

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 16th February, 2011

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

INCREASED CATTLE RUSTLING ACTIVITIES IN NAROK /KURESOI CONSTITUENCIES

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

(a) Is the Minister aware of the increased insecurity resulting from cattle rustling along the border of Narok North and Kuresoi constituencies, particularly in Marishoni and Kapsembeiwo areas?

(b) Could the Minister give an account of the loss of human life and livestock as a result of the above since 2003?

(c) What steps will the Government take to remedy the situation, and also ensure stolen animals are recovered and the culprits involved punished?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware of increased cases of insecurity resulting from cattle rustling along the border of Narok North and Kuresoi constituencies in Marishoni and Kapsembeiwo areas.

However, I am aware of isolated cases of stock theft within Olkuto Division of Narok District, which have been dealt with.

(b) The following animals have been reported stolen since 2003. However, no human life was reported lost. It is a long list so I wish to table it.

(c) The following measures have been put in place to curb cases of cattle rustling and ensure animals are recovered and culprits punished:-

(i) Movement of livestock between 6.00 p.m. to 6.00 a.m. has been banned.

(ii) Movement of livestock from one place to another without movement permits is not allowed.

(iii) Sale of livestock is transacted with issuance of receipts with details of buyer and seller indicated.

(iv) Arrest of suspects and their prosecution have been stepped up deterring others who may be tempted.

(iv) We also encourage establishment of peace committees through the Provincial Administration, which have been formed to ensure peaceful co-existence and to help in the identification of suspects.

Mr. Cheruiyot: Mr. Deputy Speaker, Sir, I am rather disappointed by the answer given by the Assistant Minister. In Kuresoi, every November, we have invasion by Maasai morans. Last November, a Senior Sergeant working with the Kenya Navy lost seven head of cattle. The previous year, two other persons lost 26 herds of cattle. Two people were killed during the pursuit of the stolen livestock. I am shocked he has not given proper account of what has really happened and what he intends to do to curb this menace.

Mr. Ojode: Mr. Deputy Speaker, Sir, there have been isolated cases. That November is, in fact, captured here. That is when we lost some livestock. But some were recovered. At no time has there been any report of loss of life. What we have done – and my friend should be happy – is to beef up security, especially during the months of November, December and January in order to deter those people from moving livestock from one place to another. The ban on movement of livestock at night will also deter suspects from stealing livestock. So, I think we are doing very well. I will also encourage the Questioner to come and see the commandant of Anti-stock Theft Unit (ASTU) so that, at least, we can assist. But I want to assure him that we will try all means to stop theft of livestock.

Mr. Kiuna: Mr. Deputy Speaker, Sir, I really do not agree with the answer that has been given by the Assistant Minister. That is because I reside in that constituency. We have been having a lot of problems especially in Marioshoni. There is a lot of cattle rustling. Late last year, a woman was murdered in the same forest and no action has been taken so far. I would like to request the Assistant Minister, if he is sincere in what he is saying, to provide a police station in Marioshoni. That way, the people who are causing mayhem, stealing cattle and killing people will be apprehended.

Mr. Ojode: Mr. Deputy Speaker, Sir, it is not the Assistant Minister who gives a police station or a police post. The hon. Member is an *ex-officio* member of the security team. The team can make that request and even suggest the location of the police post. That request will be considered. We do not say no to requests which are made by security teams within the districts. So, if they need a police post, police base or patrol base, we will consider that request.

Mr. Kiuna: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that there is no insecurity in that area, while he knows very well that in Marioshoni, Kiptunga there is an area where animals cross a river and nobody can dare go beyond it? Is he in order to mislead this House that all is well in Marioshoni?

Mr. Ojode: Mr. Deputy Speaker, Sir, I do not think I am misleading the House. I said that I am not aware of increased insecurity. I said that I am aware of some isolated cases. That particular one is an isolated case. It is not something that is happening on a daily basis. I accepted that and said I am beefing up security in that area.

Mr. Cheruiyot: Mr. Deputy Speaker, Sir, I am really not satisfied with the Assistant Minister's answer. Apart from beefing up security and asking us to visit ASTU, what is he substantively doing? Will he set up a police station, for example, in Soitaran, so that we can do something about rampant cases of insecurity?

Mr. Ojode: Mr. Deputy Speaker, Sir, as I said, I will assist Mr. Cheruyiot. That is because he hurriedly left the office before he could set up a police post in that particular area. But I will assist him to put up a police station there. So, he should not worry! We will talk about it and then, he will have a police station.

(Laughter)

Mr. Litole: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to say that Mr. Cheruyiot left the office in a huff while we know that he was sacked? Was the Assistant Minister part of it?

(Laughter)

Mr. Deputy Speaker: Mr. Litole, when you are sacked is when you leave in a hurry!

(Laughter)

Next Question!

LACK OF ESSENTIAL DRUGS IN HOSPITALS IN NYANZA

Mr. Ochieng: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) How many public hospitals in Nyanza have run out of essential drugs and what are the names of those facilities?

(b) When did they last receive their stock of the essential drugs?

(c) When does the Ministry intend to stock them and what measures is the Government taking to ensure that drugs do not find their way into private chemists?

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Deputy Speaker, Sir, I beg the indulgence of the Chair because this Question touches on three departments in my Ministry. This morning, I was with the officers concerned and they told me that they need a few more days to get all the information.

Mr. Deputy Speaker: This is a Question by Private Notice. Whereas the Chair appreciates your concern that you want to have an answer that you feel is going to stand the test here, nonetheless, it is only fair if this Question appears on the Order Paper tomorrow afternoon. Ideally, a Question by Private Notice needs 48 hours to get an answer. In this day, age, with Informational Technology (IT) and everything else, we should have this Question properly answered by tomorrow.

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Deputy Speaker, Sir, I did not want to come here with a half baked answer and I am very thorough when it comes to answering Questions.

Mr. Deputy Speaker: Fair enough! You have 24 hours to make it proper; better half baked than fully baked! The Chair directs that this Question appears on the Order Paper tomorrow in the afternoon.

Mr. Ochieng: On a point of order, Mr. Deputy Speaker, Sir. This is a very important Question which touches on the lives of Kenyans who are dying in large numbers because of lack of medicine. I want the Assistant Minister to assure me that the answer he will have after giving him an extension of time will be quite comprehensive. He should tell us exactly what is happening in the Medical Supplies Department in his Ministry.

Mr. Deputy Speaker: Fair enough! The Chair is of the opinion that you have heard the sentiments of the hon. Member. You will clearly bring an answer that is comprehensive and good enough.

The Assistant Minister for Medical Services (Mr. Kambi): Thank you, Mr. Deputy Speaker, Sir.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.672

EXPANSION OF MARALAL DISTRICT HOSPITAL MORTUARY

Mr. Letimalo asked the Minister for Medical Services:-

- (a) whether he is aware that the mortuary at Maralal District Hospital is too small to serve the larger Samburu District adequately; and,
- (b) when the Government will provide funds for the expansion of the facility.

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Maralal District Hospital Mortuary cannot adequately serve the larger Samburu District.

(b) The Ministry has no immediate plans for funding the expansion of the facility. Our priorities are rehabilitation of existing infrastructure and expansion of the hospital's capacity to enable it discharge its core mandate of preserving life. The mortuary at Maralal District Hospital, just like those in other public hospitals, is primarily a holding facility where bodies generated from hospital's operations can be stored on a temporary basis pending retrieval for disposal or transfer to other mortuaries for longer storage. Ideally, retrieval of bodies from hospital mortuaries should take place within 24 hours. If this guideline was strictly observed, the hospital mortuary with a capacity of 9 bodies will be more than sufficient from casualties from the hospital who average about two per day. To increase mortuary space for Samburu County, I have three suggestions for the hon. Member.

- (i) Engage the local authorities to build mortuaries for residents as they pay rates.
- (ii) Encourage private investors to build mortuaries or funeral homes as business concerns as it happens in many parts of the country.
- (iii) Push for expansion of the hospital mortuary or construction of new ones with the Constituencies Development Fund (CDF).

Mr. Letimalo: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for the answer and the suggestions that he has given. But I would like to inform him that there are three districts in Samburu County; Samburu North and Samburu East. Samburu Ast is about 100 kilometers away from Maralal, which is the district headquarters. That is the only mortuary in the county. Each of those districts are connected with power. Besides the suggestions that he has given - and which we are going to look into - could the Government consider, at least, building a mortuary, however the size may be, in each of those districts to ease the congestion at Maralal District Hospital Mortuary?

Mr. Kambi: Mr. Deputy Speaker, Sir, that is a very genuine question. I will look at the facilities in the hon. Member's area. If they are health centres, then I will see whether I can upgrade one of them to a sub-district hospital and set up a mortuary wing. Our core mandate is to build hospitals and other infrastructure. The hon. Member's case is quite pathetic. I will look which facility to upgrade in his constituency and start a mortuary there.

Dr. Khalwale: Mr. Deputy Speaker, Sir, when the President created new districts, the Ministry of Medical Services responded by upgrading hospitals into either sub-district or district status. What national policy does the Ministry have to ensure that all those new hospitals are provided with mortuary facilities, including Ikuhu District Hospital and Shivwe Sub-district Hospital in Kakamega South District, Ikolomani?

Mr. Kambi: Mr. Deputy Speaker, Sir, most of these facilities were upgraded, but the situation then was political. However, as a Ministry, we have a policy that each and every sub-district hospital should have a mortuary. So, the only problem we have is lack of funds. We have captured this in the next financial year. I am sure if we are given the money, we will upgrade these facilities and build the mortuaries the hon. Member is talking about.

Mr. Ochieng: Mr. Deputy Speaker, Sir, yesterday, I was at Kenyatta National Hospital at around 4.00 p.m. There was a Canter for the hospital that brought bodies in Kenyatta National Hospital Mortuary. The people who had died between 11.00 a.m. and 5.00 p.m. were almost numbering 30 to 40. They were just being thrown like dead goats. One mortuary attendant who saw his colleague dilly-dallying said:- "*Bwana, tupa haraka huko, tuna haraka.*"

Could the Assistant Minister go and confirm whether the bodies of our departed brothers and sisters at Kenyatta National Hospital are being handled properly and in a dignified manner?

Mr. Kambi: Mr. Deputy Speaker, Sir, I am not aware of that incident. However, I will investigate that issue and report back to Parliament. If it is true bodies are not handled in a dignified manner, action will be taken against the officers concerned.

Mr. Ochieng: On a point of order, Mr. Deputy Speaker, Sir. By replying in that manner, it is like the Assistant Minister is doubting my statement. As I said, I was there personally. As a Member of Parliament, I witnessed what was happening personally and I was very saddened by the event. That is why I brought the issue on the Floor of the House. Could he confirm that he will take action immediately to make sure that those who are involved are actually disciplined?

Mr. Kambi: Mr. Deputy Speaker, Sir, as I said earlier, I am not aware. However, I will investigate this case. If there are people who are doing so, they will be punished according to the law.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, one of the problems we have is when people pass on the funeral arrangements take too long. Is there a policy by the Government to encourage people to dispose of their departed family members and friends as fast as possible as opposed to keeping the body for one or two weeks in mortuaries, so that this problem does not cost a lot of money?

Mr. Kambi: Mr. Deputy Speaker, Sir, that is a very genuine question. But as I earlier said, our policy is that people should collect the bodies of their relatives within 24 hours. However, the Government has encountered so many problems. Sometimes we have had to waive these bills as a Government. If our people will adhere to the rule of collecting the bodies of their relatives within 24 hours, then the Government will be very happy and we encourage this. Sometimes relatives do not have the necessary funds or even coffins to bury their dead and this is why bodies end up staying long in the mortuaries.

Mr. Letimalo: Mr. Deputy Speaker, Sir, the Assistant Minister may or may not be aware that the CDF in Samburu West has already constructed a mortuary facility at Suguta Marmar. Could the Ministry consider equipping it?

Mr. Kambi: Mr. Deputy Speaker, Sir that will be considered along with others. I want to thank the hon. Member for doing such a wonderful job to the country. Thank you.

Question No.574

DELAY IN ISSUANCE OF BIRTH CERTIFICATES IN NAKURU

Mr. Kiuna asked the Minister of State for Immigration and Registration of Persons:-

(a) whether he is aware of the difficulties faced by applicants of birth certificates at Nakuru Registration of Births offices; and,

(b) what he is doing to speed up the process and also eradicate the cartels that exploit applicants by charging illegal fees for the vital documents.

Mr. Deputy Speaker: Minister for Immigration and Registration of Persons, the Chair recollects that there was a portion of this Question that you were supposed to answer unlike the bulk of the Question which had been answered before. So, could you, please, proceed and answer?

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang): Mr. Deputy Speaker, Sir, the Question was largely answered last time. However, I think the issue that remained to be dealt with was whether we could consult with the Ministry of Education, so that we could defer the requirements for the birth certificates for registration of Standard One pupils and also Form Four candidates.

Mr. Deputy Speaker, Sir, it is not advisable to do that because the reason why we asked the Ministry of Education to help us in this regard was to encourage all Kenyans to register all births. The Ministry of Education has agreed because they also have problems

with people sitting for exams for other people and cheating in exams. So, both of us have an interest in making sure that every child is registered.

However, due to the pressure of the period in which pupils are expected to register both in Standard One and in Form Four, we will give some time up to the last day of March this year for all parents to make sure that their children are registered.

Let me use this opportunity to give a policy statement with regard to registration of births of pupils who are in school, so that they do not have to go and register to obtain these essential documents. We have asked all our head teachers to be our agents for purposes of registration of children. We are giving all teachers application forms. We are helping them, so that they know how the forms should be completed. They know the parents of the children. They know the children and the assistant chiefs are in the same locality where the schools are situated. When they complete the forms, the assistant chiefs can confirm and sign and we can then pick the documents and get the certificates. We can bring the certificates back to the teachers and the parents can then pick them. This is to ensure that the children are not disturbed.

Kenyans must know that it is their responsibility to register their children. They do not have to wait until we are registering children in Standard One, Form Four or during KCPE. We urge that everybody takes a birth certificate immediately after birth of a child.

Mr. Kiuna: Mr. Deputy Speaker, Sir, I asked this Question last week and it was deferred to this week to give the Minister time to come here with a more comprehensive answer. However, the answer he gave last week is the same one he has given today.

I was in Nakuru on Monday, but the situation has not changed. People are still queuing there. The Minister's officers have not changed. It is business as usual. If you do not bribe, you are just left there. Parents are spending four days trekking. If you do not have any money to give these officers, you cannot be assisted.

Has the Minister consulted with his counterpart in the Ministry of Education, as we had requested last week, to postpone this exercise, so that they can try to harmonize everything? Could he make sure that his exercise is stopped, so pupils and students do not waste a lot of time looking for these documents---

Mr. Ochieng: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member for Molo trying to move a Motion or is he asking a supplementary question?

Mr. Kiuna: Mr. Deputy Speaker, Sir, my question is whether the Minister consulted with his colleague in the Ministry of Education.

Mr. Kajwang: Mr. Deputy Speaker, Sir, we have no intentions, whatsoever of suspending registration of births because it is compulsory. It is in the law. You must register your child and attain a certificate so that when it is required, you produce it. This is not something that we have created. Birth registration is compulsory and there is a penalty for failing to register your child. However, since it was not in our culture and people did not see the need for birth certificates, they would go for identity cards. They did not go for birth certificates. Right now, we require all this information in our database. We require your birth certificate, where you were born, who your parents are and all that before you get an identity card. So, suggesting that we postpone it indefinitely is breaking the law. We are only going to accommodate people because cultures change slowly. We have found co-operation from the Ministry of Education to make parents know that birth certificates are important documents. If there is bribery, that is a serious

matter which we can deal with. I think that by now, my brother should have reported that issue to the police so that we can get someone arrested and disciplined. However, it is not sufficient to come here and say that there is a lot of bribery and unless you give money, there is nothing that will be done. You should not come and mourn here; you should do something about it.

Eng. Rege: Thank you, Mr. Deputy Speaker, Sir. The Minister seems to have a good policy in place. However, I would like to ask him to assure this House that the policy is in place and that teachers can go to the District Education Officers (DEOs) and retrieve the documents he is talking about. That is because the situation is grave. When can this be done?

Mr. Deputy Speaker: The headmasters are the agents.

Mr. Kajwang: Mr. Deputy Speaker, Sir, this is not a new thing. Last year, there was pressure and headmasters completed those forms and took them to our offices. They were then issued with birth certificates. We are doing that because we know that there are areas that are very expansive and people travel long distances to get birth certificates. We do not want people to suffer. We can use the schools as our centers of registration and Assistant Chiefs to sign each and every one of those forms to confirm that the child was born there. Our officers will use that information to produce birth certificates. I do not think there is any temptation to cheat about the birth of a child. The Assistant Chief's signature and the headmaster's signature is sufficient evidence that a birth took place.

Mr. Kioni: Mr. Deputy Speaker, Sir, I want to appreciate the gesture and policy statement by the Minister that school heads can be used as agents to help in that process. However, as that is being put in place, sometime earlier, your officers would allow people to get birth certificate by producing the waiting card that is issued when one has applied for an identity card. That has now been stopped and it is making it very difficult for them to move quickly. Is it possible for the Minister to consider opening that window again so that when you have applied for an identity card and you have a waiting card, you can use it to get a birth certificate? This applies to parents, especially in a place like Ndaragwa, where the last time they received identity cards that they had applied for was in October.

Mr. Kajwang: Mr. Deputy Speaker, Sir that is a genuine concern. I did not know that parents are not registered to have identity cards. A parent should be someone who is above 18 and, therefore, should have been registered a long time ago. However, if there are parents who applied for registration much later and have not received them because our identity cards production is low, we can consider that window and assist.

Mr. Olago: Mr. Deputy Speaker, Sir, the issue raised by hon. Kiuna is not just confined to Nakuru. It affects Kisumu as well. Parents are compelled, not just to bribe, but also to wait for very long. I agree with the Minister that it is a requirement of the law that births must be registered. However, it is not a requirement of the law to produce birth certificates during registration to schools or for examinations. This is only a regulation. So, the issue that hon. Kiuna has raised is very valid. There should be coordination between the Ministry of State for Immigration and Registration of Persons and the Ministry of Education so that the requirement to produce a birth certificate before registration to a school or before examinations is suspended for the time being. This issue is so serious that I had also sought a Statement from the Minister for Education. Indeed,

the Director of Civil Registration put a whole page notice yesterday, in the media, in which he said among other things that:-

“The Ministry wishes to acknowledge that in the past, there has been an increase in the demand for birth certificates due to the ongoing national examinations registration. This has posed a big challenge to the department whose capacity is low.”

In view of this admission by the Director himself, why is it not possible for the Ministry of State for Immigration and Registration of Persons and the Ministry of Education to sit together and suspend the requirement of production of birth certificates during admission and examinations?

Mr. Deputy Speaker: Waive!

Mr. Kajwang: Mr. Deputy Speaker, Sir, we have already said that, that is just a rush because Kenyans always come rushing. Our officers are normally very idle during the whole year until the time when examinations or new admissions are taking place. We are using this platform to tell them that they should register their children during the year. They should register a child whenever a birth occurs so that, when the certificate is required, you have it. However due to laxity in the character of Kenyans, if we keep on waiving and allowing them to get away and extending time, they will think it is a routine and they will not do what they are supposed to do.

We started this last year. We worked very well. We gave them an extension until June and by end of June, we had cleared most of them. They then went into hibernation until the other day. So, help us to explain to them that it is a requirement and the exercise is open throughout the year. Right now, we will give them a window until 30th March. Any child who will not have produced a birth certificate by then will not be registered for examinations.

Mr. Kiuna: Mr. Deputy Speaker, Sir, I request the Minister, so that we have a new page, to remove the cartel of officers in his Ministry. The Minister should consider overhauling the whole team in Nakuru District and bring in new officers who can, at least, serve *wananchi*. Interdicting the Civil Registration Officer does not make sense. He should consider transferring the whole team and bring in new officers.

Mr. Kajwang: Mr. Deputy Speaker, Sir, if I were to transfer them to another place, they will carry the same corruption to the other place. Those allegations are not sufficient. I think my brother should do something more. He should report them to the police and have them arrested. However, I want you to bear with me. Nakuru is a very large station. It was one district. It is also a city. Most of the births that have occurred in the larger Nakuru have their records stored in Nakuru. So, we have a huge bulk of records there and the work is enormous. Due to this, people come from all areas which were originally in Nakuru since the records are in one station. To search for one record, it takes an officer half an hour because we are not digitalized.

Mr. Deputy Speaker, Sir, we are digitalizing all our records. We have started with Nakuru, Nairobi, Mombasa and Kisumu, so that the search for those records will be faster. In the meantime, if there is any officer, and you have evidence, who has received a bribe from a member of the public, please, report him to the nearest police station.

Question No.700

LIST OF “QUALITY-FOUR-STREAMED”

NATIONAL /PROVINCIAL SCHOOLS

Mr. Pesa asked the Minister for Education:-

(a) whether he could provide a list of national quality-four-streamed and provincial schools in each of the 47 counties; and,

(b) what immediate plans the Ministry has to put up more quality schools in the disadvantaged counties such as Migori.

The Assistant Minister for Education (Prof. Olweny): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The quality-four-streamed national and provincial schools in each of the 47 counties are in the list which the Member has. I will read out only the national schools because the provincial schools are so many and it will take a lot of time to read them.

In Nairobi County, we have the Lenana School, Starehe Boys School and Centre, Starehe Girls School and Centre, Nairobi School, the Moi Forces Academy and Kenya High. In Kisumu County, we have Maseno School and in Uasin Gishu County we have Moi Girls, Eldoret.

Mr. Deputy Speaker: Why can you not table the list if it is a long one?

The Assistant Minister for Education (Prof. Olweny): Mr. Deputy Speaker, Sir, the national schools are just 18. In Kiambu County, we have Alliance Boys, Alliance Girls, Loreto High, Limuru Girls, Mary Hill Girls and Mangu High Schools. Those are the only national schools that we have in the country. The provincial four-streamed schools are as shown in the list which the Member already has.

(b) Comparatively, Migori County is not disadvantaged because it has some four-streamed quality schools. The Ministry will undertake the following measures to develop more quality schools in the disadvantaged counties:-

(i) We have already constituted a taskforce to harmonize education policies, structures and operations in line with the new Constitution and its findings will be presented to Parliament for deliberation.

(ii) Engage the Treasury for additional funding for improvement of schools.

(iii) During this financial year, my Ministry allocated Kshs750 million to schools for the expansion of learning facilities to accommodate an extra class of 45 students in each of the 18 national schools, so as to create another 810 slots.

(iv) Continue providing funds for the purchase of laboratory equipment to schools identified by the District Education Boards.

(v) Explore possibilities of upgrading to national status two top performing provincial secondary schools in each of the 47 counties. This will guarantee opportunities and quality education in the disadvantaged counties.

(vi) Enhance in-service training for mathematics and science teachers in secondary schools through the Centre for Mathematics, Science and Technology Education in Africa to equip them with the knowledge and skills that will make them offer quality education to the students.

(vii) My Ministry has developed a nomadic education policy framework to address educational challenges in the ASAL areas.

(viii) My Ministry has also formulated a policy on alternative provision of basic education and training.

(ix) My Ministry is conducting continuous training and capacity development of teachers' pedagogical skills.

(x) My Ministry has established a national assessment system for monitoring learner achievement under the Kenya National Examinations Council.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. I rise under Standing Order No.82(1) to request the Chair to order that the Assistant Minister goes back to the Ministry to bring us an accurate answer. I have perused his list and he is misleading the House in its entirety. I come from the former Western Province and the information he has given on the entire province is misleading. So, if he is misleading the House on the former Western Province, he might be doing that in other areas. Ingotse High School is not in Malaba District. St. Ignatius High School is not in Lugari, it is in Shinyalu. St. Peters, Mumias, is not in Shinyalu, but in Mumias. Eregi Girls is not in Matungu, but in Ikolomani. St. Mary's Girls is not in Khwisero, but in Mumias. This kind of an answer should not be allowed to pass the test of this House.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. I do not come from Nairobi, but Starehe Boys School and Centre is obviously not in Westlands Constituency or Westlands District, but in Starehe Constituency and Starehe District. In my constituency, there is no such a thing as Machakos Girls. Machakos Girls is in Machakos Town Constituency and Machakos District. Tala High School is not in Kathiani Constituency, but in Kangundo District. If these are the errors we can just see at a short glance, obviously, this list is inaccurate and misleading.

Mr. Pesa: On a point of order, Mr. Deputy Speaker, Sir. I think the Assistant Minister did not look at his answer before he came to this House. For example, Uriri High School is not in Migori, but in Uriri Constituency.

The Minister for Education (Prof. Ongeru): On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Whom do you want to inform, hon. Minister? Do you want to inform your Assistant Minister?

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. There has been a ruling from the Chair that Ministers should not be informing their colleagues here. They have better forums where they can do that.

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. First, this answer is signed by none other than Prof. Ongeru, the Minister himself. Secondly, the answer is clearly wrong as my colleagues have said. I have come from Kisumu and Maseno School is not in Kisumu Town East. Otieno Oyoo High School is not in Kisumu Rural, Onjiko High School is not in Nyakach, Ngere is not in Muhoroni and Kisumu Girls is not in Nyando.

The Minister for Education (Prof. Ongeru): On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order, hon. Minister! If you want to rise on a point of order to seek the indulgence of the House for you to be given more time to deal with this answer, then rise on a point of order. You can inform the Assistant Minister as he is right next to you.

The Minister for Education (Prof. Ongeru): On a point of order, Mr. Deputy Speaker, Sir. Obviously, the Members are reading this list upside down. Indeed, I have signed it and own the Question. We have constituencies on one side and the schools on

the other, for instance, we have Makadara and Westlands. When you look at Makadara, you will see Lenana School. Obviously, Lenana School is not in Makadara Constituency. We have listed the number of constituencies in that county and then on the right column, we have listed the national schools in that county. So, you cannot put a horizontal line and then say that it is in Shinyalu or any other place including Uriri. We are saying that Uriri Constituency and many others are in Migori County and, therefore, we have shown the schools in that county. It is just a question of how you want to read it.

Mr. Deputy Speaker: Table the answer, Prof. Olweny!

Prof. Olweny: Mr. Deputy Speaker, Sir, I table the answer.

(Prof. Olweny laid the document on the Table)

However, if you read the Question well, it is asking me to enlist schools in the counties and not constituencies. If you look at the table we have the counties and at the far right we have a list of schools in the counties. For convenience, we have provided information regarding the various constituencies within those counties. If you want information of schools within the constituencies, I can go back and provide. The Question asked for schools in the 47 counties and not constituencies.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. The two professors are taking this Question very lightly. The gist of this Question is the constitutional issue of equity. We want to know the spread of both national and provincial schools so that we determine whether the children of Kenya have equal access to education across the Republic. The Assistant Minister has correctly given us columns one and two. The third column should then correspond to what one finds in column one and the middle column. That way, as representatives of the people, we will be satisfied that the two professors are conscious to the requirement of the new Constitution on the principle of equity. You cannot hide behind a fake answer so that people can think that they are being served when, indeed, you are only serving Central Province and Nairobi provinces with regard to education.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to state that national schools in Central Province serve the people of Central Province? The national schools serve Kenyans. There are Kenyan students in all national schools in every corner of the country.

Dr. Khalwale: Mr. Deputy Speaker, Sir, I am not misleading the House. Indeed, this House and the entire nation know that in the provinces where you find national schools, there is a stream which is reserved for that province in that particular national school. This means that a province like Western Province that does not have a single national school is at the mercy of being given a few slots in the other national schools. It is not by accident that these schools are in Central Province. It is all because the political power of this country has been dominated at the very top by players from Central Province. This injustice is what we wanted to stop with the new Constitution.

Prof. Olweny: Mr. Deputy Speaker, Sir, what we have in this answer is very useful information to the hon. Members because it shows how these schools were distributed before. This is why with regard to equitable distribution of available spaces in schools, my Ministry is proposing, at least, two national schools per county. That will

help in resolving this inequitable distribution. If this House helps me to put this through, the problems that my colleagues have will be solved.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Barely a year ago, the Ministry of Education and that of Finance stated that they were going to start a national school in every constituency and through the Economic Stimulus Package (ESP) allocated them Kshs30 million. I am talking about the centres of excellence and they were targeted to be the national schools. Has the policy changed from the national schools which were to be centres of excellence to now only two national schools per county?

Prof. Olweny: Mr. Deputy Speaker, Sir, under the ESP, a centre of excellence was proposed for each constituency and funds provided. It was the District Education Boards (DEBs), in which all MPs sit, that were mandated to decide what would be the centres of excellence. They were to decide whether to improve the already existing schools or start new ones. The centres of excellence are there and they are being done for each constituency.

The two national status schools per county is an additional proposal. It is not replacing the centres of excellence.

Mr. Affey: Mr. Deputy Speaker, Sir, this list reflects a tragic situation. If you look at the row showing County No.43, that is, Isiolo, you will see it filled nil. The same applies to Marsabit, North Horr, Saku, Laisamis, Mandera East, Mandera Central, Mandera West, Wajir North, Wajir South, Wajir West, and Wajir East. Which Kenya is he talking about? What is this?

Prof. Olweny: Mr. Deputy Speaker, Sir, indeed, that is the reality. That is the truth of the matter in this country as it has been before. In fact, those are the historical injustices we want to sort out if this House gives me the support.

Mr. Mungatana: Bw. Naibu wa Spika, ukiangalia orodha hii, hasa yale majimbo sita ya Mkoa wa Pwani, utagundua kwamba Jimbo la Mombasa lina shule moja inayoitwa Shimo La Tewa. Kule Kwale kuna Shule ya Upili ya Kwale. Katika jimbo la Kilifi hakuna shule ya mkoa wala ya kitaifa. Jimbo la Taita Taveta vile vile halina shule ya mkoa wala ya kitaifa. Hali ni hiyo hiyo katika majimbo ya Tana River na Lamu.

Serikali zilizotangulia za Rais mwanzilishi wa taifa aliyetuacha, Mzee Jomo Kenyatta, na Rais mstaafu, Daniel arap Moi; na Serikali ya sasa ya Rais Mwai Kibaki na Waziri Mkuu Raila Odinga, zilichukua ahadi za kisiasa, kwamba tungesaidiwa ili maeneo yetu nayo yapate maendeleo. Ningependa Waziri Msaidizi atuambie ni hela ngapi zimewekwa kwenye Bajeti kuhakikisha kwamba sehemu hizo nazo zimepewa nafasi za shule za kitaifa na shule za mkoa?

Prof. Olweny: Bw. Spika, Serikali inaweza---

(Laughter)

Mr. Mungatana: Hoja ya nidhamu, Bw. Naibu Spika. Je, ni haki kwa Waziri Msaidizi kulijibu swali hili huku akiendelea kucheka na hali watu wetu wanaumia? Anacheka nini?

Prof. Olweny: Mr. Deputy Speaker, Sir, I was only smiling. May I beg the indulgence of the Chair and the House that I respond in English? I am better in English. I will still give the answer.

Mr. Deputy Speaker: proceed.

Prof. Olweny: Mr. Deputy Speaker, Sir, the Government has set aside Kshs30 million to take care of improvement of education in each constituency in terms of setting up centres of excellence. Each of the hon. Members of this House knows how that money is being spent in their respective constituencies.

In addition, the Government has---

Mr. Mungatana: Hoja ya nidhamu, Bw. Naibu Spika. Hivi punde, kumeulizwa swali na Waziri Msaidizi akaeleza vizuri kwamba kuna tofauti kati ya centres of excellence, shule za kitaifa na shule za mkoa. Je, ni haki Waziri Msaidizi kujaribu kuwapotosha watu kwa kuzungumzia centres of excellence badala ya kuzungumzia shule za kitaifa na zile za mkoa?

Mr. Deputy Speaker: Assistant Minister, you have already made a clear distinction between the centres of excellence programme and the need to have national schools in areas where none exist.

Prof. Olweny: Mr. Deputy Speaker, Sir, the hon. Member has asked me to state the measures we have put in place, in addition to what we have done. We all know that the resources that are available to us can only be spread out to a certain extent. We are using the resources we have been given in this financial year to upgrade all the national schools. If, through this House the Treasury gives my Ministry more funds, we shall improve all the existing provincial schools. It is already proposed that all the existing provincial schools in each county be promoted to national schools. That is a move in the right direction, considering the fact that many parts of this country had been marginalised. We are trying to move out of this scenario towards a better Kenya for all.

Mr. Deputy Speaker: Assistant Minister, you have not said what you are going to do for those marginalised areas. Address yourself to those areas where the hon. Member said there are no provincial schools to be upgraded to national schools.

Prof. Olweny: Mr. Deputy Speaker, Sir, I want to read out the names of the counties which are extremely marginalised, and where there are no provincial schools, so that everybody knows them. These are Elgeyo Marakwet, Kilifi, Taita Taveta, Tana River, Lamu, Isiolo, Marsabit, Mandera and Wajir counties. The question as to why these counties do not have provincial schools can be asked to the previous regimes.

Mr. Deputy Speaker, Sir, we are going to promote two institutions to national schools in each of those counties. Since those counties have no provincial schools currently, we will consider promoting one more institution to provincial school in each of those counties.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Kioni: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House to the extent that within Ndaragwa Constituency, we have Nyandarua High School, while it is very clear that if there are areas that have no provincial schools, they include Ndaragwa Constituency? His record indicates that Nyandarua High School has been within Ndaragwa Constituency.

Mr. Deputy Speaker: Hon. Kioni, the Question is on counties. In which county does Ndaragwa fall?

Mr. Kioni: Mr. Deputy Speaker, Sir, the answer is very clear. He has matched Nyandarua High School with Ndaragwa Constituency. Even in terms of the county, the answer is inaccurate.

Secondly, even those schools within the county were done by the colonialists. They were not done by any of the regimes we are talking about. So, there is a lot of misinformation from the Assistant Minister.

Prof. Olweny: Mr. Deputy Speaker, Sir, I think I have dealt with the issue that the hon. Member is raising.

Mr. Deputy Speaker: Last supplementary question, hon. Pesa!

Mr. Pesa: Mr. Deputy Speaker, Sir, I hope you appreciate that I have not even asked my second supplementary question. So, could I be allowed to ask two supplementary questions?

Mr. Speaker: No! Ask one supplementary question!

Mr. Pesa: Mr. Deputy Speaker, Sir, we know that human development is very important for any economy, and that starts at school. From what we have seen from the Assistant Minister, it means that there has not been proper distribution of resources to the education sector in this country. Could the Ministry consider funding marginalised areas, which have no provincial schools, to bring them at par with other counties before bringing in the idea of establishing more national schools in the country?

Prof. Olweny: Mr. Deputy Speaker, Sir, most of the marginalised counties fall under ASAL areas. We have a policy dealing with education in ASAL areas, which will address that aspect. The commitment of my Ministry is to ensure that education is promoted in ASAL areas, just like in the rest of the country.

Question No.698

ARREST OF MR. LOPERIT KADUMO KAPON

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

(a) why Mr. Loperit Kadumo Kapon, who was arrested in Koshelei Village, Mosol Location of Pokot County on 11th December, 2010, was taken to Lodwar (Turkana County) instead of Kapenguria-Pokot County where the crime is alleged to have been committed;

(b) why the KWS officers did not hand over the suspect to a police station in Sigor or Marich; and,

(c) whether he could confirm that there was a violation of Mr. Kapon's human rights, considering that he did not have a Pokot interpreter, resulting to being jailed for 8 years, and what measures the Minister will take to ensure that the matter is reviewed.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I beg to reply.

(a) Mr. Loperit Kadumo Kapon was arrested on 11th December, 2010 at Koshelei Village, Mosol Location, which falls under Pokot County, after killing an elephant in Turkana South Game Reserve, which is located in Kainuk Sub-location within Kainuk Location in Turkana South District. The crime for which he was arrested was committed within Turkana County, and not Pokot County. Kainuk Sub-location and Kainuk Location fall under Turkana County.

(b) The crime was committed outside the jurisdiction of Marich and Sigor hence the reason as to why the suspect was handed over to Lodwar within Turkana County, where the crime was committed.

Mr. Deputy Speaker, Sir, there was no violation of the accused person's rights, because the court provided a Pokot interpreter by the name Susan Kamolo, who was used during the court hearing to ensure that the accused understood the particulars of the offence preferred against him. The accused was convicted and sentenced on his own plea of guilty. I want to repeat that the accused was convicted and sentenced on his own plea of guilty. The accused was given a chance to appeal within 14 days after the date of the sentence which he did not do. I am not able to have the matter reviewed as an Assistant Minister, as it was handled by a court of law and the law is very clear on such matters.

Mr. Litole: Mr. Deputy Speaker, Sir, the Assistant Minister is misleading the House. If this man was arrested in Koshelei and the crime was committed in Turkana, why was he not taken to Kainuk Police Station? This lady called Susan Kamolo is a Kalenjin and Pokots and Kalenjins are not the same. So, this man did not get proper interpretation of what he was accused of. That lady could not give the right interpretation. The other issue is that the Assistant Minister has not talked about the appeal. This man appealed three days later. So, the Assistant Minister is misleading the House or he was given the wrong answer.

Mr. Deputy Speaker: The Chair fails to understand how Parliament has been turned into an appellate body. This is a matter to be determined by the court. The merits and demerits of that determination can only be determined in the same courts; that is the Court of Appeal. Parliament cannot be turned into a court. Once a person has been charged, there is an assumption that the matter is *sub judice*; that it is a matter pending before a court. A *sub judice* matter includes even that matter which has been determined by a court. So, Parliament cannot take over the role of an appellate court or the Judiciary.

Mr. Litole: Mr. Deputy Speaker, Sir, I was just informing the Assistant Minister that there was an appeal three days from the day of judgement; we are waiting for the appeal to be determined.

Mr. Deputy Speaker: That is a matter for the courts to determine. That is not a matter that can be debated in the House. Actually, it fits firmly into the *sub judice* rule; the matter is still in the Appeal Court.

Next Question by Mr. Warugongo!

Question No.725

PROVISION OF VEHICLES TO GOVERNMENT OFFICERS IN KIENI

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

(a) to tell the House why the Government has not provided GK vehicles to the Kieni West District Commissioner, the Gataragwa District Officer and the Administration Police Office in the district, despite numerous requests to the Ministry;

(b) when they will be issued with the vehicles and whether he could also consider allocating a lorry to the vast Kieni West for relief food distribution; and,

(c) when the Ministry will also post a District Officer to Central Division in Kieni East District.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Kieni District Commissioner (DC) was issued with a Land Rover pick up GK A 780S in 2009. The District Officer (DO), Katarakwa Division, and the Administration Police Commandant are assisted by the DC.

(b) This financial year, the Ministry was not allocated any funds for purchase of vehicles. However, the district is assisted by Kenya Wildlife Services (KWS) in Nyeri County Council whenever the need arises.

(c) The DO Kieni East is acting in the Central Division. However, when the recruitment is done, the Ministry will post a DO there.

Mr. Warugongo: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for answering this Question, although I am not satisfied. As you have heard, I have two DCs and one of them, Mr. Mohammed, is using a pick up to move around the constituency to do his work. Where on earth do DCs use pick-ups to go about their work? That is why I said that it is good that the Assistant Minister should give us a caravan to be used by the DC, Mr. Mohammed. The police in my constituency are using an old vehicle, which breaks down often. It also needs to be replaced. The same thing applies to the DOs in both districts. Security in the area is deteriorating because of lack of vehicles to make them move and help the Ministry maintain security. Solio Settlement Scheme is another area---

Mr. Deputy Speaker: Order, Mr. Warugongo! You are not moving a Motion, nor are you making a statement. It is Question Time! Ask a question!

Mr. Warugongo: Mr. Deputy Speaker, Sir, let me now ask the question. How soon is the Assistant Minister going to answer my questions?

Mr. Deputy Speaker: He is answering your question now!

Mr. Lesrima: Mr. Deputy Speaker, Sir, there is a very serious shortage of vehicles within the Ministry. I can assure the hon. Member that as soon as we are through with Treasury, because we are negotiating supply of vehicles through a leasing arrangement, we will consider his request. This is a very serious matter and we intend to look at it when this arrangement with the Treasury is through.

Mr. Deputy Speaker: Mr. Warugongo, could you ask the last supplementary question on the same?

Mr. Warugongo: Mr. Deputy Speaker, Sir, I wanted the Assistant Minister to tell us how he can solve some of these problems. Kieni is so vast that one DO cannot cover it effectively. We need at least one more DO in Kieni East. I do not understand why we cannot have a DO as quickly as possible to assist the one who is there. He should also have a motor vehicle.

Mr. Deputy Speaker: Assistant Minister, why do we not have a DO in Kieni East?

Mr. Lesrima: Mr. Deputy Speaker, Sir, I am facing an extreme shortage of DOs. I have a shortage of about 600 DOs in the country. As soon as the Treasury provides funds for recruitment, I will solve that problem and others.

Mr. James Maina Kamau: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House? The creation of new districts in the country was not an accident. I am sure it was something that the Government planned for. So, the issue of lack of vehicles keeps coming here all the time. Why can he not tell us when we are going to get vehicles?

Mr. Lesrima: Mr. Deputy Speaker, Sir, indeed, the creation of districts was no accident. I want to appeal to hon. Members to desist from pressurizing the principals when they visit them to create districts every other day.

Question No.570

FILMING OF PRESIDENT OBAMA MOVIE IN SOUTH AFRICA

Mr. Kioni asked the Minister for Information and Communications:-

(a) to state to the House the circumstances under which the relatives of the President of the United States of America were taken to South Africa to act in a movie about the said President;

(b) why the filming was not done at Kogelo, in Kenya; and,

(c) what efforts he is making to ensure that Kenya benefits from such opportunities in future which would help market Kenya while creating employment opportunities for the youth in the film industry.

The Assistant Minister for Information and Communications (Mr. Khaniri):
Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry is not able to establish under what circumstances the relatives of United States of America (USA) President were taken to South Africa to act a movie on the said President. Private producers are not bound by any legal framework to do movies production in the country, even if those productions are about Kenya.

(b) Private movie producers choose movie locations based on various considerations, and, as stated above, they are not obliged to act a movie in any particular location. The Ministry is unable to establish whether the above mentioned movie was, indeed, produced and if it was, the reasons why it was acted in South Africa as alleged.

(c) The Kenyan Government recognizes the importance of the film industry and the potential the sector possesses. To this end, the Government has done the following:-

(i) established the Kenya Filming Commission through Legal Notice No.10 of 2005;

(ii) formulated the National Filming Policy, which is awaiting approval;

(iii) zero-rated VAT taxable goods and services to local film producers;

(iv) one hundred per cent investment reduction on capital expenditure incurred by a filming producer on purchase of any filming equipment;

(v) exemption of Import Duty on all four-wheel drive vehicles, especially those designed for tourism purposes, where such purposes include filming;

(vi) the removal of Import Duty of 25 per cent and VAT of 16 per cent on television cameras, digital cameras and video camera recorders is also being considered as an incentive to film makers;

(vii) marketing of Kenya as a centre of excellence in film production;

(viii) hosting of the annual Kalasha Film and Television awards to recognize the best film productions in the Kenya International Film Festival.

Mr. Kioni: Mr. Deputy Speaker, Sir, I would like to appreciate the answer given by the Assistant Minister. However, in part “a” and part “b”, he does not use very kind words. All said and done, a similar exercise was carried out in South Africa by the same company when they were producing a movie on Nelson Mandela. The South Africans were able to flex their muscle and denied the American company an opportunity to get that acted in America, or outside South Africa. Why is it that as a country, or a Government or Ministry, we were not able to allow this to happen in our country? Is it in the knowledge of the Assistant Minister that this actually happened? If not, it may not be very helpful to get an answer from him.

Mr. Khaniri: Mr. Deputy Speaker, Sir, I regret that the hon. Member did not find my answer to parts “a” and “b” to be very kind. However, that is the situation as it is.

Mr. Deputy Speaker, Sir, as regards the South African experience as he has narrated to us, I want to believe that probably they have a legal framework to enforce that. What we are lacking, as a Ministry or a regulator, of this particular industry is a legal framework. That is why very soon we are going to bring proposals to amend the Kenya Film Commission Act, so that we can give it teeth to be able to enforce such measures.

Mr. Deputy Speaker: Mr. Kioni, last supplementary question on the same!

Mr. Kioni: Mr. Speaker, Sir, I thought there were others who had interest in the Question. Away from the practice of the House, is it within the Assistant Minister’s ability to tell this House the estimated amount of money that may have been involved in the production of such a film in South Africa? We want to know the kind of revenue we lost as a nation, and especially as the people of Kogelo.

Mr. Khaniri: Mr. Speaker, Sir, unfortunately the answer is “no”. These are private producers, and, therefore, we cannot dig into their financial undertakings!

Mr. Deputy Speaker: Next Question by Mr. Kutuny.

Question No.589

NON-ALLOCATION OF FUNDS TO SPMC COMMITTEE IN CHERANGANY

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

(a) whether he is aware that the Cherangany Stimulus Project Management Committee (SPMC) has not received any funds allocated for construction of a fresh produce market; and,

(b) whether he could explain why the funds have not been availed and state when the they will be released to the Committee.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): Mr. Deputy Speaker, Sir, I have an answer ready, but in comparison with the facts that the Member was able to present to me, I think I would want have a little more time to compare those facts and also invite the hon. Member to my office, so that we can then have the answer ready by tomorrow afternoon.

Mr. Deputy Speaker: Is that okay with the Questioner?

Mr. Kutuny: Mr. Deputy Speaker, Sir, that is okay. However, the Assistant Minister should consider that this matter is very important and has delayed for almost two years.

Mr. Deputy Speaker: That is precisely why he says that he wants more time.

Mr. Kutuny: Mr. Deputy Speaker, Sir, I have no objection to that.

Mr. Deputy Speaker: The Chair directs that this Question appears on the Order Paper tomorrow afternoon!

(Question deferred)

Next Question by Dr. Julius Kones!

Question No.615

POOR PERFORMANCE OF NEW KCC

Dr. Kones asked the Minister for Cooperative Development and Marketing:

(a) whether he is aware that poor management at the New Kenya Cooperative Creameries (New KCC) is as a result of political interference and cronyism in appointment to senior positions;

(b) whether he could provide the names and qualifications of the top management at the New KCC; and,

(c) whether he could explain the delay in the appointment of a Managing Director of the corporation, and state what measures the Government is taking to ensure that farmers participate in the nomination of the Company's Board of Directors.

The Minister for Cooperative Development and Marketing (Mr. Nyagah): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that poor management at the New Kenya Cooperative Creameries (KCC) is as a result of political interference and cronyism in appointment to senior positions.

(b) Mr. Deputy Speaker, Sir, I seek your permission to table the names of senior management staff of the New KCC.

(Mr. Nyagah laid a document on the Table)

(c) The delay in naming of a new Managing Director of the New KCC was caused by the need to re-categorize the parastatal to ensure that it attracts a well rounded

professional manager commensurate with competition. The recruitment process is ongoing, and the Managing Director of the New KCC will be announced soon.

Dr. Kones: Mr. Deputy Speaker, Sir, there are all indications that the New KCC may not be achieving the targets it is supposed to meet. I think we can attribute this to management issues with it. From the list by the Minister, I can see that several senior people are in acting positions. The Managing Director is in an acting position, the Cooperate Affairs Manager is in an acting position, Head of Quality Assurance is acting, the Head of Internal Audit is acting; nearly all departmental heads are in an acting capacity. Could the Minister tell this House what happened with the results of the interviews that were conducted recently to recruit the Managing Director? There was an effort to recruit a Managing Director on a permanent basis; what happened to the results of the interviews?

Mr. Nyagah: Mr. Deputy Speaker, Sir, I wish to confirm that it is true there are many acting heads of departments at the New KCC. This happened because in the last few months, several of them were found not to be capable of running the departments. In some departments, which they were running, there was misappropriation of property of the company. Some were found, therefore, to have had problems in running their departments. In some cases, things under their control were found to have disappeared. Therefore, those people were either suspended and some resigned on their own. That is why we have many who are in acting capacity. The Board is in the process of replacing those ones and interviews have almost been completed. That is the explanation as to why there are about four or so managers in acting capacity.

In so far as the Managing Director is concerned, it is true that the Board instituted a programme, and names of three people, through a process that included Deloitte and Touche Consultants, were brought to me to choose a Managing Director from them.

As that was happening, we were working with the Office of the President. There is a special committee that reclassifies parastatals. The Managing Director of KCC accompanied with sales of over Kshs6 billion, was earning a salary of Kshs570,000 while his compatriots elsewhere were earning millions. So, after five to seven months, I was successful in getting the Office of the President to reclassify and agree that the Managing Director of such a big company; the largest in the region, should be paid a salary of Kshs1.1 million, particularly as we were going into competition and would be privatized. To privatize a company of this size required that we have a man or woman who is competitive. The heads of departments would be earning Kshs700,000. The people currently being recruited are competitive enough to enable this company to be the leader in the region.

Mr. Deputy Speaker, Sir, early December, I rejected the three nominees mainly because of the new reclassification. The best on the list was earning slightly less than Kshs300,000 a month. I would have to increase the salary almost fourfold. The advertisements have been done and 108 people applied. Yesterday, the Board was given a shortlist of 15 slated for interview on Monday. By mid next week, there will be three names that will be brought to me of the caliber of the Managing Director I have described; a person who understands the grassroots and also management.

Mrs. Shebesh: Mr. Deputy Speaker, Sir, is the Minister telling us that some kind of assessment was done that clearly indicated that if you get highly paid executives in the New KCC, then the company would be transformed and deliver to the people?

Mr. Nyagah: Mr. Deputy Speaker, Sir, if the hon. Member listened to my last sentence, I said that the quality of the person we are looking for must have a good understanding of how to deal with the grassroots because of the nature of the job in addition to being a good manager. So, it was felt that we needed an MD who, one minute can be with the grassroots people because that is the nature of the job, and the next minute, he can be Harvard trained, talking the language of the Harvard MBA. It is a combination of both. I am hoping that the process that we are going through will include an element of good salary and understanding of *mwananchi's* needs.

Mr. Keter: Mr. Deputy Speaker, Sir, this company is very important to some of us. The Minister has said that by next week, he will have the three names for the Managing Director. Could he assure us that in the next two weeks, we will have a Managing Director for the New KCC who understands the suffering of the farmers?

Mr. Nyagah: Mr. Deputy Speaker, Sir, I wish to confirm that next week, it will happen. I also wish to confirm that if I get a name of a person who is Harvard MBA type who does not understand the work of the farmers, I will not approve it. I will reject it again.

Mr. Kutuny: Bw. Naibu Spika Waziri amezungumzia masuala ya uteuzi wa Mkurugenzi Mkuu wa New KCC. Ningependa afafanue mikakati na mipango ambayo ameweka ya kuhakikisha ya kwamba uteuzi huu utaangazia sehemu muhimu sana ambayo wao ndio wanatoa maziwa kwa wingi. Anayevaa kiatu ndiye anayejua mahali ambapo kinamfinya. Mara nyingi, uteuzi wa Mkurugenzi Mkuu wa kampuni hii umefanywa kwa kuzingatia misingi ya kisiasa na kikabila. Ningependa Waziri alihakikishie Bunge hili kwamba katika kufanya uteuzi wa Mkurugenzi Mkuu wa New KCC hatazingatia misingi ya kisiasa na kikabila bali atateua mtu ambaye anaelewa masuala muhimu ya wakulima.

Mr. Nyagah: Mr. Deputy Speaker, Sir, I wish to confirm that the bulk of the milk in Kenya comes from Mt. Kenya and Rift-Valley regions. Those are the two visible suppliers of milk. That does not mean that the rest of Kenya is not important. If you look at the list I have just tabled, you will see that management-wise, every corner of Kenya is represented. That is why I have taken a position, that when it comes to the appointment of the MD and the Chairman, there has to be a balance that reflects the production of milk because of the nature of the job.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to evade the question? There has been a practice by Ministers to side step that list of consultancy firms and appoint persons who have not been interviewed. This has happened at the Kenya Bureau of Standards (KEBS) where somebody who had not been shortlisted for interview was appointed to be the MD. It has happened with the Director of Medical Training College; it has happened at the Kenya Ports Authority---

The Minister for Transport (Mr. Kimunya): On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: He is on a point of order.

Hon. Members: Relax!

Mr. C. Kilonzo: In any case, you can talk to me outside Parliament!

Mr. Deputy Speaker, Sir, is the Minister in order to avoid answering the question? Could he assure the House that he is going to stick to the three names that that have been shortlisted by the professionals?

Mr. Nyagah: Mr. Deputy Speaker, Sir, subject to what I said earlier; he or she must be a person who is a good manager and also understands the grassroots. I have no intention whatsoever of going outside the three. But the appointment of the Managing Director also affects the appointment of the Chairman.

Mr. Sirma: Mr. Deputy Speaker, Sir, could the Minister table the list of the three earlier shortlisted candidates? I think it was not about looking for a Harvard MBA type of person. They were looking for a person of the correct tribe. Could the Minister consider that list as part of the list of candidates to be selected? It is not the money that they are going to earn; it is about delivery of services to the farmers. The issue of money will come later. You upgrade somebody when she or he can deliver.

The chairman comes from the Mt. Kenya region. So, he should tell us where the CEO will come from because already the people from Central Kenya have the Chairman. In fact, most of the people from Central Kenya have their own factories which already do the packaging. The bulk of the milk to the New KCC comes from the Rift-Valley region.

Mr. Nyagah: Mr. Deputy Speaker, Sir, I did not carry the three names, but I will be happy to bring them to the House. There were three names; one came from Meru, one from Luo Nyanza and one was a Kalenjin. Those were the three that made their way to me. I wish to confirm that I will bring the three names to the House.

Mr. Deputy Speaker, Sir, I wish to confirm that I do not have the list of the 15 who, yesterday, were brought to the Board. It will be the best Kenyan who will make it to the final list that will come to the Minister. I have not ignored that the consumers are also important. Like in Ikolomani, I know they drink a lot of milk. What I was saying is that the combination of the Chairman and the MD, because you go to the grassroots to plead for yields and you are competing with many people, the combination makes it to be from those two.

(Several Members stood up in their places)

Mr. Deputy Speaker: Order! What is your point of order, Mr. Washiali?

Mr. Washiali: On a point of order, Mr. Deputy Speaker, Sir. We are not going to let the Minister run away with this. In his answer, he said that he is likely to pick an MD from milk-producing areas.

Hon. Members: Exactly!

Mr. Washiali: He went on to add that even in our places like Mumias, they must recruit an MD from Mumias region and that SONY must recruit an MD from Sony!

(Loud consultations)

Mr. Deputy Speaker: Order! What is your point of order, Mr. C. Kilonzo?

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to say that he can only recruit a CEO from a milk-producing area? In other sectors, for example, football, we all know that the best footballers come from western and Nyanza and the coaches come from Ukambani! So, is he in order to imply that we can only get a CEO from the milk-producing areas when there could be a qualified Kenyan from any part of this country? Is he in order?

Mr. Nyagah: Mr. Deputy Speaker, Sir, is that why football has failed in Kenya?

(Laughter)

Mr. Deputy Speaker: Order! Order, hon. Members! Order! In any case, the Minister was categorical in that the terms of reference includes all that. When you send it to a management or consultancy firm, you must avail you terms of reference, Minister. Whether the terms of reference are there or not, that does not give you, again, with an opportunity to say “I cannot take any of these three!”

Proceed!

Mr. Nyagah: In fact, Mr. Deputy Speaker, Sir, I wish to confirm that it is possible that it could be a Turkana who will turn up the best. It could be a Somali or a Mmbeere; it could be a Mkamba; it could be anybody! All I said is that, because this House passed a new Constitution which allowed for us thinking Kenyan, I thought it was important for me to tell the House that the advantages of a chairman and an MD coming from the two sides would be because of the source of the raw materials. But I did not say that my choice will be based on that because since then, I have been corrected; I thought that consumers are also important. That is why I have said that there will be three names. It is possible they will come from even anywhere in Kenya but I will choose; and I am not interfering with the process. I have a good board and the board will give me three names next week. I wish to assure this House very categorically that from the three names, I will choose the best, in my great wisdom, that I think will have qualified for the job and that I hope that, then, we can balance the chairman.

Mr. Deputy Speaker: Hon. Kones, ask the last supplementary question on the same!

(Several Members stood up in their places)

Order! Order, hon. Members! Order!

Dr. Kones: Mr. Deputy Speaker, Sir, I think I want to congratulate the Minister because he seems to be on the right track.

(Applause)

Mr. Deputy Speaker, Sir, may I know what further steps---

(Several Members stood up in their places)

Mr. Deputy Speaker: Order! Order! Order!

Dr. Kones: Yeah, he seems to be on the right track!

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Order! Order, hon. Ogindo; hon. Shebesh and hon. Sirma! Allow the hon. Member to ask his last supplementary question.

Dr. Kones: Mr. Deputy Speaker, Sir, may I know what further steps the Minister is going to take to ensure that the board is also representative? Because you would know that, of course, the New KCC Factory in Sotik, Bomet County, is the largest milk

producer from that area and, yet, in the board, we are not represented. So, what is the Minister going to do to make sure that we are also represented in the board?

Mr. Nyagah: Mr. Deputy Speaker, Sir, when I appointed the board 18 months ago, I ensured that Mr. Chepkwony from the Community that you mentioned, represents the interests of this area of the Kipsigis zone. I also ensured that Mr. Bore from north rift was on the board to represent the interests of the north rift in addition to Coast, a lady, including most communities. The ones that are not represented at the board level, I want to assure you that at the management level; for example, the head of finance – a very important person – is from Ukambani. So, if you look at the board and the senior management, you will see that we have covered Kenya very extensively because this is a Kenyan company and it is going for privatization, and everybody must feel that they are represented.

Thank you, Mr. Deputy Speaker, Sir.

(Several hon. Members stood up in their places)

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

Hon. Members, I direct that Question No. 714 by honorable Member of Parliament for Nyaribari-Chache, Question No. 726 by hon. C. Kilonzo and Question No. 736 by Amb. Affey be deferred until Tuesday, next week!

Question No.714

WORKING RELATIONSHIP BETWEEN KPLC AND REA

(Question deferred)

Question No.726

EVICTION OF MR. BERNARD MUOKI MAKAU
FROM NDALANI PLOT

(Question deferred)

Question No.736

NON-PAYMENT OF DEBTS OWED TO M/S ISMAJ
GARAGE TRANSPORTERS BY NWCPC

(Question deferred)

MOTION

ESTABLISHMENT OF SPORTSMEN/WOMEN FUND

THAT, recognizing that Kenya has produced a number of world renowned sportsmen/women who have dominated the international arena for decades and raised our country's flag high world over; recalling that this has brought not only fame but promoted unity and harmony among Kenyans as well as making this country a tourist and investment destination; acknowledging that hundreds of professional sportsmen/women retire each year and unfortunately many of them spend retirement in physical and mental pain suffering from ailments such as dementia, severe arthritis and dietary problems which are associated with their sporting career and which is compounded by lack of sound government policies to support them in their retirement days; this House resolves that the Government establishes a fund under the Government Financial Management Act, 2004 to be known as the sportsmen/women fund for the purpose for ensuring that the athletes are taken care of after retirement and for matters incidental thereto and connected therewith.

(Eng. Gumbo on 9.2.2011)

(Resumption of Debate interrupted on 9.2.2011)

Mr. Deputy Speaker: Order! Hon. Kigen was on the Floor. Can you conclude?

Mr. Kigen: Thank you, Mr. Deputy Speaker, Sir. last time, we were debating on this aspect of setting up a fund for our sportsmen and women.

Mr. Deputy Speaker, Sir, I emphasized here that our sportsmen and women do a great job for this country. They are a great asset to us and for a long time, we have seen those who have retired die in a very deplorable state. They have been ignored and neglected. Just the other day as we were debating this Motion here, it came to our attention that one of our renowned athletes died of a disease that is so treatable, just because that individual – we are made to understand – did not have enough money to buy himself drugs to be treated against malaria. That is the state or level to which our athletes have been treated to.

Mr. Deputy Speaker, Sir, as we talk about the need to set up an endowment fund for these great men and women of this country, we should reflect or we should have it in our mind what has gone on in other countries where they have looked after their own athletes so well. A case in point is what is happening in the UK. They have set up a sports foundation. That foundation rewards and assists those athletes who have excelled so well based on their performance at the time when they were still active on the track and in various fields of athletics.

Madam Temporary Deputy Speaker, if you look at what goes on in our society, men and women who have done very well have received recognition. They got rewards. Landmark buildings have been named after them. For example, we have Kenyatta International Conference Centre (KICC) named after the founding father of this nation, Mzee Jomo Kenyatta. We should have roads such as Moi Avenue or Haile Selassie Avenue named after our athletes. However, there are no such structures to name our roads or avenues after athletes in this country. Year in, year out, His Excellency the President rewards Kenyans who have done so well. They receive Presidential awards.

However, none of our athletes have received these Presidential awards. This country should have a change of heart and begin to recognise the good work done by our athletes and make them comfortable as Kenyans who have given us fame. Our sportsmen and women have been recognised out there, but we do not recognize them here at home. After receiving them at the airports and escorting them to the town, we forget about them until the next season of athletics.

Madam Temporary Deputy Speaker, we should set up this fund to ensure our athletes retire honourably. We need to respect and recognise them in their retirement.

With this kind of fund, we could conduct research with a view to improving their performance. At the moment, we do not know what ails this very important sector. I believe this Fund should have been set up yesterday to address challenges facing our athletes.

Madam Temporary Deputy Speaker, our athletes are our representatives. They are our envoys out there. We travel across the world from time to time. The moment we introduce ourselves as Kenyans, we are recognized and accorded the respect that has been brought about by our athletes. However, when we come back home, we do very little about them. It is the high time we set up this Fund, so that we could enhance the talents of our youngsters who may not excel academically. They can bring us honour all the time. From 1963, we have had men such as Kipchoge Keino and Henry Rono who did very well. These are self-made athletes. We have not had any input in them. This House should pass this Motion which is aimed at setting up a fund that will assist youngsters to develop their talents. If we did so, we will get the best from our athletes.

With those few remarks, I beg to support.

Mr. Chanzu: Madam Temporary Deputy Speaker, I rise to support this Motion because a sporting nation is a healthy nation.

Madam Temporary Deputy Speaker, I remember that when we were young, we had people such as Joe Kadenge. In racing, we had the famous Jogindar Singh. I support this Motion because we learn so much through sporting events. There are talents that the young people will learn. There are a number of things that we emulate through the sporting activities. We have sportsmen in Kenya, but the Government has not been assisting them. However, in the recent times, the Government is half-heartedly recognising the importance of sports in this country. We have had young men and women who do certain activities, but nobody appreciate them and they end up becoming demoralized and frustrated.

We also had good footballers such as Joe Kadenge and Elijah Lidonde. When a Minister was replying to a Question in this House, he said that the reason why we do not do well in soccer is because the people who manage it are not themselves players. Somebody alluded to the fact that the Kambas are the coaches and the players are Luos and Luhyas. We are failing because there is no connection. This happens because we do not appreciate sportsmen and sportswomen.

Madam Temporary Deputy Speaker, it is through this kind of incentive that we shall be able to motivate our people to take more interest in sports. The few sportsmen who have gone out of the country have also earned the country great honour. One time, I was buying something in a shop in Florida. When I said I come from Kenya, everybody in that shop was interested in what I was doing. They said I came from a country where there are great athletes. So, it is a great honour to the country and to us, as Kenyans.

Madam Temporary Deputy Speaker, for people to compete in sports and succeed, they must have high level of discipline. This is something we can all emulate. We should instil discipline in our youths through sports. We have also earned foreign exchange through sports. We can also promote tourism through sports and games.

Madam Temporary Deputy Speaker, it is just regrettable that the people who earned this country honour; people like Mr. Kadenge and the late Elijah Lidonde have not been honoured. Mr. Kadenge is currently engaged in a taxi business. He is over 80 years old. This is something we should not encourage in this country. That is why I support this Motion.

I would like to ask the Mover of the Motion to ensure that this Motion does not only benefit just current athletes, but even the retired sportsmen and sportswomen.

Currently, we have problems in the AFC. The only people who can counsel these people are those ones who were involved in the sport before. So, it should not be restricted to the current sportsmen and women. It should cover those who are still alive and who can contribute even ideas to the sporting activities in the country.

With those few remarks, I beg to support.

Mr. Njuguna: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important Motion. First, let me thank the Mover of this Motion for bringing it. It is a very important Motion in the lives of Kenyans. Our sports activities in this country have created heroes and heroines who have even participated well in the international arena and given our country a better image. Impressive performances have been recorded by our young athletes in various championships. Medals and a lot of money has been won by our young athletes. It is, therefore, important for our Government to continue supporting all activities in this country. The image of our country has been improved tremendously by our athletes and our country is very well known in the five continents. At times, when athletic championships are taking place, some people who are not from our country would be seen applauding the performances or celebrating our athletes. At times, you hear them say “Kena” and not Kenya. That is really tremendous support coming from other quarters.

We have seen our athletes winning medals in the East African championships, continental championships, the world athletic championships and even during the Olympics Games. Our boxers have done well. Some of them are very aggressive. I remember Philip Waruinge and his brother who were the first people to win a medal for Kenya. Philip Waruinge won the fly weight medal and that was important. He ended up being very sickly at home. We have also seen what the late John Orulu and the late Wangila did for our country. They really demonstrated what Kenyans can do in that field. We also remember what Seraphino Antao did in the Rome Athletics in 1964. He participated in the 100 and 200 metres, giving an indication as to what Africans could do in athletics. We should not forget the real achievement made by Kipchoge Keino in 1,500 metres and Wilson Kiprugut Chuma in the 800 metres during the Olympics. A lady athlete, Margaret Waithera, participated in 400 metres. That was a big achievement.

It is, therefore, important to note that our sportsmen and women have really marketed the name of this country. I would suggest that all the 47 counties should have a stadium. We should provide facilities to the youth of this country so that they can continue to do well. We have also seen what swimming activities have done to our

country. The Dunford brothers have done tremendous improvement. Big countries have continued to attract a lot of tourism. For example, the Chinese are known for gymnastics, the Germans for football, the Japanese for wrestling and the British for soccer. They have continued to participate in those disciplines.

Madam Temporary Deputy Speaker, it is pathetic to recognize our athletes only during national days. We display them during the national days. It is important to recognize them by creating a fund that will cater for their medical care and their families when they grow old.

It is also important to remember those who are still living by giving them a small piece of land that will serve as motivation to other young and upcoming athletes. We have seen the Ministry of Youth Affairs and Sports getting coaches for soccer improvement from foreign countries. We have seen training of athletics, which has done so well, being conducted by our own athletes. Local coaches must be recognized and given monetary awards for the good work that they have done for this country. Having a good name will encourage investors to come to our country to invest. We have seen a bigger number of tourists flocking this country. Brazil and Argentina have become very popular internationally because of soccer. Those countries have given a lot of keen interest and funding to sports. Therefore, it is better for our Government to give more funding to sporting activities in this country.

With those few remarks, I fully support the creation of a fund to cater for the future of our young athletes.

The Minister for East African Community (Prof. Sambili): Madam Temporary Deputy Speaker, I rise to support this Motion and congratulate the hon. Member for bringing it to this august House.

Athletes of this country are the true ambassadors of this country. They are the people, as one hon. Member has said, that have put Kenya on the world map. We have not supported them as we should. That is why I congratulate the hon. Member for bringing this Motion to support the establishment of a fund to support them.

The sportsmen and women of this country work very hard. They invest a lot of resources in terms of time, energy and their mental focus to win the many medals that have made this country proud. I remember specifically the Olympic Games that were held in the Republic of China in Beijing in 2008, when I was the Minister in charge of youth and sports. It was a very moving time to see our sports women of this country; young girls really do us proud by winning gold medals for the first time.

(Applause)

One of them was a girl called Pamela Jelimo; the girl who runs like a deer. I have never seen a deer but I think she runs like one. I was overwhelmed especially on the last day when Samwel Wanjiru gave us gold for the first time in the men's marathon. When that young man entered the field, he sat down and I think he prayed. I could not help feeling tears of joys in my eyes because this young man, the way he won that marathon, gave Kenya an opportunity for her National Anthem to be sang on the last day along with the Olympic Anthem, the nation of Britain that is going to host the next Olympics and also the National Anthem of the Republic of China. I remember that, that time is when we had the unfortunate tension in this country. I know that day, the activity of the sportsmen and

sportswomen in the Beijing Olympics brought peace to this country. As has been said in this Motion, sports promotes peace. Sports is the rounder about through which we all go and meet.

Madam Temporary Deputy Speaker, I want to say that we truly and urgently need to support our sportsmen and sportswomen. We should give them an opportunity to lead a decent life, bring up their families, support their families and also live a good life. When the unfortunate time comes for them to leave this world, let them leave in dignity because of the work they would have done for this country.

I remember the work that has been done by people like Dr. Kipchoge Keino, the current chairman of the National Olympic Committee of Kenya. This is a man who has done so well. I want to urge my colleague, the Minister for Youth Affairs and Sports, to help establish and build the Kipchoge Keino Stadium.

Finally, I support this Motion very strongly and urge all of us, even at a time like now when we are having issues that are threatening to tear us apart, to really think about the future of this country. Let us think of the youth; sportsmen and sportswomen and invest in them. Give our best. We should focus on the common good of this country as we support this Motion and other things that bring progress to this country.

With those remarks, I strongly support this Motion.

Mr. C. Onyancha: Madam Temporary Deputy Speaker, I rise to support this Motion. It is very important for us to recognize the achievements of our sportsmen and sportswomen and the fame they have brought to our country over the years.

The Mover of this Motion has given it enough thought. When you look around the country, you remember famous athletes like Henry Rono and Nyantika Mayoro who are now experiencing poverty. Some of them, have passed away because of lack of care.

Madam Temporary Deputy Speaker, as I support the Motion, I would like us to take into account that this Fund is not actually a gift to our athletes. It is a token of appreciation to the athletes for the achievements and fame they bring to this country, especially in the Olympics and also the Commonwealth games that were held last time where Kenya really excelled. However, I would like some matters to be taken into account before we pass this Motion. We should recognize that some of the richest people in this country are athletes. As much as we want to establish a fund for them, we should also encourage them to contribute towards it voluntarily or by creation of some provision in the law that a small portion of their earnings should go towards supporting this fund so that the very wealthy athletes also take care of and support those ones who are living in abject poverty.

Madam Temporary Deputy Speaker, it might be worth considering as well that instead of just establishing the fund, we could also design an insurance cover for the athletes as they age, so that some of their interests can be taken care of.

In conclusion, I would like to request that the Government to take this matter very seriously and lead in the establishment of this fund. It should also give assistance to young athletes across the country because athletics has received very little assistance from the Government.

With those few remarks, I beg to support.

Mr. Lessonet: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important Motion. From the outset, I want to

attempt to define sportsmen and sportswomen. These are Kenyans involved in such sports as rugby, athletics, football, table tennis and swimming, among others.

I want to take this opportunity to specifically recognize those who have succeeded to carry the flag of this country to new heights in terms of sports and more so, the athletics teams who have always made sure that they brought so many gold, silver and bronze medals to this country.

This Motion is in recognition of the fact that these sportsmen and sportswomen spend just about five years or a maximum of ten years in sports before retiring. On retirement, most of the time, they end up being paupers. I hope that after we pass this Motion today, those Kenyans who have succeeded in taking this country to new heights will continue to live a decent life and be able to support their immediate families and live the same life they were living 10 years before they retired.

Madam Temporary Deputy Speaker, even if this Motion will not directly attract financial support by the Government to these retired sportsmen and sportswomen, I hope in their active running time, they will be trained on financial management. You will realize that most of these sportsmen and sportswomen earn quite reasonable amounts of money when they are running. However, due to poor financial management skills and also knowing the expectations we have on these athletes back home, when somebody has won a gold medal, for example, in the Grand Prix, by the time she or he lands at Jomo Kenyatta International Airport (JKIA), you will see so many busload of people coming to welcome the athlete. Those people you see at JKIA, are not just there to celebrate the gold medal, but they also want their pockets to be lined up by these athletes.

If we were to train these Kenyans on financial management so that they can wisely invest their earnings, invest in property or stock market this would ensure that after retirement they will still be able to enjoy a stream of income from their investments.

I hope this Motion will trigger the interest of the Government to make sports an enterprise. We want this Government to explore ways through this Motion of generating money, not necessarily from the Exchequer, the Treasury or taxes, but the Government should explore ways in which it can make sports a very huge enterprise.

Madam Temporary Deputy Speaker, Sir, you will realize that on Saturdays, Sundays and Mondays, we are glued to our television sets watching the Barclays Premier League because out there, in the UK, that is definitely, a very huge enterprise. You will be surprised about the income generated from sports in the UK. If this Motion can trigger the Government to make sports like rugby and athletics big enterprises, it will not lack money to support the athletes after their retirement.

Madam Temporary Deputy Speaker, many Kenyans go out there and run very well and come back to Kenya with many gold medals. However, when you look at the infrastructural support laid down by the Government for athletes and those who play sports like rugby, you will see there is zero. If you go down to Eldoret, considering that many of our athletes originate from that area, you will see that there is very minimal support in terms of stadia, training facilities and accommodation for athletes when they are in training camps. We want, at the end of the day, to make our good Government to invest in infrastructure so that, as we continue to generate more of those athletes and good players, they can have facilities to train in. We note that when God is distributing gifts, he may choose to give one person the gift to run, while others are given the gifts to perform well in other sports. Others are given gifts to be smart in class. However, this

country has not taken care of those who were given the gift to run and the gift to perform well in sports, basically. That is because of the low investment by the Government in that sector.

With those few remarks, I hope that this Motion will trigger the Government to invest in sports and consider training athletes in financial management. Above all, I hope that the Government will look for ways to make sports a huge enterprise in this country.

With those few remarks, I beg to support.

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Deputy Speaker, Sir, I wish to take this opportunity to thank you for granting me the opportunity to participate in this very important Motion. I also want to take this opportunity to thank the Mover of this Motion because, indeed, it has come at a time when the sector is in dire need of great attention. Not too long ago, one of our top lady boxers was admitted in a mental hospital because of stress. We know that, that was partly because there is no law in place to take care of our sports men and women when they are off the game. Allow me to say that in the area of sports, Kenya has been acknowledged as a champion in many fields and, more so, in athletics.

I had the opportunity to visit Mexico last year. The minute I mentioned that I was from Kenya, I was reminded of the 1969 athletics where Kipchoge emerged as the winner. Indeed, the name of Kipchoge there is revered. We do not only want our athletes to be revered out there, but we also want to recognize them and give them the due respect that they deserve.

If you also look at the field of sports, internationally, you will see that this is not just about sports, but also about business; in one way or the other. If you look at all the major tournaments we have in the world, whether you are talking about tennis or badminton or the French Open or the Australia Open, you will see that they are all big sports which have been marketed to an extent that they have become international activities. If you remember, here in Kenya, we used to have the Safari Rally over Easter holidays. But about 15 years ago, it was withdrawn and we have not had it. I think it is important for us to encourage some of the events that would encourage tourism in this country. We should look for ways to encourage sports tourism in our country and support our young men and women to excel and even get sponsors.

I wish to reiterate that, as we all know, when sports people start their career, naturally, they cannot be in their top form for over 10 years, depending on the discipline they have picked. Therefore, if a young man got involved in athletics at the age of about 25 years, by the age of 35, he would not be in top form and would not participate in international tournaments.

This Motion will ensure that once the young men get into sports – we know that many times, once they engage in sports at a high level, their academic performance goes down – they will earn a decent and reasonable future and put as much effort.

It is also worth to remember that many of the young athletes, once they participate in international tournaments, at times, they win huge amounts of money. When they come back home, they have no investment skills and, as a result, they are suddenly thrown into a completely different world. They lose their balance. They then forget what they were supposed to do. We have heard about many athletes who make a bang and thereafter disappear once and for all. This is partly because they do not have managers

who can manage their enterprise and help them in the investment that would be necessary to guarantee their future.

Madam Temporary Deputy Speaker, it is also important to note, as a Government, that we have not invested sufficiently in sports education. We do not have people who can take up sports as a business; train and manage our athletes and ensure that they move on properly. Allow me to say that in the field of sports and, more so, in tennis--- We know that whenever our young players perform very well, most of them get scholarships to go and study in other countries. When they go there, the tendency is that they adopt the citizenship of that country. Once they do that, of course, we lose very talented and able young men and women. The country ends up being a training ground and we do not reap the benefits that would be there. The reason why that is happening is because we do not guarantee the future of our athletes. Therefore, their continued citizenship as Kenyans would rob them of the future that they require.

It is important to note that when those athletes are in their top form, they have the money to have a good diet and to take care of their medical expenses. However, once they are out of shape, medical bills and basic insurance becomes a problem. Therefore, it is my hope and wish that, as we think about the Fund, we look at operating an insurance scheme so that they are taken care of. As I had said earlier, one of our lady boxers was admitted and it is unfortunate that one well wisher had to go and pay for her. However, if we had such a medical scheme, it would cover their medical requirements. That would be one of the best things.

Let me add that the future of sports in this country will greatly rely on how well we can recruit our young men and women at an early age, recognize talent and develop it to a level where they can compete with the best. The best way we can do that is to incorporate sports in our educational system. It will be remembered that in our school curriculum, physical education lesson is an optional class, especially as children approach Standard VIII or their final examinations. Many of them do not attend physical education lessons. If it is properly propagated, we would identify talent at an early age and possibly, come up with institutions of higher learning where we can have our sports and, at the same time, continue with our education.

It is unfortunate that some of our best players, whenever they succeed and join universities, do not find programmes that can help them to enhance and develop their skills in whatever area they are good at.

Madam Temporary Deputy Speaker, in closing, it is my sincere wish that we honour our young men and women. As it has been said before by my colleagues, when we go to a town like Eldoret, which is home to some of the best and fastest athletes in the world, we have no training grounds that are commensurate with the kind of talent that we can develop there. It is unfortunate that many training institutions do not even have basic equipment like shoes. It is, indeed, our wish to take care of our runners when they finally retire. Even before they retire, we should ensure that they lead decent lives and become role models. Many of those who have retired have been a very bad example of what one would become after serving this nation for a long time.

With those remarks, it is my sincere hope that we will ensure that this Motion is passed and the necessary action taken to remedy the situation.

Mr. Samoei: Thank you, Madam Temporary Deputy Speaker, for giving me a chance to support this Motion. The import of this Motion brings to the fore the real

problem that affects our sports. Sports are a very important component of our national development agenda. It is not just a physical exercise. It is also business in many ways.

It is true that many sportsmen and women are languishing in villages and towns and even in foreign capitals because of their engagement in sports in their early lives, which has made them suffer several ailments including the ones that have been listed here by the Mover of this Motion, namely, dementia, severe arthritis. These problems are associated with the rigors of sports and the requirements of being champions. A case in point is the City of Eldoret, where I come from, where hundreds of sportsmen and women who have done this country proud in many aspects, lifted very high our flag and made our country known across the globe are languishing. If you travel in many foreign capitals and mention that you come from Kenya, people immediately recognize our sportsmen and women. A Fund that would help these great men and women of our nation, who have done this country proud, is a very befitting treatment for our sportsmen and women.

What aggravates the problems that our sportsmen and women face when they retire is the state of our sports infrastructure. We have the Stadia Management Board, which does not match the talent that this country has in sports. To create the kind of infrastructure that will tap into the enormous talent that we have in this country, we need a clear Government policy on creating infrastructure for our sportsmen and women. Besides the social gains that we get from our young people engaging in sports, it goes all the way to creating a united nation. It has also become a very good source of investment in our country. In fact, half the City of Eldoret has been built by sportsmen and women. Sports have also become a very good foreign exchange earner for our country. Therefore, sports have a place in the development of our country.

It is important for us to juxtapose the initiatives that have been carried out in this area with appropriate education, training and management of our sportsmen and women. When our sportsmen and women get money, many of them have very little knowledge of how to invest it, so that they can benefit from that investment in the future. There is very limited education. In fact, we persuade Moi University to come up with a programme to elevate the training of managers of athletes, so that athletes can better use their talent, either for a longer period of time or even in the short-run, so that they do not hurt themselves in the process by engaging in too much activity which has a negative effect on their talent. A lot of resources need to be put in to expand education for athletes, sports managers and the management of the gains. This is the human resource that comes by way of sports. A case in point is the Eldoret Stadium, which is in a very bad state such that men and women who train there are likely to be affected negatively much earlier than would have been the case if they had better facilities. This would help them to develop their talent, so that our country can benefit from their achievements.

Madam Temporary Deputy Speaker, I, therefore, wish to endorse and support the initiative that has been done by the Mover of this Motion. I am sure the Government will take up the views that have been expressed here and critically look at the kind of support in terms of infrastructure, education and management of both talent and resources that come by way of sports.

With those many remarks, I wish to support.

The Temporary Deputy Speaker (Dr. Laboso): We only have five minutes. I will give five minutes to Dr. Wekesa and then the Government can respond.

The Minister for Forestry and Wildlife (Dr. Wekesa): Thank you, Madam Temporary Deputy Speaker. I wish to commend the Mover of this Motion, which is very important. The Ministry of Youth Affairs and Sports is in keeping with what happens elsewhere in the world. Many years ago, we used to have sports hidden under the Ministry of Social Services, but now that this Ministry has been recognized as dealing with issues of youth and sports, it is acceptable to us.

Madam Temporary Deputy Speaker, we talk of unemployment, but if we were to enlarge our infrastructure within our municipalities as the last speaker said, we would absorb so many of these young men. We would have them doing various sports and that would replace the need for employment. Sports are a huge avenue for employing our youth. My wish and plea is that we should give enough money to this Ministry in order to address the problems that face our youth, especially employment and also when they retire. I can see the Mover of this Motion is targeting athletes. However, I feel we should talk about sports in general. There is rugby and also tennis, which is my interest. All these sportsmen are very important. Kenya is known all over the world. Our biggest advertisement has been our coffee, tea, flowers, and sportsmen. These are good attributes for our country. Let us use this opportunity to put Kenya on the world map so that our sportsmen act as our ambassadors.

Many years ago, I remember, when Morocco was representing Africa in the World Cup, their King said that if they reached a certain stage, say, the quarter-finals or semi-finals, each of the players would be rewarded with a house and a Mercedes car. In Kenya, we have never gone to this extent in recognizing our sportsmen. I believe that with this new Constitution, which addresses the issues of sportsmen, this is the time that we should really support this Motion.

I stand here on behalf of the people of Kwana and the County of Trans Nzoia to support this Motion.

The Temporary Deputy Speaker (Dr. Laboso): It is now time for the Minister to respond unless he is willing to donate a minute or two to other hon. Members.

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, I think I have about 30 minutes between myself and the responder. Perhaps, I could donate five minutes before I respond.

Mr. Ogindo: Madam Temporary Deputy Speaker, is the Minister in order to allocate time contrary to your direction that the Minister responds?

The Temporary Deputy Speaker (Dr. Laboso): Yes, I directed that the Minister should respond unless he is willing to donate two minutes of his time to an hon. Member. Are you willing to donate part of your time, Mr. Kimunya?

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, yes, indeed. I would like to donate the two minutes to Prof. Kamar.

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Thank you, Madam Temporary Deputy Speaker. I also thank the Minister for donating the two minutes. I would like to support this Motion whose time was yesterday. This is because these athletes have done us proud, but we have not recognized them. These people have worked for the nation without a penny being given to them from the nation. Whatever they have done through their own talent is more than what some of us who earn salaries have done. For lack of earning anything from the country, we need to start recognizing them in a different way. I come from Eldoret, Uasin Gishu County. The

legendary Kipchoge Keino comes from my county. It is amazing that he was recognized in the UK by a university which built a stadium in his name before we recognized him here in Kenya. We are, however, grateful to the President because the pledge of Kshs100 million he made is now trickling towards the improvement of the Kipchoge Keino Stadium in Eldoret. We also feel that there is need to start recognizing the sportsmen of the day.

We may need to broaden this Motion a little bit. When you talk of taking care of people in retirement, it means that there is need to have something that has to do with the Retirement Benefits Authority (RBA). For that reason, therefore, I do not think it will be difficult for our sportsmen to agree to contribute to this Fund. My suggestion would be that in this context, we should allow them to contribute towards their retirement and the Government also to contribute towards their retirement. When they are active, they are actually serving this country by donating their time and talent. We could have a system that will allow them to have a retirement package that is negotiated and agreed between them and the Government so that they contribute partly and the Government also contributes, over and above the resources in the Fund that will be established.

Madam Temporary Deputy Speaker, Sir, those of us who have had sportsmen in their constituencies have been sponsoring the sportsmen to go out. Out of our donations, we have been able to send over 100 sportsmen to go out there to compete. There is need for this fund to be spread and cover scholarship and training. When these athletes are invited for sports outside this country, they should be sponsored by the Government.

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, I would like to thank the Mover of this Motion for the thoughts and spirit of this Motion. It comes out to recognize what our sportspeople have been doing. We all know that sports are interlinked with energy levels and a certain period during one's life when one is active. One cannot sustain this into the long-term except only in some of the sports.

We all recognize, and I am happy to hear contributions from the hon. Members that our sportspeople have done us proud. Indeed, even when we differed politically, we did so ideologically and in other ways. Every time there is an African team or Kenyan team playing, you will see the different factions coming together to cheer one team. I see that unifying factor of our sportspeople and we cannot afford to lose sight of that.

The whole world recognizes Kenya as a sports nation. In athletics, every time there is any international competition, the talk is normally about Kenya. In fact in the 800 meters race and other races beyond that, it is normally Kenya versus the world. Our sportspeople have actually lived to that expectation and done us proud. It is important that we recognize that.

Madam Temporary Deputy Speaker, sportspeople fall in the same category as artists. We have our young chaps who get into music and acting, but after a few years of active participation, they fade away. This is a global phenomenon in all sports, including the very expensive ones like golf and tennis. The sad thing is that we have seen many of them who are not doing well. The Government is aware of that and cognizant of the spirit of this Motion; I believe that something needs to be done. The first thing, obviously, is to identify the mechanism that will cushion them as they expire in terms of the capacity to sustain their sportsmanship or sportswomanship.

Whatever makes them celebrities of the month, or celebrities of the year, can only be sustained up to a certain point. Obviously, the House will pass this Motion, and we

support it ourselves. So, in line with this House's expected approval, the Government will look into what options are available, including modalities of what needs to be put in place for the creation of such a fund; identifying the potential sources of income for the fund, being alive to all other competing needs for the money available, which will be allocated by this House, and also in line with other funds that have been created, into which contributions are made by some of the beneficiaries.

This view has also come out of the contributions of some hon. Members, who said that when we set up this fund, sports people and artists can contribute certain portions of their incomes during their productive period, part of which can then be invested and used to cushion them when they become unproductive. There is also the possibility of sponsorship income and other funds being invested through the fund proposed by this Motion for the benefit of the wider sporting fraternity.

Madam Temporary Deputy Speaker, hon. Members are aware of the existence of various retirement benefits schemes in the country, where some sports people are already members; where people can invest to get some pension in the future. As Government, we will work together with sports people and several artists who are in this category with a view to, first of all, raising awareness amongst them on the existence of these retirement benefits schemes and advising them on which one is more appropriate for them, and getting them to invest part of their earnings, so that we do not have them shine on the international arena now, as their managers make money out of them and make them to lead superficial lifestyles only for those benefits to be withdrawn once the athletes cannot run any more, leading to miserable retirement life.

So, there is a bit of awareness creation in terms of what needs to be done. There is a bit of personal financial management that needs to be inculcated into most of these people. We know that our athletes and artists are very good at doing their thing, but they are not necessarily very good at managing their finances. Most of their finances have ended up benefiting other people, at their misery. So, these are some of the things we are working on in order to help them; through the relevant Ministry. Hopefully, in the long-term, we will be able to save our sports people and our artists from shining during their prime age and living in misery in their sunset years.

Madam Temporary Deputy Speaker, I believe that the spirit of the Motion is agreeable to all of us. Once again, I wish to thank the Mover for the effort and time he has put into bringing this issue to the fore, which has enabled hon. Members to express their solidarity with our sports people, whom we are all very proud of.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, it is now time for the Mover to reply.

Eng. Gumbo: Madam Temporary Deputy Speaker, I would like to donate two minutes to hon. Elmi.

The Temporary Deputy Speaker (Dr. Laboso): Very well.

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. M.I. Elmi): Madam Temporary Deputy Speaker, I thank you for allowing the Member of Parliament for Rarieda to donate two minutes of his time to me.

I want to support the Motion. However, I want to say that this should be much more comprehensive. We should not just dwell on their retirement. We should have a package which will facilitate entry of our youths into sports and take care of their

training, reduce their suffering from injuries and other problems they encounter later in life. I fully agree that in order to encourage them in their career, they should have a retirement package which the Government should regulate, so that our national heroes do not become an eyesore to our population. Such a scenario would discourage a lot of young people from joining sports; when they see our sportsmen and sportswomen languishing in pain and problems in their retirement.

Madam Temporary Deputy Speaker, this should happen throughout the country. It should not happen just in a few pockets of the country. In Northern Kenya and other ASAL areas, which I represent, there is a lot of talent but from the 12 counties that are completely arid in this country, there is no single sporting facility although we have already produced international sportsmen and sportswomen from West Pokot and Turkana Counties. We have people who excel in shooting competitions. That could be another sport which could earn us a lot of money, instead of having our youths engaging in cattle raids. We have young men and young women who can really shoot straight and bring a lot of medals to this country.

With those few remarks, I would like to support the Motion.

Eng. Gumbo: Madam Temporary Deputy Speaker, I want to donate another two minutes to hon. Ogindo.

The Temporary Deputy Speaker (Dr. Laboso): Eng. Gumbo, I hope you are aware that you have only five minutes.

Eng. Gumbo: I am aware, Madam Temporary Deputy Speaker.

Mr. Ogindo: Madam Temporary Deputy Speaker, I would like to thank the Mover of the Motion, Eng. Gumbo, for donating to me two minutes of his time.

In supporting the Motion, I would like to say that when I was young, I was a sportsman but since I could not see any light at the end of the tunnel, I abandoned sporting. I know that there is so much talent in Rangwe Constituency, Homa Bay County and in other parts of the country. What has let us down is the Stadia Management Board. All over the country, the only habitable stadia are Nyayo Stadium and Moi Kasarani Sports Centre. We want these facilities expanded, so that young people in the rural areas can be exposed to sporting early in their lives, knowing very well that there is a retirement package ahead of them.

With those remarks, I beg to support.

Eng. Gumbo: Madam Temporary Deputy Speaker, allow me to start by thanking all those hon. Members who have contributed to the Motion, who include the gracious lady, hon. Laboso; hon. Onyonka, hon. Kigen, hon. Chanzu, hon. Njuguna, Prof. Sambili, hon. C. Onyancha, hon. Lessonet, hon. Kinyanjui, hon. Samoei, Dr. Wekesa, Prof. Kamar, hon. Elmi, hon. Ogindo and, of course, the Government Responder, who is also the Deputy Leader of Government Business.

Madam Temporary Deputy Speaker, the proposed fund is realisable. I was just looking at the Estimates that were printed last week or so. They show that in the last one year, the Government, Non-Governmental Organisations and the private sector spent over Kshs50 billion on advertisements. A mere 2 per cent of this sum will be Kshs1 billion, which would be good seed money with which to start the proposed fund.

Therefore, we are calling on the corporate world to be on the forefront in supporting this fund. I also wish to urge the Ministry of Tourism and the Brand Kenya Board to use our sports heroes to market Kenya.

Finally, I want to say that never again should we watch helplessly as our pioneer Olympic gold medallists die in absolute squalor and misery in a general ward in a public hospital.

With those remarks, I beg to move.

(Question put and agreed to)

MOTION

LEVEL OF KENYA'S TOTAL NATIONAL INDEBTEDNESS

Mr. Ogindo: Madam Temporary Deputy Speaker, I beg to move the following Motion.

THAT, in accordance with the provisions of Article 211(2) of the Constitution, this House resolves that the Deputy Prime Minister and Minister for Finance presents to the Budget Committee of the House within seven days of this resolution, information concerning the loans and debts owed by the Republic of Kenya as at 31st December, 2010 in respect of :-

- (a) loans to Ken-Ren Chemicals and Fertilizers Company Ltd;
- (b) external commercial debts on Security Related projects as reflected in the 2008/2009 Annual Public Debt Report published by the Ministry of Finance, and further that the Deputy Prime Minister and Minister for Finance should include all information as enumerated in Article 211(2) necessary to show :-
 - i. the extent of the total indebtedness by way of principal and accumulated interest;
 - ii. the use made or to be made of the proceeds of the loan;
 - iii. the provision made for servicing or repayment of the loan;
 - iv. the progress made in the repayment of the loan;
 - v. names of the creditors and the beneficial owners;
 - vi. circumstances that led to the cancellation of contracts on security related projects in 2004/2005, while giving details of the party/parties that refunded Kshs1,050,702,075.25;
 - vii. circumstances that led to the suspension of the repayment of the external commercial debts on security related projects;
 - viii. the concrete steps taken to recover payments made on security related projects, where no commensurate value has been received in return;
 - ix. steps taken to pay off contracts on security related projects that have been validated and;
 - x. action taken against any culpable or negligent officer(s) in regard to acts of omission or commission with respect to (vi) above.

Madam Temporary Deputy Speaker, in moving this Motion, as I have said, I have relied on Article 211 of the Constitution. I also want to refer this House to Article 201, part (c). This Article states:-

“The burdens and benefits of use of resources and public borrowing shall be shared equitably between present and future generations”.

This country today has a debt of about Kshs1.4 trillion. That is about 50 per cent of the Gross Domestic Product (GDP). That imposes a debt of an equivalent of about Kshs26,000 on the head of every Kenyan today. This is a very big burden. I want to remind the House that it is charged with three cardinal responsibilities. There is representation, legislation and oversight. It is our responsibility to oversee how borrowing is done and how proceeds of the same are used.

In moving this Motion, my attention was drawn to the Ken-Ren Chemical and Fertilizers Company Limited. This limited liability company was conceived sometime in 1974. It was then agreed that Kenya was to construct a chemical producing company. Very little is known about this, except the fact that we have a debt on the same today and we are repaying it.

In moving this Motion, I am driven by the desire that the feasibility study that proved the viability of this project can be brought to bear. I was in attendance at a fertilizer conference recently. At the conference we were still grappling with the question as to whether Kenya is really ready to have a fertilizer producing company. I wanted to say that with due respect to my colleague, Mr. Wamalwa, who gave notice of a Motion that seeks to establish the same.

At the conference, it was clear that the requisite raw materials for the manufacture of fertilizer are deficient in Kenya. We have scattered locations of phosphate which, as at today, do not show any viability, yet the Government of Kenya, in its wisdom, undertook a project that was meant to establish a fertilizer company. That fertilizer company was to be co-owned by the Government and an American company called Enren. In that arrangement, the few records that I have show that the Kenya Government owned 65 per cent and the American company owned 35 per cent.

Madam Temporary Deputy Speaker, despite the fact that the Government of Kenya had a majority ownership, the management contract was awarded to the Enren Company. Unfortunately, after about three years of existence, or of registration, this company disappeared. Within those three years, the scanty records that are available show that this company had already gobbled about Kshs54 million from Treasury. This company is also understood to have contracted for loans to the tune of US\$42 million. This company later disappeared. We are meant to understand that come 2002 when Kenya went for a meeting for rescheduling of its debts, there were people who were picketing at the hotels occupied by the Kenyan delegation, demanding their rights. It was after that, that these issues were brought to the fore.

Madam Temporary Deputy Speaker, I am also made to understand that the Kenyan Government at some point contested this loan. Out of that litigation the Government was awarded benefits. However, this was not followed and that award was also lost. Subsequently, the two banks that were said to have lent Kenya money then sued Kenya. Kenya was very fast to accept liability and today we have this liability.

It is important for this House to give this resolution so that as a country we really appreciate the history that brought us this debt. You are also aware that many of the debts we have incurred are as a result of the weak legal framework that we have. This is continuously being exploited to the detriment of the future generations. It is important that we understand these things.

Secondly, it is a fact that any money borrowed that constitutes public debt is directly tied to the Consolidated Fund. You are aware that expenditures that are charged to the Consolidated Fund have very little scrutiny and as such, the Consolidated Fund provides a safe conduit for any expenditure.

Madam Temporary Deputy Speaker, alongside the Ken-Ren Chemical Company there is the notorious external commercial debt on security related projects. I know a lot of work has been done on this but the work that has been done has generated more heat than light. It is on this account that I want to request the Minister to kind of bring a Report to the Budget Committee on the status of the external commercial debts. In doing so, we would expect the Minister to deal with the people who were engaged in the supply of these goods.

I hope the Minister is also going to deal with the civil servants who were contracting on behalf of Kenya.

Lastly, we also know that these things cannot take place without some political good will. Upon exposing these activities, we are going to save our country a lot of money because once these people know that their tricks have been discovered the Exchequer is going to be saved some money.

With those few remarks, I beg to move and call on Mr. Mbadi to second.

Mr. Mbadi: Madam Temporary Deputy Speaker, I want to second this Motion by Mr. Ogindo. I want to start by expressing my surprise and disappointment that when a crucial and important Motion like this is being debated, this House is almost empty

This country is aware of mega scandals that have taken place in this country. All those scandals have been committed with Parliamentary approval. I say that because Parliament has in the past passed Budgets in this House and then it turned out that some of those Budgets contained hidden provisions, which later resulted into scandals. Therefore, I expected this House to be full when such a Motion is being debated. I would request my good friend hon. Ogindo that, when a Motion like this is likely to come to the House, he should probably lobby Members of Parliament and explain to them exactly what the Motion intends to achieve, so that we can have an interesting debate.

Having said that, what hon. Ogindo is praying that the House approves is in line with the requirement of Article 211(2) of the Constitution which says that within seven days after either House of Parliament, the Kenya National Assembly or the Senate, and in this case it is the Kenya National Assembly, so requests by a resolution, the Cabinet Secretary responsible for finance – I believe right now, that is the Minister for Finance – shall present to the relevant Committee - I believe in this case it is the Budget Committee – information concerning any particular loan or guarantee, including all information necessary to show--- What this means is that when the country has obtained a loan, or guarantees a loan, to finance any activity, then Parliament can call upon the Minister for Finance to present a report to the Budget Committee, the extent of the total indebtedness by way of principal and accumulated interest, the use made or to be made of the proceeds of the loan, the provisions made for servicing or repayment of the loan and the progress made in the repayment of the loan.

Madam Temporary Deputy Speaker, hon. Ogindo is asking this House to pass a resolution, so that the Minister for Finance presents before the Budget Committee, within seven days from the date of passing this Motion, the loans in relation to Ken-Ren Chemicals and Fertilizers Company and external commercial debts on security related

projects. Hon. Ogindo has spoken in detail about the circumstances surrounding these two particular transactions. The reason why the Budget Committee was formed through the Financial Management Act was to give this House an organ to do an indepth analysis on public finance management. In public finance management, there should be transparency and accountability. We want to increase accountability to the people of Kenya. This we can only do through a committee of the House.

Disclosure of public debt is fundamental and an integral part of public finance management. This is because these kinds of debts are a direct and first charge on the Consolidated Fund. The CFS is charged directly without any approval by the House. The moment they are laid before the House and the House adopts the Budget, they form a direct charge or a first charge even before you pay for anything else. Therefore, it is important that full disclosure of this kind of expenditure is made to Parliament. The full disclosure can only be made through a committee of the House. Now the Constitution has actually given us a window of opportunity, which we lacked before. You could only hear Members of Parliament complaining after they had passed Budgets and a scandal took place. They would complain that they were not aware of the fact that what they had passed contained hidden provisions. We now have an opportunity, by virtue of the Constitution of the Republic of Kenya, which allows this Parliament to pass a resolution-- - If we want any disclosure on any matter regarding a loan or a guarantee by the Republic of Kenya, then that disclosure can be made by the relevant Cabinet Secretary, in this case a Cabinet Minister.

Madam Temporary Deputy Speaker, Sir, therefore, I urge my colleagues that because these issues have been with us for a long time--- We have had loans that were guaranteed through Ken-Ren Chemicals and Fertilizer Company. We also know of the Anglo Leasing related contracts. Since these matters have been with us for a long time, it is only appropriate that the Minister for Finance supplies the relevant information to the Budget Committee, so that it can use its expertise to compile a report and give it to this House for adoption. In this case, we will have played our significant role as the watchdog organ of this country.

So, mine was simply to explain the reasoning and the objective of this Motion, or why it is important. It is a constitutional requirement. The Budget Committee cannot just write to the Minister for Finance to supply information. At least now it is a constitutional requirement that they have to get a parliamentary resolution.

The Minister for Transport (Mr. Kimunya): On a point of order, Madam Temporary Deputy Speaker. I do not want to interrupt the seconder, but is he in order to mislead this House that the Budget Committee cannot obtain this information from the Minister except through invoking the Constitution when it is very clear that the committees can actually do that? What is provided for in the Constitution is a last resort measure that in the event that the Government is not willing to give that information, then you invoke the Constitution. But parliamentary committees have all the necessary powers and privileges to obtain that information from Government. Indeed, all that information has already been provided.

Is he in order to mislead this House that the only reason they are asking for that is because it is now required by the Constitution? That is selective misrepresentation of the Constitution.

Mr. Mbadi: Madam Temporary Deputy Speaker, the people of Kenya were not fools. Members of the Committee of Experts were not fools when they made this provision in the Constitution which is the supreme law of this country. It says that within seven days after either House of Parliament---

Mr. Kioni: On a point of order, Madam Temporary Deputy Speaker. I just want to know whether the use of the word “fools” is parliamentary.

Mr. Mbadi: Madam Temporary Deputy Speaker, it depends on the context. I have said that they are not fools. If I had said that they are fools, then it becomes un-parliamentary. It depends on the context. You do not just read the Standing Order without interpreting it. You have to understand the context in which a word is used.

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

The Temporary Deputy Speaker (Dr. Laboso): Order! Allow the hon. Member to finish!

Mr. Mbadi: Madam Temporary Deputy Speaker, this position is very clear, that within seven days after either House so requests by resolution. It does not say that this can only occur when the Minister has refused---

Mr. Muthama: On a point of order, Madam Temporary Deputy Speaker. The hon. Member has used un-parliamentary language by referring to Kenyans as fools. That is un-parliamentary and there is no need for him to continue contributing to the Motion when he has referred to Kenyans as fools.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Muthama, if I heard him correctly he said that they were not fools. Is the word “fool” parliamentary or un-parliamentary?

Mr. Mbadi: Madam Temporary Deputy Speaker, you know some of us have a problem with the English language. Let me proceed.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Mbadi stick to the point you want to make and use language that is parliamentary.

Mr. Mbadi: Madam Temporary Deputy Speaker, let me say that Kenyans knew what they were doing when they were passing this Constitution. In this provision---

Mr. Kioni: On a point of order, Madam Temporary Deputy Speaker. You have heard hon. Mbadi saying that some of us have a problem with English. Could he substantiate who these Members who have a problem with English are? The Standing Orders are very clear; he should be able to choose words that allow debate to continue and not invite unnecessary points of order.

The Temporary Deputy Speaker (Dr. Laboso): Thank you. Hon. Mbadi, stick to the point you want to make and use language that is parliamentary!

Mr. Mbadi: Madam Temporary Deputy Speaker, that is why our laws allow us to use English and Kiswahili in this House, because some people have a problem with English!

(Applause)

It is not guaranteed that all of us are very fluent in English. We have different degrees of—

The Temporary Deputy Speaker (Dr. Laboso): Hon. Mbadi, can you continue with your secondment?

Mr. Mbadi: Madam Temporary Deputy Speaker, I was just concluding my remarks by saying---

The Temporary Deputy Speaker (Dr. Laboso): Your time is up, hon. Mbadi!

Mr. Mbadi: You have wasted a lot of my time!

(Question proposed)

Mr. Oyongo Nyamweya: Thank you, Madam Temporary Deputy Speaker, for giving me a chance to contribute to this very important Motion in this country.

Madam Temporary Deputy Speaker, for the Government to borrow, it is a right. It is through the Government borrowing that we are able to get roads; we are able to get money to construct dams; we are able to get money to get electricity. These public projects are meant for the common good of the Kenyan public but in the past, there are loans which have been given that were not for the public good. For example, the one for the Ken-Rem Chemicals and Fertilizers Company Ltd, which was meant to help this nation to save foreign exchange by producing fertilizer at a lower cost. But, unfortunately, this is not happening. This money went to individual pockets; this money has not been recovered, but the generation of Kenyans who are living now and the ones who will live in the future will continue paying loans which did not come; loans which the Kenyan people did not benefit from.

Therefore, Madam Temporary Deputy Speaker, it is very important that this Motion is debated and passed so that there is better public scrutiny on how public funds are used; there is better public scrutiny on who is paying what so that there is discipline from the Ministries concerned, there is discipline on how the Government can borrow from outside so that we can become more accountable on how these funds can be used.

So, Madam Temporary Deputy Speaker, as I stand here, let us support this Motion; let us have it moved so that in future, we do not have situations whereby the Kenyan public--- Imagine a situation where Kenyans are paying money for security projects. This must be brought from Recurrent Expenditure. It should not be used for future Kenyans to pay. Because what has happened in these security projects is that Kenyans are going to pay for them for a long time. But it was meant to be a recurrent expenditure. The purpose of the Government borrowing and getting a public debt is to finance projects to benefit the future generations. It is not meant for recurrent consumption.

So, Madam Temporary Deputy Speaker, with those few remarks, I support this Motion because I believe---

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Oyongo Nyamweya! Although you said that you are finishing, you will have a balance of eight minutes.

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

The House rose at 12.30 p.m.