

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 16th November, 2011

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

TRAFFIC CONGESTION BETWEEN RUIRU/THIKA TOWNS

(Mr. Kabogo) to ask the Minister for Roads:-

(a) What is the cause of the frequent traffic congestion between Ruiru and Thika Towns, which sometimes lasts for over five hours, resulting in economic losses as a result of the wasted man hours, as well as rendering emergency services to medical centres difficult?

(b) Could the Minister institute immediate remedial measures to ensure smooth flow of traffic along the 15-kilometre stretch of road?

Mr. Deputy Speaker: Is Mr. Kabogo not here? We will come back to that Question later.

EVICTION OF KYANG'OMBE/ MAASAI RESIDENTS

(Ms. Karua) to ask the Minister for Transport:-

(a) Why were the residents of Kyang'ombe and Masai villages in Embakasi area, Nairobi evicted without notice?

(b) Why has the Government not provided the residents with alternative settlement?

(c) What measures has the Government taken to offer assistance to the evictees?

Mr. Deputy Speaker: Is Ms. Karua not here? We will come back to that Question later.

KILLING OF MR. EDWIN KEGA

Mr. Gitari: 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) Under what circumstances was Mr. Edwin Kega, a first year student at Kenyatta University, killed in Kaitheri Village on the night of 29th October, 2011?

(b) What measures is the Ministry taking to ensure security in the region is enhanced?

(c) Could the Minister consider establishing a police post within Kaitheri area?

Mr. Deputy Speaker: Is the Minister of State for Provincial Administration and Internal Security here?

The Minister for Roads (Mr. Bett): Mr. Deputy Speaker, Sir, I suggest you give him more time because of traffic jam.

Mr. Deputy Speaker: Fair enough. We will come back to this Question on the second round.

ORAL ANSWERS TO QUESTIONS

Question No.1279

INSECURITY IN KAMUKUNJI CONSTITUENCY

Mr. Deputy Speaker: Is Mr. Hassan not here? We will come back to this Question later.

Question No.815

NUMBER OF PRISONERS WITH KCPE QUALIFICATIONS

Mr. Deputy Speaker: Is Mr. Yakub not here? We will come back to this Question later.

Question No.1053

LACK OF AFFORDABLE CREDIT TO SMALL SCALE SUGAR-CANE FARMERS

Mr. Shakeel asked the Minister for Agriculture:-

(a) whether she is aware that one of the key constraints to increased sugar-cane production is lack of guaranteed and affordable credit facilities to small scale farmers,

(b) whether she can confirm that the Kenya Sugar Board (KSB) contracted the Agricultural Finance Corporation (AFC) to manage loan services to farmers and, if so, how many small scale farmers have been targeted and how much money has been set aside for the purpose; and,

(c) whether she could provide a list of all small-scale farmers who have benefited from the facility, indicating how much each has received.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Deputy Speaker, Sir, I answered this Question last week and I tabled some documents. The hon. Member was supposed to go through them and then he would raise questions. However, I will go through the answer again.

Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that lack of guaranteed and affordable credit to small-scale farmers for cane development is one of the key constraints to increased sugar production.

(b) I confirm that the KSB entered into a contract with the AFC on 2nd November, 2006 for a period of five years to manage loan services to sugar-cane farmers. An amount of Kshs500 million was set aside for loans to individuals. The target number of beneficiary farmers depends on the size of land and amount applied.

(c) I tabled the document which contained 1,052 farmers.

Mr. Shakeel: Mr. Deputy Speaker, Sir, he did, indeed, table the document. After I looked at it, I noted that only 1,052 farmers had benefited. However, there are more than 500,000 peasant farmers.

I also noted that the Ministry restricted the beneficiaries to those with two and a half acres of land. Bearing in mind that there are over 500,000 peasant farmers and most of them have less than two and half acres of land, was this facility meant for the rich farmers only? Why did farmers with less than two and a half acres of land not benefit?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, it was not only the rich farmers who benefited. The AFC set criteria of two and half acres of land because they thought that was more economical. However, I am willing to talk to them to reduce it to a size that is profitable. We could go up to two acres instead of two and a half acres. I will talk to them and find out whether we could do so.

Mr. Washiali: Mr. Deputy Speaker, Sir, currently, our factories are suffering shortage of sugar-cane and that is why the price of sugar has more than doubled. This money is meant to assist farmers to develop their crop. So, this Question is in line with a Question I asked on 20th May, this year. I wanted to find out from the Ministry whether in the Budget of 2008, there was allocation of Kshs1 billion to sugar-cane farmers. The Ministry has already given out Kshs500 million. Where is the balance of Kshs500 million that needs to be advanced to farmers, so that they could continue developing their crop?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, it is true there was Kshs1 billion which was allocated, and we have given out Kshs500 million. Now we are in the process of releasing the other Kshs500 million. We were negotiating with Equity Bank, but we differed with them. We have gone back to the AFC. They are the ones who will administer the Kshs500 million. We are waiting for the Board of the KSB to be constituted, so that we release the money to AFC.

Mr. Imanyara: Mr. Deputy Speaker, Sir, I appreciate the Assistant Minister's willingness to reconsider the policy, particularly with regard to the two-and-a-half acre ceiling. Looking at the list of the beneficiaries of these funds, I would wish him to confirm that he will follow up on this commitment to consider and formulate a policy that recognizes individual farmers rather than acreage which may, in any case, not be commensurate with the quality of sugar production. When will he bring these policy changes, so that individual farmers can benefit on the basis of their ability to repay and grow sugar-cane?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, this is not the Government. It is the AFC. But we will talk to the AFC, so that they can take in the individual farmers.

Mr. Washiali: On a point of order, Mr. Deputy Speaker, Sir. I asked a similar Question in May and the Assistant Minister talked of negotiating with the Equity Bank and the AFC. Today, after four months, he is still talking of negotiating. When will these negotiations take place?

Mr. Deputy Speaker: Order! You did not listen to the Assistant Minister properly. He said that the negotiations with Equity Bank broke down. They no longer exist. Now they have reverted to the AFC for this funding to be provided through the AFC. Hon. Members, if you listen very well to one another, you will spare us repetitions, which, in line with our Standing Orders, we should not entertain.

Mr. Shakeel: Mr. Deputy Speaker, Sir, from the documents the Assistant Minister has provided, I have noted that Bungoma region got Kshs64 million, Kakamega region got Kshs94 million, Kapsabet Kshs64 million, Kericho Kshs53 million, Kisumu Kshs80 million and Migori Kshs130 million. How come that sugar belts like Bungoma and Kisumu got less? Finally, could he confirm that the loans that have been given to the rich farmers will, at no time, be written off as bad debts?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, the applicants, for example, in Migori, were almost 300. When you look at Bomet, there are only four applicants. We have to take the money where it is required and where the people are. So, we give it according to the applications. I am not aware that the loans have been given to the rich farmers, but I can assure the Member that if they have been given to the rich farmers, those farmers will have to repay them like everybody else. The loans are not going to be written off.

Question No.1115

NON-PAYMENT OF RETIREMENT BENEFITS TO MR. B. MAGAI JONYO BY NCC

Eng. Rege asked the Deputy Prime Minister and Minister for Local Government:-

(a) how long it takes the Nairobi City Council to pay retirement benefits to its retired employees;

(b) whether he is aware that Mr. Benson Magai Jonyo (032171/164) retired on 31st December, 2003, but has not been paid his retirement benefits and other dues to date; and,

(c) what measures the Minister will take to ensure retirement benefits of all retirees in all local authorities, including Mr. Jonyo, are paid promptly.

Mr. Deputy Speaker: Deputy Prime Minister and Minister for Local Government. We will come back to the Question.

Question No.1218

GRABBING OF LAND AT OL JOROROK

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

(a) whether he is aware that the Government allocated land to the community for the establishment of an educational centre at Ol Jororok, but the same has been “grabbed” and the plans from the Council hidden from the Project Management Committee;

(b) who the beneficiary of the irregular allocation is; and,

(c) what measures he will take to ensure the plot is reverted to community use.

Mr. Deputy Speaker: Deputy Prime Minister and Minister for Local Government again. We will come back to the Question.

Question No.1233

CONSTRUCTION OF BRIDGE ACROSS KIATINI (MUONI) RIVER

Mr. Kiilu asked the Minister for Roads:-

(a) whether he is aware that residents of Mutyambua and Kasikeu locations are unable to cross Kiatini (Muoni) River to Kasikeu Market during rainy seasons; and,

(b) what plans he has to construct a bridge across the river.

The Minister for Roads (Mr. Bett): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that residents of Mutyambua and Kasikeu locations are unable to cross Kiatini (Muoni) River during this rainy season. Due to budgetary constraints, my Ministry was not able to allocate funds for the construction of the said bridge during this financial year.

(b) Consideration will be given for the construction of the bridge once it is factored by the Makueni Constituency Roads Committee in its work plan.

Mr. Kiilu: Mr. Deputy Speaker, Sir, I thank the Minister for the answer. He has confirmed that he is aware that the residents of Mutyambua and Kasikeu locations, who are residents of Makueni and Kilome constituencies are finding it difficult to cross this river during the rainy seasons. Could he tell us what it will cost him to construct this bridge? In the absence of this bridge, could he consider constructing a culverted drift to facilitated safe movement of the people and traffic?

Mr. Bett: Mr. Deputy Speaker, Sir, the drift would cost an estimated figure of Kshs20 million. I would expect the Constituency Roads Committee (CRC) to factor it in its work plan. In other words, they should prioritize it for me to consider it for funding in the next financial year.

Mr. Kigen: Mr. Deputy Speaker, Sir, almost every year we lose bridges, because of flooding. In the last financial year, many bridges were swept away. What did the Minister do in the last Budget to accommodate those bridges? How soon are they going to be constructed?

Mr. Bett: Mr. Deputy Speaker, Sir, it is true that we lost several bridges last year and this year due to rains. Much as we would wish to have rains, they cause havoc on our roads. We have inadequate funds for emergency purposes, but we try within our financial limits. For instance, in this financial year it is regrettable that we have lost in excess of ten bridges across the country. I am doing everything I can with the funds allocated to me to procure bridges to see how I can support, on a priority basis, the areas which have been affected.

Mr. Kathuri: Mr. Deputy Speaker, Sir, I would like the Minister to clarify whether the CRC is going to factor in its work plan money for the construction of this bridge from the 20 per cent allocation, or there is a special allocation from the Roads

Board. If it is from the 20 per cent allocation, then they will have no money for gravelling roads, yet infrastructure is everything in a constituency.

Mr. Bett: Mr. Deputy Speaker, Sir, I am aware of what the Member is saying, but it will be a basis and a very good indicator for me when I see it in their work plan.

Mr. Njuguna: Mr. Deputy Speaker, Sir, the Minister has admitted that this is a critical bridge. What immediate steps is he going to take to give the people some passage?

Mr. Bett: Mr. Deputy Speaker, Sir, I had indicated that I have no funds to sort out that problem this financial year.

Mr. Kiilu: Mr. Deputy Speaker, Sir, the Minister has confirmed that this is a critical bridge. He has also confirmed that he has no funds to construct the bridge. Is he serious when he says that he will consider funding this bridge once the CRC prioritizes it? He knows that the funds allocated to the various CRCs are less than the envisaged cost of this bridge. Could he confirm that funds will be made available once this is done from another source?

Mr. Bett: Mr. Deputy Speaker, Sir, I must confirm to the Member that I am always serious. I always live up to my word. Once they prioritize that project, I will take it seriously; it will mean that the people from the two sides of the river are in need of a bridge, and that it is the main item that they will want us to attend to.

Question No.902

REINSTATEMENT OF NYAWANGA MISIGO ABRAHAM

Mr. Washiali asked the Minister for Public Works:-

(a) why the Ministry has not heeded the directive of the Attorney-General to reinstate Mr. Nyawanga Misigo Abraham, an employee of the Ministry based in Busia District, to his job; and,

(b) when Mr. Nyawanga will resume his duties and when he will be compensated.

The Minister for Public Works (Mr. Obure): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry is not aware of any directive from the Attorney-General or any authority whatsoever to reinstate Mr. Nyawanga Misigo Abraham, a former employee of the Ministry, to his job.

(b) The question of reinstating the former employee or compensating him does not arise as he was properly dismissed from service as a result of disciplinary proceedings arising from fraud cases involving him. Mr. Nyawanga made two appeals to the Public Service Commission, both of which were disallowed.

Mr. Washiali: Mr. Deputy Speaker, Sir, I want to thank the Minister for the answer but this is a Kenyan from my constituency, who is suffering innocently. I have a letter from the District Commissioner (DC) which makes reference to a court judgment. I am sure the Minister is in possession of this letter. The DC was doing it on behalf of the District Advisory Committee, which had been charged with the duties of deciding whether Mr. Nyawanga should be reinstated or not. I wish to table this letter.

(Mr. Washiali laid the document on the Table)

Mr. Deputy Speaker: What is your question?

Mr. Washiali: Mr. Deputy Speaker, Sir, could the Minister consider the recommendations as contained in the letter from the DC?

Mr. Obure: Mr. Deputy Speaker, Sir, I have seen a copy of this letter which has been tabled by the hon. Member who raised this Question. From the Question raised by the hon. Member, it is quite clear that he has not been briefed on all the facts. The letter he has tabled relates to the first case of fraud.

Mr. Deputy Speaker, Sir, subsequently, this particular individual, Mr. Misigo Abraham, was involved in another case of fraud. It is on the basis of the second case of fraud that the dismissal action was taken.

Mr. Washiali: On a point of order, Mr. Deputy Speaker, Sir. I think it is unfortunate that the Minister may not have had enough time to look at the letter, because that letter contains three cases as opposed to the one he has made reference to. I request that the Minister be given enough time to look at the letter and then the Question can be answered at a later date.

Mr. Obure: Mr. Deputy Speaker, Sir, I have been able to look at the entire file exhaustively. The letter written by the DC was written on behalf of the District Human Resources Advisory Board. It was the same Advisory Board that recommended dismissal of the employee, because he was involved in a series of fraud cases, dating back to 1982; this was three years after he had been employed. On the first occasion he was involved in a fraud case; he was warned and surcharged. In the subsequent case, he was involved in fraud involving Kshs100,000, and he was interdicted, arrested by police, taken to court and subsequently the case was withdrawn from court. He was reinstated.

On the third occasion, he was involved in the disappearance of Kshs300,000. It was on the basis of this that the Advisory Committee chaired by the DC, Busia, sent a recommendation to the Public Service Commission for the dismissal of this particular officer in public interest.

Mr. Deputy Speaker, Sir, that employee was given an opportunity to make an appeal; in fact, he made two appeals to the Public Service Commission, which is an independent body, as you know, and the Commission disallowed both appeals. Under the circumstances, I do not think that there is any new information that I need, because I am satisfied with the action taken against this particular employee.

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

Mr. Washiali: Thank you, Mr. Deputy Speaker, Sir. In answer to part "a" of the Question, the Minister is not aware of the Attorney-General's instructions for reinstatement. Suppose I avail those instructions, will he be able to reconsider his position?

Mr. Obure: Mr. Deputy Speaker, Sir, as I said, I am not aware of any directive from the Attorney-General, but I want to say here that even if the Attorney-General were to issue instructions for reinstatement of an officer, the matter has been dealt with by the Public Service Commission, which is an independent Commission that deals with recruitment, welfare and disciplinary issues pertaining to public service employees. I

think that is a superior organization with respect to issues pertaining to the Civil Service. I do not think the Attorney-General can overrule that body.

Mr. Deputy Speaker: Question No.903 by hon. Kaino.

Question No.903

LIST OF EDUCATION ATTACHÉS IN KENYAN EMBASSIES

Mr. Kaino asked the Minister for Foreign Affairs:-

(a) whether he could provide a list of Education Attachés in all the Kenyan Embassies, High Commissions and diplomatic missions, stating their respective stations, qualifications, positions and district of birth;

(b) whether the officers deployed meet the minimum educational requirements to hold their respective positions; and,

(c) whether he could consider rationalizing the deployment of the officers with regard to regional and ethnic balancing.

Mr. Deputy Speaker: Yes, Minister for Foreign Affairs. Where is the Minister for Foreign Affairs?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I beg for the indulgence of the House. The Minister for Foreign Affairs has just been called to attend to the visiting heads of state who are coming for a discussion on the Somali crisis; he is not in a position to answer this Question.

Mr. Deputy Speaker: So, what indulgence are you seeking?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I would request that this Question be rescheduled for next week when all these matters would have been sorted out. We agreed that he works out a schedule to show when he will be available in the House, and then communicate to the Speaker.

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

Mr. Deputy Speaker: Yes, what is your point of order, hon. Imanyara?

Mr. Imanyara: Mr. Deputy Speaker, Sir, I appreciate that the Minister for Foreign Affairs at this particular time may be a busy person, but he has a very able Assistant Minister. Why can they not share responsibilities and we get the Questions answered in the House? Is it in order for Ministers to give excuses where there are none? This is because the Minister for Foreign Affairs should be able to answer Questions in this House. I can see that, today, the Front Bench is very well represented, including the Leader of Government Business. Why are they shying away from collective responsibility?

(Laughter)

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. While I appreciate what the Deputy Leader of Government Business has brought to your attention, this is a very important Question. Secondly, the Minister himself was within Parliament five minutes ago and, indeed, if he was to go, he should have brought that to your attention. Is he in order to request a postponement of a very important Question to this House?

Mr. Deputy Speaker: As a matter of fact, every Question that is before the House is very important. The Minister says that, indeed, he was here and left the Deputy Leader of Government Business to discharge his duties. He has been called as a matter of urgency. This is an ordinary and normal occurrence in the Government. Mr. Kimunya, are you in a position to stand in for him and answer this Question?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, we discussed and he left in a hurry. He left with the answer. What he gave me is the Order Paper. I would have loved to discharge his duties. He had actually come to answer this Question but he left. He told me that he had just been called. What he gave me was just the Order Paper and not the answer.

Mr. Deputy Speaker: The Chair directs that this Question be listed on the Order Paper on Tuesday next week. Hon. Deputy Leader of Government Business, the Chair has directed that this Question be listed on the Order Paper on Tuesday next week. The Minister had better be available to answer the Question.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, Tuesday next week is fine.

Mr. Deputy Speaker: Fair enough.

(Question deferred)

Next Question by Dr. Ottichilo.

Question No.1076

IMPLEMENTATION OF COUNTRY STATE OF
ENVIRONMENT REPORTS

Dr. Otichilo asked the Minister for Environment and Mineral Resources:-

(a) whether he could provide all Country State of Environment Reports prepared by the National Environment Management Authority (NEMA) to date, as required under the Environmental Management and Co-ordination Act, EMCA 1999;

(b) how the recommendations in the reports have been implemented, both at the local and national levels; and,

(c) what the current state is of the environment in Kenya.

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The state of environment report that have to date been compiled by the National Environment Management Authority (NEMA) as provided for in Section 9(2)(p) of the Environmental Management and Co-ordination Act, EMCA, No.8 of 1999, is hereby tabled. With your permission, this report is for eight years and is very comprehensive. I ask for your permission to table the report.

Mr. Deputy Speaker: Proceed.

(Mr. Kajembe laid the report on the Table)

(b) The implementation of the recommendations made in the state of environment reports is done through various participating institutions or lead agencies, Government Ministries and departments whose mandate is both at local, location, district and national levels. The EMCA requires that lead agencies provide data on the state of the environment sector. They are mandated by law to manage the process and also the preparation of the reports. Equally, the same institutions and agencies are funded by the Government and development partners to take action to enhance the state of the environment in their respective sectors by mainstreaming environmental concerns into sector programmes, plans and activities. Non-governmental organisations (NGOs) and civil society organizations are also involved in mobilizing resources and implementing recommendations contained in the state of environment reports. Structures such as the District Environmental Committees (DECs), District Development Committees (DDCs) and District Environmental Action Plan Committees (DEAPCs) ensure preparation of state of environment reports and implementation of the recommendations made therein.

(c) The current state of the environment in Kenya is obtained in the state of environment Report for 2010. It provides current information and data on each of the sectors of the economy, and how those sectors interact with the environment. The state of the environment Report of 2010 supports the delivery of Vision 2030. It encompasses the following: environment and economic development, social and economic status, poverty, gender and environment, climate change and variability, biodiversity, falls and woodlands, range, agriculture and livestock, freshwater, coastal and marine resources, health and environment and emerging issues.

Dr. Ottichilo: Mr. Deputy Speaker, Sir, first, allow me to thank the Assistant Minister and NEMA for preparing all these important documents which are needed to monitor our environment. However, while they have done a good job to prepare these documents, could the Assistant Minister inform the House what programmes they have in place to ensure that Kenyans know what is in these reports, so that remedial measures can be taken? That is because it is one thing to prepare good reports, but it is another thing for Kenyans to know what is in them.

Mr. Kajembe: Mr. Deputy Speaker, Sir, we have circulated this report to the districts where we have environmental committees. Our officers in those districts lead others in creating awareness in *wananchi*. We have also decided that, very soon, we will go to the media houses to educate the Kenyan people on this.

Mr. Imanyara: Mr. Deputy Speaker, the Assistant Minister makes reference to District Environmental Committees (DECs). I am aware that in most districts, those committees do not exist. Is the Assistant Minister satisfied that DECs exist and, if they do, do they file any returns to his office?

Mr. Kajembe: Mr. Deputy Speaker, Sir, I agree with the sentiments of the hon. Member that we do not have environmental officers in all the districts. But we are now working at say 70 per cent capacity. NEMA has now recruited more environmental officers and they will be posted to the districts where they are non-existent. On returns, yes, NEMA is getting returns from the districts.

Mr. Gitari: Mr. Deputy Speaker, Sir, I would like the Assistant Minister to clarify the following. Upon performing an environmental impact assessment, they normally do an audit report after one year. What measures is the Ministry taking on

policy issues? For example, we have Thika Road which is being constructed. I am sure one of the mitigating measures was to try and reduce dust. Yet, three years down the line, we still see dust all over? What measures is the Ministry taking to make sure that what is in the audit for the environmental report is adhered to?

Mr. Kajembe: Mr. Deputy Speaker, Sir, for any impact assessment – most sincerely on roads - my officers have no delays, unless the hon. Member tells me what has happened. I do not have a specific case of any delay or not doing things on time.

Mr. Pesa: Mr. Deputy Speaker, Sir, it is important to prepare these reports and take them back to the Ministry's headquarters. However, could the Assistant Minister inform the House at what stage they involve *wananchi* in the preparation of these reports, so that they can give their input into the reports?

Mr. Kajembe: Mr. Deputy Speaker, Sir, I said it earlier on and I repeat that awareness is now being created in the districts by environmental officers. Yes, it is true that we have not deployed environmental officers 100 per cent. But we have recruited them and, very soon, we are going to post them to the respective districts. I said that very clearly.

Mr. Pesa: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is not answering my question. I wanted to know at what stage his reports take into consideration the input of the people who are actually going to be consumers of these reports. Does he involve Kenyans in the preparation of the reports?

Mr. Kajembe: Mr. Deputy Speaker, Sir, I mentioned in my report the many organizations, and which are the lead agencies that are involved. Lead agencies include non-governmental agencies, parastatals and districts. We reach these people from every corner. That is what I have listed in my answer.

Mr. Deputy Speaker: Last question, Dr. Otichilo.

Dr. Otichilo: Mr. Deputy Speaker, Sir, I would like to know from the Assistant Minister, now that very soon we shall be going to county governments, what programmes do they have in place to ensure, first of all, that the Environmental Management Co-ordination Act (EMCA) Act of 1999 is amended, so that these reports can be produced at the county level.

Mr. Kajembe: Mr. Deputy Speaker, Sir, that is a very good question. Right now, the National Environment Management Authority (NEMA) has already gone to the counties. We are posting our officers now to the counties.

Mr. Deputy Speaker: Question by Private Notice, hon. Kabogo.

QUESTIONS BY PRIVATE NOTICE

TRAFFIC CONGESTION BETWEEN RUIRU/THIKA TOWNS

Mr. Kabogo: Mr. Deputy Speaker, Sir, I apologize for being a minute late in the first round.

Mr. Deputy Speaker, Sir, I beg to ask the Minister for Roads the following Question by Private Notice.

(a) What is the cause of the frequent traffic congestion between Ruiru and Thika towns, which sometimes lasts for over 5 hours, resulting in economic losses as a result of

the wasted man hours, as well as rendering emergency services to medical centres difficult?

(b) Could the Minister institute immediate remedial measures to ensure smooth flow of traffic along the 15 kilometre stretch of road?

The Minister for Roads (Mr. Bett): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Traffic congestion on Thika Road and, indeed, on many roads in the country, and Nairobi in particular, is caused by a high volume of vehicles on our roads. On that, I think we should give ourselves credit that the economy has enabled many of us to own vehicles. That is the reason the Government is investing a substantial sum of money to improve our road network, including widening of key roads in and out of the City of Nairobi.

(b) I am aware that the ongoing road construction may have increased the problem in some sections of the road. However, the traffic snarl-up on some sections of Thika Road is exacerbated by the failure by some motorists to comply with road signs giving directions. In some instances there maybe omissions by the contractor to place road signs, or such road signs are concealed one way or the other. This has been noticed now and in the past and appropriate steps continue to be taken to correct the situation.

The Contractor has further been instructed to speed up construction works and complete the section to alleviate the problem once and for all. I have specifically instructed that contractor, and the other contractors, to make sure that the carriage way is completed by mid December, 2011. Next year, I will be left with placement of the road furniture and marking of the road. In the meantime, diversions will be improved and given better signage to ease traffic flow. Already, that has been done on Thika Road. The contractor has also been instructed to utilize the police with specific and clear instructions on diversions. I want to take this opportunity to urge our motorists to comply with all the instructions on the proper use of the diversions, as they exercise tolerance and patience.

Mr. Kabogo: Mr. Deputy Speaker, Sir, the Minister is quite eloquent on this matter, but he has missed out one point, that is the issue of diversion markings which are not there between Juja Town and Mang'u High School. But they have opened one side of the road that was closed the day before yesterday. Could he undertake to the House that electric diversion signs will be put in place forthwith?

Mr. Bett: Mr. Deputy Speaker, Sir, yes, I confirm. Indeed, it is part of the contractual relations between us and the contractors. So, they must have the signage on our roads. I have told the Permanent Secretary and his team that they must ensure that every contractor across the country puts in place appropriate signage to guide motorists, so that there is no problem in the movement of our people as they undertake their daily duties.

Ms. Karua: Mr. Deputy Speaker, Sir, while we appreciate the widening of the roads, especially the Thika Superhighway, could the Minister consider liaising with the police to ensure that at every diversion where congestion occurs--- Yes, the motorists are contributing to it, but could he arrange with the police, so that there are policemen to guide traffic in order to avoid traffic jams?

Mr. Bett: Mr. Deputy Speaker, Sir, as I said, we have a standing arrangement with the police. It is the responsibility of the contractor to inform the police of new diversions, so that they can re-arrange their work plan to suit the new diversions. I undertake to get the Commissioner of Police to make sure that such instructions are

complied with in full. I expect the motorists to also comply fully with the signage on our roads.

Mr. Njuguna: Mr. Deputy Speaker, Sir, while appreciating the wonderful job that is being done on this highway, could the Minister inform the country when these works are going to be completed, because there is a lot of anxiety on this road?

Mr. Bett: Mr. Deputy Speaker, Sir, I like the word “anxiety.” I think there is excitement on the part of the public and they would want to use the road fully. I appreciate that and we would all want to use it.

Mr. Deputy Speaker, Sir, as I have stated, I have given instructions that the main works must be completed before the end of this year, that is by mid December. What will be left will be the placement of the road furniture and marking of the road. Maybe I should also use this opportunity to say that once we have placed the furniture on the roads, I would want us, the general whole public, to protect that furniture, so that it is in place all the time.

Mr. Deputy Speaker: Last question, Mr. Kabogo

Mr. Kabogo: Mr. Deputy Speaker, Sir, as you heard from hon. Karua, we lack police supervision. I wonder whether the Minister can take it up with the Commissioner of Police to make sure that Juja Police Station has a traffic department, which it does not have now. Anytime there is a problem between Juja and Thika they have to get traffic police from Thika Town itself. Could he do that to ease traffic congestion on that road?

Mr. Bett: Mr. Deputy Speaker, Sir, I am also happy that the Assistant Minister, Ministry of State for Provincial Administration and Internal Security is here. I hope that he is in full agreement with taking action and getting that done at Juja Police Station.

EVICTION OF KYANG’OMBE/MAASAI RESIDENTS

Ms. Karua: Mr. Deputy Speaker, Sir, I want to apologize to the House. I was not here when the Question was first called out.

Mr. Deputy Speaker, Sir, I beg to ask the Minister for Transport the following Question by Private Notice.

(a) Why were the residents of Kyang’ombe and Maasai villages in Embakasi area, Nairobi, evicted without notice?

(b) Why has the Government not provided the residents with alternative settlement?

(c) What measures has the Government taken to offer assistance to the evictees?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The residents of Kyang’ombe and Maasai village in Embakasi area of Nairobi were evicted because they had settled on the land that part of the Kenya Airports Authority (KAA) land, which is title L.R. No.21919. The land has been specifically set aside for aviation purposes, and as such it is not available for human settlement. With regard to the development that we allow, statutory approvals must be issued by both the Kenya Airports Authority (KAA) and the Kenya Civil Aviation Authority (KCAA); this was not adhered to in the case of the two villages. The prevailing security threats in the country have also prompted the urgency in the clearance of these two areas.

Various notices were published in the local newspapers and posted in strategic places in the affected areas. The reasons for these evictions were also very clearly explained in those notices.

Because of the emotions attached to this Question, allow me to elaborate that, indeed, notices were issued on 7th October, 2008, 25th September, 2010 and on 15th September, 2011. These notices clearly indicated that people needed to move and if they did not move, upon expiry of the notices, the constructions, erections, building materials, animals and other installations were going to be removed at their own risk and without any further warning. The KAA gave the residents warnings for over three years.

(b) The residents of the said villages have all along known that they were settling on private land owned by the KAA. Secondly, the residents had never been settled there by any known authority and, therefore, the Government, in the face of threats to national security, had to act without delay.

(c) The Government has no plan to offer alternative sites to the evictees because they had illegally occupied land belonging to the KAA. The Government cannot compensate people who grab or occupy private land as this would encourage the trend to continue. However, security was provided during the eviction to ensure that criminal elements did not take advantage of the situation to steal or vandalize private property, which was removed by the owners.

Ms. Karua: Mr. Deputy Speaker, Sir, the answer is totally misleading and I want to table a letter from one of the residents of Kyang'ombe/Maasai Villages which clearly shows that the residents, who had permanent and semi-permanent houses, had been paying the requisite fees to the City Council. It is, therefore, totally misleading to claim that they were not settled there by any authority. It takes time to build a semi-permanent or permanent house. Why did the Government wait until those residents had put up their houses only to go and demolish them? If Mr. Deputy Speaker allows me I will read one paragraph of this letter which says:-

“It must be stated that we have noted with great concern that the properties on which we reside and pay for are now being occupied by Chinese immediately upon demolition of our structures. How come, if the premises were needed for security purposes, foreigners have taken them over? Could the Government come out clean and say that it has declared war on its citizens?”

(Ms. Karua laid the document on the Table)

Mr. Kimunya: Mr. Deputy Speaker, Sir, let me say without any fear of contradiction that the City Council constantly issued notices telling residents that all the structures they had put there were illegal, and needed to be removed. Those notices were issued all the way from 2005 by the City Council. So, it is not true to say that they were paying their rates to the City Council.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. The Minister has alluded to notices from the City Council. I think this House will benefit if the Minister tables those notices, so that we know that the same City Council, which is alleged to have been receiving fees, had already issued notices to those people to move out of the land. Could the Minister kindly table the notices dating back all the way to 2005 and 2008 from the City Council?

Mr. Kimunya: Mr. Deputy Speaker, Sir, indeed, if the hon. Member was patient, I was going to do exactly that. I started by telling the House when they were issued because not everyone will have the opportunity to look at the notices. Notices were issued on 12th July, 2005 and circulated to all the residents. Eight hundred notices were posted in all the areas on 28th August 2009 and 8th January, 2010. Those notices were done by the City Council of Nairobi. I have copies that I will be happy to table, complete with the write up with the various reminder notices and enforcement notices for people to demolish their buildings. There is also a write up by the Town Clerk on the City Council's position on the construction of buildings in the City, which basically tells people that if they had not done this, they needed to have demolished their structures. More importantly, there are notices by the KAA reminding people constantly that they were on the KAA's land, and they needed to move out, and that if they did not move out, they would be forced to move out and, indeed, they would pay for it.

I do not know the author of the letter, or the information, that the Member for Gichugu has brought to the House. Therefore, I am unable to authenticate the same, or say anything about Chinese occupying houses. The houses were flattened. So, there can be nobody to occupy them. The land belongs to the KAA. Construction works are going on at the airport and there are site offices at the airport. There is a Chinese contractor at the airport and---

The Assistant Minister for Water and Irrigation (Mr. Waititu): On a point of information, Mr. Temporary Deputy Speaker, Sir.

Mr. Kimunya: Mr. Deputy Speaker, Sir, I do not need that information. We must remember, and I want the House to note this---

Mr. Ochieng: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to come here and lecture us instead of answering our questions? He is not answering our questions.

Mr. Deputy Speaker: In my many years both in Parliament and in politics, this is the first time I have seen a Minister refusing to be informed by a fellow Minister. Nonetheless, proceed hon. Minister. Have you concluded?

Mr. Kimunya: Mr. Deputy Speaker, Sir, I would like to table copies of the various notices.

(Mr. Kimunya laid the documents on the Table)

Mr. Deputy Speaker: Hon. Members want to ask you further supplementary questions.

Mr. Kimunya: Mr. Deputy Speaker, Sir, I want to state that even as we talk in this House about the Chinese, I need to get information from the Member on who those Chinese are. This is because I am not aware of any Chinese being there. It is for this House to note that the people who have been evicted - and we are trying to show a lot of sympathy for them - were people who were being exploited by landlords, who had taken airport land, put up some structures and started extorting rent from poor innocent Kenyans under the guise of housing them.

So, Mr. Deputy Speaker, Sir, what we are not advocating is for people to take over Government land, put up structures, bring in tenants and charge them exorbitant rents without caring to tell them that they are living on a danger zone. Immediately they

are evicted, the landlords take their materials, go and squat elsewhere and bring in other tenants. This is total exploitation of the people. If we are bothered about these people, we should be talking about how they are being exploited by landlords.

Mr. Mungatana: Mr. Deputy Speaker, Sir, first, I want the Minister to cool down and answer this question. If a piece of land belongs to me and I have a title deed, how does it happen that people come in as I watch them, bring in iron sheets, stones and then construct houses; then suddenly, I turn round and say that is my land and does not belong to the occupants? Is it true that these people have some proprietary rights, otherwise we would not watch anyone ordinarily bringing in construction materials and erecting structures without us raising an objection? They must be having some sort of right! Why can the Government then not, if they now want to use the land, take these people to an alternative site? Are they not Kenyans like other Kenyans? I want the Minister to answer that.

The Assistant Minister for Water and Irrigation (Mr. Waititu): On a point of information, Mr. Deputy Speaker, Sir. I want to enlighten the hon. Minister. The problem we have in this case is that about 10 per cent of land in Embakasi is claimed by the KAA. However, about 90 per cent of the houses that were demolished were outside the flight path. Why did they demolish the houses that were out of the flight path?

(Laughter)

(Applause)

Mr. Kimunya: Mr. Deputy Speaker, Sir, I would like to urge the House to ignore that information.

Hon. Members: No!

Mr. Kimunya: Mr. Deputy Speaker, Sir, it is totally erroneous and the hon. Assistant Minister has no competence to advise on this.

Hon. Members: No!

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to usurp the functions of the Chair and direct the Chair to ignore an Assistant Minister who represents the people who are treated like animals by this Government? Is it in order?

Mr. Kimunya: Mr. Deputy Speaker, Sir, the hon. Member purported to enlighten me by giving me information, which I have declined to take. I have more information that he does not have. I know the information he gave to this House is erroneous.

On the issue that was raised by Mr. Mungatana, in terms of what the KAA was doing all these years as the people invaded the land, I started by saying that notices were issued. I laid on the Table of this House notices dating back to 2005.

Mr. Deputy Speaker: Mr. Minister, for the purpose of admission in this House, you have tabled a number of notices here, some of them are newspaper cuttings and under our rules---

Hon. Members: *Hapana!*

Mr. Deputy Speaker: Order! Under our rules, we do not recognize newspapers, either in the form of a notice or otherwise. You have also tabled a number of notices from

the City Council of Nairobi that date quite far back. They are valid. So, out of what you have tabled there are those which are invalid and those that are valid.

So, proceed and answer the question.

Mr. Kimunya: Mr. Deputy Speaker, Sir, indeed, I mentioned the date because the newspapers are in the public domain; anyone who would want to look at newspapers for that date would see that there was such a notice. This is a copy for the House.

As I said, these notices were issued, but people ignored them. People have been incited by politicians to go on and invade that land. Politicians promised to protect them. Every time the staff of KAA have gone to stop erection of structures on the land, they have been chased away. Every time we sent surveyors there, they were chased away by the people who were selling the land and those who were encouraging encroachment.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. This is the second time in as many days that the Minister has said Members of Parliament or politicians have been inciting people to invade KAA land. Could he, please, substantiate?

Mr. Deputy Speaker: Mr. Minister, you cannot impute any improper motive on fellow Members of Parliament, either as individuals or collectively without a substantive Motion. So you will have to withdraw that bit.

Hon. Members: And apologize!

Mr. Kimunya: Mr. Deputy Speaker, Sir, I chose my words carefully and talked of politicians and not necessarily Members of Parliament.

Mr. Deputy Speaker: Are you sure you did not mention Members of Parliament?

Mr. Kimunya: I said politicians, Mr. Deputy Speaker, Sir. But if I said "Members of Parliament" I withdraw.

Mr. Deputy Speaker: You better withdraw that.

Mr. Kimunya: Mr. Deputy Speaker, Sir, I said there have been politicians on the ground. Even as we talk, there are politicians who are inciting people on the ground.

Mrs. Shebesh: Mr. Deputy Speaker, Sir, I am glad the Minister himself has brought in the issue of politics. In urban areas every time we are heading towards an election, there are political games played. Sometimes houses of the majority of residents in urban centres, particularly Nairobi, are razed down. People are displaced in order for some people to gain political ground and in order for other people to lose ground; this is so especially for those who have a lot support certain areas. Because the Minister himself has alluded to politics, could he clearly state whether there is politics being played in these demolitions, but using the excuse of *Al Shabaab*? I am sure the KAA will give other excuses to demolish houses of residents who are in slums and semi-permanently built areas, or informal settlements, in Nairobi.

Mr. Kimunya: Mr. Deputy Speaker, Sir, I will be happy to confirm that the evictions that are taking place are aimed at repossession of strategic installations and flushing out people who have invaded public land; they have nothing to do with politics of the past or of the future. At least, I have not even declared any presidential ambition. So, I have no interest in moving populations from one place to another, or in protecting anyone. The important thing for us to note is that we, as a House, have an obligation, and we have sworn, to protect public assets wherever they are; that should be the bottom line in whatever we are discussing.

Mr. Mwau: Mr. Deputy Speaker, Sir, I would like the Minister to confirm to this House whether it is a policy of the Cabinet, the Government or the law that if a person

encroaches on another person's land illegally or legally, that other person has power, or authority, to go and demolish the other's structures without going through the courts?

(Applause)

Mr. Ogindo: On a point of order, Mr. Deputy Speaker, Sir. Is Mr. Mwau in order to ask his boss a question when he is only serving---

Hon. Members: He is not a member of the Government!

Mr. Deputy Speaker: Order, Mr. Ogindo! Mr. Mwau has stepped aside! In other words, he has temporarily left his role as a member of the Government. Under the circumstances, he has the responsibility to a constituency. I think in the next Parliament, we will have that total separation between the Government and the law makers. Right now, it cuts both ways and he has a responsibility to protect his people.

Proceed, Mr. Minister.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, since 2003, the Kibaki Administration has consistently come out as a defender of public property and started the process of repossession of all the land that had previously been given out for political purposes or sub-divided. We will continue doing so. That includes empowering Government departments which have lost their land. That will continue into the future.

Mr. Mwau: On a point of order, Mr. Deputy Speaker, Sir. I only asked the hon. Minister to confirm whether any person who encroaches on another person's land illegally, the law now or the Government's policy is that whatever structures he has on the land must be demolished. That is all I want the Minister to address.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, the issue here is, anyone who has encroached on Government land, we will know how to deal with them. In terms of policy on how you deal with somebody who has come to your property and all that, that is within the legal statutes in terms of how you handle it. However, from my own perspective, I want to concentrate on protecting public property from illegal encroachment.

Mr. Deputy Speaker: Order, Minister! The Government, collectively, departmentally and sectorally, is not above the law. The Member has asked you what provisions you used to go and demolish that land even if it is contested or it is public property owned by the Government.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, we have done everything that was supposed to be done. People encroached on Government land and notices were issued. They were met and told that they had to leave. The City Council of Nairobi went and declared all those structures illegal. However, despite that, they stuck on and even brought in more people, put up more structures. These are landlords who collect money from people by putting up structures and collecting rent on Government land. When they are told to vacate, they start crying that the poor people are being evicted. It is the landlords who have put up structures there to make money. We are not going to allow Government land to be used by a few profiteers to exploit the poor under the guise of housing them.

Mr. Wamalwa: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to keep evading the question by Mr. Mwau about the issue of the court

order? Was there an eviction order? There is the law of trespass. If someone has trespassed and encroached on your land, you go to court and get an eviction order to go and evict the person. Can you respond to Mr. Mwau's question and stop evading it?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I have tabled eviction notices from the City Council of Nairobi.

Hon. Members: Court order! Court order!

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I have no intension of wasting public funds to go to court to remove people who are encroaching and endangering the operations of the airport.

Mr. Imanyara: Mr. Deputy Speaker, Sir, the Minister makes reference to the Kibaki Administration from 2003. It is common knowledge that it is also the Kibaki Administration---

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Can you allow Mr. Imanyara to be heard?

Mr. Imanyara, please, proceed!

Mr. Imanyara: Mr. Deputy Speaker, Sir, the Minister makes reference to the administration of President Kibaki, but of course, the correct thing is that it is a Grand Coalition Government. It is the administration of the Coalition Government. However, it is also the same Government that set up the Ndung'u Commission that went around the country and systematically produced a report containing names of big people that own public land including the land belonging to the Kenya Airports Authority (KAA) all over the country, including Kabete, Wilson Airport and many other places.

This Government is selectively applying the law against the very poor people in Kenya. Ms. Martha Karua has tabled a letter bearing a signature of one Victor Ochieng' who describes in great detail the atrocities that are being committed on the people of Kenya by the Government. These are atrocities that are worse than those inflicted on people under the apartheid regime in South Africa or the Mau Mau Colonial Administration in Kenya, yet we have a Government Minister standing in this Parliament telling us that they will continue despite the KAA having gone to court to seek eviction and the court refusing. The day the case was coming to court, they moved bulldozers and police officers in the most criminal and roguish manner to evict Kenyan citizens because they are poor.

Mr. Deputy Speaker, Sir, no wonder Kenyans are asking that we hold elections in August next year rather than allow this Government to shamelessly continue harassing its own citizens as if they have no rights under the Constitution. Is it in order for this Minister to stand up in Parliament and justify conduct that is criminal in nature?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I am trying to figure out what is criminal; guarding public land or telling the person who has grabbed public land to leave what is public land. I am not sure when this Parliament began to be the defender of criminals who grab public assets and then all we can do here is concentrate on why we should be protecting those who have taken public assets instead of safe guarding the public asset from being taken, in the first instance.

I am very glad that Mr. Imanyara has brought in the Ndung'u Report. I was the architect of the Ndung'u Report when I was the Minister for Lands. We did specifically catalogue all the ills that had taken place in terms of grabbing of public land. The good thing is that all that evidence is preserved. I am hoping that soon, as we get the National Land Commission, they will start using the Ndung'u Report to start bringing back all the public land that had been taken away by these individuals.

Mr. Mwau: On a point of order, Mr. Deputy Speaker, Sir. I am still going back again to my question to the Minister. The hon. Minister has said that unauthorized people encroached on a particular piece of land and he has given reference number. Resulting from that act, they have gone and demolished the structures. My question was; any other person who has another LR Number; does he have the same power to go and demolish without a court order? That is the question I am asking and the answer is not coming.

Mr. Deputy Speaker: Clearly, Mr. Mwau, the Minister was very categorical. He said that he has no intention of wasting public funds going to court. It is indeed, in the eyes of the Chair, a very sad moment for the Government to say that they did recognize that separation of power. The main principle of making that separation of power is to make sure that those who are in power are protected from seizing that power. The Minister has been very categorical and said that he is not going to seek arbitration through the courts and he is not intending to spend any money. That, in my opinion, is a matter that the Chair takes very grave and serious view of.

This is a country in which the ordinary people, when they have a litigation with the Government, both of them must seek that third--- The lawmakers make the law, the Executive enforces the law and the arbitration is done by the Judiciary. For the Executive to say that it will not resort to the Judiciary is a form of serious impunity. Nonetheless, be that as it may, what is your point of order, Mr. Imanyara?

Mr. Imanyara: Mr. Deputy Speaker, Sir, I raised the point that a document was tabled here by the hon. Member for Gichugu, which makes specific allegations. The Minister has dismissed it by stating that he is not aware and he does not even want to become aware because this Government is so brazen in its anti-constitutional conduct that they do not really consider themselves accountable to the people of Kenya. In these circumstances, is it not proper for the committee charged with the responsibility of examining these actions to be asked to visit these particular regions, including Mombasa Road and bring a Report to this House after examining this correspondence and these notices that have been filed? I urge you, as the Chair did yesterday, to refer this matter to the Kapondi Committee and the Committee on Lands and Natural Resources, so that they can investigate it, in view of the contradictions and arrogance that has been exhibited by this Minister and this Government?

Mr. Deputy Speaker: The Chair is informed that, indeed, the matter was referred to the relevant Committee yesterday. The matter is, indeed, the same one before us today. However, the Chair also notes another dimension to the matter because destruction of property in itself is not entirely a matter of the Committee on Lands and Natural Resources. It is a matter that needs a joint committee, alongside the committee that oversees the Provincial Administration and Internal Security, which is the Kapondi Committee, as hon. Imanyara put it.

Therefore, the Chair directs that a joint committee comprising of the Departmental Committee on Lands and Natural Resources, which was directed yesterday, as well as the Kapondi Committee, should move with speed and report back to the House in an absolute outer limit of two weeks.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. While agreeing and appreciating your ruling, allow me to point out one thing even as the matter goes to the committee. One, that the notices that the Minister tabled are a general notice addressed to residents of Kiang'ombe Village. It omits Maasai Village. Two of the notices are addressed to specific individuals. The rest are general. One wonders - these are distinct houses - why notices were not issued to each house.

Secondly, you will notice the impunity with which the Minister is dismissing due process. I would seek your indulgence to refer to Article 40(6) of the Constitution, which clearly says that the rights to ownership under this Article "do not extend to any properties that have been found to have been unlawfully acquired". Who finds? It is due process. This Minister, along with all the Ministers and Members of this House swore to defend the Constitution. This is a Minister who is now telling us that he has no time for the institutions set up by the Constitution and for the due process.

Mr. Deputy Speaker, Sir, the Constitution also talks of social justice. So, even where you evict people, certain procedures which the Minister for Lands appears to have appreciated must be followed and where the Government acquiesces, they have to compensate. Is it in order for a Minister to show this august House total impunity? Is it possible for such a Minister to be sanctioned?

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Order! The Chair is not going to entertain any further points of order on the matter. The Chair has given direction on the matter.

Mr. Keter: Mr. Deputy Speaker, Sir, it is a clarification.

Mr. Deputy Speaker: No! No!

Mr. Keter: On a point of information.

Mr. Deputy Speaker: Who do you want to inform?

Mr. Keter: The Chair.

Mr. Deputy Speaker: Do you want to inform the Chair?

(Laughter)

Order! Order! Hon. Members, given that this matter has been referred to a joint committee of this House and given that the matter has also been deliberated on by the plenary of the House exhaustively without the Question itself being adequately answered, in the opinion of the Chair, I also direct that this Question appears on the Order Paper three weeks from today.

(Question deferred)

Next Question by Private Notice, hon. Joseph Gitari!

KILLING OF MR. EDWIN KEGA

Mr. Gitari: 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) Under what circumstances was Mr. Edwin Kega, a First Year student at Kenyatta University, killed in Kaitheri village on the night of 29th October, 2011?

(b) What measures is the Ministry taking to ensure security in the region is enhanced?

(c) Could the Minister consider establishing a Police Post within Kaitheri area?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, let me apologise for coming late.

I beg to reply.

(a) On 29th October, 2011, Mr. Maindi Kega, father to Edwin Kega Maindi; deceased, reported at Kerugoya Police Station at around 11.05 Hours vide OB No.38/20/10/11, that he had tried making several phone calls to his son, Edwin Kega Maindi, aged 21 years, and who was a First Year student at Kenyatta University, in vain. He became anxious and went to where he was residing at Genesis House within Kaitheri Estate and on arrival, he found the door slightly open.

When he entered the House, he found several household goods scattered on the floor and on opening the curtain to his son's bedroom, he found a body lying in a pool of blood on the bed. He immediately reported the matter to the police, who visited the scene and it was established that the body had a deep cut on the left chin, believed to have been occasioned by a sharp object.

Mr. Deputy Speaker, Sir, during the incident, several assorted personal effects were stolen, including a laptop and a digital camera, but his mobile phone was found at the scene. The incident occurred without the knowledge of the four tenants adjacent to the deceased's house, who when interviewed, said they heard no commotion during the night as it had rained heavily. The body was later removed to Kerugoya District Mortuary, where a postmortem was conducted, which revealed that the deceased had died due to a neck twist or snapping. Investigations commenced immediately and are ongoing. We invite anybody with information that may lead to the apprehension of the culprits to share it with the police.

(b) The police have intensified day and night patrols within Kaitheri area and its environs and sensitisation of the locals by the District Security Committee on community policing is ongoing to encourage people to work closely with the police on matters of security.

(c) There is no urgent need for a police post in Kaitheri Estate as the estate is only three kilometres away from Kerugoya Police Station. As indicated, patrols have been intensified and the area is now fairly secure. This can be proved by the fact that since the murder incident, which occurred on 29th October, 2011, there is no other incident that has been reported in the area.

Thank you.

Mr. Gitari: Mr. Deputy Speaker, Sir, while thanking the Assistant Minister for answering the Question, I would like to bring to the attention of this House the fact that

this is the fourth time I have risen on issues of murder in my constituency. What blanket solution does the Ministry have, so that we can curb criminal activities in the area? It seems that there is a gang of serial killers that is ready to kill people in my constituency.

Mr. Ojode: Mr. Deputy Speaker, Sir, they have suggested that we beef up security by posting more security personnel to that area. They also requested that we avail another vehicle to help in patrolling the area. We are considering those requests. We are in the process of purchasing vehicles. We are also in the process of distributing what we had already bought. So, we will intensify security operations within that area.

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

Mr. Gitari: Mr. Deputy Speaker, Sir, the Assistant Minister has said that there is no urgent need of establishing a police post at Kaitheri, yet this must be the third murder within Kaitheri area. What other measures can he put in place within that area, so that we can curb these incidents?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, we are going to intensify patrols, both foot and vehicular. Kerugoya Police Station is very near to Kaitheri. So, if there is need, the District Commissioner's (DC's) security team will advise us so that we take the necessary action.

ORAL ANSWERS TO QUESTIONS

Question No.1279

INSECURITY IN KAMUKUNJI CONSTITUENCY

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

(a) whether he is aware that cases of armed robberies, violent attacks, gang activities and muggings have doubled in Kamukunji Constituency in the recent past;

(b) what the police are doing to deal with the escalating crime and protect residents of the constituency; and,

(c) whether he could consider increasing police posts, police patrols and visibility in the constituency, especially in the most affected areas of Eastleigh, Pumwani and Muthurwa.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, you will recall that I had already answered this Question but I was challenged to show the actual location of the police stations, police posts and police camps.

I wish to state that we have police stations at Shauri Moyo, Kamukunji and Pangani. We have police posts and bases at California, Muoroto and Eastleigh. We have Administration Police (AP) Camps at Pumwani, Biafra, Kiambio, Bahati, Eastleigh North, Airbase, Muthurwa, and Muoroto.

The number of officers currently stationed at various police stations, posts, patrol bases and the AP camps will not be availed due to security reasons.

Mr. Hassan: Mr. Deputy Speaker, Sir, I continue to dispute the fact that there is a police post in Eastleigh. I challenged the Assistant Minister to indicate where it was, but he was not able. I challenge him, again, to show us where this police post is because there is no police post in Eastleigh. I had also raised a matter about the credibility of the information he had given me which was that the number of criminal activities had gone down when, in fact, in my own investigations it was very clear that the number of criminal attacks and robberies in the constituency had gone up quite considerably. Last week, murder took place there. It was committed by one of the notorious gangs in Eastleigh and I think the Assistant Minister may not be aware of that.

Mr. Ojode: Mr. Deputy Speaker, Sir, I do not know what the hon. Member is saying because I recently upgraded Pangani Police Station to a fully fledged police division. When I asked him he said, “Yes, I am aware that we have a police division”. Eastleigh Patrol Base is situated within Eastleigh Section III whereas Muthurwa Police Patrol Base is situated within Railways Junior Staff Quarters next to Muthurwa market.

Mr. Deputy Speaker, Sir, I do not know if my friend is a foreigner in his own constituency. That is why I have given him the places where the stations are!

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to call an hon. Member “a foreigner” and yet he has been elected in that constituency?

Mr. Deputy Speaker: Order, hon. Ojode! Do not impute an improve motive on your colleague. In any case, the Chair is not a foreigner. The Chair has lived in and out of Nairobi for the last 40 years since 1971. I have not seen a police post in Eastleigh! Maybe you can educate us on where it is.

Mr. Ojode: Mr. Deputy Speaker, Sir, I was just suggesting that maybe the hon. Member does not visit some of these areas. However, I have mentioned where the Eastleigh Patrol Base is, that is, in Eastleigh Section III. It is also very simple because Eastleigh is just a stone’s throw away from Parliament. I could give him patrol vehicles with police officers so that he can be taken to all the places. He needs to acquaint himself with the areas where I have police stations so that if he has a problem next time, he can easily visit those police stations.

Mr. Deputy Speaker, Sir, he should thank the Government for having opened all the posts for him.

Mr. Hassan: Mr. Deputy Speaker, Sir, the Assistant Minister has now suggested that this police post is in Eastleigh Section II. Now, Eastleigh Section III is not the area I was referring to in my Question. I asked him about Eastleigh North which is one of the largest commercial centers in Nairobi and in which half a million people go shopping every day. It is Eastleigh North that has the problem of criminals. It is, indeed, affected by criminal activities. When he says that Pangani Police Station has been upgraded, Pangani Police Station is not in my constituency! In fact, it is in Starehe Constituency. I am asking him what his Ministry, particularly the Police Department, is doing in combating crime in my constituency and yet he is referring me to another constituency altogether. What is the Assistant Minister doing to protect these major trading hubs such as Eastleigh North? I also mentioned Pumwani and Gikomba. These are the two areas that I suggested needed support from the Government in terms of protection. Gikomba Market was closed down for a whole day by traders because of increased murders and attacks on traders. Is the Government not ready to protect these people who are paying a

lot of tax and generating huge revenue? These traders employ a huge number of people. We need police posts in Eastleigh North and Gikomba and not the areas he has mentioned.

Mr. Ojode: Mr. Deputy Speaker, Sir, the Government is ready to protect the people in Eastleigh. However, let me refer you to the Question. It states thus:

“(a) Is the Minister aware that cases of armed robberies, violent attacks, gang activities and muggings have doubled in Kamukunji Constituency in the recent past?”

(c) Could the Minister consider increasing police posts, police patrols and visibility in the constituency, especially in the most affected areas of Eastleigh, Pumwani and Muthurwa?”

He has not said “Eastleigh North”. I have said that I have police stations in those areas. I also said that we have AP camps in those areas. He is still saying that those camps are not there. So, I have extended an olive branch to my good friend and told him that I will give him a police patrol vehicle which will take him round and show him where the camps are because it is only one kilometre away from town.

Mr. Mungatana: Mr. Deputy Speaker, Sir, I think the Assistant Minister is being unfair to the hon. Member. If you look at the Question, the hon. Member asked: “Could the Minister consider increasing---” He is not asking what is in existence. He is asking the Minister if he could consider increasing police posts and the visibility of the police for all the reasons he has given. He is not asking about the existing ones. We want the Assistant Minister to answer that particular question.

Mr. Ojode: Mr. Deputy Speaker, Sir, I will consider especially the ones of Eastleigh Section III, that is, Eastleigh North. I will consider that.

Mr. Deputy Speaker: Order, Mr. Ojode! It is not Eastleigh North. Eastleigh Section III is different from Eastleigh North which is the hub of Eastleigh. Main activities go on there. An example of a place I can give is Garissa Lodge. Maybe that way you will understand. We also have Section I, Section II, First Avenue, and Second Avenue. You are the one who does not know Eastleigh very well. The hon. Member went to school in Eastleigh when I was going to school just outside Nairobi.

Mr. Ojode: Mr. Deputy Speaker, Sir, I used to live in Eastleigh also at Munyonyo Road and so I know Eastleigh very well. However, I will consider beefing up security within Garissa Lodge and its environs in order to protect the businessmen there.

Mr. Keynan: Mr. Deputy Speaker, Sir, there seems to be a communication breakdown between the Member of Parliament and the Assistant Minister. Will I be right to suggest that in light of the seriousness of this Question, the Assistant Minister and the hon. Member visit the affected areas? This will give the Assistant Minister an opportunity to familiarize himself with the area. The Eastleigh he is talking about and the one the hon. Member is referring to are totally different areas.

Mr. Ojode: Mr. Deputy Speaker, Sir, I do not have any problem with that. I can go with some of my friends including Mr. Keynan on Thursday morning, that is, tomorrow.

Mr. Deputy Speaker: Hon. Yussuf Hassan Abdi, the Assistant Minister is offering to go with you.

Mr. Hassan: Mr. Deputy Speaker, Sir, I thank the offer of the hon. Assistant Minister. I think he has also confused this Eastleigh with the other Eastleigh when he

suggested that the real head was in Eastleigh. I will be happy to show him around Eastleigh and also Gikomba which is also an important trading centre. I accept his offer.

Mr. Ojode: Mr. Deputy Speaker, Sir, we will do it next week when the hon. Member will also be free.

Mr. Deputy Speaker: Are you sure? You have given two dates; you said on Thursday initially and now you have said next week. Which is which? Could you, please, be categorical?

Mr. Ojode: Mr. Deputy Speaker, Sir, since some of my colleagues also want to accompany us, I think let us make it next week. Mr. Mungatana, Eugene Wamalwa, Mrs. Shebesh, Keynan and even my Assistant Minister want to accompany us. So, we will go together.

Mr. Keynan: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Assistant Minister to say he has an Assistant Minister when he himself is an Assistant Minister? Who has appointed him Minister?

Mr. Ojode: Mr. Deputy Speaker, Sir, I said the Assistant Minister in---

Mr. Deputy Speaker: Ordinarily, it is a Minister who says "my Assistant Minister".

Mr. Ojode: But he is my colleague. We are both Assistant Ministers.

Mr. Deputy Speaker: But there is a difference between---

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): On a point of order, Mr. Deputy Speaker, Sir. I had requested him to invite me also because I used to live in Eastleigh Section II.

Mr. Deputy Speaker: The Chair has no problem with you being invited. He just has a problem with an Assistant Minister saying "my Assistant Minister. Hon. Members, the Chair defers Question No.1115 by Eng. Rege, Question No.1218 by Dr. Mureithi and Question No. 815 by Mr. Yakub to tomorrow afternoon.

Question No.1115

NON-PAYMENT OF RETIREMENT BENEFITS TO
MR. B. MAGAI JONYO BY NCC

(Question deferred)

Question No.1218

GRABBING OF LAND AT OL JOROROK

(Question deferred)

Question No.815

NUMBER OF PRISONERS WITH KCPE QUALIFICATIONS

(Question deferred)

Mr. Deputy Speaker: Next Order!

MINISTERIAL STATEMENTS

ALLEGATIONS AGAINST HON. MWAU BY FORMER US AMBASSADOR

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, you remember that on 1st March, 2011, the Member for Kilome Constituency, Mr. John Harun Mwau rose on a point of order and sought a Ministerial Statement with regard to allegations made against him by the immediate former US Ambassador, Michael Ranneberger in his criminal complaint marked SECRET/REL/KENYA, which we tabled in this august House on 17th February, 2011.

Before I give this Statement, there are some issues which touch on the character of Mr. Mwau. If you look at Standing Order No. 79(4) it states as follows:-

“No Member shall impute improper motive to any other member except upon a specific substantive Motion of which at least three days’ notice has been given, calling in question the conduct of that Member.”

Mr. Deputy Speaker, Sir, this particular Statement borders on the character of one Mr. Mwau. In other words, if I have to give this Statement, then it is only Mr. Mwau who can seek for clarification. If that is not done, then the Chair can order the Minister under Standing Order No.1 to allow for others also to seek clarification, but upon applying for a substantive Motion.

So, I need that clarification before I read it.

Mr. Mwau: Mr. Deputy Speaker, Sir, with due respect, I would want to point out that the hon. Assistant Minister is only responding to a document that the House is already seized of. The report in question was tabled before this House on 17th February. It is a document that is already the property of the House. So, there is nothing new about my character. There is nothing new about the allegations. There is nothing new; it is only a report whether good or bad that hon. Members must be informed of. That is the reason why the Statement does not really touch on the Standing Order referred to by the Assistant Minister.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I have given my reasons as to why I wanted the express authority from the Chair. If the Chair allows, I will read the Statement.

Mr. Deputy Speaker: Go ahead!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I wish to state as follows: The former US Ambassador Michael Ranneberger presented a criminal complaint of drug trafficking to the then head of Kenya Anti-Corruption Authority (KACA) Prof. P.L.O. Lumumba in late 2010, who in turn forwarded the same to the Minister of State for Provincial Administration and Internal Security since the issues raised did not fall under its mandate. The report mentioned among others, five sitting Members of Parliament and a Mombasa businessman.

Upon receipt of criminal complaint by the then US Ambassador, I did instruct the police to carry out thorough investigations on the allegations levelled against hon. Mwau and others and to submit a comprehensive report on the same to me. The Commissioner of Police thereafter appointed a team to investigate these claims. The police conducted investigations and submitted their preliminary report to me, which I also tabled on 17th February, 2011.

However, with regard to Mr. Mwau's point of order, I wish to state as follows:- The Kenya Ports Authority (KPA) on the 30th of January, 2004, received two 20 foot containers, numbers PCLU 4334524 and Seal No.179033 and No. PCLU 4334525 with Seal No.179098 from the ocean vessel No. WEC Rotterdam, Bill of Lading No. PONLAR 26000418, which containers contained personal effects shipped from the Port of Antwerp.

The shipper and the seller of the goods and the containers was: M/S PEIUS Containers, De Leest 13, 5107 RC Dongeen, The Netherlands. The consignee of the goods was M/S Central Valley Supplies Limited, P.O. Box 14473, Nairobi, Kenya. The two containers were targeted by the Kenya Revenue Authority Mombasa's Anti Smuggling Team, and while the containers were still at Mombasa the Customs Department decided to verify their contents.

Mr. Deputy Speaker, Sir, I wish to table the Customs Verification documents here as Annexe 1.

On 16th March, 2004, Container No. PCLU 4334525 was stripped and its contents verified by Customs examining officers, Mr. J. Musili and Mr. M.H. Dzugweh. I will also want to table those verification documents by the Customs.

On 17th March, 2004, Container No. PCLU 4334524 was stripped and its contents verified by the Customs examining officers, Marsha Diti and J.K. Musuli. I want to table the Customs verification documents as Annex 3. The containers were verified and after examination, it was confirmed that they, indeed, contained used furniture as was declared. The same Annex 3 has the details. The two containers examination reports were then issued to that effect. If you look at Annex 2, the documents are there. If you look at Annex 3, those documents are attached there.

The two containers plus seven others, thus totaling nine containers, were released by the Kenya Revenue Authority (KRA) and the Kenya Ports Authority (KPA) for forwarding to Pepe Inland Port at Athi River under police and Customs escort as is customary for goods under the Customs control. This was done on 24th March, 2004.

On 25th March, nine containers were received at ICD, Pepe, Athi River, while still under the KRA and police surveillance. Among the nine containers were two 20 feet containers Nos.PCLU 433452/4 and PCLU 433452/5 consigned to the importer Central Valley Supplies Limited of P.O. Box 14473, Nairobi. The two containers remained intact at ICD, Pepe, until 9th June, 2004, when the importer, Central Valley Supplies Limited entered the goods for home use vide Customs Entry No.000574 of 9th June, 2004. This was done by the Customs clearing and forwarding agent, M/s Pencord Investments Limited and signed by E.I. Njuguna. This is Annex 4 for purposes of verification.

However, on the Customs entry the importer's Customs clearing and forwarding agent indicated the containers prefixed numbers as PLCU 433452/4 and PLCU 433452/5 not as it appeared physically on the containers. If you look at page two of Annex 4, you can verify that easily. The containers were inspected and verified by the KRA, the Kenya

Bureau of Standards, the Kenya Police and other stakeholders and were found to contain used personal effects, namely, sofa sets, chairs, tables and sewing machines. Annex 5 is a letter from the Police Commissioner showing the same.

After verification, the Customs Duty was calculated to be Kshs315,713 while warehouse rent was Kshs30,800, which was paid by the clearing agent, M/s Pencord Investment Limited, represented by Eric I. Njuguna. The two containers were released to the clearing agent on 7th July, 2004, as authorized by the KRA to the owners. I wish to table Annexes 4 and 6.

Pepe Container Depot was, therefore, only a point of Customs clearance where the containers were received and later released as authorized. Pepe Container Depot is a Customs area managed by officers from the following organizations:- The KRA, the Customs, the CID (Anti-Narcotic Unit), the Kenya Bureau of Standards, Port Health and general police officers. A Customs area is a protected area governed by and under the control of the Commissioner of Customs and is a place where goods are entered for home use. The responsibility for and enforcement of Pepe is, therefore, done by the above stated Government agencies and Pepe staff have no legal duty, whether in the verification of or the release of goods.

However, about five months later after the two containers, namely, PCLU 433452/4 and PCLU 433452/5, had been re-shipped by their owners from Kenya through the Port of Mombasa on 7th December, 2004, the Dutch Police intercepted the above two containers at Zevenbergen Warehouse where four Dutch nationals were arrested with 295 kilogrammes of cocaine by the Holland police. That is in Annex 7. On 14th December, 2004, police seized a total of 1.14 tonnes of cocaine. The police officers recovered 304 kilogrammes of cocaine in a container, S/No.MAEU 565086/0, in Embakasi, Nairobi, in a godown owned by Rakshap Holdings whose directors are listed as Pindoria Naran Shamji and Patel Jandrakum Stanyi. The drugs recovered were concealed beneath the aluminum base plate of the container which also had empty banana boxes printed "Columbia". Annex 5 is there for ease of reference.

On the same day, namely, 14th December, 2004, at Casuarina Estate in Malindi Town police recovered 857.5 kilogrammes of cocaine in Malindi Town concealed under the deck plate of a speed boat, make Boston Whaler, at a beach villa owned by an Italian couple, Ricci Angelo and Estella Dominga Furuli, who were later charged with others before the Chief Magistrate Court, Nairobi, on 29th December, 2004, with trafficking in narcotic drugs under Criminal Case No.3165 of 2004. At the conclusion of the case on 28th June, 2006, the suspects were convicted and sentenced to serve 30 years in jail and asked to pay a fine of Kshs20 billion. The judgement on the Criminal Case No.3165 is, hereby, tabled for ease of reference.

Charter House Bank Limited is where the account of Green Corner Restaurant was placed under a statutory management with effect from 23rd June, 2006, pursuant to Section 34(1)(d) of the Banking Act and it was established that no money had been deposited in the Green Corner Restaurant account on behalf of hon. Mwau. Further, the Green Corner Restaurant is not a front of drug trafficking.

In accordance with an affidavit sworn and signed with the authority of the Commissioner of Police by the Director of Police Operations, the investigations undertaken have revealed that there is no case which has been reported to the police on allegation that hon. Mwau has been involved in money laundering, tax evasion, contract

killing, smuggling, gun running, human trafficking, dealing with counterfeit goods or any other alleged criminal activities. I wish to table Annex 10 for ease of reference. That is the affidavit which was signed by the Director of Operations.

No container containing cocaine or any other narcotics was ever seized at the Pepe Container Depot in 2004.

(Mr. Ojode laid the documents on the Table)

I want to repeat; in the year 2004, indeed, no container has ever been impounded or seized by the Kenya Police at Athi River or elsewhere on allegations of it having contained cocaine concerning the hon. Member.

Mr. Deputy Speaker, Sir, the Kenya Police have no record or any evidence of any tonne of narcotic drugs having been stored or seized at Pepe Inland Container Port at Athi River. Upon the completion of the investigations, it was confirmed that hon. Mwau has never been linked to narcotic drugs trafficking.

(Applause)

Mr. Deputy Speaker, Sir, no evidence so far has been availed to the police on hon. Mwau's involvement in any gangster, smuggling activities or corruption. If you look at the Affidavit, Annex 10, which I have just tabled, you will see that they have absolved Mr. Mwau from wrong doing.

Hon. Mwau was not involved in any narcotic drug trafficking while serving in the Kenya Police and while travelling overseas for shooting competitions. We also do not have any evidence linking hon. Mwau to the Akasha Family. There is no report whatsoever of the hon. Member and hon. William Kabogo having been considered dangerous or having been linked to contract killing of individuals purported to be investigating the alleged activities.

Mr. Deputy Speaker, Sir, there is no evidence of the hon. Member's involvement in controlling shipments imported into the region, international narcotic drugs trade, money laundering, human trafficking and corrupt involvement in Government contracts. There is no evidence showing his involvement in contract killing of any law enforcement officers. There is no evidence as at now.

It has also been established that the hon. Gitau Kabogo, the Member for Juja, is not a son-in-law to hon. Mwau and has never been his driver. There is also no evidence that Moi Air Force Base, formerly Eastleigh Air Base, has ever been used for processing and packaging of narcotics or narcotic drugs trafficking. Indeed, strict military laws and regulations govern the management and operation of this military air base. If you look at Annex 10 on the affidavit, you will see the same.

Mr. Deputy Speaker, Sir, concerning any drugs intercepted by the US Government or Kenyans who have been charged in the USA of trafficking narcotic drugs, I wish to state that the Kenya Police records indicate that two Kenyan women namely Susan Kaluki Nzioki and Dorothy Nzioki were extradited to the US where they were charged with conspiracy to import controlled substances in 2002. Dorothy Nzioki was sentenced to serve 288 months imprisonment while Susan Kaluki Nzioki was acquitted for lack of evidence. This is also in Annex 5 which is the letter from the Commissioner of

Police. The rest of the information demanded by hon. Harun Mwau could not be obtained from Michael Ranneberger owing to the privileges enjoyed under Article 31 of Vienna Convention on Diplomatic Relations of 18th April, 1961 which states in part:

“1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of:-

(a) A real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;

(b) An action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;

(c) An action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.

2. A diplomatic agent is not obliged to give evidence as a witness.”

However, the matters raised by Michael Ranneberger forms part of the issues which were investigated by the Anti-Narcotics Unit and other Government agencies.

Mr. Deputy Speaker, Sir, I want to assure the House that any person found culpable shall be dealt with according to the law irrespective of their position in society.

Mr. Deputy Speaker, Sir, I wish to reiterate that the National Police Service shall not relent; and I want to repeat, the National Police Service shall not relent in its war against narcotic drugs trafficking and shall not shy away from investigating and prosecuting any person where evidence shall confirm that he or she is involved in drugs trafficking as it is the mandate of the Police Service to enforce all laws, protect life, detect crime and to apprehend offenders as provided under the provisions of Part VII of the National Police Service Act, 2011.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Hon. Mwau, you can seek clarifications now.

Mr. Mwau: Thank you, Mr. Deputy Speaker, Sir. I thank the Assistant Minister for his elaborate and lengthy Statement. However, I have stated before this House that I have never been involved in any criminal activity, leave alone drug trafficking.

I have also stated on oath in various applications that I have never been involved in any criminal activity, but it has been very unfortunate to see our own people being used by other people to scandalize people who are leaders.

Mr. Deputy Speaker, Sir, this issue of allegation of drug trafficking has been an extremely serious issue and anybody who alleges or makes accusations of another person being involved in drug trafficking, that is a person who has tried to kill you and, maybe, he has been unable to kill you. This is because there is no any other heinous accusation that somebody can accuse somebody of other than to portray somebody like a drug trafficker.

It had been portrayed by a diplomat that two containers, Nos.PCLU 433452/4 and PCLU433452/5, which the Assistant Minister has mentioned in the Ministerial Statement, at one point were at Pepe and they contained cocaine.

Mr. Deputy Speaker, Sir, the Assistant Minister has stated in his Ministerial Statement that a company called “Peius Containers” of De Leest 13 5107 RC Dongen of The Netherlands shipped the two containers from Belgium Port of Antwerp to Mombasa.

In those two containers, the shipper is a national of The Netherland and they were shipped from a European Port of Belgium with the authority of the Managing Director of the Port of Antwerp. I would like the Assistant Minister to confirm if those containers truly contained cocaine, whether there has been any criminal case where extradition has been sought to bring those people to justice in Kenya for having exported cocaine into Kenya.

Mr. Deputy Speaker, Sir, could the Assistant Minister confirm that when those containers were shipped to Kenya, they were shipped in by a vessel by the name of "WEC Rotterdam"? If those containers contained drugs, then the vessel trafficked drugs from Belgium, a European country, to the Port of Mombasa. Could he confirm whether the police have instituted any criminal prosecutions against the captain of that vessel which trafficked cocaine or such drugs into Kenya? Could he also confirm, as he has said, that the containers were received at the Port of Mombasa on 30th January, 2004? They remained at the Port of Mombasa from 30th January, 2004 up to 24th March, 2004. They only left the Port of Mombasa after they had been stripped and verified 100 per cent that they did not contain drugs. Therefore, if they contained drugs, could the Assistant Minister confirm whether the Managing Director (MD) of the Port of Mombasa was ever charged for those containers having been at the Port of Mombasa?

Mr. Deputy Speaker, Sir, when those containers arrived at Pepe on the 25th of March---

Mr. Deputy Speaker: Whereas the Chair would want to give you a leeway that is ordinarily not there, I think you have already sought enough clarifications and the Assistant Minister can respond. We will take one or two other hon. Members who would like to seek clarifications. Yes, hon. Karua!

Ms. Karua: Mr. Deputy Speaker, Sir, the Assistant Minister has given a very exhaustive statement, except in one respect. He has not told us whether any culprits have been arrested for drug trafficking. That is because drug trafficking is a real problem and it is causing sleepless nights to many. It is ruining the lives of many. Could the Assistant Minister tell us whether any of the accused in criminal case No.3165 of 2004 has any relationship, whether through employment, affinity or consanguinity, with any Member of Parliament? Secondly, could he also tell us that, while investigating that in order to be able to clear the parliamentarians, the police were also investigating who the drug traffickers are? If the police have merely investigated to exonerate without giving us the drug traffickers, that may well appear as name laundering.

Mr. Imanyara: Mr. Deputy Speaker, Sir, no lesser person than the President of the United States of America (USA) has gone public on the person of John Harun Mwau, and has served the Kenya Government with specific allegations. Given this very exhaustive Ministerial Statement from the Assistant Minister in charge of Provincial Administration and Internal Security, could he also tell us what the Government has done in relation to that Executive Order issued by the President of the USA and served on the Kenya Government, in view of the Statement that you have now given in this House?

Mr. Gunda: Mr. Deputy Speaker, is it not possible for the police to trace backwards from the consumers and try to trace where those drugs come from? That way, the police can establish who the culprits are?

Mr. Njuguna: Mr. Deputy Speaker, Sir, narcotic drugs have been intercepted at Jomo Kenyatta International Airport (JKIA) and, therefore, tainting our capital and the

image of this country. Could the Assistant Minister inform the House what the Government is doing to make sure that drugs are not trafficked through our international airport?

Mr. Mwau: On a point of order, Mr. Deputy Speaker, Sir. As the Assistant Minister tries to respond, I would also want him to respond on a slightly serious allegation which has been raised against me by hon. Karua. She has said that if the drug traffickers are not mentioned, then that is name laundering. I do not want to be laundered by anybody. If she knows of an incident where I sold any drugs or was involved in any criminal activity, she should be able to state it here because I do not want to be helped or laundered.

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

Mr. Deputy Speaker: On the same?

Ms. Karua: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: You can seek a further clarification after the Assistant Minister has already clarified.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member, Harun Mwau, ought not to mislead the House. I did not name him. If he heard his name, then he heard it from other sources. I said that if the Assistant Minister is not saying who the drug traffickers are, this will just appear as name laundering.

Mr. Mwau: On a point of order, Mr. Deputy Speaker, Sir. The report specifically relates to me and not to any other person. It does not relate to any other Member of this House. So, when you say “name laundering,” it means nobody else.

Hon. Members: Kabogo! Kabogo!

Mr. Deputy Speaker: Order, hon. Mwau! It did touch on the integrity of not just hon. Mwau, but on a number of Members of Parliament. Mr. Assistant Minister, can you proceed? You can seek further clarifications as the Assistant Minister proceeds to give his response.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I want to inform my colleagues that this is very sensitive. We should tread very carefully other than speculating. I have said that we are dealing with the issue of drugs. Drugs are not something that you can take casually. That is because they also destroy the health of Kenyans.

Mr. Deputy Speaker, Sir, hon. Mwau asked whether the Dutch nationals were brought in here. They were never brought back to Kenya because they were arrested, charged and sentenced in Holland. Hon. Mwau also asked whether the MD of Kenya Ports Authority (KPA) was arrested. The MD of KPA was not arrested because when the containers arrived, they were stripped at the Port and then, later on, transferred to Pepe. By that time, there was nothing like drugs in the containers. So, why would you arrest an MD because of drugs? The containers were stripped, taken to Pepe and shipped back?

Mr. Deputy Speaker: Can you be very clear for the benefit of the Chair? The containers came to Pepe. Did they leave for another place from there? From Pepe, were they shipped back?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I mentioned here that the containers were stripped first as required by the Customs and Excise Department at the Port of Mombasa. After stripping and inspection by all the stakeholders, they were then

taken to Pepe Inland Container, where the removal of whatever was contained in them was done. After the removal of all the furniture and what-have-you, they were re-shipped back to Holland through Mombasa. So, upon reaching Holland, at the Port of Holland, when the same containers were inspected, they found that there were some drugs.

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

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, can I clarify so that when---

Mr. Deputy Speaker: Order! Order! I have given the Floor to Dr. Nuh!

Dr. Nuh: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister confirm that they were reshipped through the same Port of Mombasa. For export, goods must also be verified. Why would the Managing Director not be arrested again?

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. When containers are shipped to Kenya, for example, there must be a consignee. Could the Assistant Minister tell us who the consignee for that container was? In other words, to whom was it addressed?

Mr. Yakub: Mr. Deputy Speaker, Sir, I would like to inform the Assistant Minister. When he says that the containers were stripped--- I worked in the port for almost 15 years. When containers are stripped, the normal procedure is that there has to be a police officer, Customs Officer, Kenya Ports Authority Officer, clearing and forwarding clerk and the owner of the goods. Could the Assistant Minister tell us in full details, during the stripping of these containers, who were the officers at that time? Why was this container taken to Pepe after being stripped at the port? Why was action not taken during the stripping of this container?

Mr. Deputy Speaker: Hon. Members, I think you need to listen to the Assistant Minister very carefully. He says that they were stripped and verified. They did not contain drugs and were taken to the consignee. They then came back to the port. This is where we want to go from. If you want to really seek clarification from the Assistant Minister, you have to find out where it went from the port before it came back and who the consignees were. These are the kind of questions and clarifications that you should be seeking.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, some of my colleagues came in after I had already read the Statement. I am being asked: "Who are the shippers? Who are the sellers of the goods? Who owns the container?"

Mr. Deputy Speaker, Sir, I did mention here that M/s Peius Containers, De Leest 13 5107 RC Dongen, The Netherlands were the owners of the container.

Mr. Deputy Speaker: That was the consigner!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I mentioned the consignee. It is M/s Central Valley Supplies Limited.

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to evade the real question? Although he is giving names of companies, there are owners of those companies.

Mr. Deputy Speaker: Seek that clarification! You should ask who the owners of that company are for the Assistant Minister to answer!

Hon. Members: Ask! Ask!

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. When we have limited companies or otherwise, there are normally names behind those companies. Could the Assistant Minister disclose the names behind those companies? Who are the directors?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I think I mentioned some names here. I said:

“About five months later, after the two containers had been reshipped by their owners from Kenya---”

Mr. Deputy Speaker: The hon. Members are asking you who the directors of the Central Valley Supplies are.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I am just giving you the names. This is an elaborate Statement which we have to go through carefully. You will remember I mentioned that the 304 kilogrammes of cocaine was recovered in container S/No.MAEU 565086/0 at Embakasi Nairobi, in a godown owned by Rakshap Holdings, whose directors are listed as Pindoria Naran Shamji and Patel Jandrakum Stanyi.

Mr. Deputy Speaker, Sir, I think I also mentioned that the drugs recovered were concealed beneath the aluminum base plate of the container.

Mr. Deputy Speaker, Sir, hon. Karua asked whether within the criminal case of 2004, which I had already tabled, there is some relationship between those I have mentioned and those who were mentioned in that criminal case. I have no idea about that.

Mr. Deputy Speaker, Sir, hon. Karua also mentioned that the police only investigate to exonerate those people. No! The police investigate in order for us to know who is killing our young children and arrest them. We take action!

Hon. Members: So, who are they?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, we are still investigating the matter to date.

Mr. Deputy Speaker, Sir, hon. Imanyara also asked whether the President of the United States of America actually came in and gave some administrative orders. We actually sought for a clarification from the Foreign Office if there is anything which relates to that particular incident. We asked them to give us any evidence, but to date, they have not done so.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. When a Minister stands in Parliament to give a Ministerial Statement, it is on behalf of the Government, which includes the Ministry of Foreign Affairs. If he has not received the clarification that he sought from the Ministry of Foreign Affairs, is he admitting that he is not ready to give a full and comprehensive Statement with regard to the issues that have been raised? If that is so, is he seeking time so that we can prepare when he comes back with information?

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. Will I be in order to ask the Assistant Minister to table the clarification that they have sought from the Ministry of Foreign Affairs, as we await for the answer to be given?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, you remember when my substantive Minister was also acting as the Minister for Foreign Affairs, hon. Mwau,

himself, wrote a letter to the Ministry, wanting to know the details which were given to the President of United States of America. Once we get any communication from the Foreign Office, I do not mind tabling it.

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister said that they had sought clarification through the Ministry of Foreign Affairs. It is not hon. Mwaui who sought for the clarification. Is he in order to mislead the House again and change goal posts?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, the Government runs differently from what some of my colleagues think. When you ask for a clarification from a foreign office, whether from the Office of the President or any other Ministry, the right channel must be followed. For instance, the channel here is that we have to go through the Foreign Office.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not responded to my point of order. I said that when a Minister stands to give a Ministerial Statement, it is on behalf of the Government; the 44 Ministries of Government. If the information is within one part of the Government, use the channels available but what we need is the information that the Ministry of Foreign Affairs has from the President of the United States of America, because it is in the public domain. When will you provide this House with that information?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, that information will be available as soon as it is ready and brought to the Foreign Office. As at now, we have not received any information or document from the Foreign Office.

Mr. Deputy Speaker: What the hon. Members want you to do, as a serious Government, is to show that you made an offer to try and get information from that country. Can you table the letters that were sent seeking that information?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): No, Mr. Deputy Speaker, Sir. If you want the letter that we wrote to ask for the clarification, I can table it. That is not a problem. We are still waiting for the Ministry of Foreign Affairs to give us the details that we had asked for.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. Did you notice that when the Assistant Minister was giving out names of the directors of the companies, he only gave out for one company and yet there are several companies? Is it in order for me to request that the Chair directs him to also give us the directors of the other companies namely Central Valley Suppliers Limited and all the other companies?

Mr. Deputy Speaker: Hon. Assistant Minister, there are two sets of containers that are being mixed up here. I think you need to clarify that. There are containers that came in for Central Valley Suppliers Limited. They then went out of the country and were found with drugs wherever they went. There was a drug haul that was arrested in Kenya. These are two different things. Could you give the Directors of Central Valley Suppliers Limited?

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

Mr. Deputy Speaker: Allow him to respond to that and then you can raise your point of order.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, allow me to go through the statement. I will also table the statement here so that my colleagues can go through it. Do I have the names of the directors?

It is written here that among the nine containers were two 20-foot containers Nos.PCLU 433452/4 and PCLU 433452/5 consigned to the importer; Central Valley Suppliers Limited. That is the one you are talking about. The address is P.O. Box 14473 Nairobi. The two containers remained intact at the Internal Container Depot (ICD), Pepe, until 9th June, 2004 when the importer, Central Valley Suppliers Limited, entered the goods for home use vide customs entry which I had already tabled on Annex IV. The customs entry number is also indicated in Annex IV which was 9th June, 2004. It was done by their customs clearing and forwarding agency. I do not have the names of the directors of Central Valley Suppliers Limited here, unfortunately, but I can avail their names if you want. There is no problem about that.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. Is it in order to ask the Assistant Minister to give a definite date like this afternoon when he can bring the names of the directors of the second company?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I can give the names. I will check because this is in the public domain. If it is a registered company in Kenya, we will definitely know the directors. In fact, it is not even a must that I am the one who has to bring that information because it is here at the Registrar of Companies. However, I can avail it.

Mr. Deputy Speaker: Order! That is a matter that has been investigated by your own Government.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I have no problem with that. I am saying that I can bring the names of the Directors of Central Valley Suppliers Limited tomorrow and not today.

Mr. Gunda: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order not to give the clarification I sought?

Mr. Deputy Speaker: The Member asked you whether you made an effort to go backwards---

Mr. Gunda: Yes, Mr. Deputy Speaker, Sir. That is from the user to whoever was supplying.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, yes, we did that.

Mr. Ogindo: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to avoid the clarification sought by hon. Bahari which was; the container came into Kenya with worthless goods but left with the drugs to Belgium. Who was the consigner?

An hon. Member: It is the consignee!

Mrs. Shebesh: Meaning?

Mr. Ogindo: Mr. Deputy Speaker, Sir, who was the sender of these two containers?

Mr. Deputy Speaker: Mr. Assistant Minister, could you say who the consigners were?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I thought I had already dealt with that.

Mr. Deputy Speaker: Ordinarily when containers come with goods for consignees, it is the shipping company that takes over. However, if the consignee then turned into the consigner, you better explain.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I think that had already been dealt with. I mentioned that somewhere but the only problem I am having is that I have too many papers.

Mr. Deputy Speaker: Order, hon. Assistant Minister! Under the circumstances and based on the gravity of the matter, which we all have a responsibility whether the Chair, Members of Parliament or any Kenyan to protect Kenyan children from the scourge of drugs, the Chair is satisfied that you have come here not totally prepared and the Chair will give you another opportunity to come fully prepared on every action the Government has taken so that you can clear the minds of Kenyan and the minds of Members of Parliament. The rate at which you are moving, you are creating more confusion. The Chair directs that this same Statement be delivered another time when you have a very comprehensive answer.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On a point of order, Mr. Deputy Speaker, Sir. Which areas are you not satisfied with? I have given a very comprehensive report. I only need areas where you want clarification on. We cannot come up with---

Mr. Deputy Speaker: Ordinarily, you should have given the entire trail. You should have said who the directors are, how many of them have been taken to court, who the consigners are and who the consignees are.

(Applause)

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I agree with the Chair. I will provide---

Mr. Deputy Speaker: Precisely!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I will provide those clarifications. However, when you say that I come back with the whole thing without necessarily considering---

Mr. Deputy Speaker: Order! Hon. Assistant Minister, whereas the Chair would like to appreciate when you do a good job, in this matter, there are two things which are very important. One is the lives of Kenyans and two is an hon. Member of this House who wants to be exonerated because he believes that he is not guilty. You need to come with that full and comprehensive information.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I will come with those clarifications.

Mr. Deputy Speaker: When are you comfortable to come and present it?

An hon. Member: Tomorrow!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Not tomorrow.

Dr. Nuh: Mr. Deputy Speaker, Sir, as the Assistant Minister comes with a comprehensive answer, would I be in order to request that he comes and supplies to this House any evidence of any drugs which were destroyed by police in the recent past or over the last ten years because we have been seeing pictures of drugs that are allegedly being destroyed when there is no evidence that has ever been shown to Kenyans that drugs have actually been destroyed?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, you are aware that any destruction done particularly on drugs, is done publicly. We do not do it privately. This is because we want it to act as a deterrent to them so that they do not bring in cocaine into the country.

Mr. Deputy Speaker: Hon. Assistant Minister, when will you be ready with the comprehensive Ministerial Statement?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I will bring it and table it in the House next week on Wednesday at the same time.

Eng. Gumbo: On a point of order, Mr. Deputy Speaker, Sir. I want to follow up on the point of order that was raised by Dr. Nuh. I think it is important that the Assistant Minister tables evidence to show that drugs have been destroyed. We see containers and bails being destroyed. We see combustible items burning but we do not know whether they are drugs or things that look like drugs. Really, it is important that he brings evidence to show that. It could be *unga* or anything that can burn. So, it is important that we get that evidence.

Mr. Deputy Speaker: Hon. Assistant Minister, I hope that helps you. This is not like any other casual matter that comes before this House. This is a matter that is in the heart of this nation and State and the children of this country.

Mr. Mwau: Mr. Deputy Speaker, Sir, narcotic drugs and their effect to our children leaves a devastating effect. Allegations which are false also destroy people's reputations. In that account, I would also request the Assistant Minister to confirm if, first of all, the police carried a full page advertisement on matters to do with drug trafficking and at the bottom, the Commissioner of Police stated that when they were investigating these drugs, they were doing so with the UK Government agencies, the USA and the United Nations Office on Drugs and Crime (UNODC) and they were congratulated. So, it is important that he tables the correspondence and the congratulatory letters to that effect.

Secondly, I would like him to confirm that by the time he will be coming, he will have requested the Ministry of Foreign Affairs to write to the UNODC who are the people who deal with narcotics and related crimes, to confirm those people in Kenya who they have detected and are aware of them doing drug trafficking.

He should also write to the Director of Drug Enforcement Agency of the USA to get the list of those people who are in Kenya who are involved in drug trafficking so that they are prosecuted. We do not want to live either in this House or out there with drug traffickers or drug peddlers whom we know.

Mr. Deputy Speaker: Mr. Assistant Minister, I think that is sufficient information to guide you and help you to get to the bottom of a matter that bleeds the heart of every parent in this country.

(Mr. M'Mithiaru stood up in his place)

Order! Not on the same! Any other Ministerial Statement will be delivered today. This is a Private Member's day and under normal circumstances, the Chair would have even stopped. The matter of your Ministerial Statement was not a normal matter today and it is only precisely on that basis that the Chair gave you the leeway and you will the other Ministerial Statements tomorrow afternoon.

Next Order!

Mr. Mungatana: On a point of order, Mr. Deputy Speaker, Sir. Yesterday, I rose on a point of order. I was referring to the quarterly economic and budgetary review. There were some issues that we wanted to raise. I requested that we do the same today and I do not know whether I should proceed.

Mr. Deputy Speaker: Whereas the Chair had given you the green light that you raise it today, can you raise it in the afternoon?

Mr. Mungatana: Did you say in the afternoon, Mr. Deputy Speaker, Sir? There will be the Prime Minister's Time in the afternoon.

Mr. Deputy Speaker: Would you like to raise it tomorrow?

Mr. Mungatana: I would be happy to raise it on Thursday afternoon, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: It is so directed!

Mr. Mungatana: Thank you, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Next Order!

MOTION

ESTABLISHMENT OF SELECT COMMITTEE TO INVESTIGATE THE DEPRECIATION OF KENYA SHILLING

THAT, aware that Kenya is the East Africa's biggest economy and regional economic hub, noting that Kenya is facing a spike in inflation and her currency has plummeted to its weakest level and is now recorded as the continent's worst performer this year despite being fairly stable for the last four decades, concerned that the Central Bank of Kenya has maintained a "watch and see attitude" and has publicly admitted that it could not control the currency slip citing that some commercial banks are holding foreign currencies and has asserted that the problem may persist for another six months, considering that the Task Force established by the Rt. Hon. Prime Minister to help stabilize the shilling, the efforts by the

Monetary Policy Committee and the interventions by Treasury have not succeeded in addressing the situation, aware that this depreciation trend has made many Kenyans and foreign investors incur massive losses and the cost of transacting business unduly expensive, this House resolves to constitute a Select Committee to comprehensively investigate the cause(s) of the drastic and steady decline of the Kenya shilling against the foreign currencies and make recommendations on the way forward and that the Committee shall comprise the following and shall table its report within sixty days of its appointment –

Hon. Adan Keynan, M.P.
Hon. Charles Kilonzo, M.P.
Hon. Benjamin Langat, M.P.
Hon. Shakeel Shabbir, M.P.
Hon. Peter Kiilu, M.P.
Hon. Moses Lesonet, M.P.
Hon. Emilio Kathuri, M.P.
Hon. Benedict Gunda, M.P.
Hon. Rachel Shebesh, M.P.
Hon. Shakila Abdalla, M.P.
Hon. Ntoitha M’Mithiaru, M.P.
Hon. Martin Ogindo, M.P.
Hon. Yusuf Chanzu, M.P.
Hon. (Dr.) Erastus Mureithi, M.P.
Hon. Abdul Bahari, M.P.

(Mr. Keynan on 9.11.2011)

(Resumption of debate interrupted on 9.11.2011)

Mr. Deputy Speaker: Who was on the Floor when this Motion was interrupted last week? The balance of the time on this Motion is 40 minutes. Hopefully, we will conclude before the House rises for the morning.

(Mr. Okemo stood up in his place)

Yes, Mr. Okemo, I am told you are on a point of order to seek an amendment to the Motion.

Mr. Okemo: Mr. Deputy Speaker, Sir, I am seeking an amendment to the Motion for the Departmental Committee of Finance, Planning and Trade to be included in this Select Committee because we have already started doing some work. I think it would be useful to the Select Committee if we are included, so that it will enrich and not duplicate what we have already done. So, we would like to propose an amendment to include our Departmental Committee to be part of this Select Committee.

Mr. Duale: On a point of order, Mr. Deputy Speaker, Sir. We need your guidance because of the 16 members of the Select Committee, already there are two hon. Members of the Departmental Committee on Finance, Planning and Trade; Messrs. Shakeel and M'Mithiaru. I think those two Members are enough unless the Chair wants to replace those two and substituting with two more?

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. With regard to the Departmental Committee on Finance, Planning and Trade loading the entire Committee on the Select Committee kills the whole idea of the Select Committee. Would it be in order to ask the Chair of the Departmental Committee on Finance, Planning and Trade to negotiate or lobby with the Mover of the Motion if there are one or two names he would like to substitute instead of loading the whole Committee?

Mrs. Shebesh: On a point of order, Mr. Deputy Speaker, Sir. Last week when this issue was canvassed very strongly, the Departmental Committee on Finance, Planning and Trade made it clear that they were already working on this issue and that they will bring a report to this House. If they feel that they have completed their work and that it is not necessary for the Select Committee because even as hon. Members, we do not want to reproduce work that has already been done, could they table the report they promised to table to this House by this week?

Mr. Midiwo: On a point of order, Mr. Deputy Speaker, Sir. Yes, indeed, the Departmental Committee on Finance, Planning and Trade said they were working on the issue. We did not promise to table a report this week. However, we thought that since this falls within the mandate of the Departmental Committee on Finance, Planning and Trade and we are already dealing with the issues, we have spoken to the Mover of the Motion that all of us can work together as opposed to antagonism which we saw on the Floor last week. So we can move forward and, probably, we may not even need, but through consultation between the two, our Chair and the Mover, they may agree on numbers and then we move forward because we would wish to support this Motion. We support it!

Mr. Keynan: Mr. Deputy Speaker, Sir, ideally, I have no problem in having some more hon. Members. We already have Messrs. M'Mithiaru and Shakeel. I have no problem in having three more Members, so that the number goes to 19. Anything outside that, I think is going to be too laborious for Parliament. So the Committee is at liberty to add three more hon. Members meaning they have five Members and that can take care of any issue that they want to raise. I want to ask the Chair, his Vice-Chair and one other Member to be included. That this all whatever they are suggesting.

Mr. Okemo: Mr. Deputy Speaker, Sir, the spirit of the amendment is that we work together. We did not want to look obstructive because the issues that the Select Committee is to deal with are a bit wider than just the issue of interest rates, exchange rates and inflation. So I am quite agreeable to the fact that we should have five hon. Members. Then we will work together and share the information that we already have and we can produce one report. So, I would like to move the amendment that the Departmental Committee on Finance has five Members to represent it in the Select Committee proposed.

Hon. Members: Name them!

Mr. Okemo: I cannot name them now; it has to be a Committee! The Chairman will give three other names of Members to be added to the two that are already there. It has to be a Committee's decision. It is not the Chairman's decision!

Mr. Deputy Speaker: Ordinarily, an amendment is moved in a structured manner. We seem to have missed out completely on the rules. The Chair will suggest that you do it now and resolve it within a minute or two and move that amendment, so that it can be disposed of.

(Mr. Okemo consulted)

Mr. Ogindo: On a point of order, Mr. Deputy Speaker, Sir. I want to support the initiative that is going on here to amend the list to incorporate three more Members from the Departmental Committee on Finance, Planning and Trade. However, it is also clear that every select committee of this House is open to every Member. Therefore, I still think we can move on and even the entire membership of the Departmental Committee on Finance, Planning and Trade can join the deliberations of this Select Committee.

Mr. Deputy Speaker: Mr. Okemo, can you move the amendment?

Mr. Okemo: Yes, Mr. Deputy Speaker, Sir, I am ready to give the three extra names on top of the two that have---

Mr. Deputy Speaker: Move the amendment in the structured manner as is normally done!

Mr. Okemo: Mr. Deputy Speaker, Sir, I beg to move the Motion be amended as follows-

THAT, the following three names from the Departmental Committee on Finance, Planning and Trade be added immediately after the name "Adan Bare Duale":-

1. Hon. (Prof.) Philip Kaloki, MP
2. Hon. Jakoyo Midiwo, MP.
3. Hon. Chris Okemo, MP"

I beg to move and ask Prof. Kaloki to second.

Prof. Kaloki: Mr. Deputy Speaker, Sir, I beg to second.

(Question, that the names to be added be added, proposed)

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I rise to support that proposal especially now that the two Committees will have a joint operation on this matter and report to us.

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. This is not a joint operation of the two Committees. This is a specific select committee which has accommodated the Departmental Committee on Finance, Planning and Trade. Therefore, the hon. Member is misleading the House.

Mr. Deputy Speaker: Order! The amendment that has been moved does not talk of "joint", it merely talks about the additional three names.

(Question that the names to be added be added, put and agreed to)

(Question of the Motion as amended proposed)

Mr. Deputy Speaker: Mr. Mureithi, please, proceed!

Mr. Mureithi: Mr. Deputy Speaker, Sir, I rise to support this important Motion. I believe that that this aspect of the Kenya shilling losing in the international market and at the same time interest rates---

(Loud consultations)

Mr. Deputy Speaker, Sir, the consultations are very high.

Mr. Deputy Speaker: Order, hon. Members! Mr. Keynan, Mr. Okemo and Prof. Kaloki, if you are consulting on the Motion that is on the Floor, you have the Floor.

Proceed, Mr. Mureithi!

Mr. Mureithi: Mr. Deputy Speaker, Sir, I rise to support this Motion on one premise. What is happening in Kenya today is not a new phenomenon. It is a process that happened in this country in the 1990s whereby the Treasury bills went up to 82 per cent and the interest rates went up to 50 per cent. Those who were with me in the banking industry do appreciate that.

The former Minister for Finance, Mr. Chris Okemo, understands that at one time the Kenya shilling was really hammered and the Treasury bills were very high. They went up to 82 per cent. The interest rates climbed up to over 50 per cent. What were the consequences at that time? The economy started declining. Not only that, the companies started collapsing because they could not carry the burden of the interest rate. What happened even in the banking system is that the banks themselves started investing more in Treasury bills than lending to businesses. That being the case that time, inflation started climbing and life became very difficult for the common person as it is now. It is becoming a major problem for the common person to have access to essential commodities. What did that lead to? It led to bad and doubtful debts.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, until 2003 when the NARC Government took over, the problem was that debts were very high. Banks were requested that they had to start providing for bad and doubtful debts. That meant that the profits that the banks had made prior to that time started being eaten into. People are very much aware that after 2003, the Government started rescuing quite a number of these organizations. The Government had to write-off quite a lot of bad and doubtful debts in a number of co-operatives. At the moment, we must do some of the things that were done at that time because there is too much money circulating in the system. Once it circulates and they are chasing a few commodities, it creates what is called spiralling inflation. Since the Central Bank of Kenya (CBK) keeps raising their interest rates within the system, it will become very attractive that people will move into the Treasury bills so that they can invest there rather than invest in industrial area.

Mr. Temporary Deputy Speaker, Sir, at that time, quite a number of businessmen suffered trauma and a number of them lost their lives because they lost their lifetime

investment. When the new Governor Mr. Micah Cheserem was appointed, people who were running banks were called and they had to decide what should be done so that inflation is brought down and the cost of living controlled. This was meant to make banks continue being on their own line and the economy started recovering.

One of the things that were done was to mop up the total amount of circulation of money that was there. By mopping up, there was an indication that the banks were given high levels because their liquidity was quite high. People could invest in the CBK when the minimum amount was reduced from Kshs50,000 to about Kshs10,000.

Mr. Temporary Deputy Speaker, Sir, therefore, this Select Committee will look at what has been done without re-inventing the wheel so that at the end of it all, we make Kenya an investment area and make the common person have access to essential commodities which at the moment, are beyond the reach of the common person. One wonders how the common person, who has no income at all, will survive, if this situation continues. This issue must be addressed because we are not looking at any tribal or political issue. We are looking at our common person wherever he is. Therefore, the Committee must not only look from within but also from without. What miracles did the economies that have succeeded perform that Kenya is not performing? What should we do so that this nation can be saved from sliding to what we were before 2003? In 2003, we had to resuscitate our economy. Right now, if we do not do something outside the box, we may slide the economy to where we found it in 2003.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kaloki): Yes, hon. Shakeel!

Mr. Shakeel: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order---

The Temporary Deputy Speaker (Prof. Kaloki): Order, hon. Shakeel! I called you to contribute to the Motion.

Mr. Shakeel: Okay, I will contribute to the Motion.

(Dr. Nuh stood up in his place)

The Temporary Deputy Speaker (Prof. Kaloki): What is it, Dr. Nuh?

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, this Motion has had enough ventilation, and we are sending the Committee to even go and do thorough investigations. So, would I be in order to move that the Mover be called upon to reply?

(Question, that the Mover be called upon to reply, put and agreed to)

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, from the outset, I would like to thank my colleagues, particularly Members of the Front Bench and Members of the Departmental Committee on Finance, Planning and Trade for having seen sense in the formation of this very important Select Committee.

A time comes when, as a country, we must reflect on the activities in every part of the Republic of Kenya. This country, which is the economic hub of the East African Community, if not properly checked, will slowly slide into a country of cartels. Today, a kilogramme of sugar costs over Kshs250 yet we all know the cost of producing sugar. If

you multiply Kshs250 by 30 days, it comes to Kshs7,500 yet we know that the wages of the majority of Kenyans are around Kshs10,000 per month. So, if sugar alone can take 75 per cent of the budget of a particular employee, you can imagine the life of that employee. This is because of the cartels.

Mr. Temporary Deputy Speaker, Sir, right now, we are seeing what the oil cartels are doing. The trend at the international oil market currently is that oil prices are reducing but what happens in Kenya? Just yesterday, again, we have seen a sudden increase on the oil pump prices. We have also witnessed the activities of the maize cartels. Recently, we had the foreign exchange cartel. You will remember that in 1991, one US Dollar was exchanging for Kshs16 but by the end of 1992, one US Dollar was exchanging for almost Kshs100. Why this difference from what we are experiencing now? It is because of this that as a country, we must protect the interests of the 40 million Kenyans.

Hon. Members: Sum up!

Mr. Keynan: I am being urged by my colleagues to sum up. This Motion is going to address the pitfalls and the causes of all these development and ensure that as Parliament, we participate in providing a solution by providing leadership. That does not mean that we do not appreciate the efforts by other players in the past to try and bring sanity in this particular issue.

With those remarks, I beg to move that this Motion be adopted.

*(Question of the Motion as
amended put and agreed to)*

Resolved accordingly:

THAT, aware that Kenya is the East Africa's biggest economy and regional economic hub; noting that Kenya is facing a spike in inflation and her currency has plummeted to its weakest level and is now recorded as the continent's worst performer this year despite being fairly stable for the last four decades; concerned that the Central Bank of Kenya has maintained a "watch and see attitude" and has publicly admitted that it could not control the currency slip citing that some commercial banks are holding foreign currencies and has asserted that the problem may persist for another six months; considering that the Task Force established by the Rt. Hon. Prime Minister to help stabilize the shilling, the efforts by the Monetary Policy Committee and the interventions by Treasury have not succeeded in addressing the situation; aware that this depreciation trend has made many Kenyans and foreign investors incur massive losses and the cost of transacting business unduly expensive; this House resolves to constitute a Select Committee to comprehensively investigate the cause(s) of the drastic and steady decline of the Kenya Shilling against the foreign currencies and make recommendations on the way forward, and that the Committee shall comprise the following and shall table its Report within sixty days of its appointment –

Hon. Adan Keynan, MP;

Hon. Charles Kilonzo, MP;

Hon. Benjamin Langat, MP;
Hon. Shakeel Shabbir, MP;
Hon. Peter Kiilu, MP;
Hon. Moses Lesonet, MP;
Hon. Emilio Kathuri, MP;
Hon. Benedict Gunda, MP;
Hon. Rachel Shebesh, MP;
Hon. Shakila Abdalla, MP;
Hon. Ntoitha M’Mithiaru, MP;
Hon. Martin Ogindo, MP;
Hon. Yusuf Chanzu, MP;
Hon. (Dr.) Erastus Mureithi, MP;
Hon. Abdul Bahari, MP;
Hon. Adan Bare Duale, MP;
Hon. Phillip Kaloki, MP;
Hon. Jakoyo Midiwo, MP; and,
Hon. Chris Okemo, MP.

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

AWARD OF GRANT TO AFC TO CUSHION
CROP/LIVESTOCK FARMERS

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

THAT, deeply concerned with the devastation of the prolonged drought on farming activities that has occasioned heavy losses to farmers; aware that many affected farmers have loans from the Agricultural Finance Corporation (AFC) amounting to a total of Kshs4.48 billion; concerned that the prolonged drought has adversely affected farmers’ capacity to service their said loans with the effect that a loan portfolio of Kshs1.81 billion has now been classified by AFC as bad loans due to widespread defaults; convinced that unless this loan portfolio in default is addressed urgently, AFC and the agricultural sector face the risk of irreparable damage; acknowledging the key role played by AFC in financing the agricultural sector and the importance of supporting farmers countrywide as the anchor for vision 2030; this House urges the Government to urgently avail a grant of Kshs2 billion to the Agricultural Finance Corporation (AFC) to enable it provide appropriate relief to both crop and livestock farmers in all 47 counties adversely affected by the prolonged drought in the country.

Mr. Temporary Deputy Speaker, Sir, let me, first of all, express disappointment that this Motion has taken such a long time to eventually come to the Floor having been filed over five months ago and also, especially, in the light of the fact that this is a critical Motion and the matter this Motion is addressing is one which is at the very heart of the lives of the people of this country. It is a matter that touches on food security and cost of living. It is a matter that every single opinion poll conducted in the country today

consistently indicates that the single most serious concern for the people of this country right now is the cost of living. This is the ability to keep body and soul together. It is the ability to put food on the table, to send their children to school and basically to survive from one day to the other. Therefore, one would have expected that a Motion of this nature would have received priority.

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

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

Nonetheless, Madam Temporary Deputy Speaker, let me start off by reminding this House and the country the obvious that the Agricultural Finance Corporation (AFC) is really the key Government agency that provides agricultural credit to the entire agricultural value chain in this country. This includes the primary producers. We are talking about maize, wheat, and legume farmers. We are also talking about livestock farmers across the length and breadth of the country. AFC also provides credit to investors in this country who participatory engage in value addition. So, you are talking about players within the agri-industry sector. We are talking about horticulture, fishing industry and a whole range of other players in what you may want to call the agri-business sector.

Madam Temporary Deputy Speaker, it also needs to be appreciated that this urgency being the key provider of the fuel that powers the agricultural sector in this country requires sufficient funds to enable it play this critical role. It has already been determined as far back as 2008 when the AFC together with the Ministry of Agriculture conducted a base land survey just to determine the financing requirements of this country if we are to make Kenya food secure. That base land survey found that this country requires a minimum of Kshs115 billion in terms of financing threshold to enable the agricultural sector to be sufficiently financed to make this country food secure.

Another important matter to note is that AFC today has a capacity to provide credit in the region of Kshs15 billion to the agricultural sector. However, because of limited resources, the AFC today has an operating threshold of only Kshs4.5 billion. This means that this important State agency that is critical to our agricultural sector is undercapitalized by up to Kshs10.5 billion. In basic statistics, this means that AFC is operating at less than one-third of its capacity to provide credit to the agricultural sector. This undercapitalization has made it impossible or rather difficult for the AFC to spread its wings and provide its critical services across the country such that to date, the AFC is not able to effectively service a number of counties including Garissa, Isiolo, Mandera, Marsabit, Samburu, Tharaka Nithi, Turkana, Wajir and several other counties which would otherwise be fully supported by AFC if it had sufficient resources.

With that background, Madam Temporary Deputy Speaker, one can, therefore, appreciate the huge challenge when this institution is unable to recover an amount of Kshs2 billion from farmers and other players in the agricultural sector who owe AFC money. Let it be appreciated and emphasized that the farmers in this country; be they crop farmers or livestock farmers or investors in the agri-industry, are unable to service

their loans not because they wish to default--- In fact, allow me to applaud the Kenyan farmer today who survives primarily by the grace of God. This is because this country has not put its money where its lips have been.

This country celebrates agriculture as the back bone of the economy of this country. The Government celebrates agriculture as the anchor of Vision 2030. However, I can say without fear of any contradiction, having recently chaired the Parliamentary Select Committee on the Cost of Living and having gone across the country to talk to Kenyan farmers one on one, that if, indeed, agriculture is the backbone of the economy of this country, then successive Governments in this country have deliberately broken that backbone to the extent that this backbone can no longer support the Kenyan farmer.

Madam Temporary Deputy Speaker, many farmers told us, and you were a Member of that Select Committee and, therefore, very familiar with what I am saying, that unless the Government changes and treats the Kenyan farmer with the seriousness that the Kenyan farmer deserves, this Government should revise Vision 2030 to become Vision 3020. This is because there is no way Vision 2030 is going to be realized when the anchor of this Vision, that is, the agricultural sector continues to be treated with the casual, cavalier and disdain manner that the Government has repeatedly done.

To come to the subject of the loans that are currently rated as difficult to recover and which amount to Kshs1.819 billion, I have a schedule here which I will be tabling for the record. The schedule proves that the loan portfolio is spread across the length and breadth of our country from Baringo to Nyeri, West Pokot to Mombasa, Machakos to Kajiado, Kakamega to Laikipia, Lamu to Uasin Gishu and so on. Across the length and breadth of the country, you meet farmers that are panting under the weight of the AFC loans unable to service the loans because of the drought and other factors well beyond their control. Out of these counties, you will notice that the top ten counties--- Just for the record, let me mention the top ten counties in terms of number of loans: Kericho leads the country with 2,442 loans. Second is Kiambu with 1,919; third is Nyeri with 1,729; fourth is Uasin Gishu with 1,637; fifth is Narok with 1,491; sixth is Trans Nzoia with 1,233; seventh is Machakos with 1,221; eighth is Meru with 1,094; ninth is Nakuru with 1,087; and tenth is Kakamega with 1,046.

Those are the numbers of loans that are current on the books of AFC. In terms of default farmers who for various reasons and very good reasons, I dare emphasize that the Kenyan farmer, be they crop farmers or livestock farmers who are not able to service these loans have very good reasons for their inability to service these loans. Those reasons range from natural causes like drought to poor promises by the Government that have impoverished the farmers in this country instead of supporting them at the level that recognizes the critical contribution that farmers make to the economy of this country, indeed, to the very survival of this country.

The leading county in terms of default at 100 per cent is Lamu County. Second is Kitui County at 70 per cent.

Mr. Twaha: On a point of information, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Ms. Shebesh): Do you want to be informed, Mr. Namwamba?

Mr. Namwamba: I certainly would not resist information from Lamu, Madam Temporary Deputy Speaker.

Mr. Twaha: Madam Temporary Deputy Speaker, I would like to inform my hon. colleague that the reason why we have a 100 per cent default rate in Lamu is because of the people who are now referred to as *Al Shabaab*. We used to call them Shifta at that time. They have created a situation of insecurity and our people have lost their livestock and crops. Mr. ole Lankas was a DC there. He knows the story.

Mr. Namwamba: Madam Temporary Deputy Speaker, that is information that this House should not take lightly. That information from the hon. Member for Lamu East does confirm my assertion on this Floor that there are many genuine reasons that have made it difficult for the Kenyan farmer to service his loans. Therefore, as the House considers this plea to provide these funds to AFC, to provide relief to these farmers, that should be at the back of our minds that the Kenyan farmer is genuinely burdened to an extent where he or she is finding it difficult to service these loans.

Third is Busia County at 69 per cent. Fourth is Taita Taveta County at 68 per cent. Those are default rates. Fifth is Homa Bay County at 64 per cent. Sixth is Bungoma County at 58 per cent. Seven is Narok County at 57 per cent. I need to emphasize that when the Chair, the Member for Narok South and I visited Narok, we met serious investors in the wheat farming industry who were on the verge of tears as they recounted to the meeting on the cost of living how a combination of drought and other factors had turned an otherwise lucrative business into a source of great pain to the farmers and investors in this sector. Therefore, a default rate of 57 per cent is one that is well explainable from the factors we witnessed in Narok. Eighth is Migori County at 55 per cent. Ninth is Machakos County at 53 per cent. Topping the top 10 is West Pokot County at 50 per cent. Those are top 10 default rates in terms of counties that range from 100 per cent to 50 per cent.

Madam Temporary Deputy Speaker, I, therefore, want to put it to this House that we have an opportunity to listen to the very genuine cry of the Kenyan farmer. The Kenyan farmer is not asking for free money. The Kenyan farmer is simply saying: We have done our best. We are burdened. We need a helping hand.

The Agricultural Finance Corporation is saying that if these loans are not recoverable, then in light of the fact that AFC is operating at less than one-third of its full financing capacity, then in the absence of the Kshs1.819 billion that is currently in the hands of the farmers that are genuinely burdened, AFC could as well close shop.

I want to plead with this House without overly belabouring the point that may this House rise to the challenge of listening to the very genuine cry of the farmer of this country and provide this credit to the AFC as a grant. The Kshs2 billion that this Motion seeks is not a loan; it is not a credit from the Government. It is sought as a grant to AFC to enable AFC provide relief to our farmers who, in turn, would get capacity to get their businesses back running and help this country achieve food security.

We have done it previously. Through infusion of this kind of grant to the coffee sector, we have been able to return the coffee farmer back on track. We can do it for the rest of the farmers. Indeed, when you look at this Motion, it targets farmers in all sectors. These are wheat, maize sugarcane, coffee, tea, the dairy industry farmers, especially livestock, the sector that everybody seems to always forget about.

So, this is a Motion that I plead with this House to rise to the occasion and fully support.

Madam Temporary Deputy Speaker, the Member for Narok South, hon. Ole Lankas, will be seconding this Motion. May I plead with the Chair that when this Motion proceeds next time, because I can see we are running out of time, I will not be in the country. I will be out of the country on official parliamentary business. I plead for the indulgence of the Chair that the Member for Narok South, hon. ole Lankas, who is seconding this Motion, be allowed to also respond when this Motion is concluded.

I beg to move the Motion.

Mr. ole Lankas: Thank you, Madam Temporary Deputy Speaker. I rise to second this Motion. The Mover has said it all. There are issues which he has exhaustively addressed. The AFC is the single Government entity that supports Kenyan farmers, namely, crop and livestock farmers. Therefore, the AFC as a Government entity is a very important entity. That is why we are calling upon the Government to address the issues that are facing this organization.

What has motivated this Motion is the fact that some of us, and you are one of us, were Members of the Committee on the Cost of Living which went round the country. What came out is one of the issues which affect the Kenyan farmer. It should be noted from the beginning that agriculture is the back-bone of the economy of this country. That is why we are attaching a lot of importance to this issue. It came out from the farmers themselves that the AFC supports them, but as it is, the AFC is facing a lot of challenges. One of them is the issue of loan defaulters. It has been mentioned by the Mover that this is a very critical issue that is almost paralyzing the activities and the performance of this very important Government agency.

Reasons have been advanced as to why our farmers out there are not able to service their loans. One of them is the issue of climate change which is affecting us as a country and globally. This is a serious issue. We have erratic weather changes not only in Kenya, but globally. The farmer depends on the rains, but for the last three successful years, he had a lot of problems because of the prolonged drought. These are issues that the farmer has no control over. As a result, the farmers default on the loan repayment. Because of the challenges that the AFC is facing, the mode of recovery of the loans is to an extent that the farmers feel harassed. Most of them do not stay in their homes because the AFC requires to recover the money.

ADJOURNMENT

The Temporary Deputy Speaker (Mrs. Shebesh): Order! Hon. ole Lankas, you have seven minutes more.

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

The House rose at 12.30 p.m.