

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 13th July, 2006

The House met at 2.30 p.m.

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

### PRAYERS

**The Temporary Deputy Speaker** (Mr. Khamasi): Hon. Members, we will start with Questions by Private Notice. The Questions will take one hour! We will start with Mr. Ndolo's Question!

### QUESTIONS BY PRIVATE NOTICE

#### SALE OF NCC HOUSES IN HAMZA

**Mr. Ndolo:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that Nairobi City Council (NCC) houses at Hamza in Makadara Constituency have been sold to a private company known as Rwaikamba and Rwathia Trading Company Ltd.?

(b) Is he further aware that the residents have been given six months to vacate so that the houses can be demolished to enable the said company construct new ones?

(c) What action has the Minister taken to address the situation?

**The Assistant Minister for Local Government** (Mr. Shaaban): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware.

(b) I am aware that there are some residents in Makadara Constituency who have been given a six months' notice by their landlord to vacate some houses.

(c) The Minister has limited powers to intervene in the matter because this is a private property.

**Mr. Ndolo:** Mr. Temporary Deputy Speaker, Sir, I thank the Assistant Minister for the answer he has given to this House. However, you can see that he is confused. First, he has said that he is not aware and, secondly, he is aware. The NCC houses belong to the people of Kenya. I have receipts here to prove that the residents of Hamza have been paying money to the NCC. Why has the Assistant Minister avoided answering this Question since he promised to answer it? Now, he has said that he is not aware. Could the Assistant Minister make sure that those houses revert back to the residents who have been living there for the past 40 years?

**Mr. Shaaban:** Mr. Temporary Deputy Speaker, Sir, I am not confusing the hon. Member. The land in question was allocated to M/s Hussein and Company to put up houses for the employees in 1955. In 1973, M/s Hussein and Company sold the property to Rwaikamba and Rwathia Trading Company. I would like to lay on the Table the lease agreement and the

subsequent transfer of that plot.

*(Mr. Shaaban laid the documents on the Table)*

**Mr. Sungu:** Thank you, Mr. Temporary Deputy Speaker, Sir. Could the Assistant Minister explain since when the NCC houses became a private property belonging to M/s Hussein and Company that was contracted to build those houses? As far as we are concerned, the Hamza houses belong to the NCC. They are not private property. How did a private contractor own the NCC property?

**Mr. Shaaban:** Mr. Temporary Deputy Speaker, Sir, I have laid on the Table documents to show that M/s Hussein and Company was allocated that land during the colonial era in 1955. Since that was a private property, he transferred it to Rwaikamba and Rwathia Trading Company. I have laid on the Table the lease agreement. The Ministry cannot intervene in a private property.

**Ms. Abdalla:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to say that the NCC has been receiving rent from a private property? Let him clarify that.

**The Temporary Deputy Speaker (Mr. Khamasi):** Order, Ms. Abdalla! That is a question and not a point of order! However, Mr. Assistant Minister, can you respond to it?

**Mr. Shaaban:** Mr. Temporary Deputy Speaker, Sir, the NCC has not been receiving any rent from that property. What it has been receiving are annual rates.

**Mr. Ndolo:** Mr. Temporary Deputy Speaker, Sir, I would like you to defer this Question because, first of all, I have not seen the documents that the Assistant Minister has laid on the Table. I also have documents here which show that in 1973, the former Town Clerk, Mr. Mbugua wrote to the then Deputy Town Clerk, Mr. Getonga, directing him to write to Rwaikamba and Rwathia Trading Company about the sale of those houses. The then Town Clerk said that those houses were not for sale. Could I lay these documents on the Table, so that the Assistant Minister could peruse them and establish the ownership of those houses? Could you defer this Question?

**The Temporary Deputy Speaker (Mr. Khamasi):** Order, Mr. Ndolo! I will not defer the Question! The Assistant Minister has said that this is a private property and the NCC does not receive any rent. I would rather have the Assistant Minister respond to the question you have raised. I will not defer the Question.

Yes, Mr. Assistant Minister!

**Mr. Shaaban:** Mr. Temporary Deputy Speaker, Sir, as far as we are concerned, this is a private property. I have laid on the Table documents to show that. If there is any contrary information, I will be glad if the hon. Member can come to my office and share it with me. The NCC receives annual rates. This property was allocated to M/s. Hussein and Company by the NCC during the colonial period.

**Mr. Ndolo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Could I be allowed to lay these documents on the Table?

**The Temporary Deputy Speaker (Mr. Khamasi):** You can do that for the benefit of the Assistant Minister. I have no objection at all!

*(Mr. Ndolo laid the documents on the Table)*

Next Question by Mr. Khamisi!

STATUS OF INVESTIGATION INTO ATTACK  
ON HOPE FM BROADCASTING STATION

**Mr. Khamisi:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister of State for Administration and National Security the following Question by Private Notice.

(a) Could the Minister inform the House the status of investigations following the attack on Hope FM broadcasting station in Nairobi on May 12, 22006, during which Mr. Joseph Onyango Okeko was killed?

(b) What form of assistance or compensation has been given to the family of the deceased who was on duty at the time of the incident?

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

(a) Several people have recorded statements in the process of investigations into this incident. Police File No.CR141/428/2006 is still open. Police are still appealing to any persons with information that may assist in the investigations to volunteer it in confidence to help bring the perpetrators of this crime to book.

(b) The Government has no mandate to determine compensation by a private entity which is governed by the terms and conditions of employment contract between the deceased and his employer.

**Mr. Khamisi:** Mr. Temporary Deputy Speaker, Sir, that was not normal thuggery. It appears to me that it was, indeed, a systematic attack on the media. I am surprised that three months down the line, the Government has done very little to find the perpetrators of this crime. Could the Assistant Minister tell this House the other concrete measures, other than taking statements from some people, that the Government has taken to apprehend the people who attacked Hope FM broadcasting station?

**Mr. Kingi:** Mr. Temporary Deputy Speaker, Sir, I have said that investigations are ongoing. If the hon. Member has any information he thinks can assist to bring the perpetrators of this crime to book, he should volunteer it to us.

**Mr. Manoti:** Thank you, Mr. Temporary Deputy Speaker, Sir. Hon. Members have always complained about many people being killed. We are given the same answer whenever such a Question is asked in this House. Could the Assistant Minister assure this House that when such a Question is asked, he will follow up the case and ensure that the culprits are brought to book instead of answering it for the sake of it? For example, six people were killed in my constituency but up to now, we have not known who killed them.

**Mr. Kingi:** Mr. Temporary Deputy Speaker, Sir, the purpose of carrying out investigations is to bring criminals to book. We require information in order to do that. The war against crime is on. I assure hon. Members that if we get information that will lead us to arrest those people, we will definitely make use of it.

**Mr. Ligale:** Mr. Temporary Deputy Speaker, Sir, that was not normal thuggery, but an attack carried out soon after the attack on *The Standard* newspapers. Has the Government pursued that line of interrogation to find out whether there is any connection between the attackers of *The Standard* newspapers and those of Hope FM broadcasting station?

**Mr. Kingi:** Mr. Temporary Deputy Speaker, Sir, if anybody has any information that can link these two incidents, he should come forward, record a statement and we will be more than glad to use that information to bring the perpetrators to book.

**Mr. Khamisi:** Mr. Temporary Deputy Speaker, Sir, I have an interest in this Question because the relatives of this particular deceased person actually live in my area. As much as I do understand the position of the Minister in terms of compensation, I think that this Government has

the right to protect all Kenyans. In this case, they should protect the family of this innocent individual who was killed in the course of thuggery that was perpetrated by people that the Government may as well be aware of.

**Mr. Kingi:** Mr. Temporary Deputy Speaker, Sir, we have a responsibility and we are taking care of that family. As far as compensation is concerned, the family should pursue that matter with the employer of the deceased.

EXCLUSION OF SAMBURU FROM  
ECONOMIC RECOVERY PROGRAMME

**Mr. Lesrima:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the

Minister for Planning and National Development the following Question by Private Notice.

Why is Samburu District not included in the 2nd Phase of the Economic Recovery Programme for Northern Kenya currently being implemented?

**The Assistant Minister for Planning and National Development** (Mr. Serut): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

I am not aware that Samburu District has been excluded from the Second Phase of the Economic Recovery Programme.

**Mr. Lesrima:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has not read the whole answer. In fact, in his written reply, he says that he is aware that the programme is expected to cost Kshs575 million, which is a good answer. The problem is that, the Office of the President has since revised that Economic Recovery Programme to exclude Samburu District. I have the evidence in a speech delivered to us by the District Commissioner on Madaraka Day in which Samburu District, which is sandwiched between East Pokot and Marsabit is excluded from this programme. So, which Economic Recovery Programme is being implemented? Is it the one for the Office of the President or the one for this Assistant Minister?

**Mr. Serut:** Mr. Temporary Deputy Speaker, Sir, the Ministry responsible for economic recovery is the Ministry of Planning and National Development and not the Office of the President. The Economic Recovery Strategy for wealth and employment creation for the period 2003 to 2007, recognised the important contribution that the development of arid and semi-arid lands can make to national development. It also noted that ASAL areas face diverse socio-economic problems that hamper effective development of these districts, including Samburu. Due to that, in Phase I of the Economic Recovery Strategy, districts such as Mandera, Ijara, Wajir and Garissa, in addition to upper Eastern Province districts of Isiolo, Marsabit and Moyale were included. In Phase II, the Ministry went ahead to include Samburu with a programme expected to cost Kshs575.6 million.

**Mr. Lesrima:** Mr. Temporary Deputy Speaker, Sir, I thank the Assistant Minister for that assurance. Could he ensure that in the next Jamhuri Day Speech by the President, Samburu is included in the Economic Recovery Programme?

**Mr. Serut:** Mr. Temporary Deputy Speaker, Sir, let me inform the Questioner that it is not only those districts that I have mentioned that will be included in the Economic Recovery Programme. In fact, there are 12 districts including Laikipia, where the Assistant Minister for Energy who is the hon. Member's neighbour comes from.

## ORAL ANSWERS TO QUESTIONS

### *Question No.239*

#### REIMBURSEMENT TO KENYA FOR TROOPS IN UN PEACEKEEPING MISSIONS

**Mr. J. Nyagah** asked the Minister of State for Defence:-

- (a) how much Kenya has been paid by the United Nations (UN) for its troops serving in peacekeeping in the last three years;
- (b) how much is owed to Kenya; and,
- (c) which account the money goes into once it is reimbursed by the United Nations.

**Mr. J. Nyagah:** Mr. Temporary Deputy Speaker, Sir, I have not received the written reply even after I asked for it to be brought to my office.

**The Temporary Deputy Speaker** (Mr. Khamasi): Minister, of State, Office of the President, what have you got to say about this complaint about hon. Members not getting written answers on time?

**Mr. J. Nyagah:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This Question was directed to the Minister in charge of defence.

**The Temporary Deputy Speaker** (Mr. Khamasi): He resides in the Office of the President.

**The Assistant Minister, Office of the President** (Mr. Kingi): Mr. Temporary Deputy Speaker, Sir, this Question is being handled by the Minister of State for Defence. The Minister has not arrived but we are aware that he will answer it. Maybe we can give him a bit of time.

**The Temporary Deputy Speaker** (Mr. Khamasi): We will skip it for the time being. When he comes, we will go back to it.

*Question No.305*

RETIREMENT BENEFITS FOR  
MR. ROBERT KARUGAARA

**Mr. Kagwima** asked the Minister of State, Office of the President when the Ministry will pay ex-Senior Chief, Mr. Robert Kiganu Karugaara (P/No.82016566) his retirement benefits, since he was cleared of court charges.

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

The Ministry is not in a position to process any retirement benefits for Mr. Karugaara who was dismissed from the service with effect from 1st February, 2003 on account of negligence of duty.

**Mr. Kagwima:** Mr. Temporary Deputy Speaker, Sir, I have a set of documents here for the benefit of the Assistant Minister. The Assistant Minister says that Mr. Karugaara was dismissed in 2003. The letter to Mr. Karugaara talking about negligence is dated 2004. How could he have received a letter in 2004, when he was dismissed in 2003? I also have a notice of retirement for the same because he reached the age of 55 years but he was not retired. I do not know whether the Assistant Minister wants to have a look at these set of documents so that he can find out whether that answer is correct or if he has been misled by his officers.

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. Kingi, what do you have to say about that?

**Mr. Kingi:** Mr. Temporary Deputy Speaker, Sir, I have not seen the documents that the hon. Member is talking about but as far as we are concerned, Mr. Karugaara was dismissed on 1st February, 2003 on account of negligence. He appealed twice to the Public Service Commission and on both occasions his appeal was turned down. Under those circumstances, we are not able to process any benefits for him.

**Maj-Gen. Nkaiserry:** Mr. Temporary Deputy Speaker, Sir, this Question is very interesting because Mr. Karugaara rose up the ranks from an Assistant Chief to a Senior Chief. So, he must have served the Government for many years. Whether he was dismissed from the service for negligence or not, his dues must be paid to him. Why is the Assistant Minister not making sure that this man gets paid for the service he rendered to the Government when he was in employment?

**Mr. Kingi:** Mr. Temporary Deputy Speaker, Sir, the officer we are talking about was not retired. He was dismissed from the service.

**Mr. Raila:** Mr. Temporary Deputy Speaker, Sir, we are dealing with an issue of principle, which is very fundamental. This officer worked for the Government for so many years. Due to a mistake that he made that led him to be accused of negligence, he is dismissed with loss of all benefits. Could the Assistant Minister tell the House under which section of the law this person was denied his dues for which he had worked for all those years?

**Mr. Kingi:** Mr. Temporary Deputy Speaker, Sir, the Employment Act is very clear about this issue. The officer had served for all those years, but he committed an offence for which he was dismissed. Since he was dismissed, he cannot be paid his benefits according to this Act.

**Mr. Raila:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has not answered the question. Which section of the Employment Act allows the Government to dismiss an officer with loss of all dues or benefits after having served for all those years? Could the Assistant Minister quote the relevant section of the Act?

**Mr. Kingi:** Mr. Temporary Deputy Speaker, Sir, I cannot remember the exact section but the Employment Act is very clear about this issue. If you want me to bring the exact section to the House I will do it but I am very emphatic that the Employment Act provides for what I am saying now.

**Mr. Kagwima:** Mr. Temporary Deputy Speaker, Sir, I am sure you heard the Assistant Minister say that he has not looked at the documents that I have. I only want to read two sentences here before I table the documents for his perusal. This is a letter from the Office of the President dated 24th May, 2002 addressed to one Robert K. Karugaara through the District Commissioner, Tharaka. It reads as follows:-

**"Ref: Retirement on age grounds.**

According to the records held in the office, you will be 55 years on 1st July, 2003 at which you will be required to retire."

This is a copy of the notice. So, instead of retiring this man who had reached 55 years of age, he was sacked. I would like to lay these documents on the Table.

*(Mr. Kagwima laid the documents on the Table)*

**Mr. Kingi:** Mr. Temporary Deputy Speaker, Sir, it is true that we had given this officer a notice of retirement, but before the retirement date, he committed an offence and was, therefore, dismissed. He has, therefore, lost his benefits. That is the end of the matter.

**Mr. Kagwima:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought the Assistant Minister would have a look at the documents I have laid on the Table and then take action before he concludes the matter.

**The Temporary Deputy Speaker** (Mr. Khamasi): As far as the Chair is concerned, the Assistant Minister will look at the documents. If there are any reasons for him to reconsider the decision, then he will do so.

**Mr. Kagwima:** Mr. Temporary Deputy Speaker, Sir, is the Question, therefore, deferred?

**The Temporary Deputy Speaker** (Mr. Khamasi): No, there is no reason to defer this Question. I think that matter can be sorted out between you and the Assistant Minister.

**Mr. Ogur:** On a point of order, Mr. Temporary Deputy Speaker, Sir. When somebody is employed as Assistant Chief, then he becomes a Senior Chief, he is actually entitled to the

benefits accrued when he was an Assistant Chief and also as an ordinary chief. If he made a mistake when he was a Senior Chief, why can he not be paid his benefits for the time he was an Assistant Chief?

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. Ogur, you are out of order because you are discussing a matter which has already been closed.

Next Question!

*Question No.465*

NON-PAYMENT OF DEPENDANT  
PENSIONS TO WIDOWS

**Mr. Keter** asked the Minister for Finance:-

- (a) whether he is aware that two widows, namely, Mrs. Florence Chesang Koech (Ref: SPN/PC 136538 and BPN/PC 22307) and Mrs. Loise Rono (Ref: APN/159083) have not received their monthly dependant pensions awarded to them in October, 1999 and December, 2004, respectively; and,
- (b) what measures he is taking to ensure that the dependant pensions are paid to these widows.

**The Assistant Minister for Finance** (Mr. Kenneth): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Mrs. Florence Chesang Koech has not received her monthly dependant pension following the death of her husband. However, I am not aware that Mrs. Loise Cherono Rono has not received her monthly dependant pension in respect of her late husband.

(b) The Pensions Department paid Mrs. Florence Chesang Koech the full pension on 26th October, 2004. However, following her closure of the bank account with the Co-operative Bank of Kenya, the pension benefits were returned to the department by the bank. Mrs. Koech has since furnished the Department with her new account number and the department is in the process of effecting the change, so as to have the returned cheques paid through the new pay point.

Mrs. Loise Cherono's dependant pension arrears were processed by the Pensions Department and paid to her in June, 2006, through her bank account with the Co-operative Bank of Kenya, Kericho. She was subsequently placed on the pension payroll and will continue to earn her monthly pension.

In the case of Mrs. Florence Chesang Koech, she should get her cheque through the Kipsigis SACCO by the end of this month.

**Mr. Keter:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for that good answer. However, in part (a), he has said that he is not aware of Mrs. Loise Cherono Rono's case, while in part (b), he has said that the lady was paid her benefits in June, 2006. This is true. Mrs. Loise Cherono Rono has been paid her benefits. The Assistant Minister needs to correct that error. However, I want to thank the Assistant Minister for what he has done.

*Question No.431*

KPLC'S CHARGING OF VAT  
ON CDF PROJECTS



**Mr. Korir** asked the Minister for Finance:-

(a) whether he is aware that the Kenya Power and Lighting Company (KPLC) charges Value Added Tax (VAT) on Constituency Development Fund (CDF) electricity projects; and,

(b) what he is doing to ensure that such projects are treated like other CDF funded projects.

**The Assistant Minister for Finance** (Mr. Kenneth): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the KPLC charges VAT on electricity projects funded by the CDF.

(b) Currently, there is no provision in the Value Added Tax Act for zero-rating the purchase of taxable goods and services supplied to and used in projects funded by the CDF. The KPLC's projects and any other CDF funded projects are treated in the same manner under the VAT Act since all taxable goods and services supplied to or used in CDF projects are subjects to VAT. There is no justification to treat electricity projects differently from other similar projects.

**Mr. Korir:** Mr. Temporary Deputy Speaker, Sir, communities lose a lot of money to the KPLC. For example, when they undertake a project worth Kshs15 million, they pay about Kshs3 million as VAT. Could the Assistant Minister consider granting a waiver to the CDF funded electricity projects? The money which is paid as VAT can be used to build primary schools.

**Mr. Kenneth:** Mr. Temporary Deputy Speaker, Sir, as I said, it is not possible to exclude VAT from the services of the KPLC. First of all, it is not zero-rated. However, electricity is just one of the many projects that are funded by the CDF. I also hope that the hon. Member is aware that part of the CDF is derived from the VAT.

**Mr. Mukiri:** Mr. Temporary Deputy Speaker, Sir, the KPLC would be earning a lot of money if more people were connected with electricity. So many Kenyans have not been connected with electricity. Could the Assistant Minister consider amending the VAT Act, so that rural electrification is not charged VAT?

**Mr. Kenneth:** Mr. Temporary Deputy Speaker, Sir, hon. Mukiri has even asked for the leave of this House to introduce a Motion in this respect. I am so surprised that he is asking this question when he has already asked for the leave of the House to introduce a Motion in this respect.

**Mr. Mukiri:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has not answered my question. He has talked of a Motion which I am supposed to move in this House. Could he then consider taking over the Motion, so that we can zero-rate---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Mukiri! Let us address the Question! Now you are bringing in other side issues. He cannot do that!

**Mr. Billow:** Mr. Temporary Deputy Speaker, Sir, in this year's Budget Speech, the Minister zero-rated computers and computer accessories in order to encourage Kenyans to use computers. In the same way, could the Government, as a matter of policy in order to encourage rural electrification and, therefore, encourage the development of our economy, consider zero-rating all electricity generation and distribution equipment and facilities?

**Mr. Kenneth:** Mr. Temporary Deputy Speaker, Sir, the VAT generated from the energy sector forms a substantial bulk of the gross revenue of this country. Indeed, the bulk of the CDF comes from the VAT. It would be inconsiderable at this time to even think about this.

MEASURES TO ADDRESS SHORTAGE OF  
DOCTORS/NURSES IN THE COUNTRY

**Mr. Ojode** asked the Minister for Health:-

What action she is taking to address the shortage of doctors and nurses in the country.

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

There are 1,400 doctors working in public facilities and another 300 intern doctors would be absorbed according to need. My Ministry will redistribute doctors from where we have excess to where we have a shortfall.

At the moment, 15,772 nurses are working in public hospitals including Kenyatta National Hospital and Moi Teaching and Referral Hospital. A total of 829 nurses have been recruited since November, 2005, and currently, 1,620 nurses are being interviewed for recruitment.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, you will agree with me that the answer given by the Assistant Minister is quite misleading. Some time back in 2005, some medics were recruited. After a month or so, the Ministry retrenched those it had purportedly recruited. As we speak, the country is experiencing a shortage of 5,000 nurses and 500 doctors.

What is the Assistant Minister going to do to ensure that we have doctors and nurses in the various hospitals and dispensaries in our constituencies?

**Dr. Kibunguchy:** Mr. Temporary Deputy Speaker, Sir, I agree with the hon. Member entirely. We have a shortage of doctors and nurses in this country. As we all know, there was an embargo that was given to us by the so-called development partners. This embargo has now been lifted and we have started recruiting doctors and nurses. Like I said, before the end of this year, we will have recruited about 3,000 nurses. That should go towards bridging the shortfall of 5,000 nurses.

**Mr. Raila:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear the Assistant Minister say that there was an embargo imposed on this country by some other countries? This is a sovereign state. Is the Assistant Minister in order to mislead the House that this country can be put under siege by some other powers?

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Raila! If I followed the Assistant Minister very well, he said this embargo was there and it is common knowledge. I think he went further to say it has been lifted. So, this is not an issue.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, in Ndhiwa Constituency, Ndhiwa Sub-District Hospital and Pala Health Centre lack nurses and doctors. What is the Assistant Minister going to do immediately and urgently in order for these two medical institutions to have medical personnel?

**Dr. Kibunguchy:** Mr. Temporary Deputy Speaker, Sir, what the hon. Ojode is saying is true. Even my own constituency, Lugari, also lacks medical personnel. I think this problem is countrywide. Again, as you all know, we are now currently recruiting nurses and I can assure the House and the country that we are going to post nurses to all the corners of this country including Ndhiwa Constituency immediately we finish the recruitment exercise.

**The Temporary Deputy Speaker** (Mr. Khamasi): Next Question by Mr. ole Metito!

*Question No. 424*OPERATIONALISATION OF CDF-  
FUNDED HEALTH FACILITIES

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. ole Metito is not here. The Question is dropped.

*(Question dropped)*

Next Question by Mr. M. Maitha!

*Question No.412*TARMACKING OF TALA-  
DONYO-SABUK ROAD

**Mr. C. Kilonzo**, on behalf of **Mr. M. Maitha**, asked the Minister for Roads and Public Works:-

- (a) whether he is aware that Tala-Donyo-Sabuk road serves many coffee farms which include Kianzabe, Wendano, Matuu, Kwa Matinga, Kayatta and Mukamukuu in Kangundo;
- (b) why it has remained untarmacked for over 42 years; and,
- (c) when it will be tarmacked.

**The Minister for Roads and Public Works** (Mr. Nyachae); Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the 33-kilometre Tala-Donyo Sabuk Road, D512, serves many coffee farms which include Kianzabe, Wendano, Matuu, Kwa Matinga, Kayatta and Mukamukuu in Kangundo.

(b) The Tala-Donyo Sabuk Road has remained untarmacked for a long time due to financial constraints. Due to inadequate budgetary allocations, the Government has not been able to tarmack all the deserving roads in the country during the last 42 years.

(c) Tala-Donyo Sabuk Road is classified as a Class "D" road which falls under the Machakos District Roads Committee. However, my Ministry will continue with its routine maintenance to make the road motorable.

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister for the good answer. However, this is one area which is very productive and highly populated. Could he consider tarmacking this road because it would connect Machakos Town to Thika-Garissa Road and thereby ease traffic on the two other major roads?

**Mr. Nyachae:** Mr. Temporary Deputy Speaker, Sir, I am not in a position to promise funds for tarmacking the road but I can continue promising that we will maintain that road to motorable standards continuously because it is an important road. However, for now, there are no funds to offer a contract for tarmacking this road.

**The Temporary Deputy Speaker** (Mr. Khamasi): Next Question by Mr. Cheboi!

*Question No.427*

## OWNERSHIP STATUS OF

PREMISES OCCUPIED BY  
KENYA MISSIONS ABROAD

**Mr. Cheboi** asked the Minister for Foreign Affairs:-

- (a) in how many countries Kenya has stationed diplomatic missions; and,
- (b) how many of the above missions own the premises they occupy.

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula); Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Kenya has 39 resident missions abroad spread across Africa, Asia, Europe, Middle-East and the Americas.

(b) The Government currently owns 47 residential and 13 non-residential properties for the use of our missions abroad.

**Mr. Cheboi:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is now a seasoned diplomat and I am sure he is aware that many of our missions abroad are not even self-sustaining. It becomes very difficult for them to survive if they have to be renting premises abroad. There is a policy of this Government and even previous governments of not purchasing properties where the missions are placed. Idi Amin of Uganda bought a house in London which is now called Uganda House. Muammar Gaddafi of Libya at one point wanted to purchase a house for us in Tripoli which is an embarrassment and even sometimes---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Cheboi! This is Question Time!

**Mr. Cheboi:** Mr. Temporary Deputy Speaker, Sir, my question is: Could the Assistant Minister tell this House whether the Government's policy in terms of our missions abroad is to rent offices or to purchase and own them?

**Mr. Wetangula:** Mr. Temporary Deputy Speaker, Sir, the Government's policy is to do both. The previous regimes did not actively purchase properties for our missions. This Government has evolved a new policy which has been approved by the Cabinet. In this current financial year there is even an allocation of sums of money for the purchase of properties for our missions both for consular and residential services. Equally, the issue of our officers being embarrassed for non-payment of rent is a thing of the past. We are now up-to-date on each and every payment of rent in all our missions.

**Mr. Omingo:** Mr. Temporary Deputy Speaker, Sir, whereas we agree with the Assistant Minister that this is a thing of the past, ordinarily, during the budgetary provisions you will realise that we budget money for the Ministry of Foreign Affairs in local currency as opposed to international hard currency. As a result of fluctuations in terms of international foreign exchange, you find that the Ministry of Foreign Affairs is affected. What is the Assistant Minister doing to ensure that such kind of shortfalls which cause embarrassment and which is not deliberate or otherwise are addressed through doing our budgetary allocations in hard currencies for international payment?

**Mr. Wetangula:** Mr. Temporary Deputy Speaker, Sir, the embarrassments that we used to suffer were not because of fluctuations of currency. They were caused as a result of the past regimes not providing sufficient funds as they always looked at the Ministry of Foreign Affairs as one of those "backyard" Ministries. This Government has given it the due recognition it deserves. Our budget covers all the funds required including a provision to cover currency fluctuations in every country where our missions are.

**Maj-Gen. Nkaissery:** Mr. Temporary Deputy Speaker, Sir, since the time of Independence in 1963, this country has been paying rent at the rate of, for example, US\$25,000 for our mission in New York. This is a perennial waste of Government funds. If this

Government was planning issues well, we would have purchased properties instead of renting. We are renting units for our missions in Washington, London and New York. How much money do we pay for rent for these missions in the three countries annually?

**Mr. Wetangula:** Mr. Temporary Deputy Speaker, Sir, the good old Maj-Gen. Nkaissery has said exactly the same things I have been saying. Regrettably, we have been paying rent. However, the Government now has a policy to purchase properties. This House will approve the Budget of my Ministry, which will allow us to start purchasing properties. In fact, in some of the missions the amount of rent we pay per annum is equal to purchasing the properties. We will soon move away from that. The Cabinet has approved that we buy properties directly and take local mortgages where our missions are and service them with the money we use to pay rent. If the hon. Member wants to know how much we pay for our missions in Washington and New York, call my office I will give you the details. I do not have those details here with me.

**Dr. Manduku:** Mr. Temporary Deputy Speaker, Sir, we should thank the Government for opening up a mission in Brazil. This mission will cover South America. South America used to be covered from Washington and Canada. Are there any plans of putting up our own buildings in Brazil because when we recently visited Brazil, they were allocating free land for us to put up our missions?

**Mr. Wetangula:** Mr. Temporary Deputy Speaker, Sir, it is not just Brazil that we are opening up a new mission. We are also opening up a new mission in Bangkok, Thailand. In fact, an ambassador has already been appointed for Brazil.

The allocation of land to build missions in any country is done on the basis of reciprocity. If they give you land in their capital, we must also give them land in our capital. We do not have land in Nairobi to give to any mission. So, when we set up a new mission, for example, in Brazil, we start by renting because we have to open a mission in the next one month. However, arrangements will be made on the possibility of purchasing a property. However, if the Government of Brazil, on negotiations gives us a plot without requiring reciprocity, we will take it with all the pleasure in the world and build it.

**Mr. Ligale:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister confirm that our mission premises in the Hague are safe? We recently read in the Press that they were due for auction as a result of a court order.

**Mr. Wetangula:** Mr. Temporary Deputy Speaker, Sir, as a matter of information to my good friend, the Hague is one of the stations where the Kenyan mission has the best properties, both the consular and the residential properties. They are not under any threat for sale. The case is being handled. What appeared in the newspapers was an ex parte order that was acquired by some lawyers without matters going to hearing. That order has already been stayed. The matter has been set for hearing. I want to assure hon. Members that we have people in this country who served in the previous regime who signed away our immunity when they were signing a contract that was full of fraud. When we finish with that matter, we will come back for them locally and deal with them.

**The Temporary Deputy Speaker** (Mr. Khamasi): Last question, Mr. Cheboi!

**Mr. Cheboi:** Mr. Temporary Deputy Speaker, Sir, since it now seems like we are heading towards purchasing properties, how many properties have been purchased since the NARC Government came to power?

**Mr. Wetangula:** Mr. Temporary Deputy Speaker, Sir, the policy for purchasing was approved by the Cabinet three months ago. In this Budget, we are purchasing four properties in four different missions.

**The Temporary Deputy Speaker** (Mr. Khamasi): Now, for the second time, Mr. J. Nyagah, you may ask your Question. The Minister was not in when it was first called out.

*Question No.239*REIMBURSEMENT TO KENYA FOR TROOPS  
IN UNPEACE KEEPING MISSIONS

**Mr. J. Nyagah** asked the Minister of State, Office of the President:-

- (a) how much Kenya has been paid by the United Nations for its troops serving in peace-keeping in the last three years;
- (b) how much is owed to Kenya; and,
- (c) which account the money goes into once it is reimbursed by the United Nations.

**The Assistant Minister, Office of the President** (Mr. Kingi): Mr. Temporary Deputy Speaker, Sir, the Minister has not arrived. I beg to request that this Question be deferred to next week.

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. J. Nyagah, could we defer this Question to Tuesday, next week?

**Mr. J. Nyagah:** On a point of order, Mr. Temporary Deputy Speaker, Sir. With all due respect, for two days, I have attempted to get the written reply, but I have not received it. I need to do some homework in advance. Is it possible for the Chair to order them to bring the reply to my office, please?

**The Temporary Deputy Speaker** (Mr. Khamasi): This Question is deferred to Tuesday, next week. The Chair directs that the answer be provided in the usual manner to the hon. Member, and within time.

**Mr. J. Nyagah:** Thank you, Mr. Temporary Deputy Speaker, Sir.

*(Question deferred)*

**POINT OF ORDER**MANAGEMENT CRISIS AT THE  
JOMO KENYATTA FOUNDATION

**Mr. Khamisi:** Mr. Temporary Deputy Speaker, Sir, I wish to ask for a Ministerial Statement from the Ministry of Education.

**The Temporary Deputy Speaker** (Mr. Khamasi): Is there anybody to take brief for the Minister for Education? The Deputy Leader of Government Business will do that.

Proceed, Mr. Khamisi!

**Mr. Khamisi:** Mr. Temporary Deputy Speaker, Sir, I seek a Ministerial Statement on what appears to be a management crisis at the Jomo Kenyatta Foundation where seven employees in the production department, including the production manager, have either been sacked or interdicted, and where 70 employees of that department face retrenchment as a result of the impending closure of the production department.

The Minister should also tell the House the results of investigations at the Foundation carried out by the CID and the Kenya Anti-Corruption Commission (KACC) over questionable tenders awarded to several printers, including Icon Printers and Business Forms, and why the Foundation has out sourced the work of printing curriculum books to outsiders when it has the capacity to do the same.

I would also like the Minister to address the question of why the Foundation is carrying dead stock of an estimated Kshs700 million.

**The Minister for Justice and Constitutional Affairs** (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, in view of the many issues the hon. Member has raised, the Ministerial Statement will be given in a week's time. That is the week of 24th July, 2006.

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. Khamisi, is that all right with you?

**Mr. Khamisi:** That is fine, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Khamasi): Next Order!

### COMMITTEE OF THE WHOLE HOUSE

*(Order for the Committee read)*

#### IN THE COMMITTEE

*[The Temporary Deputy Chairman  
(Mr. M'Mukindia)  
took the Chair]*

#### THE COTTON (AMENDMENT) BILL

**The Temporary Deputy Chairman** (Mr. M'Mukindia): Hon. Members, we are now in the Committee of the whole House. We are considering the Cotton (Amendment) Bill by Prof. Ojiambo. Let us straight away go through the clauses.

*(Clauses 2, 3 and 4 agreed to)*

*(Dr. Khalwale consulted loudly)*

**The Temporary Deputy Chairman** (Mr. M'Mukindia): Order, Mr. Khalwale! If you have to consult, do so quietly! We are going through this Bill, clause by clause.

#### *Clause 5*

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I would like to thank hon. Members of the Departmental Committee on Agriculture, Lands and Natural Resources.

Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 5 be amended by deleting paragraphs (b) (ii) and (b) (vi) of the proposed new subsection (3A).

This is intended to conform to Section 3(1) of the State Corporations Act which states that membership should be 11 and the quorum will be eight.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Clause 5 as amended agreed to)*

*(Clause 6 agreed to)*

*Clause 7*

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, clause 7 be amended-

(a) in paragraph (a) by deleting the words "regulate and direct" appearing immediately after the word "monitor" in the proposed new subsection (1);

(b) in paragraph (b) (ii) by-

(i) inserting the words "or other legislation" immediately after the word "Act" appearing in the proposed new paragraph (m),;

(ii) in the proposed new paragraph (n), by adding the words "in consultation with the Kenya Bureau of Standards" at the end thereof and by deleting the word "enforce" appearing immediately before the word "compliance".

*(Question of the amendment proposed)*

**Mr. Osundwa:** Mr. Temporary Deputy Chairman, Sir, I oppose that because if you remove "regulation" and "directing", which is actually the spirit of this amendment, then we will be doing nothing. I, therefore, propose that we retain the "regulation" and "directing" as one of the most important aspects of this Bill.

**Dr. Ojiambo:** Mr. Temporary Deputy Chairman, Sir, we have consulted over this issue with the stakeholders. We feel that this "regulate and direct" should be retained as in the draft Bill. That is how the Kenya Sugar Authority is operating and we are trying to make the Kenya Cotton Authority also become as functional and effective as the KSA.

**The Minister for Justice and Constitutional Affairs (Ms. Karua):** Mr. Temporary Deputy Chairman, Sir, I am also opposing the amendment. If we do not allow the authority to regulate and direct, when issues arise, who will be responsible for those issues? We have seen in this House Questions posed at the Government and there being no Governmental body that is responsible, intervention becomes difficult. I would plead with the Chair of the Departmental Committee on Agriculture, Lands and Natural Resources to let this Bill go in its original form, so that there is an authority with responsibility to regulate and to direct in the matters supposed.

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, listening to hon. Members, and after consulting with my colleagues in the Committee, we have no objection to the amendment by hon. Members.

**The Temporary Deputy Chairman (Mr. M'Mukindia):** That is a withdrawal, more or less. Is that so?

**Mr. Bett:** Yes, Mr. Temporary Deputy Chairman, Sir, I have withdrawn the amendment.

**The Temporary Deputy Chairman (Mr. M'Mukindia):** Thank you very much!

*(Amendment withdrawn)*

*(Clause 7 agreed to)*



*(Clauses 8, 9, 10, 11, 12, 13, 14, 15,  
16, 17, 18, 19 and 20 agreed to)*

*Clause 21*

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, Clause 21 be amended by deleting paragraph (b).

*(Question of the amendment proposed)*

*(Question, that the words to be  
left out be left out, put  
and agreed to)*

*(Clause 21 as amended agreed to)*

*Clause 22*

**The Temporary Deputy Chairman** (Mr. M'Mukindia): Mr. Bett, you had indicated that you want to move an amendment on Clause 22.

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I do not have a copy of the amendment.

**The Temporary Deputy Chairman** (Mr. M'Mukindia): It is on page 265 of the Order Paper. Do we take it that you have withdrawn the proposed amendment? **Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the Bill be amended by deleting Clause 22 and substituting therefor the following new Clause-

Deletion of section 22. The principal Act is  
20 of Cap. 335 amended by deleting  
section 20.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted  
in place thereof be inserted,  
put and agreed to)*

*(Clause 22 as amended agreed to)*

*Clause 23*

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I beg to move:  
THAT, the Bill be amended by deleting Clause 23 and substituting therefor the

following new Clause-

23. The principal Act is amended by deleting Section 21

*(Question of the amendment proposed)*

*(Question, that the words to be left  
be left out, put and agreed to)*

*(Question, that the words to be inserted  
in place thereof be inserted,  
put and agreed to)*

*(Clause 23 as amended agreed to)*

*Clause 24.*

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the Bill be amended by deleting Clause 24 and substituting therefor the following new clause

Replacement of section 22 of Cap 335	24. The principal Act is amended by deleting Section 22 and replacing it with the following new section.
Powers of the Board to purchase cotton	22. (1) Subject to this Act, the Authority may purchase cotton lint which has been produced and ginned in Kenya on terms agreed to between the sellers and the buyers from time to time and the cotton lint so purchased shall be delivered to the Authority in such manner as may be agreed.
	(2) Any cotton lint and cotton seed sold by the Authority shall be by auction or by tender or by such other method as the Authority may consider fit in the interest of the industry.
	(3) Proceeds from the disposal of cotton lint shall be applied in the following manner-
	(a) payment of such commission fees as the Authority may from time to time determine in accordance with this Act;
	(b) payment of such export levy as may be prescribed under this Act; and,

(c) payment for the cotton lint  
purchased by the Authority under  
subsection (1).

*(Question of the amendment proposed)*

*(Question, that the words to be left  
be left out, put and agreed to)*

*(Question, that the words to be  
inserted in place thereof be  
inserted, put and agreed to)*

*(Clause 24 as amended agreed to)*

*Clause 25*

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, the Bill be amended by deleting Clause 25 and substituting therefor the  
following new Clause-

Deletion of Section 23 of Cap 335	The Principal Act is amended by deleting section 23
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*(Question of the amendment proposed)*

*(Question, that the words to be left  
be left out, put and agreed to)*

*(Question, that the words to be inserted  
in place thereof be inserted, put and agreed to)*

*(Clause 25 as amended agreed to)*

*Clause 26*

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, the Bill be amended by deleting Clause 26 and substituting therefor the  
following new Clause-

Deletion of section Section 25 of Cap 335	26.The principal Act is amended by deleting Section 25.
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*(Question of the amendment proposed)*

*(Question, that the words to be left*

*be left out, put and agreed to)*

*(Question, that the words to be inserted  
in place thereof be inserted, put and agreed to)*

*(Clause 26 as amended agreed to)*

*Clause 27*

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, the Bill be amended by deleting Clause 27 and substituting therefor the  
following new Clause-

Deletion of section 27. The Principal Act is amended  
26 of Cap 335 by deleting Section 26

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be  
inserted in place thereof be  
inserted, put and agreed to)*

*(Clause 27 as amended agreed to)*

*Clause 28*

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, the Bill be amended by deleting Clause 28 and substituting therefor the  
following new Clause-

Deletion of section 27. The principal Act is ended by  
27 of Cap 335 deleting section 27

*(Question of the amendment proposed)*

*(Question, that the words to be left  
out be left out, put and agreed to)*

*(Question, that the words to be  
inserted in place thereof be  
inserted, put and agreed to)*

*(Clause 28 as amended agreed to)*

*Clause 29*

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, the Bill be amended by deleting Clause 29 and substituting therefor the following new Clause-

Deletion of 29. The principal Act is amended by deleting Section 28.  
Section 27 of  
Cap 335

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be  
inserted in place thereof be  
inserted, put and agreed to)*

*(Clause 29 as amended agreed to)*

Clause 30

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, the Bill be amended by deleting Clause 30 and substituting therefor the following new Clause-

Deletion of Section 29 30. The principal Act is  
of Cap 335 amended by deleting section 29

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be  
inserted in place thereof be  
inserted, put and agreed to)*

*(Clause 30 as amended agreed to)*

Clause 31

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, the Bill be amended by deleting Clause 31 and substituting therefor the following new Clause-

Deletion of section 30 31. The principal Act is  
of Cap 335 amended by deleting Section 30.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 31 as amended agreed to)*

*(Clauses 32, 33 and 34 agreed to)*

*Clause 35*

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, Clause 35 of the Bill be deleted and replaced with the following new Clause

Amendment of Section 35. 35. The principal Act is amended-  
of Cap 335

(a) in subsection (1) by-

(i) deleting paragraph (b) and substituting therefor the following new paragraph-

(b) search for planting seed and inspect records of the planting seed, seed cotton purchases and sales of cotton seed and lint;

(ii) deleting paragraphs (d) and (e);

(b) in subsection (2) by deleting the words "or a vehicle"

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 35 as amended agreed to)*

*Clause 36*

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, Clause 36 of the Bill be amended-  
(a) by inserting the expression (o) immediately after the word "paragraphs";  
(b) by inserting the following new paragraphs immediately after (j)-  
(ja) in paragraph (r) by deleting the word "prescribing" and substituting therefor the word "recommending";

(j) in paragraph (s) by deleting the word "recommending"

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted  
in place thereof be inserted, put and agreed to)*

*(Clause 36 as amended agreed to)*

*Clause 37*

**The Temporary Deputy Chairman** (Mr. M'Mukindia): Hon. Members, we have two proposed amendments, one by the Minister and the other one by hon. Bett. I do not know whether they conflict. However, I will allow the Minister to move his first.

**The Minister for Agriculture** (Mr. Kirwa): Mr. Temporary Deputy Chairman, Sir, I beg to move:—

THAT, Clause 37 of the Bill be amended by deleting all the words after the words "Section 44" appearing in the first line up to the end.

*(Question of the amendment proposed)*

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I had an opportunity to read the amendment proposed by the Minister and I am in agreement with it. I, therefore, withdraw our proposed amendment.

*(Mr. Bett's proposed amendment withdrawn)*

**The Temporary Deputy Chairman** (Mr. M'Mukindia): Hon. Members, the proposed amendment by the Chairman of the Departmental Committee on Agriculture, Lands and Natural Resources, as set out in the Order Paper, is now withdrawn. We shall, therefore, deal with the proposed amendment by the Minister for Agriculture.

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Clause 37 as amended agreed to)*

*New Clause*

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I beg to move:—

THAT, the Bill be amended by inserting the following new clause immediately after Clause 24—

Deletion of section 23  
of Cap 335.

24A. The principal Act  
is amended by deleting  
Section 23.

*(Question of the new clause proposed)*

**Mr. Temporary Deputy Chairman** (Mr. M'Mukindia): Hon. Members, this is an entirely new Clause. That means that when we dealt with this Bill during the First Reading and Second Reading, this Clause was not there.

**Mr. Osundwa:** On a point of order, Mr. Temporary Deputy Chairman, Sir. We are discussing a very important Bill here. However, I am surprised that the Minister for Finance, who is known for frustrating farmers, is not even interested in this debate. He is, in fact, holding another meeting in the far end of this House. Could he be ordered to sit in his place and listen to what we are discussing?

**The Temporary Deputy Chairman** (Mr. M'Mukindia): I believe that Mr. Osundwa is right. If you have to consult, then do it in the offices at the back. This is a very important Bill because many parts of our country are in the marginal areas. We really need to give this matter a lot of seriousness. So, take it in the spirit that Mr. Osundwa put it.

*(New clause read the First Time)*

*(Question, that the new clause be read a Second Time, proposed)*

*(Question, that the new clause be read a Second Time, put and agreed to)*

*(The new clause was read a Second Time)*

*(Question, that the new clause be added to the Bill, put and agreed to)*

*New Clause*

**Mr. Bett:** Mr. Temporary Deputy Chairman, I beg to move:-  
THAT, the Bill be amended by inserting the following new clause immediately after Clause 31-

Deletion of Section 31  
of Cap 335.

31A. The principal Act  
is amended by deleting  
Section 31.

*(Question of the new clause proposed)*

*(New clause read the First Time)*

*(Question, that the new clause be read a Second Time, proposed)*

*(Question, that the new clause be read a second time, put and agreed to)*



*(The new clause was read a Second Time)*

*(Question, that the new clause be added  
to the Bill, put and agreed to)*

*New Clauses*

**Mr. Bett:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, the Bill be amended by inserting the following new clauses immediately  
after Clause 35-

Deletion of Section 37 of Cap 335	35A. The principal Act is amended by deleting Section 37.
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Deletion of Section 39 of Cap 335	35B. The principal Act is amended by deleting Section 39.
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*(Question of the new clauses proposed)*

*(New clauses read the First Time)*

*(Question, that the new clauses  
be read a Second Time, proposed)*

*(Question, that the new clauses be  
read a Second Time, put and agreed to)*

*(The new clauses were read a Second Time)*

*(Question, that the new clauses be added  
to the Bill, put and agreed to)*

*(Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**Dr. Ojiambo:** Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Cotton (Amendment) Bill and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

**REPORT, CONSIDERATION OF  
REPORT AND THIRD READING**

THE COTTON (AMENDMENT) BILL

**Mr. M'Mukindia:** Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the Whole House has considered The Cotton (Amendment) Bill and approved the same with amendments.

**Dr. Ojiambo:** Mr. Temporary Deputy Chairman, Sir, I beg to move that the House doth agree with the Committee in the said Report.

**Mr. Ojaamong** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Dr. Ojiambo:** Mr. Temporary Deputy Speaker, Sir, I beg to move that the Cotton (Amendment) Bill be now read the Third Time.

**Eng. Okundi** seconded.

*(Question proposed)*

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, may I take this opportunity to congratulate Dr. Ojiambo for doing this wonderful work. I can see that the Minister for Agriculture is here. Now that we have improved the legal framework relating to cotton, and he promised that there is money for cotton development, I want to urge him to speed up the process and provide quality seeds and funds for the development of the cotton industry. I have noticed that in my constituency, they want to give seeds to just about 20 acres per sub-location. That is not enough. We need more seeds and inputs to develop the cotton industry.

With those few remarks, I beg to support.

**The Minister for Justice and Constitutional Affairs** (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, I just want to express disappointment that, when we were discussing this important Bill, the Benches were empty. Even those who come from the cotton growing areas did not seem to pay any attention to the Bill. I do remember how full this House was when the Sexual Offences Bill was being debated. I had hoped that the same level of interest would persist, and that we would have gone carefully through the Bill, clause by clause, to avoid passing Bills that we would then seek to amend the next day. Let us hope that this House will show more interest in matters that concern this nation. We will, in the sunset months as the Ninth Parliament, endeavour to, at least, deliver some legislative framework for reforms in our country.

With those few remarks, I beg to support.

**Mr. M'Mukindia:** Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I would like to congratulate Dr. Ojiambo for a very good job. As we all know, three-quarters of this country is arid or semi-arid. The people living in those areas have very little to live on. They face major food shortages and lack of money. While I congratulate Dr. Ojiambo, I also want to put a charge to the Ministry of Agriculture. They should not have waited for Dr. Ojiambo to bring this Bill. That

should have been the first priority when this Government took over power. They should have ensured that people who live in marginalised areas are looked after. I wish to tell my friend of many years - Mr. Kirwa - that agriculture is the key to development in this country. If we do not put enough efforts there, and be determined to develop agriculture, we cannot change the fortunes of the country. It is now a major challenge to the Ministry to ensure that three-quarters of this country, which is arid and semi-arid, is looked after by putting money in the cotton industry. We should put money to develop ginneries, textiles and take advantage of African Growth and Opportunity Act (AGOA). I do not want to go at length on that. I wish to see the Ministry do something.

I also wish to join Ms. Karua and say that we ought to be full in this House today. Yesterday, when we were discussing the Vote of the Office of the President, this House was full. Today, when we were discussing about cotton which gives livelihood to our people, very few of us were here! That is disappointing. We should not just be politicking. We should be interested in such bills.

**Mr. Ligale:** Mr. Temporary Deputy Speaker, Sir, I also want to join my colleagues in congratulating Dr. Ojiambo for bringing those amendments to the Cotton Bill. This is a milestone in our country. Cotton is very important, particularly in dry areas. I also wish to express my disappointment, just like the Deputy Leader of Government Business, and Mr. M'Mukindia, by saying that we are very few here and yet, we are discussing a matter which is so crucial and important to this country. I am glad that the Minister for Agriculture is here. But we also need the Minister for Co-operative Development and Marketing here! Both need to join hands and, hopefully, get budgetary support from the Minister for Finance to revive the cotton industry. That is the only way we can revamp the textile industry in this country. We really must now walk the talk. We should not just talk about these things and not put the money there. It is only through the revival of the cotton industry that we can reduce poverty. I want to congratulate the Mover and hope that we will change the cotton and textile industries.

With those few remarks, I beg to support.

**Eng. Okundi:** Thank you, Mr. Temporary Deputy Speaker, Sir. I want to join my colleagues in congratulating Dr. Ojiambo for bringing this Bill. In fact, she led our team for nearly three years, pleading for this Bill to be passed. Cotton is grown in almost half of poverty stricken areas in Kenya, and majority of our people live there. Therefore, this Bill is so important! It will reverse the trend of poverty in this country. Now that we have passed this Bill, Parliament has taken a crucial step to revive the cotton industry, which collapsed along time ago. I think that is fantastic. I would like to thank the Minister for Agriculture for working very hard. He talked to us and we agreed on a number of amendments to this Bill. He has also been very positive towards this Bill. He should now push very hard for this Bill to be given assent by the President, so that it can be effective as quickly as possible.

Mr. Temporary Deputy Speaker, Sir, in the last Budget, there was an allocation of Kshs250 million to revive the cotton industry. This year, I am not so sure of what has been allocated, but I understand that there is something. This is an area where the Government should stand firm and take the necessary steps to revive the cotton industry.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Eng. Okundi. Just be brief!

**Eng. Okundi:** Mr. Temporary Deputy Speaker, Sir, I know you are very sympathetic towards me.

With those few remarks, I beg to support and thank everyone who has supported the Bill.

**Mr. Okemo:** Mr. Temporary Deputy Speaker, Sir, I also wish to take this opportunity to thank Dr. Ojiambo for bringing these very important amendments to the Cotton Bill. I come from a cotton growing area, just like a number of my colleagues here. Cotton was the mainstay of many of our people, until the entire industry collapsed. I hope this is the first step in the right direction. As far as the legal framework is defined, that is fine. But I am still quite worried about the linkages between growers, ginneries and manufacturers of textiles.

I hope that the Minister for Agriculture, in conjunction with the Minister for Co-operative Development and Marketing, will put into place mechanisms to ensure that we do have people being encouraged to grow cotton. In the past, farmers did not have a place to sell their cotton, or when they have somewhere to sell it, the prices were not attractive and they were not paid in time. That is what led to the failure. We do hope that, that will be addressed. This is because cotton really will be substantially a complement to the sugar-cane growing areas where we come from. Therefore, the *wananchi* are very anxious to see that the cotton industry is revived to supplement income for sugar-cane growing which is not really very much.

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

**Mr. Arungah:** Mr. Temporary Deputy Speaker, Sir, let me join my colleagues in commending Dr. Ojiambo for a job well done. It is my sincere hope that His Excellency the President will move with speed and give assent to this important Bill, so that it can be put into effect.

It is a pity that this Bill has been on the shelves for the last three years and we have not taken full advantage of the Africa Growth and Opportunity Act (AGOA). We should have done so a long time ago. It is my sincere hope that the Ministry of Agriculture will move with speed and move away from workshop. They should go out there and give support, because I know there has been a lot of work that has been put into research. We would like that put into practice, so that our farmers can get on with the business of growing more cotton.

I happen to know that cotton growing is also a very good mechanism of reducing the infestation of *striga* which is a weed that inhibits the growth of maize, particularly in the areas where we come from. So, by promoting the growing of cotton, we shall be actually tackling the issue of a very stubborn weed in the name of *striga*.

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

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

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Hon. Members, we have ruled from this Chair that if you want to catch the Speaker's eye, come here early enough and sit as long as it takes for you to be able to do so. If you came in here, three or five minutes ago, and expect the Speaker to see you, he will be blind!

Proceed, Prof. Kibwana!

**The Minister for Environment and Natural Resources** (Prof. Kibwana): Thank you, Mr. Temporary Deputy Speaker, Sir, for recognizing me because I was here when we were starting this particular matter.

Just like the rest of my colleagues, I want to congratulate Dr. Ojiambo, for moving this particular Bill. I would also like to commend the Ministry of Agriculture for supporting this Private Members' Bill. I think this is positive. When hon. Members move Private Members' Bills, the Government should not always take over what they have moved, but should also support them, so that it is a co-operative effort.

Mr. Temporary Deputy Speaker, Sir, secondly, I think this Bill is very important for Arid and Semi-Arid Lands (ASALs). For example, in the region where I come from, cotton was the only cash crop. When it was destroyed it meant that part of the country did not have a cash crop at all. Therefore, we really look forward to this law being operationalized through the Ministry of Agriculture making provision for the cotton industry appropriately, so that in ASAL areas a new cash crop can re-emerge.

Finally, the Ministry needs to identify all the ginneries which were previously sold at throw-away prices. Also, the co-operative societies, which owned those ginneries, should be appropriately compensated. They should become part and parcel of those ginneries, so that they

will have a heart to revive the cotton industry, together with the Ministry of Agriculture and the Government in its totality.

With those few remarks, I beg to support.

**The Minister for Agriculture** (Mr. Kirwa): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. First, I would like to join my colleagues in thanking Dr. Ojiambo for not only moving this particular Bill, but also for ensuring that she did a lot of research for purposes of harmonizing structures and laws as far as cotton is concerned.

However, let me dispel the notion that there is competition between the Private Members' Bill and the Ministry. We, in the Ministry, all along, have supported the hon. Member. We have discussed the Bill with her with an open mind because we are building this industry together.

Secondly, suffice it to say the following: Hon. Members now know that there is a framework through which an organization, largely elective by farmers, will run the cotton industry. My plea to the House and public in general, is that the people that they will give us in various provinces and electoral areas, should be people with the capacity to manage the industry. To me, this is important because we are going through a very important stage of the revival of the cotton industry. The Ministry utilized the Kshs250 million that it got last year for purposes of redoubling production in cotton growing areas. As I speak, cotton production has gone up from 20,000 bales to 40,000 bales in the last one year. I am confident that with the support of hon. Members we are likely to make a lot of strides.

With those few remarks, I beg to support.

*(Question put and agreed to)*

*(The Bill was accordingly read  
the Third Time and passed)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Next Order!

## MOTIONS

### ADOPTION OF SESSIONAL PAPER NO.1 OF 2006 ON NGOS

THAT, this House adopts Sessional Paper No.1 of 2006 on Non-Governmental Organizations laid on the Table of the House on Wednesday 28th June, 2006.

*(The Minister of State for  
National Heritage on 6.7.2006)*

*(Resumption of Debate  
interrupted on 6.7.2006)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Hon. Members, I have been advised by the Clerk that this Motion had already been Moved. Mr. Wetangula was seconding.

Mr. Wetangula, proceed with seconding the Motion before I propose the Question! You have 15 minutes to do so.

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, I was seconding this very important Sessinal Paper. Last week, I said that Non-Governmental Organisations (NGOs) have played and continue to play a very critical role in our

country. I also said that when the NGOs sector evolved in Kenya, it was the presumption and belief of both the Government and everybody else involved that self-regulation would govern them. We now all know that the process of self-regulation in the NGOs sector has failed. We also know that NGOs have largely deviated from the noble causes that they were meant to serve this country. We also know that NGOs have now become avenues for quick profits. They have also become instruments where persons, some of very dubious characters and devoid of any honesty, get in and mop up money and put it to bad use.

Mr. Temporary Deputy Speaker, Sir, this Sessional Paper outlines that it expects the Non-Governmental Organizations (NGOs) to be governed by principles of justice, probity, sustainable development, subsidiarity, sustainable resource generation and use, democracy, honesty, ethical operations, prudence, respect, service, accessibility, self-regulation and control, humility, professionalism, gender equity, accountability, transparency, participation, complementarity, partnership building and so on, and so forth. Reading this Sessional Paper is like making a statement of what the NGOs are not. All of them are operating far from these noble principles. I would like to see a situation where, once we pass this Sessional Paper, as I said last week, the Minister must move very quickly and effect it with a proper legal framework, because a Sessional Paper has no legal authority and is not going to tie down anybody from obeying the good tenets that we have here.

Mr. Temporary Deputy Speaker, Sir, let me say something about international NGOs. This Sessional Paper has also clearly indicated that international NGOs shall be required, through this policy, to support local NGOs through training, transfer of technology, sub-contracting of their tasks and so on, and so forth. Kenya is one of the few countries where white men and women walk in carrying briefcases, set up an NGO and continue milking money, both locally and internationally, to live like kings, considering that they are nobodies where they come from. The new legal framework must ensure that those who want to run the so-called "International NGOs", unless we are talking of critical interventionist NGOs like the Red Cross, the World Food Programme (WFP) and so on, we do not want to have some strange white people coming here to run NGOs to teach us about democracy, things that we already know; or opinion polls, things that our boys and girls can do. They never account to anybody how much they raise in their countries. All you see is them driving in huge four-wheel drives, with cocktails on a daily basis, and so on, and so forth.

Mr. Temporary Deputy Speaker, Sir, we need a legal framework to govern international NGOs here, if we are devoid of local talent. If we have local talent, I do not see the reason why we should have some strange white characters to come here to tell us who amongst us is the right person to be elected as the President, something we can do ourselves. This is what my friend here, the Minister, must do after we pass this Sessional Paper.

Mr. Temporary Deputy Speaker, Sir, the legal framework that will follow this Sessional Paper must also control the reckless manner in which NGOs live in seminars. They call them awareness seminars and capacity building seminars, even in areas where we already know that there is enough capacity. As I said earlier, we were told that in a year, NGOs in this country receive up to Kshs46 billion or Kshs47 billion, which is enough to even build the roads that we are crying about. What do they do with the money? Nobody can tell. We even have NGOs that are supposed to be engaged in tree planting. Where are the trees? We do not see them anywhere! Where are the forests that NGOs have planted? Nowhere! All you see is good living and nothing else.

Mr. Temporary Deputy Speaker, Sir, this Sessional Paper is so critical that having failed to regulate themselves and without taking away the noble cause that they are supposed to do, we need to define clearly the roles of the State, citizens and civil society in the running of NGOs. There are many countries you can go to and see that NGOs have done a commendable job. Unfortunately, we cannot say the same about NGOs in our country. Nothing states clearly about this more clearly than

the NGOs involved in the HIV/AIDS campaign. Some of us who come from areas where HIV/AIDS is prevalent spend a lot of time burying people dying of this disease. In those funerals, we never see a community based organization or an NGO that will come and say: "We are involved in the HIV/AIDS campaign. We have done the following and we advise people to do the following to avoid this disease". All we always hear, as we are digging the grave, is that they are somewhere in a seminar on awareness, empowerment or even something that is not related to HIV/AIDS. We do not mind people doing private work, but they must be honest to the cause for which they undertake this work. The responsible Ministry must take care of this.

Mr. Temporary Deputy Speaker, Sir, if NGOs were properly run, there are a lot of things they can do. There are a lot of resources that come into this country in the field of health, education, democratization and many other fields. Last week, I told you about some fraudster who cheated us in the 1997 elections and we never knew that he used our names to make millions of shillings until the auditors came round and asked us whether we had received the kind of money that the character had taken and fled to the USA. This is despicable!

Mr. Temporary Deputy Speaker, Sir, of late, you have seen what has been happening in the NGO Council. If that is the umbrella organization that is supposed to bring NGOs to order and in line with the expectations of the public, then God help us! You have seen what is going on there; fights and abuses. I once saw on television the Chairperson of the Council, who was locked in a room peeping through a keyhole and shouting unprintable words. Is that what they are elected to do? Is that how they are going to regulate themselves? That is the more reason why we need a respectable regulatory body. Once this Sessional Paper is passed, the Minister should bring amendments to the NGO Act. We want to have a regulatory body that is beyond reproach. We want to see a regulatory body which is not staffed by friends and relatives of the Ministers and their cronies. We want a body that is truly a reflection of the interests and wishes of the people of this country. It is saddening to go to the countryside and see tired and emaciated citizens of this country suffering from all manner of diseases or even hunger, and next to them is a well-fed character carrying a briefcase and running an NGO that is supposed to help that emaciated person. This is scandalous! I do not think there is any single hon. Member whose constituents and constituency has not been visited by these fraudsters in every respect. It is now time we brought sanity and order to this sector. This sector is complementary to Government efforts in alleviating poverty.

Mr. Temporary Deputy Speaker, Sir, we have even seen some NGOs that are supposed to be participating in the development of crops. But what do you see around? All good living and no crops being developed! I want to appeal to the Nobel Laureate, hon. Prof. Maathai, that we want to see a lot more of her Greenbelt Movement participating in the process of afforestation in this country. Given the pinnacle at which Prof. Maathai sits today, anybody will put money on her organisation for tree planting. Personally, I cannot count a single tree in my constituency that has been planted by the Greenbelt Movement. Maybe, the Greenbelt Movement has been planting trees in Central Province, but not in the region I come from. We want to benefit from local talents. Prof. Maathai is a pride to all of us. We want to see that the process of afforestation is championed and led by her and credible NGOs associated with her.

Mr. Temporary Deputy Speaker, Sir, as I come to an end, I want to laud one of the policy statements that this Policy Paper carries: Development of local talent and capacity. It is absolutely important that those who are involved in the running of NGOs are persons with proper capacity. They should be persons who are properly trained and capable of executing the duties that their offices call. If we are able to do this and adhere to the set principles of complementarity, participation and partnership, this country will move in the right direction.

I am sure that in each of our constituencies, the cumulative total of NGO money coming in is more than the Constituency Development Fund money that we receive. However, you can see what the CDF money has done and what it is doing, but you cannot quantify what NGO money does. Instead, it is breeding competitors to hon. Members, councillors and other leaders without

helping the ordinary man.

I also want to urge the Minister that those who steal money that comes their way by pretending to manage NGOs are not any different from ordinary criminals and thieves. So, the law must deal with them in the correct manner. I know an NGO operating in Mr. Wamunyinyi's constituency, which is supposed to deal with cereals. However, the NGO does absolutely nothing with cereals except politics. That is what NGOs do everywhere. Therefore, we want the law to take its course and make sure that the people get what they deserve. Above all, the regulatory Ministry must do its job.

Mr. Temporary Deputy Speaker, Sir, I want to congratulate Mr. Shakombo; being a new Minister, he has innovatively thought of bringing such a Sessional Paper to this House, to seek its enrichment and approval, to enable him bring a legal framework.

With those many remarks I beg--

**Mr. Angwenyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Before Mr. Wetangula sits down, could he tell us the name of the NGO that plays politics instead of dealing with cereals?

**The Assistant Minister for Foreign Affairs (Mr. Wetangula):** Mr. Temporary Deputy Speaker, Sir, with those many remarks, I beg to second this important Sessional Paper.

*(Question proposed)*

**Mr. Bahari:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this debate. From the onset, I want to thank the Minister for bringing this Sessional Paper to the House. As Mr. Wetangula said, this Sessional Paper has come at the right time, given the number of NGOs that have come up in this country in all manner of faces.

Mr. Temporary Deputy Speaker, Sir, I must admit that in the marginal areas, NGOs have played a very critical role in bridging the gap of needs, particularly given that the Government has neglected those areas. During emergency situations, NGOs have been very handy in addressing such situations, whereas the Government has been very lax.

On many occasions in the past, even when Government Departments fell short of funds, particularly in marginal areas, they have been facilitated by NGOs. That has been quite welcome. NGOs have been very useful in this respect. Therefore, I hope that as we try to regulate this sector, which I think is necessary, we will be very objective and that the intention will not be to victimise any NGO.

Mr. Temporary Deputy Speaker, Sir, we must strike a balance between proper regulation and biased regulation, where we want to emasculate NGOs. That balance has to be found through this Sessional Paper. If we want balanced development or growth in this country, we must promote the civil society in a very positive way. We do not want to get to the old times where the Government would hit NGOs very hard, just for the sake of it, because perhaps, they do not approve the way the Government of the day is governing. So, I hope this will be done very objectively.

Mr. Temporary Deputy Speaker, Sir, at the same time, accountability of funds and activities of NGOs is very critical for any public administration. I believe that these are the issues the Minister has tried to address in this Sessional Paper. We know of many NGOs where there has been complete lack of accountability and a lot of wastage of donor funds.

As has been said before, most NGOs waste a lot of their resources on matters that do not add value to the lives of Kenyans, and yet they obtain those resources in the name of supporting poor Kenyans. It is for this reason that the Minister should move with speed and ensure that there is proper regulation of NGOs operating in this country.

Mr. Temporary Deputy Speaker, Sir, many times, those who take charge of local NGOs have tended to ignore everybody, including members of the public whom they purport to represent.



They have tended to use resources for their own personal use. Therefore, there must be a regulation to compel NGOs to use their funds and other materials for the intended purposes.

The issue of accountability is very critical. Many times, NGOs have tended not to be transparent or accountable. At the same time, they pretend to be the first ones to build capacity of the communities in their particular areas of operation.

A number of NGOs have been established and started projects which they abandon as soon as the communities' attention has been drawn to the projects. This is because we do not put measures in place to ensure sustainability. A number of projects have failed and do not help communities. That is why I strongly support the Sessional Paper.

With those few remarks, I beg to support.

**Mr. Biwott:** Mr. Temporary Deputy Speaker, Sir, I stand to support this Sessional Paper. In supporting it, I would like to emphasise the policy issues which the paper has highlighted at the back because they are noble. When you look at the policies we have in place, you will see that they do not give us clear guidelines that NGOs are supposed to follow if they are to succeed in bridging the gap. Capacity-building is a very elusive policy, first of all, because it does not indicate areas where capacity is lacking. If we train people so as to improve on capacity-building, we have to know whether the training is necessary in order to raise the capacity of the beneficiaries to a level where they become more productive in the society. Capacity-building also requires that if the beneficiaries will work in the country, then their training be universal in nature, as far as the nation is concerned. You will find that NGOs mainly concentrate on holding workshops, conferences and trying to go into very trivial projects like installing a water tap, which, according to them, is part of building capacity for an individual.

I have dealt with NGOs and supported them. However, each time we tried to get deeper into what they were doing in order to bridge the gap, and put supplementary effort, taking into account that the major work was being done by Government Departments and institutions, we would face problems. So, the gap that is supposed to be filled by NGOs is not clearly identifiable, and they should be held responsible for what they do. The more we delved into what the NGOs were doing, the more we seemed to be irritating them. Those running the NGOs would start hiding from us, especially if you worked for the Government. However, if you were in the Opposition, they would be happy because they knew your role was to agitate for them.

I also worked with NGOs when I was the Minister for Trade and Industry, under the World Trade Organisation (WTO) projects and in regional cooperation projects. Many NGOs would approach me after identifying projects, and would eventually lead us into perpetual situations where we would be left condemning them. So, I hope that the capacity-building they are supposed to deal with will be clearly identified. The capacity-building should be undertaken by an NGO for a period which should be evaluated, because it is very difficult to hold them accountable for their actions. Each time you want to know where funding is coming from and how much is budgeted for a certain project, you may end up landing into problems immediately because they do not like auditors. Therefore, the question of transparency and accountability does not really exist.

In most cases, you will find that most NGOs serve their establishments more than the community they are purported to be serving. They tend to work very well in remote areas where accountability is very difficult to implement and where people complain and need a few emergencies of what they provide. The role of the NGOs is difficult because it has not been defined world-wide. When you look at other countries, you will also see that they do not understand what their NGOs do. I want to encourage the Minister who will implement this Sessional Paper to find out how NGOs can have a way of defining and quantifying their programmes in advance, so that we see how much personnel they need for training, how much resources they require, how the project will be implemented, and how it will relate to other programmes which are taking place.

There is a lot of duplication in some cases. You will find that there is an NGO that deals with water, yet under the Ministry, there is a water programme going on in the same area they are

servicing. So, there should be a system of implementing projects, whereby the Government should allow an NGO to take over a project after it has completely done away with it. There should be clear guidelines.

The health sector is also affected by duplication of projects. We need to know about the training and transfer of technology. We also need to know what type of technology is involved and who is funding it. The NGOs also need to accept to be audited like every other body. That should be done by NGO bodies together with the Ministry, and other civil societies that are interested so that we know exactly the role of NGOs. In that case, they could also be evaluated and placed in areas where they can perform better. They should also be criticised in areas where they fail.

In the social aspect, they should also be monitored so that they do not act as an opposition to an existing member of Parliament, councillor, or to a particular leader of a region. They should be located in areas where they can do something good and not to interfere with social and political aspects of the country. In terms of sub-contracts, there is a tendency to get relatives or friends to run NGOs, instead of getting the true professional people who can deliver. That can continue for very long and the moment you question, you get into a problem. Accountability and reporting should be done annually so that they can be assessed for relevance to the community, so that their role is seen, accepted and recognised. It should be a complementary role which enhances our own development endeavours. In short, I would like to say that NGOs are welcome, but they should be ready to be accountable and transparent. They should give us a profile of their projects. That will enable us to know what projects they are undertaking and the benefits. I am talking about a cost benefit analysis. That way, the country will know whether they are doing a good job or not.

NGOs should play a complementary role where there is a weakness. They should be able to demonstrate that they are directly supportive of the national endeavour, and that they are doing something in all aspects of the society. If they involve themselves in politics, they should tell us where the problems are, so that something can be done. If there is a weakness in any other area, they should show us so that we can develop the capacity. The people should also know how NGOs operate. I find NGOs very useful in negotiations. They get involved, criticise and do a lot of homework. They pin-point to you where the weaknesses are. So, as far as the critique of the problem at hand is concerned, they are very good. However, when you move away from critique to positive action and productivity, they fail. They fade away. The moments their files are looked at, they become a bit itchy. They should be able to work with us in a very cordial and supportive manner.

Mr. Temporary Deputy Speaker, Sir, on the question of communities *vis-a-vis* other communities in terms of private and national interests, that should be limited as far as we are concerned. I agree with the hon. Member who contributed before me. What we saw at the NGO Council was not good. It shows that there is something that basically wrong in our own society. The NGOs coordinating body should provide a mechanism for dispute resolutions so that, whenever there is a problem, change is done in the simplest way. They should not embarrass people. Their work should reflect the status of Kenya. Kenya is a very advanced country today. The human resource that we have today is as good as any other in the world. The only problem we have is poverty. So, if we intend to help the poor, we should do so properly. We should not give them false hope. We make them believe that they are going to achieve a lot, only to find out later that those were just promises.

With those few remarks, I beg to support.

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Thank you, Mr. Temporary Deputy Speaker, Sir. NGOs are assuming an extremely important role not just in this country, but in the whole world. Today, the amount of money that NGOs channel in various projects world-wide is much more than what is given by the World Bank.

Mr. Temporary Deputy Speaker, Sir, we have many NGOs in this country, but because we do not have a very clear policy, they operate in a very haphazard manner. For a country like Kenya

to have more than 4,000 NGOs, it calls for an analysis of the situation. I know that NGOs play a very important role in this country. When donors stopped helping Kenya, we continued to progress partly because of the NGOs. The NGOs that we know about pump into this country close to Kshs100 billion! That is a lot of money that needs to be regulated. We do not want to control NGOs. Controls always create situations where people engage in under-hand things. But we need to regulate them. We want a proper definition of NGOs.

Currently, we have NGOs which concentrate on advocacy. There are others that engage in sustainable development, particularly in the area of children. They have distinguished themselves in that field. For many years, in the rural areas, there have been organisations like Action Aid and Christian Children Fund. They bring in money directly for what is known as one-to-one. That has been of great help in education, health and other matters. At the same time, we have had advocacy NGOs. They did a lot of good job when the Government was dictatorial. They were able to work with some people behind the scenes to ensure that, those who were fighting dictatorship were well funded. But that is where we need to control. They can go out of their way completely and may destabilize a government that is working. We have even seen that at the local level. Certain NGOs have chosen certain people to work with. In many cases, they have always sided, for some reason, with the Opposition. That has created a situation where no work can be properly done. They believe that they have a duty to fight for good governance and human rights. We accept that. In countries where human rights records are poor, advocacy NGOs play a very major role.

We want a policy in this country where, before an NGO is registered, it must show clearly what it will be engaged in. We are not saying that NGOs that work for advocacy should not be registered. That is because advocacy is still required. We need advocacy in situations like now, where children have been badly used by some people. We need advocacy organisations to work in tandem with the Government. They must know the Government policy. For example, we passed the Children Act. It protects children's rights. They include education, health and protection against child labour. Those are stated Government policies. Any NGO that is working on that should really work with the Government itself. Where child labour is concerned, we have regulations at the Ministry of Labour and Human Resource Development. NGOs that work on advocacy on children should consult that Ministry very regularly.

There are many NGOs which are not registered, and then they just go and start operating, particularly in the rural areas. When they are doing that, they are not doing it for the benefit of the children or the people. They are compiling statistics and sending them overseas which show that there is poverty here or there and get money for themselves. Let me give a very good example. Only recently, an NGO which is not even registered in this country, but which calls itself Voiceless Children, went into a constituency with one thing only; to show the poverty of the constituency. They took pictures of a school. They left a brand new school block which had been funded by the CDF and they took pictures of the old dilapidated building, and they showed that, that is the poverty situation of that area. When they were confronted, the headmaster of the school said they did that because if they had shown better buildings, they would not be funded. They had to show that, that school had no buildings except the mud walls and that children were learning under trees. This is collecting money under false pretences. We would like to ensure that such NGOs do not operate.

Mr. Temporary Deputy Speaker, Sir, there are NGOs which, although we threw the doors of the prisons wide open so that they can go in and see, concentrate on what has not been done and they are not showing what has been done in the prisons. This, again, is showing a false picture. We would like those NGOs to be regulated. We want actually to reduce the NGOs from the 4,200 that are there to a manageable figure.

Mr. Temporary Deputy Speaker, Sir, the hon. Member who spoke before me talked of transparency and accountability. This is extremely important. Ongata Rongai, for example, was initially built through money from NGOs. These were briefcase NGOs which solicited funds from

outside and the people who were running them profited. This is showing a bad picture on the country.

With those remarks, I beg to support.

**Mr. Angwenyi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this very important Motion. First of all, I want to commend the Minister for bringing this Sessional Paper.

Mr. Temporary Deputy Speaker, Sir, this country lacks a proper legislative framework to manage NGOs. As a result, they have gone wild. Today, I understand we have in excess of 4,000 NGOs in this country, but when I look around in my constituency, Kitutu Chache, with a population of over 300,000, there is only one NGO which has moved into that constituency, but which was not acceptable to the community, and they had to pack up and go. These NGOs have become conduits for bringing in money to enrich individuals. The NGOs that we have are not transparent or accountable to anybody. A majority of them are corrupt. How are they corrupt? If you look at the recruitment of their staff, you will find that they are family-managed. The NGOs that shout a lot about the Government not being transparent are not transparent themselves. They employ their family members without regard to the communities they serve. They are not accountable to anybody.

Mr. Temporary Deputy Speaker, Sir, the NGOs we have do not want to serve the entire country. For example, we have NGOs that deal with water and they concentrate in one or two parts of this country when, in fact, the need for water is so widespread. If you look at the amount of money that is received by these NGOs, it is almost one-third of the total budget of this country. If that money was used to provide water in this country, every home would have piped clean water. But they do not do it. If they applied that money to healthcare, every constituency would have 10 new health facilities that are fully staffed with personnel and medicine. But they do not do this because they are conduits for enriching the people who have founded them.

Mr. Temporary Deputy Speaker, Sir, I was talking to one of the NGOs that moved to my constituency. That NGO does not respect the culture of the people of Kitutu Chache. Instead of bringing water or providing healthcare to our womenfolk, they came to tackle female circumcision. In that area, 100 per cent of women go through that ritual. They love it. Instead of providing water, they were trying to discourage people from their culture. I do not understand our Government. How do you license an NGO to do work on an area that the community does not want? I hope that when we pass this Sessional Paper, the Government will come up with a clear law that governs and manages NGOs. We should have a law that says that an NGO cannot be allowed to work in this country unless it serves a substantial section of the country. That is how we can tell that these NGOs serve the people of Kenya.

Mr. Temporary Deputy Speaker, Sir, some NGOs misappropriate the funds they get. They use Kenyans' needs to source funds from abroad, bring them here and misappropriate them. They use the money for politicking. In fact, they use the money to impede the smooth development of this country. We have seen some NGOs opposing development projects. Take, for example, the Sondu Miriu Hydro-electric Programme. That project has been delayed by five years simply because some NGOs were making noise, and yet they were not providing power to Kenyans. Two years ago, this country suffered power shortage and industries closed down. The Japanese Government which was financing the Sondu Miriu project had to withhold funding because of those NGOs. How can the Government license an NGO that opposes development? We have even seen others oppose the construction of some roads and yet there are no roads in those areas! For example, an NGO was opposing the construction of a by-pass through the Nairobi National Park, and yet we have a lot of traffic congestion in Nairobi City.

Mr. Temporary Deputy Speaker, Sir, such NGOs should be proscribed, so that they do not operate in this country. Some NGOs work in cohort with foreign powers which want to dominate and rule this country. The Government has allowed such NGOs to operate. I cannot understand the

current Government. The former Government used to face such NGOs and tell them to do what they are required to do. I hope the Government will enact the necessary laws to manage the NGOs.

This country must demand the NGOs to be accountable to the people of Kenya through the Government. They should give returns at the end of every year by declaring how much money they received and how that money was spent. If the Government finds that an NGOs has misappropriated money, it should handle the issue the same way it handles the issue of public officers who misappropriate funds.

Mr. Temporary Deputy Speaker, Sir, I have been to other countries where NGOs operate. They initiate projects that are sustainable and whose beneficiaries can be seen on the ground. Some of the NGOs in this country cannot show what they are doing. They only wrangle in the boards or the councils. The other day, they locked up their chairperson somewhere in Upper Hill for two weeks. That lady was about to die before somebody assisted her to get out of that temporary jail. I was surprised that the Minister in charge of NGOs could not go to the rescue of that old lady, namely, Ms. Rogo, when some of her colleagues locked her up in her office.

I have seen this Sessional Paper and what has been proposed in it is quite adequate. We can make improvements when the Bill is brought to the Floor of the House, so that we have a regulatory regime that is effective.

With those few remarks, I beg to support.

**Mr. Ochilo-Ayacko:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this wonderful debate.

I want to thank the Minister for coming forth and proposing Sessional Paper No.1 of 2006, whose objective is to regulate the NGOs. Although the Minister is brand new in that Ministry, his effort to bring this Sessional Paper is a starring score on his performance as a Minister. The responsibility of providing services, developing this country and ensuring that laws are obeyed squarely falls on the Government. Any entity that wishes to share in that responsibility must be regulated and must be obedient to the laws and norms that obtain in a particular country. If a country has not put regulations in place, that is negligence of the highest order on the part of that country. So, hon. Shakombo has done a wonderful job in proposing to bring regulation that will take care of the activities of NGOs.

Mr. Temporary Deputy Speaker, Sir, most development partners opt to participate in the development of this country through funding the NGOs. Suspicion has been there in the past about the correct utilisation of funds by the Government and so, most of the funds are channelled through the NGOs. Those funds are intended for the benefit of the Kenyan public without discrimination. So, the Kenyan public through their Government, must regulate funds that are destined for their welfare. Today, we are enabling the Minister to bring a legislation that will ensure that the services that NGOs desire to offer in this country are known and are offered in the right quantity and quality to ensure that the welfare of every individual is taken care of.

Mr. Temporary Deputy Speaker, Sir, most of the funds that are brought into this country do not reach their destinations. They do not reach their destinations because, first, the persons and organisations through which such funds are given are not compelled to disclose when such funds are given out, and for what reasons they are given. The secrecy with which funds are given has occasioned denial of services to the public who deserve them.

The Minister must first ensure that his proposed legislation will enjoin all the NGOs to make themselves known and criminalise the non-disclosure of their funders. One of the areas where we have had problems is in the dispensation of money that was given to the National AIDS Control Council (NACC). Many NGOs made noise that if this money was channelled through the public institutions, it would end up in private pockets. So, we insisted that the money should be channelled through NGOs and community-based organisations (CBOs). Today, everybody is aware that 90 per cent of this money cannot be accounted for, not by the Government, but by these organisations that surreptitiously tiptoed to the various Ministries and collected this money. They

unfolded thereafter.

In my district, we were being treated to a tale that about Kshs44 million had been given. I can assure you that I do not know where that Kshs44 million went to or who benefitted from it. Presently, when I ask the NGOs and the CBOs to show up for a meeting to tell me what they have been doing with the money, there is deafening silence. It is very important that we know these NGOs, and the personalities who are working for them so that we can dialogue with them from time to time.

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

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

You also know that terrorism has taken a covert position in the global security threat. A lot of NGOs are a conduit through which money that funds terrorism is channelled to the terrorists. So, it is important to know our NGOs so that other than being suspected to be drug traffickers like we are, we should equally not be suspected of being channels through which monies that benefit terrorists are brought in. We know that terrorism has no friend and does not love life. We, as a country, have suffered intermittently and continuously from such acts when we are not the authors of such problems. Perhaps the anxiety and difficulty is associated with the Middle East, but when bombs are tossed around, people in Nairobi and Mombasa die in large numbers. When we go abroad we are the ones who are searched in such a dehumanising manner. So, it is very important that we help in fighting this global vice by making sure that we have a record of who is funding who, where and for what reason.

There are several other NGOs who raise their presence by resisting development in the name of environment and preservation of certain non-quantified benefits to this country. I want to cite an example that I came upon when I was the Minister for Energy. The Sondu-Miriu Hydro Electricity Project was resisted by NGOs, citing the fact that its construction would lead to the drying up of water wells that were being utilised by the communities there. When I went to Japan to talk about it, the Japanese Government, through their representative, had to tell us very clearly that if we do not tell the NGOs to keep their activities low, then they would withhold their funding.

In fact, I remember that in the activities of some of these NGOs, there were boats that were being used to cross Sondu River. Those boats were for ferrying people from one side of the river known as Nyakach, to another side known as Kasipul-Kabondo represented by my good friend, hon. Paddy Ahenda. Now, the NGOs made a lot of noise and the owners of these boats insisted that they had to be compensated by being paid Kshs1 million. That Kshs1 million was not a gift. It was part of the loan that has been loaded upon Kenyans, and Kenyans of today and tomorrow will have to pay this money, and yet as part of benefit to the communities living there, the project owners had agreed to construct a bridge across the river. So, these people who were citing loss of income because their income was out of the desperation of others, had to be bailed out by being given Kshs1 million credit to some noisy NGOs who opposed development.

Mr. Temporary Deputy Speaker, Sir, there are other NGOs who bring personalities to this country to do certain jobs that locals are able to do. These personalities earn salaries that are as high as the moon; in fact, near the sun, and are perennially on holiday. Now, it is important to enjoin these NGOs in the proposed Bill, to make sure that their presence in this country does not deny the locals jobs that they can do and services that the locals can render. I remember I was in the United States of America (USA) when I was a Member of the last Parliament when the Congress was up in arms about money that was being given to other countries as aid. It was pointed out to Congress

that only 1 per cent of that money goes abroad and that 1 per cent is earned back by the USA through other arrangements, including through salaries that must constitute 70 per cent of that donation. So, if you are given a donation of Kshs100,000, you can be sure that the person who brings it will earn Kshs70,000 out of it and his presence in the country will occasion additional expenditures that are repatriated to the originating country. So, it is important to analyse the cost and benefit of such arrangements because at the end of it all, you may be "hitting the smell of the food" but the real food is eaten by the people who purport to cook it for you. So, that is very important if the Minister could capture it in the regulations.

Mr. Temporary Deputy Speaker, Sir, I also want to say that a lot of these NGOs, at times, occasion activities that are injurious to this country. If you look at the plight of sports and athletes in this country, their departure from this country is actually accelerated by the presence of certain NGOs. Those NGOs come around purporting to train these people, then they take them to other countries, make them "citizens" of those other countries and on more than one occasion, deprive these people off their sweat by swindling them of what they have rightfully earned. So, it is important to regulate such activities. There are even organisations involved in football that are very troublesome to the Government. If you look at them, you will find that they are NGOs.

Recently, there was an attempt at constructing about 500 low-cost houses somewhere at Isinya, Athi River, in Kajiado District. That attempt was being done by an NGO; an NGO that has operated in this country with poor people, and also that purports to be giving service to poor people. I do not want to assess what benefits that NGO has brought to this country, but that attempt was vigorously fought by another NGO which purported to say that the construction of those houses was going to interfere with the wildlife corridor between Athi River and some other place. However, if you read between the lines, you would find out that, that opposition was for the reason that the poor people who were intended as beneficiaries of the low-cost housing would be taken away from Kibera and Mathare slums. So, these NGOs, even in their own fight, they can cause grass to suffer a lot, and it is important for this country, which has a Government and citizens who are in need, to welcome people who want to engage in constructive development. However, it is also important that in our desperation for help and assistance, we do not allow other people to swindle others in our name because we, as a country, are the ones who are going to have the bad name and miss that service that we so desire.

Mr. Temporary Deputy Speaker, Sir,

Mr. Minister, through the Chair, you saw recently that there were quarrels at the NGO Council board. That quarrel was very shameful. It is important to streamline the regulations that govern elections of members of such a board so that we do not get that kind of shameful treatment. It is also important that members of the public get value for the service that statutory bodies that are created in their seal give.

However, more importantly, and in conclusion, I want to say that every entity, both biological and non-biological, which includes the NGOs, must obey the law. For them to obey the law, they must be defined by a particular law and reminded that there are other laws that are important for the welfare of this country to be obeyed, because without obedience to the law, what we are likely to witness is chaos.

With those few remarks, I beg to support.

**Mr. Wamunyinyi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Sessional Paper on the NGOs. I want to join my colleagues in supporting and calling for order and sanity within the NGO world.

All of us have seen how NGOs have operated in this country. We have them operating in our respective constituencies. They purport to undertake various projects within those respective areas. They do receive funds from various donors for specific projects which they propose first

before they get funding. Normally, there is no control over the implementation of the projects. The NGOs are not accountable to the beneficiaries of the intended projects. They do not account to anybody the funds they receive. In most cases, some of them, divert those funds to other projects. Some of them concentrate on organising seminars and workshops at the expense of real benefits to the people.

Mr. Temporary Deputy Speaker, Sir, we all heard the contribution by Mr. Wetangula. He said there are some NGOs, which instead of doing the proposed and funded projects, concentrate on opposing sitting hon. Members of Parliament. Some of these NGOs, we find them in our areas. For example, one NGO in Bugoma District has received funding to the tune of about Kshs200 million. The amount received, which, of course, is said to be for marketing and promoting farming, no impact can be demonstrated as having been achieved since that NGO received funding. Another NGO, which is associated with the same one, known as Sagret Africa, has also received money to the tune of Kshs200 million. Interestingly, the board members of that NGO comprise members of the family, friends and relatives of the CEO. That CEO is directly involved in the politics of Bungoma District. I must point out that we are not scared of opposition, but it is important that NGOs are run properly and stick to the proposals for which they came up with for the funding to be given.

Mr. Temporary Deputy Speaker, Sir, there was another NGO which recruited people, some unemployed *wananchi* to do some work on a road which runs from my constituency to Sirisia Constituency, Mr. Wetangula's constituency. After the work was done, they disappeared without paying the people who were recruited. We appreciate the support they give in terms of what we want to do. However, if you recruit people for a purpose, they do some work and then you disappear without paying them when the funds have been provided by the donor, this is not right. These are the issues we must stop and ensure that the Government puts in place regulations which will facilitate proper functioning of the NGOs. The Government must set out procedures and rules, and ensure that a transparent environment is provided in the manner in which these NGOs are run.

Mr. Temporary Deputy Speaker, Sir, if you go by what we have heard, that some funds have been channelled to the NGOs because of previous blame on the Government, and even that some donors will want to deal with NGOs and other community-based organisations in this country--- As I speak now, a lot of money has been channelled through them. The Government needs to do something. These NGOs cannot account for that money nor show the projects they have undertaken. It is, therefore, paramount important that the Minister moves with speed and brings about a Bill to put in place laws to ensure that whatever we get, which is well intentioned, serves the people of Kenya.

Mr. Temporary Deputy Speaker, Sir, a shining example is the one given by Mr. Ochilo-Ayacko. He said some NGOs were involved in opposing a very important project for this country which was intended to increase the provision of electric power. That is the Sondu Miriu Power Project. In fact, it is not the only project they have opposed. Apart from direct opposition to projects, which are important to this country, NGOs have also been involved in frustrating and obstructing projects initiated by hon. Members. They sabotage them, so that they can get an opportunity to also fight to get to where hon. Members are. Therefore, we have obvious reasons we can talk about, about NGOs operating in our areas. We can say this over and over again, but most important thing is to put in place rules, regulations and procedures, which are clear. We must ensure that they are followed. Action should be taken against any NGO that fails to adhere to the law. The law must not apply selectively, it must apply to everybody. There must be very specific provisions to the effect that if an NGO fails to adhere to the provision of the law, then action must be taken against that particular NGO. It is in this respect that we have been trying to ensure that---



(Loud consultation)

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, hon. Members! Please, consult in low tones!

Proceed, Mr. Wamunyinyi!

**Mr. Wamunyinyi:** Thank you, Mr. Temporary Deputy Speaker, Sir. Where Mr. Moi is, we can always expect that!

I was saying that we must provide very specific provisions to the effect that if any NGO fails to follow the laid down procedures and rules, it should be struck off. Even those NGOs which have received funding in the past for specific proposed projects which they did not undertake, must be made to account for it. Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

**Mr. Lesrima:** Mr. Temporary Deputy Speaker, Sir, I stand to support this good policy Paper. I also wish to thank the Minister for bringing this Sessional Paper and hope that he will come up with a Bill once this is adopted by the House.

The Non-Governmental Organisations (NGOs) in Kenya do a good job. We are told that they are very many but the biggest problem is the question of accountability. To whom are they accountable? The NGOs are neither accountable to the donors and well-wishers from abroad nor are they accountable to the Government and the communities. This Sessional Paper brings out these issues and tries to, in a very humble way, see how some kind of regulation and relationship can be brought about without the Government creating Governmental NGOs. The Paper also seeks to ascertain how the Government uses NGOs and how the NGOs work with the Government. The Paper comes out very clearly that the Government can use the NGOs. It should also incorporate NGO activities and utilise them as resource and *vice versa*.

Mr. Temporary Deputy Speaker, Sir, the biggest problem also is the question of rationalisation of the presence of NGOs in the districts, particularly those that are vulnerable to cattle rustling, drought and famine. There is also proliferation of NGOs in those areas yet there is no rationalisation. Sometimes there is overcrowding of NGOs in those places. There is, therefore, need to harmonise the activities of these NGOs. The policy Paper talks about the NGO Council. We have been aware of the NGO Council for some time but when we hear of it, the impression we get is that it is a Nairobi outfit which is managed by a few people. We do not see the relationship between the Nairobi outfit and the outfit in the constituencies. We do not see the NGO Council having any effective supervision or regulation at the grassroots. We need to emphasise that in our legislation.

Even the registration of Community Based Organisations (CBOs) as NGOs, sometimes is a five-minute activity. It is under the Ministry for Gender, Sports, Culture and Social Services. I do not understand why. I know that there is a form that you can fill and take round to various Ministries. If you want to start a CBO, the chief stamps your papers. You can also forge a District Commissioner's stamp. There is also the officer from the Ministry of Gender, Sports, Culture and Social Services who also does the job and you can get a certificate within one day. That also requires to be regulated.

Mr. Temporary Deputy Speaker, Sir, at the district level, there is need for the NGOs to network and come together to self-regulate in terms of a code of conduct. This should be public and imposed at the local district level. The NGOs should come together and have a local NGO sort of network which will assist them to avoid duplication of efforts. If they are involved in water, health, food distribution or education, they need to avoid duplication of efforts. Duplication of efforts brings about wastage in resources.

Mr. Temporary Deputy Speaker, Sir, the District Steering Group (DSG) is chaired by a

District Commissioner, and comprises heads of departments of various Government Ministries. Representatives of some NGOs operating in certain districts also form membership of the DSG. Some NGOs have larger budgets than our Government departments at the constituency level. I know of a certain NGO, which has a budget of Kshs48 million per year in my district. But it is not a member of the DSG. So, NGOs undertaking education and health related projects should be members of the DSG so as to harmonise their activities with Government Ministries on the ground. It is important to bring on board the activities of all NGOs in a district to avoid duplication of efforts.

Having code of ethics for the NGO sector is also very important. There should also be a way of enforcing such ethics. NGOs should be audited by the NGO Council either from Nairobi or at the operational level. There must be a way of checking their activities to ensure that they conform to a code of ethics.

In today's democratic world, all of us are required to be transparent and accountable. Public officers are required by law to declare their wealth. I do not see any reason why NGO officials should also not declare their wealth. I know that in certain remote districts such as my district there are resources from abroad channelled through NGOs.

I also know that there is massive siphoning out of funds meant for development activities by some NGOs. I am sure if an audit of NGOs is carried out, it will reveal that 70 per cent of resources meant for development activities are invested elsewhere. Some NGOs from Great Britain are provided with funds for development activities in Samburu, or the Maasai land in general, but you will find some people running these NGOs like personal outfits. They are accountable only to themselves and nobody else. Board members of these NGOs are illiterate and cannot prevent resources from being misused by NGO officials.

There is need for the NGO representatives to declare their wealth as is the case with the public officers.

We should monitor closely the activities of NGOs operating in remote areas of this country. This is because they often end up becoming cash cows. Some people form NGOs to take advantage of our problems. Some NGOs are formed to deal with peace issues but they are not interested in conflict resolution initiatives. In fact, they will perpetuate conflict, so that there is a continuous flow of funds from donors. In this way, conflict becomes their cash cow. There are also other NGOs formed to prevent development in our rural areas. They also block legislation. For instance, last time some NGOs tried to block the enactment of the Wildlife Management Bill. We were not able to pass this Bill in this House because of interference by NGOs. Some animal lovers in New York and London channelled funds to NGOs to make sure wildlife is taken care of at the expense of our communities living with it. Activities of NGOs should be regulated through legislation.

In conclusion, we should provide legislation to guide winding up of NGOs. I have seen some large NGOs in my constituency, which own large assets and other resources wind up and then reinvent themselves after a couple of years. We must make provisions for winding up of NGOs, so that upon winding up their assets revert to the communities among which they operate.

With those few remarks, I beg to support.

**Mr. Ahenda:** Mr. Temporary Deputy Speaker, Sir, before I go on with my contribution, let us get clear the meaning of the acronym NGO. In full, NGO means Non-Governmental Organisation. I know that many hon. Members do not know the meaning of the abbreviation NGO.

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, NGOs are non-governmental and are, therefore, not expected to operate as if they are government institutions. That is the meaning of that abbreviation

and that is exactly why NGOs were started in the first place.

Donors that fund NGOs do not deal with the Government directly. If we understand the background of NGOs, we will definitely know where we are heading to. Because of the redtape that was rampant in the Government departments with regard to disbursing money at the grassroots level, NGOs were formed.

Mr. Temporary Deputy Speaker, Sir, let me, at this juncture, take this opportunity to thank hon. Shakombo for coming up with this beautiful Sessional Paper. Let us move forward to regulate the establishment of NGOs. We need to open our eyes and ears in order to know where we are headed to with these NGOs. The NGO world has grown so big and at times I think that the entire NGO fraternity operating in the country could actually be having a budget much larger than that of the Government. What I am saying is true, it is only that we are not able to scrutinise their budget. The way the money from the NGO world trickles down is terrible. That is why this Sessional Paper is so timely. It will help in the creation of rules, guidelines and regulations that will help in the monitoring and evaluation of the money used by NGOs in this country.

Some of the NGOs have been used as a conduit for money laundering. This Sessional Paper should address the problem of money laundering that is common in some of our NGOs. That way, we shall know when money is given to the NGOs and what it is used for. I will give an example of how we deal with NGOs in my district. We decided to include all the NGOs operating within the district in the District Development Committee (DDC). We decided to incorporate their work within the DDC so that we could jointly fund projects in the district. We are now seen as partners and not as if we are pulling apart.

Mr. Temporary Deputy Speaker, Sir, we found out that some of the NGOs actually have a budget that is much higher than that of the Government Ministries with regard to particular projects. If we operate haphazardly, then we shall have a duplication of projects at the district or constituency level. Some of the projects can be fully funded by NGOs and, in fact, completed up to the implementation level. However, some of the executives in the NGOs are operating in a different world. They totally disregard Government procedures, rules and regulations governing implementation of projects at the district or constituency level. This is an opportune time for us to open our eyes and know that the First World, which includes Europeans and Americans, is the inventor of NGOs. Money getting into the country through NGOs should directly benefit the people at the grassroots. Unfortunately, that is not taking place and it is because of lack of such regulations that hon. Shakombo is trying to introduce. If this Sessional Paper eventually becomes a Bill, all NGOs will be brought under one umbrella and their work will be co-ordinated.

The NGO Council is just an NGO within an NGO. It, therefore, cannot regulate itself. They all are partners in the business of siphoning money. Allowing the NGO Council to regulate other NGOs is like giving something with the right hand and then taking it away with the left hand. So, the NGO Council cannot take us anywhere.

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

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

Mr. Temporary Deputy Speaker, Sir, there has been a lot of hue and cry about some of the activities of those NGOs. They spring up with dubious forms of activities, such as the "miracle babies" of the famous Deya Ministry. We do not know what such NGOs do. But if you go on the ground, you will find that those NGOs operate using orphans. The word "orphan" has been the

most misused by the NGO world in this country. Children who are orphans have been used to get money by the NGOs. Once that money is given, it is siphoned! It does not benefit the Kenyan community. Children are being misused. We hear of all sorts of atrocities committed at the homes of orphans by executives and board members running them. Orphanages need to be scrutinised thoroughly because that is where the money gets lost. The money meant for those orphans does not reach them. Even the money meant to help the needy does not reach them. It ends up in the pockets of a few board members who run those homes. As a result, those orphans are not brought up in a proper manner. I know of several such homes that have collapsed, but the amount of money that has been put into them is colossal. It can run this Government for several years. Those homes operate for three or four years and then collapse. If they are properly audited, you will be shocked to learn that the money spent can run this Government.

Mr. Temporary Deputy Speaker, Sir, I would also like to mention something about money laundering activities by the *Al Qaeda*. It was discovered that, that happened through NGOs. Recently, it must have escaped the ears and eyes of my neighbours from Kisii, but an American had to travel all the way with the Federal Bureau of Investigations (FBI) to monitor the amount of money that was going into Kisii from the United States of America (USA), through something that they thought was an NGO. The NGO was operating in Kisii Town. When they reached Kisii Town, they found out that the millions of shillings that were going into Kisii were not being channelled through that NGO. They came knowing that there are big NGOs operating in Kisii! But they were siphoning that money!

Mr. Temporary Deputy Speaker, Sir, in essence, that is why we should regulate the money that is coming from overseas. We should have the means to follow up and audit those accounts either discreetly or overtly, to know where the money has come from and what it is intended to do. If that is happening in other countries, why not Kenya? It is only in Kenya where you can bring in Kshs1 billion, do what you want and take it out without anybody querying you. Recently, we heard about billions of shillings coming into Kenya. Even the *Mamlukis* were bringing money in the country. The Government has not set up a machinery to monitor amounts of money that come into the country and yet, it monitors a mere peasant at home with Kshs100,000. People operate in this country with billions of shillings without anybody monitoring it.

Mr. Temporary Deputy Speaker, Sir, so, this Sessional Paper should include the monitoring and regulation of money coming in. Whether it is clean or laundered money going to the NGOs, a regulation should be put in place. This will be one way of enabling the Government to know how NGOs bring in their money and spend it. At the end of an NGO's operations in a particular area, an audit should be carried out to evaluate the work already undertaken. If Kshs200 million, for example, was brought by the NGO, the Government must find out how it was spent. As an hon. Member said, whenever some of the NGOs are winding up, some of their property is distributed to individuals. At the time of winding up, the board members should not be given haphazardly whatever property the NGO had acquired.

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

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

*[The Temporary Deputy Speaker  
(Mr. Poghio) resumed the Chair]*

**The Minister for Justice and Constitutional Affairs** (Ms. Karua): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Policy Paper. I want to begin by acknowledging the good work that some NGOs perform in this country. I also want to state that I have been in the NGO sector. I am, therefore, aware that NGOs

have a role to play. They do contribute to our social development and the creation of awareness.

Mr. Temporary Deputy Speaker, Sir, however, in any country that is undergoing transformation and reforms, every sector; be it governmental or non-governmental, needs reforms and a legal and policy framework to guide the reform process. In this era of openness and transparency, the NGOs sector, like all other sectors, needs to fully embrace what it preaches. This Policy Paper will give direction and regulation to ensure that we do not have rogue NGOs that are not keeping to the agreed norms.

Mr. Temporary Deputy Speaker, Sir, it is not intended to inhibit or stop NGO participation. That is a fact of life which we cannot ignore. We must let the people express themselves through whatever channels they choose, whether non-governmental or CBOs.

So, we do acknowledge the vital role that the NGOs and citizens, through NGOs, play. However, we need to have guidelines to ensure that there is transparency, accountability and good governance within that sector as well, so that, we, as a society, all can transform together and have good governance within the Government and all its departments, the private and the NGOs sector. So, this Policy Framework should be seen in the light of the reforms taking place in this country.

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

*[The Temporary Deputy Speaker  
(Mr. M'Mukindia) took the Chair]*

I want to agree with those who have contributed and said that there is a lot of money going through the NGOs sector. It is, therefore, necessary to ensure that there is total transparency and accountability. The Government is not the one to go into the NGO sector and do the accounting work for them. The NGOs should regulate themselves through the NGO Council. That is the way forward; that each sector should regulate itself. But for self regulation to be a reality, we need to have a legal framework so that people are held to the standards which have been set within that legal framework. If it is left to choice, human nature is such that even those who like to hold others to account, when it comes to their time to account, they will be shy to do so and will want to be given a blank cheque to do anything they wish to do. It is time we had adequate policy and also a legal framework to ensure that self regulation in the NGO sector becomes a reality.

Mr. Temporary Deputy Speaker, Sir, as we pass this Sessional Paper, for which I must commend the Ministry, I hope that we will look afresh at the NGO Management and Co-ordination Act to see its adequacy or lack of it and to see where we need to either make amendments to improve or strengthen the Act to ensure that there is self-regulation.

With those few remarks, I beg to support this good quality Sessional Paper.

**Mr. Wario:** Asante, Bw. Naibu Spika wa Muda, kwa kunipa fursa hii. Namshukuru Mwenyezi Mungu kwa kunijalia fursa hii ili nichangie sera hii iliyo mbele yetu. Nampongeza Waziri ambaye aliamua kuleta mwanga katika mashirika yasio ya Serikali.

Bw. Naibu Spika wa Muda, baada ya kumshukuru Waziri, ningependa kusema kuwa nilikuwa katika sekta hii kwa muda mrefu, na ni muhimu kutambua mchango wao katika jamii. Kama alivyozungumza msemaji mmoja aliyezungumza kabla yangu, maudhui au matilaba ya kuwa na mashirika yasio ya Serikali ni kuhakikisha kuwa utandawazi na haki imefanywa katika jamii nyingi za nchi hii. Katika kuunga mkono mashirika yasio ya Serikali, ningependa kusema kuwa mashirika haya yamefika sehemu nyingi ambazo Serikali haijaweza kufika hadi leo. Nikisema

hivyo, sio fursa kwa mashirika haya kuuza Kenya kwa nchi za nje. Ikiwa Kenya ni nzuri au mbaya, bado ni nchi yetu. Watu wengi wanaoendesha shughuli za mashirika hayo ni Wakenya na ni muhimu wawe na uzalendo. Lazima wafahamu kuwa hii ni nchi yetu na wale wanaowahudumia ni watu wetu. Kwa hivyo, ni vizuri waendeshe mashirika hayo kwa kiwango fulani. Nikisema hivyo, simaanishi wasifanye kazi yao kwa uhuru. Kila mwaka kuna mzozo baina ya Transparency International na Serikali kwa sababu mienendo yao haifurahishi watu wengi katika Serikali. Kwa hivyo, ni vizuri Serikali iwape fursa watekeleze wajibu wao.

Bw. Naibu Spika wa Muda, watu wengi walio katika Serikali leo wamesaidiwa na mashirika yasio ya Serikali ili kufika mahali walipo sasa. Kama sio mashirika yasio ya Serikali, sehemu kame za Kenya leo zingetaka kujitenga kutoka kwa Serikali hii. Kwa hivyo, ni muhimu Serikali itambue kuwa mashirika hayo, yana majukumu muhimu yanayotekeleza katika jamii.

Swali la utandawazi linahusisha Serikali na umma. Ikiwa mashirika yasio ya Serikali yatasimama kuiambia Serikali iwe na utandawazi, basi ni muhimu wao pia wafanye utandawazi ndipo tuweze kutekeleza wajibu wetu sote tukiwa katika Serikali au umma. Uwezo wa baraza la mashirika yasiyo ya kiserikali ni mdogo. Ninahimiza sera mpya itakayoletwa na Waziri iangazie jambo hilo. Ingefaa kuweko kwa ofisi ya baraza hilo katika kila wilaya au mkoa ili iweze kuangalia jinsi mashirika yasiyo ya kiserikali yanavyotekeleza shughuli zao. Kama walivyosema Wabunge wenzangu, shughuli zinazotekelezwa na baadhi ya mashirika yasiyo ya kiserikali zinafaa kuchunguzwa.

Bw. Naibu Spika wa Muda, katika nchi hii, ni rahisi kusajili chama cha kisiasa kuliko kusajili shirika lisilokuwa la kiserikali. Kwa nini ni vigumu sana kusajili shirika lisilokuwa la kiserikali? Kwa nini tusiwawezeshe Wakenya wanaotaka kusajili mashirika hayo kufanya hivyo kwa urahisi? Ukitaka kusajili shirika kama hilo, unatakiwa kupitia huduma ya jinai nchini, miongoni mwa ofisi zingine. Kwa hivyo, ni bora Sera mpya tunayoitarajia iguzie swala la usajili wa mashirika yasiyokuwa ya kiserikali ili watu waweze kusajili mashirika kama hayo kwa urahisi.

Kuna mashirika yasiyokuwa ya kiserikali ambayo yanaitwa "makeshift NGO" kwa lugha ya kimombo. Hayo ni mashirika ambayo husajiliwa na watu fulani na kuyatumia kuwawezesha kupata pesa kutoka kwa hazina maalum. Wakishapata pesa kutoka kwa hazina kama hiyo, watu hao hutorokea nje kwenda kufanya shughuli zao. Kwa hivyo, tunataka sera mpya tunayoitarajia iongeze uwezo kwa ofisi husika ili iweze kuwachunguza watu kama hao.

Bw. Naibu Spika wa Muda, usimamizi wa mashirika yasiyokuwa ya kiserikali humu nchini imekuwa fursa ya kuidhulumu jamii ya Kiislamu. Mengi ya mashirika yaliyokuwa yakizihudumia jamii za Kiislamu humu nchini yamefungwa. Yale mashirika ambayo hayajafungwa, yanatishwa. Wakurugenzi wa mashirika hayo wamefukuzwa kutoka humu nchini.

Kwa mfano, hivi majuzi, wakurugenzi wa shirika la Africa Muslims Agency (AMA), ambalo linahudumu katika zaidi ya nchi 57 duniani, walifukuzwa kutoka humu nchini. Pia, wakurugenzi wa mashirika ya Al-haramein na Al-muntada-al-Islami walifukuzwa kutoka humu nchini. Licha ya kwamba mashirika haya yana majina ya Kiarabu, mengi yao yanawahudumia watoto wa nchi hii.

Kwa mfano, shirika la AMA lilikuwa likisimamia zaidi ya shule 20 humu nchini. Nyingi ya shule hizo zilikuwa zikiwahudumia watoto mayatima. Wakurugenzi wa shirika hilo walipofurushwa kutoka humu nchini, watoto hao wakawa machokora. Kwa hivyo, inafaa dhuluma dhidi ya jamii ya Kiislamu ikomeshwe. Serikali hii inaendesha sera hiyo zaidi.

Bw. Naibu Spika wa Muda, mashirika yasiyokuwa ya kiserikali yanastahili kuwa na mbinu za kuwawezesha wananchi wasimamie shughuli zao. Inafaa mashirika hayo yatekeleze wajibu wao halafu yawawezeshe wananchi kuchukua nafasi yao. Haifai mashirika hayo kuendesha shughuli zao kwa njia ambayo itawafanya wananchi kuwa waombaji milele. Ninachozungumzia hapa kinajulikana, kwa lugha ya kimombo, kama "exit strategy".

Mashirika yasiyokuwa ya kiserikali yanastahili kutekeleza miradi ambayo itaachiwa wananchi kujisimamia pindi mashirika hayo yatakapoondoka kutoka sehemu hizo. Kwa mfano, hatutaki shirika la DFID liende kuhudumu katika sehemu ya uwakilishi Bungeni Bura, milele. Tunataka shirika hilo liende huko likatusaidie kwa muda, halafu liondoke liwaachie watoto wetu jukumu la kusimamia miradi ambayo litakuwa limeanzisha.

Bw. Naibu Spika wa Muda, baadhi ya Wabunge wenzangu wamezungumzia juu ya pesa nyingi zinazotumiwa na mashirika yasiyokuwa ya kiserikali. Pesa za mashirika hayo hupatikana kwa njia ya kipekee. Kwa hivyo, inafaa mashirika hayo yapewe nafasi ya kutekeleza wajibu wao. Ikibidi, mashirika hayo yachunguzwe, kwa njia ya haki, lakini yasinanyaswe na kudhulumiwa

Kwa hayo machache, ninaiunga mkono Hoja hii.

**Prof. Mango:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this important debate.

Mr. Temporary Deputy Speaker, Sir, we have many NGOs in this country, most of which are doing a good job. However, some NGOs are not doing a good job. Therefore, this Policy Paper has come at a very appropriate time. Non-governmental organisations operating in this country should be guided through a legal framework, so that they can serve Kenyans efficiently. Like Government institutions, NGOs need to be transparent and accountable. They should show good financial management and good governance.

Non-governmental organisations come into the country with a lot of money but nobody knows how much it is. We also do not see their audited accounts, and yet they are very critical of the Government. We expect NGOs to show the way forward by being transparent and accountable, just as they expect the Government to be. Some of them are doing very good work, particularly those located in remote areas where the Government resources do not reach people.

Mr. Temporary Deputy Speaker, Sir, when you look at the number of NGOs registered in this country, you will find that if they were working very well as expected, we would have many problems solved. However, on the contrary, the impact of NGOs is very little, compared to what we expect and the money they get. Some of them have so much money that they get tempted to do things which are not right. I know of an NGO which had so much money that it started loaning out some of it to women groups and charging them very high interest rates. It even reached a point where some of them were almost being auctioned because they could not repay the loans at the high interest rates. That is not right because most of them are not supposed to operate as financial institutions. However, because we do not have a legal framework for them to operate under, they do whatever they feel like doing. This Sessional Paper has come at the right time because it will help NGOs in this country to operate well. There are many NGOs in this country which are supposedly working for orphans, yet their impact is not felt. The NGOs go around raising money and masquerading to be supporting orphans, yet the orphans are suffering. Therefore, the Government should also have a way of monitoring and evaluating the activities of NGOs so that they do not go on doing what they want, yet they have money to assist the needy.

Some of the NGOs have very good intentions. There are many NGOs which are registered in Nairobi, yet they claim to be running their affairs in Busia. If you tried to look for the NGOs in Busia, you would not find them. Therefore, we need to have a monitoring and evaluating process so as to know whether they really exist, and if they are doing what they are supposed to be doing. As it is now, most NGOs are doing what they want and nobody seems to know what they are up to. Many NGOs, countrywide, are concentrated in particular areas but they hardly exist in others. You will find that areas where NGOs do not exist, are quite needy. For a long time, many NGOs were based in the coast region for touristic ventures. Many NGOs are concentrated in Nairobi so that they can enjoy good life and the facilities available. Some of them do not carry out any projects in remote areas because they do not want to suffer, yet they claim to be on a helping-the-poor mission.

With a legal framework in place, they will be guided and will not be tempted to indulge in corrupt practices.

Some of the boards running NGOs, for instance, in the rural areas, have no capability. For NGOs to make good contributions, we need to have boards which can add value to them in terms of activities, and not just sit and get allowances. It is not a question of allowances, but a question of their input and how well they serve the country. We should not just be a transit area where they come to get employed.

**Mr Cheboi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Since we have been debating this issue for a very long time, would I be in order to request you to call the Mover to reply?

*(Applause)*

*(Mr. Moi and Mr. Kimeto stood up in their places)*

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

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you notice that when you were on your feet addressing the House, Mr. Kimeto and Mr. Moi were also standing and attempting to speak?

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Indeed, as you know, our Standing Orders do not allow that. Whenever the Chair is on his feet, every other hon. Member must be seated! So, please, follow the rules. I will ignore it this time only!

### QUORUM

**Mr. Moi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I know the Chair has made a ruling, but I want to alert you of a very serious matter. We do not have a quorum in this House.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Indeed, we do not have a quorum! Ring the Division Bell!

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order! Hon. Members, we now have quorum. You may proceed, Mr. Minister.

**The Minister of State for National Heritage** (Mr. Shakombo): Mr. Temporary Deputy Speaker, Sir, I would like to thank my colleagues for the support they have given to this Sessional Paper. The support was not only to the Sessional Paper but also to me as well as the Minister in charge. I want to take this opportunity to assure the House that the contributions made by Members were far-reaching and far-enriching and we will endeavour to ensure that they are included into the Act that we are intending to amend.

Mr. Temporary Deputy Speaker, Sir, I also want to take this opportunity to assure the NGOs fraternity that it is not our intention to interfere with their freedom or stifle them.

With those remarks, I beg to move.



*(Question put and agreed to)*

ADOPTION OF PIC REPORT ON LOSS  
ON EXPORTATION/IMPORTATION  
OF RAW SUGAR

**Mr. Muturi:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, this House adopts the Report of the Public Investments Committee on the Kenya Sugar Board - Loss on Export and Import of Raw Sugar pursuant to Legal Notice No.2 of 2006 laid on the Table of the House on Wednesday 29th June, 2006.

Mr. Temporary Deputy Speaker, Sir, on behalf the Members of the PIC and pursuant to Standing Order No.162(2), I take this opportunity to present to the House the report of the said Committee. The mandate of the PIC is, as you all know, to be found in Standing Order No.148. More particularly, the mandate that relates to the issue at hand is to be found in Standing Order No.148(5), which gives the Committee the power to examine in the context of the autonomy and efficiency of public investments whether the affairs of a public investment are being managed in accordance with sound business principles and prudent commercial practices.

Mr. Temporary Deputy Speaker, Sir, we have taken care not to engage in investigations on matters to do with the day-to-day running or administration of the institutions.

Mr. Temporary Deputy Speaker, Sir, at this stage, it is important for me to state the membership of the Committee which took evidence in this matter. It comprises the following Members: Messrs. Muturi, MP (Chairman), Wamunyinyi, MP, Angwenyi, MP, Munya, MP, Sang, MP, Muchiri, MP, Gitau, MP, Abdirahman, MP, Bahari, MP, Dr. Kibunguchy MP, and Dr. Rutto, MP. The hon. Abdirahman, MP, and Dr. Kibunguchy, MP, ceased being Members of the Committee on the 7th December 2005 and January, 2006, respectively, upon being appointed Assistant Ministers in the Government.

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, hon. Members! Mr. Muturi, please, note that when debate resumes on this Motion, you will have more time to move it.

The House is, therefore, adjourned until Tuesday, July 18th, 2006 at 2.30 p.m.

The House rose at 6.30 p.m.