

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 16<sup>th</sup> May, 2012

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### PAPER LAID

The following Papers were laid on the Table:-

The Compliance Report in form of Quarterly Economic and Budgetary Review for the period ending 31<sup>st</sup> March, 2012.

*(By the Minister for Finance)*

Report from the scrutiny of Annual Estimates for Financial Year 2012/13 for Vote 120, Ministry of Water and Irrigation; Vote 121, Ministry of Environment and Mineral Resources; Vote 136, Ministry of Lands and Vote 155, Ministry of Forestry and Wildlife.

*(By Mr. Musyimi)*

### QUESTION BY PRIVATE NOTICE

#### PAYMENT OF DEBTS OWED BY KERUGOYA DISTRICT HOSPITAL

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

(a) Is the Minister aware that Kerugoya District Hospital owes thousands of shillings to its suppliers following supply of goods to the hospital over the last five years?

(b) Is the Minister also aware that the suppliers wrote a demand notice to the Permanent Secretary on 20<sup>th</sup> April, 2012 giving a 21 day ultimatum for the debts to be cleared?

(c) When will they be paid since their businesses are adversely affected due to the debts?

**Mr. Deputy Speaker:** Is the Minister for Medical Services not here? We will come back to this Question at the end of Question Time.

### ORAL ANSWERS TO QUESTIONS

*Question No.1450*

VIOLATION OF CONSTITUTION IN RECRUITMENT  
OF ASSISTANT CHIEFS

**Ms. Karua** asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he is aware that all the nine assistant chiefs recruited in Molo District on 23rd April, 2010 were men contrary to the constitutional requirement of gender inclusivity;

(b) whether he could provide the qualifications and details of all the applicants who qualified and attended interviews; and,

(c) what steps he will take to address the anomaly and ensure strict adherence to the constitution in all future recruitments countrywide.

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

(a) I am not aware. There was no recruitment of nine assistant chiefs in Molo District on 23<sup>rd</sup> March, 2010. However, I am aware that interviews for the selection of chiefs and assistant chiefs in 17 sub-locations were conducted between 28<sup>th</sup> and 29<sup>th</sup> July, 2010. Appointments for the said sub-locations were made by the Permanent Secretary on 23<sup>rd</sup> March, 2011. Out of the 17 assistant chiefs appointed, two ladies were appointed in Munju and Tayari sub-locations.

In six sub-locations, no applications were received from lady candidates. These sub-locations are Tegat, Kibunja, Kapsita, Kirangi, Ndimu and Lawina.

In Mikinyai Sub-location, one lady candidate was shortlisted for interview, but she failed to present original academic certificates to the interviewing panel.

In eight sub-locations lady candidates applied and were interviewed. However, these candidates neither met the requirements of the scheme of service for assistant chiefs and chiefs nor performed well in the interviews. The sub-locations affected with this scenario were Kopcholola, Marioshoni, Michatha, Michina, Migaa, Saini, Chesoni and Mona.

(b) Listed below are qualifications and details of all the applicants. I wish to table.

*(Mr. Lesrima laid the document on the Table)*

(c) From the answer I have given in part (a), I wish to state that my Ministry has, indeed, taken deliberate actions, including release of circulars and holding sensitization forums to implement affirmative action on gender.

**Ms. Karua:** Mr. Deputy Speaker, Sir, you heard the Assistant Minister say that there were 17 posts. Out of them, only two women were taken. They were appointed in 2011, long after the promulgation of the Constitution where the one-third gender requirement is included. I, therefore, want to ask him why they failed to comply with the gender requirement and in particular whether in Sachangwan Division in Molo, there was an applicant by the name of Mary Nyangweso Turungi, Josephine Nduta Wanyoike and Jacinta Waithera who all had 'O'level education which was the qualification. I would like to know why those three were not taken and yet, they were interviewed?

**Mr. Lesrima:** Mr. Deputy Speaker, Sir, I am just going through the list. In all the cases, I think the male candidates scored higher in terms of points and qualifications. I must say that I do not have a detailed report on other considerations by the interviewing panel.

**Mr. Deputy Speaker:** Mr. Lesrima, the one-third requirement is a constitutional requirement. When you say that there were no applicants, the prudent thing for you to do is to get people to re-apply. Otherwise, you do not contravene the constitution and say that because there were no applicants.

**Ms. Karua:** On a point of order, Mr. Deputy Speaker, Sir. You heard the Assistant Minister say that male candidates scored higher and that answer contradicts his earlier statement that there were no female applicants. Is it in order for him to merely assert that the male candidates scored higher without tabling the scores of each of the applicants where these three ladies were interviewed, so that we are satisfied that what he is saying is, in fact, correct and whether he applied affirmative action.

Is it in order for him to withhold information?

**Mr. Kiuna:** Point of information, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Whom do you wish to inform?

**Mr. Kiuna:** The Assistant Minister.

**Mr. Deputy Speaker:** Mr. Lesrima, do you wish to be informed by the Member of Parliament for Molo?

**Mr. Lesrima:** He has a right to do so, because this is his constituency.

**Mr. Kiuna:** Mr. Deputy Speaker, Sir, if one is aspiring for whatever seat in the country, he or she could look for any avenue to sell his or her party policies to people. But I think it is also important for them to go to the ground and get the right information.

**Mr. Deputy Speaker:** Order, Mr. Kiuna!

**Mr. Kiuna:** Mr. Deputy Speaker, Sir, yes, I am the hon. Member for Molo Constituency. I have all the details. The hon. Member says Elizabeth Nyambura and Mary Turungi were not recruited even after they were interviewed. Yes, it true they did not qualify because, for example, Mary Turungi had applied, but when her documents were perused, they could not correspond with her identification card she produced.

**Ms. Karua:** On a point of order, Mr. Deputy Speaker, Sir. I sought an answer from the Assistant Minister and not from the back bench where I sit. If the Government finds that my honourable colleague is able to answer better than the Assistant Minister, they may appoint him to answer the Question. Is it in order for a fellow colleague to purport to answer my Question in the guise of informing the Assistant Minister? This is for interrogating the Government and not back benchers.

**Mr. Deputy Speaker:** Indeed, Mr. Kiuna, you are out of order! When you rise on a point of information, you give information to the Assistant Minister and not debate.

**Mr. Kiuna:** But Mr. Deputy Speaker, Sir---

**Mr. Deputy Speaker:** Order, Mr. Kiuna!

Mr. Lesrima, the very wisdom and philosophy of affirmative action is a process in which more qualified candidates are passed over because of marginalized people. That is what affirmative action or quota system is all about. So, when you say that there were better qualified men and yet the one-third provision in the Constitution was to allow women to catch up with men even if they are not as qualified as men---. That is the principle of the Constitution itself.

**Mr. Lesrima:** Mr. Deputy Speaker, Sir, it is not always the case. When you advertise for posts of chiefs and assistant chiefs, it is not always the case that many ladies will apply. In fact, I

had indicated that in several sub-locations, they did not apply. Sometimes, we also re-advertise to see if they can come forward. It would take some time to apply that principle unless we want to have locations and sub-locations without chiefs.

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

**Mr. Deputy Speaker:** Are you rising on a point of order because the Assistant Minister is out of order in your opinion?

**Mr. Kiuna:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Okay, proceed. What is your point of order?

**Mr. Kiuna:** Mr. Deputy Speaker, Sir, is the Assistant Minister in order to say that he does not have proper information when I have it? Even the District Commissioner also has it. Everything is well tabulated here. These people---

**Mr. Deputy Speaker:** Order! Mr. Kiuna, the practice is that back benchers question and hold Ministers accountable. You cannot play the role of the Minister.

Proceed, Mr. Lesrima.

**Mr. Lesrima:** Mr. Deputy Speaker, Sir, we are making every effort to appoint female chiefs when they apply and have all the requisite qualifications. As a matter of fact, the policy we want to implement is that where three names are recommended. Three names must be forwarded to the Ministry headquarters through the provincial commissioners. If a female candidate is number three on the list, we recommend and appoint her unless there is another issue which may have arisen out of negative reports from the intelligence service.

**Mr. Mbadi:** Mr. Deputy Speaker, Sir, it is interesting. Going through the list supplied by the Minister, there are 24 ladies who participated in the interviews in various locations, and who qualified. Those with D+ (Plus) and below have been left out. We have the names of ladies here in the list who scored C (Plain). There is another one with a Division II. I am sure all of us are aware of what Division II means and what a C (Plain) means. There are so many of them in this list who scored Division II. There are also those with Division III and C+ (Plus) and above. If after being interviewed all these ladies were found not to be qualified, what is the Assistant Minister doing to ensure that the interview panels are impartial and are not deliberately failing lady candidates? This is unacceptable. You cannot have 17 appointments and you only appoint two ladies yet the Constitution is very clear that not more than two-thirds should be of either gender. Could the Assistant Minister tell us what his Ministry is doing to rationalize the results of interviews given that they have interest, being people who work in that particular area?

**Mr. Lesrima:** Mr. Deputy Speaker, Sir, it is not just academic qualifications that are required for this appointment. You do not just get a C (Plain). For example, there is a case of a lady by the name Joyce Chepkoech. Yes, she attained C (Plain), but she is 28 years old. On the other hand, the scheme of service talks about 35 years and above, although we are trying to discuss that with the Directorate of Personnel Management (DPM) to bring the age down. So, it is not just academics.

**Mr. Mbadi:** On a point of order, Mr. Deputy Speaker. Anywhere in human resource management, it is always understood that if someone does not meet the minimum threshold, they are not invited for interviews. Before you invite an individual for an interview, you ought to have gone through the background information at the short listing level to ensure that only people of the right age are invited for the interview. Is it in order for the Assistant Minister to tell us that they invited for interview someone who was 28 years old yet that was an age below the minimum requirement?

**Mr. Lesrima:** Mr. Deputy Speaker, Sir, yes, I think during the short listing she should have been left out. In certain places we appoint people to be chiefs within communities. Molo has a multi-ethnic community and you do not just pick a chief from one community to become a chief in an area that is dominated by a community the chief does not come from. Sometimes that creates problems.

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, clearly, from the answer given by the Assistant Minister, it is quite obvious that a number of Government departments and Government Ministries, particularly the Office of the President, have no respect for the constitutional requirement as not only to gender, but as to other considerations that are set out in it, particularly the requirement that the youth be facilitated to take positions in public office. Given that this Ministry has clearly shown by conduct in and outside the House that they are not quite ready to respect constitutional provisions, would I be in order to request that this matter be further interrogated by the committee on equal opportunity where the Assistant Minister can be subjected to questions on whether or not these candidates can actually come and be interviewed, so that we can find out whether, indeed, the selection panel bore in mind the provisions in the Constitution? The Assistant Minister himself has said that he does not even have full information. Is it in order that this matter goes to that Committee where it can be interrogated further on behalf of the House, and then we can get a report as to how this Government is applying the principles of the Constitution, which they do not appear keen on?

**The Assistant Minister for Trade** (Mr. Oyongo Nyamweya): On a point of information, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Do you want to be informed?

**Mr. Lesrima:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Proceed since he wants the information.

**The Assistant Minister for Trade** (Mr. Oyongo Nyamweya): Mr. Deputy Speaker, Sir, when I look at the Question it says that the recruitment was done on 23<sup>rd</sup> April, 2010. At this time the Constitution had not been passed.

**Mr. Lesrima:** Mr. Deputy Speaker, Sir, I want to draw the attention of the House to the fact that between the time when the Constitution was passed and now, we have achieved a rate of 11 per cent of the chiefs being female, which comes to about 1,000. I have no problem with this matter being interrogated by the Committee of Parliament. However, the reality on the ground is that females are not applying. When they do, we recommend them. In many communities there is still resistance because of cultural issues.

**Mr. Mbadi:** Mr. Deputy Speaker, Sir, even as the Assistant Minister admits that this matter be referred to the Committee, he made an important comment which I think needs to be substantiated. He said that the requirement is 30 years of age. Could he confirm under which law that is stipulated? If you want to become a Member of Parliament you just need to be 18 years old. Which law is this which fixes the age of an Assistant Chief to be 30 years and above?

**Mr. Lesrima:** Mr. Deputy Speaker, Sir, it is not based on a provision of law; rather, it is based on a scheme of service developed by the Ministry of State for Public Service together with the Ministry of State for Provincial Administration and Internal Security. I think many communities in Kenya require that Chiefs be above a certain age. It will be very difficult to have a 26 year old girl moving around the village with village elders to sort out, say, domestic or family and cattle rustling issues. So, as we discuss this thing about the Constitution and the one-third for Chiefs, just bear in mind that there are cultural factors in many of our communities that will not allow a young girl of age 26 years to become---

**Mr. Imanyara:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to deliberately undermine the very specific language of the Constitution and in this regard Article 55? I will read it to him. It states thus:

“The State shall take measures including affirmative action programmes to ensure that the youth have access to relevant education and training, have opportunities to associate, be represented and participate in political, social, economic and other spheres of life---“

This is the provision in the Constitution. Is it in order for him to rely on a practice that is outdated, predates the Constitution and undermines the very principles upon which we have fought so hard to get the new Constitution in place?

**Mr. Lesrima:** Mr. Deputy Speaker, Sir, I do not think the Njuri Ncheke has guys who are 25 years old. However, the youth are defined as being between age 20 years and 35 years old.

**Mr. Deputy Speaker:** Order! Whereas the Chair is not the final arbiter on matters of the Constitution, the Chair is obligated to protect the Constitution to the extent which it can. In the event that out of the 47 county seats in the next election where some seats have been set aside for women and one county does not have a woman candidate, that seat is not going to be filled by a man. Other mechanisms will have to be used until there is a woman available for that seat. Under the circumstances, the Chair takes a very serious view of the lacklustre manner in which the Government approaches the operationalization of the Constitution. In this case, we all know that in any interview anywhere today you can get hundreds, if not thousands, of Kenyan women who qualify to become subchiefs. Either you did not advertize it properly or they felt that they did not have a chance. Under the circumstances, the Chair is going to defer this Question, and at the same time direct the relevant Committee to move with speed and report back--- Do we have any Member of the Committee on Equal Opportunity in the House today? I am directing the Committee to move with speed, interrogate this matter and report back to this House in a maximum of two weeks. The Question should be listed in the Order Paper two weeks from today. In the meantime it is our hope and prayer that the Government will have done a bit of soul searching to address this issue.

Next Question; hon. Kutuny!

*Question No.1196*

RESETTLEMENT OF SENGWER COMMUNITY  
AT KAPOLET SETTLEMENT SCHEME

**Mr. Kutuny** asked the Minister for Lands:-

(a) if he is aware that the Government allocated 3,000 acres of Kapolet Forest for settlement of members of the Sengwer community in 1997 but has to date settled only 489 beneficiaries on 1846.57 acres of the land;

(b) if he is also aware that the remaining portion of the land (1153.43 acres) has not been subdivided to settle more people as agreed between the community and the Provincial Administration; and

(c) when the Government will regularize the de-gazettment of the promised 3,000 acres and issue allotment letters and title deeds to all beneficiaries of the Kapolet Settlement Scheme.

**The Assistant Minister for Lands (Mr. Rai):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware of Kapolet Settlement Scheme which was initiated in 1997 by the Office of the President to benefit the Sengwer Community in Trans Nzoia, West Pokot and Marakwet districts. The proposed acreage was about 3,000 acres. It is true that 489 beneficiaries were settled on 1846.57 acres of land in the scheme in the late 1999.

(b) I am also aware that a portion of land measuring approximately 1153.43 acres has not been subdivided to settle the remaining number of targeted beneficiaries.

(c) Regularization of the beneficiaries can only be undertaken after the de-gazettment of the forest land, which is the mandate of the Ministry of Forestry and Wildlife.

**Mr. Kutuny:** Mr. Deputy Speaker, Sir, while appreciating the positive answer given by the Assistant Minister that they recognize that these people are supposed to own land in this place, I am perturbed by the last part of the answer given by the Assistant Minister that the regularization of the beneficiaries can only be undertaken after the degazettment by the Ministry of Forestry and Wildlife. Under collective responsibility, what action has the Assistant Minister taken to liaise with the Ministry of Forestry and Wildlife to make sure that this land is degazetted and the people given allotment letters?

**Mr. Rai:** Mr. Deputy Speaker, Sir, after several attempts to communicate with the Ministry of Forestry and Wildlife, they have actually been adamant about trying to degazette this forest for the purpose of settling these people. The first exercise was undertaken through the Office of the President when a directive was given. However, we have now been corresponding with the Ministry of Forestry and Wildlife, but they have been adamant about giving us the remaining portion of land.

**Mr. Litole:** On a point of order, Mr. Deputy Speaker, Sir. That is a very sad case. Most of those people come from my constituency too. Are they, therefore going to live in abeyance, when this Government is not taking any responsibility? If the Assistant Minister is saying that the left hand does not know what the right hand is doing, then we are in a different world. What is he planning to do for those people who are there, so that action can be taken as quickly as “yesterday”?

**Mr. Rai:** Mr. Deputy Speaker, Sir, we actually even referred this matter to the Provincial Administration because it is the one which actually initiated that settlement scheme. We did that as late as three weeks ago but nothing has actually taken place to ensure that, at least, the Forest Department relaxes its stand to de-gazette the forest, so that those people can be allocated. So, my hands are tied until the land will be given to me. That is when I will now enter the land and set up a settlement scheme.

**Mr. Litole:** On a point of order, Mr. Deputy Speaker, Sir. You know I am directly affected. Could we, therefore, ask for your direction? That is because those people cannot stay there. They have been there for the last 15 years. The Ministry is still waiting for “God knows what”! Could you, please, give some direction to the Government so that the Ministry of Forestry and Wildlife does the degazettment as quickly as possible?

**Mr. Rai:** Mr. Deputy Speaker, Sir, that is forest land and until such a time as the Ministry of Forestry and Wildlife decides to release the remaining portion of land---- As it is, they are saying that the land is actually for the purpose of water catchment. So, they cannot release the land. That is actually their argument.

**Mr. Kaino:** On a point of order, Mr. Deputy Speaker, Sir. The Sengwer community lives in Marakwet, Pokot, Trans Nzoia and Keiyo, and they are the people who have suffered the most.

Is the Assistant Minister in order to mislead the House? Who is supposed to chase for that degazettement? Is it this House or the Ministry? I would have been happy if the Assistant Minister could have come with a paper from the Ministry of Forestry and Wildlife showing what he is telling us now. But just coming to tell us that he has tried to get the land from the Ministry is not true. The Assistant Minister is misleading the House. Could he bring a letter from the Ministry of Forestry and Wildlife to show that it has reneged on your request? This is one Government! Let him table it in the House.

**Mr. Rai:** Mr. Deputy Speaker, Sir, my primary duty is to do the settlement once the land has been allocated to me. The institution that can actually give me the land is the Ministry of Forestry and Wildlife.

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, mine is a supplementary question, if you may allow me. I know that the Assistant Minister, like his colleagues, Assistant Ministers, do not sit in the Cabinet. Therefore, he does not know. We have been told on a number of occasions that Assistant Ministers do not know what takes place in Cabinet meetings.

We know that the Cabinet sits every week. Is it in order - if I request through you, Mr. Deputy Speaker, that one of the Ministers like Mrs. Ngilu who is sitting here - and who sits in the Cabinet - can forward this matter to the Cabinet, so that we can know when the Ministry concerned will act in the collective manner and ensure that, that de-gazettement is done, so that those people can be resettled without further ado? That is because it is not right that Kenyan citizens should remain as victims, when the reason for such victimhood is failure of one Government department to act with diligence.

Mr. Deputy Speaker, Sir, is it in order for one of the Ministers who sit in the Cabinet - and I can see she is very busy consulting--- She is not listening to me. Could she take up this matter in their next Cabinet meeting to ensure that this issue is addressed and the de-gazettement happens within the next week or so?

**Mr. Rai:** Mr. Deputy Speaker, Sir, I will actually table the minutes which confirms that, that is a water catchment area. They are saying that by releasing that piece of land, many people are going to be affected by the de-gazettement. So, maybe, there might be any other way but my position is that, once the land is give to me--- Here, they are saying that the land cannot be availed to me because it is a water catchment area.

**Mr. Kutuny:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to say that, that is a water catchment area when, in the first place, the Government exhausted all its apparatus before allocating that land to the people?

Mr. Deputy Speaker, Sir, I can table the minutes to that effect. The meeting was chaired by the then Rift Valley Provincial Commissioner, Mr. Yusuf Haji. The minutes are here and I can table them for the benefit of the Assistant Minister. It seems that the Assistant Minister has not done his research.

*(Mr. Kutuny laid the document on the Table)*

Mr. Deputy Speaker, Sir, at the same time, I can also table, if you allow me, the latest communication from the Ministry of State for Provincial Administration and Internal Security over this matter. The Ministry is requesting that, that issue be implemented immediately. So, is it in order for the Assistant Minister to say that the land is a water catchment area, whereas the Government allocated that land to those people?



*(Mr. Kutuny laid the document on the Table)*

**Mr. Rai:** Mr. Deputy Speaker, Sir, my position is that in 1997, a directive by the President was given to allocate that piece of land to those people. The exercise was actually done in phases. There reached a time when the Environmental Management Committee actually gave us the indication that the remaining portion of land is a water catchment area. My hands were tied. I cannot proceed. That is why I am actually explaining to my colleague; if he can just pursue it through the Office of the President, Ministry of Forestry and Wildlife and the environmental people to relax their position, then I can just proceed to do the exercise of settlement. That is my position.

**Mr. Deputy Speaker:** Final supplementary question, hon. Kutuny.

**Mr. Kutuny:** Mr. Deputy Speaker, Sir, I want to say that I am not satisfied with the answer that has been given by the Assistant Minister.

Mr. Deputy Speaker, Sir, I will request that you direct the Assistant Minister to go back and get more information on this issue, so that he can assist in the resettlement of those people. That is because so far so good. There is a lot of insecurity in that area and it has caused a lot of anxiety. There are many emerging issues because this matter has not been concluded by the Government.

**Mr. Rai:** Mr. Deputy Speaker, Sir, the power to gazette does not actually fall under the Minister. The power falls under Parliament. So, if he can actually initiate something so that Parliament can approve the de-gazette, then the Minister can just de-gazette, give me the land and I will do the settlement.

**Mr. Deputy Speaker:** Next Question, Question No.1393, hon. Litole Wilson!

*Question No.1393*

DELAY IN CONSTRUCTION OF  
SINA YOUTH POLYTECHNIC

**Mr. Litole** asked the Minister for Youth Affairs and Sports:-

(a) whether he is aware that M/s Rabmas Enterprises, the contractor at Sina Youth Polytechnic, has abandoned works for the last 3 months,

(b) whether he is also aware that the roofing of three (3) twin workshops at the facility has not been done, exposing the timber to harsh weather conditions; and,

(c) what measures the Minister will take to ensure that the work is completed on time and what action the Government will take against the contractor.

**The Minister for Youth Affairs and Sports (Dr. Otuoma):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that M/S Rabmas Enterprises, the contractor at Sinai Youth Polytechnic, has abandoned the construction works. I, however, acknowledge that the construction work at the youth polytechnic has been going on at a very slow pace due to unavoidable circumstances, which have made access to the site very difficult.

(b) The roofing of the three twin workshop in the above facility has been completed. As a matter of fact, the roofing work has been going on in spite of the difficult circumstances the contractor was experiencing in the area.

(c) To ensure that the work is completed on time, the Ministry has already put in place the following measures:-

(i) Continuous monitoring and evaluation of the project.

(ii) Facilitation for the completed work.

(iii) Continuous pressure on the contractor to speed up the construction so as to make up for the lost time, which was due to the harsh weather environmental conditions that existed.

With those measures, I want to assure you that the contractor will complete the work as it is long overdue.

**Mr. Litole:** Mr. Deputy Speaker, Sir, I want to thank the Minister for that answer. First of all, this Question was supposed to have been answered by June, last year. Maybe when they got it, they started doing something small. But I want to disagree with him on those harsh conditions. He should tell this House the truth of the matter because this person who was given the contract does not come from that vicinity. He does not even come from the neighbouring county. He comes all the way from Nairobi to work in Pokot County. What steps has he in put in place to make sure that the subsequent contracts will be given to people of that county? The delay was because this person came from Nairobi.

**Dr. Otuoma:** Mr. Deputy Speaker, Sir, from the information I have here, this contract was beyond Kshs10 million. According to the procurement regulations, it had to be advertised in the newspapers, so that any contractor who was interested could bid. The document that I have with me here shows the payments and the amounts. I wish to table it.

*(Dr. Otuoma laid the document on the Table)*

**Mr. Litole:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to say that a contract of Kshs10 million cannot be handled by anybody coming from Pokot or Trans Nzoia counties? After all, there are bigger projects being undertaken by the locals. Is he in order to mislead the House?

**Dr. Otuoma:** Mr. Deputy Speaker, Sir, my Ministry is not responsible for setting these public procurements rules. According to the rules, this was advertised. The tendering process was followed and this person was appointed.

**Mr. Deputy Speaker:** The last supplementary question on the same, hon. Litole! Are you satisfied?

**Mr. Litole:** Mr. Deputy Speaker, Sir, now that the construction has been done and the Minister has given some conditionalities of following up, I want him to confirm to this House that come what may, in the next procurement, we will also procure things from within the county. The procurement should be done within the district and not from the Ministry. This is an opening for corruption. Why should it be done in Nairobi when we have procurement officers in Pokot County?

**Dr. Otuoma:** Mr. Deputy Speaker, Sir, as I have stated earlier, my Ministry is not responsible for setting the procurement procedures. The hon. Member knows that this House makes the rules. If we have to change the rules on how public procurement should be done, differently from what it is currently, then we have to initiate that in this House.

**Mr. Deputy Speaker:** Next Question, Mr. Baiya.

*Question No.1416*

LACK OF DOCTORS AT GITHUNGURI DISTRICT HOSPITAL

**Mr. Baiya** asked the Minister for Medical Services:-

- (a) what the ratio of doctors to population is in the country;
- (b) why the only one doctor in Githunguri District Hospital was transferred and, to date, no replacement has been made; and,
- (c) what measures the Government has put in place to curb loss of trained manpower, especially doctors and nurses, from public health facilities to private ones and out of the country.

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The ratio of doctors to population in Kenya is 15:100,000 persons.

(b) My Ministry has a total of 275 facilities that are categorized as Level 4 and 5. Level 4 facilities are the district hospitals, and Githunguri is now within that category.

I wish to inform the hon. Member for Githunguri that even at the time of replying to this Question, the facility in question is a health centre and has never had a doctor posted there.

(c) During the unrests we had with health workers late last year and early this year, the Right hon. Prime Minister constituted a task force on the 3<sup>rd</sup> of April, 2012, to look into the various issues affecting health workers. The most pertinent issue was for the task force to come up with recommendations on how we can retain our health workers to curb this exodus. The report of the task force is expected by 30<sup>th</sup> May, 2012. This is when I will, thereafter, authoritatively comment on the measures to be undertaken.

**Mr. Baiya:** Mr. Deputy Speaker, Sir, I wish to thank the Minister for attempting to answer the Question. I would want him to confirm that the ratio he has given of 15 doctors per every 100,000 persons is correct.

Mr. Deputy Speaker, Sir, Githunguri Constituency has a total population of about 150,000. As a matter of fact, there is not a single doctor posted by the Government anywhere within the constituency. The nearest facility which would actually help the people is Githunguri Medical Health Centre. Why has the Ministry delayed upgrading that facility into a district hospital? For your information, there was, indeed, a doctor there. Recently he was transferred to become a Medical officer of Health (MoH) in Kiambu.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I agree with the hon. Member. Indeed, one of the reasons why we do not have a doctor there at the moment is because of the shortage of doctors. But we are planning to hire about 120 doctors soon. Since Githunguri has a population of 150,000, they do deserve a doctor. But the most important thing is to ensure that if they have a doctor at Githunguri Hospital, that there are facilities that he can use. If he is a physician or a surgeon, we make sure there are facilities there, so that people who go there are not referred to other facilities.

Mr. Deputy Speaker, Sir, I will work with the hon. Member to respond to the needs of Githunguri, particularly after hiring those doctors.

**Mr. Deputy Speaker:** Hon. Baiya, ask the last supplementary question.

**Mr. Baiya:** Mr. Deputy Speaker, Sir, there is already a pending application for upgrading of this facility into a district hospital. There is already a maternity wing which is serving over 60

mothers per month. There are no facilities there. It is the Ministry which is actually supposed to help upgrade it to the next level in order to serve all the people who are coming from there. What concrete promises is he giving to help upgrade the centre, so that it can also have a doctor and the other facilities?

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, could I undertake to the hon. Member that I will send the Director of Medical Services (DMS) and his team to make sure that they inspect Githunguri Hospital or Githunguri Health Centre to ensure that the facilities requisite for its upgrading are there? Thereafter, we shall then gazette that health centre as a sub-district hospital. That is just a process required to ascertain the facilities which are there, so that when we gazette it, we do not make the mistake of putting it at a level where the facilities do not correspond. So, I will undertake to get the DMS and his team to go there as soon as possible and give a report, so that the process can be undertaken.

**Mr. Deputy Speaker:** Next Question by hon. Shakila Abdalla.

*Question No.1470*

MEASURES TO ADDRESS WATER SHORTAGE  
IN LAMU COUNTY

**Ms. Shakila Abdalla** asked the Minister for Water and Irrigation:-

(a) how much money has been allocated for water projects in Lamu East Constituency since 2005;

(b) what projects the Ministry is undertaking to address the water problem in the Constituency; and,

(c) what measures the Ministry is taking to ensure that residents of the constituency and the entire Lamu County have access to clean/piped water.

**The Minister for Water and Irrigation** (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry has allocated Kshs51.72 million for water projects in Lamu District since 2005.

(b) In the current financial year, my Ministry is rehabilitating four wells; two at Kiunga, one at Pate and one at Siyu. My Ministry is also constructing two new wells at Pate and Mangai, five *Djabias*, three of them at Kiunga Primary School, Tchundwa and Mwajumwali, which are now complete, while the remaining two at Shakani and Ndau are 60 per cent complete.

(c) My Ministry is undertaking the following measures to ensure that residents of Lamu East Constituency and the entire Lamu County have access to clean, piped water. We have commissioned the drilling of ten boreholes under LAPSSSET Project. Out of which, five are complete and operational. These boreholes will supply the new Lamu Port as well as surrounding areas of Chomo, Hindi and Bargoni.

Mr. Deputy Speaker, Sir, we have rehabilitated a few other projects within Lamu. But most importantly what is going to help Lamu is what we have now put in place. What can be done in Lamu is to do what we call "*Djabias*" because we cannot do any boreholes successfully because of the shallowness and the kind of soil in that area.

**Ms. Shakila Abdalla:** Mr. Deputy Speaker, Sir, I would like to thank the Minister for the answer. However, you will realize that in her answer, more emphasis has been put on the Port project rather than the people of Lamu. Could she tell us, out of the Kshs52 million that she is

talking about, how many *Djabias* were built and where in particular? Could she also tell us how much water in terms of cubic metres they have so far supplied to the people of Lamu East?

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, it is true that I have talked about water that is going to be supplied within the Lamu Port, but that is the only place where you can get water. We have allocated actually Kshs44.5 billion – about 45 million Euros - that will ensure that we do water through desalination. This is a very costly exercise, but we will put it in place. We are going to do the designs and the money has been allocated. This is the only project that is going to help Lamu as a whole. So far, the output has a target of 10,000 cubic metres per day. That is what we have.

**Mr. Njuguna:** Mr. Deputy Speaker, Sir, the Minister has just informed the House that the Ministry has commissioned the drilling of ten boreholes and five are complete and operational. When will the Ministry complete the remaining boreholes for use by the community?

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, I said that they are 60 per cent complete. Work is going on and it is just a matter of time before it is complete.

**Mr. Langat:** Mr. Deputy Speaker, Sir, the Minister has said that they have some funding through the Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) Project and the hon. Member said that she seems to be more concerned about the port project than the people of Lamu. Could she confirm that under this proposed water project, through the LAPSSET Project, the people of Lamu will also be given water as opposed to only the port?

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, Lamu Port is in Lamu and so, water will be given to the people of Lamu. This water will be one of its kind, because it will be the first time that we will be doing desalination of water in Lamu.

**Ms. Shakila Abdalla:** Mr. Deputy Speaker, Sir, the port is in Lamu West and the problem of water is in Lamu East. Since Independence we have never touched a drop of fresh water. We depend on the *Djabias*, which are in water catchments, and most of them are owned by individuals. Could the Minister tell us what efforts she is making to supply water to Lamu East? If water can come from Mzima Springs to Mombasa, I do not see why it cannot come from Magogoni to Lamu East, which is very few kilometres away.

**Mr. Deputy Speaker:** Hon. Minister, you realize that from 2005 until today is seven years and the Government has spent Kshs51 million. That is an average of maybe Kshs7 million per year, for a whole county.

Proceed, Minister!

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, you are right in saying that for a whole county that is very little money. That is why we have allocated Kshs4.5 billion which will go---

**Mr. Deputy Speaker:** Is that because of the port?

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, I do not want to say that is it because of the port, because I think about the people more than the port. But it is also going to give them benefits. Therefore, we will ensure that Lamu East also gets water.

**Mr. Deputy Speaker:** The Chair was looking forward to a process in which you can say that you will build more *Djabias* for them, if that is the only way they can get fresh water. It is a very ingenious but very cheap method. Those people matter to get fresh water anyway.

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, I want to make a commitment that I will look into this and see how much more *Djabias* we can construct.

**Mr. Deputy Speaker:** Last question, hon. Shakila Abdalla!

**Ms. Shakila Abdalla:** Mr. Deputy Speaker, Sir, the Minister said that they are procuring a burger to supply water for the island. Could the Ministry consider putting up desalination plant which is cheaper than a burger?

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, I talked about desalination and said that we do not even have another project like this one in the whole country, because it is very expensive. But that is the only way that Lamu people can get clean and safe drinking water. I will see how they can be included in what we are doing at the moment.

**Ms. Shakila Abdalla:** On a point of order, Mr. Deputy Speaker, Sir. Could the Minister tell us when that project will be put in place, because we are suffering?

**Mr. Deputy Speaker:** Or if you have other emergency measures. Maybe you should give a commitment on the *Djabias* now, because they are within your means. That is the assumption of the Chair. We have to worry about them because they are Kenyans too like the rest of us.

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, I am going to look at the budget and maybe give her a better answer, notwithstanding the fact that she has already asked this Question. I can talk to her in my office and tell her what we can do.

**Mr. Deputy Speaker:** Fair enough!  
Question No.1509 by hon. Chanzu!

*Question No.1509*

PROMOTION OF OFFICERS IN EDUCATION MINISTRY

**Mr. Chanzu** asked the Minister for Education:-

- (a) whether he is aware of officers at the Ministry who sat promotional examinations under the Rapid Results Initiative in June 2011; and,
- (b) when the Ministry plans to promote these officers.

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

(a) I am not aware of Ministry officers who sat for promotional examinations in June 2011. There is no promotional examination under Rapid Results Initiative (RRI). The RRI of 2011 was a strategy that the Ministry used to fast-track the process of promotion cases for officers in the Ministry.

(b) I wish to provide the following information regarding promotion of officers in the Ministry: -

- (i) all promotion cases for Job Group “L” and above are done by the Public Service Commission;
- (ii) to date, the Ministry has processed promotions for over 1,800 officers in various cadres since January 2011 under the RRI, thus facilitating career progression in the Ministry;
- (iii) in February 2012, the Ministry also declared all the 49 vacant posts in Job Group “P” and above to the Commission to facilitate the advertisement of the same; and,
- (iv) the Ministry is still continuing to compile other received cases for submission to the Public Service Commission for their consideration.

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for the clarification that there were no promotional examinations. But I want to find out from him the criteria that was used in identifying those that will benefit from these promotions. Could he also give an indication of the spread of these 1,800 officers in the country, maybe on county basis?

**Prof. Olweny:** Mr. Deputy Speaker, Sir, the criteria that was used was the number of years – at least three years of service – professional education or degree certificate, GTI, Senior Management Certificate and Kenya Education Staff Institute Certificate. Those were the qualifications that were used. But as regards the spread, it covered the whole country. We were not going regional. We were dealing with our officers within the Ministry across the country.

**Mr. Koech:** Mr. Deputy Speaker, Sir, the Assistant Minister has indicated that they have been able to process promotions for 1,800 staff. How many of these actually received or got promotion? Are you satisfied that the right percentage of your staff have been promoted, in order to ensure efficiency?

**Prof. Olweny:** Mr. Deputy Speaker, Sir, not all of them have been promoted but it is only a small number. However, that is our frustration with the Public Service Commission (PSC). One hundred and eleven education officers have been promoted. Another 16 Quality Assurance Officers - non-graduates - have also been promoted. We are waiting for the PSC to help us in promoting our officers.

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, on the last portion of the answer where the Assistant Minister is continuing to compile the information, how do these officers get information about this scheme? Is there an elaborate method of informing all of them that this process is being used to collect those who are due for promotion under the Rapid Response Initiative?

**Prof. Olweny:** Mr. Deputy Speaker, Sir, we called those officers and subjected them to a three-week course. That is the Rapid Results Initiative. They were from all over the district. They are our people and we will inform them. We just called them. We have the e-mail system and we will inform them when promotions are due to them. That is not a big issue.

**Mr. Deputy Speaker:** Where is Mr. Omomdi Anyanga? Is he out on Parliamentary Business?

**An hon. Member:** Yes.

**Mr. Deputy Speaker:** The Question is deferred to another date when he will be around.

*Question No.1576*

MURDER OF COLLINS O. MUONYA

*(Question deferred)*

**Mr. Deputy Speaker:** Question No.1578 by Mr. David Koech is the last Question on the Order Paper!

*Question No.1578*

REHABILITATION OF ROAD C37

**Mr. Koech** asked the Minister for Roads:-

(a) whether he is aware that Road C37 which passes through three constituencies, namely; Emgwen, Mosop and Eldoret North is in a bad state and impassable;

- (b) whether he could confirm that repair and maintenance of the road, especially the stretch at Mosop has not been done for the last three years; and,
- (c) what urgent measures he will take to ensure that the road is motorable.

**The Assistant Minister for Roads (Dr. Machage):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Road C37 is in urgent need of repair given the damage caused by the previous and the ongoing rains.

(a) I am also aware that the repair and maintenance of the road, especially the stretch at Mosop has not been done for the last three years mainly because of funding constraints.

(b) My Ministry, through KeNHA, has awarded two contracts, one for the maintenance of Turbo-Kimondi Section and the other for the construction of the junction with C37 Chepterit-Kimondi. The contractors are already on site.

**Mr. Koech:** Mr. Deputy Speaker, Sir, this is a very important road. Being a class C37 in a highly potential area, you would understand the importance of this road. While I thank the Assistant Minister for confirming that there is some money and that the contractor is on site, could he clarify who the contractor is and how much has been allocated specifically to the Turbo-Kimondi Section of the road.

**Dr. Machage:** Mr. Deputy Speaker, Sir, the road so far referred to by the Member is C39 and it has been awarded Kshs44, 960, 051. The contractor is Ison Enterprises Limited. That is a distance of over 39 kilometres. The remaining 20 kilometres where bitumen will be put will cost Kshs1.4 billion and the contractor is Kabuito Construction Company.

**Mr. Chepkitony:** Thank you very much, Mr. Deputy Speaker, Sir. There are very many roads which are of “C” class like this one which are not being maintained yearly. What plans does the Ministry have to ensure that the roads are included in the Assistant Minister’s work plan annually, because they are very important and busy roads? These roads should be maintained annually.

**Dr. Machage:** Mr. Deputy Speaker, Sir, it is true that there are many C class roads that need repair and maintenance. We are also limited by financial constraints in doing all the roads at once. However, with the requests from the Constituency Roads Committee and the relevant engineers from those areas, we prioritize the road to consider at any given time depending on the financial ability that the Ministry has at that time.

**Mr. Lagat:** Thank you, Mr. Deputy Speaker, Sir. The road that is being mentioned passes through Emgwen and starts from Chepterit to Kimondi is C37 Road. The Assistant Minister has said that the contractor is on site. I come from there and I have not seen any contractor. So, I do not know which site the contractor is. At the same time, the Assistant Minister has said that the road had not been done because of lack of funds. If his Ministry is able to do the highways, what about the other road which is a class C37?

**Dr. Machage:** Mr. Deputy Speaker, Sir, the term ‘being on site’ also means mobilization period. I am very sure that this contractor is on site and we expect completion of the road works by 31<sup>st</sup> October. That is as per the agreement. It is true that we have many “C” class roads, as you have seen, that need dire repairs and construction. We try our best, as I said, depending on the ability we have at that particular time. Constraint of finance is a major factor.

**Mr. Koech:** Mr. Deputy Speaker, Sir, the Assistant Minister has indicated that he has allocated Kshs44 million to the Turbo-Kimondi Section of the road. This is very good news to the people of Mosop if, indeed, the amount will be utilized for that specific road. Could the Assistant Minister confirm exactly, the specific works that the contractor is expected to do;



whether he is doing grading and full murraming of the road because this is a highly potential place?

**Dr. Machage:** Mr. Deputy Speaker, Sir, indeed, this is a substantive amount of money for this area. We will do gravelling on the Turbo side of the road. However, we will put bitumen for a distance of 20 kilometres on the Chepterit side of the road.

**Mr. Deputy Speaker:** We will go back to Question No.1 by Private Notice by Mr. Gitari!

## QUESTION BY PRIVATE NOTICE

### PAYMENT OF DEBTS OWED BY KERUGOYA DISTRICT HOSPITAL

**Mr. Gitari:** Mr. Deputy Speaker, Sir, for the second time, I beg to ask the Minister for Medical Services the following question by Private Notice:-

(a) Is the Minister aware that Kerugoya District Hospital owes thousands of shillings to its suppliers following supply of goods to the hospital over the last five years?

(b) Is the Minister also aware that the suppliers wrote a demand notice to the Permanent Secretary on 20th April, 2012 giving a 21-day ultimatum for the debts to be cleared?

(c) When will they be paid since their businesses are adversely affected due to the debts?

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Deputy Speaker, I beg to apologize for having arrived late to answer this Question. I hope that the hon. Member and the hon. Deputy Speaker will forgive me.

I beg to answer.

(a) I am very much aware that the hospital owes its suppliers millions of shillings dating back to approximately five years ago. In fact, as at 20<sup>th</sup> April, 2012, the total amount owed to various suppliers stood at Kshs7,934,904 only.

(b) I am quite aware that a demand notice by the merchants dated 20<sup>th</sup> April, 2012, giving a 21-day ultimatum was received in the Ministry on 3<sup>rd</sup> May this year.

(c) I may not exactly confirm to the hon. Member for Kirinyaga Central when the debts will be cleared. This scenario of indebtedness is across almost all institutions in my Ministry and is not unique to Kirinyaga District Hospital. This has been precipitated by the following factors.

(i) Reduction in budgetary allocations.

A case in point is that Kerugoya District Hospital used to get a quarterly allocation of Kshs2.4 million but now this has been reduced to a mere Kshs800,000.

(ii) Reduced cost-sharing revenues.

However, in order to continue servicing the debts, my Ministry has advised hospital managers to be allocating some money based on their collections on quarterly basis towards debt servicing.

**Mr. Gitari:** Mr. Deputy Speaker, Sir, while thanking the Minister, could he inform the House now that they have got an ultimatum from a supplier from Kirinyaga District Hospital, are they waiting until these people go to court and then you get court orders and start running up and down looking for money?

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, we would really like to avoid such an eventuality and that is one of the reasons why we are asking the hospital managers at least to have an arrangement with the service providers whereby they can be paid some money quarterly

so that we avoid the possibility of going to court. I know this is difficult but that is the only option left to us given that the first budgetary allocation to the Ministry was slashed drastically to the district hospitals.

Mr. Deputy Speaker, Sir, the other possibility which is a long term thing is for the hospitals to automate their services and use cash registers for revenue allocation. Where this has been done, collection of cost sharing has gone up tremendously – exponentially in fact. So, it would be useful, and we have advised all these hospitals to invest in automation in order to increase the collection of cost sharing so that the servicing of such debts can be possible.

*(Dr. Wekesa talked to hon. Beatrice Kones  
while kneeling on the Bench)*

**Mr. Deputy Speaker:** Order, hon. Wekesa! In my 20 old years of being associated with Parliament in one way or the other, I have never seen an hon. Member sit on the Bench on his knees and engage another hon. Member when the session of Parliament is ongoing.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Deputy Speaker, Sir, I was talking to the gracious lady!

**Mr. Deputy Speaker:** But as gracious as the lady is, which we have all witnessed to, you do it with the decorum and dignity that the House demands always!

**The Minister for Forestry and Wildlife** (Dr. Wekesa): My apologies, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Okay. The last supplementary question on the same, hon. Gitari!

**Mr. Gitari:** Mr. Deputy Speaker, Sir, now that the NHIF scheme has been suspended, could the Minister look for ways of getting some money from Clinix and Meridian hospitals and use the same money to this direction?

**Prof. Anyang-Nyong'o:** Mr. Deputy Speaker, Sir, the NHIF scheme has not been suspended. What was done was to stop the accounts of those two service providers but that is a completely different scheme. That is a scheme based on a contract between the Ministry of Public Service and the NHIF. The normal NHIF disbursement to contributors continues. It is not in any way affected by or related to the Civil Service Medical Scheme which is a special scheme negotiated between the NHIF and the Ministry of Public Service. So, the hon. Member should not have any fears and, indeed, funds from that scheme cannot be switched or used in any way other than in the normal NHIF contributors' scheme.

**Mr. Deputy Speaker:** Hon. Members, we now go to the Prime Minister's Time. Hon. M'Mithiaru, proceed and ask your Question.

## PRIME MINISTER'S TIME

*Question No.1547*

DISASTER RISK REDUCTION  
STRATEGY PROGRAMME

**Mr. M'Mithiaru** asked the Prime Minister:-

(a) whether he is aware that disaster risk reduction is important for sustainable development in Kenya;

(b) whether the Government has a disaster risk reduction strategy programme; and,

(c) how much money the Government has spent on all kinds of disasters such as drought, floods, fire, collapsed buildings and other interventions and rehabilitations for the last ten years.

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, in view of the cross-cutting nature of the Question and the high priority that the Government attaches to disaster risk management, the Minister of State for Special Programmes referred this Question to me and I agreed to answer it.

Mr. Deputy Speaker, Sir, Articles 58 and 132 of our Constitution recognise the occurrence of national disasters as one of the grounds for deterioration of state of emergency. The Government considers disaster risk reduction as one of its critical duties in supporting sustainable development. Indeed, Article 10 of our Constitution lists sustainable development as one of our core national values and principles of governance. The Government has put in place a combination of institutions, laws, strategies and mechanisms for international co-operation to deal with disasters. Disasters are either national or man made in their occurrence.

Kenya's disaster profile includes droughts, desertification, floods, landslides, earthquakes and volcanic activities, terrorist attacks, civil conflicts, fires, accidents from industrial and menial activities, oil spills, collapse of buildings and other engineering infrastructure, HIV/AIDS and other endemic diseases, livestock and wildlife diseases, transport accidents, lightning, pests infestation, abuse of drugs and alcoholic substances, invasion by alien space ships and dumping of hazardous waste.

Mr. Deputy Speaker, Sir, the Government published in the year 2006 its disaster risk reduction strategy for the period 2006 and 2016. I table a copy of the publication.

*(Hon. Raila laid the document on the Table)*

Mr. Deputy Speaker, Sir, the strategy aims to deal with its knowledge management with respect to disasters, strengthening institutional capabilities to undertake early warning, prevent and respond to disasters, establish mechanisms for litigation, recovery and reconstruction post disasters, facilitate the national co-operation and provide institutional frameworks for close sectoral development of policies and laws for dealing with disasters. The Government has established various sector specific risk disaster mechanisms. For example, there is the Kenya Food Security Steering Group to deal with food security. There is the National Operation Centre which co-ordinates inter-agency efforts in dealing with disasters. We also have the Crisis Response Centre which is at the frontline of engaging the public directly on disasters. There are district disaster committees at all levels.

The Government has established an extra Drought Management Authority to mainstream climate change mitigation measures so as to limit the impact of drought and co-ordinate various Government efforts at drought management. A livestock marketing board has also been established. The National Construction Authority Act has been enacted to deal with the quality of construction works. A National Drought and Disaster Contingency Fund has been established and a work connected Disaster Management Bill is in progress.

Mr. Deputy Speaker, Sir, at the international level, Kenya participated at the world Conference on disaster reduction held in Japan in 2005 which adapted a framework for action against disasters with a theme: *Building the Resilience of the Nations and Communities to Disasters*. Kenya has been actively implementing the resolutions of the conference. Kenya works very closely with various international organizations such as the International Committee of the Red Cross (ICRC) and Crescent, IGAD, Climate Prediction and Application Centre and UN agencies on disaster mitigation. In August last year, the Government invited the UN, the European Union and the World Bank to assist with drought post disaster needs analysis, to provide a qualitative estimation of the impact of the previous drought and advise on the recovery, long term resilience and mitigation.

Mr. Deputy Speaker, Sir, I table a copy of the Kenya Post-Disaster Needs Assessment Report.

*(Hon. Raila laid the document on the Table)*

Mr. Deputy Speaker, Sir, the report indicates that the overall effect of the 2008-2011 drought in Kenya stands at Kshs968 billion in respect of destruction of physical and durable assets, and losses in the economy across all the sectors.

*(Loud consultations)*

**Mr. M’Mithiaru:** On a point of order, Mr. Deputy Speaker, Sir. The consultation levels are quite high and I am not hearing what the Prime Minister is saying.

**Mr. Deputy Speaker:** Order! Order, hon. Members! Hon. Koech and hon. Kamama, your consultation has to be in very low tones. As a matter of fact, it has to be inaudible.

Proceed, the Rt. Hon. Prime Minister.

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, I was saying that the report that I have just tabled indicates that the overall effect of the 2008-2011 drought in Kenya stands at Kshs968 billion in respect of destruction of physical and durable assets, and losses to the economy across all sectors. It estimates the recovery and reconstruction needs at Kshs86 billion and Kshs69 billion, respectively. Disaster risk needs across sectors will require Kshs184 billion.

The Government is currently undertaking disaster risk and vulnerability assessment countrywide. This is part of the building of appropriate information and communication management systems to focus and to provide early warning on disasters. The National Disaster Operations Centre (NDOC) maintains a record of institutional capacities and a roster of volunteers and equipment at national, district and community levels to be mobilised in the event of any disaster. They also conduct scenario-based drill exercises and simulations to prepare for actual response to disasters.

Mr. Deputy Speaker, Sir, the Government expenditure on disasters in the last 10 years comprises direct interventions when a disaster occurs, expenditure on specific projects funded by Government resources or external resources; cash transfers to vulnerable groups, food assistance and subsidized medicines; expenditure on security with respect to terrorism, strengthening the capacity of the various Government institutions to make crisis interventions, and many other areas across the entire Government.

It is, therefore, not possible to quantify the exact amount of money spent on disaster response by the Government in the last 10 years. However, in the last five years, the Government

has spent approximately Kshs17 billion dealing with various disasters. Approximately Kshs16 billion was spent on drought and famine interventions; Kshs1.6 billion on floods intervention, and Kshs370 million on fire tragedies in Faza Island, Mukuru Kwa Sinai, Sachangwan, Nakumatt and Busia.

Mr. Deputy Speaker, Sir, let me, finally, call upon Kenyans to appreciate the effects of climate change on our economy through the cyclical twin disasters of droughts and floods. Our country has been experiencing droughts and floods in the same way we experience the sun and the moon. One follows the other. Apart from our nation's effort at adoptability to climate change, I call upon all Kenyans to mind their carbon footprints. We must preserve our forests in order to preserve our future. We must build long-term resilience to climate change. We should not play politics with our efforts at conservation.

Thank you.

**Mr. Deputy Speaker:** Hon. M'Mithiaru, do you want to seek some clarification?

**Mr. M'Mithiaru:** Mr. Deputy Speaker, Sir, the import of this Question was actually to bring to the fore how expensive it can be to intervene on disasters. I thank the Prime Minister. He has done the elaborate measures that the Government has put in place for this but what I have not seen is really the elaborate mitigation plans on disaster reduction. We use colossal amounts of money to address disasters when they have yet those disasters can be prevented. A case in point is the perennial relief food that we give to people in drought prone areas. Drought can be planned for and properly mitigated early. To which Ministry or Government authority has the Strategic Plan that has already been put in place domiciled, to ensure that all these strategic plans are followed to ensure that they realise the effects that are desired?

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, the hon. Member really does agree that this is indeed a serious matter. As I have mentioned, the Government has a strategy.

Secondly, we have a mechanism because we have a disaster management centre which brings together the Ministry of Public Works, the Ministry of Water and Irrigation, the Ministry of Youth Affairs and Sports, the Ministry of Regional Development Authorities, the Ministry of Medical Services, and the Ministry of Public Health and Sanitation. Most of the Ministers that deal with infrastructure and social services are represented in that committee.

Mr. Deputy Speaker, Sir, funds are provided. We also have a Contingency Fund, which we usually "invade" when there is a disaster. It is very expensive. There are other areas where, we, as a nation, can actually act in order to avoid disasters. For example, we are talking about floods. Sometimes floods come as a result of bad land use that leads to desertification. When we destroy forests, we contribute to soil erosion and this translates to flooding of our environment.

That is why I am saying the issue of protection of our water towers is of extreme national importance. It is a responsibility of all Kenyans to conserve our environment. At the moment, the Government is spending a lot of money in dam construction, which is aimed at harvesting rain water when it rains. This will also contribute to controlling of flooding some of our areas. We will also be able to use this water when drought comes because we now live between the twin disasters of *El Nino* and *La Nina*. When *El Nino* disappears with the floods, *La Nina* comes with the drought, which is, again, very devastating. When pastures disappear, our pastoralists begin to suffer when their animals die. So, we have a strategy in dealing with all these issues.

Mr. Deputy Speaker, Sir, however, there are some accidents which are avoidable. The Government has said very many times that when a fuel tanker roles, people should run away from it, instead of running towards it to try and loot the spilling fuel. This is something that has been said so many times but our people have not yet come to terms with this reality. Therefore,

we are losing so many innocent lives as a result of these kinds of accidents. This is something we will not give up on. We will continue to repeat this message all the time – that, whenever you see a fuel tanker rolling somewhere, run away from it. Do not run towards it, unless you are doing so to save the lives of the driver and the ton boy of the truck.

Thank you.

**Mrs. Shebesh:** Thank you, Mr. Deputy Speaker, Sir. In countries where the government takes the issue of disasters seriously, they have either set up a Ministry for disaster preparedness or management or they place the issue of disaster management under the President's Office or the Vice-President's Office or the Prime Minister's Office.

Could the Prime Minister tell us, since this issue is so crosscutting and there seems to be such overlapping of duties when disasters happen--- For example, the Ministry of State for Special Programmes is the one that keeps the food – the National Cereals and Produce Board (NCPB) and the Ministry of Forestry and Wildlife is in charge of the deforestation issue which is another disaster. The Ministry of Agriculture is, of course, in charge of food security. The Ministry of Water and Irrigation deals with flooding, while the Ministry of State for Provincial Administration and Internal Security does food distribution. The Ministry of State for Development of Northern Kenya and Other Arid Lands is a Ministry that up to today I do not understand why it was formed because I thought that this is what it should be doing is not doing it. The Ministry of Gender, Children and Social Development is doing cash transfers. The Ministry of Local Government is the one that is supposed to provide the services for trucks and *et cetera* when there is a disaster in urban areas. When will he be serious about disaster management so that he addresses it holistically as other countries have done? Uganda, our neighbour, here is an example. Ethiopia is another example.

**Mr. Deputy Speaker:** The Rt. hon. Prime Minister, you will take a few questions and then you---

**The Prime Minister** (Mr. Raila): I want to take them one by one.

**Mr. Deputy Speaker:** That is okay.

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, I thank the hon. Member for making comparative analysis. However, I want to assure the hon. Member that, yes, what they have done in Uganda, in fact, we have done better here. The disaster management team is in the Office of the Prime Minister. All the Ministries the hon. Member has mentioned, for example, the Ministry of Forestry and Wildlife, the Ministry of Gender, Children and Social Development, the Ministry of State for Development of Northern Kenya and Other Arid Lands and the Ministry of State for Provincial Administration and Internal Security are all represented on that team.

There is an officer who does the co-ordination of all these Ministries. That is why you will see that whenever there is a disaster these Ministries move together. You will find the Ministry of Medical Services officials there; you will find the Ministry of Local Government officials present; you will find the Ministry of Youth Affairs and Sports officials there and you will find the Ministry of State for Provincial Administration and Internal Security officials there and so on.

We have District Disaster Management Committees. So, that is how far we have gone. It is not just at the national level but it is cascaded down the system up to the village level.

**Mr. Nyambati:** Mr. Deputy Speaker, Sir, I want to thank the Prime Minister for the comprehensive answer that he has given. But there are other disasters that the Prime Minister has not mentioned. There are many cases of lightning where I come from and many schools and

other institutions have been affected. In my constituency, many school-going children have even died as a result of lightning when there are thunderstorms. Does the Government take care of this disaster which affects our children and is prevalent in some areas which experience a lot of rain? I would like to know that.

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, I mentioned lightning as one of the disasters which have been categorized. The area where the hon. Member comes from is known as “lightning prone”. It is a belt that comes from Kakamega, through Nandi Hills all the way through Kericho onto Kisii. Scientists tell us that this is as a result of the hydro-electric cycle in the lake basin area. When the lake surface water is heated, it evaporates. When it goes to the higher altitudes, it is pushed by the wind towards the mountains or the hills. Lightning occurs because of the rush cooling and the friction that takes place.

*(Applause)*

When lightning occurs, it causes problems. That is why the Ministry of Energy under which electricity falls has been working on this matter jointly with the University of Nairobi. They have set up a number of lightning arrestors in a number of structures and even in schools. It is a programme that needs to be rolled out throughout all our schools to minimize the incidents of destruction in our schools.

**Mr. Deputy Speaker:** The Rt. hon. Prime Minister, I think you will need to take some notes. I will take about three or four seeking of clarifications. I will start with Mr. Yusuf Hassan followed by Mr. Mungatana and then Dr. Otichilo.

Proceed!

**Mr. Hassan:** Mr. Deputy Speaker, Sir, I wanted to say that apart from the bureaucracies that the Prime Minister has said which are there to help us deal with the disaster risk and management, I think one of the areas that we fail in is in co-ordination and in response. In fact, hon. Shebesh mentioned that we are not doing very well in the area of response to crisis. Even at the moment when you see the floods, the landslides and the fires often the failure to respond to them is what causes casualties. Could the Prime Minister tell us what is in place to deal with man-made and natural disasters? What programme is in place to train, equip, mobilize and deploy civilian units?

One of the countries that has been very successful in having a very effective civilian response method is Cuba. Those countries face a lot of cyclones but Cuba is one of the countries that does not suffer from heavy casualties because it has been able to mobilize, equip and train its civilian population.

Finally, having had fires and floods in my constituency, none of the telephone numbers that are usually given for response from the police or fire brigade are working. Is there a way in which we could have a national emergency number, for example, 999 or 911? The disaster response centre can have a number where people can call and pass that information about people who are facing emergencies or crisis of that kind.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, at the end of all this strategy, papers and whatever it is the money that matters. How much money has this Government allocated to the Contingency Fund? As a matter of fact, the Contingency Fund constitutionally is supposed to have Kshs10 billion. Could the Prime Minister tell us how much money in the Printed Estimates

has been allocated to the Contingency Fund because we know for a fact it is underfunded? If it is, how does he propose to operationalize all these strategies he has talked about?

**Dr. Otichilo:** Mr. Deputy Speaker, Sir, I wish to thank the Prime Minister for the elaborate Statement he has given on disaster management reduction. To deal with disasters, you need early warning information. To get early warning information, it must be rapid and quick. The easiest way to get early warning information is through earth observation satellites. This country has had an earth satellite receiving station at San Marco since 1962.

This country does not use this station, which provides early warning information every 15 seconds on what is going on in the entire globe. When is the Kenya Government going to take decisions, so that we can make use of the San Marco satellite receiving stations to get early warning information? Most of the disasters can only be monitored from the space; those are droughts, floods, landslides and even accidents. Without early warning information, how are we going to address the issue of disaster management?

**Mr. Deputy Speaker:** The last one; let us have Mr. Namwamba in this batch and then we will have the final batch.

**Mr. Namwamba:** Mr. Deputy Speaker, Sir, first of all, let me commend the Right hon. Prime Minister for the starling role he has played as a champion in the protection of the environment. That is something that this House really needs to acknowledge.

However, the Prime Minister is, of course, aware that there are non-State agencies--- In this regard, I want to particularly commend the role played by the Kenya Red Cross, led by gallant sons of this land like Mr. Abbas Gullet.

These agencies are always out there lending a hand; whether you are talking about flooding, mudslides or drought, you will always meet these agencies out there. You get a feeling that these agencies are always struggling for resources. The other day the corporate world had to come to the aid of the Kenya Red Cross through the famous “Kenyans for Kenya” arrangement to raise resources. We also know that Government agencies like the Ministry of State for Special Programmes do control considerable resources, about some of which there are serious doubts as to how efficiently those resources are applied whenever we have these kinds of challenges. This is where I wish to invite the Prime Minister to clarify. Has the Government considered setting aside resources to be channeled specifically through agencies like the Kenya Red Cross that would enable these agencies to provide their excellent services in a better way and in close partnership, of course, with the Government?

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, the hon. Member for Kamukunji is concerned about the co-ordination and lack of rapid response to disasters. He is also talking about training and equipping of civilians to be involved in disaster management or control. I want to assure the hon. Member that a lot of effort has gone into trying to prepare and train the population, particularly in urban areas, about the risks that are involved and also how to respond to disasters. However, I agree with him that more could be done.

We cannot compare ourselves with a country like Cuba, but I know that there is a beginning and there is commitment right now. It is an issue that we have discussed very extensively when we were putting in place what we now have today, which did not exist four years ago. If, for example, I am asked about a number that can be rang if there is a distress, so that help can come, I want to inform him that there is a number which is toll free; it is number 109. I want to repeat, it is 109. When you are in trouble and distress, call that number. It is toll free and assistance will come your way.



Mr. Deputy Speaker, Sir, the early warning system is now in place, and it was used, for example, in Budalang'i, recently. Because of that, there was intervention that averted what would have been a much serious disaster.

Mr. Mungatana was inquiring about how much money has been put in the Contingency Fund. The Contingency Fund is an omnibus because it is a fund that is made use of for so many other different reasons. It is a fund that is invaded when there is an emergency. Sometimes there is an emergency which is not necessarily a disaster. He says that we need to have Kshs10 billion. I know that, for example, under the Ministry of State for Special Programmes, we have Kshs100 million, but there is also Kshs10 billion that is given to them generally---

**Mr. Hassan:** On a point of order, Mr. Deputy Speaker, Sir. We just tried the 109 number that the Prime Minister mentioned and it does not work. Can he repeat the number?

**The Prime Minister (Mr. Raila):** Mr. Deputy Speaker, Sir, I thought that we actually banned telephones in the chamber. The hon. Member is basically confirming that he has---

**Mr. Deputy Speaker:** Mr. Hassan, you have just inadvertently actually admitted that you broke the rules of the House. You will not repeat that.

Proceed, the Right hon. Prime Minister.

**The Prime Minister (Mr. Raila):** The hon. Member is totally out of order, Mr. Deputy Speaker, Sir. I am sure if he goes out of the Chamber and tries, he will find the number working.

Mr. Deputy Speaker, Sir, Dr. Otichilo has raised a fundamental issue about the satellite station in San Marco out there in Malindi. For a long time, that station has been used by the Italian Government to send satellites to the space and very little use was made of it by the Government. I want to inform the hon. Member that right now, the Meteorological Department is making good use of that station, and that information is being received which is then being transmitted to various other institutions in our country.

Mr. Namwamba asked whether the Government of Kenya will consider giving more funds to the Red Cross. The Red Cross and other organizations like the Red Crescent and other international organizations, have a lot of sources of funding. Their work is complementary to that of the Government. Therefore, the Government has its role to play with the limited resources that it has. So, the work that agencies like the Red Cross do, do complement the efforts of the Government. When the Red Cross is in need, they always approach the Government. We do share whatever we have with them and we will continue to do so.

**Mr. Deputy Speaker:** Let us have the Member for Lari, followed by Mr. Chachu, Mr. Chepkitony, Mr. Mbuvi and then Dr. Nuh in that order. Proceed

**Mr. Njuguna:** Mr. Deputy Speaker, Sir, while thanking the Prime Minister for that reassuring Statement, I would ask him to inform the House the mitigation measures the Government is taking to relocate the marooned families and communities currently being affected by the heavy floods pounding the country.

**Mr. Chachu:** Mr. Deputy Speaker, Sir, as a strategy towards disaster reduction, we published a Bill called Drought Management Authority (DMA). Also, our President gave an executive order this year that established the same Authority. This is a State corporation mandated to manage drought in our Republic. Funding is key for this Authority to be successful in its mandate.

Could the Government commit enough resources? I am talking about concrete budgetary provisions for the DMA to effectively manage and initiate the required drought management responses as well as mitigate whenever and wherever drought occurs in our Republic. I am asking for a commitment and serious budgetary provisions for the DMA.

**Mr. Deputy Speaker:** You have made your point, Mr. Chachu!

**Mr. Mbuvi:** Mr. Deputy Speaker, Sir, it is still very fresh in my memory and the memories of the great people of Makadara and Kenyans in general that some few months ago, we lost over 100 constituents in my constituency in the Sinai Fire Tragedy. Could the Prime Minister inform this House why the Government has refused to compensate the Sinai Fire victims and yet in the recently concluded investigations carried out by the Government, it was revealed that the fire was caused by negligence of the Kenya Pipeline Corporation (KPC) to repair one of their faulty gaskets? I have with me the investigation report carried out by the Government.

**Mr. Chepkitony:** Mr. Deputy Speaker, Sir, I would also like to commend the Prime Minister for the elaborate and comprehensive Statement. My concern is on the landslides which are very common in my area. I would like to ask the Prime Minister if the Government can identify areas which are prone to landslides and take mitigating measures by relocating the people to settle elsewhere instead of waiting until it happens and kills people. These people are willing to move out if an alternative land is found and they can surrender their land to the Government to use it as a forest or do any other thing because the land they live on is not suitable for settlement and it can be turned to other uses. They can settle elsewhere where it is safer for them.

**Mr. Deputy Speaker:** You have made your point! We will have Dr. Nuh and then finally, Mr. Lagat.

**Dr. Nuh:** Mr. Deputy Speaker, Sir, I know the Prime Minister is an engineer but when I heard him marvel in scientific issues of meteorology, I admired his skills. Anyway, I just want to tell him congratulations but what I want to ask is: When the NARC Government came to power in 2003, one of the key policies agitated for by that Government then was a law on disaster. Since 2003 and 2005, they have been pending in the shelves of either Cabinet or the reserved Ministry; a disaster policy. To date, every time we ask the reason as to why there is not a concerted effort to fight disasters or wade off disasters, it is because there is no concrete disaster policy under one unit and it is because of the fragmentation. Could the Prime Minister tell us what is holding this disaster management policy or Bill back and when, as a House, we should expect such a law?

**Mr. Deputy Speaker:** Mr. Lagat, last clarification!

**Mr. Lagat:** Mr. Deputy Speaker, Sir, the Prime Minister has mentioned about a strategic plan and I know in this country we have many strategic plans but the problem has been the implementation. What is the Prime Minister going to do to ensure that such nice plans are implemented in the right way?

**Mr. Deputy Speaker:** Prime Minister, that is the last one!

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, Mr. Njuguna wanted to know the plans to evacuate families who are marooned by the raging floods across the country. The hon. Member will have noticed a lot of efforts being made by the Government across the country to assist people who are affected by the floods, whether they are at the Coast around Malindi, whether they are in North Eastern, whether they are Turkana area, in Western Kenya, Central Kenya and so on. I talked about Western Kenya because a lot of effort is being made to move these people to safe places. The floods came rather very abruptly but the Government is coping with it.

Mr. Chachu was concerned about funding for the DMA. This is a new Authority which has been created by the Government in recognition of the challenge that is now posed by drought

which has become more regular than in the past as a result of the climate change. It is an issue that is not just confined to Kenya. We have a similar problem in Ethiopia, Eritrea and also Djibouti and Somalia.

Last year, the horn of Africa experienced the worst drought in the last 60 years. We now know that this is not just a one-time occurrence but we do not have to wait for another 60 years. In the face of this climate change, we now have to rethink our strategy because it appears that pastoralism as we have practiced it for generations and generations is becoming unsustainable. Therefore, there is need to wean our people from just dependence on pastoralism as a way of life and diversify. So we need to introduce a sedentary form of existence to some of our people but as we construct the dams for harvesting rain water, we also introduce smart agriculture which will enable our people to produce other food crops like vegetables and fruits. This is what they have done in a place like Israel which is a desert. However, this requires cultural or attitudinal change and we need to work, therefore, with the leaders in these regions as we introduce these new ways of life for our people. But yes, I want to assure the hon. member that this new institution is going to be fully funded so that it can deal with this disaster.

Mr. Mbuvi asked about the Sinai Fire but he is being very economical with the facts because he needs to make a complete disclosure to the House that some of these people had been advised to move out of the area---

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

**Mr. Deputy Speaker:** Allow the Right Hon. Prime Minister to complete his Statement and then rise on a point of order.

Proceed, Mr. Raila!

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, I do not know what is out of order!

These people had been asked to move out of this area. The hon. Member himself, for pure populism, was at the forefront in agitating the people not to move and the accident then occurred. Investigations have been carried out and the report is available which the hon. Member then has but we are talking all the time about compensations. So, when a tanker rolls and people rush to go and draw fuel from that tanker and then they are burnt in the process, should the Government be using money to compensate those people? This idea of the Government compensating the victims is being taken too far in this country to the level that is irresponsible.

We sympathize with the families and we raise money to help the families or those who die. There are people who have insurances and the insurance will deal with those issues. The Kenya Pipeline Corporation has insurance. So, there is a process of going through before compensation can be done. It is not an issue of the Government. Where will the Government get the money to compensate the people? Compensation is done through insurance companies.

Hon. Chepkitony asked about landslides. Landslides have caused the loss of a lot of lives for our people in different parts of the country. Sometimes it is avoidable but sometimes, it is not avoidable. Sometimes it is not easy to predict that a piece of land is going to slide or sink. Sometimes it is an accident, but sometimes it is predictable and people have been warned to move out, but people sometimes resist moving out. So, it is an area where I agree that we need to work very closely with our people and our scientists, so that we can help our people. There are cases where people have nowhere else to go and, therefore, they stay even after they have been warned. In those kinds of cases, alternative sites should be looked for, so that these people can be relocated. This occurs in different parts of our country and sometimes it is very difficult to

predict that it is going to happen. People who live on the slopes of hills and mountains ought to find out if, for example, that area could be prone to landslides, so that something can be done.

I want to assure the Member of the Government's concern to ensure safety and security of all its citizens. We will do what is possible to warn our people and if possible, relocate those who can be relocated.

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

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, I do not mind the information from the Member so long as he knows that he is part of the Front Bench.

**The Assistant Minister for Water and Irrigation** (Mr. Waititu): On a point of information, Mr. Deputy Speaker, Sir. While the Government is trying everything possible to be prepared to fight disasters, I want to inform the Prime Minister that the top officials of the Nairobi City Council that is supposed to be ready to fight disasters in Nairobi, have sold---

**Mr. Deputy Speaker:** Order! Order, hon. Waititu! Time and again, you have been told you are from the Government. You cannot criticize the same Government that you serve. So, if you wish to proceed and talk about the efficiency of the Members of the Government, the City Council or otherwise, you go and sit next to the Prime Minister and inform him in low tones in your own way. The Government has its own machinery and ways of communicating and working together in unison.

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

**Mr. Deputy Speaker:** Order! I will not allow you to proceed with that line.

**Mrs. Shebesh:** On a point of information, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Hon. Prime Minister, would you wish to be informed by hon. Shebesh? Hon. Waititu, should you wish to play the role that is played by hon. Shebesh. Hon. Mbadi, Dr. Nuh and hon. Imanyara, then you might as well cross the Floor and resign from the position you are holding as an Assistant Minister.

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, I do not mind the information.

**Mrs. Shebesh:** Mr. Deputy Speaker, Sir, I would like to inform the Prime Minister that even as the Government is doing all that it can to prepare for disasters, currently, the Nairobi City Council has sold of four of the five sites that are meant for fire stations. Even as I speak, the current fire station is under negotiation and soon it will become a mall. Is the Prime Minister privy to that information, so that as he is speaking about the Government commitment, we understand that the Nairobi City Council is still part of the Government? What does he plan to do about that as well?

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

**Mr. Deputy Speaker:** Order! Order! You are not allowed to give that information. You have to be a Back-bencher to be allowed to give that information. You are a Member of the Government. Proceed, Right Hon. Prime Minister!

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

**Mr. Deputy Speaker:** Allow the Hon. Right Prime Minister to respond to the point of information raised.

Proceed, Hon. Right Prime Minister!

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, I have taken the information. I will carry out my own investigations.

**Dr. Nuh:** On a point of order, Mr. Deputy Speaker, Sir. I just want to remind the Prime Minister that he has not answered my question.

**Mr. Deputy Speaker:** Which was? What clarification did you seek?

**Dr. Nuh:** Mr. Deputy Speaker, Sir, it was on the disaster management policy or Bill that has been lying on the shelves.

**Mr. Deputy Speaker:** Policy or law for that matter. Yes you did; the absence of a policy or a law.

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, I am very sorry that I inadvertently omitted to respond to the clarification sought by the Member for Bura. I want to inform the Member that the policy is ready and it is going to the Cabinet any time from now. I am sure within one month, it is going to be before this House.

*(Ms. Karua stood up in her place)*

**Mr. Deputy Speaker:** Hon. Karua, we had exhausted the seeking of clarifications---

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

**Mr. Deputy Speaker:** Order! The Chair is talking. When the Chair is talking, you freeze. Hon. Karua, I will allow you that as the very last one.

**Ms. Karua:** Thank you, Mr. Deputy Speaker, Sir. The Prime Minister mentioned climate change and one of the ways of mitigating climate change is reforestation. We are in the rainy season. I am wondering whether the Government has considered getting all the public institutions and also asking the Non-Governmental Organizations (NGOs) to join the Forest Department that is doing commendable work reforesting during this period. Is that something that has crossed the Government's mind?

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, I thank the Member for raising that question. I wish she raised that question to the Minister for Forestry and Wildlife. She has acknowledged the work that they are doing. The Government is doing everything in its power, using schools, for example, to carry out tree planting all over the country. Messages are going out in all market centres for people to engage in tree planting. We estimate that for us to increase our forest cover from the current under 2 per cent to the required 10 per cent by the year 2030, we need to plant about 7.6 billion trees. That is a major challenge to us as a country. First, we must fight the people who are continuing to destroy our forests, namely, the people who are cutting trees, particularly indigenous trees in our indigenous forests.

Secondly, we must also support the efforts of the Government of evacuating squatters in our forests. You cannot live in a forest and not destroy it. How else do you live as a human being? You need fuel and the only source of fuel inside there is trees. You also need to do some ploughing. You should not play populist politics with conservation. We must lead from the front. I know this because I have been wounded in an effort to try to conserve, but we must pay a heavy price so that we can conserve our forests. This last week, I was in Aberdares where they have constructed a 400 kilometre fence to protect the Aberdares Forest. The community has worked very closely with the Ministry of Forestry and Wildlife in doing that exercise, so that the forest is secure.

We are trying to do the same in Mt. Kenya Forest, where there have been so many squatters. They had invaded the forest. We want to do the same thing in Cherangany and Mt. Elgon. We are doing the same thing in Mau. The efforts in Mau are yielding results now.

Mr. Deputy Speaker, Sir, we have reclaimed over 50,000 acres of Mau Forest and the residents around that area can see that the rains have improved right now. So, the efforts are beginning to yield results despite the negative attitudes and criticism that were being exercised by some Members of this House.

Mr. Deputy Speaker, Sir, let us work together as a team; as leaders of this country, so that the future generation can be proud that there were Kenyans who cared about their environment, and did all that it took so that our environment could be conserved.

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

**Mr. Deputy Speaker:** Order! Order, hon. Members! We have come to the end of the Prime Minister's Time. We have substantive business of the House to transact. There are Members who had sought Ministerial Statements, including hon. Mwathi and another Member. I seek your indulgence; I will allow them to do that tomorrow. They will seek their Ministerial Statements tomorrow. For now, we will go to the next Order!

Next Order!

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

**Mr. Deputy Speaker:** Not on what we have just disposed of, Ms. Karua. What is it on?

## POINT OF ORDER

### KILLING OF SAMIR KHAN

**Ms. Karua:** Mr. Deputy Speaker, Sir, I just wanted to draw your attention that, over two weeks ago, the Minister of State for Provincial Administration and Internal Security, while responding to my request for a Ministerial Statement on the abduction and killing of Samir Khan, the Chair found the Ministerial Statement unsatisfactory and asked that it comes in two weeks. Two weeks ended on 9<sup>th</sup> this month. It has not come back. I was requesting that, perhaps, the Chair could give directions that it either comes tomorrow or next week on Tuesday. I can see the Minister right here.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, indeed, it is true that I had to give some clarification on the Statement which I made. But I would like to seek the indulgence of the Chair to allow me to gather the information that was required and then I do it on Thursday next week. That is because in the process, I still have more Statements to make.

**Mr. Deputy Speaker:** Are you comfortable with that, hon. Karua.

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

Hon. Mwathi, I have directed that your Ministerial Statement be delivered tomorrow. The Chair is conscious of that and understands the urgency but, nonetheless, it has promised and undertaken that you will have a moment to do that tomorrow.

Next Order, Statements!

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

Is it on the same that I had directed on? What is it?

**Mr. Mwathi:** On a point of order, Deputy Speaker, Sir. I thank you for directing that. I oblige. I will ask for the Ministerial Statement tomorrow. But while here, the reports coming from the constituency is that the situation between the two constituencies is very volatile. I was asking that the matter is brought to the attention of the Minister. The communities might just go for each other.

**Mr. Deputy Speaker:** You bring it to the attention of the Minister of State for Provincial Administration and Internal Security such that he begins taking remedial measures.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): He has not told me!

**Mr. Deputy Speaker:** He will tell you in confidence and private. You will transact the matter tomorrow.

Next Order!

## COMMUNICATION FROM THE CHAIR

### SUBMISSION OF APPLICATIONS FOR NOMINATION OF MEMBERS TO EALA

**Mr. Deputy Speaker:** Order! Hon. Member, the Chair made a communication yesterday on the East African Legislative Assembly Elections. It has come to the notice of the Chair that some candidates had taken their application directly to the political parties. The rules are very clear. The applications should be taken to the Clerk of the Kenya National Assembly. The deadline is tomorrow at 5.00 p.m. in the afternoon. Thereafter, the Clerk of the Kenya National Assembly is going to send that information in the form of two clusters. The two major parties represented here in Parliament are ODM and PNU. So, for PNU, it will be given to the Whip of PNU for onward transmission to the party itself. The one of ODM will be also given to the Government Whip. Both of them are Government Whips; that is hon. Muthama and hon. Jakoyo Midiwo. Thereafter, of course, the elaborate process and the road map is going to be communicated tomorrow. But for now, the urgency is there for Members and candidates to take note. Hon. Members should inform other candidates to bring their applications to the Clerk of the Kenya National Assembly.

## MOTION

### THANKS FOR THE PRESIDENTIAL STATE OF THE NATION ADDRESS

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair, laid on the Table of the House on Tuesday, 24th April, 2012.

*(The Vice-President and Minister for Home Affairs on 25.4.2012)*

*(Resumption of Debate interrupted on 9.5.2012)*

**Mr. Deputy Speaker:** The hon. Kaloki was on the Floor. But if he is not in the House, any other Member can stand and contribute to the Bill. It is the Miscellaneous---

Order! Order! It is the Presidential Speech and it will be disposed of today. It is Order No.8. Yes, hon. Dr. Laboso!

**Dr. Laboso:** Thank you, Mr. Deputy Speaker, Sir for giving me this opportunity to also contribute to the President's Speech.

Mr. Deputy Speaker, Sir, I want to begin by thanking the President for talking about the success of the Grand Coalition Government. I want to say that I am one person who supports the Coalition Government and if there is an opportunity to have another Grand Coalition, I would go for it. That is because I have seen the importance of a shared Government. The resources of this country get shared across the country.

*[Mr. Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, the President reiterated the fact that we need this country to be one country. There is nothing more important for us in this country than the unity of Kenya. We do not want to hear of any person thinking of seceding from Kenya. When you hear the MRC at the Coast and the people of North Eastern saying that they are not part of Kenya, that is not the direction to go. We want a situation where we all feel as part and parcel of this country; where we all feel included.

Mr. Temporary Deputy Speaker, Sir, I want to mention the new Constitution and the fact that the most important feature of the new Constitution is devolution. Devolution is the thing that that is going to be different from the current system that we have. Therefore, we are looking forward to a complete government; an autonomous government - and not a centralized one. So, when we have the President making decision to now load on the county government commissioners that have not been agreed on, I think it is not in order. We want to say that because this devolution is what we are looking forward to, and because governors are going to be in charge of counties, their input on whoever is going to be in charge of security; that is the Governor that has been given that by the Constitution and that must be respected.

Mr. Temporary Deputy Speaker, Sir, I want to address myself to the question of the coming elections. It cannot be overemphasized that we need free and fair elections, be it in December or March. That fairness must be addressed. We need a third of women to be elected in the next Government. We must make sure that we have level playing ground for all candidates, particularly for women who, under normal circumstances, we find are the most vulnerable in elections because of the violence that is meted on them and the cultural practices or norms which do not favor them in terms of ascending into decision making positions.

Mr. Temporary Deputy Speaker, Sir, in addition to that, I want to emphasize that the provisions of Chapter Six of the Constitution be strictly adhered to. I am urging all Kenyans, just like the President did in his Speech, we make sure we elect leaders of integrity. This country is not short of people that are not tainted; people who have not been involved in the Goldenberg,



Anglo Leasing and all those scandals that this country is wrought with. We can get clean Kenyans out there who can change the direction of elections and politics in this country.

Mr. Temporary Deputy Speaker, Sir, another important matter that I would like to bring forward is the question of peace and reconciliation. The question of peace and reconciliation is extremely important even as we move on to elections. We have continued to say that there are tribal clashes in Sotik. I want to assure you that there is no truth in that claim. The matter that is going on in the Sotik/Borabu border has nothing to do with land; nobody is fighting over anybody else's land. The only thing that is happening on that border is that we have stock theft. It is not even cattle rustling. We know cattle rustling means hundreds and thousands of cows or animals being driven from one community to another, or from one region to another. This is just a question of just two or three cows being stolen. I wonder why this is the case when we have the full arm of security on that border. We have the General Service Unit (GSU) and Anti-Stock Theft Unit camps on the border. It is strange that with all these arms of Government, we are unable to arrest a situation of a few boys or criminals with bows and arrows moving cattle from one area to the other without being detected by these Government law enforcement agents. So, somebody somewhere is not doing his job.

As I move on, I want to, again, to commend the President for remembering that even as we keep on talking about the coming elections, we have victims of post-election violence in the camps. It is a shame! We, as a country, really cannot call ourselves serious people if, five years down the line, we still have people in camps. What really can we, as a Government, tell Kenyans? We are moving into another election and yet, we have people in camps. Are we telling them that we have been unable in the last five years to resettle them? We must move with speed and make sure that before the next elections, those people are settled somewhere. We want to go and celebrate their new homes wherever that new homes will be.

As I speak about the IDPs, Mr. Temporary Deputy Speaker, Sir, I also want to talk about the Government generated IDPs. These are the evictees from the Mau and Embobut forests. Those people voluntarily came out those forests when they were requested to do so by this Government. As the Prime Minister has just noted, there is a success story on the side of the forests. Forests have been rehabilitated as he has noted. In fact, about 50,000 acres of land have been rehabilitated with forests. Now, we want to talk about those people who voluntarily came out of those forests. They accepted to come out of the Mau and Embobut forests. What is their fate? We have children who have died of pneumonia. We have people living in tattered tents in the camps at the foot of those forests. We need to do something and make sure that all evictees, whether from the forests or from the post-election violence, are resettled before we move into the next general elections.

Mr. Temporary Deputy Speaker, Sir, I want to commend the work of our military, as did the President, particularly those in Somalia. They are doing a good work for us. We are thinking and praying for them together with their families. Some of them have had to lose their lives in the line of duty. We urge them to continue in the same vein. We also need more presence of Kenya in Sudan and Southern Sudan. We do not want again to have to move into those countries as we have had to do in Somalia. So, before it escalates to the level where we have to do interventions, we can intervene at this time, so that both countries can go back to the drawing board and make sure that they come to a peaceful agreement.

On the East African Community (EAC), I think it is the best way forward. Regional integration is the direction to go. As you have just noted, we are now in the process of electing the East African Legislative Assembly (EALA) Members. Let us elect members who will

represent this country ably in that body. We should not forget the issue of gender balance as we embark on electing those members. We should ensure that, again, we have enough women of all shades, colour and qualifications in that Assembly.

Mr. Temporary Deputy Speaker, Sir, I must laud, as was said by the President, the good work by the Ministry of Roads. They are talking about 2,700 kilometers of new roads that have been tarmacked. I am proud to say that my constituency is a beneficiary of at least over 40 of those kilometres of road between KCC and Gorgor. So, I want to, once again, congratulate the President and say the legacy on infrastructure development will, definitely, be a permanent reminder of the time he has been the President of this country.

Mr. Temporary Deputy Speaker, Sir, as I come to the end of my contribution, I want to laud Kenyans for their innovation and technology, particularly on M-Pesa or the money transfer system. It is now a renowned worldwide invention or innovation. We want to continue to ask other Kenyans to also continue to think of new ways and new innovations that can make a difference in this country and even in the world at large.

Mr. Temporary Deputy Speaker, Sir, I conclude by saying that the Constituencies Development Fund (CDF) has played an important role in the development of this country. What we were never able to do from the Central Government, it can be done by the model that we have used in the CDF. So, I am one of those Members who say that whatever we do, we must make sure that we retain the CDF kitty. We must make sure that model is not lost even as we move into devolved or county governments.

Mr. Temporary Deputy Speaker, I would like to end by looking at the National Hospital Insurance Fund (NHIF) saga. Since we will be discussing it in depth, I only want to say that we should not lose sight of the great value of this scheme. If we reach a point where each and every Kenyan is covered medically, we will have done what most countries have been unable to do. Let us not make small challenges and teething problems be the focus that can destroy something that is going to be a major step for this country.

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

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, in making my own contribution here, I wish that it will be treated as a response to the contributions made by the hon. Members.

Mr. Temporary Deputy Speaker, Sir, I would like to thank, indeed, the past speakers who have made their contributions to this very important Motion, which is as a result of the contribution made here by His Excellency the President, on matters of public policy. His Excellency the President's Statement was profound and wide ranging. It touched on very important issues which do affect this country. For example, there was the issue of the state of our economy. Indeed, His Excellency the President, in his own exposition, was able to inform this country that despite the very major drought that we experienced sometime back, the economy now has begun to recover and is on a growth trajectory. Even more important is the recognition that while the world today is experiencing very major economic crisis, especially in Europe and various other place, despite some few shocks here especially on the value of the shilling, there is monetary and also micro-economic stability. So, that is one thing which is important.

Mr. Temporary Deputy Speaker, Sir, now that we do have a stable micro-economic framework, it is absolutely important that as we move forward, we do ensure---

**Mr. Letimalo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Given that the rest of us have not had an opportunity to contribute to this important Motion, and we have got

very important issues that we need to raise to which the Front Bench has to respond, is it in order for the Minister to respond before we exhaust the contributions by the Back Bench?

**The Temporary Deputy Speaker** (Mr. Imanyara): Actually, you also caught me by surprise, Professor, because I thought that you wanted to contribute. Then while you were doing it, you said that we should take it as the official Government response. You will be denying the hon. Members an opportunity to which you would be responding. So, perhaps, you can clarify that, so that we get the hon. Members to be at peace.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, there is no doubt at all that any Member of Parliament here, whether or not one is a Minister, has actually the right to make contribution. I am going to make my own contribution. I was going to say that as a Government Minister, should there be no other Government Minister speaking on behalf of the Vice-President, my statement and contribution will be, indeed, taken---

**The Temporary Deputy Speaker** (Mr. Imanyara): Certainly not because this is not the time for the official reply.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, in any case, if you do feel that---

**The Temporary Deputy Speaker** (Mr. Imanyara): Just continue!

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, please, let me just continue because I think it is extremely important.

Mr. Temporary Deputy Speaker, Sir, I was talking about the economic wellbeing of this country. I said that we have actually been able to go over the hump from an extremely difficult situation economically in this country. To that extent, I felt that the challenge which was actually put to this House is that we must ensure that the tempo of economic growth continues. This is because it is through this one that we are actually going to address the very major challenges that are facing this country. Primarily, one of the major challenges facing us, no doubt, is unemployment. It is the creation of employment opportunities especially for our young people. While we talk of that, we do take into account the fact that the youth of this country actually comprise slightly over 60 per cent of the population of this country. The most important think that we have to do, is to ensure that job opportunities are created. To that extent, we need to go one step ahead beyond the *Kazi Kwa Vijana* (KKV) Programme.

Mr. Temporary Deputy Speaker, Sir, His Excellency the President also said that it is important that we approach the next election as a cohesive society. With the new Constitution and what happened during the last general election, Kenyans expect nothing but a free and fair general election. They expect an election where people will decide to choose the leaders that they want. We do not want to go back to the situation that we were in before.

For us, as Members of Parliament, I think this is the time to avoid any kind of rhetoric that can incite people and bring us to the same terrible situation that we were in. There are very many wonderful opportunities for this country. Therefore, there can be no doubt at all that if we do have a free and fair election, the reputation of this country will be great all over the world. We will be in a scenario where we can attract substantial inflow of resources into this country, which will make our economy stronger and open many opportunities for employment. More important, we will be able to reduce the poverty levels that we have in this country.

Mr. Temporary Deputy Speaker, Sir, there are many challenges that we have, but there are two fundamental challenges that this country faces today. As we go to the general election,

we must resolve and ensure that this country, more than any other time, has food security. We all know that when it rains, like it has been raining now, we do not harvest all the water. It goes to the Indian Ocean and the moment that there is drought, then we are faced with food shortages. We have to import and sometimes even beg or ask for donations of food. We have to do what other countries have done. More than 20 years back, India used to be a basket country. It used to depend on donations of food from other countries. But about 20 years ago, India decided that it was going to be self-sufficient in food production. What did they do? They embarked on major development of very big dams to ensure that rain water would be harvested. It also embarked on major research to ensure that the right seed would be produced. It embarked on ensuring that very affordable fertilizer was available. Twenty years now, not only is India so sufficient in its own food, but it also produces surplus food. We want to get into that situation.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, we want to harvest rain water which we can use by building major dams. That is one problem that we have. The next one is about employment. If we do not address that one, we will have the other problem of insecurity which we cannot afford to play around with.

With those few remarks, I fully support this Motion and thank Members of Parliament who have made their contribution,

**Mr. M.M. Ali:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. I want to very briefly support the Motion on His Excellency's Presidential Address. The President, in his Address, raised very many issues which are very important to this nation. It is true, as lawyers say that things speak for themselves. The record of His Excellency the President as well enumerated actually does speak for itself. Under his reign, this country has achieved tremendous development in various aspects which is very commendable.

Of particular importance is the road infrastructure. I single out this one because the area that I come from or the upper eastern region, before the tenure of His Excellency the President, hon. Mwai Kibaki, we had not seen a kilometre of tarmac. This was since Independence. However, today, through the current President's initiative and that of his Government, the road from Isiolo to Moyale is tarmacked. Already 130 kilometres of that section are opened and the contractor is on site between Marsabit and Turbi section. Therefore, the project is on course. The road from Turbi to Moyale has also been awarded and the contractor is mobilizing resources. I guess that in the next three months he will be on site. If this is not an achievement, I do not know what else is. This is because before then, people from that area used to say jokingly when they saw somebody travelling to Nairobi "when you reach Kenya, greet our people there." This is because in their minds, Kenya began where tarmac began and the tarmac road used to begin from Isiolo. So, I want to commend the effort of His Excellency. These achievements are many. On enrolment in schools, we have seen how many primary school children have had an opportunity to go to school and develop themselves.

His Excellency the President is a true democrat. Democratic space in this country has really opened up during his tenure. This is because we have seen people freely go about their business without being gagged or without His Excellency getting concerned as long as what they do is within the legal framework of our nation. That is, indeed, very commendable.

We also got an opportunity to have the new Constitution, which as everybody knows has been a dream for far too long. However, the area that the Government has underperformed, with all that commendable record, is in the security docket of this nation. I want to go on record as

saying that we have a lot to do in these departments. Very many counties in this country are faced with the challenge of insecurity day in, day out. I would like to single out the counties of Isiolo and Marsabit. I do not know why the Government has failed to maintain security in that area. It is only on Wednesday, last week that three kids were murdered in cold blood in Marsabit. As you very well know, we have lost over 200 lives in Isiolo in less than three years from 2009. The same problem spread over to Moyale, as you very well know, from December up to January this year. This is an area where this Government has failed and is letting down His Excellency the President. This department must pull up its socks.

Mr. Temporary Deputy Speaker, Sir, the best thing that has happened to this country is devolution because this is intended to devolve funds to the grassroots. However, unfortunately, the Commission that was formed did not do exactly what the Constitution intended to do because the formula it proposed for us undermined the intentions of the true devolution that we and all Kenyans intended. Why am I saying this? It is giving so much emphasis to areas or counties which have already advanced. The intention was to bring the country at par because there is a lot of disparity.

I would like to urge that Commission before my time runs out that it really needs to revise that formula so that counties like Isiolo, Marsabit, Turkana, Mandera and other arid areas that have been neglected for too long--- You will recall Sessional Paper No.10 of 1965 which urged the Government not to invest in those arid areas because there were no returns. Therefore, the Government has been neglecting those areas for too long. When this Commission comes up with a flat formula that says that population is the main thing, it is unfair. This is because you and I know that our people have moved to areas which are already developed and are with better facilities. That essentially puts money where already development is ahead. I petition that Commission and when that matter comes to Parliament, of course, we shall debate it further.

The other issue I wanted to mention before I sit down is food security. Kenya is advancing at a very fast rate and it will be very shameful to see day in, day out Kenyans relying on relief handouts whereas we can be secure in terms of food if only good policies are put in place. A lot of rain water goes to waste. If we invested enough money in dams and such kind of projects, Kenya would be secure in terms of food. I urge the Ministry of Agriculture and other Ministries to do all that it takes so that Kenya can be secure in terms of food so that our people do not face starvation the way it has been year in, year out.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I support this very important Motion. Thank you.

**Mr. Letimalo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion. I also want to join my colleagues in commending His Excellency the President for the wonderful Speech that he made. It was elaborate and touched on many issues.

In particular, I really want to commend the Government for the development programmes and projects that have been initiated. This is more so on infrastructural development. Just as my colleague, hon. M.M. Ali, the Member for Moyale has said it is for the first time that those of us from northern Kenya have been able to see an inch of tarmac road. Indeed, the Marsabit-Isiolo Highway cuts across my constituency which is Samburu East. This highway has made things easier in terms of communication.

Mr. Temporary Deputy Speaker, Sir, I only want to appeal, because this was a promise that was given to the residents of Samburu East, that the Road C79 which is about 50 kilometres from the highway to Wamba be tarmacked considering that Isiolo is slated to be a resort city and

the Samburu East District which is its neighbor certainly will also be able to spur economic development if that road is tarmacked.

Mr. Temporary Deputy Speaker, Sir, I also want to appreciate the programmes undertaken by the Government particularly the concept of Free Primary Education (FPE) and this is a programme that is really successful given that by 2003, 5.2 million pupils will have been enrolled in our primary schools. After the initiation of this programme by the year 2007, we have got 10 million pupils who are now enjoying this programme. So, it is really a success but I also want to put a rider that we have noted that some development partners have withdrawn their support due to misappropriation in the FPE kitty and I think this is an issue that the Government should take into consideration to ensure that we get support from our development partners and that the programme assists all.

I also want to commend the Government for the initiative they have taken in drought mitigation and this is specifically for those of us who come from Arid and Semi-Arid Lands (ASALs). We have seen the maintenance of boreholes, the distribution of water tanks to schools and also to communities and at least this has helped the communities during the dry season. We also applaud the Government for the initiative they have taken in livestock off take because normally during drought we lose a lot of livestock. The initiative which the Government has undertaken to buy off animals when they are still healthy and even give these animals to the communities to be used as food is actually a good thing.

Mr. Temporary Deputy Speaker, Sir, the provision of education and health facilities and fresh produce markets through the Economic Stimulus Programme (ESP) is also one commendable thing that the Government has done but I would like to say that work on these projects both medical and educational facilities which were given to every constituency and even the fresh produce markets have stalled. We would like to appeal to the Government that they avail funds to ensure that these projects are completed.

Having said all the good things that the Government has done, I must equally pinpoint some shortcomings of this Government. In his Speech, His Excellency the President impressed upon Kenyans to embrace national values as enshrined in the Constitution which include national unity, the rule of law, social justice *et cetera*. But I think the Government must be seen to demonstrate this by upholding the rule of law. The year 2009 is one that cannot disappear in the history of Samburu when the Government carried out a security operation in Samburu East which they did selectively because they wanted to fight cattle rustling. In this operation, the Government deployed military and police helicopters to confiscate cattle from water points. In Samburu during drought, animals move to places where they can get water and it is very scarce. So, you get all the animals in specific water points. So, using helicopters and surrounding these animals and then driving them to one place, load them onto lorries and then transport them to Isiolo and then to Party of National Unity (PNU) areas--- I do not mind saying this and I wish hon. Saitoti was here because this is in his docket. He is the chairman of PNU and that is the bad thing that he did to Samburus. How do you drive animals from one community and you do not give an opportunity to the people to identify the stolen ones from the rest? I think this was very unfair. We still demand that the Government must compensate the community because a committee of Parliament carried out investigations and they established that livestock was taken from innocent people. We are talking about 4,000 head of cattle. They were taken from innocent people and they have tabled a report here. It was adopted by Parliament but the Ministry of State for Provincial Administration and Internal Security has not acted.

I am happy because the Attorney-General and the Minister for Justice, National Cohesion and Constitutional Affairs are here. They must see to it that justice is done for all Kenyans. This is one issue which we are going to follow up until the last minute. So, the Government should be able to compensate the Samburus for the livestock that has been confiscated and distributed unfairly by the Government.

Mr. Deputy Speaker, Sir, I also want to talk on civic and voter education. It is important that the Government comes up with a mechanism to conduct civic and voter education and more specifically given that there are areas particularly in northern Kenya where people do not have the opportunity to get information either through the print and electronic media. I think it is important that the Government comes up with ways to actually educate people on the new Constitution.

We appreciate that the Government is resettling the Internally Displaced Persons (IDPs) but my concern is that the Government seems to be focusing on those people who were displaced as a result of the post-election violence and those who had been evicted from Mau Forest and other forests like Embobut in Elgeyo Marakwet and forgetting our people who were also displaced as a result of inter-community conflicts like what happened in Laikipia. Because of their culture, some of these people like the Pokots and Samburus do not stay in the camps but they regroup and go to other areas or even near their own communities and set up large villages for their own protection. I think it is important that the Government resettles IDPs because Kshs4.4 billion has been allocated for resettling and all that we need is for the Government to ensure that these people go back to their farms. So, we just hope that the Government will see to it that people who were displaced from Laikipia go back to their farms.

Mr. Deputy Speaker, Sir, while I acknowledge that there are 24 million Kenyans with mobile telephones, it is also important to know - I think the issue has come up on the Floor of the House - that there are areas without mobile network. This is particularly important in areas where we have got this problem of cattle rustling because when we have the District Peace Committee that has been established by the Government to assist security personnel to bring about peace and reconciliation among the neighbouring communities, sometimes it becomes difficult even for people to communicate with security agents due to lack of mobile phone service. So, I would like to appeal to the Government to liaise with mobile telephone providers so that they are able to bring mobile phone services at strategic places for ease of communication.

When the President gave his Speech, he did not say much about the livestock sector. The only thing he mentioned was the revival of the Kenya Meat Commission (KMC). I want to say here that although the KMC has been revived, it is not giving service to pastoralists. In the last Budget, the Government provided Kshs300 million for restocking but the money has been returned to the Treasury. I would like the Government to give us back that money for restocking.

Thank you.

**Mr. C. Onyancha:** Mr. Temporary Deputy Speaker, Sir, after that very passionate appeal by hon. Letimalo, I would also like to give some views on the Presidential Address to this House.

At the outset, let me commend His Excellency the President for his wide covering Speech and for his good leadership. We were in some place as Members of Parliament, where I heard some people suggest that hon. Kibaki will not leave behind any legacy unless certain things are done. I would like to discuss with those people and say that he is leaving behind a legacy in two areas, namely, in infrastructure development and in expansion of the democratic space.

Mr. Temporary Deputy Speaker, Sir, we are seeing roads everywhere, and many of them are getting tarmacked. His Excellency the President did come to my constituency in February,

2009 and promised that a short road of some 27 kilometres would be tarmacked, which has not been done fully to-date. Somebody did half of the road. The other half of the road, which falls in my constituency, was not included. Therefore, the legacy in my constituency will be that during President Kibaki's reign, not a single kilometre of road was tarmacked. I want to appeal to him and the Government to, at least, do the remaining 13-kilometre stretch of the road that we were promised, as soon as possible.

We indeed have a lot of democratic space now. We are seeing a lot of party movements but we are not seeing a proper application of the Political Parties Act. We are seeing it being flouted, and all the time excuses are being given. Non action is the mode of the day. We wonder what the Registrar of Political Parties is doing. She is allowing impunity to creep into parties.

Mr. Temporary Deputy Speaker, Sir, as much as the IDPs have largely been resettled, I would like to put forward the complaint that IDPs from my area, who were integrated in their own families, have not been receiving any assistance from the Government. The Minister of State for Special Programmes was there recently. She sent Kshs10,000 for each IDP as the first and final settlement amount for those IDPs. I wish to strongly object to the statement she made to the effect that Kshs10,000 was enough to resettle IDPs, some of whom had both their hands amputated by criminal gangs during the post-election violence.

Before I forget, let me commend the President for appointing my friend, Mr. Eugene Wamalwa, the Minister for Justice, National Cohesion and Constitutional Affairs. I have worked with hon. Wamalwa before and I found him to be a very efficient person, as a director, and very incorruptible. Now that he is in charge of the docket responsible for the fight against corruption, I hope he will be able to push those virtues into the wider society, so that we can reduce the ill of corruption in our country.

Mr. Temporary Deputy Speaker, Sir, our country is at risk of attack from the youth because of joblessness. We have a lot of materials that can actually be utilised but which are going to waste or being exported in their raw form. We have bananas and tea. Tea is being exported in tea chaste, instead of being packaged locally and exported as finished product that is ready for sale in supermarkets. These are some of the value addition initiatives that would enable us to create employment for our youth, and which need to be looked into as a matter of urgency.

On agriculture, the free fertilizers that are provided by the Government for transmission to small-scale farmers do not reach them. Quite a bit of these fertilizers end up in shops because it is not clearly marked that it is Government issued. I want to appeal to the Ministry concerned to distribute the fertilizers in specially marked packages, on which it is indicated that it is meant for free issuance to *mwananchi*. I would also like the Ministry to inspect the local outlets that sell Government issued fertilizers and take appropriate action against them because these are people who continue to promote corruption.

Mr. Temporary Deputy Speaker, Sir, on the issue of roads, there is the Kenya Urban Roads Authority (KURA), which came into being a few years ago. This Authority has not focussed on urban roads at all in Kisii. We have very bad roads within the urban areas of Kisii Country. I wish to appeal to the General Manager and the Ministry of Roads to look into the issue of roads that are now getting destroyed by rains. These are roads which were once tarmacked and they now have to be re-done.

I would now like to turn to the Economic Stimulus Programme. This was a very good programme which was supposed to stimulate the economy through fast injection of funding. This was meant to be used very quickly to create employment and create new facilities like markets and health centres. It is sad to note that some of those projects have not taken off. We recently



toured most parts of western Kenya and found that some of the projects have not taken off because of poor supervision by the Ministry of Local Government due to corruption.

Mr. Temporary Deputy Speaker, Sir, the tendering process had been centralised within the Ministry and tenders were mixed up. Tenders were awarded to people who did not even qualify or tenders for more than one project were awarded to one person who did not have the capacity to perform. The programme, therefore, lost the purpose of stimulating the economy. Therefore, I want to appeal to the Government that a new economic stimulus programme be instituted and have it injected into the economy quickly, so that we can benefit from it. The programme should also continue to be based on the constituency as the focal point of development.

I now want to turn to the issue of cattle theft in Borabu, Kisii District. As Dr. Laboso has mentioned, this is a very serious problem. There have been thefts of two or three cattle during a raid, and there have been some killings in the process yet we have camps of armed Administration Police (APs) and General Service Unit (GSU) personnel in those areas, who purport to be protecting *mwananchi*. I want the relevant Ministry to take into account the fact that the people being killed are Kenyans and ensure that the security personnel that have been posted there do their job of protecting both livestock and the people, some of whom are now suffering due to loss of their relatives during incidents of cattle theft.

Mr. Temporary Deputy Speaker, Sir, in conclusion, let me appeal to the Commissioner of Revenue Allocation to reconsider his criteria of allocation of resources by removing cities, which already have schools, roads and so on, from the category of populated areas and give the money meant for those cities to sparsely populated areas in the North Eastern Province and to heavily populated areas like Kisii, which have greater needs than areas like Nairobi, which are already developed.

With those few remarks, I beg to support.

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

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Muthama, the Member for Subukia has actually been on his feet three times before you. So, let me allow him to contribute. I will come to you.

Yes, the Member for Subukia!

**Mr. Gaichuhie:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute. First, I want to applaud the President for the Address he gave on 24<sup>th</sup> from the Floor of the House. Coming from an area where we have many IDPs, I want to thank him for the kind of money that he has put in the Budget so that we can be able to resettle the IDPs and the forest evictees. Rift Valley being the centre of forest evictees and IDPs, I want to thank him because he has given a lot of money for us to buy a lot of land for construction of houses and providing food for those who are not settled.

I also want to ask the Government to consider the integrated IDPs who are very many. They need support, they should be integrated and resettled so that we no longer have the problem of IDPs in our country. I also want to thank the President for assuring us that we will have a very free and fair election in this dispensation of the new Constitution, and also for him having said that he will have a very smooth transition when he exits State House.

On the matter of counties, it is good that we start operationalizing counties by providing staff and essential services that will be in place by August as per his promise because counties

will provide critical and essential services like health, water, agriculture and even local transport within the counties. So, I think we should support the operationalization of the counties before August so that we can have them in place before we go into the next general elections.

Mr. Temporary Deputy Speaker, Sir, many Bills have been passed in this House and we are happy but we urge the Minister for Justice, National Cohesion and Constitutional Affairs, hon. Wamalwa, to speed up all the pending Bills so that the Constitution can be operational before we go into the next general election.

On regional integration, I think the East African Community is doing well. We need to have regional integration because we need each other as a region. So far we are focused on the same direction and it is good that we really support even the forthcoming elections so that we can have representatives from all the countries.

On economic growth, it is fortunate that we had gone up to 7 per cent but unfortunately we are now at 5.5 per cent. Despite the global recession, we are still agreeable that 5 per cent is achievable if all machineries of the Government work and I hope they will work.

I also want to applaud the President and the Government because of the free primary education that we are giving our children. The number of school children has increased, and we are happy because once our children are educated we know we can achieve all our development agenda because education is the key. We also want to thank the President because of having passion for tarmacking of roads. Two thousand, seven hundred kilometres within a period of five years and even rehabilitation of the major roads is quite applaudable. We hope that his legacy will continue when we have the next Government because transport is very important for our country to develop. We have seen ICT developing and all that is development that should be continued by the next Government.

We also want to thank the Constituencies Development Fund (CDF) because of the very many projects that the country has been able to achieve through it. We have been able to build schools, markets and all those things that are now in the constituencies. It has really devolved. I hope that even when we have the counties, they will use the CDF formula so that we can develop all our counties simultaneously because although we have 47 counties, Kenya is still one state that should be treated as a unitary state.

On food security, I want to say that it is high time that we concentrated on irrigation because as we know rain-fed agriculture is no longer tenable. We should concentrate on irrigation. We should construct more dams, water pans and drill boreholes. Wherever we have land that we can put up dams, water pans or even drill boreholes, irrigation should be the way to go.

I also want to thank the Government because of the issue of subsidized fertilizer and certified seeds. Though the Government has not really taken heed, we should have free fertilizer and certified seeds if we need to improve on food security. I thank the Government because of reviving the KCC although many farmers are still unpaid. This is the case although the management says they will pay before 15<sup>th</sup>. I hope they will continue paying all farmers before the 15<sup>th</sup> of every month and not only when we have milk crisis. The Kenya Meat Commission (KMC) is doing well although it needs to be rehabilitated and decentralized. We should not only have KMC in Nairobi but we should have it in all areas where we have cattle.

In addition, we should also have value addition industries so that we can create more jobs. I also want to thank the Government because of creating the Youth Enterprise Development Fund and the Women Enterprise Development Fund. Although there are very many hurdles, I

wish the two funds could be streamlined so that all our youth and women can access those funds without going through very many hurdles.

I thank the Government because when we were economically down, they were able to come up with Economic Stimulus Programmes although it was not very successful in areas like markets. The local authorities should take up the markets that were left halfway so that we can have our products sold. This should also apply to the industrial parks that are already put up. We should have the machines in the industrial parks. The health centres which were built under the ESP should be equipped and be operational.

I want to thank the Government because of opening up the northern part of Kenya. Fortunately, we are now happy because we have discovered oil. If the northern corridor is opened and infrastructure put in place, we know our oil will help open up the region.

We want to thank the Government because of rehabilitating our airports, namely the Kisumu International Airport, the Jomo Kenyatta International Airport and Moi International Airport in Mombasa. They should also increase the number of airports. I also hope that we will have an airport in Nakuru which has a high agricultural potential and receives many tourists so that it can open up the region of Nakuru.

Finally, I want to thank the President for assuring us that he will transit State House comfortably, peacefully and that we shall have free and fair elections.

With those very few remarks, I want to thank you and support this Motion.

**Mr. Muthama:** Ahsante sana, Naibu Spika wa Muda. Ninashukuru kwa nafasi nimepata ili niweze kuchangia Hotuba ya Rais ambayo alitoa kwa taifa nzima kupitia Bunge letu na vyumba vya habari.

Hotuba ya Rais vile inavyozungumziwa na wenzangu imekuwa na mambo mazito sana. Hasa nikisikiza Rais kwanza ninamshukuru kwa kuzungumzia kuhusu umoja wa Wakenya, kutaka kuwaleta Wakenya pamoja na vile vile kuongea hata juu ya siasa ambazo zinafuata na ambazo zinakuja.

Rais alizungumza kuhusu maendeleo ya nchi na hasa mambo yanayomuhusu mwananchi wa kawaida. Katika Hotuba ya Rais, nilishindwa kupata na kufuatilia kuelewa kwamba mwananchi wa kawaida kwa siku zijazo atasaidika namna gani.

Maendeleo makubwa yamefika mashinani na kuweza kuonekana na wananchi. Barabara na vyumba vikubwa vinajengwa. Pia, kuna mambo mengine ambayo yanafanywa. Lakini jambo la muhimu ni kwamba ukiangalia kazi ambayo Serikali inafanya na mahali ambapo mwananchi wa kawaida yuko ni dhairi kwamba mwananchi wa kawaida hajaweza kujihisi na kujisikia kwamba kweli Serikali inafanya kazi. Ni kwa sababu gani? Tunapojenga barabara, ndio, tunajenga barabara za juu na kutumia pesa nyingi; tunajenga barabara za kimataifa lakini wananchi wanaotumia hizo barabara, kati ya milioni 40 ni kama asili mia tano tu wanaoweza kuelewa chanzo cha barabara.

Bw. Naibu Spika wa Muda, sehemu ninayowakilisha Bungeni inapakana na Nairobi. Kutoka hapa kwenda eneo langu la Bunge ni kilomita 65 tu, lakini ninakuahidi kwamba kati ya wananchi ninaowakilisha, watu takribani 275,000, ni wananchi asilimia tano tu wameweza kutembea katika barabara za lami na kuja Nairobi. Umaskini umekumba taifa nzima na haswa mwananchi wa kawaida kule chini; inakuwa ni vigumu kwake kuamua kuja Nairobi kufanya jambo kwa sababu hata pesa za kulipia nauli ya kumleta hapa hana.

Tunapozungumzia mambo ya maendeleo na kiwango cha maendeleo utaona kwamba mwananchi wa kawaida bado hana maji. Mwananchi wa kawaida bado hana matibabu ya

kumfaa. Mwananchi wa kawaida hana mshahara wa kumwezesha hata kuishi kwa siku moja, wacha mambo mengi.

Ninazungumuza kuhusu madawa; tumejenga mahosipitali na CDF imetusaidia kujenga sehemu za matibabu, lakini ni dhahiri kwamba hata wewe mwakilishi yeyote ambaye yuko hapa anajua kwamba mbali na kuwa tunajenga sehemu hizo na maendeleo hayo yote tunafanya ili wananchi watibiwe, tunakosa mambo mengi sana ya kuweza kutoa matibabu.

Hivi sasa ninashangaa tunapozungumzia mambo ya bima na National Hospital Insurance Fund (NHIF) nimeshindwa kuelewa--- Hata katibu wa chama cha wafanyikazi anapinga ada inayotolewa na mtu ambaye anapata mshahara wa juu. Tunafahamu kwamba kanuni ya ulipaji wa kodi ni kwamba nyingi unazopata, nyingi unastahili kutowa.

Bw. Naibu Spika wa Muda, kama mtu anapata Kshs500,000, kwa nini ada yake ya bima ya hosipitali iwe sawa na ya yule anayepata mshahara wa Kshs7,500? Desturi ya nchi inayoendelea ni kwamba walio na uwezo wanatoa zaidi ili kuwezesha kuwamudu walio na mapato ya chini. Ninamaanisha nini? Ninamaanisha kwamba hivi sasa kama malipo yangu ya bima ni Kshs3,000 mimi sitashindwa kulipa. Mshahara ninaopata Bungeni na katika kampuni yangu, hata kama nitatozwa ada mara mbili, hii pesa itasaidia mwananchi kule Ugenya ambaye hana kazi na hosipitali itakuwa na madawa. Sasa imekuwa ni kasheshe na siasa. Tunasema malipo ya bima ya matibabu yawe ni sawa. Kwa nini Katibu wa Kudumu serikalini, ambaye mshahara wake ni Kshs800,000 alipe Kshs250 huku mwananchi ambaye ni mwalimu na ana Kshs6,000 vile vile analipa Kshs200? Wakenya tumekuwa watu wa kuingiza siasa pahali siasa hazitakiwi. Mimi ninataka kusema hivi, mwenye kupata nyingi atoe nyingi ndipo mwenye kupata kidogo aweze kufaidika. Tukienda hivyo tutajenga na tutakuwa na taifa lenye msingi imara na lenye nguvu. Kwa hivyo katibu wa vyama vya wafanyikazi aelewe kwamba mbali na yeye kuwa anataka kura za wafanyikazi anaumiza watu, wakiwa ni pamoja na hata dada yake ambaye hafanyi kazi. Hii ni kwa sababu ile ada inatolewa na yule mtu ana nyingi itasimamia matibabu ya yule ambaye hafanyi kazi.

Bw. Naibu Spika wa Muda, tunaona watu wenye akili zao wakienda kortini kusimamisha malipo ya ada hiyo na huku mtu ana mshahara. Wanaopata pesa nyingi wanalipiwa hata matibabu na makampuni na serikali. Mimi mwenyewe nina bima ya Kshs10 million; hii ni yangu, watoto wangu na mke wangu. Mwananchi aliyenipigia kura hana bima hata ya Kshs200 ya kumwezesha kutibiwa. Sisi hushangilia na kwenda kufanya mikutano na kuzungumzia mambo ambayo yatatuwezesha kupata kura. Hata mbele ya Mwenyezi Mungu hakuna haki aina hiyo. Ni dhahiri kwamba kama malipo ni mengi ni lazima utoe mengi ndiyo umsaidie aliye chini.

Jambo lingine ambalo nataka kuliguzia ni kwamba tukisema leo maendeleo yako, na mwananchi wa kawaida katika taifa letu ameajiriwa na kampuni ya kibinafsi ama na serikali, bado anaumia. Ninazungumuza kwa kuwa ninajua ukweli na nimeweza kushuhudia mambo haya.

Bw. Naibu Spika wa Muda, Rais alipozungumuza hapa alisema tukae pamoja na tuungane tujenge taifa lenye nguvu na msingi mmoja. Lakini hilo halitaweza kupatikana kama mwananchi wa kawaida kama mwalimu hana mshahara. Mwalimu wa leo mshahara wake ni Kshs7,500. Huyu ni mtu aliye na watoto na anataka mtoto wake asome amalize shule ya msingi, aende shule ya upili na vile vile aende kiwango cha juu cha elimu, na huku tunasema kwamba tuna maendeleo, na tunajenga barabara zinazopita magari manane kwa wakati mmoja. Watu tunaajengea barabara hawawezi kujimudu; itakuwaje wewe unajenga nyumba ya vyumba 50 na watoto wako ni wawili na unajua pesa ya chakula na mavazi hakuna?

Mbali na kuwa tunajenga na tunataka kuona nchi inaendelea, tuzingatie maisha ya watu wa sasa. Hatufai kuongoza wanyonge ambao hali yao ya afya ni mbaya na watakufa kesho na umasikini. Nani atatumia maendeleo tunayoyaweka? Tunajengea nani hizi nyumba kubwa kama wananchi hawatakuwepo kuweza kuzitumia. Tunaweka msingi wa mwananchi mwenye afya duni ambaye hana akili na hana nguvu ya kufanya kazi. Haya maendeleo tunaletaa nani? Tunaletaa watakapokuwa wameenda kabisa na hawaonekani. Ni lazima tuzingatie na kuona kwamba tunaweka misingi ambayo inamwezesha mwananchi wa kawaida kuinuka, ndipo aweze kufurahia maendeleo katika taifa letu.

Ninaunga mkono.

**Mr. Ngugi:** Mr. Temporary Deputy Speaker, Sir, I also rise to support the Presidential Speech on the State of the Nation. I want to congratulate the President for particularly affirming to the nation that the Government is committed to the implementation of the Constitution.

We did a lot; we moved all over the country, and pleaded with our people to pass this Constitution. Those of us who understood the benefits of this Constitution knew that this was one instrument that would get us out of poverty and unite this country. However, it seems that we just passed our Constitution, yet most people do not understand what it entails. Most people still do not understand that the Constitution brought with it devolution.

Some people still think that we are still in one Government and there will be no county governments. It is important that, as the President said that his Government is committed to implementing the Constitution, we see officers, Ministers and everybody who is working for this Government not only understanding what the Constitution entails but also supporting, so that there is devolution in this country.

Mr. Temporary Deputy Speaker, Sir, if you look at devolution and the proposed county governments, we are lagging behind. Up to now there are two important Bills that have not been passed by this House; these are the County Governments Bill and the Financial Management Bill. These are the Bills that will provide the legal framework for implementation of the devolution.

We have said we are being treated to theatrics through the County Commissioners who may or may not compete with the governors. I want to state that the Governor will be an elected Chief Executive Officer (CEO) of the county; elected by all the members of the county and responsible to the people. A Provincial Commissioner, District Commissioner or County Commissioner can only be an ambassador. You cannot compare an ambassador of the President with the CEO of the county who is elected by the people and who is responsible to the people. I appeal to the President and the Right Hon. Prime Minister to rally all the forces that they can so that this House can come together, raise the required number of 150 hon. Members and pass the necessary extension of time so that these two Bills that are required to provide the legal framework for devolution are enacted.

Mr. Temporary Deputy Speaker, Sir, the other thing I want to commend the President on is the commitment to infrastructure. All over we go around the country, we see that roads are being done but it worries me because when these roads are done, it seems like the Ministry of Roads does not understand that there is something called maintenance. Roads are done, they are left there, a small pothole develops, it is left for two months, six months and a year. By the time that road gets attended to, the cost of maintaining it is 100 times what it would have been if proper maintenance had been done on time.

Something else that also worries me in infrastructure and particularly in road construction is something called drainage. We do not seem to understand that however good a road that you build is, if you do not provide the drainage, the water that stays on the road quickly erodes it and you will use more money to construct another road. Further on, I want to thank the President for committing himself to peaceful elections. But for us to have peaceful elections, we must lay the framework for the peaceful elections. Our people must be given enough and proper civic education to understand that we are one people, one nation and we can only build this country if we are united.

Most of our people do not understand that at Independence, the three things that the Government of *Mzee* Kenyatta committed itself to was dealing with health, education and poverty eradication. In poverty eradication, he included ignorance. We seem to have done very well in educating our people in as far as academics are concerned but in as far as what the Government entails, we seem to be lagging behind. So, I would urge that all the necessary institutions of the Government that are required to provide civic education to our people do so, so that we can have fair and free elections in December or March or whatever time it is.

On development, it was good to listen to the President and hear that his Government is committed to improving agriculture so that this country can have food security. But I ask myself how this would be achieved if the areas that ought to give food security to this country are marginalized or neglected. We hear of subsidized fertilizers going to some areas of this country and yet to counties like Nyandarua and Nakuru which can produce maximum yields to feed this country, the fertilizer does not get there yet we pay taxes, we are citizens of this country and we contribute to the development of this country. When it comes to sharing of resources, we are marginalized. We would like to see areas with potential looked at and that is the only way that this country will have food security.

Mr. Temporary Deputy Speaker, Sir, on matters of youth affairs and women, it is good to hear the President committing himself to it, but every time we are talking about supporting the youth yet other than *Kazi Kwa Vijana* (KKV) which are very short term programmes, we do not see any long term projects that can sustain our youth or move them from the level they are of poverty to the next level. I would challenge the Government to come up with tangible long term projects to address the issue of youth so that we can move them away from these illegal groups and from being recruited into groups that are not for any good to this country.

Finally, it is my pet topic of fighting corruption. I have not seen any will or tangible steps being taken by this Government to fight corruption. As long as we do not fight corruption, it will always be like putting water in a *debe* that has holes. You put and put but it seeps through. I would call on the Government and particularly on all those people who have come forward to say that they want to be CEOs of this country to give us their agenda and commitment as to how they will fight corruption in this country.

With those few remarks so that somebody else can have time, I beg to support.

**Mr. Lagat:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me this time so that I can also contribute and comment about the Presidential Speech.

I want to support the Presidential Speech by saying that it covered nearly everything that is required in human life as we live in Kenya. Most of the issues the President touched are based on the 1963 manifesto that talked of fighting for education, health and poverty eradication. I think what the Government is doing at the moment is that most of them are covering those areas. The most important thing is education. We know that when you educate somebody, it covers all

those other things. Somebody will know how to take care of himself, how to fight poverty and how to live as a complete human being.

I want to thank the Government because of the free education both in primary and secondary. The only worry is that most of the schools are understaffed and I think what the Government needs to do is to put more effort and employ teachers because we find that in most of the schools, teachers are less. The Government should take up the matter urgently.

Another problem is that, for a long time, the Early Childhood Development (ECD) has been neglected and even though the Government had started employing teachers, it is not enough because if they employ five or ten teachers in a district or constituency, they are not enough. Since ECD is the foundation of education, I think we need to put more effort because that is when the child is growing and that is when it needs a lot of attention.

I also want to comment on agriculture. We are doing well in agriculture, but the only problem is that last year we faced so many challenges in getting seeds, especially when it comes to maize. There was a shortage of certified seeds and it became a problem to the farmers. This year, we had a problem of fertilizer. The Government needs to plan early, so that as we approach the rainy season, we are prepared to plant at the right time. That has been a problem.

The President mentioned about electricity and the Government has done well. We know that funds are not enough to connect electricity in all the counties, but the move that the Government has taken is proper. So, I urge the Government to speed up, so that all the primary and secondary schools and dispensaries can be connected to electricity. To touch on roads, the Government has also done well, but in some areas, we still have a problem. In some urban centres like Eldoret and Kapsabet, we still have a problem. Most of the town roads are in a pathetic situation. The Government needs to do something so that as we develop our country; we develop in a uniform way. In terms of water, we are doing well in providing clean drinking water to the people. The Government has done well in this, although it has not covered all the areas.

The President did not mention about sports. Our youths have done us proud especially in terms of athletics. There are some challenges that our athletes are facing. For example, the season that began from September last year, Kenyan athletes won more than 102 marathon races out of 105. They lost only three out of 105 races and most of them are in the top positions. However, these athletes train in very pathetic stadiums. If you go to Kapsabet, the stadium is in pathetic condition. Last year, the Government allocated some money for Kipchoge Stadium in Eldoret, but we do not understand the way it is being done. Up to now, nothing seems to be taking place. The contractor moved to the site, started the work and we do not know what is happening right now. We need to put more efforts in developing proper facilities for our youths, especially in terms of stadiums.

As I conclude, we are talking about poverty, but the Government needs to enact a law to provide for the number of children a person should have. If you go to China and Europe, they have enacted a law to provide for this. In Kenya, you will find that the poor people produce more children than they are able to sustain. This becomes a burden. You find that those who are able to produce few children and the burden is on the poor people. The Government needs to do something about the number of children that a person should have.

I support the Presidential Speech.

**The Assistant Minister for Energy** (Eng. M.M. Mahamud): Mr. Temporary Deputy Speaker, Sir, I also wish to add my voice in supporting this Motion. In 2010, this country promulgated a new Constitution which foresaw a lot of changes in this country. I am glad quite a lot is being done in implementing the Constitution, but a lot remains to be done in implementing

that Constitution. I would like to urge ourselves as Parliament and the whole Government to make sure that we implement the Constitution, so that it becomes operational. Unless we do that, what is foreseen in the Constitution about devolution and all the good things will not be achieved.

This is a very critical year because between now and next year we will have elections which are going to be very different from what we have had in the past. The President, in his Speech, pledged peaceful elections. I hope that everything will be put in place, so that the instruments that will give us peaceful elections will be put in place and we can have peaceful elections. A lot remains to be done in terms of preparation for elections. Quite a number of issues are today in court. Kenya has become a country which is always happy with court issues. I hope that we will have constituencies in time and the IEBC will be ready for elections as planned.

On issues of development, I agree that quite a number of things have been done in this country in terms of infrastructure, but a lot remains to be done. Coming from the North Eastern Province, our people are still disappointed that 50 years down the line there is no tarmac in that part of the country. I urge the Government to stand by its pledge that this financial year, at least, we will have the first 160 kilometres of tarmac. We are told the road between Garissa and Modogashe will be tarmacked.

Water is a very serious issue in this country. As you will see, today there is no water in many parts of this city. This is because investment in water infrastructure has not been commensurate with the development of this city. We have been told about a dam in Sasumua which had a fault, but Sasumua and Ndakaini dams were done many years and there has been no investment in water infrastructure in Nairobi. I urge the relevant Ministries to make sure there is water in this city. Mombasa is also no exception because water is supplied from Mzima Springs and Sabaki, whose infrastructure was put in place in the 80s and the 50s and the populations are suffering there.

In terms of ports and harbours in this country, we have been hearing about the Lamu Port, the much talked about Lamu Port-South Sudan-Ethiopia Transport ( LAPSSET) Project, but one wonders what is happening to the port of Mombasa. The port of Mombasa and the northern corridor exist and we need to invest in that corridor which is serving this country and many other neighbouring countries. We need to invest in that properly while we await the talked about massive Lamu Port Project. Corruption has been talked about in this country quite often, but as we go ahead, this country is very good at making five steps forward and 100 steps backwards. We gauged the corruption crusade in the last few years. We dismantled the Anti-Corruption Commission and it took us time to put people in place. Today we hear that even the people who were appointed were again stopped by the court. We must be serious in the fight against corruption.

We have been talking about reforms, but police reforms are lagging behind. We need serious reforms like we are having at the Judiciary. Unless we have reforms, this Constitution will not see the light of the day. Finally, on the County Commissioners, the Government needs to be serious, so that we do not just place people there without any law.

I support.

**Mr. Midiwo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity. I thought the President's Speech was very good especially in highlighting some---

**The Temporary Deputy Speaker** (Mr. Manyara): Order, hon. Midiwo! You address this House from the dispatch box on my right. Now you are purporting to do the same from the left! Member for Marakwet, I recognize you.



**The Assistant Minister for Co-operative Development and Marketing** (Mrs. Kilimo): Thank you very much, Mr. Temporary Deputy Speaker, Sir, Njuri Ncheke, for seeing me.

I want to support the Presidential Speech, more so because of the support that he has given to the girl-child of this country especially those who have been undergoing the female genital mutilation (FGM). I want to thank him for assenting to the Prohibition of Female Genital Mutilation Bill on 7<sup>th</sup> October, 2010. The Prohibition of Female Mutilation Bill will go a long way to ensure that the girls from the communities which practise FGM remain in school and as they grow into adulthood, they will lead much healthier lives. Secondly, in his Speech, he talked about the IDPs. I happen to be a Member of Parliament for a constituency where we have IDPs by the Government because of the issue of conservation of our water towers, namely, the Cherangany Water Tower. We have IDPs in Embobut and I want to thank the Committee of Parliament whose Members had to walk 20 kilometers into the forest and back, making a total of 40 kilometers, to go and see these IDPs in Embobut Forest.

The President spoke about funds being set aside for the purchase of land. I hope they will use those funds immediately to purchase land for my constituents so that they do not live the way we lived during the colonial times, where people were put in holding camps. The place where the IDPs are staying is like a holding ground and they have been there for the last four years.

With those few remarks, I want to support the Presidential Speech.

**The Temporary Deputy Speaker** (Mr. Imanyara): The Mover can reply if there is no--- Okay, Mr. Midiwo.

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, just two minutes.

Mr. Temporary Deputy Speaker, Sir, I just want to add my voice to the good Speech. But I want to go on record and say that what the Executive should be addressing in this country at this time is how to help Kenyans against the exploitation of banks. No economy can grow without affordable credit to citizens, small businesses and farmers. I hope that the next Government will run away from that top-down approach and begin to address poverty issues of this country from down upwards.

Mr. Temporary Deputy Speaker, Sir, there must be reforms before the general election. There are things that the President omitted from his Speech, about the National Security Intelligence Service (NSIS) and the police. The Government must just agree that things have changed and the police must change its attitude of harassing Kenyans.

Mr. Temporary Deputy Speaker, Sir, you were a victim and I am a victim. But it is because the police has refused to change its attitude. We must force them to change their attitude so that they are not a political force but an independent force that can protect Kenyans.

Mr. Temporary Deputy Speaker, Sir, lastly, I want to urge the Executive, particularly the President and Prime Minister that, as we go towards the general elections, please, work together. I think the appointment of the County Commissioners is the height of impunity. It is going against the spirit of devolution. This House will not agree with those appointments. This country will not agree either. We have been fighting for those things for all these years and the main thing that Kenyans have been wanting is devolution.

In fact, I saw very sadly a Member of this House saying in the 1.00 O'clock news that those people are going to the counties to moderate the powers of the governors. I saw hon. Kioni say it today at 1.00 O'clock. I thought that was very shameful.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Imanyara): Who is replying for the Government?

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, as I move, I want to appreciate the debate by hon. Members and to appreciate with thanks their commendation of this Speech. I would like to note, of course, the robust debate about the broad range of issues that are in front of us. The issue of devolution and how best we are going to live within the spirit of devolution, the issues of revenue allocation and how best to ensure that no Kenyan will live in fear if one of his own is not in power and, therefore, resources do not get to them.

Mr. Temporary Deputy Speaker, Sir, there was a huge debate about the key issues surrounding job creation. How are we going to create jobs for millions and millions of jobless young Kenyans? I am particularly pleased with Members on the whole debate about what political parties ought to be in this day and age in Kenya, and that political parties surely must be ideologically-based.

With those few remarks, I beg to move.

*(Question put and agreed to)*

## **BILL**

### *Second Reading*

#### THE STATUE LAW (MISCELLANEOUS AMENDMENTS) BILL

*(The Minister for Lands on 15.5.2012)*

*(Resumption of Debate interrupted on 15.5.2012)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Prof. Muigai, before we move further on this, I am aware that your colleague, the Minister for Lands, was moving. It has also come to my attention that he is now out of the country. There are certain issues that needed to be addressed before moving and you have approached the Chair on them. It is important that before we move forward, you address those issues before the Chair is in a position to make up its mind on whether it can propose this Question and, in particular, with regard to Article 230(4) of the Constitution on the Salaries and Remuneration Commission and with regard to the Communication that you have received from the Right hon. Prime Minister and also from this Commission that I have just referred to, so that the House will be able to move with speed and with the convenience of conducting the Business of the House in accordance with the Constitution.

Perhaps, you may like to address those issues briefly?

**The Attorney-General** (Prof. Muigai): Yes, Mr. Temporary Deputy Speaker, Sir. I want to thank you. It is true that we wish to defer further deliberations on this matter until wider consultations have been held within the next day or so, regarding issues raised by, among other people, the hon. Prime Minister, which I have held in formal discussions with him at some length. There are also issues raised by distinguished and honourable Members of this House who are fairly knowledgeable on matters of finance in the Constitution. There are issues that have been mentioned by the Commission you have alluded to.

I want to assure you, Mr. Temporary Deputy Speaker, Sir, that it is our commitment to proceed completely in accordance with the Constitution and the law. We will be holding consultations with all these people. If there is any question; even a borderline question as to the propriety, the legality or the constitutionality of any issue, we will find a way of ensuring that, that issue is placed aside for the time being as the Bill contains very critical issues of the implementation of the Constitution that must proceed.

So, I thank you, Mr. Temporary Deputy Speaker, Sir, and if it pleases you, we will request that this matter be deferred and be placed on the Order Paper on Tuesday, so that there will be sufficient consultations over the weekend.

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

**The Temporary Deputy Speaker** (Mr. Imanyara): What is it, hon. Mbadi?

**Mr. Mbadi:** Thank you, Mr. Temporary Deputy Speaker, Sir. I appreciate your remarks and also the reaction from the Attorney-General. But, Mr. Temporary Deputy Speaker, Sir, even as the Attorney-General consults over this matter, I think it would also be appropriate to look at the Finance Act, 2011, because there are also fundamental issues coming out of it.

Mr. Temporary Deputy Speaker, Sir, I believe that as hon. Members of Parliament, we need to ensure that we are proceeding as per the dictates of the Constitution, so that we are not seen as the violators of the same. I have in mind Section 44 (a) of the Finance Act, 2011, so that we have enough consultation with the Salaries and Remuneration Commission and the Government. Hon. Members are also aware that much as what is in that provision may have been discussed earlier, I think the constitutionality needs to be addressed. Maybe that is not touching directly on the Statue Law (Miscellaneous Amendments) Bill, but it is something also of public interest.

**The Attorney-General** (Prof. Muigai): Mr. Temporary Deputy Speaker, Sir, I thank the hon. Member. Once we unlock debate on this Bill, it will be possible to look at any other matters arising, including matters that may be in the Finance Bill.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Imanyara): Very well. The Chair rules that the further discussion of this Order be postponed to Tuesday, 22<sup>nd</sup> May, 2012, at 2.30 p.m.

*(Debate on the Bill deferred)*

## ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Imanyara): For the time being now, we adjourn the Business of the House to tomorrow, Thursday 17<sup>th</sup> May, 2012 at 2.30 p.m.

The House rose at 6.30 p.m.