational chiefs. We really try to bring them as close as possible to the applicants, so that they can pick them. Maybe we are talking of something which happened before when we did not have materials. Right now, I think we have cleared the backlog of all the applications that were pending. I am sure they are being taken to the districts. We are producing 60,000 identity cards a day and our machines have not stopped working. They are working day and night. In fact, our people are working 18 hours a day and not 24 hours a day but 18 hours a day in shifts. So, we are trying to cope. I think we will sort them out.

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

**The Temporary Deputy Speaker** (Dr. Laboso): Last question, hon. Dr. Nuh. Let us dispense with this Question, hon. Members.

**Dr. Nuh:** Madam Temporary Deputy Speaker, I want to thank you also for giving leverage to hon. Members to, at least, prosecute this issue because it is an issue that is so

dear to many hon. Members and to many Kenyans. But the last issue I want to raise with the Minister is that of access to information by the public out there. When someone applies for an identity card and he is in a remote place – not even in Bura, but in a remote place that is further than even Bura – herding his or her livestock, there should be a way for such a person to access information as to whether the processing of their application for an identity card has been completed.

When recently I unearthed some of the inequities in access of information, I tabled some documentation and evidence of the search that we had done. The Ministry Headquarters has refused to respond to calls by the public. Previously, you would only call their Customer Care Service and they would tell you the stage at which your ID application was. However, now they are no longer responding and they are telling people to go to the place of issuance or to the District Registrars. When you call District Registrars, they tell you that they cannot access the information to know at what stage the process of the application is. I want to request the Minister to tell us if there is a way he can post all the data on the internet, so that people can access it from their mobile phones. This could be updated every month or every two months and in this way the public would know and wait for their applications to be granted.

**Mr. Kajwang:** Madam Temporary Deputy Speaker, that is good advice. Dr. Nuh is well versed with Information and Communication Technology. Some of us do not even know how to open a website. However, we will try to do so, so that we can keep an active website and post every application that we have processed there. If there is a reason why the application is delaying, we post that information there. Instead of keeping people in the care centre, we should put them all on the website. This information can be keyed in. I thank the Member for that information. However, I want to reassure him that we will issue every Kenyan who applies for an ID before the next election.

*Question No.1267*

CONSTRUCTION OF SEWERAGE SYSTEM IN MANDERA TOWN

**The Temporary Deputy Speaker** (Dr. Laboso): This Question will be deferred as the Member is out on official duty. Therefore, we will go to the next Question by the Member for Kisumu Town East.

*(Question deferred)*

*Question No.1184*

TABLING OF POLICY DOCUMENT FOR *VISION 2030*

**Mr. Shakeel** asked the Minister of State for Planning, National Development and Vision 2030:-

(a) why he has not tabled the policy document for Vision 2030 in the House, considering that the budgets and all the planning policies for the Ministries and other State departments are based on it;

(b) when he will table the document; and,



(c) whether the Vision 2030 policy document is compliant with the Constitution, particularly with respect to devolution.

**The Minister of State for Planning, National Development and Vision 2030** (Mr. Oparanya): Madam Temporary Deputy Speaker, I beg to reply.

(a) I did not table the policy document for Vision 2030 because I wanted to take the Members of Parliament through it, so that they can appreciate it before I bring it to the House. I did so, last month.

(b) Already a Motion to adopt the document has been forwarded to the Speaker. I hope it will be appearing on the Order Paper any time from now.

(c) There is no apparent contradiction between the Vision 2030 and the Constitution of Kenya. Indeed, one of the guiding principles of the political pillar is decentralization in which the Vision 2030 envisages the use of devolved funds to strengthen development of projects at the community level. However, there are several flagship projects that cut across counties which will be administered by the national Government. It is anticipated that the second medium-term plan will facilitate full alignment of Vision 2030 to the Constitution of Kenya, 2010.

**Mr. Shakeel:** Madam Temporary Deputy Speaker, the Minister has been very economical with his words. The tragedy of Kenya is that there is great planning, but very bad implementation. This Vision 2030 document is a glossy document that is only discussed in very expensive conferences in Mombasa. People make expensive trips internationally to discuss it, but *wananchi* have no idea about it because nothing has been disseminated to them. They have no idea what Vision 2030 is, unlike in Rwanda where if you walk around town, people know what their Vision 2030 is.

**The Temporary Deputy Speaker** (Dr. Laboso): Could you, please, ask your question, hon. Shakeel?

**Mr. Shakeel:** Yes, Madam Temporary Deputy. The Minister has not been very clear. He says he has tabled this document, when, in fact, he has not done so. When will he table this document in Parliament so that we can be aware of it officially? He is also talking of the sector service plans. My second question is---

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Shakeel, we always ask one question at a time. So, allow the other Members to also ask questions. Let the Minister answer that and then the others can ask their questions.

**Mr. Oparanya:** Madam Temporary Deputy Speaker, this document of Vision 2030 was all inclusive. In fact, it was prepared from 2006. People from the district level up to the national level were involved. Even the academia and the Non-Governmental Organizations were involved. It is unfortunate that the Member says that he was not involved. If he was not involved, then I am sorry. I have, in fact, involved him. He was among the Members of Parliament who went to Mombasa and were taken through the document.

**Mr. Shakeel:** On a point of order, Madam Temporary Deputy Speaker. I never said that I was not involved. I said that the *wananchi* are not aware.

**Mr. Oparanya:** Madam Temporary Deputy Speaker, he is a representative of the *wananchi*. So, if he is aware, the *wananchi* should be aware through him.

**Mr. C. Kilonzo:** Madam Temporary Deputy Speaker, when I was in school, the A-Level syllabus used to have a subsidiary subject for students to learn what is happening and we used to be tested. In primary school, we used to have a subject called Civics, just

to know what was happening. In this country, we have two major happenings, which people do not seem to know and one of them is the Vision 2030. Apart from the elite who include the Members of Parliament, that information has not been disseminated to the common man. The same thing is happening with the East African Community. It is only known to the elite, but not to the common man. What is the Government doing to ensure that right from primary, secondary and university education, everybody knows what is happening and the policies and crucial decisions by the Government are disseminated to the general population?

**Mr. Oparanya:** Madam Temporary Deputy Speaker, last week, I launched a campaign, which is already going on in the media, a formal campaign, to sensitive people on Vision 2030. We are now having a programme that will inform Kenyans about what is happening. At the moment, we are on the implementation of Vision 2030. I will be tabling a document, so that Members can know what this country has achieved through the Vision 2030.

**Mr. Koech:** Madam Temporary Deputy Speaker, the Vision 2030 is a wonderful document when you read it. It is a document that can move this country to greater heights. However, the most important thing is the implementation of the same document. This document originated from the Government and the Government should commit itself to the full implementation of the same. Of late, we have seen that the Government has not committed itself to some of the proposals and has not implemented them, for example, the employment of 28,000 teachers every year to ensure that we achieve the Vision 2030.

What is the Minister doing to ensure that the Government implements this document to the letter?

**Mr. Oparanya:** Madam Temporary Deputy Speaker, that is a very good question. However, I am a planner and not an implementer. Implementation is carried out by the line Ministries. My work is to plan and track the implementation and report. This is called monitoring and evaluation. That is my work. So, if there is any shortfall, especially on the employment of teachers, that is the responsibility of the Ministry of Education.

**Mr. Kigen:** Madam Temporary Deputy Speaker, in the campaign that the Minister has just talked about to sensitize the public about the availability of this document and what they are supposed to do, what deliberate efforts has he made to ensure that assistant chiefs, chiefs and the people at the grassroots level are able to articulate this document and explain to the public what it is all about?

**Mr. Oparanya:** Madam Temporary Deputy Speaker, I have clearly said that when this document was being prepared, all the stakeholders, including the Provincial Administration, were involved. I want him to confirm this by asking his own assistant chiefs and chiefs whether they understand Vision 2030. As I have said, we have gone ahead to sensitize them. We have had so many forums, including some for Members of Parliament. So, I do not know what more he expects me to do. I think I have done my part.

**Mr. Kioni:** Madam Temporary Deputy Speaker, we agree with what the Minister has said – that he has done a lot – but one of the good things about our Constitution is that we provided for devolution, so that any incoming Government does not do away with devolution. It will be part and parcel of our governance structure from the year 2013

onwards. Vision 2030 is equally an important undertaking by the Government that will enable this country to move on in terms of development, and perhaps achieve a given status. The question we are asking the Minister is whether he has done all that sensitization. What assurance can he give us that once we have a new Government in 2013, they will not, quickly, do away with Vision 2030 and start another vision 2050? Is there any framework that ensures that an incoming Government can only build on 2030 as opposed to just talking to people in the villages and everything else? That cannot stop a Government from scrapping it!

**Mr. Oparanya:** Madam Temporary Deputy Speaker, that is a very good question. It is unfortunate that hon. Kioni never attended the sensitization workshop we had in Mombasa. That question came up and we agreed on it. It was one of the resolutions during that meeting that the document should be tabled in this House and be adopted, so that any future Government is bound by law to build on that particular document. I have already forwarded a Motion to the Speaker. So, it should be appearing on the Order Paper any time.

**Dr. Monda:** Madam Temporary Deputy Speaker, you have heard the Minister talk about having a mechanism of monitoring the performance of Vision 2030. That being the case, could he indicate to the House the level of achievement of Vision 2030 as at today? What has Vision 2030 delivered and how far are we from the full delivery of the programme?

**Mr. Oparanya:** Madam Temporary Deputy Speaker, that is a different Question, but as I said earlier, I am going to table a report of how much we have achieved of Vision 2030 since we started implementation on 1<sup>st</sup> July, 2008. I promise that in January or February, I will table a report in this House to show what we have achieved and what we have not achieved and the reasons as to why we have not achieved certain objectives so far.

**Mr. Kiptanui:** Madam Temporary Deputy Speaker, as the Minister has said, Vision 2030 will be implemented by many Governments within the next 19 years. What measures has the Ministry put in place to ensure that presidential aspirants align their manifestos with Vision 2030?

**Mr. Oparanya:** Madam Temporary Deputy Speaker, as soon as the document is adopted by this House, it will mean that it will be a document that will ensure development for the next 19 years. It will be up to the presidential aspirants to align their manifestos with the document. If they do not do so, their chances of winning the election will be very slim because it will be a requirement that they show that they understand what is contained in Vision 2030.

**Dr. Nuh:** Madam Temporary Deputy Speaker, the Minister wants to refute the fact that Vision 2030, despite being a wonderful document, is a document whose ownership is by a few technocrats based in Nairobi. He said that they involved assistant chiefs and chiefs in the preparation of the document. This is not the correct position. If any chiefs were consulted, they are not the ones in Tana River or Isiolo counties. Even the Member of Parliament for Isiolo, who was in the Ninth Parliament, said in one of the conferences that even about the model airport that is supposed to be built in Isiolo, the people of Isiolo were not consulted. So, the Minister should not mislead the House that people were consulted in the preparation of Vision 2030.

More specifically, when we met as Members of Parliament in Mombasa on the Vision 2030 document, apart from the fact that the Ministry was guided to table not a Motion but a Bill to entrench Vision 2030 in an Act of Parliament; he was given a timeline and this was supposed to be done before the end of November. The Minister has even gone beyond November and is now anticipating doing this in January or February, 2012. Is it the same thing, that the Government is lax and does not want to table the document for ownership by this House, because it fears that its accountability to this House will drive it to implement Vision 2030?

**Mr. Oparanya:** Madam Temporary Deputy Speaker, I have promised that the document will be tabled in this House. He has brought another angle to the issue. What I have done is forwarding a Motion to the Speaker for adoption of the document by this House. If I bring a Bill, there will be delay because the Bill has to go through the Cabinet for approval. So, if that is the route this House wants me to go, then we should not expect it in February, because it has to go through the Cabinet for approval.

**Dr. Nuh:** On a point of order, Madam Temporary Deputy Speaker. Is the Minister in order to avoid stating the fact that, indeed, there was time? A Bill was supposed to have been in this House before November. It is just a matter of owning up and saying: "Fine, we agreed with Members of Parliament but it was a failure on our part".

**The Temporary Deputy Speaker (Dr. Laboso):** Minister, are you going to accept liability for that?

**Mr. Oparanya:** Madam Temporary Deputy Speaker, I am not because I have clearly said that we agreed that the document should be adopted by this House. So, I brought a Motion for adoption of the document but he is now suggesting that I bring a Bill. A Bill has to go through the Cabinet for approval.

**The Temporary Deputy Speaker (Dr. Laboso):** Last question, hon. Shakeel.

**Mr. Shakeel:** Madam Temporary Deputy Speaker, as the Minister clearly said, planning goes hand in hand with monitoring, evaluation and implementation reporting. In part "b" of the answer, the Minister clearly says that an annual progress report on the implementation of the medium-term plan has been presented. We, as a House, have not seen the document. He then went on to say that the Ministry intends to give a brief on the status of Vision 2030 this year. We are now at the end of the year. So, when is the Minister going to present to the House both the annual progress report and the report on the medium-term plan, detailing the variances or present status in the plan for argument's sake?

**The Temporary Deputy Speaker (Dr. Laboso):** Hon. Shakeel, please, ask the question. Do not make a statement.

**Mr. Shakeel:** Madam Temporary Deputy Speaker, I am not making a statement. I am just clarifying what I want him to address. When is the Minister going to make that report available to the House? In that report, can he, please, put down the variances? For example, the Vision 2030 document stipulated an 8 per cent economic growth rate, but we are currently at a growth rate of less than 2 per cent. Where will this level of growth take us and how are we going to recover?

**Mr. Oparanya:** Madam Temporary Deputy Speaker, the Member of Parliament is quoting the wrong figures. The figures in the Vision 2030 is 10 per cent. We are not on 2 per cent. We are on 5.6 per cent at the moment.

I think I did promise that I will table those documents. Those documents are being finalized. In fact, I had planned to table them before we go for recess.

**Mr. Shakeel:** On a point of order, Madam Temporary Deputy Speaker. I have asked the Minister why he has not tabled the annual documents, not the other documents he is talking about. I am talking about the annual reports of the monetary valuation for the year 2009, 2010 and 2011.

**Mr. Oparanya:** Madam Temporary Deputy Speaker, it was not a requirement that I table those particular documents here. The Member of Parliament had not asked for them. However, since he has asked for them, I will table them early next year when we come back from recess.

**The Temporary Deputy Speaker (Dr. Laboso):** Next Question!

*Question No.1224*

ALLOCATION OF EXPENDITURE TO DISTRICTS  
IN SAMBURU COUNTY

**Mr. Letimalo** asked the Deputy Prime Minister and Minister for Finance:-

(a) whether he is aware that Samburu County has only one District Code for Recurrent Expenditure; and,

(b) when the other two districts – Samburu East and Samburu North - will be allocated codes.

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

(a) It is not true that Samburu County has only one district code. The true position is that the districts constituting the county have independent codes as follows:- Samburu East – 7060; Samburu North – 7065; Samburu Central – 7075.

(b) The two districts of Samburu East and Samburu North already have budget codes as indicated above. The stated information can be found on page IX of the Recurrent Estimates book 2011/2012.

**Mr. Letimalo:** Madam Temporary Deputy Speaker, I do not know whether the other hon. Members are experiencing this problem, particularly those ones who come from new districts. I just want to state the position to make the Assistant Minister understand what I am talking about. The District Land Adjudication and Settlement Officer in Samburu County who serves three districts, cannot do adjudication exercises in Samburu East because he has got no budget code; he has got no allocation. The District Registrar of Persons, and I wish the Minister of State for Immigration and Registration of Persons was around, was only able to issue ID cards in two locations, because he has an allocation meant for one district whereas he is supposed to serve three districts. The same applies to the District Trade Officer. He has not visited Samburu East District in the last four years for the same reasons.

**The Temporary Deputy Speaker (Dr. Laboso):** Ask the question!

**Mr. Letimalo:** Madam Temporary Deputy Speaker, I was just giving the background. Why are these heads of departments who have Authority to Incur Expenditure (AIE) getting this kind of frustration? It is good that the Minister of State for

Public Service is here. Why are you frustrating these Government officers by not giving them their allocations, so that they can carry out their duties accordingly?

**Dr. Oburu:** Madam Temporary Deputy Speaker, I fully understand the frustration the hon. Member is going through. However, the question of allocation and the question of the code are two different issues. It is the Ministries which are responsible for giving allocations to their officers. In the Treasury, we only create these codes. If there are no allocations, we will check with the relevant Ministries to ensure that they give proper allocations to these particular districts. As I said, we do not do the allocations. It is the Ministries who do them themselves.

**Mr. Kabogo:** Madam Temporary Deputy Speaker, this problem is not unique to Samburu East. You will find the same situation in the three districts; Thika East, Thika West and Ruiru District. This Government is creating districts that they cannot service. Could the Assistant Minister undertake to see that all districts that have been created have the votes to be able to be independent instead of relying on old districts? It is a problem and they have to deal with it.

**Dr. Oburu:** Madam Temporary Deputy Speaker, all the districts which have been created have their codes, including the one of Thika. The problem which the hon. Member is talking about is actually that of allocation of money to those particular districts, not the creation of the codes. This Question was about the codes. I have promised to undertake to follow up with the particular Ministries because those codes do exist.

**Mr. Letimalo:** Madam Temporary Deputy Speaker, as a matter of necessity and given that we are now preparing to go for general elections and a lot has to be done, could he undertake through, probably, the Cabinet to inform the Ministries about the budget codes, particularly those of new districts, so that they are able to allocate them AIEs?

**Dr. Oburu:** Madam Temporary Deputy Speaker, in the budget process all the Ministries are given in advance the codes on which they are supposed to allocate money because that is the first thing that the Ministry of Finance does; giving codes to the Ministries. We will remind them if they have forgotten. That is our duty and we do it very well, promptly.

*Question No.1248*

NON-IMPLEMENTATION OF POLICY ON  
RETIREMENT OF PUBLIC OFFICERS

**Dr. Monda** asked the Minister of State for Public Services:-

(a) whether he could provide details of all Permanent Secretaries, Directors in Ministries and Chief Executive Officers (CEOs) of State Corporations who have attained the mandatory retirement age, but are still in Public Service, including their respective names, ages, places of work, as well as the reasons for their continued retention in service,

(b) when the officers will be retired and replaced with qualified persons from within the Public Service; and,

(c) state the Government policy on retirement of public officers and why the same is not being implemented.

**The Minister of State for Public Service** (Mr. Otieno): Madam Temporary Deputy Speaker, as you will notice, part “a” of this Question is asking for information from various sources. We write to the Ministry and the Ministry writes to parastatals and that has to be put together. I have not collected all the information that will enable the hon. Members to ask relevant supplementary questions on individual cases.

So, I am seeking the indulgence of the hon. Member to give us another week to be able to gather all the information down the line to the Ministry.

**Dr. Monda:** Madam Temporary Deputy Speaker, this Question has been with the Ministry for four months now. I do not understand how the Government can take four months to gather information from itself. We expect that being the Ministry of State for Public Service then information about personnel would be very readily available. I do not understand how then, we shall require a week to change what we have not been able to do in four months.

**Mr. Mbadi:** On a point of order, Madam Temporary Deputy Speaker. I am amazed and actually disturbed that the Minister in charge of Public Service has no information about the ages of staff in the public service. Is it in order for him to claim that when Members of Parliament ask Questions, that is when he sources for information which should be readily available in his office? Could we know why that Ministry then exists if he cannot have simple information like the ages of those who are serving in the Public Service?

**Mr. Duale:** Madam Temporary Deputy Speaker, it is very sad and I really pity this Government which I was part of a few months ago. Today, the Minister of State for Public Service can stand up and say he cannot give the details of all Permanent Secretaries, Directors and Chief Executive Officers (CEOs) of State Corporations who have reached the retirement age. Could the Minister of State for Public Service be fair to the nation and tell the public that the system in the Public Service has failed? It is very shameful and we cannot allow that to continue from the Minister of State for Public Service.

**Mr. Letimalo:** Madam Temporary Deputy Speaker, I am equally concerned about the deferment of Questions. We have a backlog of pending Questions which is as a result of deferments of Questions. Could the Chair be strict to ensure that the Front Bench performs its duties as required?

**Mr. Ochieng:** Madam Temporary Deputy Speaker, it is of great concern that even with the era of computers, where data should be readily available in the Ministry of State for Public Service, the Minister cannot come with an answer to this Question. You know the problem that is bedeviling this country at this particular moment. It is as a result of those aged Permanent Secretaries who cannot perform. That is why we are undergoing a lot of problems in this country. Can the Minister come up and tell us, exactly, why he is not able to respond to this Question?

**Dr. Kones:** Madam Temporary Deputy Speaker, can the Minister tell us the exact reason? It cannot be because of lack of information. We are talking about not more than 42 Permanent Secretaries and a few CEOs. Therefore, we are seeking information about less than 100 public officers. Could the Minister tell us the exact reason? It cannot be

because of lack of information. Is it because the Head of Public Service who is supposed to provide that information is actually supposed to top that list?

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Members, I think our issues are now becoming repetitive. Can we allow the Minister to prosecute them?

**Mr. Kigen:** On a point of order, Madam Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Dr. Laboso): Mr. Kigen, what is your point of order? Is it different from the points of order that have been raised?

**Mr. Kigen:** Madam Temporary Deputy Speaker, this Question came up about one year and a half ago. It was more or less the same Question. It was more or less about the same people, including one of them who has been highlighted here. The Minister could easily have come here and told us: "The the following have left after that time." However, he is now telling us that he wants information yet, he has it. Is it in order for him to ask for one week to get the information and yet, he has the information himself?

**The Minister of State for Public Service** (Mr. Otieno): Madam Temporary Deputy Speaker, I do not give half answers when I address an issue like this. The Question is asking for Permanent Secretaries, Directors in Ministries and CEOs of State Corporations - some of which might be new and recently established - who have attained the mandatory retirement age.

Madam Temporary Deputy Speaker, as for Permanent Secretaries, I answered the Question in details and gave the reasons. As to all these categories of other officers, he wants to know the ages, places of work as well as the reasons for each individual, as to why he or she is still in service. The individuals have different terms of engagement, particularly with parastatals. The communication system goes to the Ministries and from the Ministries to the parastatals and then back through the same process to us. It has not come.

I saw this Question earlier. This Question was in my desk some three weeks ago. We wrote to the Ministries. Somebody is talking about one and half years. which I am not aware of.

**The Temporary Deputy Speaker** (Dr. Laboso): What about the four months? You are also not aware that it has been---

**The Minister of State for Public Service** (Mr. Otieno): I am not aware that this Question was here for four months. I remember when I saw it on my desk.

**Dr. Monda:** On a point of order, Temporary Deputy Speaker. I handed over the Question to Room 8 in Parliament four months ago. A communication was done and I got a copy of it.

**The Temporary Deputy Speaker** (Dr. Laboso): Do you have evidence that the Question was given four months ago?

**Dr. Monda:** Yes. If you allow me a little time, I will pick it from my office. I expected the answer to come from the Minister. It is even in Room 8. So, how then does it happen that the Minister cannot answer and he is reducing the period that the Question has stayed? If the Minister wants one week to add to the four months he has stayed with the Question, I would request the Chair to direct the Minister to answer the Question today in the afternoon.

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Members, let us be reasonable! I rule that this Question appears on the Order Paper next week as has been requested by the Minister, in view of the fact that he is talking about three weeks. We



cannot prove that the Question has been there for four months. Mr. Minister, one week and we want a comprehensive answer to this Question.

**The Minister of State for Public Service** (Mr. Otieno): Most obliged, Madam Temporary Deputy Speaker.

*(Question deferred)*

**The Temporary Deputy Speaker** (Dr. Laboso): Next Question by the Member for Mumias!

*Question No.1283*

TERMINATION OF TERM OF JULIUS NYAROTHO  
BY NZOIA SUGAR COMPANY

**Mr. Washiali** asked the Minister for Agriculture:-

- (a) under what circumstances the term of Eng. Julius Nyarotho at Nzoia Sugar Company was terminated; and,
- (b) what steps have been taken to compensate him.

Madam Temporary Deputy Speaker, I have an answer here purportedly signed by Dr. Sally Kosgei. I happen to know the signature of Dr. Sally Kosgei and it does not look like this one. I would want to advise that if someone is signing for Dr. Sally Kosgei, he must indicate "for" and not just leave it blank. Otherwise, I would like to prosecute the Question.

**The Assistant Minister for Agriculture** (Mr. Ndambuki): Madam Temporary Deputy Speaker, I would like to tell the hon. Member that this answer was signed by the Minister, Dr. Sally Kosgei. I do not sign like this. She is the one who signed.

I beg to reply.

(a) The term of Eng. Julius Nyarotho was revoked by His Excellency the President of the Republic of Kenya vide *Kenya Gazette* Notice No.8003 dated 15<sup>th</sup> July, 2001.

(b) Chairmen appointed by the President to State corporations shall be non-executive and earn monthly honorarium and sitting allowance only, hence, the issue of compensation does not arise.

**Mr. Washiali:** Madam Temporary Deputy Speaker, going by the current Constitution, Chapter 4(2), Article 35 states that every citizen has the right of access to information held by the State. My Question is asking why the term of the Chairman of Nzoia Sugar, Eng. Julius Nyarotho, was terminated. However, the answer the Assistant Minister is giving me is that it was revoked. That is not an answer. You are just repeating the same Question I am asking. Maybe, I could replace the word "terminated" with "revoked" and ask you why Eng. Julius Nyaroto's appointment was revoked.

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, this rests with the President. He is the one who appointed him and he is the one who revoked it.

**Mr. Chanzu:** Madam Temporary Deputy Speaker, the second part of the Question refers to the fact that Eng. Nyarotho's employment or engagement was terminated prematurely. If it is a contract that was signed--- When the President appoints people, eventually they sign contracts. I think the Question is referring to the remaining

part of the contract. Now that it was terminated, why did the Government or Corporation consider paying him for premature termination of his contract?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, as I said, non-executive chairmen have no salary. They are only paid---

*[The Temporary Deputy Speaker  
(Dr. Laboso) left the Chair]*

*[The Temporary Deputy Speaker  
(Mrs. Shebesh) took the Chair]*

**Mr. Chanzu:** On a point of order, Madam Temporary Deputy Speaker. I think the Assistant Minister does not understand or is being too casual. We cannot say that when somebody is non-executive, he just walks into the office and comes out. They are normally given letters of appointment.

**The Temporary Deputy Speaker** (Mrs. Shebesh): So, what is your point of order?

**Mr. Chanzu:** I am saying that, that was violated. The contract was for a period. When the President appoints, it is formalized by him through being given a letter for three years or something like that. What we are referring to as compensation is that the term was reduced or cancelled prematurely. That is what we are saying.

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, I agree but what I am saying is that this person had no fixed salary that could be calculated and paid to him because he is paid honoraria on a monthly basis or when they sit.

**Mr. Mbadi:** Madam Temporary Deputy Speaker, I am surprised that the Assistant Minister is answering part “a” of the Question as if he is living in the old dark days. When this Parliament holds the Executive to account, it is the entire Executive whether the President, the Prime Minister or whoever. The Assistant Minister has been asked under what circumstances Eng. Julius Nyarotho’s term was terminated. He should tell us why the President terminated the contract of Eng. Julius without giving an excuse that it is the President who did it. We know that it is the President who did it but why? Come and tell this House. This House is supposed to hold the President to account. The Assistant Minister should tell us why the President terminated the contract before it ended. Could he tell this House why the contract of Eng. Julius Nyarotho was terminated by the President of the Republic of Kenya?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, the President is the one who appointed that same person. He also decided to terminate his contract and gazetted it on 8<sup>th</sup> July, 2011.

**Mr. Mbadi:** On a point of order, Madam Temporary Deputy Speaker. Is the Assistant Minister in order to evade answering my question? We are all aware that it is the President who appointed Eng. Nyarotho and terminated his contract, but under what circumstances? The Assistant Minister should not evade answering this Question by claiming that the President has the prerogative. Long gone are days when the President’s directives were not supposed to be questioned. We are in a new Kenya and the Assistant Minister should tell us why the President terminated the contract of this Kenyan. He does not have the power to appoint people and terminate their contracts at will without

explaining. He has to explain through the Assistant Minister. If the Assistant Minister cannot, then he should tell us that he cannot approach the President to give him the answers.

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, as I said, this appointment was done by His Excellency the President who went ahead to revoke it and appoint someone else.

**Mr. Njuguna:** Thank you, Madam Temporary Deputy Speaker. Noting that Eng. Julius Nyarotho's contract was terminated on a directive issued by the President, could the Assistant Minister inform this House, clearly, whether this officer was paid all his dues upon that termination and tabulate the dues to the House?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, although that is a different question, I have said that non-executive chairmen have no salaries that can be paid to them. They only have allowances. How can you calculate an allowance? How many times---

**Mr. Ochieng:** Madam Temporary Deputy Speaker, the Assistant Minister should not be left to get away with this. It is only God who gives life and takes it away without reason. However, the President must have indicated the reason for terminating Nyarotho's contract. The proper reason must have been given by the person who drafted the letter that the President signed. We want to know the content of that letter. We cannot allow the Assistant Minister to get away with this. He has to explain to this House why Nyarotho's contract was terminated.

**The Temporary Deputy Speaker** (Mrs. Shebesh): Mr. Assistant Minister, are you willing to give the reason that the President gave or are you saying that you cannot answer that Question?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, the power of appointing and terminating rests with the President.

**Mr. Letimalo:** On a point of order, Madam Temporary Deputy Speaker. We are not satisfied with the response that is being given by the Assistant Minister. We are entitled to know under what circumstances this officer was sacked. Could this Question be deferred to enable the Assistant Minister to go and consult with the President in order to get the reasons because this is a Kenyan?

**The Temporary Deputy Speaker** (Mrs. Shebesh): The Assistant Minister has given his reply. If you have any issues with his replies, you have other avenues. Ask the final question, hon. Washiali.

**Hon. Members:** On a point of order, Madam Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Mrs. Shebesh): Mr. Washiali, are you giving up your chance to ask the final question?

**Mr. Washiali:** Madam Temporary Deputy Speaker, as the person who asked this Question, I am not satisfied with the answer that the Assistant Minister has given because the Question was asking why the term was terminated. The Constitution protects us. Under the Bill of Rights, Chapter 4, we have a right to know the reasons behind certain actions. I am not satisfied with the answer and will leave it to the Chair to make a decision on what should happen.

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, I will refer the Members to the State Corporations Act. Let them look at Section 6(1)(a) and they will see the reasons behind that.

**Mr. Kabogo:** On a point of order, Madam Temporary Deputy Speaker. The Constitution of the Republic of Kenya is superior to any other law. Section 35, I believe, gives the right to Kenyans to get information that the State is holding. I put it to the State that they are holding information as to why this director's term was terminated and that is the information that the House is asking for. This is not information for the President. Yes, he did hire and fire. The House is asking why the President fired this man. We are asking for reasons and we are not questioning the authority of the President. We are saying that Kenyans need to know why this man's contract was terminated. It is as simple as that. Is the Assistant Minister in order to hide under the State Corporations Act and tell the people of Kenya that the President hired and fired and so, that is the end of the world?

**The Temporary Deputy Speaker** (Mrs. Shebesh): Mr. Assistant Minister, are you ready to give that answer and if you are not prepared, would you like to be given more time to come with the reason?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, I do not need more time. I have, honestly, given the House the reasons why the term of the Engineer was terminated via a gazette notice.

**The Temporary Deputy Speaker** (Mrs. Shebesh): The question is: What was the reason?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, those powers rest with the President. He exercised those powers according to the State Corporations Act on hiring and firing.

**The Temporary Deputy Speaker** (Mrs. Shebesh): Mr. Assistant Minister, you can obviously see that this Question has not been answered satisfactorily. Your answer, according to this House, is not satisfactory. If you are not able to get a satisfactory answer, we will have to ask you to go and prepare better then answer it.

So, this Question is deferred to next week.

*(Question deferred)*

Let us go back to Kabogo's Question by Private Notice.

## QUESTIONS BY PRIVATE NOTICE

### CONSTRUCTION OF PERMANENT STRUCTURES ON TWIGA FARM

**Mr. Kabogo:** Madam Temporary Deputy Speaker, for the second time, I beg to ask the Deputy Prime Minister and Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that residents are constructing permanent structures on Twiga Farm within Ruiru Municipality without Title Deeds or approvals from the Ruiru Municipal Council?

(b) What measures is the Minister taking to ensure that the matter is dealt with and Kenyans do not lose money as recently witnessed in Syokimau Estate?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, this Question had

already been asked by hon. Kabogo. I tried to reach the Minister so that he could come here and answer it, but unfortunately he is away on an official trip to the USA. The Assistant Minister is also away on an official trip in Rwanda. I beg the indulgence of the Chair to have this Question answered next week. Both the Minister and his Assistant Minister are not around, according to the information that I have.

**Mr. Kabogo:** Madam Temporary Deputy Speaker, hon. Ojode is taking this House for a ride. Last evening I spoke to hon. Lewis Nguyai who is the Assistant Minister in the Office of the Deputy Prime Minister and Minister for Local Government. He indicated to me that he would be coming this morning because he is aware of this Question being on the Order Paper this morning. Really, he was in Rwanda last week. This is disorderly on the part of the Ministry. Standing Order No.36 tells us what should happen when a Minister fails to answer a Question in the House. It is important that hon. Ojode understands that the business of this House is serious. I have been sitting here from 9.00 a.m. waiting for the Minister to come and answer this important Question. I imagine that they would want us to go on recess without them having answered this Question. I request the Chair to invoke Standing Order No.97 and deal with the Assistant Minister for having been grossly out of order. I also request that this Question be placed in the Order Paper of tomorrow, so that we deal with this matter before we go on recess.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker---

**Mr. Kabogo:** Can you sit down, hon. Ojode? I am on my feet!

**The Temporary Deputy Speaker** (Mrs. Shebesh): Please, take your seat, hon. Assistant Minister.

**Mr. Kabogo:** Madam Temporary Deputy Speaker, I request that this Question be placed on the Order Paper and the Assistant Minister be given the punishment that the Chair deems fit.

**The Temporary Deputy Speaker** (Mrs. Shebesh): Hon. Assistant Minister, can you confirm that the Minister and his Assistant Minister are actually out of the country?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, first of all let me respond to the allegation that he spoke to hon. Nguyai. These days, because of digitized equipment you can speak to hon. Nguyai even if he is in Rwanda. The fact that hon. Kabogo spoke to hon. Nguyai does not mean that he was here in Kenya.

**The Temporary Deputy Speaker** (Mrs. Shebesh): Hon. Assistant Minister, make it very simple. Are the two Ministers out of the country and, therefore, unable to respond to this Question?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, I said that hon. Musalia Mudavadi, the Deputy Prime Minister and Minister for Local Government, is away on official duties in the USA. Hon. Nguyai, the Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government is away in Rwanda, according to information from the Ministry. If there is anybody who has information contrary to what has been given---

**The Temporary Deputy Speaker** (Mrs. Shebesh): We have heard your point! This Question is, therefore, deferred to Tuesday next week.

*(Question deferred)*

## ORAL ANSWERS TO QUESTIONS

*Question No.1175*

### NON-ISSUANCE OF TITLE DEEDS TO RESIDENTS OF SHAVIRINGA

**Mr. Chanzu** asked the Minister for Forestry and Wildlife:-

(a) whether he is aware that the people who were relocated to Shaviringa in Hamisi District from Mbale in Vihiga District in 1991/1992 to pave way for the construction of Vihiga District Headquarters and Vihiga District Hospital have not been issued with title deeds to date; and

(b) when they will be issued with title deeds.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Madam Temporary Deputy Speaker, I want to apologize to the House for my absence earlier this morning. I was launching the new Kenya Wildlife Service Board this morning, and did not realize that my colleague, hon. Nanok, was away in Turkana. I sincerely apologize.

Madam Temporary Deputy Speaker, I beg to reply.

(a) No, I am not aware that the people who were relocated to Shaviringa in Hamisi District from Mbale in Vihiga District between 1991 and 1992---

**Mr. Chanzu:** On a point of order, Madam Temporary Deputy Speaker. I have just received an answer this morning from the Ministry, and I think the Minister is reading a different answer. The answer I have says, "Yes, I am aware." The answer is from his office and I even received the same answer last week.

**The Temporary Deputy Speaker** (Mrs. Shebesh): Hon. Minister, are you aware that you have two different answers to this Question?

**The Minister for Forestry and Wildlife** (Dr. Wekesa): No, I am not aware. Maybe I would like to borrow the latest answer. The reason could be that I have been away in South Africa and this Question came up during my absence. It is possible that my Ministry relooked at the answer and the hon. Member has the latest. Could I be given a chance to look at it?

**The Temporary Deputy Speaker** (Mrs. Shebesh): Hon. Chanzu, maybe you need to confirm whether you two have the same answers, because what I have here is an answer signed on behalf of the Minister and not by the Minister himself.

**Mr. Chanzu:** Madam Temporary Deputy Speaker, it is signed for, which is okay.

**The Temporary Deputy Speaker** (Mrs. Shebesh): Hon. Minister, would you be willing to withdraw the first answer and use the new answer? Please, put that on record.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Yes, Madam Temporary Deputy Speaker, Sir. I would like to withdraw this answer and use the latest one that the hon. Member has.

**The Temporary Deputy Speaker** (Mrs. Shebesh): Hon. Minister, make it clear? Which answer are you withdrawing?

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Madam Temporary Deputy Speaker, I am withdrawing the one that says, "No, I am not aware."

**The Temporary Deputy Speaker** (Mrs. Shebesh): Hon. Minister, I think you need to consult with the Clerks-at-the-Table, so that we know the answer you are withdrawing.

*(Dr. Wekesa consulted with the Chair and the Clerks-at-the-Table)*

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Madam Temporary Deputy Speaker, I am prepared to answer this Question. There is no problem. This was rectified while I was away in South Africa; a new approach to this Question was taken, but I did not sign it. However, I am happy to say, yes, I am aware.

**The Temporary Deputy Speaker** (Mrs. Shebesh): Then go ahead and answer the Question.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Madam Temporary Deputy Speaker, I beg to reply

(a) I am aware that the people who were relocated to Shaviringa in Hamisi District from Mbale in Vihiga District between 1991 and 1992 to pave way for the construction of Vihiga District Headquarters and Vihiga District Hospital have not been issued with title deeds to date.

(b) My Ministry is currently discussing with the Office of the President the process of degazettment of Shaviringa, which lies in a gazetted forest area. If Parliament subsequently approves the degazettment the Ministry of Lands will then be advised to proceed and issue the title deeds.

**Mr. Chanzu:** Madam Temporary Speaker, the reason why there is that kind of confusion is lack of consultation. But the Minister has so far done very well.

The Question was, first of all, directed to the Ministry of Lands. However, because of part “b”, it was again redirected to the Ministry of Forestry and Wildlife. That was at the beginning of November. I was even able to write a letter to the PS to tell him what he should do in respect of the last part. But I can see the Minister has not been properly briefed.

This has taken so long from 1991/1992. These people are now being treated like squatters on the other side of Shaviringa. Being a caring Minister, especially for people from those areas, how long will this take? I believe the last portion really lies in your hands. It is a matter of co-ordinating between your Ministry, Ministry of Lands, and the Ministry of State for Provincial Administration and Internal Security. If you can give that undertaking, I am sure the people of Vihiga who went to Shaviringa will be happy.

**Dr. Wekesa:** Madam Temporary Deputy Speaker, my colleague is quite right. What needs to be done in this matter, so that our people have title deeds is for my Ministry to liaise with the Ministry of Lands in view of the Forests Act of 2005, so that we can initiate the degazettment of these 134 hectares. The Forests Act of 2005 makes it mandatory for authority of this House to be sought in case of degazettment of forest land.

Madam Temporary Deputy Speaker, I will liaise with my colleague to make sure that the process is initiated from the ground to be able to reach this Parliament, so that people in this piece of land could actually get their title deeds.

**Dr. Kones:** Madam Temporary Deputy Speaker, I would like to know from the Minister the exact procedure of degazettement.

I guess he is aware of the situation in Chepalungu where the Prime Minister went and initiated a district headquarters, but within a forest land. Some works have started, but somewhere along the way, that project has stalled, and yet the people want the district headquarters. So, what is the position?

**Dr. Wekesa:** Madam Temporary Deputy Speaker, I am quite aware of the issue in Chepalungu. We have many of these issues. The Member has put it rightly by seeking to know the procedure. The procedure is that the affected communities on the ground must approach the Community Forest Association (CFA) in the area to write to me saying that they want to degazette a piece of land on which the school is standing, or in this case, as the matter in Shaviringa has been stated here. I will then forward the request to the Kenya Forest Board (KFB), who would then recommend degazettement. I will then table that recommendation of the Board here for us to debate it. It is the Members of Parliament who will then give an okay. That is exactly what the Forests Act of 2005 says.

**Mr. Chanzu:** Madam Temporary Deputy Speaker, as I said, it has actually taken more than 20 years. I am imagining that since we are likely to be going on Recess, would the Minister assure us that immediately we come back, he will be able to table those recommendations, so that we sort out this matter once and for all?

**Dr. Wekesa:** Madam Temporary Deputy Speaker, I have always worked very well with the hon. Member. I have been to his constituency several times. We have done projects there. I can assure the House that I will see the Minister for Lands. I will also request the participation of the Member to initiate the discussion with the CFA on the ground. I have no doubt that in February or March, when we start the new Session, we will be able to debate the matter here.

*Question No.1061*

EARNINGS FROM MAU FOREST  
CARBON CREDIT SCHEME

**Dr. Kones** asked the Minister for Forestry and Wildlife:-

- (a) how much the Government has earned from the Mau Forest through the Carbon Credit Scheme,
- (b) how much has been ploughed back to the community as benefit from the scheme, and,
- (c) what plans the Ministry has put in place to ensure that there is an elaborate and clear plan on community involvement on projects meant to conserve the Mau Forest.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Madam Temporary Deputy Speaker, I beg your indulgence. I do not seem to have come with the answer. Could I answer this Question in the afternoon?

**Dr. Kones:** Madam Temporary Deputy Speaker, maybe, the Minister can use my answer because I have a copy and I am comfortable with it. If that it is okay, I can pass it to him?



*(Dr. Kones passed a document to Dr. Wekesa)*

**The Temporary Deputy Speaker** (Mrs. Shebesh): Are you comfortable, Mr. Minister? Go ahead!

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Madam Temporary Deputy Speaker, I have been in this Ministry for three years, and I can answer it off-the-cuff. However, let me use this answer.

(a) The Government has not earned any revenue from sell of carbon credit scheme in Mau Forest.

(b) No money has therefore been ploughed back to the communities as benefit arising from the sale of carbon credits.

(c) My Ministry has put in place the following measures to ensure that there is elaborate and clear plans on community involvements on projects meant to conserve the Mau Forest. These are:-

1. Implementation of Participatory Forest Management (PFM) approaches that involves the forest adjacent communities and other stakeholders in the management of forests within the framework that contributes to the community land use has been intensified within the whole of the Mau ecosystem.

2. These PFM approaches involve the establishment of community forest associations in every station within Mau Forest in order to streamline the participation in sustainable management of the forest.

3. To ensure that communities are empowered and involved in planning, policy, decision-making and implementation of various conservation interventions, the Community Forest Associations (CFAs) have three representatives in the Forest Conservation Committees (FCCs) established within the ten regional conservancies in the country and that includes Mau Conservancy. These Community Forest Associations have a direct advisory role to the Kenya Forest Service Management Board on regional forestry policy issues. This means that the Community Forest Associations can work hand in hand with my officers.

4. The Ministry, assisted by the Prime Minister's Office, has also maintained a forest protection unit in the Mau Forest Complex that has maintained a close collaboration with the community through promotion of community reconnaissance and scouting to ensure compliance with the provisions of the Forests Act of 2005 for the conservation of the forest.

*[The Temporary Deputy Speaker  
(Mrs. Shebesh) left the Chair]*

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

**Dr. Kones:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for that answer. However, I also want to say that this answer sounds too theoretical and yet I really wanted the specifics. In part "c" of the Question where I am asking for the community's involvement, could the Minister specifically tell me how many community

associations have been involved, which ones they are and how much money has been disbursed to them?

**Dr. Wekesa:** Mr. Temporary Deputy Speaker, Sir, we have challenges in this area to the extent that we have not formed the community forest associations. My officers are on the ground and it is now that we are putting these associations in place. First of all, a community forest association must be registered and there is a process. This process is ongoing and eventually, what we want to see is the community to be fully involved in the conservation of the ecosystem. They should also be able to profit from being close to the ecosystem in terms of carbon credit, grazing and policing the ecosystem.

**Mrs. Shebesh:** Mr. Temporary Deputy Speaker, Sir, I do not know why the Government likes complicating issues. The issue of carbon credit is now known all over the world, especially in developing countries like ours, where people who are protecting forests are getting a lot of money. Now we are talking about the people in Mau Forest. Why can the Minister not find an easier and simpler route because what he is describing seems to be taking long and is bogged down by bureaucracy and yet we want the people within Mau to protect the forest? Why does he not find an easier way to compensate and allow this carbon credit because we are getting the carbon credit? Where it goes is the big question mark. When will it reach the people without all these bureaucracies?

**Dr. Wekesa:** Mr. Temporary Deputy Speaker, Sir, since we are a Government institution, unfortunately, we have to abide by some of the bureaucracies. I know that carbon credits are already in this country especially in the Mau area. There are farmers who are already getting money from carbon sequestration. However, you know that the field of carbon trade is indented by foreign institutions and some of them are there to exploit our people. So, as a Government, we are very careful on whom we should trade with. The process in Mau, in my belief, will be easier than with individual farmers in that, right across the ecosystem, we have indigenous forests. For indigenous forests it is very easy to craft a process of carbon sequestration with a credible institution. We are trying to find out which credible institution we can work with. This is because, as you know, with carbon credits, indigenous forest is the best. It is easier in Mau Forest because most of the forest is indigenous.

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, the Minister has talked about a community forest association which has not yet been created. Could he explain what process he has initiated to prepare communities so as to participate in the formation of community forest associations?

**Dr. Wekesa:** Mr. Temporary Deputy Speaker, Sir, my officers are on the ground and they are getting members registered. Since the hon. Member is very keen, I would like to work with him and make sure that this process is fast-tracked. We have initiated and launched many community forest associations around Kakamega, Mt. Elgon, Mt. Kenya and Meru areas. The community forest associations are already there and are registered. We want to register these community forest associations around our biggest ecosystem which is Mau. I would like to work with the Member of Parliament. Indeed, if he is prepared we can have a meeting in the area to sensitize farmers and those living near the forest to make sure that this process is ongoing.

**The Temporary Deputy Speaker** (Prof. Kaloki): Last question, Dr. Kones!

**Dr. Kones:** Mr. Temporary Deputy Speaker, Sir, I want thank the Minister for his positive attitude. May I know from him, because he has talked about a programme of

engaging a credible institution to deal in carbon credit; in line with the new Constitution, does he envisage that the county governments will be in control of such programmes?

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Minister, that will be your final submission on that Question!

**Dr. Wekesa:** Mr. Temporary Deputy Speaker, Sir, the issue of carbon credit is very important to us because there is a lot of money out there, but our people do not know how to access it. We are working with Non-Governmental Organizations (NGOs) and credible institutions---

**Mr. Kiuna:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to request the Minister, since he has stated that he would like to work with Members of Parliament from the respective areas, to accompany me to Mau in my constituency---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Member! You are out of order. Proceed, Mr. Minister! It is a different question altogether and there will be an opportunity for the Minister to have a comprehensive tour of that region.

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

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

Proceed, Mr. Minister!

**Dr. Wekesa:** Mr. Temporary Deputy Speaker, Sir, Mr. Kiuna is a good friend of mine and I know he lives around the ecosystem. If he would like me to invite him to come on this trip, he is welcome. But that does not amount to a point of order. I will be glad to do that.

I was just explaining that the issue of carbon credit is very new and some of our people are being short-changed. We have seen how it started. The companies themselves keep most of the money and our people are left with peanuts. What we are trying to do is to have a process where we are dealing with somebody who is credible and who will pay the maximum that we expect. That is because we know that the polluters of this world have invested a lot of money in carbon credit and we would like to have our right share and not short-change our farmers.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right.

Next Order! Is there any Minister in the Chamber ready to issue a Ministerial Statement?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I was supposed to issue a Ministerial Statement which was sought by Mr. Wamalwa, but we have agreed with him that I can issue it in the afternoon. If it will not be ready in the afternoon, I can issue it tomorrow afternoon.

**The Temporary Deputy Speaker** (Prof. Kaloki): So, can we put it tomorrow?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Yes.

**The Temporary Deputy Speaker** (Prof. Kaloki): That is an agreement between you and Mr. Wamalwa.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Yes.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right. As you have stated, you can bring the Ministerial Statement tomorrow afternoon.

Any hon. Member interested in seeking a Ministerial Statement?  
Next Order!

## MOTIONS

### ADMISSION OF 75 PER CENT OF STUDENTS IN REGULAR PROGRAMMES IN PUBLIC UNIVERSITIES

THAT, aware that the Joint Admission Board (JAB) admitted 32,611 students to public universities in the years 2009 and 2010 double intake; concerned that less than a third of the 81,000 students who had qualified to join public universities were admitted; further concerned that parallel degree programme admissions continue to expand further stretching the resources for regular programmes; aware that the economic growth of our nation is tied to the educational development of her people; acknowledging that the first group of students under the free education programme will be graduating by 2015 and more than 150,000 students are likely to qualify for university intake; this House urges the Government to ensure that, at least, seventy five per cent (75%) of all qualifying students are admitted to the regular programmes in our public universities from the year 2011.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. James Maina Kamau has requested the Chair to defer this particular Motion. So, we will defer it to next week on Wednesday when the hon. Member will be prepared to move it.

*(Motion deferred)*

### HALTING OF PLANNED PRIVATIZATION OF NEW KCC

THAT, aware that the original Kenya Cooperative Creameries (KCC) was largely owned by dairy farmers who held the majority stake in the assets of the company estimated at over Kshs5 billion; noting that when the original KCC was converted to New KCC the shareholding of the said farmers was conclusively never determined; further aware that New KCC is at an advanced stage of being fully privatized through public floatation of shares; deeply concerned that if the said privatization proceeds before the original shareholding rights of farmers are conclusively determined and protected, the said farmers run the risk of permanently losing their stake worth billions of shillings; this House resolves that the Government should forthwith stop the planned privatization of the New KCC and immediately constitute a seven member rights reconciliation team composed of representation from the Ministry of Co-operative Development and Marketing (three representatives) and the Kenya Farmers Association (four representatives) to interrogate and conclusively determine the shareholding rights of farmers in KCC as

converted into New KCC, which are to be guaranteed protection and duly awarded to the rightful farmers in the planned privatization.

**The Temporary Deputy Speaker** (Prof. Kaloki): The Chair has information that Mr. Namwamba is attending to other parliamentary matters out of Parliament. So, the Chair directs that this Motion be deferred to a later date. We can fix it for next week on Wednesday afternoon.

*(Motion deferred)*

Next Order!

#### ESTABLISHMENT OF MEN ENTERPRISE FUND

THAT, noting that the Youth Enterprise Fund, established in 2006 with the sole purpose of reducing unemployment among the youth within the age bracket of 18 to 35 years has done a commendable job; concerned that whereas women have the Women Enterprise Fund to fall back on upon attaining the upper age bracket, men have no agency to assist them; this House urges the Government to establish a Men Enterprise Fund (MEF) to increase economic opportunities for, and participation by vulnerable Kenyan men in nation building.

**The Temporary Deputy Speaker** (Prof. Kaloki): The Chair has information that Mr. Wambugu has requested that we defer this Motion to a later date. So, we will defer it to tomorrow afternoon to allow the hon. Member to be in the Chamber to move it.

*(Motion deferred)*

#### GOVERNMENT FUNDING FOR NATIONAL POVERTY SURVEY

**Dr. Otichillo:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion.

THAT, aware that Article 202 of the Constitution provides that revenue raised nationally shall be shared equitably among the national and county governments; further aware that Articles 203 and 204 provide criteria for determining the equitable shares and use of the Equalization Fund respectively; concerned that the last National Poverty Survey that was used to determine poverty levels in different constituencies was undertaken in 2005 and the reliability of the results challenged in different fora; further concerned that the National Revenue Allocation Commission will face serious challenges in discharging its functions unless a new and credible National Poverty Survey is undertaken before the operationalization of county governments; this House urges the Government to allocate adequate financial resources for conducting the said survey at the Ward, Constituency and County levels before the end of 2011/2012 Financial Year.

Mr. Temporary Deputy Speaker, Sir, before I expand, allow me to state why this Motion is important, and to also read - so that hon. Members can understand - the articles that I have referred to in the Constitution and what they mean.

Article 202(1) states that:-

“Revenue raised nationally shall be shared equitably among the national and county governments.” Please note the word “equitably”.

Also, allow me to read Article 203, particularly (g) and (h):-

This is the criteria that will be used in determining equitable allocation of resources. One of the key criteria is economic disparities within and among counties and the need to remedy them. I repeat “disparities within and among counties”. The next one is: “The need for affirmative action in respect of disadvantaged areas and groups”.

Mr. Temporary Deputy Speaker, Sir, it is clear from these articles that we must have a criteria on how those resources will be equitably allocated within the counties and also in disadvantaged areas. To do that, we need data and information. Without data and information, it will be exceedingly difficult for the Commission on Revenue Allocation (CRA) to determine the amount of resources which should be given to each county.

The criterion that has been used by the Ministry of Planning, National Development and Vision 2030, particularly by the Kenya National Bureau of Statistics (KBS) has been the determination of poverty levels. When we determine the poverty levels within the country, then we will be in a position to be able to equitably allocate these resources. So, the issue of how to determine our poverty levels, or living standards in different localities in this country, is very crucial. Without that information, it is going to be exceedingly difficult and there is a risk that the Commission or those who will be involved will be subjective in the allocation of resources and, therefore, they will contravene the Constitution. Apart from poverty levels or the standards of living, population is going to be very crucial.

Mr. Temporary Deputy Speaker, Sir, I am happy to note that we had a population census in 2009; so, the information is available and is current and, therefore, that information is going to be very crucial. There will be a need for information, particularly when you are looking at the socio- economic status of various counties. There will be need to look at various social amenities, including education status or literacy levels in various counties, so that when allocating resources, literacy will be one of the indicators of whether a county is highly advanced or not. Health care will be an issue that will have to be looked into and many other social services. So, all this information must be available before we go for devolved Government system. Otherwise, if we start the devolved Government system, hopefully in 2013, without this information, I am worried that it is going to be difficult for the Revenue Allocation Commission to decide how to allocate the resources to various counties.

Mr. Temporary Deputy Speaker, Sir, allow me to take the hon. Members briefly through how the KNBS has attempted to determine poverty levels in this country. If you may recall, earlier this year, we had a big debate in this House when new poverty levels were introduced for allocation of Constituency Development Fund (CDF) resources. You remember that there was a lot of controversy, debate and argument, with people arguing that the poverty levels assigned to their constituencies were not correct. I remember that a team of hon. Members from this House went to the extent of even going to the High Court to petition on that matter, so that those poverty levels were not be used. However,

they did not succeed. I want to highlight those poverty levels, because the documents that have all those poverty levels that are currently being used to allocate CDF resources to constituencies are here.

Mr. Temporary Deputy Speaker, Sir, I want to demonstrate to this House that, yes, these poverty levels have some credibility; but there are so many drawbacks and flaws in them that if we were to wait--- This is the most current poverty levels report we have, which is based on a survey that was done in 2005/2006. If we do not carry out another survey before we go to the devolved Government system, then it will be almost obvious that attempts will be made to use this document.

Mr. Temporary Deputy Speaker, Sir, I want to demonstrate, using a few examples, that there are quite a lot of draw backs in this document. Therefore, it is essential that the Government makes a very concerted effort to carry out a very well-planned integrated household budget survey, that is well co-ordinated and well controlled, so that the figures for the poverty levels that we come up with will be credible enough for everybody to accept them. This survey was undertaken in 2005/2006; basically, it was designed to provide data needed to update measures for living, notably poverty in Kenya. So, actually, if you go through this, you will see poverty levels for every constituency that was determined. It was also aimed at coming up with the consumer price index for various localities in the country. It also had an overall goal of coming up with household consumption for the system of national accounting to come up with an integrated household consumption index. Apart from that, this report also came out with a number of other sets of data, particularly socio-economic data, including on education, health, energy, water, sanitation, credit and agriculture. So, it was quite a comprehensive survey; it was more or less like what we did in the 2009 national census.

So, Mr. Temporary Deputy Speaker, Sir, I will not go into the details, but I just want – if you allow me – to read just a small section in this report, so that it is very clear to all the hon. Members. This is from section 1.3.1 - Measuring Well-being. It says:-

“Although the Kenya Integrated Household Budget Survey was conducted in 2005/2006, the sample design of the survey does not give direct estimation of constituency level poverty estimates”.

That is extremely important. So, as much as we are using this report to determine allocation of CDF resources, the report is very clear that it was not designed for that purpose. In fact, if hon. Members have time - actually the allocation of poverty indexes for various constituencies was determined statistically. we have a lot of equations which were used to determine this, but I would not want to go into those details of statistics and so on.

Mr. Temporary Deputy Speaker, Sir, I want to bring to the attention of the House the fact that this survey focused on districts and not constituencies. It focused only on 69 former districts. However, we have more than 200 districts.

Secondly, the sample size of the number of households covered in each districts were too few. They were about ten households.

Thirdly, more sampling effort or survey was concentrated in the urban areas rather than in the rural areas. For example, in the entire country, we had 8,610 households sampled. In towns, we had 4,820 households. So you can see it was skewed towards urban areas rather than rural areas. The households were sampled in one year. Within this

period, there were variations in price index depending on the season. That brought in a lot of errors.

Fourthly, the survey focused mostly on markets. That is where most of the data was collected from. People who go to buy goods in markets do not necessarily come from the constituencies where the markets are. They could easily show the consumer price index being very high and show that the people within that locality have a high purchasing power when it is not the fact. For example, in Luanda Market in Emuhaya, people come to buy goods there from as far as Jinja in Uganda and Talime in Tanzania. So, using the market prices also had a major impact on the determination of the purchasing power of the people.

Fifthly, the questionnaire was too elaborate. The common people could not understand the questions. That had a major impact on the results.

I do not want to go into details because this is a more technical report. This Motion is urging the Government to allocate resources to the Ministry of State for Planning, National Development and Vision 2030, through the Kenya National Bureau of Statistics and other independent consultants to make sure that the quality of the data collected is up to standard, so that the work can be done before we go to the devolved Governments system.

I will stop there and ask Dr. Kones, who is a statistician - he has a PhD in Statistics - to second this Motion.

**Dr. Kones:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to second the Motion. I want to thank my colleague, hon. Otichilo, for coming up with this Motion. I remember during the time we were discussing the CDF allocations, I was one of the people who stood here and criticized the allocations. When I looked at the figures that had been tabled here on poverty indices in our constituencies, I was not convinced that those figures were right. There are very basic things which you can use to determine whether figures are right or not. If you are measuring certain parameters like poverty in areas which are fairly uniform and you find that in one area you are getting a figure of 60 per cent poverty rate, and in another area, which is less or more the same, you are getting a figure of 30 per cent poverty rate, then that gives you a cause for alarm. I used my constituency to explain that. In the revised figures, the current poverty rate is given as 34 per cent while in a neighbouring constituency, which I will not name, with very similar geographical factors and culture, the poverty rate there was given as 67 per cent. Then you wonder what accounts for this difference of over 30 per cent between the two areas. Probably, one of the reasons could be on the designs. The other area which we really want to care for in future is on the processing process, namely, the process of computing these figures. Is it free from manipulations? This will go to the Kenya Bureau of Statistics.

Hon. Otichilo has gone through this report which was the basis of our poverty indices. The survey was conducted in 2005/2006 which is a long time ago. Apart from the drawbacks of the sampling design at that time, like few households and sampling only in a particular area, I want to advise that for purposes of such an index, we do not do a simple random. This is one of those indices that you must do 100 per cent household survey as opposed to just ten households per district.

The Kenya Integrated Household Budget Survey used computed poverty index based on the expenditures at household level. You know that expenditures are affected by



several factors. Some of the factors which were applicable then, have since changed. In fact, this report has highlighted some of those things. I would like to touch on one or two of those reasons which should convince the Members why we need to do a fresh survey as a matter of urgency.

Based on what they estimated to be the caveats, drawbacks or the errors that this estimation could have, in simple terms, we talk about poverty index without knowing what it is. It is just the proportion of those who are considered to be poor versus the total population in a particular area, in this case, the constituency which will be the basis for allocation of resources.

At that time, a person from the rural area would be considered to be poor if he would be spending Kshs2,331 per month. In the urban areas, one would be considered to be poor if one would be spending Kshs6,673 per month or less. Apart from what hon. Otichilo has said, one of the reasons as to why we cannot rely on these figures is that there are issues of population migration. It was assumed that over the years, there would be no migration. People move from one area to another. We know that in the last few years, there have been a lot of changes in our population structure, particularly after the post-election violence. Some people moved from one area and are now concentrated in other areas. That has completely changed the population dynamics in such areas.

Mr. Temporary Deputy Speaker, Sir, where I come from, there has been eviction from the Mau Forest. The eviction has not improved the situation because the people who were in the Mau Forest used to produce food. Now they do not produce food any more. That means the data has changed.

The other factor that affects the purchasing power of our people is inflation. I do not know what the price of petrol was in 2005, but I am sure that it was something like Kshs70 per litre. It is now Kshs124 per litre. That also affects the purchasing power of our people. Therefore, these should be enough reasons for us to demand that we go for a fresh survey to determine the poverty index, which is very important.

Most hon. Members might have noticed that if we were to share our Constituencies Development Fund (CDF) money without using our own allocation criteria, each constituency would get Kshs57 million; that is if the funds were to be shared equally. However, if you factor in the poverty indices of our constituencies, you find a constituency getting Kshs70 million and another one getting over Kshs50 million. In other constituencies, like mine, where estimations appear to suggest that we are becoming richer, we have got just a small addition from the Kshs57 million to Kshs70 million.

Therefore, I want to support my colleague in saying that it is so critical that we have proper statistics to guide the various organs that allocate resources in this country to ensure that whatever resources we allocate from the Equalization Fund, the CDF and other Funds are allocated using the correct statistics.

Mr. Temporary Deputy Speaker, Sir, as I conclude, I want to emphasize that we want a credible statistics bureau. Every time there is a Minister from a particular area heading the Ministry responsible for the Kenya National Bureau of Statistics (KNBS), you see the figures changing and appearing to favour the area from which the Minister comes. This raises concern. It would appear that the KNBS is not independent, and that it is not professional in the way it does its work. Therefore, I want to urge the House and the Committee that deals with matters to do with the KNBS to put in place mechanisms

for the House to countercheck the methodologies and the manner in which statistics are generated by the KNBS.

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

*(Question proposed)*

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): Mr. Temporary Deputy Speaker, Sir, I want to begin by thanking the Mover of this very important Motion, because this Motion has come at an opportune time. You realise that at the beginning of this year, we had a big problem due to lopsided allocation of CDF money, because there was no credible national survey that was conducted, so that the national cake can be distributed equitably. Therefore, I would like to thank hon. Otichilo for bringing this very important Motion. I hope that the Minister to whom the Motion is directed is here to take notes, because this is a very serious issue and we want to begin on a proper footing.

The Constitution, as quoted by the Mover of the Motion, says that the national revenue should be shared equitably among the counties. Even as we debate this Motion, the national Government should always take the lion's share of the national revenues because the national Government is responsible for national security, education and other areas of importance to the survival of our nation.

Mr. Temporary Deputy Speaker, Sir, if you look at Articles 203 and 204, you will appreciate that the Mover's intent in bringing this Motion to the House is to ensure that the Constitution is followed to the letter. This is very critical. In 2006 and 2007, we had some areas which were seriously affected by drought but during the financial year, those constituencies were given a raw deal. If we had a credible survey like the one envisaged by this Motion, that situation would not have arisen. It is very important that we take this country seriously, so that every Kenyan can have his or her rightful share of the national cake.

Mr. Temporary Deputy Speaker, Sir, when you look at the pastoralists communities where I come from, they will lose 80 per cent of their livelihood. I am sure the same applies to some of your people, because I border your constituency and I know they are suffering. Those people lost over 80 per cent of their livelihood. If you cannot adjust so that the sharing of the national cake is equitably distributed, so that every citizen is affected equally, we will have a problem in running this country.

The National Revenue Allocation Commission should be fully and adequately funded as indicated in the Motion, so that they can conduct a credible national survey. This is to ensure that come next year when we move into the dispensation of county governments, then the National Assembly and the Senate will be in a position to say a particular constituency or ward requires so much for development. It should not be based on the 15 per cent because that is the minimum as indicated in the Constitution. We cannot say like what we are saying in the current CDF that we equalize the constituencies and then we give them a certain level. If a constituency is poor, it should get a much better or bigger percentage.

I always wonder and I am not accusing the planners in the Ministry of Planning, National Development and Vision 2030, but how can we compare Starehe Constituency, for example, and North Horr? How can you compare the two? We do not need electricity,

tarmacked roads and hospitals in Starehe Constituency. They already have a national hospital and many other private hospitals. But when you look at the allocations of North Horr and Starehe they are almost equal. They even get more. Political leaders like ourselves, we must come up and make sure that this country is given proper development.

Mr. Temporary Deputy Speaker, Sir, it is obvious that this Ministry is not serious. I wonder how we can achieve Vision 2030, if the Ministry is not planning properly. Because I was affected by the unfairness, I think that Ministry is planning to fail. I think that Ministry is planning not to achieve Vision 2030 if we go the way they are going.

I think the Mover had a vision. This Mover should actually be given the opportunity to serve in the Ministry of Planning, National Development and Vision 2030. This is the only man who can move this country far.

With those few remarks, I beg to support.

**The Assistant Minister for East African Community** (Mr. Munya): Thank you, Mr. Temporary Deputy Speaker, Sir. I think this is a very timely and important Motion because we are in the transition to the new Constitution. It would be very unfair if we were to use old statistics to allocate money to the counties. These are old statistics that have even been discredited. They have also been challenged. Experts have looked into them and said they were not properly collected. Therefore, it is incumbent upon the Government at this particular juncture before it is too late, to collect the right statistics, so that we can have proper allocation of resources. If you use old statistics that are not credible then, obviously, what you will have is a misallocation of resources. We will be doing an injustice to the people of this Republic if we were to use statistics that are not credible. I am, therefore, very strongly supporting this Motion.

Mr. Temporary Deputy Speaker, Sir, it is not just statistics for poverty survey. This covers even issues of boundaries. Remember the census that was done that, again, was controversial. Even the Ministry itself admitted that certain figures that were picked in certain areas were not correct; they were exaggerated. Money was allocated for a proper census to be done so that the correct population figures could be taken from those constituencies.

We are still surprised that the Government is still dilly dallying, not picking the proper statistics for those areas to be able to correct the errors that were done. It will, again, be an injustice if those figures that were exaggerated were used to delineate boundaries for new constituencies. What that will mean is that certain areas will have excess constituencies in relation to other areas. Therefore, some areas will have more resources than others. Again, it will be an injustice to this Republic where we are saying we use the proper statistics, so that people could get the correct allocation that they deserve. Therefore, I think we are using this Motion to urge the Ministry of Planning, National Development and Vision 2030 to expeditiously allocate money and do the poverty surveys. At the same time, we are also using the money that it was given to correct the census results in those areas that the census was not properly done, so that the correction can be done.

Mr. Temporary Deputy Speaker, Sir, you may find certain Kenyans going to court, again, if the electoral commission were to go ahead and delineate constituencies on the basis of wrong population figures. People will go to court. That will be very bad because it will mean, again, delaying the process of creating new constituencies. It will be their right to go to court if the Ministry itself said these figures that were picked were

wrong. The Ministry of Planning, National Development and Vision 2030 admitted that these figures were exaggerated. Then on what basis would you use such wrong figures to create new constituencies? The Constitution is very clear; it is saying, create the constituencies on basis of population quota and on basis of correct statistics, then you go ahead and use those figures to create new boundaries and new constituencies. It will be an injustice that must be corrected. I am raising this because it is part of what needs to be done in preparation for the new dispensation that everybody is waiting for.

With those few remarks, I support.

**Mr. Mbadi:** Mr. Temporary Deputy Speaker, Sir, when I saw this Motion on the Order Paper, my initial thinking was to oppose it because I know there has never been any credible survey in this country and I did not want to give this Government any extra money to do a shoddy job similar to what they have been doing.

However, I have since changed my mind and I am supporting the Motion. I want to be very clear as to why I support this Motion. This survey which was done in 2005/06 defied all the conventional rules of scientific sampling. I want to just give you a few examples. Between 1999 and 2005, the poverty levels rose from 64 per cent to 97 per cent in Turkana Central. It looks suspect. In the same period even with the presidency, Othaya increased in poverty from 27 per cent to 29 per cent. The same period it is indicated that Rarieda Constituency had its poverty level decrease from 74 per cent to 26 per cent. Honestly, which factories were constructed in Rarieda to alleviate poverty with such a margin?

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

*[Mr. Deputy Speaker took the Chair]*

Gwassu Constituency all over a sudden became rich from a poverty level of 66 per cent to 50 per cent.

Mr. Deputy Speaker, Sir, someone sat somewhere in an office and came up with these statistics. This is unacceptable. Even as we want to support this Motion, mine would be that we require a guarantee that, this time round, the Ministry is going to do a credible survey and come up with results that can be relied on; and not outrageous results like the one we see in this booklet. It is important that the Ministry does a radical surgery in the Kenya National Bureau of Statistics (KNBS). Otherwise, whatever amount we are going to give as a country to those people to carry out survey is going to be a waste of resources and that is not acceptable.

If we are going to proceed to allocate resources to counties and even constituencies, we need reliable and credible statistics. If we are going to do that, first we need a guarantee that, this time round, it is going to be done differently. Otherwise, if we are just going to pass a Motion here to approve that we carry out a fresh survey yet, once that is done, we are still going to have the same personnel carrying out the survey; of what use is that survey going to be? We would rather stay with the figures as they are - even if they are wrong and we know it - rather than spend Government resources again to carry out a survey which will not be credible.

Mr. Deputy Speaker, Sir, maybe, I would urge that we come up with a law, because this is a Motion. I would like to thank my brother Dr. Otichilo for coming up with this Motion. But, probably, we need a law in Parliament that is going to guide any fresh survey that is going to be conducted by Government machinery. I am telling you that I am one of the people who will not have faith in any results that are going to come out of a survey, if it is done by the same body - Kenya National Bureau of Standards (KNBS) as it is constituted today. It will be a waste of Government resources, as I have just mentioned. It beats logic how poverty prevalence can decline within a period of five years in Rarieda from 73 per cent to 26 per cent. That is just not practical unless you tell us there was an intervention, maybe, from the international community of building factories and such things. I have never seen that in Rarieda. I pass through Rarieda many times and I have never seen any significant change from 2000 to 2005 which would warrant that growth.

In Gwassi, poverty levels have been increasing. That is because even the agriculturally productive land that we used to have is no longer producing the kind of produce that we have been having. So, how do you convince me that my constituency has become richer, with poverty levels reducing from 66 per cent to 50 per cent?

Mr. Deputy Speaker, Sir, let me conclude by saying that, unless we are going to have a new body in place to carry out the survey, it is going to be a waste of public resources.

Thank you.

**Mr. Deputy Speaker:** Do you beg to oppose or to support?

**Prof. Kaloki:** He started by supporting and then he opposed!

**Mr. Mbadi:** Mr. Deputy Speaker, Sir, I started by saying that I supported reluctantly. I made my point. The Member of the Speaker's Panel is harassing me for nothing.

**Mr. Njuguna:** Mr. Deputy Speaker, Sir, thank you for giving me a chance to contribute to this very important Motion.

Let me start by thanking the Mover of this Motion, Dr. Otichilo, for his continued commitment in bringing Motions to this House. This is a key Motion. It is very historic considering that we have had major complaints in this House and in the countryside concerning the latest census that was conducted.

Mr. Deputy Speaker, Sir, revenue collection is key to development of any country. We have seen countries fighting and the memories are vivid. In North Africa, we have had Governments already destabilized because of poor distribution of resources. Therefore, this Motion is looking for fairness and justice in the way we are going to share our resources. When resources are shared properly, a country gets stability and peace. Development projects are undertaken in the country.

All the areas of the country will enjoy development in all the sectors. Hospitals, roads and even water in the country will be distributed properly. All areas of the country are represented by Members who are elected by *wananchi*. Members of Parliament are accountable to their own electorates. When an area is not properly represented, the leader becomes unpopular. Sometimes, the leader does not become unpopular because, in my view, the data being applied is not correct.

**Mrs. Shebesh:** On a point of order, Mr. Deputy Speaker, Sir. Much as I do not want to interrupt my colleague, I would like to get a direction from the Chair. This is a

very important Motion that is dealing with a very sensitive issue about the Equalization Fund. However, I do not see the Minister for Planning, National Development and Vision 2030 or his Assistant Minister. I, however, see a substantive Minister here. Is he the one who will be responding officially to these statements?

**Mr. Deputy Speaker:** Why do you not then stand up and say you will?

**The Minister for Forestry and Wildlife (Dr. Wekesa):** Mr. Deputy Speaker, Sir, yes, I will. Is it the time to do it now?

**Mr. Deputy Speaker:** That is fair enough! Please, proceed, Member for Lari!

**Mr. Njuguna:** Mr. Deputy Speaker, Sir, recently, we formulated the National Revenue Allocation Committee which is expected to start on a firm and strong foundation in the area of distributing resources in this country. If, indeed, we do not have proper data on the way we are going to share resources in this country---

**Prof. Kaloki:** On a point of order, Mr. Deputy Speaker, Sir. This is an important Motion. It pertains to the Ministry of State for Planning, National Development and Vision 2030. It has issues of planning for this country. It is okay because of collective responsibility, but the Minister here is from a totally different Ministry. We need your guidance. Would it be in order to have the relevant Minister to be here to listen to this? The issues that the Members are deliberating on are to do with the planning of this country and of important statistics. So, we need your direction.

**The Minister for Forestry and Wildlife (Dr. Wekesa):** Mr. Deputy Speaker, Sir, I want to inform my colleague that I am a scientist and I went through issues of statistics when I was doing genetics. I have also been making notes on behalf of the Government. So, there is no need to worry about the Government not being represented. I am here and I am able.

**Mr. Mbadi:** On a point of order, Mr. Deputy Speaker, Sir. Much as I really appreciate, recognize and respect the competence of the Minister whose education cannot be challenged, I think the matter we are dealing with is very weighty. We would not be discussing this matter if the Government got it right the first time. I would request that, probably, we defer the debate on this matter so that the substantive Minister can take this issue very seriously. Otherwise, the issues we are raising--- Some of us are very bitter that the Government cannot come up with correct statistics. You have just heard a hon. Member even challenging the census results. We need to remove all these suspicions from our minds by having the Minister here to explain to the country. That is because we also do not want anarchy or chaos in this country. We do not want this country to be stopped from progressing because people have no faith and confidence in the statistics.

Mr. Deputy Speaker, Sir, I would request that we defer debate on this Motion.

**Dr. Kones:** Mr. Deputy Speaker, Sir, we really do not want to challenge the quality of the Minister here but I think the substance matter of this Motion is what is more critical. We want to commit the Government to allocate resources. I do not know whether the Minister who is here has already talked with the substantive Minister on this matter so that by the time he is responding, he is responding on his behalf but not on general matters of whether he agrees with the Motion or not.

## QUORUM

**Prof. Kaloki:** Mr. Deputy Speaker, Sir, looking at the importance of the Motion in this House and the Members present in this Chamber, there is no quorum in this House as I can see.

**Mr. Deputy Speaker:** Fair enough! Hon. Prof. Kaloki, I want to salute your intuitiveness and how you thought very fast. In any case, the Chair has absolutely no powers in any way to determine the competence of a Minister here. Once a Minister says that he is competent, that is it. However, now that you have risen on a point of order to raise the issue of quorum, Clerks-at-the-Table, could you check whether there is quorum?

*(The Clerk-at-the-Table consulted with Mr. Deputy Speaker)*

There is no quorum. Could you ring the Division Bell?

*(The Division Bell was rung)*

### **ADJOURNMENT**

**Mr. Deputy Speaker:** Hon. Members, due to lack of quorum, it is now time to interrupt the business of the House. The House, therefore, stands adjourned until this afternoon, 14<sup>th</sup> December, 2011, at 2.30 p.m.

The House rose at 12.25 p.m.