

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 18th April, 2012

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

Report of the Departmental Committee on Administration and National Security on the Vetting of Nominees to the Independent Policing Oversight Board.

(By Mr. Kapondi)

NOTICE OF MOTION

ADOPTION OF REPORT ON VETTING OF NOMINEES
TO INDEPENDENT POLICING OVERSIGHT BOARD

Mr. Kapondi: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House adopts the report of the Departmental Committee on Administration and National Security on the vetting of nominees to the Independent Policing Oversight Board laid on the Table of the House on 18th April, 2012.

ORAL ANSWERS TO QUESTIONS

Question No.1146

BENEFICIARIES OF SCHOLARSHIPS IN
HULUGHO/IJARA DISTRICTS

Mrs. Noor asked the Minister for Higher Education, Science and Technology:-

(a) whether she could provide details of students from Ijara and Hulugho districts who have been awarded scholarships, both in local and overseas universities, by both the Government and development partners from 2008 to date; and,

(b) what immediate action the Government will take to ensure access to higher education by all persons in Ijara Constituency.

Mr. Deputy Speaker: Minister for Higher Education, Science and Technology! Let us go to the next Question, Question No.1340 by Hon. Yusuf Hassan Abdi.

Question No.1340

NON-COLLECTION OF GARBAGE BY NAIROBI CITY COUNCIL

Mr. Deputy Speaker: Is Mr. Yusuf Hassan Abdi not here? Let us go to the next Question, Question No.1397 by Mr. Magwanga!

Question No.1397

EXPANSION OF ATEMU WATER PROJECT

Is he not in? Let us go to Question No.1438 by Mr. Chachu!

Question No.1438

OPERATIONAL FACTORS IN DETERMINATION
OF "SPARSELY POPULATED" AREAS

Mr. Chachu asked the Minister for Justice, National Cohesion and Constitutional Affairs:-

(a) what operational factors are used in determining a "sparsely populated" area within the meaning of Article 89(6) of the Constitution; and,

(b) what areas are currently designated as sparsely populated.

Mr. Deputy Speaker: Is the Minister not in? Let us go to Question No.1447 by Dr. Kones.

Question No.1447

DELAY IN RECRUITMENT OF NEMA DIRECTOR-GENERAL

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

(a) why there has been a delay in the appointment of the Director General of the National Environmental Management Authority (NEMA);

(b) whether he could provide a list of all candidates that were shortlisted by the recruiting agency and state when the appointment will be made; and,

(c) whether he can confirm that the appointment will be made according to the recommendations of the recruiting agency.

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Mr. Deputy Speaker, Sir, I seek your guidance on this Question because this is the third time it has come to the Floor of this House. I answered it first and then during the second time the House wanted to know the scores of each candidate, which I provided. I tabled the scores of each

candidate in this interview. I made it very clear that my Ministry had submitted the names to the appointing authority. So, the case was very clear.

Mr. Deputy Speaker: The Chair does, indeed, recollect the same Question being answered in the manner the Assistant Minister is explaining now.

Dr. Kones: Mr. Deputy Speaker, Sir, when the Question came up for the second time, I was out of the country on official duty. That was the reason why the Question was deferred. If I remember well, the reason why the Question was first deferred was because of two issues. One, the Assistant Minister had said that all the candidates listed attended the interview. I indicated that I knew of two people who actually did not attend the interview. So, he was to come up with evidence to show that everybody who had been listed here attended the interview. The second point is how all those who attended were ranked and picked.

Mr. Deputy Speaker: The Chair does recollect some ranking that was given. Did you give the ranking on the Floor of the House?

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Mr. Deputy Speaker, Sir, the purpose of coming back for the second time was to give accurate figures. I came to this House and stated very clearly that there were 48 applicants and out them 21 were short-listed, eight were interviewed, three were picked and recommended to His Excellency the President for appointment. I tabled that report. When I tabled that report, I am sorry, Dr. Kones was not here but another hon. Member stood up and said that he was representing him. I tabled the report in this House!

Mr. Deputy Speaker: Dr. Kones, the Chair does recollect that this Question was, indeed, answered and marks given. Did you by any chance authorize somebody to ask this Question on your behalf? In the case you did not do it and somebody did that, then you do understand the consequences to that person. If you were out of the country and you did indicate to somebody that he should ask the Question on your behalf, which I presume was the case---

Dr. Kones: Mr. Deputy Speaker, Sir, I did not indicate that to any hon. Member in writing! Perhaps it was just an hon. Member who thought it wise to do so! Since this was a Question of interest to most hon. Members, maybe they thought it wise to take it on.

Mr. Deputy Speaker: There is no provision for that in our Standing Orders. So, whoever asked it on your behalf must have said that he was authorized to ask it on your behalf. If you wish this matter to be investigated further, the HANSARD is available.

Dr. Kones: Not quite, Mr. Deputy Speaker, Sir. I wanted that information and the Assistant Minister has said that he tabled it. I can look at that report. There is one question which he has not addressed. He misled the House by saying that everybody in this list appeared for the interview.

Mr. Deputy Speaker: That is a matter that should have been asked at an appropriate time and dedicated to that. You have a choice of two ways now. This Question cannot be answered a second time. If the Question has been answered to the satisfaction of the House, then it stands disposed of. But in the event that you insist that you did not authorize anybody, then the Chair will definitely take very firm sanctions against that Member who has misrepresented himself.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, we need to check the HANSARD very well because the Question was deferred and that is why it is appearing today.

Mr. Deputy Speaker: If you insist, the Chair will look at the HANSARD and come back to you on the same again. Under the circumstances----

Let us move on to Question No.807 by Mr. Bahari!

Question No.807

PROMOTION OF LOCAL CULTURES IN KENYA

Mr. Deputy Speaker: Is Mr. Bahari not here? We will move on to Question No.1040 by Mr. Koech, the Member for Mosop.

Question No.1040

ERECTION OF BUMPS AT MUTWOT
TRADING CENTRE

Mr. Koech asked the Minister for Roads:-

- (a) how many people have been killed by speeding vehicles at Mutwot Trading Centre on the Eldoret-Kapsabet Road since 2009;
- (b) whether he could consider designating the area as a “*black spot*”; and,
- (c) whether he could also urgently erect speed bumps at the centre to avert further accidents and deaths.

Mr. Deputy Speaker: Is anyone here from the Ministry of Roads? Let us move on to Question No.1063 by hon. Sheikh Dor Mohamed.

The Assistant Minister for Roads (Dr. Machage): Mr. Deputy Speaker, Sir, the Minister for Roads is on the Floor!

Mr. Deputy Speaker: Why do you take such inordinately long time to answer the Question? Are you the Minister for Roads?

The Assistant Minister for Roads (Dr. Machage): Yes!

Mr. Deputy Speaker: Then, proceed and answer this Question!

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

(a) According to the report provided by the Kapsabet Police Station, eight people have been killed by speeding vehicles at Mutwot Trading Center since 2009.

(b) My Ministry, in consultation with the Ministry of Transport, is in the process of identifying major sections on our roads that are prone to accidents in order to create more public awareness on the need to safeguard road safety. Designating the area a black spot would be pointless if all road users are not made aware of the need to take more responsibility or have a responsible approach to their safety.

(c) In this financial year my Ministry, through the Kenya National Highways Authority (KeNHA) plans to put speed deterring measures including introducing pedestrian crossings, road markings and warning signs on the stretch of the road within Mutwot Market so as to avert more deaths.

Mr. Koech: Mr. Deputy Speaker, Sir, the Assistant Minister has confirmed that since 2009, eight people have been killed at this very specific spot, Mutwot Trading Centre. In my Question, I requested him to consider erecting bumps at the spot. In his answer, he does not indicate that as one of the measures that he will undertake. Very clearly, this shows that on average two people are being killed on the spot. People have been demonstrating at the spot every time we lose lives. Why can the Assistant Minister not put up bumps with immediate effect to avert further deaths?

Dr. Machage: Mr. Deputy Speaker, Sir, to the contrary, I will say that I will do more than the Member has requested. Apart from the request, I have said that I plan to put speed deterring measures which means that I have thought about his request and I am including others.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Pesa: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister is my neighbour. On this line, he knows very well that they have promised the people of Migori County, for the last two years, that they have plans to erect bumps between Rongo and Isebania which is within his constituency. Could the Assistant Minister tell us how soon he will fast track the erection of bumps at this particular area and also look at other areas where Kenyans are losing their lives especially in Migori Municipality? If you go to Migori now, you will see that the locals have come up with their own bumps. They use murrum and donated cement to erect very huge bumps which are “uneconomical” to the road users in the area. So, when will the Assistant Minister take this seriously so that we have bumps put up and lives of Kenyans saved?

Dr. Machage: Mr. Deputy Speaker, Sir, for the Mutwot area, I am talking about this financial year which has a few months to end. I will fast track this to see whether we can achieve that. For the Migori area, I am actually thinking about taking people to court for putting stones on the road. We have far too many road bumps on the Rongo-Migori Road. It is unacceptable for individuals to put stones and murrum which hit on motorists vehicles’ sumps. I am thinking about taking some people to court for mutilating the roads that we are working on.

Mr. Mwaita: Mr. Deputy Speaker, Sir. The Assistant Minister has talked about road markings on the major road. Could he fast-track the replacement of all road signs particularly on major roads to avert major accidents?

Dr. Machage: Mr. Deputy Speaker, Sir, the Ministry is thinking along that line. The only problem we have is that there are many people who have made an industry out of our road markings. Many of our road signs are now being used as scrap metal or land in the *Jua Kali* industry. My appeal to Kenyans is that; please, respect the facilities we put up as road furniture because they will save lives.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Are you satisfied with what the Assistant Minister of Government has said, considering the fact that lack of road signs is causing death including a vehicle by the Ministry of Roads in Turkana which landed into a ditch because the driver could not tell that a river did not have a bridge? Is the Assistant Minister in order to appeal to Kenyans not to steal road signs when this is theft and the Government should take action to arrest the thieves?

Dr. Machage: Mr. Deputy Speaker, Sir, I am very much in order to appeal to Kenyans to respect road signs. I think it is the best I can do now. Of course, there is the law which will take its course on people who will be found vandalizing those facilities. They will be arrested and punished. However, I appeal to Kenyans to respect road signs. It is unfortunate that we lose lives because of this ill practice.

Mr. Deputy Speaker: Order, Mr. Assistant Minister! You can make your appeal, but in line with the responsibilities of the Government, you must also satisfy the House that, indeed, you are doing what it takes to make sure that lives are not lost! You cannot say that lives are lost because these things are stolen. That is not enough. What are the measures that you have taken? You have to satisfy the House and the Chair here that you are, indeed, trying to save lives.

Dr. Machage: Mr. Deputy Speaker, Sir, my Ministry, together with the Ministry of Transport, is looking into the issue of putting up as many road signs as possible. However, in conjunction with the Ministry of State for Provincial Administration and Internal Security, we

are also investigating certain leads on some of these people who vandalize road signs. Very soon, you will hear some of them going to court.

Mr. Deputy Speaker: That is better!

Eng. Rege: Thank you, Mr. Deputy Speaker, Sir. I would like to ask the hon. Assistant Minister to kindly consider putting up bumps on murram roads where pupils cross to school. The Assistant Minister should ask regional road engineers to consider erecting these bumps because even the murram roads are dangerous for our pupils who go to school. Kindly, consider that as well.

Dr. Machage: Mr. Deputy Speaker, Sir, as I consider that, let it be known that bumps have also been known to cause accidents. It is not the Ministry's policy to erect bumps on already finished roads. But because of a tradition that has been developed in this country---

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister cannot mislead this House that bumps are the cause of accidents when, in essence, it is when they put bumps without road signs on the roads. Is he in order to mislead the House? Is he actually telling Kenyans that all bumps should be removed in this country?

Dr. Machage: Mr. Deputy Speaker, Sir, I wish the hon. Member listened to me carefully. I said that bumps have also been known to cause some of the accidents that we have. That is the truth and I have to inform the House. So, it is not a policy that for every smooth road we built, we must put bumps. The emphasis is on proper training of drivers, installing road signs and respecting the road signs. That is what is important.

Mr. Olago: Mr. Speaker, Sir, it is not just on the Eldoret-Kapsabet Road at Mutwot that the problem of black spots exists. It is all over the country. There is the Mambleo Junction in Kisumu which has a serious problem. The paradox that we have in this and which I want the Assistant Minister to address is that when you put up good roads, you want to expedite transport, communication and commercial activities by making vehicles move faster and safely on those roads. Why does it become necessary to put bumps to slow down traffic again? What is the real underlying problem that you are trying to address?

Dr. Machage: Mr. Deputy Speaker, Sir, the hon. Member is very right in his thinking. That is because we remove potholes and we are forced again to avert the pot holes and do the opposite. The truth is that it is not our policy as a Ministry to put bumps on roads. When we make new roads, smoothen up the roads and repair roads, we expect proper transport to be done. We expect pedestrians and drivers to respect road signs. We actually expect road accidents to be less, but it is the opposite. We are forced - by hon. Member's demands - to put some bumps at certain designated places where drivers have refused completely to respect road signs. It is not our policy.

Mr. Koech: Mr. Deputy Speaker, Sir, the Assistant Minister has indicated that it is not their policy to put bumps on the roads. On this specific case of Mutwot, we have lost eight lives. In his own submission, he has indicated that within this financial year, he has set aside money to put in place pedestrian crossing points, road markings and warning signs on the stretch. He has confirmed that, that includes the bumps. The people of Mutwot have been making special appeals. I have personally visited the headquarters of the Ministry of Roads several times making the same special appeal. Now that he has confirmed that he has set aside the money, could he make a firm confirmation that this is going to be done within this financial year?

Dr. Machage: Mr. Deputy Speaker, Sir, all factors notwithstanding, I affirm.

Mr. Deputy Speaker: Next Question by hon. Yakub!

Question No.1063

NUMBER OF POLICE RECRUITS IN EACH COUNTY

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

(a) how many police officers were to be recruited in each County in the recently concluded recruitment exercise; and,

(b) whether he could provide a list of names and respective districts of origin of all the persons who went through the exercise in Lamu and Mombasa counties.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I seek the indulgence of the Chair to allow me to answer this Question on Thursday next week. We are compiling the list. I have agreed with the Questioner that I will be able to give him the details on Thursday next week.

Mr. Deputy Speaker: Hon. Yakub, are you comfortable with Thursday next week?

Mr. Yakub: Mr. Deputy Speaker, Sir, I am much obliged.

Mr. Deputy Speaker: The Chair directs that this Question be listed on the Order Paper on Thursday afternoon.

(Question deferred)

(Mr. Kajembe started withdrawing from the Chamber)

Mr. Deputy Speaker: Order! Hon. Kajembe, there is a Communication that will interest you. So, you might just have to wait!

(Mr. Kajembe resumed his seat)

Mr. Deputy Speaker: Next Question by Dr. Otichilo!

Question No.1106

STATUS OF SAN MARCO SPACE APPLICANTS

CENTRE IN MALINDI

Dr. Otichilo asked the Minister of State for Defence:-

(a) under what conditions the Kenya Government entered into an agreement with the Government of Italy to establish the San Marco Space Applicants Centre at Ngomeni in Malindi in 1964 and whether he could provide an update on the current status of the centre, its future plans and programmes and also explain why the agreement was executed by the Department of Defence;

(b) what the Centre has been used for and how much money the two Governments have earned from the partnership venture to date; and,

(c) whether he could provide the names of Kenyans employed in senior management positions at the Centre as well as the names and qualifications of space scientists from the Ministry.

Mr. Deputy Speaker: Is the Minister of State for Defence not here? We will come back to this Question.

Next Question by Eng. Gumbo!

Question No.1352

PRESENTATION OF CELLULAR MOBILE
PERFORMANCE ASSESSMENT REPORT

Mr. Deputy Speaker: Is the hon. Gumbo by any chance out of the House today on official parliamentary business - either inside or outside the country? We will go for the second and final round!

Next Question by hon. Sofia Noor!

Question No.1146

BENEFICIARIES OF SCHOLARSHIPS IN
HULUGHO/IJARA DISTRICTS

Mrs. Noor asked the Minister for Higher Education, Science and Technology:-

(a) whether she could provide details of students from Ijara and Hulugho districts who have been awarded scholarships, both in local and overseas universities, by both the Government and development partners from 2008 to-date; and,

(b) what immediate action the Government will take to ensure access to higher education by all persons in Ijara Constituency.

Mrs. Noor: Mr. Deputy Speaker, Sir, I am asking this Question for the second time.

Mr. Deputy Speaker: Is the Minister for Higher Education, Science and Technology not here?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I beg the indulgence of the Chair to allow this Question to appear tomorrow afternoon. In the meantime, I will try and get hold of the Minister to come to this House and answer this Question tomorrow afternoon. Otherwise, I apologise on behalf of the Minister.

Mr. Deputy Speaker: Hon. Assistant Minister, the Chair is informed that the schedule is very busy tomorrow. There are going to be as few Questions as possible and in any case, we do not have the confirmation from the Minister on when she will be available to answer this Question.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, if it can then be deferred to next week, I will take it upon myself.

Mr. Deputy Speaker: I direct that this Question be listed on the Order Paper on Tuesday next week and the Minister better be available. Hon. Sofia, is that okay with you?

Mrs. Noor: Yes, Mr. Deputy Speaker, Sir.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. When we ask Questions in this House, we expect answers. This particular one is addressing a historical problem of lack of institutions and scholarships for the marginalised people of this country who come from Ijara. What the Minister is doing by failing to come to the House is perpetuating the same marginalisation. Are you satisfied that another one week of this marginalization is good for the people of Ijara?

Mr. Deputy Speaker: The Chair is clearly not satisfied for one more day to marginalize further the people of Ijara and the North of this country who have been historically marginalized. That is why the Chair is very firm on this and says that the Minister had better be present; failure to which the Chair will take appropriate sanctions.

(Question deferred)

Mr. Deputy Speaker: Next Question by hon. Yusuf Hassan Abdi!

Question No.1340

NON-COLLECTION OF GARBAGE BY NAIROBI CITY COUNCIL

Mr. Deputy Speaker: Is the hon. Yusuf Hassan Abdi out of the Chamber today on any official parliamentary business? His Question is dropped!

(Question dropped)

Mr. Deputy Speaker: Next Question by hon. Magwanga!

Question No.1397

EXPANSION OF ATEMO WATER PROJECT

Mr. Magwanga asked the Minister for Water & Irrigation:-

(a) what steps the Ministry is taking to expand the Atemo Water Project in Kasipul Kabondo Constituency and also ensure its completion; and,

(b) what measures the Ministry is taking to complete the remaining phases of the project and ensure supply of sufficient clean water in the constituency.

Mr. Deputy Speaker: Hon. Magwanga, you came late to the House today!

Mr. Magwanga: Mr. Deputy Speaker, Sir, I apologise for coming late. I was actually held up in a traffic jam. Kindly---

Mr. Deputy Speaker: The Chair indicated earlier on that traffic jams will no longer be entertained as an excuse or a reason good enough. Nevertheless, now that you have apologized, proceed and ask the Question?

Mr. Magwanga asked the Minister for Water & Irrigation:-

(a) what steps the Ministry is taking to expand the Atemo Water Project in Kasipul Kabondo Constituency and also ensure its completion; and,

(b) what measures the Ministry is taking to complete the remaining phases of the project and ensure supply of sufficient clean water in the constituency.

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The water supply in reference is Oyugis Water Supply, which has its source and treatment works at Atemo. It was commissioned in 1976 and it serves part of Kasipul Kabondo Constituency. In order to cope with the increased water demand, my Ministry re-designed the Oyugis Water Supply in 1993. The improvements undertaken so far in this regard include the following:-

(i) production efficiency has been improved through electrification and rehabilitation of its plant;

(ii) extension of the distribution; and,

(iii) increased water storage by construction of a 200 cubic metre masonry service tank.

In the 2011/2012 Financial Year, the Ministry, through the District Water Officer, has provided Kshs4 million for installation of one to four inch diameter three kilometre pipeline extensions in the surrounding rural areas of Atemo and Oyugis townships. The Ministry has also electrified the booster pumping station.

(b) The remaining two phases were to improve access to clean water to the remaining unserved project area, mainly the rural part of the constituency. This is to be accomplished by augmenting water production and extending the water mains and distribution pipelines to the remaining project area.

In order to complete these phases, my Ministry is preparing a proposal to be forwarded shortly to our development partners, including the Italian Government, for support. The detailed scope of the project has been determined and is expected to cost about Kshs150 million. We intend to start the implementation in the 2012/2013 Financial Year.

Mr. Magwanga: Mr. Deputy Speaker, Sir, allow me to thank the Assistant Minister for attempting to answer the Question. This water project was actually commissioned in 1976. It was re-designed to enable just a quarter of the population in that area to get water. Since the time it was re-designed to-date, nothing much has been done. Close to 98 per cent of my constituents are not getting clean water. He has indicated that he has prepared a proposal. I prepared a proposal in 2008, which I presented to the Ministry. How long will it take the Ministry to forward this proposal to the donors to fund the project to enable my people to have clean water?

Mr. Waititu: Mr. Deputy Speaker, Sir, it is true that the area has water shortage. My Ministry has so far disbursed Kshs4 million in the current financial year to take care of the problem as we pursue the donors with a proposal of Kshs150 million to complete the project and solve the problem.

Mr. Magwanga: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to say that he has given Kshs4 million to the constituency to sort out the water problem when the programme for that Kshs4 million cannot serve even a single sub-location or even 400 people in my constituency? That project has not even been completed since they gave out the money. Is it in order for him to say that they have given Kshs4 million, and that the money is likely sort out the water problem in my constituency?

Mr. Waititu: Mr. Deputy Speaker, Sir, it is true that the area has serious water problems. The solution is the proposal we have of about Kshs150 million. We are still consulting with our development partners. We expect to start the project in the next financial year.

Mr. Deputy Speaker: Final question, hon. Magwanga.

Mr. Magwanga: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm that the Kshs150 million will be included in the Budget of 2012/2013 Financial Year?

Mr. Waititu: Mr. Deputy Speaker, Sir, I can confirm that the project will be funded in the next financial year. We will fund it in phases. I also confirm it will be undertaken in the next financial year.

Mr. Deputy Speaker: Next Question, hon. Chachu Ganya.

Mr. Chachu: Mr. Deputy Speaker, Sir, for the second time, I wish to ask Question No.1438.

Question No.1438

OPERATIONAL FACTORS IN DETERMINATION
OF "SPARSELY POPULATED" AREAS

Mr. Chachu asked the Minister for Justice, National Cohesion and Constitutional Affairs:-

(a) what operational factors are used in determining a "sparsely populated" area within the meaning of Article 89(6) of the Constitution; and,

(b) what areas are currently designated as sparsely populated.

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Deputy Speaker, Sir, I am sorry for coming late.

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

(a) Sparsely populated areas are areas that have a population density that is equal or less than the national average population density determined using the Kenya National Housing and Population Census, 2009. The average population density of Kenya is 66 persons per square kilometre.

(b) The areas designated as sparsely populated are the 52 constituencies listed in the written answer.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Chachu: Mr. Deputy Speaker, Sir, I would really love to interrogate this response, but I have not received a copy of the written answer up to now. So, I do not know how to proceed.

Mr. Deputy Speaker: Order, hon. Chachu Ganya! You have been in Parliament for four years now. You know the practice very well. If you do not have the written answer to an ordinary question, the Chair always, invariably, grants you more time to be able to read it and prosecute it, but you have to mention that at the beginning. You are not supposed to wait until the Minister has answered the Question and then you say that you do not have a written answer. That will not be accepted by the Chair. The Chair understands the sensitivity of the matter at hand, but nonetheless, the practice has to be adhered to. Therefore, proceed and interrogate the Question.

Mr. Chachu: Mr. Deputy Speaker, Sir, the Assistant Minister has just walked in and up to now, I have not been furnished with a copy of the answer. You know that substance of this Question. So, as it is now, I am not in a position to interrogate this Question further.

Mr. Deputy Speaker: Fair enough! The practice is that before the Minister answers the Question, you say “I do not have a written answer”. You do not wait until the Minister answers the Question and then you say “I do not have a written answer”. So, if you do not wish to prosecute the Question any further, we will have to proceed to the next Question.

Mr. Letimalo: On a point of order, Mr. Deputy Speaker, Sir. Is it really fair for the Assistant Minister to continue to answer the Question without giving a copy of the written answer to the Questioner? How does the Questioner interrogate the Question? Is he in order?

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

Mr. Deputy Speaker: Do you wish to interrogate the Question? The Question is now the property of the House. The Assistant Minister has already answered. Any hon. Member can stand up and interrogate the Question. The practice is that the Questioner demands a copy of the written answer before the Question is answered. You do not stand up and say “I beg to ask Question No.--- You allow the Minister to answer it and then you stand here and say “I do not have a written answer”.

Mr. Chachu: Mr. Deputy Speaker, Sir, as late as yesterday, I was in the Clerk’s Office to see if I could get the written answer to this Question.

Mr. Deputy Speaker: That is what you needed to bring to the attention of the Chair. The Chair would gladly have given you more time.

Mr. Chachu: Mr. Deputy Speaker, Sir, I did not know that the answer would be with the Assistant Minister.

Mr. Deputy Speaker: The House is seized of the Question now. Once the Minister stands up and answers the Question partly, you cannot demand that the Question be deferred to another day unless you are able to satisfy the Chair that the Question has not been adequately answered.

Proceed!

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

Mr. Deputy Speaker: What is your point of order?

Mr. Ethuro: Mr. Deputy Speaker, Sir, while I appreciate your ruling that this is a matter that the Questioner should have raised right at the beginning, you will also appreciate that, while responding, the Assistant Minister said that the list is too long.

Mr. Deputy Speaker: That is the point. Then he needs to table it immediately. Mr. Assistant Minister, could you proceed and table the list?

Mr. Ethuro: Mr. Deputy Speaker, Sir, the Question cannot be deferred to---

Mr. Deputy Speaker: Order! The Question can only be deferred if you are able to satisfy the Chair---

(Mr. Chachu stood up in his place)

Mr. Chachu, do not push the wrong direction. The Question can only be deferred if you are able to satisfy the Chair that, indeed, the answer given by the Assistant Minister is inadequate.

Proceed and table the list.

Mr. Cheptumo: Mr. Deputy Speaker, Sir, I proceed to table the list of the constituencies that are sparsely populated.

(Mr. Cheptumo laid the document on the Table)

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. Thank you very much, Mr. Deputy Speaker, Sir, for considering this matter very seriously because many of us are interested in looking at that list. Given that the Assistant Minister just walked in when the hon. Member was already on the Dispatch Box, would I be in order to request that you give this Question a second chance so that we look at this as is required to enable us interrogate it adequately?

Mr. Deputy Speaker: Can I have the tabled document? You do not have it on the Floor yet?

Mr. Chachu: Mr. Deputy Speaker, Sir, now that the response has been tabled, may I have more time within Question Time so that I can revisit this Question later on?

Mr. Deputy Speaker: Order! You do not even have the Floor yet, Mr. Chachu! The Chair will consider this under very special circumstances.

(Applause)

Given the fact that this touches on the lives of many Kenyans, the Chair does clearly plead with the House that let us get acquainted with the practice in the House. Our practice and our traditions are basically what set us apart from an orderly democracy and a Parliament that functions or a chaotic Parliament that basically works on a crisis. It is the responsibility of the Chair to affirm, assert and implement to the letter both the rules as well as the practice. So, the Chair---

(Loud consultations)

Do we have another session of the House going on somewhere? Where is that sound coming from?

The Chair then accepts a situation in which this Question will be deferred to another date. I appreciate that actually this is information that needs more time to be interrogated. The Chair directs that this Question be listed on the Order Paper on Wednesday morning, next week.

(Question deferred)

Let us move on to Question No.1447 by Dr. Kones.

Dr. Julius Kones, indeed, the Chair has gone through the HANSARD and is satisfied that whereas the information was tabled by the Assistant Minister, and the information was there in the public domain but nonetheless, you had not authorized anybody to answer this Question or ask this Question on your behalf. It is under those circumstances that the Question was listed on the Order Paper again. So, you can proceed and ask the Question and the Assistant Minister will answer accordingly.

Proceed, Dr, Kones.

Question No.1447

DELAY IN RECRUITMENT OF NEMA
DIRECTOR-GENERAL

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

(a) why there has been a delay in the appointment of the Director-General of the National Environmental Management Authority (NEMA),

(b) whether he could provide a list of all candidates that were shortlisted by the recruiting agency and state when the appointment will be made; and,

(c) whether he could confirm that the appointment will be made according to the recommendations of the recruiting agency.

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Mr. Deputy Speaker, Sir, I do not want to challenge anybody but the House wanted to know the scores of each candidate. In this interview by the Board of Management of NEMA, there were 48 applicants. Twenty one qualified for the interview and eight were interviewed. After the Board did that, three names were recommended to the appointing authority. Number one is Dr. Abdirazak Nuno, number two is Prof. Jacob Kibwage and number three was Prof. Godfrey Wakhungu.

Out of those who were interviewed Francis Nkako scored 54; Prof. Jacob Kibwage - 59, Dr. Abdulrazak Nunow - 64; Dr. Kennedy Ondimu - 54; Prof. Godfrey Wakhungu - 58; Dr. Ayub Macharia - 58 and Ms. Beatrice Nzioka scored 55.

In this interview, you will see two candidates tied by getting 58 points each. The panel had to go to voting. When they did the voting Godfrey Wakhungu got 8 votes while Dr. Ayub Macharia got one vote. So, their case was sorted out that way. That is how Wakhungu became No.3.

Mr. Deputy Speaker: Indeed, as the Assistant Minister puts it, according to the HANSARD, the information that was outstanding that the Assistant Minister was told to come and furnish the House with is that information that gives the names and the marks. So, proceed and interrogate that one now because the rest of the Question seems to have been covered.

Dr. Kones: Mr. Deputy Speaker, Sir, the gist of this Question was in the process of appointing the Director-General of NEMA. It is good that the records have now been corrected that actually nobody had asked the Question last time. It was the Assistant Minister who stood on a point of order to table the document without the Question being asked. But now that has been explained.

On the ruling which was made by the Speaker on 7th March when the Question first appeared on the Order Paper, two issues had been raised. One was on the scores, and this was raised by the hon. Members. However, my main concern was on the part of the Assistant Minister's answer which he had given us. He gave me a list of 48 applicants. When I asked him why some of the people who had applied did not attend the interview, this was his response according to the HANSARD. The Assistant Minister said that as far as he knew, everybody who had applied attended the interview. I challenged him. I mentioned one name at that time that I knew of a Prof. Koech who never attended the interview. Now I can give the Assistant Minister the other two names because I said I knew three people who never attended the interview. The other two are Dr. Kipkure and Prof. Yaban. Those people never attended the interview. Now the Assistant Minister has changed his answer to say 21 people attended the interview. So, why is the Assistant Minister giving us two versions of the answer to the same Question? Which is which? Did everybody in this list attend the interview or not?

Mr. Deputy Speaker: Order! Clearly, whereas the Assistant Minister might shed light on that, it is common knowledge that up to 5,000 or 10,000 people might apply. It is not a hard and fast rule that everybody who has applied has to attend an interview. There is always an element

of short listing. If the candidates you have in here were short listed, but were not interviewed, maybe that is what you should interrogate.

Dr. Kones: Mr. Deputy Speaker, Sir, I understand that but the Question was very clear. if you look at part (b) it was about those who had been shortlisted for the interview and he gave me a list of 48. Now he is saying that they were only 21!

Mr. Deputy Speaker: Mr. Assistant Minister, can you answer that?

Mr. Kajembe: Mr. Deputy Speaker, Sir, I will repeat that there were 48 applicants and out of that 48 applicants 21 applicants were shortlisted. The board then, using their technical knowhow interviewed eight; out of eight, three were declared to be successful and were recommended to the appointing authority. It is true that when I answered this Question in the first instance, I took it that I had got proper information on the 48 applicants. But when this House insisted that I go back and dig up more information – and this happens often– I went back and I took people to task. During the second time when I talked about this Question in the House, I tried as much as possible to give accurate figures.

Mr. Mungatana: Mr. Deputy Speaker, Sir, the appointment of the Director-General is also important because he is going to be paid a salary and other remuneration. According to the National Environmental Management and Co-ordination Act, Section 14, the remuneration of the Director-General--- He is to be paid such salaries from time to time as may be determined by the President. The question I want to ask the Assistant Minister is: This new National Environmental Management Authority (NEMA) Director-General, on what terms and conditions is he employing him? If he is going to be paid as per what the President is supposed to be determining, is this not contrary to the Constitution because we have a Salaries Commission?

Mr. Deputy Speaker: Order, Mr. Mungatana! The question you are asking is not relevant to the Question that is listed on the Order Paper. Clearly, if you wish to pursue a Question along the line that you are pursuing now, then you can file a Question. But his Question here is only about the delay in the appointment of the Director-General, the list of the candidates who were shortlisted and whether the Assistant Minister can confirm that the appointment will be made in accordance with the recommendations of the recruiting agency. Now when you into the salaries and other things, those are not part of the Question that we are seized of now.

Mr. Mungatana: Mr. Deputy Speaker, Sir, it is consequential! It is part of the whole thing!

Mr. Deputy Speaker: Order, Mr. Mungatana! There are very specific questions here which were listed by Dr. Kones; the Chair will assume that the Assistant Minister has only come prepared to answer the Questions that are listed on the Order Paper.

Mr. ole Lankas: Mr. Deputy Speaker, Sir, from the answer that the Assistant Minister has given, he has confirmed that the interviews were done whatever way they were done. Could he confirm why up to now the Director-General has not been appointed?

Mr. Kajembe: Mr. Deputy Speaker, Sir, according to Section 10(1)(c) of the Environmental Management and Co-ordination Act, the business of the Ministry is to instruct the NEMA board and management to do the interviews, come up with those who are successful and then the Ministry is supposed to submit such names to the appointing authority. That appointing authority is none other than His Excellency the President. My Ministry has submitted three names, as I said earlier on; I do not know how to go to the President and tell him: “You are delaying the appointment.” We are all waiting for His Excellency the President to make the appointment.

Mr. Koech: Mr. Deputy Speaker, Sir, the Assistant Minister must tell this House candidly what is happening in this situation, because this is a very attractive position; forty eight candidates applied and 21 were shortlisted. Only eight attended the interview meaning that 13 did not attend the interview. I am looking at the marks and the highest is 64 per cent and the others have 50 per cent. The pass mark for any parastatal should on average be 75 per cent, meaning the people shortlisted may not have necessarily have been the ones who qualified. Could the Assistant Minister confirm to this House that those shortlisted actually received invitation letters, and, if possible, table the letters?

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead the House that there is a pass mark of 70 per cent that is part of the regulations? Where is it? It has never come to this House and I am not aware of the Civil Service Regulation that states accordingly. Is he in order?

Mr. Deputy Speaker: Order! Mr. Koech, I will ask you to confine yourself to the Question, the spirit and letter of the Question. If you are seriously looking for professionalism, then you are looking at part (c) of that Question, which says: "Could the Assistant Minister confirm that the appointment will be made according to the recommendations of the recruiting agency?" Indeed, the Assistant Minister has said that he has no capacity. The recruiting agency has done its job. He has only the role of forwarding the names to the President and the President is the one who has the ultimate prerogative. You are not citing your authority either from an Act of Parliament or a particular provision; let us confine ourselves to the substance of the Question itself.

Mr. Kajembe, do you wish to answer that or---

Mr. Bahari: Mr. Deputy Speaker, Sir, I was on a point of order.

Mr. Deputy Speaker: You were on a point of order. Yes, Mr. Njuguna.

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. It is a constitutional responsibility of any public officer to exercise the duties of his office in an efficient manner. Given that these interviews were done a long time ago and the CEO has not been appointed to date, that is in breach of a provision of the Constitution. Will I, therefore, be in order, given that the Assistant Minister is unable to push His Excellency the President, to ask whether the Vice-President can come to the Floor and answer that Question after consulting with the President? Will I be in order to have the Vice-President come and answer this Question?

Mr. Deputy Speaker: As the Leader of Government Business in the House, clearly--- When were the interviews carried out, Mr. Assistant Minister? Or, when was the list submitted to the President?

Mr. Kajembe: Mr. Deputy Speaker, Sir, my Ministry forwarded the names to His Excellency the President on 22nd January, 2012. So, I am pleading with the House to accept that the NEMA board and management have done their job according to the law. My Ministry has done its part according to the law. We have forwarded the names to His Excellency, the President; I think we should now wait for the appointing authority to act. If there is any other way of pushing this for the President to take action immediately--- I have exhausted my machinery.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. With the dilemma that the Assistant Minister is in, this House has a duty to oversight the Executive, the President included. I would agree with hon. Bahari that if his hands are tied and he is not capable of asking the appointing authority to act expeditiously, then it would only be proper if this House asks a higher authority like the Vice-President to come and answer to the House as to why this appointment

has not been made. We, as a House, have a duty and a responsibility to the people of Kenya to have the parastatal functioning.

Mr. Kajembe: Mr. Deputy Speaker, Sir, I am not against the House asking somebody who is more authoritative than my Ministry to get this matter sorted out from the appointing authority. However, when he says I am not capable of doing it, the word “capable” does not apply here.

Mr. Deputy Speaker: Order! Hon. Mbadi has not said that the Assistant Minister is not capable. The position here and the mood of the House is that you have done your work and somebody somewhere else has not acted that expeditiously. So, that is the frustration of the House.

Mr. Njuguna: Mr. Deputy Speaker, Sir, the Acting Director of NEMA appeared before the interview committee and was not successful. Why does the Ministry continue to allow this person to execute very important functions of the management?

Mr. Kajembe: Mr. Deputy Speaker, Sir, the moment the President appoints a new person, the Acting Director-General will be relieved of the duties he is performing now.

Mr. Deputy Speaker: Fair enough! The Chair clearly does discern the frustrations on the part of the Members of Parliament and the Assistant Minister too. The Chair cannot direct the President to proceed and appoint the Director-General. The Chair also cannot allow a situation in which a vital service to the nation itself and more than anything else in the name of the person who is supposed to run the affairs of the environment body in the country to be kept in abeyance in the manner it is. Three months is too long a period for that authority to have been exercised by the President. But having said that, in the same manner that the Chair directs Ministers to go out and come back with answers that are appropriate, the Chair now directs that the Leader of Government Business comes to the House and reports on this very important matter at the earliest opportunity. I can give a definitive date which is Tuesday, next week.

(Question deferred)

Mr. Bahari: Mr. Deputy Speaker, Sir, I apologize for coming late.

Question No.807

PROMOTION OF LOCAL CULTURES IN KENYA

Mr. Bahari asked the Minister of State for National Heritage and Culture how the Government has promoted local cultures in Kenya.

The Assistant Minister, Ministry of State for National Heritage and Culture (Mr. Ombui): Mr. Deputy Speaker, Sir, I also apologize for coming late. I seek the indulgence of the Chair to allow me to have more time so that I can compile a comprehensive answer. I am not satisfied with the answer that I have now. I can do this maybe by Tuesday, next week.

Mr. Deputy Speaker: Hon. Bahari, are you comfortable with that?

Mr. Bahari: Mr. Deputy Speaker, Sir, this is normally not a very busy Ministry and I do not want to promote a culture of postponing the business of the House. However, I know that Mr. Ombui is a very reliable Assistant Minister and I wish to agree to that.

Mr. Deputy Speaker: The Chair directs that this Question be listed on the Order Paper on Tuesday, next week. In line with the previous direction that the Chair had given, the Chair wants to direct the Assistant Minister.

(Question deferred)

The Chair had given a direction that essentially is supposed to be communicated to the Vice-President and Minister for Home Affairs. I expected a Minister to rise in his place and say that, indeed, this will be communicated.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, following the Chair's directive, I will definitely communicate the same to the Vice-President and Minister for Home Affairs.

Mr. Deputy Speaker: Fair enough.

Question No.1106

STATUS OF SAN MARCO SPACE APPLICANTS CENTRE IN MALINDI

Dr. Otichilo to ask the Minister of State for Defence:-

(a) under what conditions the Kenya Government entered into agreement with the Government of Italy to establish the San Marco Space Applicants Centre at Ngomeni in Malindi in 1964 and whether he could provide an update on the current status of the centre, its future plans and programmes and also explain why the agreement was executed by the Department of Defence;

(b) what the Centre has been used for and how much money the two governments have earned from the partnership venture to-date; and,

(c) whether he could provide the names of Kenyans employed in senior management positions at the centre as well as the names and qualifications of Space Scientists from the Ministry.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaiserry): Mr. Deputy Speaker, Sir, I apologize for coming late.

I beg to reply.

(a) The conditions under which the Kenya Government entered into the agreement with the Government of Italy to establish the San Marco Space Station at Ngomeni in Malindi in 1962 are contained in the agreement signed between the two countries on 18th September, 1963. The two countries agreed to pursue jointly a project for the peaceful exploration of equatorial space region. The project was to be implemented in two phases. The first phase would consist of the launching of sounding rockets ionospheric experiments. The second phase was to consist of the launching of equatorial satellites to study the propagation of radio waves.

The agreement has since been reviewed and renewed three times, namely, in 1964, 1987 and 1995. The current agreement expired on 31st December, 2011. The two countries are holding negotiations to renew the agreement and we hope to conclude them by the end of this year.

Due to the fact that the station would be used to perform rocket launches and also deal with sensitive high resolution data touching on security, its running has since been placed under

the Ministry of State for Defence as the implementing agent of the agreement for the Government of the Republic of Kenya.

(b) The station has been used for launching rockets and for tracing and controlling the launched rockets and the orbiting satellites. The station has also been used as a ground station for reception, processing and archiving of satellite data.

The venture is not an income generating project. However, by 31st December, 2010, the Government of Italy has disbursed Kshs240 million through the Coast Development Authority for community development projects in Ngomeni area and in the wider Malindi District as provided for in the current agreement.

(c) The current agreement does not provide for the employment of Kenyans in senior management positions in the centre. However, the matter is being addressed in the current negotiations for the renewal of the agreement.

The programme is co-ordinated by a lead scientist, Dr. John Njoroge Kimani who holds a PhD in physics. He is assisted by an electrical engineer, Captain Andrew Otieno Nyawade who holds a Masters degree in Satellites and Orbital Platforms. The above works closely with Inter-Ministerial Committee of stakeholders comprising leading scientific institutions in the country.

Thank you, Mr. Deputy Speaker, Sir.

Dr. Otichilo: Mr. Deputy Speaker, Sir, while I appreciate the answer given by the hon. Assistant Minister, I wish to inform this House that this is a very highly technical question. I want to elaborate a little bit so that the House can know what I am asking.

Mr. Deputy Speaker, Sir, that station was established in 1964 and it is used for launching of rockets and for tracking and controlling orbiting satellites. The station has also been used as a ground station for reception, processing and archiving of satellite data. That is a multi-billion dollar business in the world today.

My question to the Assistant Minister is: Over 50 years that, that station has been in Kenya, why is it that Kenya Government has not been able to make money out of that multi-billion dollar business? I am asking that because we do not have credible scientists and the agreement that the Government has signed clearly shows that Kenyan experts should not be employed in that station.

Maj-Gen. Nkaiserry: Mr. Deputy Speaker, Sir, I said that the station is not a money-generating project. However, I told the Member that the agreement was entered in 1962 between the University of Rome and the then Royal Technical College, now University of Nairobi. It has since transited into a satellite monitoring station. I said that it is not a money-generating entity.

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

Since the agreement was signed in 1963, it has been reviewed in 1987, 1995 and is now about to be reviewed. How come that over all that period, the issue of income generating has not been considered by the Ministry?

Maj-Gen. Nkaiserry: Mr. Deputy Speaker, Sir, I have got a very lengthy explanation. If you can allow me to do that, I can go very quickly and elaborate on this.

Mr. Deputy Speaker, Sir, when I responded to part (a) of the Question, I said that Kenya has a unique natural resource equivalent to wine that the Republic of Italy identified in early 1960s. This is a combination of a niche course of a continent that lies in the equator. Such a location has great advantages when performing equatorial rocket launches and when tracking and controlling the launched rocket and satellite from such a site.

Mr. Deputy Speaker, Sir, in addition, the location of Ngwana Bay in Ngomeni in Malindi has a unique magnetic anomaly making it the best suited for carrying out certain experiments and

tests that would otherwise be affected by the earth magnetic fields. Italy and other countries explained this resource through the San Marco Satellite launching and tracking satellite at Ngomeni.

Mr. Deputy Speaker, Sir, the San Marco Project was initiated in 1962 by a retired General of the Air Force, Professor General Luki Brugilio, of the University of Rome at Lans Facia. This was followed by the signing of bilateral agreement in the 1963 between the University of Rome on behalf of the Government of Italy and the Royal Technical College, now the University of Nairobi, on behalf of the Government of Kenya.

Mr. Deputy Speaker: Order! Order!

Maj-Gen. Nkaiserry: Mr. Deputy Speaker, Sir, I am coming to that. If you want me to explain the background--- That is because the scientists--- That is because Dr. Otichilo wants to get to the bottom of this issue. I think it is important that we get the right background of that project. I think Dr. Otichilo is thinking that there is a lot of money being generated by other countries and Kenya is not benefiting. But if you want me to stop there, it is okay.

Mr. Deputy Speaker: No! No! You should be able to read it and understand it yourself and summarise it in your own language. Answer the questions because by reading a whole long text here might take a long time.

Yes, hon. Mungatana!

Mr. Mungatana: Mr. Deputy Speaker, Sir, the San Marco Project is located very near Garsen. It is on the road, although it is in Malindi. What we know is that because of the unique location on the equator, the monitoring of all the rockets that are launched is done all over the world at San Marco Project.

Mr. Deputy Speaker, Sir, it is unfair for the Government today to stand here and tell us that there is no money that is being created in that project, while we know that any rocket launched would not cost less than US\$100 million. It is true that they pay to the project on every orbiting tracing, at least, US\$50 million.

Mr. Deputy Speaker, Sir, for the Assistant Minister to stand here and tell us that since 1963 up to now, the San Marco Project has only given Kshs240 million to community projects is a joke. What we want to ask the Assistant Minister is: What benefits are there that you can show for the people of Malindi and Coast Province in general from that project? At every US\$100 million that they are paying to San Marco, what is it that the community at the Coast is getting? We need this thing to be taken seriously by the Ministry of State for Defence. It is very unfair for the Government to stand here and tell us that they are making nothing.

Mr. Deputy Speaker: Mr. Assistant Minister, you answer itself says in part: "The station has been used for launching rockets and for tracking and controlling the launched rockets and the orbiting satellites. The station has also been used as a ground station for reception, processing and archiving of satellite data." By definition, the little knowledge we have tells us that, indeed, as hon. Dr. Otichilo puts it, it is a multi-million business.

Maj-Gen. Nkaiserry: Mr. Deputy Speaker, Sir, hon. Mungatana asked a totally different Question which requires more research before I can bring that answer. With regard to hon---

Mr. Deputy Speaker: Order! Order! Order! He is not asking a totally different Question. He is just asking what the Kenyan Government is making and, by extension, what the local community is making there.

Maj-Gen. Nkaiserry: That station is not meant purely for the local community. It is meant to benefit the whole of Kenya but I can bring that answer later---

(Several hon. Members stood up in their places)

Let me explain, hon. Members.

Mr. Deputy Speaker: What is your point of order?

Mr. Mungatana: Mr. Deputy Speaker, Sir, is the Assistant Minister suggesting that the people who host that station are not Kenyans? If Kenyans are benefitting, what is it that we are benefitting from that station? It is a shame that a Government Minister can say that from Independence up to now, all the billions that have been made by San Marco and that we have contributed, the Government of Italy has given only Kshs240 million. It is a shame! We are asking you; if it is the project for the entire Government and people of Kenya, what is it that we have benefited? These are some of the useless agreements that we need to get rid of!

Maj-Gen. Nkaisserry: Mr. Deputy Speaker, Sir, that is not a point of order; that is a point of argument. Yesterday, Mr. Speaker directed that if you do not stand on a strict point of order, you should be penalized!

Mr. Deputy Speaker: Order! Order! Order, Assistant Minister! Order! Assistant Minister, it is not for you to determine what is a genuine point of order and what is not a genuine point of order. It is the responsibility of the Chair! In any case, the Chair is satisfied that, that is a genuine point of order because the impression is that there is something that you need to grasp a bit better than you are trying to---

Maj-Gen. Nkaisserry: I withdraw, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, as I said earlier, it is very important for us to listen. The hon. Mungatana made an outrageous allegation that San Marco is generating billions of shillings in terms of every launch; every launch is US\$100 million.

Mr. Deputy Speaker, Sir, I may want to ask hon. Mungatana, if he has that data – because I do not have it as the Assistant Minister in charge of Defence – he can table it and then I will be able to respond.

Mr. Deputy Speaker: Order! Order! Order, Assistant Minister! Order! Order! You are here to educate Kenyans on what you think is not right or what you think is right. In any case, satellite business is a high stake, multibillion dollar business.

Hon. Members: Yes.

Mr. Deputy Speaker: That is why when one country like North Korea wants to launch a satellite into the orbit, it becomes a global security issue. So, there is a lot of information that you need to go back and gather from the experts and---

(Several hon. Members stood up in their places)

Order! The Chair has not concluded! There is a lot of information that I think you need to go back and gather on this matter.

Maj-Gen. Nkaisserry: I have it.

Mr. Deputy Speaker: Can you table it?

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

Mr. Deputy Speaker: What is your point of order, hon. Chachu?

Mr. Chachu: Mr. Deputy Speaker, Sir, from the response of the Assistant Minister, it is very clear that he is not well prepared to respond to the Question. A number of critical issues were raised and up to now, we are yet to get any valid response. Could you give the Assistant

Minister more time to go back and do more research, so that, at least, this House can be satisfied with the response from the Assistant Minister?

Mr. Deputy Speaker: Hon. Assistant Minister, can you table the information you have?

Maj. Nkaiserry: Yes, Mr. Deputy Speaker, Sir. As I was explaining, I have this data, but let me---

Mr. Deputy Speaker: Can you table it?

Maj-Gen. Nkaiserry: Before I table it, I need to explain specifically.

Mr. Deputy Speaker, Sir, we have an Inter-Ministerial Committee, composed of several Ministries; the Ministry of State for Defence has the management of this. We are also in the process of establishing a space agency in this country. In the meantime, the Inter-Ministerial Committee which is dealing in this matter, the Ministry of State for Defence, the National Council for Science and Technology, the Ministry of Finance, the State Law Office, the Ministry of Foreign Affairs, the Ministry of State for Provincial Administration and Internal Security, the Ministry of Lands, the Ministry of Natural Resources, the Department of Resource Survey and Remote Sensing, Kenya Meteorological Department, the Regional Centre for Mapping and Resource Development, Kenya Civil Aviation Authority, Communication Commission of Kenya, Jomo Kenyatta University of Agriculture and Technology--- I was trying to explain that this San Marco is managed by very organized Inter-Ministerial Committee. So, the data required by the hon. Member is here. But the other issues relating to how much money a satellite launch would cost is something else that we can bring. As I said earlier, some of the data being collected by this station contain security issues.

Mr. Deputy Speaker, Sir, we cannot come here and vouch for what we have been using San Marco for as the Ministry of State for Defence but that Inter-Ministerial Committee can be in a position. If I can get more time, then I can come with more data regarding to this Question.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Can you table the documents you have?

Maj-Gen. Nkaiserry: I can table only this. Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Once you table it, give it to the Clerk so that it will come to the possession of the Chair also.

(Maj-Gen. Nkaiserry laid the document on the table)

Yes, Eng. Rege?

Eng. Rege: Thank you, Mr. Deputy Speaker, Sir. As a young boy in high school, I had the opportunity to get into the platform of San Marco. What I saw there, if I can remember vividly, was a platform for launching rockets – not capable of staying in geostationary. Geostationary simply means that the satellite is placed in one of orbital location; this means that it rotates with the earth at the same speed, giving data back to the earth on a specified footprint in Kenya.

Mr. Deputy Speaker, Sir, I would like to ask the Assistant Minister to give us the orbital location where this satellite is collecting data. That is number one. Number two, he should also let us know how many satellites have been launched since 1963, because satellites have a lifespan of not more than 15 years. Can he tell us? Can we only receive US\$2 million? I think I should spare him. But for now, can he answer those questions? Thank you, Mr. Deputy Speaker, Sir.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Order! Order! Hon. James Rege, the Chair, indeed, is satisfied that you are asking a lot of technical questions and seeking information that the Assistant Minister has no capacity to handle. I do not blame him. I equally do not have the capacity myself. This is so for most of us who are here, except you and, I believe, Dr. Otichillo – who are from that kind of a background.

(Maj-Gen. Nkaisserry stood up in his place)

Proceed; but do you have the capacity to answer the questions that Eng. Rege has asked?

Maj-Gen Nkaisserry: Mr. Deputy Speaker, Sir, I have the capacity to respond to the questions by Eng. Rege, but that is totally a different Question from what Dr. Otichilo was asking; I need more time, so that I can come with an appropriate answer.

Mr. Deputy Speaker: I thought when you said “capacity,” you meant you had the technical knowhow to explain and answer the questions that he has asked. Your capacity means the ability to say “I am not prepared for that; I can do it another day”. That is exactly what the Chair was saying.

(Laughter)

(Mr. Mbadi stood up in his place)

What is your point of order, hon. Mbadi?

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. As we give the Assistant Minister time to come and respond properly to this Question, I would request that, noting that this agreement was signed in September, 1963, I believe by the Queen, who was still the Head of State of this country, and she was the one who negotiated all this, and given the importance and the danger that we may be exposed to because of this satellite things, I would ask that the Assistant Minister assures to this House that this agreement, before it is signed, because it ended in December, 2011, this Parliament will be involved in approving it. This country should not be committed to agreements whose effects on us and benefits to us we do not know.

Thank you, Mr. Deputy Speaker, Sir.

(Applause)

Mr. Deputy Speaker: Indeed, hon. Mbadi has reported and, yes, the Chair also does notice the fact that the first agreement was done when we were not even a Republic. We were a dominion under the rule of the Queen of England or our former colonial power. But having said that, I want somebody who can take us a little bit further. Do we have any current or former Minister for Science and Technology in the House now?

Hon. Members: Hon. Wekesa!

Mr. Deputy Speaker: Hon. Wekesa, could you help us move forward on this matter of the satellite station in our country that is used by the Italians?

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Deputy Speaker, Sir, you have caught me with my pants down. But I did have an opportunity to work in the Ministry of Science and Technology for two years. On two occasions, I visited this station. I think the

agreement that we, as Kenya, made with the Italians is overdue. But like all these agreements that were made at the time of Independence, the Kenya Government was being duped by a lot of people. In this particular case, there is need to review that agreement. What I found out, as Minister, is that a lot of the things that the station does are not known by us. They are very secretive.

Mr. Deputy Speaker, Sir, my colleague here has also found out that the information that this station gathers is sold to so many countries and they make billions of shillings. So, this is a matter---

Mr. Deputy Speaker: Are you sure that it is not billions of dollars?

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Deputy Speaker, Sir, it is billions of dollars. As Eng. Rege was trying to demonstrate, because he is the only knowledgeable expert here - I do not know about Dr. Otichilo - This is an environmentalist.

Dr. Otichilo: I am an expert!

The Minister for Forestry and Wildlife (Dr. Wekesa): You are also an expert!

The information is for the whole world and every Government, including Britain, gets information from Mombasa.

An hon. Member: Ngomeni!

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Deputy Speaker, Sir, we cannot talk about billions of shillings, but billions of dollars. There is need that we look at this agreement that was made many years ago.

(Applause)

Mr. Mwangi: Mr. Deputy Speaker, Sir, this issue is weighty. If you listened to the Assistant Minister when he was giving the information, he said that the agreement did not allow senior Kenyans to be employed. Why was this so?

Mr. Deputy Speaker, Sir, again, he said that it only had two Kenyan scientists, that is, one Physicist and a junior officer working at Dr. Kimani's office. He referred to a Dr. Kimani. However, since this document was signed by the British Government, we are not a colony. What is the Government doing to nationalize this institution or close it? We are a Republic. Why would we have to get this station in our country serving the entire world and only get Kshs250 million that cannot even buy enough water pipes for our people? We need---

Mr. Deputy Speaker: Order! Could you give a---

Mr. Mwangi: Mr. Deputy Speaker, Sir, as I conclude, you were requested to give us guidance here. Could you kindly request this Assistant Minister and the Government to ensure that no agreement is signed until we scrutinize it in this House?

Mr. Deputy Speaker: Indeed, the Chair is actually in possession of the answer here. It reads:-

“The current agreement does not provide for the employment of Kenyans in senior management positions in the center. However, the matter is being addressed in the current negotiations for the renewal of the agreement. The programme is coordinated by a lead scientist one Dr. John Njoroge Kimani who holds a Doctor of Philosophy Degree (PhD) in Physics. He is assisted by an Electrical Engineer, Capt. Andrew Otieno Nyawade.”

What is it that they are coordinating; is it the process of the new negotiation or the actual works of the station itself? My presumption is that it is the negotiations.

Maj-Gen. Nkaisserry: Mr. Deputy Speaker, Sir, it is both.

Mr. Deputy Speaker: Do you mean that they are in charge of that platform now?

Maj-Gen. Nkaiserry: Mr. Deputy Speaker, Sir, those are the people that we have currently. In my answer, I said that we are negotiating now for Kenyans. I even told the Questioner that if he knows the people who work in NASA, who can come, once we finish the negotiation and we have a new agreement, Kenya must assume a leadership position in this project. I do agree with my colleague, the hon. Minister, that there are so many things that they are working on as a Cabinet, but in the coming agreement, we will, definitely, make sure that we take control and leadership of the station. Whatever is coming out of that station will actually benefit the country's economy.

Eng. Rege: On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Who do you wish to inform; is it the Assistant Minister? Do you wish to be informed by Eng. Rege, and under the circumstances, I would accept if I were you?

Maj-Gen. Nkaiserry: Mr. Deputy Speaker, Sir, I do not accept!

(Laughter)

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. When the Assistant Minister started answering this Question, you could see a lot of things that he said about how Kenya is benefiting and this is not supposed to be money-generating. The former Minister for Science and Technology has told us a totally different version, and now the Assistant Minister is agreeing. I read a lot in this matter. I would urge this House to take this matter seriously by referring it to the relevant Departmental Committee of the House, to do a thorough investigation and report to us, so that this House can take action as to whether we will continue with this agreement and on what terms.

Mr. Deputy Speaker: Hon. Members, clearly as the mood is in the House, the Chair is equally not satisfied that we have had a fair deal in this matter. It is also satisfied that a Member of the Government has given us very valuable information. So, under the circumstances, I direct that this matter be referred to the relevant Committee, to move with speed and carry out the right scrutiny, including going to the station itself and coming back to this House in two weeks with a report that essentially is going to put to rest the concerns of the House. Under those circumstances, the Chair also directs that this Question be listed on the Order Paper three weeks from today.

(Question deferred)

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

Mr. Deputy Speaker: Is it on the same?

Mr. Chachu: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: What is it? The Chair has already given direction on that!

Mr. Chachu: Mr. Deputy Speaker, Sir, as the Committee considers that guidance, could they also consider maybe placing this space center under the Ministry of Higher Education, Science and Technology, so that our experts from the National Council of Science and Technology can actually man or work with these experts from this centre, so that they can optimize or maximize the gains from this center?

Mr. Deputy Speaker: Whereas the Chair appreciates your concerns and as a Kenyan also has the same concerns, but it cannot direct this centre to be moved from the Ministry of

State for Defence to the Ministry of Higher Education, Science and Technology. This is a matter that essentially would probably take---

Yes, Dr. Wekesa!

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Deputy Speaker, Sir, I would like to inform the House that this matter is within two Ministries, including the Ministry of Higher Education, Science and Technology. This is because what we are talking about is technology. So, we have always worked hand in hand with the Ministry of State for Defence in the matter relating to San Marco Space Station.

Mr. Deputy Speaker: That is a matter for the Report which will be tabled in the House. It will be brought by the relevant Departmental Committee. Which Committee are we talking about?

Dr. Otichilo: Mr. Deputy Speaker, Sir, that is the Departmental Committee on Education, Research and Technology.

Mr. Deputy Speaker: Yes, it is the Departmental Committee on Education, Research and Technology and the Departmental Committee on Energy, Communication and Information. We do have the Departmental Committee on Energy, Communications and Information. So, the Chair directs that this becomes a joint committee so that you can benefit. In the same light, the Chair directs that both hon. Eng. Rege and hon. Dr. Otichilo even if they are not Members of those committees to be co-opted into the joint Committee for them to give that valuable information that is needed.

Question No.1352

PRESENTATION OF CELLULAR MOBILE PERFORMANCE ASSESSMENT REPORT

Mr. Deputy Speaker: Hon. Members, the last Question by hon. Eng. Nicholas Gumbo is deferred until Tuesday, next week because tomorrow is heavily loaded.

(Question deferred)

Let us move on to the next Order!

POINTS OF ORDER

ATTACK ON HON. IMANYARA

Mr. Imanyara: Mr. Deputy Speaker, Sir, last night, an incident occurred to me with grave personal implications to my personal security and freedom and I seek a Ministerial Statement. I have already indicated this to the Minister in charge of Internal Security. The circumstances under which I seek this Ministerial Statement are as follows.

Last night, between 11.30 p.m., and midnight, I was driving myself home and I had just turned into State House Crescent when I saw a saloon car that appeared to have stalled on the road. It had its hazard lights flashing. I slowed down and immediately four smartly dressed men came out of the car and came straight to me and ordered me to switch off the engine of my car. One of the men asked me in Kiswahili, "*Wewe ndio Gitobu Imanyara?*" I said, "Yes." The man

spoke to someone in the car and said in Kikuyu, “*Ni we*”, meaning “he is the one”. The man to whom this was addressed came out and ordered me out of my car and asked me to hand over the gun I was carrying. I told him I did not have a gun. He asked me whether I knew where Mt. Kenya is and I said, “Yes”. He ordered me to kneel down, lift both my hands facing Mt. Kenya and say, “*Uhuru, tuko pamoja*”, three times. I complied. He then told me, “*Kesho usiende Limuru*” meaning “tomorrow, do not go to Limuru”. He also told me, “*Usiende Meru na Raila*” which means “Do not go to Meru with Raila.” The other three men who were carrying large kitchen knives then each slapped me with the knives and their leader then told me, “*Usipofanya vile tumekwambia, tutang’era wewe na tupelekee mama hii kichwa yako pamoja na ile ya vijana wako wawili.*” This translates to; “if you do not do what I have told you, we will chop off your head and deliver it to your wife together with those of your two sons.”

I believe there is a plot either to kill me or intimidate me into supporting a particular presidential candidate. Last night’s incident was not the first time. Immediately after the Limuru II Meeting, a meeting took place at Landmark Hotel at which some Members of this House were present together with the leaders who had convened that meeting at Limuru where a number of us were identified as the people who are not toeing the line and that we were thorns that must be removed meaning that we must be physically eliminated.

Mr. Deputy Speaker, Sir, last night attackers then directed that I drive straight to my house and do not get out. This morning, I learnt that the Limuru they were telling me not to go to is a meeting that had been convened at Limuru this morning and which meeting had been cancelled by the authorities. I came straight here and my intention is immediately after this to report the matter to the police. This I shall do.

I have said many times and I repeat that in the defense of the Constitution that we fought so hard for, I am willing to die, but I will not accept a situation where any Member, no matter how senior, or mighty he or she is to direct how or who I shall associate with and who or who not to support. I shall not be a party to any compartmentalization of regions of this country contrary to the Constitution. We have fought very hard to get this Constitution in place and we are obliged to defend it at all times.

Let those who think that they can intimidate others to pursue a certain political trend know that we shall not be cowed. We shall insist on enjoying all the rights guaranteed under this Constitution. We will not stop from implementing this process and allowing Kenyans to make a free choice on who to vote for and who not to vote for.

I have brought this to the attention of the Minister of State for Provincial Administration and Internal Security this morning and I seek an assurance from him that this Government is committed to creating an environment in which all Kenyans can enjoy their constitutionally guaranteed rights and freedoms, and specifically to tell us what investigations they will carry out regarding this incident and what measures they will take to protect not only myself, but those others who were the subject of discussion at the Landmark Hotel two weeks ago, the following day after the Limuru Conference.

Mr. Deputy Speaker: Indeed, the Chair, as the tradition has been, takes it very seriously when the lives of Members of Parliament or Kenyans for that matter are at risk or endangered. I expect the Minister to give an undertaking on the Ministerial Statement sought on this particular matter. I also expect the hon. Member to proceed with speed and record a statement with the Criminal Investigations Department (CID) and come back to this House and tell us what he has done to make sure that Members of Parliament are not intimidated and they enjoy the freedoms that are enshrined in our Constitution.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, you will agree with me that this is a very sensitive matter because it involves lives. It involves the life of an innocent Kenyan, a legislator and a lawyer by profession.

Mr. Deputy Speaker, Sir, I wish to direct the Commissioner of Police to move with speed and investigate this matter thoroughly. After the investigation, it is when I will be able to give a Statement. Equally, I would like to appeal to my colleagues that I have done what I could by providing each one of them with one, two, or more security officers. Please, use your bodyguards even if you are going on social errands. Use your bodyguards. They will come and report to me what has happened to the boss. In the absence of the bodyguards, it becomes very difficult because anything can happen to any of my colleagues.

Mr. Deputy Speaker, Sir, I want to undertake to this House that we are safe. My colleagues, I want to assure you that you are safe, but in the meantime---

Mr. Deputy Speaker: Order! They are not safe if, indeed, what hon. Imanyara is saying happened to him---

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, that is why I was also urging my colleagues on the same note to use bodyguards.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. You have heard the Assistant Minister repeatedly say that we use bodyguards. Forty million Kenyans do not have the privilege of having bodyguards. Could the Assistant Minister be serious with security? Is he in order to suggest that the way to handle security is merely to use bodyguards and not to ensure security in the entire country?

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. The suggestion that we do not use bodyguards is simply not accurate. The last time this Assistant Minister spoke in this House, he provided me with two bodyguards. Two weeks later, it was found that one of them was a candidate for Mathari Hospital where he was admitted. Clearly, in the choice of these bodyguards, one has to be careful because this is a body guard who was found to be insane and is actually at the Mathari Hospital suffering from psychiatric problems. He is the person they had given to me. Under those circumstances, I am left with one.

(Laughter)

Mr. Deputy Speaker: Order, hon. Members! It is not a laughing matter!

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. In addition to what Mr. Imanyara has said, that the choice of the bodyguards is wanting, the Assistant Minister himself has actually said that the job of bodyguard is not to protect hon. Members or Kenyans whom they are assigned to guard, but to report to him what happens, including reporting that somebody has been murdered. So, he is clearly more interested in reporting the crime than in the prevention of it. I would like the Assistant Minister to heed our advice and make sure that Kenyans can move freely at any time in this Republic. Also, when he is responding, in addition to investigation on this matter by Mr. Imanyara, which this House must take seriously--- Martin Luther King Jnr said that injustice anywhere is injustice everywhere. I want him to confirm to this House the commitment of the coalition is--- if you remember the agreement signed on 28th February, 2008 which formed the Coalition Government was to ensure cessation of hostilities and violence in the country, including what we suspect to be political murders as we move towards the general election.

Mr. Namwamba: On a point of order, Mr. Deputy Speaker, Sir. It is really unfortunate that there is the attitude one can read both from the demeanor, the voice and even the facial expression of the Assistant Minister. The matter of security is not to be joked about. We have lost too many lives because of this kind of lackadaisical and casual attitude by the Government. This Assistant Minister is fond of standing on the Floor of this House and defending the indefensible repeatedly. It is obvious that the country is facing a security crisis made worse by criminal elements that even exist within the security machinery itself. Kenyans do not feel safe. We have seen horrifying scenes captured live of his own officers brutalizing innocent people in a manner that even the Stone Age may never have witnessed. So, as the Assistant Minister prepares to bring that Statement to this House, he also needs to revisit his own attitude, and, I believe, by extension the attitude of the Government on the security of not only Members of this House, but the security of every single one of 40 million Kenyans living anywhere across the length and width of this nation.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Deputy Speaker, Sir. My concern is of a different nature. The Assistant Minister has said that he is directing the Commissioner of Police--- What Mr. Imanyara has said he went through yesterday is actually serious. He could have lost his life. The Commissioner of Police has in the past taken such issues very seriously, but he now makes a mockery and a joke of them. It sometimes makes me wonder if, indeed, the police are directly involved in such incidents and that is why they make a mockery of them. When I was attacked last year, the Commissioner of Police said that I staged managed it. I was with the Late Commissioner Mary Onyango, but they refused to even question her to confirm the things that we were saying.

What I am asking is how comfortable we are with the Commissioner of Police dealing with this matter if, indeed, the police force itself is suspect. How can the Assistant Minister assure us that they are going to stop this tide of police brutality? Just the other day, we watched how Mr. Waititu was being treated. It does not matter what he did but there are laws to follow. You cannot treat people that way. There are many deaths of young Kenyans occurring in the hands of police. What we saw 20 years ago is coming back to this country. Do we have a new police order that Kenyans should be afraid of?

Mrs. Shebesh: On a point of order, Mr. Deputy Speaker, Sir. I was actually going to seek a Ministerial Statement today afternoon, but in light of the opportunity that Mr. Imanyara has, unfortunately, given us, I wish to state that there are incidents that have been documented in the last one month of excessive use of force by police and connivance by the police in criminal activities, especially around Nairobi, and especially around the Kilimani Area. Those are details that have been in the Press; they are in the open. I want to say that as the Assistant Minister prepares to bring the substantive answer, first, we would want to see the substantive Minister. We would like to see this issue answered by the substantive Minister. Secondly, we would like to interrogate the role of the Commissioner of Police. We have done it before in this House when there were extra-judicial killings, where over 10,000 young men from Central Province were killed. We asked questions here. Today, we are going back to extra-judicial killings in the name of criminals; there are definite extra-judicial killings happening. There is also intimidation because of political affiliations. We want to know whether this Commissioner of Police is politically affiliated to one side, and whether this intimidation will continue. We are not afraid anymore to speak out. We spoke out too late and we lost 10,000. We do not want to speak out too late and lose Kenyans and even political leaders of this country who are being intimidated.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. Does it not bother the Assistant Minister; Mr. Joshua Orwa Ojode, who is my uncle, and who is also my neighbour, that this incident on Mr. Imanyara actually took place near State House? Does it not bother the Assistant Minister and the Government that State House or a place near State House cannot be safe? If a car can stall near State House, or deliberately stalls, and a Member of Parliament or any other Kenyan is attacked near State House, does it not bother him regarding the security of this country? He has taken this matter casually.

Mr. Deputy Speaker, Sir, the other revelation by Mr. Imanyara that he was given a bodyguard who has mental problems worries one most. Remember that before the Late Thomas Joseph Mboya died, his own bodyguards attempted to kill him. Do you want to kill these political leaders by giving them bodyguards who have mental challenges? I think the Assistant Minister needs to be serious, and not only in addressing the security of Members of Parliament but the security of Kenyans as a whole. It worries me if this incident took place near State House and you still take it casually. My brother, Mr. Ojode, please take this matter seriously.

Mr. Kigen: Mr. Deputy Speaker, Sir, the issue of security is a very serious matter. It is not just beginning but it has been on. The reaction of the Government has not been convincing. I remember last year, I was a subject of serious threats which I reported to this House and directives were given to the Minister of State for Provincial Administration and Internal Security by the Speaker to the effect that I should get some additional security. Arising from that, the whole of my office staff were arrested on trumped up charges by the police. They have not been able to prosecute the case, but they have charged them. Right now, they are absenting themselves from court and, therefore, pushing the case forward. What are we going to do when we report, instructions are given from this House and they are not obeyed? This is a very serious matter that needs the interrogation of this House. We must interrogate the Commissioner of Police and the Minister concerned to tell us whether they are the ones responsible for this mess; otherwise, why are they not acting?

Mr. Njuguna:

On a point of order, Mr. Deputy Speaker, Sir. Dismayingly, this is a puzzling incidence that has been brought to this House shortly after my home was attacked.

Hon. Members: Shame!

Mr. Njuguna: Mr. Deputy Speaker, Sir, up to now, the culprits or the perpetrators of these heinous crimes have not been arrested. I am saddened to hear that the hon. Member who happens to be a panelist in this House has been told that he will be headed and his head taken to his wife and children. The entire family is traumatized and there is no way this family would be functional in anything. I, would, therefore, ask the Assistant Minister to inform the House what tangible or concrete steps he has taken to ensure that this family will not be scared as they continue with their daily activities.

Mr. Mungatana: On a point of order, Mr. Deputy Speaker, Sir. There is also one point that is getting lost somewhere. When the hon. Member was speaking, he alluded to the issue of trying to compartmentalize the voting in the country which relates to the electioneering that is starting on a small-scale. I would like to ask the Assistant Minister, as he brings the Statement to address that issue. What is the Government's position as far as giving permission and licences to meetings which are basically tribal and yet they are not discussing any issue to do with culture or anything to do with the rites of passage? They are basically meeting as tribal leaders to endorse political candidates. What is the position of the Ministry of State for Provincial Administration and Internal Security in granting licences to such meetings because if nothing is done by the Government, we will be heading towards a precipice?

Thank you.

Mr. Anyanga: On a point of order, Mr. Deputy Speaker, Sir. What is being discussed here today is a very sensitive matter. The Assistant Minister is on record in this House saying that they normally get information about Members of Parliament and their movement from the security personnel attached to them. Personally, for the past one year, I have not seen the security officer who is attached to me. Hon. Orwa Ojode is my neighbour and he is very much aware that my security officer has not been with me for the last one year.

The Assistant Minister of State, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): I am not aware!

Mr. Anyanga: Mr. Deputy Speaker, Sir, if he is not aware, then I am telling him now that the security officer is not with me. The Assistant Minister is telling us that we should use our security personnel when he knows very well that hon. Omondi Anyanga, the Member for Nyatike does not have any. Could the Assistant Minister confirm that he will allocate me a security officer as from today? My life is threatened, Mr. Ojode!

(Applause)

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

Mr. Deputy Speaker: You wish to inform who?

The Assistant Minister for Water and Irrigation (Mr. Waititu): The Assistant Minister.

(Mr. Ojode nodded in agreement)

Mr. Deputy Speaker: Yes, go ahead and inform the Assistant Minister.

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Deputy Speaker, Sir, the matter we are talking about right now is very serious because everybody is aware the way I was manhandled last time while I was trying to address my constituents which is my constitutional right. I want to say that our police are still living in the old age right now.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Waititu, who is an Assistant Minister of the Government, to interrogate the same Government while he is still serving? This House must operate on rules. Secondly we must operate on principles. If he is dissatisfied with the Government let him resign and cross over and then interrogate the Assistant Minister properly.

Mr. Deputy Speaker: Order! Hon. Waititu was not interrogating the Assistant Minister. He volunteered information to the Assistant Minister. He made it clear.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. Apart from what hon. Ethuro raised, I think the matter that hon. Waititu is talking about is in court. I think we need to respect the courts. That matter is *sub judice*. If hon. Waititu wishes to discuss it in this House, I think he should wait for the matter to be concluded.

(Applause)

Mr. Namwamba: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member for Gwassi in order to attempt to gag the hon. Member for Embakasi because I do not believe I

heard the hon. Member for Embakasi allude to or mention any matter in court that would then infringe on the *sub judice* rule? We are discussing a matter of security. All of us witnessed scenes borrowed from an age that our minds would not even remember. The hon. Member was brutalized and handled like a common criminal in full view of his constituents and the media. If hon. Ojode's officers can do that to a Member of the same Government, I even disagree with the hon. Member for Turkana Central for attempting to say that being a Member of the Government, hon. Waititu cannot say anything. This is a peculiar Government; a Government that brutalizes its own. It raises peculiar circumstances. Therefore, I believe that the hon. Member for Embakasi is perfectly in order to contribute to this matter in these very peculiar circumstances.

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

Mr. Deputy Speaker: Order, hon. Ethuro! Hon. Members, hon. Waititu offered to inform his colleague, the Assistant Minister, Ministry of State for Provincial Administration and Internal Security and the Assistant Minister accepted. Should the Assistant Minister agree with his colleague and say that, indeed, what the Members of Parliament are saying is true, there is no law, rule or any Standing Orders that contravenes that.

Proceed.

Hon. Members: That is proper!

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Deputy Speaker, Sir, I wanted to inform the Assistant Minister that everybody is aware that the Assistant Minister does not---

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I really sympathize with the situation of hon. Waititu. I do. However, unless we organize our debate in the way we have agreed as a House through our Standing Orders, we will reduce this to the convenience of people. That is part of the problem of this country. If hon. Waititu wanted to give information to the fellow Assistant Minister, he should have said that he wanted to give information and the Assistant Minister would have agreed or disagreed. That did not happen. We cannot break rules. You owe it to this country.

Mr. Deputy Speaker: Order! Hon. Ekwe Ethuro, the Chair will, first of all, state the facts as they were and then take a position against you. The Chair said that, indeed, hon. Waititu stood and said "On a point of information". The Chair then asked him "who do you wish to inform and he said he wanted to inform the Assistant Minister. The Assistant Minister said "proceed and inform". Did you hear that or did you not hear? The Chair has repeated that a number of times.

Hon. Members: Yes!

Mr. Deputy Speaker: Ordinarily, the Chair will take a very firm action against you because if there is anybody who is deliberately denigrating the stature of the House, then he is the one who has just been addressing us and it is you. When the Chair tells you: "Order", you keep on talking. That is a shameful position. In any case, if you had a problem with the Assistant Minister informing another Assistant Minister, and telling the Assistant Minister that the information he has is not correct but informing him different information, you should have stood on a point of order when Dr. Wekesa was informing the Minister of State for Defence. You supported it. So, under the circumstances, hon. Ekwe Ethuro, the Chair gives you one final reprieve.

(Laughter)

In the event you repeat that again, then the Chair will take action against you.

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Deputy Speaker, Sir, I want to inform my fellow Minister that as far as this issue is concerned right now, I think it could have gone to the Departmental Committee on Administration and National Security so that people can have the chance of interrogating the Commissioner of Police. That is because he is the direct person who can answer to those particular atrocities. Otherwise, I was in that meeting that was held at Landmark Hotel and there was no discussion on elimination of particular people in Central Province. As far as I am concerned, that is the true position. There was no discussion of elimination of people at the Landmark meeting.

Mr. Deputy Speaker: Order! You have basically informed the Minister.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: What is your point of order? It had better be very brief.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Deputy Speaker, Sir, first of all, I just want to say that this issue of insecurity should not be politicized. But my point of order is in connection with what my good friend, hon. Mungatana, alluded to; that there were meetings that were convened in Limuru, Eldoret and Landmark Hotel. He is trying to really condemn those meetings. Those meetings were actually convened to discuss welfare matters of those communities just like we had a meeting sometime convened by the Luo Council of Elders and the Coast Parliamentary Group. So, it is constitutional to assemble anywhere in this country. So, is it in order for hon. Mungatana to condemn a meeting that was convened while observing the provisions of the Constitution? That is because it is constitutional to meet and assemble.

Mr. Deputy Speaker: Order! What is it, Mrs. Shebesh?

Mrs. Shebesh: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister who, of course, attended those meetings, to come and contradict what the Commission on National Integration and Cohesion (NCIC) said clearly that the two meetings that have so far been held in the name of Gikuyu Embu and Meru Association (GEMA) and KAMATUSA have not been for ethnic cohesion or even cultural issues? Instead, they were meetings for bringing together forces to incite people against others. That has clearly been stated and it is on the record of the NCIC whose work is independent. It is an independent institution.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order, hon. Members! Hon. Assistant Minister, can you give an undertaking on the Ministerial Statement sought?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, first of all, I want to plead with my colleagues that a sensitive matter of this nature should never be trivialised and politicized. You are aware that we allow Members of Parliament to choose and pick their bodyguards. We do not actually give bodyguards to Members of Parliament. We allow Members to pick their bodyguards or to suggest who they want to be their bodyguards. So, I just wanted to correct that anomaly.

Mr. Deputy Speaker, again, we must also separate politics from a sensitive matter like this one. I have said here that I have ordered the Commissioner of Police, who is the only person who can---

Mr. Deputy Speaker: You do not order!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, let me just finish my version. I have directed the Commissioner of Police to investigate this matter.

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

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Why do you not listen to the Government when I am on the Floor? *Wewe andika jina!*

(Laughter)

Mr. Deputy Speaker: Order! Hon. Assistant Minister, this is not a laughing matter. This is not humour and comedy. This is a serious matter that involves the lives and security of Kenyans and even the elected leaders. You need to give an undertaking right now on the Ministerial Statement which you will have to issue as soon as possible and which is going to allay the fears of the hon. Members who are here. You do not give directions to your Police Commissioner from the Floor of the House.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, if you heard me correctly, I said that the Commissioner of Police should move with speed to investigate this sensitive matter. Let us not politicize it for heaven's sake. It involves lives. On the same wave, I would also request my colleague and a friend, hon. Imanyara, that he should also move with speed to record a statement in order for us to generate the investigations. We are going to start investigating this matter and after the investigations are over, that is when I will be able to issue a tangible Ministerial Statement which is quite comprehensive. After the police investigate the matter thoroughly, I will be able to issue that Ministerial Statement.

Mr. Deputy Speaker: When will you issue that Ministerial Statement?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, let us give it two weeks to come up with something that is tangible.

Mr. Deputy Speaker: Order, hon. Assistant Minister! The Chair directs that you come back and give a Ministerial Statement to the House on Wednesday morning next week; the reason being you can burn the midnight oil. You can get your officers to work day and night. You can come back and allay the fears of your colleagues in Parliament.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I agree with your directive and, in the event that we have not come up with something tangible, I will update the House. Thank you.

MURDER OF SAMIR KHAN

Ms. Karua: Mr. Deputy Speaker, Sir. I wish to request for a Ministerial Statement from the same Assistant Minister of State for Provincial Administration and Internal Security regarding the disappearance and subsequent murder of Samir Khan who was abducted on 10th of April at Nakumatt Likoni in Mombasa while they were boarding a matatu with one, Mohammed Kassim. Both were abducted. Mohammed Kassim has not been traced up to now, but the body of Samir Khan was discovered in Voi the next day on 11th.

Mr. Deputy Speaker, Sir, we would want the Assistant Minister to confirm to us that the ten armed men who allegedly abducted those two were police officers. He should also tell us what action he has taken regarding the murder of that gentleman, and what he is doing in regard to extra-judicial killings. That is because that appears to be yet another extra judicial killing.

Mr. Deputy Speaker, Sir, as the Assistant Minister does this, it is important that he also tells the House when the police reforms will be completed, and especially the formation of a Civilian Oversight Authority which should investigate police misdeeds. That is because, as a House and a nation, we are very suspicious of police investigations into allegations against themselves.

(Mr. Yakub stood up in his place)

Mr. Deputy Speaker: Sheikh Dor, have you reason on the same matter?

Mr. Yakub: Yes, I rise on the same matter, Mr. Deputy Speaker, Sir.

The late Samir Khan is one of the religious leaders at the coast. The information that was given by the office of the Provincial Police Officer is that there was a Kenyan who saw the body and he informed one of the traffic police officers. I would like the Assistant Minister to inform us, in his Ministerial Statement, the name of the Kenyan who saw the body first and the first traffic police officer who was informed, so that the family of the deceased person and the rest of us can have clear information on the death of Samir Khan. In order to end this issue, it is very important for that information to be availed to us.

Today is almost the tenth day and the family of Mohammed Kassim has no information of his whereabouts. Could he also tell us of the whereabouts of Mohammed Kassim whose body has not been found up to this minute?

Thank you.

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. Many times, when the police are asked to investigate---

(Mr. Chachu stood up in his place)

Mr. Deputy Speaker: Hon. Chachu Ganya, when somebody rises on a point of order, seeking a Ministerial Statement, that Ministerial Statement has to be exhausted first. Only then will you rise, seeking a Ministerial Statement. So, allow Dr. Nuh to finish.

Mr. Chachu: Mr. Deputy Speaker, Sir, I was not going to seek additional information on that Ministerial Statement. I was going to raise my own.

Mr. Deputy Speaker: Proceed, Dr. Nuh.

Dr. Nuh: Mr. Deputy Speaker, Sir, when the police are asked to investigate issues relating to the murders that happen, many times they are unable to make any traces. We were told that Samir Khan was in some places facing terrorism charges, which makes us suspect that the police were unable to provide enough evidence as to his linkages with terrorism and so this is an easier way of eliminating him rather than go through the court process. Therefore, as the Assistant Minister answers the question as to the alleged murder of Samir Khan, we would want him to confirm to this House whether the finger printing and the dusting exercise that the police usually do in normal crime circumstances is just a hoax or they have that technology working and that they can ensure that the police get to the bottom of the matter and if they can trace any fingerprints on a murder scene.

Mr. Deputy Speaker: Yes, hon. Chachu Ganya!

Mr. Chachu: Mr. Deputy Speaker, Sir, the Assistant Minister has advised us to use our bodyguards. Hon. Anyanga pleaded on the Floor of this House that he has been without a bodyguard for a whole year.

Mr. Deputy Speaker: Order! Order!

Mr. Chachu: Mr. Deputy Speaker, Sir, could the Assistant Minister make an undertaking for this---

Mr. Deputy Speaker: Order, hon. Chachu Ganya! We are dealing with the Ministerial Statement sought by hon. Martha Karua regarding the death of one Samir Khan. It has to be exhausted first.

(Mr. Mbadi stood up in his place)

Mr. Deputy Speaker: Hon. Mbadi, have you risen on the same matter?

Mr. Mbadi: Yes, Mr. Deputy Speaker, Sir. There were police officers who were investigating him in connection with terrorism. As the Assistant Minister answers this question, could he tell us whether the police officers who were investigating him have recorded statements and have been investigated on this matter?

Mr. Hassan: On a point of order, Mr. Deputy Speaker, Sir. I also wanted to urge that the disappearance and the subsequent murder of a man in my constituency by the name of Ali Mohammed, who disappeared in similar circumstances---

Mr. Deputy Speaker: Order! Order, hon. Hassan! The Chair appreciates the fact that you have not been in this House long, but there is a matter of a Ministerial Statement sought by hon. Martha Karua. Every other subsequent speaker was seeking further clarification on that matter. Only then, will you rise on your own Ministerial Statement.

Hon. Assistant Minister, could you give an undertaking as to when you intend to bring the Ministerial Statement to the House?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I will issue the Ministerial Statement on Wednesday morning.

Mr. Deputy Speaker: It is so directed. Hon. Chachu Ganya, you had a Ministerial Statement to seek. Can you proceed, please?

BAN ON MEAT IMPORTS FROM KENYA BY UAE

Mr. Chachu: Mr. Deputy Speaker, Sir, I wish to seek a Ministerial Statement from the Minister for Livestock Development regarding the ban on imports of meat from Kenya by the United Arab Emirates (UAE) Government. In the Ministerial Statement, he should explain the reasons that led to the ban. In addition, he should clarify whether the Ministry is experiencing any problems with quality assurance and standards, especially in relation to meat products.

Finally, he should explain the steps being taken to ensure that the country meets international standards on meat products as well as the steps being taken by the Ministry to have that ban lifted.

Thank you.

(Mr. Shakeel stood up in his place)

Mr. Deputy Speaker: Hon. Shakeel, have you risen on the same matter?

Mr. Shakeel: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Proceed, please.

Mr. Shakeel: Mr. Deputy Speaker, Sir, in his answer, could the Minister kindly inform us whether they are aware of illegal meat export from Kenya and whether they have been approached by certain parties to give them waivers or exceptions in respect of this trade?

Mr. Deputy Speaker: Mr. Assistant Minister, could you give an undertaking on behalf of the Minister for Livestock Development as to when the Ministerial Statement will be brought to the House?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I will prevail upon the Minister for Livestock Development to issue the Ministerial Statement on Thursday, next week.

Mr. Deputy Speaker: It is so directed.

Hon. Anyanga, you have a pressing matter on your own security?

PROVISION OF BODYGUARD TO MR. ANYANGA

Mr. Anyanga: That is true, Mr. Deputy Speaker, Sir. My concern has not been addressed by the Assistant Minister.

Mr. Deputy Speaker: Hon. Assistant Minister, much as we had disposed of that matter, it is important for you to give an undertaking on the provision of a security guard to hon. Anyanga.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, ordinarily, we do not do it on the Floor of the House. He knows the procedure. The procedure is for hon. Anyanga to see the Minister or me or the Permanent Secretary (PS) in order for us to get a name of his preferred security officer from him and then we fast-track the process. We do not deal with security matters on the Floor of the House.

Mr. Deputy Speaker: Hon. Anyanga, could you then move with speed and write a letter, giving the name of your preferred security officer? If you can also submit a copy of that letter to my office, it will help a lot.

Mr. Anyanga: Thank you, Mr. Deputy Speaker, Sir. I will make that request to the Minister or to the Commissioner of Police.

Mr. Deputy Speaker: There is a Ministerial Statement from hon. Robinson Githae.

MINISTERIAL STATEMENT

BASIS FOR PRESENTATION OF SUPPLEMENTARY ESTIMATES, 2012

The Minister for Finance (Mr. Githae): Mr. Deputy Speaker, Sir, while we were presenting the Supplementary Estimates yesterday, certain issues arose and the Speaker directed that this morning, I give an indication on the basis upon which we tabled the Supplementary Estimates.

While tabling the Supplementary Estimates for the 2011/2012 Financial Year, hon. Members sought to know the basis of presenting the Supplementary Estimates. Hon. Members will recall that on---

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. The Speaker directed the Minister to do this under Order No.4. I have no problem with him proceeding under this Order, but he should at least acknowledge that he has disrespected the ruling of the Chair, apologise appropriately and then proceed. That is in the HANSARD.

The Minister for Finance (Mr. Githae): Mr. Deputy Speaker, Sir, I was not in the House when the ruling was made, but I was told that I am required to do it this morning. If that is what happened, I am sorry that I did not rise when Order No.4 was called out.

Mr. Deputy Speaker: What was the wisdom of the Standing Order? It should be tabling of a Paper.

The Minister for Finance (Mr. Githae): Mr. Deputy Speaker, Sir, I am issuing a Ministerial Statement.

Mr. Deputy Speaker: What is the basis for doing so?

The Minister for Finance (Mr. Githae): Mr. Deputy Speaker, Sir, the basis is that while tabling the Supplementary Estimates for 2011/2012, hon. Members sought to know the basis for presenting the Supplementary Estimates. Hon. Members will recall that in the year 2011, this House passed the Appropriations Bill, 2011, which was later enacted into law. The Government has since August, 2011 been implementing the Budget on the basis of the Appropriation Act, 2011. Following the challenges---

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I have a copy of yesterday's HANSARD. It was Dr. Oburu who presented the Supplementary Estimates, but as we know, there is collective responsibility in Government. The Speaker ruled as follows:-

“**Mr. Speaker:** Dr. Oburu, you have pleaded for indulgence until Thursday. I am afraid, the prevailing circumstances are such that the House cannot afford to give you until Thursday. I direct that you make your submissions by way of a response tomorrow morning, and I stand by my commitment to give directions by tomorrow afternoon. So, when Order No.4 is called tomorrow, please, give your response by way of whatever submissions you will have on the concerns of the hon. Members.”

Mr. Deputy Speaker: Under the circumstances a definitive direction had been given by the Chair and the current Chair cannot change that. It is my position that this should be moved this afternoon under Order No.4. There must have been some wisdom informing that which basically is there. So, the Chair directs that you move on the same under Order No.4 today in the afternoon.

Mr. Mbadi: On a point of clarification, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: What is your clarification? The Chair has already given a direction. So, what do you wish to clarify?

Mr. Mbadi: Mr. Deputy Speaker, Sir, maybe for his benefit, the reason why this was supposed to be under Order No.4 is that the way the Minister attempted to give notice of that Motion was faulty. So, that is why it should be done procedurally under Order No.4.

Mr. Deputy Speaker: Definitely, there must have been a relevant and very appropriate reason as to why that direction was given. The Chair has no intention of altering that.

Yes, Mr. Ekwee Ethuro!

Mr. Ethuro: Mr. Deputy Speaker, Sir, I enjoy the pay of this House and so I work extra hard. I requested to put a request to the Government on two Ministerial Statements. Both are actually directed to the same Minister---

Mr. Deputy Speaker: Order! Would you wish to seek your Ministerial Statement in the afternoon today when the Ministers are all here for it to have the kind of impact that you assume it should have? So, the Chair directs that you request for these Ministerial Statements in the afternoon today.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I would of course be subject to your direction especially after you have been lenient to me this morning. But I also appreciate that in the afternoon that session is a bit constrained especially with the Prime Minister's Time.

Mr. Deputy Speaker: The Chair will make a deliberate exception to your issue today. I will give you those very few minutes.

Mr. Ethuro: Much obliged, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Next Order!

MOTION

APPOINTMENT OF A TEAM TO INTERROGATE/DETERMINE FARMERS' SHAREHOLDING IN NEW KCC

THAT, aware that the original Kenya Co-operative Creameries (KCC) was largely owned by dairy farmers who held the majority stake in the assets of the company estimated at over Kshs5 billion; noting that when the original KCC was never converted to New KCC the shareholding of the said farmers was conclusively determined; further aware that New KCC is at an advanced stage of privatizing fully through public floatation of shares; deeply concerned that if the said privatization proceeds before the original shareholding rights of the farmers are conclusively determined and protected, the said farmers run the risk of permanently losing their stake worth billions of shillings; this House resolves that the Government should forthwith stop the planned privatization of New KCC and immediately constitute a seven member rights reconciliation team composed of representation from the Ministry of Co-operative Development and Marketing (three representatives) and the Kenya Farmers Association (four representatives) to interrogate and conclusively determine the shareholding rights of farmers in KCC as converted into New KCC which are to be guaranteed protection and duly awarded to the rightful farmers in the planned privatization.

(Mr. Namwamba on 15.2.2012)

(Resumption of Debate interrupted on 15.2.2012)

Mr. Deputy Speaker: Yes, Mr. Namwamba.

Mr. Namwamba: Mr. Deputy Speaker, Sir, I had already moved this Motion and it had already been seconded. Debate, indeed, had already commenced.

Mr. Deputy Speaker: Mr. Kosgey was the last speaker and he had seven minutes to go but under the circumstances, yes, Mr. Shakeel Shabir.

Mr. Shakeel: I beg your pardon, Mr. Deputy Speaker, Sir. I have just been advised and informed that I had seconded this Motion. So, I cannot---

Mr. Deputy Speaker: Yes, Mr. Mututho!

Mr. Mututho: Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion. This morning I was listening to one of the FM stations and they were talking about milk production in the State of Israel. They had a reporter and it was live.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, what was interesting is that on average, assuming a lactation period of three or five days, cows in Israel, in that arid place, are giving an average of 12,000 litres per annum. That is about ten times more than our cows can do although climatically and looking at all factors on board, we are supposed to do much better. I am talking about climate because they have to go to an extent of having air conditioning. What am I trying to say? Look at Githunguri, for instance - and I thank hon. Githunguri for his work before he came to this Parliament and what he has continued doing in promoting the dairy industry. Four billion shillings was realized from the sale of milk in Githunguri. It is those kinds of incentives, good management and good outlets that lead to improvement of production and what goes on around the dairy animal.

Mr. Temporary Deputy Speaker, Sir, we have for a long time assumed that what comes from the West is good. I want to go back to the State of Israel again and tell this hon. House today that what is called the State of Israel and their farming and what has been frightening all of us here is exactly 400,000 acres. Four hundred thousand hectares is equivalent to 1 million acres. One million acres, when you are not seated there from where you come from, you donate that one million acres and it will still be a drop in the ocean. This is the case and yet they are able to generate not less than US\$2 billion in terms of export. Since they are able to embrace technology they are able to do production. The New KCC, the old KCC, the KCC original are all endeavors towards production of milk and adequate marketing. Whatever can be done and I feel really challenged by Mr. Ababu Namwamba who is a senior counsel--- But looking at it, even as a senior counsel he is able to wear spectacles and tell livestock people: "Wait a minute, there must be a challenge." Since you seem not to see or hear as I now debate here - there is not a single Minister from that Ministry or anybody from the Executive. They are still basking in their improved offices and I understand those offices cost exactly the amount of money that we require to have the maize driers. That is the amount of money they used to renovate their offices. So, they are sitting in the comfort of their offices and they are not listening. They also have flat screens and good screens in their offices but they are not switched on. So, they may not be hearing. So, we have to say it here and say it loudly. There is a problem in the agricultural sector, and among them the critical one is the New KCC issue.

You will recall that the origin of KCC is Naivasha and it was Delamere who initiated that move to have good creameries. My late father, Daniel Mututho Kimotho was a clerk in that particular industry when it started and the idea was to have a pipeline delivering milk to Nairobi so that it could be economical and good. That was a good dream for Delamere but it never happened.

But having said that we should now, as a policy---

Mrs. Shebesh: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would just like confirmation that the Minister who will be responding to the issues being raised here that are critical to the farmers of this country is seated here and is ready to respond. If not, who of the other colleagues will be doing that? Mr. Temporary Deputy Speaker, Sir, it will be good for us to know.

The Temporary Deputy Speaker (Mr. Ethuro): Is there any Minister holding brief for the Leader of Government Business or the Minister for Co-operative Development and Marketing?

*(Several Ministers held consultations
at the Front Bench)*

Order, Ministers! You do not need even to be reminded by the Chair because the hon. Member was very explicit.

(Prof. Kamar spoke off-record)

Order, Madam Minister! Come to the Dispatch Box. We want you on record so that we can hold you accountable.

The Minister for Higher Education, Science and Technology (Prof. Kamar): Mr. Temporary Deputy Speaker, Sir, we are all here and we are listening and writing our notes. I just wanted to confirm that we are taking notes and there will be a good response at the end of this debate.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Professor! It is not just “we”. The House assumes that for this purpose---

The Minister for Higher Education, Science and Technology (Prof. Kamar): Mr. Temporary Deputy Speaker, Sir, I am holding brief for the Minister of Co-operative Development and Marketing.

(Mr. Namwamba stood up in his place)

Mr. Temporary Deputy Speaker (Mr. Ethuro): Excellent! I think that point is made, Mr. Namwamba. What is it?

Mr. Namwamba: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister responsible was, indeed, in the House, Mrs. Linah Chebii Kilimo. She did indicate to me that because of a prior engagement she was personally handing over this matter to Mr. Kamama who also has not only express instructions but the formal response to this Motion.

I do not see Mr. Kamama in the House whom I had talked to earlier on to confirm that, indeed, he will be making that formal response. Therefore, I am a bit worried that the spur of the moment commitment made by Prof. Kamar, though in good faith and appreciated may not do justice to this critical Motion. I, therefore, plead for your guidance.

The Temporary Deputy Speaker (Mr. Ethuro): Let me first start by saying that Prof. Kamar really accepted the responsibility and I think it is definitely appreciated by the House. That is why the Chair was insisting that she takes that responsibility; you have given us

information that will be useful to her. So, I am sure she will be looking out for Mr. Kamama to bring the formal response.

Proceed, Mr. Mututho

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, thank you for your guidance. The matter being discussed here, as Mr. Namwamba has said, is what I will not say is deadly, but is really important. The decision of the Ministry of Co-operative Development and Marketing to privatize the New KCC means that people who are not necessarily in that industry are going to take assets which are owned by farmers. It is so sensitive and central to the operations of the farmers that we do not want to imagine for even a second that those assets will be owned and transferred to new owners who will not necessarily be the farmers. The farmers have suffered the agony of being underpaid for milk. They have lived through all these years. I sit in the Departmental Committee on Agriculture, Livestock and Cooperatives and I can talk for hours here, disclose nitty-gritty, the dos and don'ts and all the maneuvers that have gone on in that particular sector. So, it is very important that the Executive is listening and takes this matter seriously; the New KCC is the property of farmers. The KFA is the property of the farmers. The Pyrethrum Board of Kenya is the property of farmers. The Kenya Planters Co-operative Union (KPCU) is the property of farmers and the Government has no business to privatize what it does not own in the first place.

(Applause)

Therefore, while supporting this Motion, we would like farmers to be facilitated to own the New KCC 100 per cent, and without anybody putting, or even the Government putting their hand into that organization.

There is also the case of retired workers of the old KCC. It is not good that you come and take equipment, milk and other assets but you do not want to inherit liabilities to do with workers who have worked there from 1940s. So, those workers must be paid! Whether it is the farmers' organization coming on board, this must be done. So, we will, on behalf of our members, the people who produce milk, oppose any move by the Executive to privatise the New KCC to an extent that they bring people there who just want to own the assets, the many properties in Nairobi, Nakuru, Eldoret, Mombasa and all over. We will also oppose any move that to us seems to harm the dairy industry.

With those many remarks, I beg to support.

Dr. Laboso: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to also add my voice to this very timely Motion. I want to strongly support this Motion; I stand here as a product of milk. I went to school courtesy of milk that was processed through the old KCC. The kind of milk that educated me, the kind of milk that was processed in the KCC is no longer there. I am specifically looking at the milk that used to be taken to the old KCC in Sotik, which is one of the very few remaining processors in the Rift Valley.

Recently, the Minister for Co-operative Development and Marketing paid a visit to farmers in Sotik. The import of this Motion then became very clear; the presentations that were made by the farmers to the Minister were very categorical. They indicated that they sold their cows and all their assets, and in their view, they did not owe the Government a single cent, and that this is their property. I am sure the other farmers have also spent a lot and ensured that the old KCC, all its plant and assets across the country were paid for. It is very clear that what the Government is trying to do is absolutely illegal. It is not warranted! The farmers do not deserve

to be taken for granted. The kind of money that the Government injected to revive the New KCC does not warrant it making it its asset, and therefore, making decisions like the one of privatizing it. So, I want to say, as I support this Motion, that New KCC belongs to farmers. I want to reiterate that farmers do not want their assets to be taken to the stock exchange; we know who owns the stock exchange. Once the shares are floated at the stock exchange, the farmer will be completely forgotten.

So I want to support what hon. Members have said and say that upon the passage of this Motion, we will quickly go ahead and form this reconciliation team that will then go round all the New KCC assets and put them together, so that we can know what the farmers are worth. We will also quickly make a decision. Even if this privatization were to happen, it cannot happen until we have moved into the county governments. This is because these are some of the assets that we would want to be owned by the counties. I am even specifically looking at my own county, Bomet County; when I see the KCC plant in Sotik, I see it as one of the very few assets that we will have in Bomet County. With that, and maybe two or so other processors, these are some of the assets that we will be using to begin developing our county.

Mr. Temporary Deputy Speaker, Sir, so, I want to again strongly support this Motion. I believe that it is going to get overwhelming support, because all of us are products of farmers. The milk production areas of the Rift Valley will overwhelmingly support this Motion.

Thank you!

(Mr. Kamama entered into the Chamber)

(Mr. Kosgey and Prof. Kamar stood up in their places)

The Temporary Deputy Speaker (Mr. Ethuro): I would like to remind Mr. Kosgey that, indeed, he had seven minutes remaining but he squandered his opportunity and it will not come again his way. So just sit, relax and enjoy the listening. I also want Mr. Kamama to be informed that he is on record as the official Government Responder.

Proceed, Prof. Kamar.

The Minister for Higher Education, Science and Technology (Prof. Kamar): Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to join other hon. Members in supporting this Motion. In supporting, I would like to thank Mr. Namwamba for being on the side of farmers at this very critical moment. I support this Motion because the history of the KCC is well known to those of us who were raised by farmers, that is those of us whose school fees were paid from the sale of milk. The history is very sad because in those days farmers never sold just raw milk; they sold processed milk. The farmers of this country were extremely advanced compared to any other. In fact, while we are talking about value addition today, our farmers used to do value addition in the 1970s. They did value addition because they were paid for the fresh milk, the cheese they sold and for the powder milk they sold to the army. So the whole processing of milk was in the hands of farmers through the KCC. The KCC was the only property that farmers in the North Rift owned.

This is because the grain production was erratic as it is today where drought sometimes caused failure of crops, but they used their failed crops to feed their animals and it was out of that that they raised their children and took them to school. The only thing our fathers remember is the KCC because that is what enriched them, prospered their families and sent all of us to school.

Mr. Temporary Deputy Speaker, it is very sad that in the changes that have taken place in KCC from the original KCC, the New KCC to the current KCC which is a Government parastatal, farmers are almost forgotten. I support this Motion because this is an asset that has owners. We cannot privatize something that has ownership. The ownership is known. The co-operative societies of the farmers are known wherever they are. If today we ask farmers to give us their registers right from the local areas, I am sure even the farmers of Chepkorio where I was born will give their register and the ownership. When these changes took place, the supposedly collapse of the KCC came, and people lost money when they were exiting. There is money which is still supposed to be given to these farmers. So, when we talk of the KCC having debts, the farmers are right to say that they do not know how they acquired these debts because they did not owe anybody anything. At the time, they were owed money for their last collection of milk which they have not received up to now.

I would like to urge my colleague Minister that while we move towards ensuring that farmers get their rightful shares, they need to look at a few things. First, they must look at the original shareholders; farmers. That is where it should belong. We should not attract other shareholder arising from businessmen who would like to make money from the farmers' sweat. We do not want to have the business community unless the farmers themselves would like to have them in. We would like this to be a company that belongs 100 per cent to the original owners who are the farmers, so that they only attract shareholders who are also farmers.

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

*[The Temporary Deputy Speaker
(Dr. Laboso) took the Chair]*

Madam Temporary Deputy Speaker, I am saying this because sometimes we convert ownership only to attract a lot of failures. A businessman will not be interested in production the way the farmer is interested. The pain of producing milk is only felt by the producers themselves. The challenges that they face in raising their animals are only known to them. So, it is very important that we do not mix the issue of milk production and business ventures that our business community would want to go into. We would like to have improvements, but we know that the sector has been extremely rich. It is very sad that the sector that used to consume milk from the KCC may be having imported products today. The KCC of those days, as I mentioned earlier, used to even sell their products to the Kenya Army. We know that the Kenya Army has expanded and should be consuming dairy products directly from the farmers. But when we have middlemen or processing plants that are owned by businessmen, then definitely, our farmers will not get their due profits from their products. It is very important, therefore, that as the Motion reads the shareholders who should be considered in the next venture should be farmers themselves. For that reason, I would like to support the Motion that we do not sell the shares outside the farming community. It should be exclusively for farmers and unless the farmers are not able to afford the shares, only then should we sell to anybody else.

Also, I will be encouraging the Minister for Co-operative Development and Marketing that the Government has no business having shares in a co-operative society. A co-operative society belongs to farmers. We cannot run the Government by selling cheese and butter. We should be dealing with other issues and the taxation that comes out of it. But as a parastatal, we

should hand it over because it was a transition stage. As the Minister has expressed to the farmers from region to region, and he came to Eldoret to discuss this, the Government is holding it in custody for the farmers for the period when we are preparing ourselves to resell the shares back. It is very important that we sell the shares back wholesomely to the farmers. First, we need to recover the original shareholders. Secondly, we have children of the same farmers who may want to be given shares themselves. Those are the people who should be introduced to the shareholding, but definitely, I support that we should not go outside the farming communities or outside the milk producers before we give shares to these rightful owners of KCC.

I would like to strongly support that the plant privatization should be halted, so that the farmers convert themselves from the co-operative society to the private company, if they so wish. If they wish to continue as a co-operative society, so be it because the choice should be theirs. They are very strong farmers and should sort themselves out.

With those few remarks, I support.

Mr. Ethuro: Madam Temporary Deputy Speaker, I also rise to support this particular Motion by hon. Namwamba. Hon. Namwamba is very useful when it comes to farmers. I hope he will also become useful when it comes to politics. You may be wondering why I am contributing to the dairy matters when I have nothing to show that I have some milk, but this is good for the Kenyan farmer.

This Motion is bringing before this House a serious indictment of a Government that took assets belonging to the farmers, appropriated them in some other KCC. We got another Government that took it from them and it is now taking it back to the rightful original owners. So, we want to thank the Government and the Minister for Co-operative Development and Marketing for taking back the KCC to the farmers. Indeed, the request by this Motion is that those farmers who contributed to the assets of that company should be given the first priority in terms of the privatization programme. This is the way it should be. This ought to be the case because this is not just another company whose shares we are going to float out there in the market. The real shareholders of the company are the dairy farmers, of course, allowing a few shares for pastoralists like me who may also want to participate in the largess of the dairy farming community.

I also want to speak to the point that until this Motion is carried, until the mediation committee that has been proposed here is in place and concludes its work, the privatization programme must not proceed. This is a commitment that the Minister must make very clear to this House when responding, so that they do not come and tell us that we were debating when they were making arrangements. The Government must be informed of what is happening in the House, so that they take the appropriate steps. You can see the interest of the Members, including the Front Bench. This should be the case. As we determine, the key words to me here are “to guarantee protection” to ensure that farmers do not permanently lose their stake in the dairy industry and in the KCC. There are some suggestions that for us to make this work, the Constitution has empowered the Government to ensure that every Kenyan is entitled to food and shelter. When you have a reliable source of income which this shareholding right of the farmers in the New KCC will provide, the Kenyan citizenry, especially the peasantry, is assured of a certain decent income. It will go a long way in fulfilling not only the constitutional requirement, but also the Millennium Development Goals that this country has committed itself to.

So, this is a Motion that we all want to support. We really want to encourage the Government to adopt this Motion in total and act with speed to ensure that this Motion is implemented. It should not wait for us to come back to the Floor to remind it of the

implementation just in case it has forgotten. That is because the Government seems of late to have lost a bit of memory. But we also have the Implementation Committee that ensures that every Motion which is passed in this House must be implemented within two months, or else, we will take drastic actions on you especially when it comes to farmers, knowing that this is a general election year.

Thank you.

The Assistant Minister for Energy (Mr. Magerer): Madam Temporary Deputy Speaker, thank you for giving me this opportunity to support this very important and significant Motion which relates to our farmers.

First of all, allow me to thank my good friend and brother, the Member for Budalangi, Ababu Namwamba, for thinking well ahead of us and being focused on issues that this country needs to be focused on.

Madam Temporary Deputy Speaker, I want to say that the thinking behind the privatisation of KCC in the manner that has been proposed by the Government is totally unacceptable. I come from a county that is leading in production of milk. The way the process is being planned is that, for example, there is exploitation of our farmers in the sense that a litre of milk, as currently being purchased by KCC and other organizations that deal with milk, costs Kshs23 when bought from farmers. As a consumer in this City of Nairobi, I buy half a litre of milk for Kshs58 or Kshs64 depending on which shopping centre I go. That translates to Kshs120 a litre, whereas the farmer gets only Kshs23. Within that Kshs23, there is the cost of getting the milk. You know there is the feed to the animal, drugs and the cost of the land, whether it is leased or owned by the farmers.

Madam Temporary Deputy Speaker, I see this as another opportunity to continue oppressing the farmers, who are so loyal to building the economy of this country. In that regard, we would like a situation where the Government takes more time to understand the gymnastics that are here, not merely looking at KCC as an organization that has failed. The Kshs500 million or so that the Government has injected into the KCC, for it to qualify to be a New KCC, is not enough to make the Government a big shareholder in KCC. All we know is that the true worth of KCC is way beyond Kshs15 billion. The Government is not even qualified to look like a minority shareholder with a paltry Kshs500 million that it has been able to inject in this facility.

So, as we support the constitution of the planned committee, as a Member of Parliament coming from that area, we are saying that this would give an opportunity to the farmers to determine exactly what is it that they have contributed towards the building of the New KCC? What is it that they have put in there to make KCC what it is, before even we begin thinking whether that facility should be privatized or not? According to me already, it is owned by Kenyan farmers. How can the Government privatise what is owned by the owners? For this Ministry to even think of going ahead with hearings, that is mischievous.

Madam Temporary Deputy Speaker, that committee should be constituted immediately. It should immediately be allowed to open the old books of accounts. We know that there are thousands of farmers who are owed millions by that institution. Every time we hear that our Government has injected money to other sectors namely, coffee and so on. We have seen billions of shillings being given so that we waive some debts that have been accrued in some of those organizations. Why is it so difficult for the same Government to send money to KCC and allow farmers to own their property?

Madam Temporary Deputy Speaker, the same is also happening at the KFA. We do not want to under-estimate the meaning of all that. It looks like there is a targeted approach on some

sectors of economy in this country, namely those which deal with farmers, to cripple them so that other people can benefit. We know who they are. There are people who own those organizations which compete with the organizations owned by farmers. Of course, they enjoy Government protection. This is not something that we are going to take lightly. We are saying that KCC must remain with the owners. The Government should only be able to come in to help the farmers get back on their feet, not to help the farmers take away their property and bring it to the Nairobi Stock Exchange. We are not even sure who the owners of the Nairobi Stock Exchange are. The New KCC is owned by farmers and farmers are in the rural areas. So, why do you intend to bring farmers to the Nairobi Stock Exchange? Farmers only understand auctions where they sell livestock in the rural areas. When you tell them that they have to go to NSE to buy shares, it is really unacceptable.

Madam Temporary Deputy Speaker, as I conclude, I would like the Government to begin to take our farmers more seriously. Unless we have serious plans for our farmers, then even the issue of food security in our country is at jeopardy. Forget about these things we talk. If we have no food in this country, I do not think anybody can have a hungry stomach and sit and listen in this House the way you are seated here. So, we must be able to take issues of food security very seriously as a Government and be able to defend our farmers.

With those many remarks, I want to support and urge that this Motion, as my colleague Ethuro has said, be expedited immediately. We do not want to see delays.

Ms. Chepchumba: Madam Temporary Deputy Speaker, Sir, I also want to join my colleagues in thanking hon. Namwamba for coming up with such a timely Motion; a Motion that touches on farmers.

Madam Temporary Deputy Speaker, I also want to say that I was educated by a farmer, when the KCC was on its feet. The KCC used to do so well. It gave hope to many Kenyan children, including me. But it is so sad that, as I speak now, the same farmers who own assets totalling up to Kshs5 billion cannot claim ownership because they have been arm-twisted. The same farmers who supplied milk to this country have not been paid a lot of money.

The question they ask is where the proceeds are. Where did the money go to? Just like any Kenyan who would want to develop, to pay fees for his children and to place food on the table for the family, the same farmers used to visit the KCC; they used a lot of money and they became poorer as they sought payment, which they have never realized.

Madam Temporary Deputy Speaker, you will agree with me that these assets belong to the farmers. The same Government bought shares from the same company and baptized it as the "New KCC." What is in this name? The assets belong to the farmers!

Madam Temporary Deputy Speaker, I am sad as a legislator from this region; up to now, farmers are crying foul; farmers are being taken for a ride by the same Government. We know very well that we used to have value addition to the products that were made by the KCC. But even as we speak, the New KCC plant in Eldoret just processes raw milk and it cannot even process butter and many other products that it used to process. Why is that so? It is because there are other players who want to paralyze this institution.

Madam Temporary Deputy Speaker, as we devolve to county governments, this New KCC plant at Eldoret, Sotik and many other parts of the country, these are the only assets that the farmers hold dear to their hearts.

Madam Temporary Deputy Speaker, I want to say that I do not agree to privatization of this New KCC; these are assets of the farmers. The seven member team that should be constituted should go deeper to look at the history and what led to the collapse of KCC, how the

New KCC came to own the shares. The farmers, in case of privatization, should be the ones to own these assets.

Madam Temporary Deputy Speaker, you will agree with me and many others that many of us drank milk bought by the same Government, especially for the school going children. You can see hon. Shebesh here; she is very energetic; I am also energetic and hon. Kamama is also energetic, because we drank milk bought by the Government; the Government then was providing a market for farmers' milk. The same farmers' children – and I am one of them – are energetic; that is why I decided to fight to come to this august House; it was so that I can raise my voice if the same farmers are mistreated; mistreatment should come to an end. This mistreatment will come to an end upon our adopting this Motion. This Motion proposed by hon. Namwamba is very timely and it will give hope to the hopeless farmers, who have suffered a lot of injustice.

Madam Temporary Deputy Speaker, I beg to support the constitution of the seven member committee which will look deep into this issue.

Thank you, Madam Temporary Deputy Speaker. I passionately speak about this because I feel so hurt.

Thank you, Madam Temporary Deputy Speaker.

The Assistant Minister for Roads (Mr. Kinyanjui): Thank you, Madam Temporary Deputy Speaker. I want to thank the Mover of this Motion, hon. Namwamba, for, indeed, being able to bring to the attention of the nation this matter, which is long overdue.

Madam Temporary Deputy Speaker, I think from the outset, I wish to state that my understanding of this Motion is that we are really not just talking about shares. We are talking about the value chain, and to what extent the farmer owns the commodity that he sells until it gets to the market. The price that the farmer gets when he delivers one litre of milk is about Kshs24. The milk is processed, for example in Nakuru, after delivery, it is processed and within five hours, it is brought to the supermarket there. One litre will go for Kshs70. In effect, the farmer who has to take care of the cow when it is sick, and looks at the best breeds gets only 36 per cent of the value of the milk when it is sold. Therefore, the 64 per cent difference between what he receives and the supermarket price is actually taken by the people here in between; these are the creameries, the retailers and all those people. Therefore, we would want the farmer to be a beneficiary of the 64 per cent; this can only be possible if you include the farmer in the ownership of the New KCC.

Madam Temporary Deputy Speaker, the same can be said of all the other commodities that we are selling in this country. What will surprise many is that when you go to any rural community in Kenya and you are told the team of farmers that you are going to talk to, or you are shown the people who produce the milk, the fish and everything, you will see that those people do not even have clothes that reflect the work that they do. If you look at the food they eat, in fact, some of the best paying crops including, coffee, tea and even sugar--- The people who produce sugar cannot have tea with sugar in their own homes! This is really serious; that the people who really feed this nation are not treated like they deserve the attention that they deserve.

Madam Temporary Deputy Speaker, one thing that has really characterized nations that have been able to have food security is that they value their farmers. If you look at developed countries like the USA, Britain or any of the other countries, they subsidize their farmers. But here, if you want to look at the people you would want to call the wretched of the earth, then you

will be looking at the farmers. Therefore, we need to do everything to ensure that we add value to the farmers.

More than just privatizing this, we need to add capacity to the co-operative societies. What has been seen in most of the countries where the dairy sector is thriving, including India, which has the biggest dairy company called “Amul”, is that best run dairies must also have capacity so that the farmers, once they are given the organization, can steer it well and produce better value added products. What we know is that most of our farmers just take the milk to the market, yet we know that you get your money from the value added products. If you look at the value of yoghurt, half a litre will cost about Kshs200, sometimes Kshs150, depending on the value addition. If you look at ghee, which has a huge market in the Middle East and many of these other countries---

Therefore, Madam Temporary Deputy Speaker, as we look at the privatization, we must also look at the issue of capacity building within these societies; previously when it was with the farmers, it also came down. What reasons led to the collapse of the old KCC? We must be able to address these issues, so that we do not move from one problem to another.

The other issue, Madam Temporary Deputy Speaker, I would want to note is that within our neighboring countries, whether you are thinking of Somalia, Southern Sudan, Ethiopia, Uganda, Tanzania and also the larger Common Market for Eastern and Southern Africa (COMESA) region, it is a milk-deficient region. Even if we were to triple our milk producing capacity, we still will not be able to meet the demand within this region. Therefore, if we are able to support New KCC, if we are able to expand the capacity of the farmers and to ensure that they are able to produce better value added products, they will be able to exploit new markets and also to ensure that the Kenyan child is properly fed with milk; we will also have created employment within this country.

I also want to note, Madam Temporary Deputy Speaker, that within this country, we have had a serious case of malnutrition. We have seen images from Turkana before they found their oil and you know some of those images of kids who have serious malnutrition are, indeed, very disturbing. It is unfortunate that when we have surplus production of milk we are not able to convert this milk to powdered milk and to be able to supply it to some of those areas. A revitalized New KCC with better management and capacity to produce high value products will ensure that when the milk is in high supply, we are able to convert it to powdered milk and when it is during dry seasons, we are able to give it to other people.

With those few comments, Madam Temporary Deputy Speaker, I wish to end there and thank the Mover.

Thank you, Madam Temporary Deputy Speaker.

(Mrs. Shebesh stood up in her place)

The Temporary Deputy Speaker (Dr. Laboso): What is your point of order, Mrs. Shebesh?

Mrs. Shebesh: On a point of order, Madam Temporary Deputy Speaker. I would like to ask for your indulgence because most of the hon. Members in this House want to contribute; is it possible to limit the time on the Floor so that all hon. Members are allowed to contribute, and so that we can also conclude this Motion today? Could you give a ruling in terms of time?

The Temporary Deputy Speaker (Dr. Laboso): That depends on whether the hon. Members are in agreement. If that is the agreement, can we give just two minutes to each hon. Member speaking, so that we can allow the Minister time to respond?

Proceed, hon. Kiuna.

Mr. Kiuna: Thank you, Madam Temporary Deputy Speaker. I would also want to begin by thanking hon. Namwamba for introducing this important Motion. In fact, I can say that it was overdue because our farmers have been exploited for so long. I come from a county which is richly endowed with agricultural potential. I do not remember how in days gone by farmers used to benefit from the milk industry. They did invest very heavily in this industry, more so, in the old KCC. We do not know what transpired until this institution changed hands from KCC to New KCC.

Madam Temporary Deputy Speaker, I feel that the Kenyan farmers, especially the dairy farmers, have been cheated and exploited for so long. Therefore, it will not augur well for us, as leaders, to sit here and watch them being exploited by some few individuals who want to enrich themselves. So, I will request that we are truly---

The Temporary Deputy Speaker (Dr. Laboso): Hon. Kiuna, we had an agreement!

Mr. Kiuna: Madam Temporary Deputy Speaker, I beg to support the Motion.

Mr. Lagat: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important Motion.

Madam Temporary Deputy Speaker, first of all, we know that the farmers were the owners of KCC sometime back when it was started, until 1997/1998 when it was run down. Later on, it was returned as New KCC. We remember that the farmers were not even paid for their milk deliveries in 1997 and 1998. We support this Motion that is on the Floor because we know its importance and how the farmers have benefited from KCC historically. We know that even the farmers were earning bonuses at the end of every year from the delivery of milk. That is the time that the farmers were enjoying the ownership of KCC.

Madam Temporary Deputy Speaker, we know that at the moment the price of milk is very low. It is Kshs24 per litre and the price of water is Kshs100 per litre, yet the farmer has spent a lot to get that milk.

Madam Temporary Deputy Speaker, we are surprised that the KCC factory is in Thika, while the highest milk producers are in Eldoret, Sotik, Kapsabet and in that region. We thought that historically the factory is supposed to be nearer the raw material. Right now, milk is being transported from Eldoret and Kapsabet to Thika. The KCC should be owned by the farmers and the factory built in Eldoret.

Madam Temporary Deputy Speaker, in conclusion, our athletes who are doing so well drink a lot of milk and that is why they are succeeding in their performance. In 1980s Denmark--

The Temporary Deputy Speaker (Dr. Laboso): Hon. Lagat, we made an agreement!

Mr. Lagat: Madam Temporary Deputy Speaker, I support the Motion.

Mr. Njuguna: Madam Temporary Deputy Speaker, I will start by thanking the Mover of this very crucial Motion.

Madam Temporary Deputy Speaker, I also want to note that the original KCC was run down by very unsound management. It is my view that thorough investigations should have been carried out and appropriate action taken against those involved. This parastatal went down with huge amounts of money owed to farmers. Kiriita Dairy in my constituency was badly affected.

Madam Temporary Deputy Speaker, the privatization process is not timely and if allowed, it will continue to impoverish the farmers in this country. Putting their assets on sale, including equipment, machinery, vehicles and buildings should not be allowed. The reconciliation team should be put in place to address these concerns.

Madam Temporary Deputy Speaker, I fully support the Motion.

The Temporary Deputy Speaker (Dr. Laboso): Finally, hon. Lang'at and then I will call upon the Minister to respond!

Mr. Lang'at: Madam Temporary Deputy Speaker, I support the Motion. The change over from the former KCC to the New KCC amounted to a fraud. This is because when you decide to take over assets of a company you must as well take over the liabilities of that company. What happened at that time is that some people took over the assets and left the liabilities including the farmers' money. Up to date we are informed that they have not been paid. We are saying that the farmers must be paid using the assets of the company and farmers must own this company because it is theirs. The assets belong to them. The planned privatization is not done in good faith; it is done in bad faith and, therefore, we oppose the privatization. Let us adopt the Kenya Tea Development Agency (KTDA) model of ownership.

I support this Motion.

The Temporary Deputy Speaker (Dr. Laboso): I now call upon the Minister to respond.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Madam Temporary Deputy Speaker, first of all, I want to really thank my good friend, hon. Namwamba for coming up with this very important Motion.

Under the spirit of collective responsibility I am representing the Minister and I want to support this Motion in totality. This is because it is in good spirit and it is meant to save our farmers in the dairy sub-sector.

First of all, we will ensure with speed that this privatization is stopped forthwith until all these matters are resolved, for example, floatation of shares. All farmers must get their dues because dairy farming is not an easy exercise. Taking care of livestock until you get the milk is not an easy business. So, I support that we establish a committee of three representatives from the Ministry of Co-operative Development and Marketing. We must also have four representatives from the KFA so that we are able to determine the shareholding rights and rights of farmers before it is converted properly into the New KCC.

We want our farmers to be protected. They need to be awarded what is due to them because it is their right. You all know that this company started many years back. It started in 1925 and it has supported our farmers all the time. Most of these Members are beneficiaries of the Nyayo milk from the KCC and I am also one of them. I think as a Ministry, we should give priority when it comes to apportioning shares to the original members of the KCC.

I want to promise the House that we will move with speed to ensure that this committee is in place and it begins its work immediately. We want it to take the shortest time possible so that farmers can really get what is due to them. In addition to this, we support competitors who are in the dairy sub-sector because they need to compete with this other company so that farmers can get the best from their produce.

Madam Temporary Deputy Speaker, I support this Motion. Most Members have a lot of interest in this Motion because it is in the hearts of most farmers that they are protected from being defrauded by anybody. We are in agreement with the Mover of this Motion. I support it fully and we will implement it with speed.

Mr. Namwamba: Madam Temporary Deputy Speaker, I just want to thank everybody and tell the Government that even as we implement this let us look at the pricing of milk where farmers are getting Kshs23 a litre which is being sold at Kshs106. This is a 460 per cent rise on what farmers are being offered.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, we come to the end of today's sitting. Therefore, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.