

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 8th June, 2004

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-
Sessional Paper No.3 on the National Housing Policy for Kenya.

(By the Minister for Roads, Public Works and Housing)

Report of the 110th Inter-Parliamentary Union Conference held in Mexico City from 5th to 23rd April, 2004.

(By the Assistant Minister for Transport and Communications (Mr. Ligale) on behalf of the Minister for Transport and Communications)

NOTICES OF MOTIONS

ADOPTION OF THE 110TH IPU
CONFERENCE REPORT

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the 110th Inter-Parliamentary Union Conference held in Mexico City from 5th to 23rd April, 2004, laid on the Table of the House on 8th June, 2004.

ADOPTION OF SESSIONAL PAPER NO.3 ON NATIONAL HOUSING POLICY

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House adopts Sessional Paper No.3 on the National Housing Policy laid on the Table of the House on Tuesday, 8th June, 2004.

ORAL ANSWERS TO QUESTIONS

*Question No.151*IRREGULAR RELEASE OF
CHANG'AA FERRYING VEHICLE

Mr. Keter asked the Minister of State, Office of the President, under what circumstances the Administration Police at Sosiot AP Camp released vehicle KAB 101K (Toyota Pick-Up) carrying chang'aa on 1st October, 2002, at 9.00 p.m.

Mr. Speaker: Is there anybody here from the Office of the President? We will leave the Question until the end.

Next Question, Mr. M. Kariuki!

*Question No.236*ATTACK ON MR./MRS. TUMBO
BY POLICE OFFICERS

Mr. M. Kariuki asked the Minister of State, Office of the President:-

(a) whether he is aware that one Nicholas Tumbo and his wife Lucy Chepkorir of Kaptembwo Estate within Nakuru Municipality, were assaulted and robbed of their properties and money by three police officers, namely, PC Barmoin, PC Gitau and PC Wanjau from Kaptembwo Police Post on 19th July, 2002;

(b) whether he is further aware that a report was made to Nakuru Police Station about the incident on 21st July, 2002, where the victims were given P3 forms, which were filled and duly returned, and yet no action has been preferred; and,

(c) what he is doing to ensure that the errant police officers are charged according to the law, and that the victims' properties and monies are returned to them.

Mr. Speaker: Again, there is nobody from the Office of the President. We will come back to that Question.

Next Question, Mr. Obwocha!

Question No.027

IMPLEMENTATION OF KOECH REPORT

Mr. Speaker: Mr. Obwocha is not here? We will come back to his Question.

Next Question, Mr. Mwanacha!

*Question No.063*IMPLEMENTATION OF REP
IN KITUTU MASABA

Mr. Speaker: Mr. Mwanacha is not here? We will come back to his Question.

Next Question, Mr. M. Maitha!

*Question No.119*SUPPLY OF ELECTRICITY
TO MATUNGULU DISPENSARY

Mr. M. Maitha asked the Minister for Energy:-

- (a) whether he is aware that Matungulu Dispensary, which was started in the 1960s, has no electricity;
- (b) how much money has been allocated this financial year to supply electricity to the dispensary; and,
- (c) how much money has been allocated for rural electrification in Kangundo Constituency and which projects are earmarked to benefit.

The Minister for Roads, Public Works and Housing (Mr. Raila): On a point of order, Mr. Speaker, Sir. You have just seen that many hon. Members are not present to ask their Questions---

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members! You must give the Minister the right to speak, once granted by the Chair. Mr. Raila, you have my full authority to speak.

(Laughter)

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Speaker, Sir, I will, therefore, speak without fear and favour. I was just drawing your attention to the fact that several hon. Members who have raised Questions are not available to ask them. Would the same censorship that you applied the other time apply also to the hon. Members who are not here to ask their Questions?

Mr. Speaker: Order! That is a legitimate complaint, but you know, Mr. Raila, I am holding a knife with both edges sharp! As you realise, previous to the two hon. Members not being present, there were also Ministers not present. So, my knife cuts both ways. I take your interest. As a matter of fact, hon. Members who are always the first ones to complain when Ministers are absent must make an effort to be present at all times.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. Mr. Obwocha is in Kampala as a Member of the African Union Parliament, and Mr. Mwanicha is right here besides me.

Mr. Speaker: Order! Who appointed you to be my prefect? Let us give the Minister for Energy a chance to reply.

The Minister for Energy (Mr. Ochillo-Ayacko): Mr. Speaker, Sir, I beg to reply.

- (a) I am aware that Matungulu Dispensary is not currently supplied with electricity.
- (b) No funds have been allocated this financial year to supply electricity to the dispensary.
- (c) Budgetary allocation of funds for rural electrification is done per district and not per constituency.

No funds have been allocated to Kangundo Constituency this financial year. However, Matungulu Girls' Secondary School is programmed to get electricity at a cost of Kshs2 million by the end of this calendar year. The school has already paid Kshs1 million and the balance of Kshs1 million will be met by the Government. With the anticipated successful power supply to Matungulu Girls' Secondary School, Matungulu Dispensary will, therefore, be considered for connection as an extension of the power supply to the dispensary at a cost of Kshs150,000.

Mr. M. Maitha: Mr. Speaker, Sir, I would like to thank the Minister for pumping Kshs1

million into the project and for giving Kshs150,000 that will be used for supply of electricity to Matungulu Dispensary. However, since the power line will be passing over people's homes, could he consider stepping down the power so that residents of the area can also benefit?

Mr. Ochillo-Ayacko: Mr. Speaker, Sir, the policy of the Government is very clear. We will use rural electrification to connect market centres. We will also use it to connect public institutions like secondary schools and health centres. We do not want to apply the funds to individuals' homes. However, if owners of homes apply for electricity supply and are ready to meet the commercial rates, we will readily encourage connectivity to them.

Mr. Bahari: Mr. Speaker, Sir, recently, the Ministry wrote to the District Development Committees (DDCs) asking for prioritisation of rural electrification in specific districts. What criteria will the Minister use to prioritise projects that require electrification once he compiles a list of all the districts?

Mr. Ochillo-Ayacko: Mr. Speaker, Sir, one of the criteria is that supply must be cost-effective. It must not take up a lot of money. The other criterion to consider is the actual benefit that will accrue to those connected. For instance, a market centre takes precedent over areas where there is low habitation. It also has to be a public institution that caters for people; for instance, a secondary school or a health centre.

Mr. Nderitu: On a point of order, Mr. Speaker, Sir. My point of order requires your guidance. First, there are so many groups that have given money to the Kenya Power and Lighting Company (KPLC) for electrification. Could the Minister tell this House how many companies' money has been lying in KPLC's accounts for the last five to 10 years?

Mr. Speaker: Mr. Nderitu, that is not a point of order. You know, as well as the House does, that the matter has come here several times. You wanted to ask a question through back door. Unfortunately, I have closed all the back doors.

Mr. M. Maitha: Mr. Speaker, Sir, Kangundo Constituency has never benefited from the Rural Electrification Programme (REP). Most constituencies might not also have benefited from it. Could the Minister consider ordering the DDCs to prioritise projects on a constituency basis in each district?

Mr. Ochillo-Ayacko: Mr. Speaker, Sir, it is not correct that Kangundo Constituency has been left out under REP. Kangwini and Sengani Secondary Schools were supplied with electricity at the cost of Kshs13 million, yet they did not make any contribution. Muisuni Coffee Factory, Dr. Mwanzia's home, Mavundi Coffee Factory, Kyaome Coffee Factory and other places have power supply. It is, therefore, not correct that Kangundo Constituency has not been supplied with electricity through the REP fund.

In the current estimates for the financial year we are about to begin, we have proposed Kshs11.147 million for Machakos District under the REP. We hope that we will take on board a scheme in Kangundo Constituency. We are also planning to maximise the supply at Kawethei Market in Kangundo Constituency. We are planning to have more connectivity at Matungulu Health Centre, which the hon. Member is concerned about. We have not ignored or disregarded Kangundo Constituency.

Question No.098

POST OFFICE FOR TAKAUNGU WARD

Mr. Khamisi asked the Minister for Transport and Communications when Takaungu Ward in Kikambala Division of Bahari Constituency will be provided

with a post office.

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Speaker, Sir, I beg to reply.

There are no immediate plans to provide Takaungu Ward in Kikambala Division with a post office due to lack of economic viability to operate a sub-post office at Takaungu. Over the 29 years of its existence, Takaungu Post Office has been selling stamps worth not more than Kshs11,900 annually. In addition, 20 letter boxes at the post office remained vacant for over seven years. Given these circumstances, it was uneconomical to operate the sub-post office.

Mr. Khamisi: Mr. Speaker, Sir, the answer given by the Assistant Minister is historical. He is talking of something that happened almost 25 years ago. Could he send a survey team to Takaungu Ward to assess afresh the needs of people in that area? Circumstances have changed with time!

Mr. Ligale: Mr. Speaker, Sir, the Postal Corporation of Kenya is always updating its information with a view to providing more cost-effective services to people. Once it is convinced that there is enough reason to provide a post office at Takaungu Ward, then it will be set up.

Mr. Bahari: Mr. Speaker, Sir, postal services are needed in many other remote areas. Along with economic viability, we must also take into consideration social viability. Could the Minister consider having post offices at remote areas at subsidised rates, for purposes of social viability?

Mr. Ligale: Mr. Speaker, Sir, I did not speak of only economic viability. We are talking of both economic and social viability. If the Postal Corporation of Kenya incurs heavy losses, it has to withdraw from some areas. If the losses incurred are minimal, and we are making money in other areas, social viability will be taken into account.

Mr. Khamisi: Mr. Speaker, Sir, Takaungu Ward is a very old settlement area. The nearest post office is almost 16 Kilometres away. If it is not possible for the Ward to have a fully-fledged post office, could the Assistant Minister consider providing agents who will be operating from the Kilifi Post Office to the Ward as an alternative way of providing postal services?

Mr. Ligale: Mr. Speaker, Sir, Takaungu Ward is served by Kilifi Post Office. The distance between Takaungu and Kilifi is three kilometres by boat and six by road. That is not very far. Nevertheless, we shall consider the hon. Member's request and see if we can appoint agents to serve the Ward. However, if the Postal Corporation of Kenya will make losses, then the project will not be viable.

Question No.035

DISMISSAL OF MS. ANN WANJOHI
BY KWS TRAINING INSTITUTE

Mr. Wamwere asked the Minister for Environment, Natural Resources and Wildlife:-

(a) whether he could explain why Ms. Ann Wanjohi, who worked with the Kenya Wildlife Service Training Institute at Naivasha, was dismissed from service on 2nd March, 2000 even after being acquitted of an offence, vide Criminal Case No.1061 of Nakuru, in 1999; and,

(b) whether he could have Ms. Wanjohi reinstated.

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Mr. Speaker, Sir, I beg to reply.

(a) Ms. Ann Wanjohi was dismissed from the Kenya Wildlife Service with effect from 15th,

February, 2002, for committing an offence against discipline. On 22nd August, 1998 while deployed at the main gate of Lake Nakuru National Park, she, jointly with other staff, stole US\$156 being gate entry and camping fees paid by visitors, contrary to Regulation 5(bb) of the KWS Armed Wing Disciplinary Code, 1990. The offence committed is different from the charges she was tried and acquitted for in court, vide Nakuru Criminal Case No.1061 of 1999. She was dismissed in strict adherence to the KWS Armed Wing Disciplinary Code of 1990.

(b) Ms. Wanjohi cannot be reinstated due to the seriousness of the offence she committed. It should be noted that other staff implicated in the case were also dismissed, and reinstating her would set a bad precedent in the service.

Mr. Wamwere: Mr. Speaker, Sir, Ms. Ann Wanjohi was accused by the KWS of stealing US\$156, for which offence she was also taken to court, acquitted and, thereafter, reinstated. She was later dismissed. According to her, she was dismissed for the same offence for which she had been dismissed earlier. The Assistant Minister is saying that the second dismissal was as a result of an offence against discipline. Could she tell the House what offence against discipline that was?

Prof. Maathai: Mr. Speaker, Sir, the criminal case No.1061 of 1999, Nakuru, referred to indicates she, and others, were involved in fraudulent activities at Nakuru National Park, resulting in substantial loss of KWS revenue. Upon dismissal, Ms. Wanjohi was paid Kshs49,873.40 on June 23rd, 2000, being withdrawal benefits under the KWS Staff Superannuation Scheme.

Mr. Bahari: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to tell us that a staff member was dismissed for stealing, an offence for which a court acquitted her?

Mr. Speaker: Is that not a point of argument?

Mr. Bahari: No, Mr. Speaker, Sir. Is she in order to dismiss---

Mr. Speaker: Order, Mr. Bahari. I think you had better relax now.

(Mr. Waithaka stood up in his place)

Mr. Speaker: Who is that?

Mr. Waithaka: Mr. Speaker, Sir, is it that you cannot see, or what is the matter?

(Laughter)

Mr. Speaker: Order! Mr. Waithaka, I always carry my discretion with me. In fact, I was trying to see whether I was actually going to recognise you, which is perfectly within my rights. Now I do recognise you.

Mr. Waithaka: Thank you, Mr. Speaker, Sir. I thought it was age which was catching up with you.

(Laughter)

Mr. Speaker: Order! Mr. Waithaka, you may not take too many liberties with the Chair. I think you must understand that age is actually an asset. I am happy to be an old man, rather than a youth at my age. I hope you are keeping your age. Please, do keep your age. Your age disallows you from taking too many liberties with the Chair.

Proceed.

Mr. Waithaka: Thank you, Mr. Speaker, Sir, for the good advice. The specific question that the Assistant Minister should answer is this: For what offence was Ms. Wanjohi dismissed? The

offence for which she was dismissed is not related to the charges she faced in court?

Prof. Maathai: Mr. Speaker, Sir, I have already said that the criminal case had to do with the fact that Ms. Wanjohi and others were involved in fraudulent activities at Nakuru National Park, resulting into substantial loss of KWS revenue. I do not have the details of the case, but it is case No.1061 of 1999, Nakuru. If it is necessary, one can go into it, but I do not have the details of this case, other than the fact that she committed fraudulent activities in Nakuru National Park, resulting into substantial loss of KWS revenue.

Mr. Wamwere: Mr. Speaker, Sir, I think the question here is that Ms. Ann Wanjohi was acquitted of the offence of fraudulent activities. These are the same activities for which she was charged in the criminal case No.1061. Since it seems as if the Assistant Minister is not aware of any other offence for which she may have been dismissed, could this Question be deferred until she gets all the information that she needs to answer the Question properly?

Mr. Speaker: I am afraid not. I think we are deferring too many Questions these days. If the Assistant Minister cannot justify an answer to the House, there is always another remedy open to this lady, which is to file a civil suit. So, Madam Assistant Minister, could you answer this Question properly?

Prof. Maathai: Mr. Speaker, Sir, I will comply with any instructions that I am given. All that I have here is the fact that the lady was dismissed because of indiscipline, and then she was charged in a court of law. The two are different.

Mr. Speaker: Could I help? If what the hon. Member is saying is true, then, Madam Assistant Minister, let Mr. Wamwere give you all the facts, look at the matter again and, maybe, you can take a different view. Is that all right with you, Mr. Wamwere?

Mr. Wamwere: Mr. Speaker, Sir, I think you need to help us on a question of principle. If an employer sacks someone for an offence and at the same time, the employee is charged in court for the same offence and acquitted, which decision should take precedence here? Is it the court's decision or the employer's decision? This is a serious matter!

Mr. Speaker: Order, hon. Members! I am the Speaker and my business is to rule on procedures. As to the question of the legal right between two parties, I think the best place to sort it out is in the court.

Mr. Wamwere: Mr. Speaker, Sir, I remember, sometime ago, the Chair did make a ruling that matters to do with the Constitution cannot be taken lightly in this House. It was proper that you made such a ruling because hon. Ministers know what they can treat lightly and what they cannot treat lightly. In fact, it is only last week when a decision was made by the court and somebody else decided that the court had no business---

Mr. Speaker: Order, Mr. Wamwere! First of all, this is not a matter that I want to get involved in. In fact, from your own pleadings, this particular individual was taken to court for fraud.

Mr. Wamwere: Mr. Speaker, Sir, but she was acquitted!

Mr. Speaker: Order, Mr. Wamwere! She may have been acquitted, but if she is still unhappy with this employer, she can go to court. What do you want the Speaker to do?

Mr. Wamwere: Mr. Speaker, Sir, I want the Chair, at least, to make a ruling to the effect that the decision of the court is more superior than that of an individual. Therefore, it should be adhered to and preferred against decisions of individuals.

Mr. Speaker: Mr. Wamwere, if that was to be my job, what would be the job of the courts?

Mr. Wamwere: Mr. Speaker, Sir, the courts have already done their job. It is the rest of the country to observe---

Mr. Speaker: Order, Mr. Wamwere! For the avoidance of doubt, this country is supposed to be a democratic State with separation of powers.

(Loud consultations)

Who is that? Please, let us keep this House dignified!

Now, for the avoidance of doubt, the job of Parliament is to legislate and give an oversight on the Executive. Those are our main functions. That of the court is to adjudicate disputes between individuals and individuals, and individuals and the Government. It is not part of the Speaker's duties to pronounce judgement as to who is right and who is wrong. There may be questions which, obviously, the Speaker may pronounce judgement, but we certainly are not going to turn this House into a civil court for claim of reinstatement and damages. We are ill-equipped to do that. So, could we, please, keep it at that?

Mr. Wamwere: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Wamwere! Please, relax now!

Next Question, Mr. Angwenyi!

Mr. Angwenyi: Mr. Speaker, Sir, I beg to ask my Question in the belief that this House is for the Welfare of Society and the Just Government of Men.

Mr. Speaker: Order, Mr. Angwenyi! What has prompted all those theatrics? They are totally unnecessary! What is happening today?

Mr. Angwenyi, ask your Question!

Question No.185

CONSTRUCTION OF NYAKOE-KADONGO ROAD TO BITUMEN STANDARDS

Mr. Angwenyi asked the Minister for Roads, Public Works and Housing:-

(a) if he is aware that Nyakoe-Marani-Kegogi-Kadongo Road, E208, has been rendered impassable by the heavy rains that have been pounding the areas in the last few months; and,

(b) if he could consider constructing this road immediately to bitumen standards so as to solve the problem once and for all.

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Nyakoe-Marani-Kegogi-Kadongo Road, E208, has been rendered impassable by the recent rains. This is because constant erosion over the years has eaten the gravel away while the recent rains washed away the culverts.

(b) While it is noted that upgrading this road to bitumen standards is important, it is not possible to do it now due to scarcity of funds.

Mr. Angwenyi: Mr. Speaker, Sir, this is a road which traverses two constituencies, which contributes substantially to the economy of this country. Mr. Speaker, Sir, in fact, this is an area which contributes to the money these Ministers are using to buy "big" cars---

Mr. Speaker: Mr. Angwenyi, what is your question?

Mr. Angwenyi: Mr. Speaker, Sir, is the Minister implying that since his Ministry cannot construct this road to bitumen standards, it will remain impassable until they get the funds? When will they get the funds he is talking about?

Mr. Raila: Mr. Speaker, Sir, I did not quite understand the question. However, the hon. Member has talked about the importance of this road. All other roads are equally important. I know that each and every hon. Member here has got a road in his or her constituency which is important.

Nyakoe-Marani-Kegogi-Kadogo Road traverses Kisii Central, passes Nyamira and ends at Kadongo in Kericho District. The portion that is in Kisii Central runs from Nyakoe to Miruka through Kegogi, a length of 24 kilometres. During this financial year, Kshs600,000 has been used to upgrade this road. The data gathered recently on the damages caused on the road network by the recent rains in Nyanza Province indicates that the road needs about Kshs4.5 million for repairs. The Kenya Roads Board (KRB) was expected to release Kshs1.2 million as part of the 24 per cent of the district funds budget, which is supposed to be used to repair this road. However, they have indicated that it is now too late to do so. The District Roads Engineer has planned to use Kshs300,000 for emergency work to make the road passable. The works will start on 21st June, 2004. The District Works Officer will use the grader from the Ministry and has already procured fuel for that purpose.

Mr. Leshore: Mr. Speaker, Sir, is the Minister confirming that he cannot do his work on this road because the Ministry of Finance has refused to give him the finances?

Mr. Raila: Mr. Speaker, Sir, I have just given the data to show the money we have to use on this road before the end of this financial year. I have also said that we plan to use more money for this road in the next financial year. Therefore, the allegation does not apply.

Mr. Bifwoli: Mr. Speaker, Sir, Mr. Leshore has asked that question because roads are not been constructed in this country. If there is money as alleged by the Minister, where are they constructing the roads?

Mr. Raila: Mr. Speaker, Sir, I do not know whether the hon. Member lives in Kenya or in Uganda, because he comes from the border. We will excuse him. However, for the information of the hon. Member, there are a lot of road construction works which are going on all over the country.

Mr. Speaker: Last question, Mr. Angwenyi!

Mr. Angwenyi: Mr. Speaker, Sir, I used to believe that "Agwambo" would respond to people's needs accordingly. If the Ministry does not have funds to construct this road to bitumen level---

Mr. Keter: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! What is it, Mr. Keter?

Mr. Keter: Mr. Speaker, Sir, the hon. Member is talking of "Agwambo". Who is "Agwambo"?

Mr. Speaker: What are you talking about?

Mr. Angwenyi: Mr. Speaker, Sir, "Agwambo" is a rainmaker.

(Laughter)

Mr. Speaker: Order! Maybe, Mr. Angwenyi is addressing somebody absent from this House. In the meantime, address the Minister for Roads, Public Works and Housing.

Mr. Angwenyi: Mr. Speaker, Sir, I know that the Minister for Roads, Public Works and Housing is a person who responds to people's needs. The people who use that road would like it to be made an all-weather road. If he does not have funds to upgrade that road to bitumen standards, could he source for funds to gravel it to an all-weather road?

Mr. Raila: Mr. Speaker, Sir, I have said that we require about Kshs4.5 million to carry out repairs required on that road. That is because the road has already been gravelled. It is only that the gravel was washed away by rains. I have also said that the Kenya Roads Board (KRB) was supposed to release Kshs1.2 million in this financial year. But because the year is ending, that money will be available in the coming financial year. The Ministry is going to do everything possible to repair that road. I also want the hon. Member to understand that our needs are various and our means are limited. But we will try to do whatever is possible within those limited means.

*Question No.197*ESTABLISHMENT OF IRRIGATION
SCHEMES IN BUTULA

Prof. Mango asked the Minister for Agriculture:-

- (a) whether he is aware that Butula Division has many permanent rivers;
- (b) when he would initiate smallscale irrigation schemes for poverty reduction and job creation; and,
- (c) whether he could consider using that water for fish farming for improved nutrition and income generation.

The Assistant Minister for Agriculture (Mr. Khaniri): Mr. Speaker, Sir, this Question was wrongly sent to my Ministry. Last week, I forwarded it to the Ministry of Water Resources Management and Development. The Minister is here. I do not know whether she is ready to answer the Question?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Butula Division has many permanent rivers, the main ones being Namaterema, Irana, Lerekwe and Burindo. However, during the dry season, which normally runs for five months from November to March, the rivers experience very low base flows. The low flows in the rivers is due to catchment degradation. In that regard, my Ministry is working closely with the Ministry of Environment, Natural Resources and Wildlife to ensure that catchment areas are rehabilitated.

The Water Act, 2002, provides for the preparation of Catchment Management Strategy by the Water Resources Management Authority. That would assist us in managing and conserving water resources in each catchment area, together with the public. I would also want to say that, in that connection, we need to work closely with the Ministry of Environment, Natural Resources and Wildlife, particularly with the Forestry Department. I would like to appeal to hon. Members, including the Questioner, to set aside part of their Constituency Development Fund to develop water storage structures, including dam constructions along our rivers, which will improve the river flows.

Mr. Speaker, Sir, we have prepared a five-year strategic plan, starting the coming financial year, to develop irrigation and drainage on 40 hectares along the Lerekwe River. When completed, it is expected to benefit 80 households at Ibanda and Mundasi villages. In 1999, we established a low-cost irrigation-cum-drainage demonstration with the support of Food and Agricultural Organisation (FAO), to sensitise the community on operation and management of small irrigation schemes. We are also providing technical assistance to the communities. We are encouraging them to form irrigation water users associations.

The Minister for Livestock and Fisheries Development will respond to part (c) of the Question, which deals with fisheries.

Mr. Speaker: You mean you are going to share?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Speaker, Sir, as you can see from the Order Paper, part (c) is asking whether the water could be used for fish farming. I would like to say that, yes it could be, but fuller details will come from the relevant Ministry.

Prof. Mango: Mr. Speaker, Sir, we are all aware that Butula Constituency is one the poorest constituencies in Kenya. It is ranked number---

Mr. Speaker: Could you use the microphone?

Prof. Mango: Mr. Speaker, Sir, the Government owes development to its people. Is the Minister aware that there are dams in Butula Constituency that are choking with siltation? What is she going to do about that?

Ms. Karua: Mr. Speaker, Sir, I will try to guess. I heard the word "dams" but not the other part of the question. Could the question be asked again?

Mr. Speaker: What is happening with that microphone? Could you move to the next one?

(Prof. Mango moved to another microphone)

Prof. Mango: Mr. Speaker, Sir, I wish to thank the Minister for that answer. However, Butula Constituency is one the poorest constituencies in this country. It is ranked number 168 in the present economic survey, out of 210 constituencies in Kenya.

Mr. Speaker, Sir, we have dams in the constituency---

(Loud consultations)

Mr. Speaker: Order! Order, Mr. Poghio and Mr. Maore!

Prof. Mango: Mr. Speaker, Sir, we have silted dams which do not help farmers to conserve water. What plans does the Minister have for desilting those dams?

Ms. Karua: Mr. Speaker, Sir, as a Ministry, we have great plans to desilt those dams but we have realised that we need better coordination as a Government. There is money for desilting dams with the Ministry of Agriculture, Ministry of Water Resources Management and Development and the Arid and Semi-Arid Lands (ASALs) Programme. In the coming financial year, we are going to coordinate the use of all that money to ensure that most, if not all dams, are desilted.

Mr. Speaker: Very well. Last question!

Mr. Muite: On a point of order, Mr. Speaker, Sir. Could I ask for your guidance? You heard the hon. Member for Butula rely on statistics that rank constituencies. That report has not been tabled here for Members to debate. I saw that it is listing Kabete Constituency as the richest, when it is actually the poorest! Could it be tabled here?

(Laughter)

Mr. Speaker: Order, hon. Members! I think the report will come here very soon. The hon. Member for Kabete knows, or ought to know that, the Speaker does not do any rankings or assessments of poverty or riches, including those of hon. Members forget about constituencies! So, I am least qualified.

Last question!

Prof. Mango: Mr. Speaker, Sir, in her answer, the Minister said that there were plans to establish an irrigation project in Butula Constituency. That was in 1990. A total of 13 years down the line, there is no impact. Could the Minister tell us the impact of the irrigation scheme that was started in Butula Constituency?

Ms. Karua: Mr. Speaker, Sir, I said there was a scheme in 1999 started by the Food and Agricultural Organisation (FAO). I also mentioned that during the coming financial year, we are going to extend the irrigation and drainage scheme by 40 hectares. This will not succeed without the active participation of the residents of Butula. It is, therefore, incumbent upon the Questioner to mobilise the community, and on our part, we mobilise the technical expertise to make this scheme a success. I would also want to add that this country is water-scarce and without reforestation and

restoration of the degraded water catchments areas, irrigation schemes will not succeed because we do not have enough water. It is regrettable that we did not, therefore, support the Forests Bill which would have assisted us in this regard.

(Applause)

Question No.232

ESTABLISHMENT OF HOLDING
GROUNDS IN ATHI RIVER

Mr. Abdirahman asked the Minister for Livestock and Fisheries Development what is hindering the use of Bombing Range and its annex, the Beacon Ranch at Athi River, for use of holding grounds, since the sheep and goats ranch would not be sufficient if the Kenya Meat Commission (KMC) is revived.

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Speaker, Sir, I beg to reply.

The following situation is hindering immediate usage of Boming Range and its annex, the Beacon Ranch, by Kenya Meat Commission:

(a) Bombing Ranch, LR No.7548, belonged to the Ministry of Livestock and Fisheries Development. It is situated strategically near Jomo Kenyatta International Airport (JKIA) and is located behind the weighbridge on Mombasa Road. This facility was used for inspection and vaccination of animals for export, and also used to receive animals destined for immediate slaughter or transfer to KMC, Mombasa.

This land which was 2,280 hectares (5,631.6 acres) was interfered with in 1995, and was planned by the Commissioner of Lands then, for various alternative uses.

(b) Beacon Ranch, LR No.11895, stretches along Mombasa Road from Mlolongo to the KMC. It comprises of 1,642.7 hectares (4,059 acres) and borders Bombing Range. The same interference took place where the land was sub-divided into LR No.11895/1-14, and allocated to other specific projects.

However, in both cases, minimal development has taken place on the ground. In the meantime, I am consulting with the relevant arms of Government to have both pieces of land revert back to the Government, to be used for the purpose they were originally intended.

Lastly, the 2,500 acres of sheep and goats station land which was allocated to the KMC is sufficient, but it will require additional land, especially when the two, Bombing Range and Beacon Ranch, revert to the Government. However, the slaughter stock destined to KMC will be for immediate slaughter while the 2,500 acres in Kitengela will hold livestock during influx and in times of drought.

Mr. Abdirahman: Mr. Speaker, Sir, while I appreciate the Minister's response to this very important Question, his answer is not very specific. We have waited for too long for the revamping of the livestock industry. As we probably wait to see, in the next few months, how we will have the KMC back in operation, could the Minister be very specific and tell the House who the allottees are for these parcels of land, and what, in his interpretation, he means by "alternative use" for this land? Was it used for community-related purposes or for private use?

Mr. Munyao: Mr. Speaker, Sir, there were various uses. There were institutional uses; the land was also proposed to be used by the industrial sector and--- I can give the Member the kind of details he needs, which I have not carried today. But it was for various uses, and for sure, we have

now requested the Ministry of Lands and Settlement to revert back the land to KMC. There is a committee working on that and the land will first be handed over to the Commission on Illegally Acquired Land, and in turn, will be reverted back to KMC. We agree that the two pieces of the land the hon. Member is talking about are very crucial for the operation of KMC.

Dr. Ali: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to come to the House, knowing he is supposed to answer a Question, and tell the House that he did not carry the details? What is he going to tell the House if he has not carried the details?

Mr. Speaker: Order! Order! I think you had better revisit the Question again because I think the Minister is giving a reasonable answer. So, he is perfectly in order.

(Applause)

Mr. Abdirahman: Mr. Speaker, Sir, I do not see any honesty on the part of the Minister by hiding this very important information. The Question is not mine; it belongs to the House, and it is important for hon. Members to know when that land will be reverted back to the KMC. What plans does the Ministry have to operationalise all holding grounds nation-wide?

Mr. Munyao: Mr. Speaker, Sir, I would be the last, for any reason at all, to hide any such information concerning the acquisition of this land. It is our intention to get all the land illegally acquired and revert it to its original use. We are very keen to get these two pieces of land.

Mr. Speaker, Sir, the committee I was talking about has also looked into all the holding grounds in the country and we want to handle these matters in conjunction with the Commission which is helping the Government to trace and recover all illegally acquired land so that it is reverted back to its proper use. I can assure the hon. Member and the House that it will be done.

COMMUNICATION FROM THE CHAIR

DEFERMENT OF ORDINARY QUESTIONS

Mr. Speaker: Hon. Members, we must now move on to Questions by Private Notice. The remaining Ordinary Questions can be asked tomorrow.

Question No.151

IRREGULAR RELEASE OF
CHANG'AA VEHICLE

(Question deferred)

Question No.236

ATTACK ON MR./MRS. TUMBO
BY POLICE OFFICERS

(Question Deferred)

Question No.027

IMPLEMENTATION OF KOECH REPORT

(Question Deferred)

Question No.063

IMPLEMENTATION OF REP
IN KITUTU MASABA

(Question Deferred)

QUESTIONS BY PRIVATE NOTICE

RETIREMENT OF POLICE OFFICERS

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

(a) Under what circumstances were 57 police officers retired and or dismissed by the Commissioner of Police?

(b) What procedures were followed in effecting the retirements and dismissals?

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

Last week, I did respond to this Question and hon. Members requested to know whether the officers who were retired were, indeed, given notices of their retirement.

Mr. Speaker, Sir, 57 officers were retired under re-organisation of office after due consideration of their service records. Re-organisation of office has no provision for notification of intention to retire. However, the concerned officers can forward their appeals to the Public Service Commission.

Mr. Cheboi: Mr. Speaker, Sir, the entire House has sworn to protect the Constitution. I want to say that the casual attitude of this Assistant Minister in answering this Question has become too much. This is the fifth time this Question is coming before the House. The Minister has not even bothered to sign the answer even after I told him personally. But that is besides the point. Section 106 of the Constitution is very clear, that the Public Service Commission shall be independent. But all these things were done on one and the same day, the 5th. A letter from the Office of the President, a letter replying to one from the Public Service Commission and on the same day, the Commissioner announced the retirements over the radio.

Mr. Speaker: What is your question?

Mr. Cheboi: Mr. Speaker, Sir, I have to give the background. What happened is that the Commissioner of Police even wrote a letter---

Mr. Speaker: Order, Mr. Cheboi! Ask the Assistant Minister a relevant question!

Mr. Cheboi: Mr. Speaker, Sir, is the Assistant Minister aware that even by the time the Commissioner of Police was writing a letter trying to regularise the retirement of those officers, he was not even himself gazetted as the Commissioner of Police thus making every process illegal?

(Applause)

Mr. Tarus: Mr. Speaker, Sir, he has raised a point which I did not state. I am not sure whether at that time, the Commissioner of Police had not been gazetted as the Commissioner. However, I am aware that he had been appointed as the Commissioner of Police.

Prof. Olweny: Mr. Speaker, Sir, could the Assistant Minister table in this House the ages of those police officers to verify to us whether they had reached their retirement ages?

Mr. Tarus: Mr. Speaker, Sir, I cannot table the list of the names here right now, but I can do so tomorrow. However, I can confirm that the ages varied and some of the officers were above 52 years, although they had not attained the age of 55 years.

Mr. Keter: Mr. Speaker, Sir, I would like to remind the Assistant Minister that when this Question was deferred last week, he was to come up with the date when the Public Service Commission met.

Mr. Tarus: Mr. Speaker, Sir, what I have stated is the approval of the Public Service Commission (PSC), under Section 107 of the Public Service Commission Act, empowering the PSC Commissioners to hold office or act in the offices in the Public Service and in the service of local authorities, including the power to confirm appointments, exercise disciplinary control over persons holding or acting in those offices and the power to remove those persons from office.

Mr. Speaker: Well, Mr. Tarus, I think the question the hon. Member asked you is: Did the PSC meet to exercise that power?

Mr. Tarus: Mr. Speaker, Sir, the fact that there was an approval from the PSC indicates that. The PSC is not one person who approves a request from a department in the Public Service.

Mr. Speaker: This Question has been here for long because of basic principles.

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

Order, hon. Members! Can we not have one minute of silence? The Question is simply one of principle; observance of the law as it is established. If the PSC met and applied that power, that is well within their right to do so. What the House wants to know is whether the PSC met to make that decision. That should be your answer now.

An hon. Member: He lied!

Mr. Tarus: Mr. Speaker, Sir, I never lie! I cannot confirm when the PSC met. However, I can table a letter of approval by the PSC.

Mr. Nyachae: Mr. Speaker, Sir, the Assistant Minister is misleading the House. First, the law is very clear about the PSC; that if an officer has not reached the age of 55 years which is the retirement age - any other age whether 50 years or 45 years, and he has to be retired - he has to be served with a notice that he is going to be retired in the public interest.

(Applause)

There is no way you can retire an officer under the law, if he has not reached 55 years of age without serving him with a notice that he is required to be retired in the public interest. Therefore, anybody, including even the decision by PSC cannot be taken without giving that officer a notice. The question you raised is so relevant.

Mr. Speaker, Sir, could the Assistant Minister actually show us the minutes of the PSC?

(Applause)

Mr. Tarus: Mr. Speaker, Sir, I perfectly agree with what the hon. Member has raised. However, those are the same issues that I had also requested to be given time to table in the House. I want to, honestly, say that I have not been able to come with those issues.

(Loud consultations)

Mr. Speaker: Could I hear what he has to say?

Mr. Tarus: Mr. Speaker, Sir, the hon. Member has requested that we table the minutes of the PSC. May I request that I table the list of the ages and the---

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

Mr. Speaker: Order, all of you! As you say here, and I join you, the law rules. It rules Parliament as well! When you have the PSC, and the law says, for example, that it is not answerable to any other body, we can only ask the Assistant Minister to prove that they actually met and not the reasons why they made the decision. We must distinguish this because the law operates for everybody including Parliament.

Proceed, Mr. Tarus!

Mr. Tarus: Mr. Speaker, Sir, I have said that there are issues that have come up. One is the issue of the ages and the other one is the issue of the minutes. I said that I am not quite sure whether it would be in order to table them here, but I can---

Mr. Speaker: Order! I think what is bothering the House---

(Mr. Maore consulted loudly)

Order, Mr. Maore! What is bothering the House is that, it wants to ensure - as it is its job - that Kenya is ruled by the law and not by persons.

(Applause)

That, we abide by the rule of law. All the hon. Members want to know is whether the body authorised to make the decision, which is the Public Service Commission, did actually meet and make that decision. That is all the House is interested in. When we have to take five weeks to get over one Question, it is not the right use of the House. It shows lack of seriousness on the part of those responsible for replying to this Question, and they and everybody else must know that Parliament exists for the Executive to account for its actions and failures.

(Applause)

It is not asking too much, Mr. Tarus! The House is just asking you to discharge your obligation. Looking at your face, I sympathise with you! What is the problem?

(Laughter)

Mr. Tarus: Mr. Speaker, Sir, may I table the approval tomorrow?

Mr. Speaker: It should come for the very last time tomorrow. Do you have something to

say, Mr. Leshore?

Mr. Leshore: Mr. Speaker, Sir, I would like the Assistant Minister to confirm to us whether the new Commissioner of Police, who is a Brigadier, used the military law to sack these police officers.

(Laughter)

Mr. Speaker: Well, I think you are now outside the bracket of the Question.

(Mr. Karume stood up in his place)

Mr. Karume, we have finished with this! What is the matter?

Mr. Karume: Mr. Speaker, Sir, if the right procedure was not followed to sack these officers, is the Assistant Minister prepared to reinstate them?

Mr. Speaker: Well, the Assistant Minister will come and tell us about that tomorrow. Could we now make progress?

Mr. Cheboi: Mr. Speaker, Sir, I have a very important point of order!

Mr. Speaker: Order, Mr. Cheboi! Unless I recognise you, you have no mouth to speak! You just stand there and hope that I recognise you. Until I do that, you have no mouth! Do you know that? Anyway, what is your point of order?

Mr. Cheboi: Mr. Speaker, Sir, much as the Question is coming back tomorrow, to me, the way forward is to refer this matter to the Departmental Committee on Administration of Justice and Legal Affairs because the Constitution has been violated. The sections relating to how anybody can be retired in public interest are provided for in the Public Service Act.

Mr. Speaker: Order! Let me help the House out on this Question. I think the message the House is sending is loud and clear: Let us abide by the law. That is all the House is saying. I think the message is getting very clear.

Next Question, by Mr. Moroto!

Mr. Wamwere: On a point of order, Mr. Speaker, Sir. Since the Chair has been so generous on this Question, could it also apply its last ruling on the Question that I had asked?

(Laughter)

Mr. Speaker: Order! You know, Mr. Wamwere, I am already generous by listening to you. So, I have already given you the generosity.

(Question deferred)

Next Question, by Mr. Moroto!

INVASION OF KANYARKWAT SFT
FARM BY APS/POLICE RESERVISTS

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

(a) Is the Minister aware that armed Administration Police and Police Reservists led by the Kwanza District Officer invaded Kanyarkwat SFT farm, burnt 15 houses, injured three people and raped women on 26th April, 2004?

(b) Could the Minister inform the House why the police took this action?

(c) What measures is he taking against the officers involved and to ensure that the residents of Kanyarkwat SFT farm live in peace?

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that, on 26th April, 2004, the District Officer (DO), Kwanza Division, led Administration Police officers to evict some people who had settled on land belonging to 31 people who had fled their farms in Kwanza area during the 1996/97 skirmishes. The eviction was as a result of a directive from the District Security Committee to evict squatters who had refused to move from the farm. During the eviction, only four structures were demolished. No women were raped and no known person was injured.

(b) The invaders had been given enough notice to leave the farm so that the rightful owners could take repossession after security improved in the area.

(c) No action is contemplated against the officers as they acted reasonably within the law. The Government will continue to protect all the legal owners of the Kanyarkwat Settlement Fund Trustee Farm.

Mr. Moroto: Mr. Speaker, Sir, this Question was before the House last week and it was deferred to today. The Assistant Minister promised that he would bring a better answer to this House, but he has given the same answer he gave last week. Could he table the names and numbers of the rightful owners of that land? Could he also table the eviction order from court that enabled the officers to evict these people?

Prof. Kibwana: Mr. Speaker, Sir, I am able to give a list of the plot owners of the relevant land. I hereby table the list.

(Prof. Kibwana laid the document on the Table)

As I indicated, the history is that this land which was a Settlement Fund Trustee land, was allocated to 350 people. When there was insecurity in that area, the people who had been allocated land fled. Subsequently, other people occupied the land. When security was restored, the original owners came back. Therefore, the administration was trying to assist the ones who had been originally allocated this land to settle on it. Hence, the question of the eviction order does not arise.

Dr. Wekesa: Mr. Speaker, Sir, we have had several incidences on the border of Kapenguria and Kwanza constituencies. When will the Minister have a meeting with the local leaders so that we can resolve some of these problems?

Prof. Kibwana: Mr. Speaker, Sir, having talked to Mr. Moroto, he indicated that the Provincial Administration had promised that there should be such a meeting between members of the two constituencies to resolve this matter once and for all. I am in agreement that, that would be a good way forward. My Ministry, as well as the Ministry of Lands and Settlement, the local leaders and the community living in that area should be involved so that this matter could be discussed and finalised conclusively.

Mr. Poghiso: Mr. Speaker, Sir, I am disappointed by the answer given by the Assistant Minister. I happen to be one of the people who farm in that area. When a DO leads the Administration Police officers carrying machetes to burn houses in the name of eviction, they are already breaking the law. He says they used reasonable force when they came with firearms, shot in the air and burnt houses belonging to the people who had actually cultivated that land. Is he justified to say that no action will be taken against those people who burnt houses? Those people committed a crime like this one. What law is he using?

Prof. Kibwana: Mr. Speaker, Sir, I think I have indicated that we have a situation where land was allocated to certain people in terms of a Settlement Fund Trustee scheme. When there was insecurity in that area, the people who had been allocated that land had to flee for their own security. When security was restored, they demanded to come back.

Mr. Speaker, Sir, indeed, on two occasions, in March and April, 2004, the District Commissioner (DC) addressed a *baraza* at Kapkoi and ordered for the original situation to be normalised. Also, there was another meeting on 15th April, 2004.

Mr. Rotino: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to evade the question? The question was very specific. The DO led armed Administration Police officers to burn houses. He is telling us stories about eviction. Is he in order to mislead the House?

(Loud consultations)

Mr. Speaker: Order, hon. Members! That brings us back to obedience of the law. Does a DO or a DC waive the requirement for an eviction order?

Prof. Kibwana: Mr. Speaker, Sir, in my written answer, I stated that only four structures were demolished. I have also indicated that, that land was allocated to certain people who fled the land due to insecurity and returned after peace was restored.

Hon. Members: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! The more we do not respect the law, the more of this comes in.

Mr. Boit: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Mr. Boit, you must relax! I think every hon. Member here, whether in the Front Bench, Back Bench or Middle Bench---

(Loud consultations)

Who are those making all that noise? Where is that noise coming from? I think there are some hon. Members here who are not with us. But I am saying that, whether you are in the Front Bench, Middle or Back Bench, we must all strive to encourage the rule of law.

(Applause)

That is what we should strive for. It will not help to say that the law was not followed before and, therefore, we must remain there. As a society, we must now strive to make the law the protector for everybody.

Mr. Ogur: Mr. Speaker, Sir, it was against the law to burn down the houses. The Assistant Minister has said that only four houses were burnt down. It is as if it is okay to burn less than four houses!

(Laughter)

Is that in order?

Prof. Kibwana: Mr. Speaker, Sir, I am very happy that you have informed this House that we must follow the rule of law. That land had been allocated under the Settlement Fund Trustee (SFT) scheme but the people who were allocated the land fled the area because of insecurity. There were ethnic clashes in that area and the owners of the land want to come and reclaim it.

Mr. Speaker, Sir, in law, unless it is being argued that those who had been allocated that

land under the SFT scheme were not legal owners, it would be wrong as a Ministry to ask our officers to assist "legal owners" to reclaim their land. I would like to say that some of the land was taken possession of by some hon. Members.

Mr. Poghio: On a point of order, Mr. Speaker, Sir. You have heard the Assistant Minister continue breaking the law, including the Standing Orders of this House. He has already claimed that the land was taken possession of by some hon. Members of this House. First of all, could the Assistant Minister name the hon. Members who have taken possession of the land in this House or withdraw the remarks and apologise to the House?

Mr. Speaker: Did the hon. Members take possession of the land legally or illegally? This is because there is nothing wrong with an hon. Member legally taking possession of the land. Mr. Assistant Minister, are you saying that some hon. Members of this House illegally took possession of the land?

Prof. Kibwana: Mr. Speaker, Sir, I do not want to get into our Standing Orders. The truth of the matter is that the people who had originally been allocated that land left the area because of insecurity and some local people took possession of it. Unfortunately, some of those members were even hon. Members of Parliament.

Capt. Nakitare: Mr. Speaker, Sir, I am the most disappointed person to see a matter like this being taken round in circles. We do not want to muzzle the Assistant Minister when he tries to bring the matter into the open. I would like to seek clarification from the Office of the President. What happened in Kanyarkwat is similar to what happened in Saboti Constituency; where some people have come and settled on the land originally occupied by our people.

I would like to get the legality here.

Hon. Members: Name them!

Mr. Speaker: Order, hon. Members! Listening, as I do, to all those concerned and the very passion expressed by both parties to the divide, why do we not take the good counsel given by Dr. Wekesa by asking the Assistant Minister, the hon. Members concerned and all the leaders to go and sort out this matter on the ground? I think that will be in the best interest of all those concerned.

Prof. Kibwana: Mr. Speaker, Sir, as I had indicated earlier on, having spoken to Mr. Moroto and given what Dr. Wekesa has said, I think this matter can be sorted out on the ground and all parties will be happy.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. It is only last month when this Assistant Minister tried to invade private property. The same Assistant Minister has stated here that there are some hon. Members here who have actually invaded private land. Could we be in order if we demand that the Assistant Minister substantiates his remarks so that we know, besides him, the hon. Members of Parliament who invaded private land?

(Applause)

Mr. Speaker: Order! I do not want the debate to take the direction of being too personal. Let us be above petty differences. Let us look for the solution to this matter in the best way possible. Mr. Moroto, are you happy with what Dr. Wekesa has proposed?

Mr. Poghio: He has not stated!

Mr. Speaker: Order, Mr. Poghio! You cannot pick it in the House, can you? Proceed, Mr. Moroto!

Mr. Moroto: Mr. Speaker, Sir, I am not happy with the way---

Mr. Speaker: So, what do you want me to do?

Mr. Moroto: Mr. Speaker, Sir, I am not happy with the way the Assistant Minister is

handling the case. This is a criminal case in which some Government officials burnt down people's houses.

Mr. Speaker, Sir, a rape case is going on in court and the victims have victims have got medical documents. There was a time we had a meeting with Dr. Wekesa and the Assistant Minister in his office. This incident did not only occur at the Kanyarkwat SFT land, but also along the border between Kenya and Uganda. But that was a different case; where Government officials came and burnt down houses, shot at the people and raped women. For your information, Mr. Speaker, even one assistant chief was interdicted by the DO. Could the Assistant Minister tell this House the action he will take against the DO and his security officers who went to Kanyarkwat SFT and burnt down houses? The other case is different. We will hold several meetings to solve it. Dr. Wekesa and I have been telling our people to come together and things are moving on well.

Prof. Kibwana: Mr. Speaker, Sir, we have clearly stated that nobody was raped. If that happened, we would like that matter reported to us, so that we can take the appropriate action against such officers.

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

Mr. Speaker: Order, hon. Members! Now, at some stage, this must have an end! It is now 4.00 p.m. and we still have many other Questions waiting! I think I have given this Question about ten minutes. I think I will give the very last chance now.

Mr. Poghio, please, proceed!

Mr. Poghio: Mr. Speaker, Sir, that is a real case of injustice. The Assistant Minister is, himself, sympathetic to the events where the Government committed crime. The unfortunate thing about this Question is that it will go back to the District Officer (DO) to supply information. When we asked this Question, the Minister wrote to the District Commissioner (DC), who is party to this Question. Therefore, we cannot get justice. The other thing about this Question is that it is pitting two communities against each other. The people who were evicted were all from the Pokot community. All the houses that were burnt belonged to the Pokot people, and it was instigated by another community.

The Assistant Minister is supposed to be solving those kind of things. My fear is that we cannot meet unless the Assistant Minister understands that he has broken the law, and that the Government is wrong. My last question to the Assistant Minister is: Could he direct another team to go and investigate matters on the ground, so that we could get a better report on the actual situation on the ground, instead of relying on him and his officers?

Prof. Kibwana: Mr. Speaker, Sir, I have stated that, in my view, it would help if all the leaders and communities who own that land are involved. The Office of the President, together with the Ministry of Lands and Settlement, will go to the ground, talk to those people and settle the matter. I think the idea is to solve that issue, and not to escalate it politically.

Mr. Speaker: Very well! Hon. Members, it is now 4.00 p.m. and I still have many Questions. Mr. Waithaka Mwangi, can I put your Question for tomorrow afternoon? Is that okay with you?

Mr. Waithaka: Yes, Mr. Speaker, Sir.

BENEFICIARIES OF OPEC FUND FOR INTERNATIONAL DEVELOPMENT

(Mr. Waithaka) to ask the Minister for Finance:-

- (a) Under what terms and conditions was OPEC Fund for International Development given and released to the Kenya Government?
- (b) How was the money received under the Fund to reach the intended beneficiaries?

- (c) Is the Minister aware that most farmers who received that loan through the Kenya Commercial Finance Corporation were unable to repay the loan due to high interest rates, and their pieces of land are being auctioned by the bank?
- (d) What remedial steps is the Ministry taking to assist the farmers out of that mess?

(Question deferred)

Mr. Speaker: Mr. Mwanzia, can I put your Question for tomorrow afternoon?

Mr. Mwanzia: Yes, Mr. Speaker, Sir.

ISSUANCE OF MOTOR VEHICLE LICENCES

(Mr. Mwanzia) to ask the Minister for Finance:-

- (a) Is the Minister aware that the centralization of issuing of motor vehicle, drivers and conductors licenses and Personal Identification Numbers (PIN) at Times Towers, Nairobi, has caused untold suffering?
- (b) What urgent measures is he taking to arrest that unnecessary suffering?

(Question deferred)

Mr. Speaker: Last Question by Mr. Sambu!

Mr. Sambu: I would have preferred it today, Mr. Speaker, Sir. That is because the Turkanas--- It is not only the Turkanas---

Mr. Speaker: It is time! Time must also be looked at. So, shall I put it tomorrow? I do not know whether I can have it tomorrow morning. We can have it tomorrow afternoon. I understand it was transferred to the Office of the President.

So, I will have it tomorrow afternoon and, hopefully, you will get the answer.

Mr. Sambu: Fine. Thank you.

STARVATION IN TURKANA DISTRICT

(Mr. Sambu) to ask the Minister for Agriculture:-

- (a) Is the Minister aware that in Turkana District, many people have died and many more are severely malnourished and weakened due to lack of food, mainly maize?
- (b) Could he state what steps the Government is taking to save those people from being wiped out by starvation?
- (c) Could the Minister table the amount of maize available in each of the National Cereal and Produce Board (NCPB) depots throughout the country?
- (d) Could he instruct the NCPB management to urgently allow Kenyans living in areas around depots to buy maize from those depots for their food?

(Question deferred)

Mr. Speaker: Very well! That ends Question Time!

Mr. M. Kariuki: On a point of order, Mr. Speaker, Sir. When you were going through ordinary Questions, you did not give direction on Question No.151 and Question No.236. There was no Minister to answer and there was no mention of the fate of the two Questions.

Mr. Speaker: I did, in fact, say that they will be answered tomorrow afternoon.

Mr. M. Kariuki: Thank you, Mr. Speaker, Sir.

*(The Vice-President and Minister for
Home Affairs (Mr. Awori) was applauded
as he entered the Chamber)*

Mr. Speaker: There are some Ministers who had Ministerial Statements. If they could stand, so that I can call them one by one. So, I have four Ministers. All right!

Mr. Balala, please, proceed!

MINISTERIAL STATEMENTS

SUSPENSION OF KENYA BY FIFA

The Minister for Gender, Sports, Culture and Social Services (Mr. Balala): Mr. Speaker, Sir, I would like to respond to the crisis affecting the Kenya Football Federation (KFF). The Ministerial Statement was requested by Mr. Poghio, an hon. Member of this House.

Mr. Speaker, Sir, for the past four years, football in Kenya has been plagued by numerous problems, ranging from gross mismanagement, corruption and endless leadership wrangling in the Kenya Football Federation (KFF). Indeed, past Ministers in charge of sports have found themselves sucked into those football wrangles, as they attempted to restore order. But they were restrained by court rulings which the past and the immediate former officials of KFF have made their shield and defender. Amidst all that, the standards of football went down and the Kenyan people have been in constant uproar, pleading with the Government to sort out the mess in the KFF and salvage that most important popular sport.

Mr. Speaker, Sir, as a Government that came to power with the promise to streamline all that had gone bad in all sectors including sports, it was critical that my immediate task would be to implement the Government's commitment. The first decisive action that I took last year was to disband the under-17 National Soccer Team after it was discovered that KFF officials had cheated on age and involved themselves in acts that amounted to fraud. It is worth noting that even though the under-17 team was suspended by the Confederation of African Football (CAF), which is the continental arm of Federation of International Football Associations (FIFA), the ban on the KFF officials involved was lifted shortly before the elections in Tunisia, while the team itself remained suspended.

Despite that, I resisted the public outcry to ban the KFF office, as it could have interfered with Harambee Stars' participation in the Africa Cup of Nations, which it had qualified for. I also considered that, in any case, the term of office of KFF officials was nearing its end and hoped that elections would usher in new leaders that had the drive to administer football professionally. That notwithstanding, the current crisis was precipitated by the KFF officials when they refused to leave office, after the expiry of their four-year term of office on 24th March, 2004, as stipulated in their own constitution.

Subsequently, the KFF Coast Branch filed an injunction barring the office from continued running of football in the country. It is against that background that, I appointed the Stakeholders Transitional Committee (STC). The appointment of the committee did not go down well with FIFA, which seems to have an unexplainable intimacy with the former KFF officials. FIFA refused to recognise the committee and cited Government interference in KFF affairs, whereas the Government was intervening to save the situation. Thereafter, FIFA demanded the reinstatement of

the same officials or risk the suspension of the KFF. What FIFA failed to understand, or did not want to understand was that, it was the High Court in Mombasa that prohibited the old officials from conducting soccer affairs in the country. As a Minister, I have no powers over court rulings.

It is notable that FIFA gave no hearing to the Government, despite our spirited efforts to have dialogue. It relied solely on information obtained from the former KFF officials. So, when its deadline for the reinstatement of the KFF officials expired, FIFA suspended Kenya indefinitely.

It is a pity that the Joseph Misfud team that came to Kenya went ahead and wrote a malicious report with gross mis-representation of facts, accusing the Government of interfering with KFF, even though I had raised various issues with them concerning KFF and football in general. I did my best to arrest the situation but in vain, as FIFA had already sealed our fate. I would have expected FIFA to get information from both parties, to get a true picture of what is on the ground and pursue dialogue, but it was not to be so.

Mr. Speaker, Sir, with the suspension, the fate of Kenyan football lies with the destiny of only a few individuals whose conduct is now under the spotlight. The Kenya Anti-Corruption Authority (KACA) responded and moved swiftly, together with the CID officers, and arrested the KFF officials who will soon appear in court to answer charges of mismanagement and corruption. The suspension means the Kenyan national team and clubs will not participate in any international soccer tournament until the suspension is lifted. However, the Ministry is not taking the development lightly and is working hard to find a solution to the impasse. I have since communicated to FIFA seeking a tripartite meeting and, besides, I am ready to go to Zurich and meet the officials and table all the issues that we are aware of; from mainly the football clubs of this country. In order to restore and promote good governance in soccer, I have instructed the Stakeholders Transitional Committee (STC) to first start drafting a new constitution to facilitate the holding of fresh elections, as soon as possible, as we await the response from FIFA.

Mr. Speaker, Sir, I am optimistic that the strategies we have put in place under the STC will be fruitful and rekindle Kenya's lost glory in soccer. It is also my desire that these strategies, such as the anticipated elections, will rid soccer of the problems that have bedeviled it for over a decade. I urge all Kenyans to support the Government towards achieving this noble goal.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Mr. Poghisio, I understand you raised the issue?

Mr. Poghisio: Yes, Mr. Speaker, Sir. I raised the issue. As a matter of interest, I am a footballer. I am a member of the Bunge Football Club. My interest in seeking this Ministerial Statement is that the soccer fraternity in this country is at a loss as to the direction we are taking. There is already bad blood between this Minister and FIFA. If you log on to the fifa.com website, you will find that everything is laid out very clearly. This is a case of having our cake and eating it at the same time. FIFA will only work with federations. There must be a federation in this country for FIFA to work with. There is no way FIFA will work---

Mr. Speaker: Mr. Poghisio, are you debating?

Mr. Poghisio: No, Mr. Speaker, Sir. I am trying to inform the Minister because he does not seem to know these things.

(Laughter)

Nothing will go on until the Minister reinstates the officials and then a tripartite meeting is held. It can never be a tripartite meeting when KFF officials are not there. What is the Minister doing about the KFF perspective of the tripartite meeting?

Mr. Speaker: Just a moment, Mr. Minister! I will take one more question and then you can

answer them. Mr. Sungu!

Mr. Sungu: Thank you, Mr. Speaker, Sir. As you are aware, I am the Chairman of Bunge Football Club in this Parliament. I have got a lot of interest in this matter and perhaps I would want to advise the Minister that this actually could be a blessing in disguise because football in Kenya has been bedeviled by corruption and mismanagement. Could the Minister agree with me that it is possible to use this opportunity to develop football further by putting in a new constitution and new crop of leaders who can develop this game further because football is stagnant in Kenya at the moment?

Mr. Speaker: Hon, Members, let us end with that question.

The Minister for Gender, Sports, Culture and Social Services (Mr. Balala): Mr. Speaker, Sir, I will not reinstate corrupt officials. I will stick to my earlier action to sack them. There are cases which are going to be taken to court. If FIFA wants to condone corruption, then they will insist on the reinstatement of these officials. I totally agree with the situation that Government interference is not required. I only intervened because there was a vacuum in the office and at the same time I was correcting the situation. I want to agree with the hon. Member who is the Chairman of Bunge Football Club that this ban has not only come at the right time in order to streamline soccer in this country but to also take this opportunity to rectify the situation. We have been given sub-standard soccer in this country which has denied the youth of this country the opportunity to earn livelihoods. I believe that I will make all efforts to dialogue with FIFA so that the suspension can be lifted. However, we are not going to reinstate corrupt officials.

Mr. Speaker: Mrs. Ngilu!

CONSUMPTION OF AFLATOXIN- CONTAMINATED MAIZE

The Minister for Health (Mrs. Ngilu): Thank you, Mr. Speaker, Sir. I wish to issue a Ministerial Statement on aflatoxin food poisoning following the complaints that were made by the hon. Member for Mutomo. We have a health crisis in the country and I thought it would be right for me to report it to the House. Aflatoxin food poisoning is caused by consumption---

(Loud consultations)

Mr. Speaker: Order, hon. Members! Just as a random sample, Dr. Wekesa, do you really know what you are doing? The other hon. Member cannot let you know because you are talking to her! So, could we please give audience to the hon. Member on the Floor! Proceed!

The Minister for Health (Mrs. Ngilu): Mr. Speaker, Sir, aflatoxin food poisoning is caused by consumption of contaminated cereals and cereal products by fungi. This case was reported to the Ministry of Health on 10th May, 2004 in Makueni District. Since then the problem has spread widely involving Kitui, Thika, Makueni, Machakos and Mbeere districts. Food samples collected from the affected areas indicate high levels of aflatoxin B1 poisoning. Some of the worst hit districts however are Makueni and Kitui.

Mr. Speaker, Sir, upon receipt of this report, the Ministry of Health immediately commenced surveillance activities in the affected areas and I personally visited Kitui District, Mutomo Division in particular, and Makueni District, Kibwezi Division. I visited patients both in Mutomo Mission Hospital and Makindu Sub-district Hospital on the 15th May. The most affected areas are Makindu, Mtito-Andei, Kibwezi, Matiliku, Nguu, Kathonzweni and Mbitini. The other most affected place is Mutomo, Athi Location. The current situation shows that in Makueni there have been 93 cases and 42 people have died. Many more have been admitted. In Mutomo so far, ten

people have died within the 58 cases that were reported. The number of patients in Makindu were reported as 50 while 25 of the 50 died and 25 left the hospital in fear. We have reasons to believe that those 25 who left may also have died.

Mr. Speaker, Sir, following these reports, it has become obvious to the Ministry that we have a health crisis in our hands and that we have got to deal with it as an emergency. We immediately sent out disease outbreak management staff to the ground to establish and analyse the extent of the problem. Food and blood samples were collected for analysis at the National Public Health Laboratories. The results indicate that 80 per cent of the maize samples collected from the affected areas indicate high levels of aflatoxin B1 poisoning.

Mr. Speaker, Sir, to contain the situation, the following measures were immediately put in place at that time: First, a Ministerial visit to the affected districts; a national committee on aflatoxin has been formed with the inclusion of other stakeholders like the World Health Organisation (WHO), Centre for Disease Control and Prevention in order to strengthen the response. We are carrying out continuous food sampling in the affected districts. Also, we have put in place active surveillance in the community to search for any suspected cases; public health education through *barazas* has been intensified; diagnosis and treatment of all suspected cases; replacement of the contaminated food through the Ministry of Health and the Office of the President is still going on; and, Kenya Medical Supplies Agency (KEMSA) has delivered adequate drugs to Mutomo Mission Hospital and to Makueni District Hospital.

This Sunday, the Minister for Health convened a National Disaster Committee meeting which was attended by, among others, the Head of Public Service and Secretary to the Cabinet, Mr. Muthaura, Permanent Secretary, Ministry of Health, Permanent Secretary, Office of the President, all District Commissioners of the affected areas, World Health Organisation (WHO) Country Representative, and Director of Medical Services. The meeting resolved that we should withdraw and replace all the contaminated grain of maize in the affected areas; to immediately release 10, 000 bags of maize to the most affected districts in addition to the earlier supply of 3,000 bags; and, mobilize additional vehicles for food distribution and surveillance activities - six lorries in each district and ten motorbikes. The district commissioners have also been instructed to mobilize additional vehicles from Government departments in the districts where necessary. The Ministry of Health will waive all fees in public and mission hospitals in the affected areas for the food poisoned patients. We are intensifying public health education and sensitisation on safe food consumption and maize storage through the Provincial Administration, the Ministry of Health, Ministry of Agriculture, Ministry of Education, Science and Technology as well as political and religious leaders.

We are providing additional resources to hospitals for the improvement of care for the affected people. We will also provide clean water in those areas. So, far we have released water tanks to go to those areas. We have already mobilised the Kenya Army and the National Youth Service personnel to provide logistical support for the food and water distribution in the affected areas. The Provincial Medical Officer in Eastern Province has already sent five vehicles; three for Kitui and two for Makueni to strengthen response activities. So far 60 *barazas* have been held and over 100,000 people have been reached. The exercise is still continues.

Mr. Speaker, Sir, I believe that by doing this, the Member for Mutomo Constituency was prompted to ask why we were going to his constituency. That is exactly the reason for us visiting his constituency.

Mr. J.K. Kilonzo: On a point of order, Mr. Speaker, Sir. I have got a right to ask why Mrs. Ngilu is constantly touring my constituency to destabilise me. At the same time, she dismissed three chiefs. Does she really have the power to do so? Where did she get the powers to dismiss the chiefs?

(Applause)

Mr. Speaker: Order, Mr. Kilonzo! Sometimes we get our priorities wrong. You know, this disease that poisons the livers of Kenyans, obviously, is higher in rank than our political health being. So, can we deal with this first before talking about the chiefs?

Mr. Musila: Mr. Speaker, Sir, I would like to commend the Minister for Health for the efforts she and other bodies have taken to fight this problem. However, the fact that people started dying in Makueni, Mutomo and now they are dying in Thika and Mbeere, there is a feeling that the source of the maize is the problem. Has the Minister, and perhaps, by using the assistance of her colleagues, tried to find the source of this maize which apparently, is said to be originating from the depots of the National Cereals and Produce Board (NCPB)? The maize is being distributed all over and sooner or later it will be distributed countrywide. Could the Minister confirm that they are attacking the source, rather than treating the patients?

Mr. Speaker: Would you like to respond immediately or would you rather a few more clarifications are sought?

The Minister for Health (Mrs. Ngilu): Mr. Speaker, Sir, I will respond to that particular question and then I will take a few more and then respond.

Mr. Speaker, Sir, during our meeting on Sunday, we resolved that we would look at the source of the maize. We have been taking samples of the maize which is already in the market. We have also checked the maize in the depots belonging to the NCPB and found that it is properly stored. We believe that the maize is coming from elsewhere. Some of it is from Narok in Rift Valley. Also, in Ukambani, there is some maize that has been stored for three years consecutively because we have not been getting rains during that period. We are looking at the source and we have put surveillance teams in various places to help us determine where the food is coming from.

Prof. Oniang'o: Mr. Speaker, Sir, actually, we have a crisis in our hands. By the time the aflatoxin is killing people, it has already damaged the livers of many people who will not die. I want the Minister to clarify to us whether she can put a policy in place so that maize can be well dried and kept properly in the NCPB's stores which, most of the times, lie empty across the country. When families store the maize, it becomes wet and then accumulates moisture to levels beyond a certain safe amount and aflatoxins come in. By the time people are dying, most Kambas and other Kenyans will actually be getting liver cancer and other forms of liver destruction. In the long-term, what plans does the Minister have to properly utilise the NCPB's stores which are better managed?

Dr. Wekesa: Mr. Speaker, Sir, this is a national crisis and, on behalf of the people of Kwanza, I would like to pass my condolences to the affected families. The Minister has done very well to tell the House what is going on. However, what she has not told us in detail is about the source of this killer- infection. I have an idea that the source is through the maize that we are importing from other countries and also due to lack of a policy on the ground by the Minister for Agriculture concerning purchase of maize from farmers. In Trans Nzoia, the Government has never come up with guidelines on buying maize from farmers. So, what we have are traders who go round in September and October buying waste maize for Kshs400 or Kshs500 a bag. The maize is never properly stored and some of it may find its way to Makueni and Kitui districts. What I would want to suggest to the Minister is that she should liaise with the Minister for Agriculture so that the Government comes up with a proper policy on purchasing maize from farmers. We must also discourage importation of maize from other countries.

Eng. Okundi: Mr. Speaker, Sir, I want to thank the Minister for her Ministerial Statement. She has outlined to the House how she is dealing with this crisis. Aflatoxin is a poison caused by

excessive humidity and it grows on cereals. It grows on cereals. The Government has adequate and very expensive scientific resources to deal with this disease. The Kenya Bureau of Standards (KEBS) has set the standard humidity level which all the things, either imported or produced in this country must adhere to in order to hinder the growth of aflatoxins, and in the case of maize, this is 13 per cent humidity which is allowed. How is the Government dealing with a crisis realising that a lot of our people are dying? I understand that now, up to 102 people have already died. We should be able to force these Government departments to actually deal with this matter, so that they can also direct the National Cereal and Produce Board (NCPB) and anybody else who stores maize wherever it is to take appropriate action. This is an issue of bad storage and a complete lack of attention to the level of the humidity when we actually allowed that maize and maize flour to be cooked.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Very well, Minister!

Mr. Poghisio: On a point of order, Mr. Speaker, Sir. I know that the Minister is going to sort out all those things. In the process of the Minister doing such a fine job in her capacity as the Minister or the hon. Member of Parliament, she has offended or irritated another hon. Member of Parliament as indicated by--- Would I be in order to ask the hon. Minister that when she is doing such a good job not to irritate the fine gentleman from Mutomo Constituency by doing that without his consent?

Mr. Speaker: You know sometimes, Mr. Poghisio, I have a feeling that you want to put more oil into that fire.

(Laughter)

I hope not.

The Minister for Health (Mrs. Ngilu): Mr. Speaker, Sir, I would like to answer the last question by Mr. Poghisio first. When I first got this report on 15th May, 2004, the first thing that I did was to call the hon. Member for Mutomo from where he was in Malindi and the hon. Member for Kibwezi. I informed them that I have been able to be given helicopters to visit those two places and requested them to join me. But only one hon. Member, Mr. Ndile, came up. But the hon. Member for Mutomo said that he could not come up. Otherwise, I did mention to him that I was going there; and I was going to represent him. I honestly did just that. It was not politics; it was to see how the people were fairing on. I want to assure him that if I have to go there again, I will let him know. I even told him that I was going with him recently---

Mr. Ivuti: On a point of order, Mr. Speaker, Sir. What has that got to do with the question of summarily dismissing three innocent, young chiefs? Where do you get the powers from?

Mr. Speaker: Order, Mr. Ivuti! Order! Order! I think sometimes you lack a sense of proportion. Put this case this way: This is a case where 102 Kenyans have died because of eating bad maize, and more are likely to die; and another case where three chiefs have been sacked. Which is more weighty?

Now, will you, please, direct your question to the relevant Ministry; the Office of the President? For now, let us deal with the question of saving lives!

The Minister for Health (Mrs. Ngilu): Thank you, Mr. Speaker, Sir.

I want to tell Prof. Oniang'o that it is true that we have a crisis on our hands, and that maize needs to be kept at the stores of the NCPB. But may I say that those people who harvest their own food in those areas, they usually harvest only one, two or three bags and they do not take this to the NCPB. They usually store it in their own stores at home. These stores are not properly kept. So, this

has led to what has happened. Especially if they put the maize on the ground it even becomes worse. I would like the hon. Member to direct the same question to the Ministry of Agriculture. We are only treating those who are sick, and we will continue to do so.

Hon. Dr. Wekesa talked about the source of the maize or whether it was imported or purchased locally. Yes, it is the Ministry of Agriculture which should ensure that whatever food is brought into this country meets the required standards. We need to have a policy on how maize is stored or purchased. We should know the quality of the maize that we bring into this country. It is true that this is a short-term measure, because we must put in place a long-term measure. I also want to agree that we are talking about 102 people who, as we know, have died. However, there could be more deaths because there are people who are dying in their homes. That is why we have released very many surveillance vehicles, motor bikes and people on foot to get into people's homes. This is why the provincial administration and especially chiefs and assistant chiefs come in. If they cannot do this, I do not think they have any business working for the NARC Government.

Mr. Speaker: Very well, that is the end of Question Time! *Nilibakisha nani?* Sorry, Mr. Katuku! Yes, I had promised you a chance to issue a Ministerial Statement.

Please, proceed!

FUNDING OF ROADS SECTOR

The Assistant Minister for Finance (Mr. Katuku): Thank you, Mr. Speaker, Sir. I wish to issue the following Ministerial Statement in response to a request made by Mr. Maore in the House on Wednesday, 2nd June, 2004, regarding the issue of funding of the Roads Sector.

First and foremost, I wish to remind the House that the Governments' Economic Recovery Policy which is spelt out in the Economic Recovery Strategy for Wealth Creation and Employment, recognizes the development and rehabilitation of infrastructure as the Governments top priority. This position is also reflected in the National Investment Programme, where priority infrastructural sub-sectors include roads, power, railway and water in that order. In this connection, while drawing the national Budget of the 2003/2004 Financial Year, the Ministry of Finance, guided by the prioritisation of the Economic Recovery Strategy awarded the highest share of the Development Budget to the Ministry of Roads, Public Works and Housing at Kshs8.7 billion which translates to 14.5 per cent of the total Government Development Budget of Kshs59.9 billion for this Financial Year.

Mr. Speaker, Sir, I will table the statement regarding the ten top Ministry's in terms of the Development Budget later because of time. But I would like to mention that the Ministry of Roads, Public Works and Housing was awarded 14.5 per cent and the Ministry of Education, Science and Technology, 14.1 per cent--- I will table that statement and others later on. Out of Kshs8.7 billion allocated to the Ministry of Roads, Public Works and Housing, Kshs6.8 billion, which translates to 78 per cent is fully committed to the roads. In addition, the road sub-sector has attracted further funding of Kshs8.8 billion from the Roads Maintenance Levy Fund budgeted under the Recurrent vote. Therefore, the overall funding available this year for roads construction, maintenance and rehabilitation is Kshs16.654 billion.

Regarding the status of disbursement, Mr. Speaker, Sir, during the current fiscal year, 2003/2004, 38 road projects have been earmarked for funding. These projects are either Government-funded, donor-funded or jointly funded by both the Government and the donors. Donor funds available for the roads projects this year amount to Kshs4.53 billion, out of which Kshs2.86 billion had been disbursed as at 30th April, 2004.

Mr. Speaker, Sir, this reflects a donor disbursement level of 63 per cent. The balance of the donor funds is Kshs1.67 billion, which is still available. As you all know, disbursement can only be made in accordance with project implementation status and upon certification of work done by the Ministry of Roads, Public Works and Housing. Regarding the released and utilised funds by the

Ministry of Roads, Public Works and Housing, I wish to confirm to this House that out of the Kshs15.654 billion available for the roads this year, funds already released to the Ministry amount to Kshs12.28 billion broken down as follows:-

The Government released Kshs570 million, the donors released Kshs2.86 billion and the Fuel Levy Fund released Kshs8.85 billion. This totalled to Kshs12.28 billion. The utilisation and available balance amount to Kshs3.374 billion, broken down as follows:- Kshs1.6 billion still undrawn from the donors and an Exchequer balance of Kshs1.704 billion. The Ministry of Roads, Public Works and Housing receives funding for all projects through the Exchequer and through direct donor release to the projects. The Ministry is responsible for the requisition of these funds and to date, the Treasury has honoured all requisitions for funds submitted by the Ministry of Roads, Public Works and Housing.

Mr. Speaker, Sir, regarding the issue of counter-signing, which was also raised by the hon. Member, under the Government Contract Act, Cap.25 of the Laws of Kenya, the Treasury is required to counter-sign all Government contracts above Kshs500,000. To facilitate faster implementation of projects by the Government, the Treasury has delegated to the Accounting Officers and District Commissioners powers to counter-sign contracts that do not exceed Kshs10 million. As a procedure, a contract document submitted to the Treasury will not take more than 10 working days for verification and counter-signature. It is then returned to various procuring entities. I will be tabling a list to show all the requisites which came to us and when they were released.

Mr. Speaker, Sir, between December, 2003, and May, 2004, the Ministry of Roads, Public Works and Housing submitted 20 contract documents to the Treasury for counter-signature. Seventeen out of the 20 were found to be in order and were accordingly signed and returned for implementation. However, three contracts were rejected and were returned unsigned. The three are listed here, but I will not go through them.

Mr. Speaker: How long is it?

The Assistant Minister for Finance (Mr. Katuku): Mr. Speaker, Sir, I am summarising now. I want to go to the last part of it.

The last part of my statement---

Mr. Speaker: Mr. Katuku, look at the clock!

The Assistant Minister for Finance (Mr. Katuku): Mr. Speaker, Sir, this is a very a weighty matter. It has been in the public domain that we are frustrating a Ministry. We want to put the record clear for posterity.

Mr. Speaker: That is right. I hope in future, Ministers will sort out their problems internally.

The Assistant Minister for Finance (Mr. Katuku): Mr. Speaker, Sir, the issue was raised by an hon. Member and not a Minister. I want to respond to the hon. Member.

The Government recognises the need of a proper public procurement system to enhance transparency, accountability and efficiency. My Ministry has drafted a Public Procurement and Disposal Bill, 2004, which will be submitted to this House for enactment into law. I wish to take this opportunity to appeal to hon. Members to support this Bill when it is brought to the House for debate.

Permit me to reiterate that counter-signing of contracts by the Treasury is important for two reasons: First, to ensure compliance with the laid down regulations. Secondly, to confirm that public entities award procurement contracts only when they have adequate budgetary provision for the purpose.

Mr. Speaker, Sir, finally, I have given facts which will prove that some allegations made earlier by several hon. Members to the effect that the Minister for Finance has been frustrating the work of his colleague, Mr. Raila, have no basis. I want to table the statement and an annex showing the status of the disbursement of money to the Ministry of Roads, Public Works and Housing. I also want to table before this House a list showing when contract documents were brought to the

Treasury and when they were released. None of them took more than a month. This applies to all the contracts which came to us and which were counter-signed.

(Mr. Katuku laid the documents on the Table)

Mr. Speaker: Very well. In all fairness, I will only give Mr. Maore a chance, because we have run out of time.

Mr. Maore: Mr. Speaker, Sir, when I raised this issue, as the Assistant Minister has said, it was in the public domain. We were getting information that the Treasury is deliberately frustrating the Ministry of Roads, Public Works and Housing. A Member of the Departmental Committee on Energy, Communications and Public Works had raised the same issue and asked us to call the Minister for Roads, Public Works and Housing. Taking into account the explanation given by the Assistant Minister, why has the Treasury been keeping quiet in the midst of all these issues being raised only to come now and say that there was no problem?

The Assistant Minister for Finance (Mr. Katuku): Mr. Speaker, Sir, I do not want to quote the media, but when the Minister was questioned on the same issue, he said he was going to issue a statement. During that time, Mr. Maore requested for a Ministerial Statement and we thought that it was wise to issue the statement on the Floor of the House.

Mr. Speaker, Sir, the fact remains that we are not frustrating anybody. We have done what we are supposed to do as the Treasury. So, we are clean.

The Minister for Roads and Public Works (Mr. Raila): Mr. Speaker, Sir, you were not here when this issue was raised. I raised the issue of the separation of powers and said that this can best be discussed by the Cabinet. If we have one Minister coming to make a report, another Minister will be constrained to respond. This will then mean that we are discussing issues that should be discussed at the Cabinet level. I will not make any remarks on what has been said, because there are other avenues where we can discuss them.

Mr. Speaker: I thought so all along. In fact, that is why I wondered loudly. Anyhow, that is the end of the matter now.

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

Mr. Speaker: You will do that tomorrow morning. It is 5.00 o'clock now. So, we must now make progress. That is the end of Ministerial Statements.

Next Order!

MOTIONS

Mr. Speaker: Order, hon. Members! May I guide the House. Sometimes, you know, this explains even my generosity. We are running out of business. I understand that the hon. Members who are supposed to move Orders nos. 7 and 8 are not ready. They are, therefore deferred.

ADOPTION OF REPORT ON SEVENTH SESSION OF ACP-EU JOINT PARLIAMENTARY ASSEMBLY

(Mr. Kamotho) to move:-

THAT, this House adopts the Report on the 7th Session of the African, Caribbean, Pacific and European Union (ACP-EU) Joint Assembly held from 16th to 19th February, 2004 in Addis Ababa, Ethiopia.

(Motion deferred)

ADOPTION OF 1998/99 PAC REPORT

(Mr. Omingo) to move:-

THAT, this House adopts the Report of the Public Accounts Committee for the year 1997/98 laid on the Table of the House on Thursday, 3rd June, 2004.

(Motion deferred)

Next Order!

BILL*Second Reading*

THE INVESTMENT PROMOTION BILL

(The Assistant Minister for Trade and Industry (Mr. Miriti) on 2.6.2004)

(Resumption of Debate interrupted on 3.6.2004)

Mr. Speaker: Was there anybody on the Floor? Mr. Bahari was on the Floor and he had 23 minutes.

Mr. Bahari: Mr. Speaker, Sir, before I was interrupted, I was saying that a Bill is not enough to attract investors to this country. We need to do more than have a Bill. We need to improve the infrastructure of this country. An investor is a capitalist who goes where there are best returns. It is good infrastructure that will determine how much we will attract investors. However, part of the issues that need to be harmonised include enacting this Bill. This will help investors to know that there are laws that govern investments as they make their applications. It will also make the application procedures very clear.

[Mr. Speaker left the Chair]

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

We know that roads in this country are in a very bad state. This brings about a cost to an investor. Unless roads are improved, we will not attract proper investment. We need to invest in this area. A reliable source of water is very important to industries. Industries should not close down due to lack of water and thereby interrupt their operations. Electricity supply must be reliable. The cost must be right and it must be supplied in the right units. The cost of communications and security is also very high. Unless we improve our infrastructure, we can more or less be sure that we will not attract more investors even if we pass this Bill.

It is important that we remember our existing investors. Some of them are leaving this

country to go to invest in neighbouring countries. For instance, Johnson and Johnson Company moved its operations to another country because we were not able to offer it good services. It is one thing to attract investors and another to retain them. We must be focused and put the right facilities in place so as to retain investors in this country.

I know of a company in Thika, a competitor of East African Breweries, that divested from this country. This was because we were unable to provide the security for it. No investor will stay in this country if our infrastructure is not right. All our systems must be operational. There are opportunities for new investors. These opportunities are not known to the investors. We must put in place a centre where data on opportunities for investment is available. This includes the internet. We must have information available in the internet, so that prospective investors can access it and direct their energies to areas of interest to them. I have in mind areas like the arid and semi-arid lands, where there are very good opportunities for investment. We are talking about provision of solar energy in the arid and semi-arid areas. We have continued to rely on hydro-electric energy in this country. We know that if solar energy is properly developed in this country, a good part of it will not rely on hydro-electric energy as a source of power.

The livestock industry is a key area in this country. We lack adequate data which is necessary to attract investors. I do not remember anything to do with the livestock industry being mentioned in investment conferences. If we are to improve the GDP of this country, the livestock industry should be considered. We are told that livestock personnel for Botswana are trained in this country. They are doing very well. Their performance is contributing a lot to the GDP of that country. It is high time we started looking at ways of improving the arid and semi-arid areas so as to attract investors to invest in the livestock industry.

Under Clause 15, the Bill establishes an investment authority to replace the Export Promotion Centre. I hope that the replacement will be practical, so that we will have a more active authority than the centre we have. I believe that it will make a difference. I hope that it will become a reality. Under Clause 23, the managing director (MD) of the proposed authority will also be the company secretary. The role of a company secretary is very clear. It carries a lot of responsibilities. The MD is a substantive position. I wonder why the positions are being combined in this particular case. This is unique. I have never come across it before. Under Clause 17(2)(g) of the Bill, there are some six members who will be appointed from persons who are distinguished in certain professions. I hope that we will go by that and appoint people who are qualified. I hope that we will not be appointing people because of their political parties.

Mr. Temporary Deputy Speaker, Sir, I am happy with the fact that the President will be the one chairing the National Investment Council (NIC). It is important that he chairs it because decisions need to be made without going through a lot of bureaucracy that has been taking up a lot of our time, and thus delaying our decision-making. I am happy that this Bill proposes that the President will chair the (NIC).

This Bill is vital, and it is only after we address a number of issues that I have raised that we will attract investors into this country. I know that there are many investors who are interested in co-operating with local firms to transfer technology, and other skills required to uplift our standards. That is how we will become part of the global village. Technology can be easily transferred from the First to the Third World. Many investors will want to come to this country. Kenya will be in a good position because of the high level of human resource development.

Since Independence, we have always invested in human resource development, and this has born fruit for us. Most investors will be happy to find a ready human resource that they will combine with capital and other resources in order to get desired results.

I beg to support.

The Minister for Roads, Public Works and Housing (Mr. Raila): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. This is a very important Bill because it talks of attracting investors into our country. We have said in the past that Kenya does not need aid. What it needs is investment. If we can attract not only foreign investors but more importantly local investors, this country will develop. That is the reason why it is important that we come up with a Bill that is aimed at creating an enabling environment that will in turn attract investors.

This is the purpose of this particular Bill.

Mr. Temporary Deputy Speaker, Sir, in the past very many investors have complained that there is too much bureaucracy in trying to set up enterprises in our country. This has scared away investors from our country, and people who would otherwise have invested here have run away to other countries like Uganda, Tanzania and down south because those countries started improving the investment climate much earlier than us.

Mr. Temporary Deputy Speaker, Sir, you will find that each time a person goes looking for a licence he has to part with something. In Uganda there is a stop point, where an investor puts in his application and it is processed. That is the point from where he gets all the other licences that he requires. At first there was the issue of *Toa kitu kidogo*. Then it graduated to *toa kitu kikubwa*. Those who ask for it went further and said *toa kila kitu*. Somebody asks: "If I have to pay all this, what will I be left with to invest?" I would urge for some improvement of this Bill because, much as it aims at creating an enabling environment, it has certain weaknesses, which, if improved, will make it very effective.

In my view, this Bill lays much more emphasis on trying to attract foreign investment to the detriment of local investment. Secondly, it appears as if an assumption is being made that somebody must have investment resources at a certain level in terms of volume to be able to qualify. I am saying this because Clause 4 headed "Entitlement of Certificate" says:-

"(a) An applicant shall be entitled to an investment certificate if the application is complete and satisfies the applicable requirement under this Act.

(b) The amount to be invested is at least Kshs10 million, or the equivalent in another currency."

So, if you are not investing Kshs10 million upwards, you are excluded here. It is that small investor who will provide a lot of investment that we want. Today it is the *Jua Kali* sector, which is providing employment. The public sector is saturated. We are retrenching. We need to encourage those people down there who may be so unfortunate as not to have sufficient capital, but are interested in investing whatever little they have. Therefore, they deserve to be encouraged. By putting this kind of ceiling here, you are telling them that they are not investors. We are assuming here that there will be a trickle-down effect which will bring in big money for setting up factories. There will be a trickle-down effect.

Experiences in other countries which have developed recently, for example the tigers, shows that the approach should be bottom up. That is why I have said that there is room for improvement of this Bill. The Bill says that we must give you concessions if the economy is benefiting from your investment, and I agree with this. I know that there are some investors who come here and want to be given a lot of concessions, only to be able to reap profits from our country and then go away. No country in the world has ever developed on the basis of foreign investments alone. Foreign investors do not come into a country to develop it. They come to invest in order to make profits then repatriate them back home to pay dividends to their shareholders after paying taxes or evading paying them. This denies the country the multiplier effect of capital.

Mr. Temporary Deputy Speaker, Sir, if profit is ploughed back the economy will grow. That

is the reason why we should encourage the local investor who will plough back the profits into the economy rather than foreign investors, who will repatriate their profits in order to pay dividends to their shareholders outside the country.

Mr. Temporary Deputy Speaker, Sir, the Bill says that in determining whether an investment, and the activity related to investment is beneficial, you look at the following: An increase in the number or quality of jobs in Kenya, training for Kenyans in new skills or technology, economic development in rural areas in Kenya as a whole, or in the region of which Kenya is a part, transfer of technology, increase in tax revenue and foreign exchange and any other factors. We are saying that the era of import substitution is gone. If somebody sets up an industry here and manufactures goods which have been proposed no local component, they should be encouraged. That should have been added here as one of the points to be considered.

Mr. Temporary Deputy Speaker, Sir, Clause 14 says that the holder of an investment certificate is entitled to the following entry permits under the Immigration Act. There are the three Class A entry permits, three Class H, I and J entry permits, and the initial issue of a permit under this statute for a period of two years. There is nothing else that a local investor will benefit from. All this is basically targeting foreign investors. There is nothing at all in all the incentives that have been proposed here that actually targets local investors. We would like to see local investors also benefiting. For example, tax holidays should be specifically mentioned here. While mentioning tax holidays for foreign investors, we should also mention the same for local investors.

When you come to the board which will manage the authority, the Bill says that it will consist of a chairman appointed by the President, a managing director appointed by the authority, the Head of the Public Service and Secretary to the Cabinet, the Permanent Secretaries in the Ministries of Finance, Trade and Industry, Agriculture, Lands and Settlement, Local Government, and Planning and National Development and the head of Export Processing Zones Authority. We have put quite a number of bureaucrats in this body. I would have preferred to see more private sector participation in this board. These are people who are outside there in the field because they are conversant with investment so that they can add more value to this board than when we have too many bureaucrats.

Mr. Temporary Deputy Speaker, Sir, the National Investment Council will be appointed by the President. This Council will also consist of Ministers. I have no quarrel with that because it is a policy body which will deal with general policies. However, this country has the potential to be great. There is no reason why we should continue each time to be compared to the poorest countries of the world; that we are an island of peace in a sea of turmoil. We have never had any military coups. So, there is no reason why Kenya should be compared with Somalia, Ethiopia or Sudan. Kenyans would like to be compared with the developed countries in the world because we are capable of achieving the best.

I would like to see that we give incentives across the board; to all the other sectors of the economy. I have seen certain sectors which have been mentioned here, for example, hotels, restaurants, dairy, coffee, slaughterhouses, sterilizing, manufacturing, drugs, pharmacy, among others. However, one particular sector has been omitted. This is the cotton industry. I have not seen it represented here. This is a very important industry because it employs many of our people. There is a great potential for this industry, especially now with AGOA. It has a great potential for creation of jobs for our people.

Mr. Temporary Deputy Speaker, Sir, we, as a country, need to have an industrial policy. At the moment, we do not have an industrial policy. The assumption is being made that once you have created the necessary environment, people will invest in industries here and there. This will not happen. We, as a country, must know our priorities. First of all, we must know what we want so that

when somebody comes to invest, we can suggest to him or her that these are priority areas available. That is not to say that we stop somebody else from investing in what he or she wants. A national industrial policy will spur development in this country. We need this industrial policy rather than just saying that we are opening up our country to any investor who wants to come and invest.

There are some industries which are too huge. They involve too much capital investment. So unless the Government takes the lead, private investments will not come forward. For example, the steel industry. This industry requires the Government to take the lead. You cannot talk about industrializing without addressing the crucial issue of steel. We cannot develop industrially if we will continue to import steel. How will you construct, for example, the railway lines? Will you do it on the basis of imported rails? We require to have a steel industry in this country. However, the private sector will not get into this, it is a decision which the Government must itself take up. This Bill will be good if it is developed within a policy framework of, for example, industrialisation. This is how the countries that have developed industrially, for example, India, Malaysia, Korea and Taiwan went about. There is no need for us to try and reinvent the wheel, when the wheel already exists.

Mr. Temporary Deputy Speaker, Sir, in this particular respect, we need to work very closely with our neighbouring countries. In this regard, I welcome COMESA and the East African Community (EAC). This is because in developing the EAC, we are creating our 100 million market. This is a very substantive market which makes a number of projects viable. So, we need to encourage this and to expand this region. For example, we should invite Sudan to team up with us. The Great Lakes Region will soon expand and also the southern part of our continent. This is something that is desirable for our country.

Mr. Temporary Deputy Speaker, Sir, I would like to end my contribution by saying that this country has a great potential. We need to encourage our people to invest. We need to give them assistance and incentives. We also need to come up with a policy which encourages joint ventures in our country. For example, a country like Nigeria has a condition that you need to have a Nigerian, as partner, to be able to qualify for certain exemptions. I think there is no harm in us doing this.

Mr. Temporary Deputy Speaker, Sir, it is not that we will stop somebody coming to invest alone, but we are saying that there should be a condition that, if you are to have a Kenyan partner, you will get certain privileges which other people who are investing alone, will not get. This is the only way that we will be able to get our people benefiting from technological advantage which our competitors abroad have got over us. This is also how we will go around the capital-gap which is also a big issue. This will also look at the digital devices that we have. We know we live in a global village. A number of people will come here to invest. So, let us take advantage and help our people. For example, if an investor wants to invest in the road construction sector, he can do so alone, but we will prefer if he also has a Kenyan partner in his or her company. We should also try to build something as an incentive for whoever is coming to invest in our country to take Kenyans as their partners in development.

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

Mr. Rotino: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Bill.

From the outset, I would like to say that this Bill is long overdue. It should have come before this House much earlier. I feel honoured to speak after the Minister for Roads, Public Works and Housing who is a potential Presidential candidate. I hope when he finally gets that position, he will implement exactly what he has talked about. The current President was in this House and he used speak very seriously on agricultural issues, but he finds it very difficult to implement those ideas. I hope that when Mr. Raila gets the opportunity to lead this country, he will implement his

ideas. We all know that investment in a country is the only key item that will help us alleviate our people from abject poverty. We should learn from the developed countries who got independence almost at the same time with us. At the time of independence in the 1960s, we were at par with them. However, they have gone way beyond us.

Mr. Temporary Deputy Speaker, Sir, when we debate on this very important Bill, we expect staff from the Ministry of Trade and Industry and Investment Promotion Centre to be here to listen to our views. They should not just wait and read the HANSARD. They should read the mood of the House. They should know that this Bill is the heart of the economy of this country. It is the heart of the Gross Domestic Product (GDP). We want our country to grow. There is no way this country can grow if we do not do our investments properly.

Mr. Temporary Deputy Speaker, Sir, if you look at the investment strategies of a country like India, which has grown over the years, then you will realise that we have a lot to learn. We have a lot to learn from countries that have grown over the years. If you read the Bill, as my colleagues have mentioned, it is clearly not encouraging our local investors. I do not know whether the drafter of the Bill was only considering foreign investors. He was only thinking that we need to woo foreign investments. We need to look at the small investors in this country, and find out the reasons why those investors are not coming up. There is no growth in our investment sector.

Mr. Temporary Deputy Speaker, Sir, if you look at the history of a country like India, in the early 1960s, there was what they called "a white revolution"! Then, there was what they called a "green revolution". The green revolution meant the country had a policy of food sufficiency. The white revolution meant the country was self sufficient in milk. If you look at how that country grew-- I remember in the early 70s, when the Prime Minister of that country was the late Indira Gandhi, she asked one of the best economist, who has now become the Prime Minister of India, what they were going to do to fight poverty levels in that country at that time. They came up with a policy paper that stated that 60 per cent of the deposits that banks raised in that country should be re-ploughed back into the economy.

Mr. Temporary Deputy Speaker, Sir, the disadvantage of having foreign investors is that when they make profits, they take them back to their own countries. That is evident in this country. Look at all the investments that have been put in this country by Asians. An amount of Kshs100 million leaves this country every month to India because of the investments the Indians have made in Kenya. Their hearts are not here. They are just here to make profits and take them back to their country.

Mr. Temporary Deputy Speaker, Sir, look at Rai Ply Wood. The owner is building a similar factory using the profits he made from this country. He is building a similar factory in India. He has taken all the profits that he has made in this country and ploughed them back into his country. He has no interest in this country. Many investors who come to this country, especially from Asia, have no heart in this country. They just want to make profits and take them back to their own countries. Most of them are now moving to Australia and Canada to reinvest there, because they feel they are not secure in this country.

Mr. Temporary Deputy Speaker, Sir, if our banks were encouraging local investors by giving them soft loans--- If banks like National Bank of Kenya (NBK) and Kenya Commercial Bank (KCB) have the will to help local investors--- If I am an investor in West Pokot, I would plough back all my profits in my own district, because I am a citizen by birth. But most investors who come to this country, and even have partnerships with the local people, do not have the heart to invest in this country. They give a lot of excuses that this or that is the problem. But the commitment that is supposed to be there, even within our local people, is not there. If you look at the commitment of the Government of the day, and even the previous Government--- The Minister

for Trade and Industry is supposed to encourage investments in this country. What is the level of commitment of the staff? What is the level of commitment of the staff at the Investment Promotion Centre?

Mr. Temporary Deputy Speaker, Sir, I was in the process of looking for an investor to invest in cement business in West Pokot, because the materials are there. But when you visit the offices of the Investment Promotion Centre to get certain information, their research units are very scanty. They do not have enough information and yet, the country depends fully on them to woo investors and go to rural areas to talk to the people.

Mr. Temporary Deputy Speaker, Sir, if you look at our young men who are supposed to create employment, they are taught about white collar jobs in schools. They go around looking for jobs where they can put on ties. The Investment Promotion Centre, which is supposed to be in this Bill, should have a wing that goes out to our universities and colleges to teach students to change their mentality on white collar jobs and, instead, invest. The Government should come up with a clear policy on lending. That is because our young men who come out of polytechnics need financial back-up. Our institutions are not prepared even to give soft loans. We are now depending on Savings and Credit Societies (SACCOs). But most of these young people are not members of SACCOs because they have no employment. So, the Government, through the Investment Promotion Centre, should set aside a certain amount of money to lend to the youth.

Mr. Temporary Deputy Speaker, Sir, Kenya is in a strategic position to woo investors. If you look at Africa entirely, the first country, apart from South Africa, where many assembly plants were put was Kenya. We have Toyota assembling their cars in Mombasa. Peugeot had theirs in Mombasa, but they pulled out. We have General Motors assembling Isuzus here. Kenya is the only country that is strategically placed to woo many investors. We should ask ourselves: Why are assembly plants pulling out of this country? For example, Toyota Kenya had their assembly plant in Mombasa. In the early 80s, they used to do three ships in a day. They are now doing only one ship. Why? They are even considering withdrawing from this country and going back, so that we can only get already assembled vehicles in this country. That, first of all, deprives us of employment. We should ask ourselves: Why are those people pulling out of this country? Why are they not re-investing in this country.

Mr. Temporary Deputy Speaker, Sir, we should ask ourselves: "What have we not done as a country to encourage these people to invest here?" These are some of the issues we ought to learn. But we are poor learners. Kenyans are always poor learners. We do not learn from our mistakes. We do not learn from other people's mistakes. We have not learnt from other countries like Malaysia.

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order, without the benefit of a research, to declare here that Kenyans are poor learners, including himself?

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, I think the hon. Member should understand my English. I think the hon. Member is a medical doctor, not an English teacher. But what I meant is that the Government is not learning from the mistakes we have made before. I think the hon. Member should get an opportunity to challenge what I am saying.

Mr. Temporary Deputy Speaker, Sir, the level of trust that our Government has shown to the investors is wanting. If I have my money and I want to invest in a certain place, I should have a certain amount of trust of the people in whose area I am going to invest. That level of trust has not been evident to the investors who come to this country. Our Government should be able to show that trust. The level of corruption in this country is too high. No investor will invest in a corrupt society. Many investors are relocating to other countries because of the level of corruption in this country. We should be able to speak about corruption as leaders and encourage the Government in

whatever mode of fighting corruption that they are trying to show.

Talking about stakeholders, if you have an investor going to any district, there is a lot of bureaucracy that is evident in various districts. For example, the hurdles that the county councils put in the way of investors should be relaxed. That should be addressed by the Bill so that the law is very clear to any investor who wants to invest in any region.

We should have an education wing within the Investment Promotion Centre so that they can go around educating people. If you go to the rural areas, our people ask you questions some of which are supposed to be answered by the Investment Promotion Centre. So, they should have that wing going around educating people on how to invest. All of us are potential investors and we should be able to go around educating our own people. Even in our local institutions like the village polytechnics, we should encourage our young men and women to invest in any form of investment.

Many Members have spoken about security. When encouraging investors, it is important to ensure that there is enough security. When we are wooing investors to go to our rural areas, the Government should ensure there is enough security, apart from infrastructure that every Member has spoken about. For example, we are trying to woo investors to go to West Pokot and build a cement factory. There is no electricity. Those are the first questions that an investor will ask you. Do we have water? The water system which is in that particular area is not adequate. They ask about the road network and health services for their workers. These are some of the things we should address as a nation if we are to woo investors. By wooing investors, we shall be able to increase our Gross Domestic Product (GDP) and fight the poverty that is prevalent in this country.

Mr. Temporary Deputy Speaker, Sir, I want to end by saying that this Bill was drafted in a hurry. There are certain things in the Bill that we need to consider. We need to add the component of the local investors and the level of investment. This is because, we cannot say that it is only if you have Kshs10 million that you can be allowed to invest. Even an investment of Kshs200,000 is also an investment. So, the Bill should address the local component of investment to help our young people to get employment, which is a problem at the moment.

With those few remarks, I beg to support.

Dr. Kibunguchy: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I would like to start off by saying that reluctantly, I oppose this Bill because of the reasons I am going to give.

Mr. Temporary Deputy Speaker, Sir, the Investment Promotion Bill's principle object is to promote investment in Kenya. Unfortunately, the Bill does not look at some of the main obstacles or impediments to investment in this country. Some of them have been mentioned, but I will mention them all the same. The first impediment to investment in this country is corruption. I think this has been mentioned in more than one forums.

QUORUM

Prof. Olweny: On a point of order, Mr. Temporary Deputy Speaker, Sir. Are you convinced that we have quorum in this House, since there is a parallel meeting in the Old Chambers?

The Temporary Deputy Speaker (Mr. Poghisio): Definitely, there is no quorum. So, the Division Bell should be rung.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Order! Hon. Members, due to lack of

quorum, we will rise early today. The House is, therefore, adjourned until tomorrow, Wednesday, 9th June, at 9.00 a.m.

The House rose at 5.50 p.m.