

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 12th July, 2006

The House met at 9.00 a.m.

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

### PRAYERS

### QUESTIONS BY PRIVATE NOTICE

#### CEDING OF BROADCASTING AIRTIME TO CHINA RADIO STATION

**Mr. Syongo:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Information and Communications the following Question by Private Notice.

(a) From what date and under what terms and conditions has the Kenya Broadcasting Corporation (KBC) ceded broadcasting airtime hours to the Chinese Government-owned China Radio Station (CRST)?

(b) How much broadcasting airtime has the KBC television and radio ceded to the Chinese media house to date?

(c) What steps is the Minister taking to ensure that Kenya gets equal access to broadcasting airtime in China to promote our export trade and investments in the Chinese market?

**The Assistant Minister for Information and Communications** (Mr. Wamwere): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) China Radio Station has been broadcasting at the KBC from September 2002. It started broadcasting at the KBC after having entered into a bilateral agreement in May, 2001.

(b) So far, the KBC television has ceded to the Chinese media 1,240 hours to date and the KBC radio 2,726 hours at a charge of US\$500 per hour, for a total of US\$1,983,000. The charges are based on prevailing market rates.

(c) At the launch of China Radio International, the Kenya Government requested to be given a licence to broadcast in Beijing China on a reciprocal basis and is waiting to be allowed a frequency where issues of export trade and investment will be broadcasted, among other subjects. Once we get the frequency, we shall inform the Ministry of Trade and Industry to take advantage of the facility. The KBC also benefits from this arrangement through the following.

(i) It receives a sum of Kshs450,000 every month for co-locating their transmitters with the KBC at Limuru.

(ii) They have donated equipment worth Kshs15 million.

(iii) They have trained two KBC technicians.

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

*[Mr. Deputy Speaker took the Chair]*

**Mr. Syongo:** Mr. Deputy Speaker, Sir, I need your guidance. The answer given by the Assistant Minister is different from what I have.

**Mr. Deputy Speaker:** Mr. Wamwere, the hon. Member says the answer he has is different from what you have read. What is your explanation to this?

**Mr. Wamwere:** Mr. Deputy Speaker, Sir, I am surprised, because it is just a few minutes ago that I actually gave him a copy of the same answer that I have read. I am surprised that it turns out to be different, but I do not mind giving him a copy of the same answer.

**Mr. Deputy Speaker:** Be that as it may, it can be sorted out!

Mr. Syongo, ask a supplementary question based on the answer given by the Assistant Minister.

**Mr. Syongo:** Mr. Deputy Speaker, Sir, I have a copy of the agreement. This agreement was on the basis of equality and mutual benefit. The answer that the Assistant Minister has given suggests that the Chinese have not met their side of the bargain. They should have given Kenya access to their airtime from the time when we also gave them access to our own. It is now over four years and they have not met their side of the bargain. In the circumstances, could he explain what he is doing to ensure that China compensates us for all the time that we have already lost in terms of the rules of reciprocity?

**Mr. Wamwere:** Mr. Deputy Speaker, Sir, it is true that the agreement was made upon the understanding that the two parties would equally benefit from the contract. Subsequently, the KBC applied for a frequency in Beijing, China. It is also true that since we applied four years ago we have not received the frequency. However, China has not said "no" to our application. If it continues to appear as if silence from the Chinese side means a "no" to us, then, obviously, we will have no choice, but to re-look at the contract again. If they are not keeping their part of the bargain, we shall be entitled to revoke it.

**Mr. Mwandawiro:** Bw. Naibu Spika, ni wazi kwamba Shirika la KBC ni la taifa. Lakini tukisikia matangazo ya Uchina, tunajiuliza kama ni Shirika la Uchina au la. Uchina haijatupatia masafa lakini Serikali yetu imewaruhusu kutangaza kwa kutumia shirika hili. Je, ni lini Kenya itapewa nafasi kutangaza katika Shirika la Uchina?

**Mr. Deputy Speaker:** Bw. Waziri Msaidizi, hilo ni swali muhimu sana. Nimewasikia Wakenya wengi hata kule mashambani wakilalamika ya kwamba Shirika la KBC redio inatangaza mambo ya Uchina. Je, unaweza kutueleza zaidi kuhusu mambo haya?

**Mr. Wamwere:** Bw. Naibu Spika, ukweli wa mambo ni kwamba wageni wa kila aina wameingilia idhaa zetu za utangazaji. Wamarekani wamefanya hivyo. Vipindi vingi vinatoka Marekani na Uingereza. Nao Wachina wameingilia soko hili. Nadhani tatizo lililoko ni kwamba bado hatujafanya mabadiliko ya kutuwezeshwa kuwa na vipindi vyetu wenyewe ambavyo vitatetea utamaduni wetu na kuwatolea watu wetu elimu ambayo tumeipanga sisi wenyewe. Ni kweli kuwa katika upande wa runinga, Wachina wanatumia idhaa ya Serikali, lakini wamepewa masafa katika redio. Nadhani kuwa jawabu la swali hili lingekuwa ni kusahihisha kutoka upande wetu kuliko kutaka kupewa nafasi hiyo huko Beijing. Lakini iwapo Wachina watasema wako tayari kutupatia nafasi ya kutumia idhaa yao ya Serikali ya runinga, tutasema "Hewala". Natumai kuwa watasikiza mambo yaliyozungumziwa hapa Bungeni leo.

**Mr. Mukiri:** On a point of order, Mr. Deputy Speaker, Sir. You have just heard the Assistant Minister say that we have not reached a time when the Kenya Broadcasting Corporation (KBC) can produce local programmes to the maximum. The KBC is one of the broadcasting stations which have been very vocal in promoting local programmes since 1960s and 1970s when it

was started. Is it in order for the Assistant Minister to say that they are allowing foreign programmes to be aired in the KBC when they know that the KBC has been self-sufficient in terms of local productions?

**Mr. Deputy Speaker:** The only difference between what you have said is the last question "Is it in order?" You have actually asked a question. Just saying "Is it in order" does not qualify a question to be a point of order! Therefore, I disallow your point of order.

Proceed, Mr. Munya!

**Mr. Munya:** Mr. Deputy Speaker, Sir, most countries use the radio to further their interests and to spread their cultures and values. So, the more we allow foreign radio programmes here, the more we promote other countries' values and interests in our country. The most important thing now is whether we can get a reciprocal allowance from those countries. We have the British Broadcasting Corporation (BBC) airing their programmes here. We applied for an FM Radio Station in Britain and the Assistant Minister told us that, that request was never granted. What will the Assistant Minister do to reciprocate that very bad gesture? Has he followed up on that request? Are going to get that FM radio station in London so that we are also able to spread our values and defend our interests in those counties?

**Mr. Wamwere:** Mr. Deputy Speaker, Sir, I believe that these contracts should be made on the basis of reciprocity. If we have allowed the BBC, the Voice of America (VoA) and now China Radio International to have some FM frequencies, I think it is only fair that these countries are also able to give us frequencies in their own space. But if you have a situation where we only allow them to come here and broadcast to our people and we cannot do the same in their counties, I think there is a disadvantage that we need to overcome.

Mr. Deputy Speaker, Sir, I know that it is the view of the Ministry that if the countries that we have given FM frequencies to will not reciprocate by allowing us to have FM frequencies in their own space, we will, in fact, look at the contracts again. Regarding the question of local content, we have a big problem in the sense that whether it is the KBC or private broadcasters, most of the programmes are foreign. This has been so because there has been some belief that the way to make money is actually to go foreign. I think we have a law that demands that, at least, 40 per cent of radio and television programmes should be local. But, of course, neither KBC nor the private broadcasting houses have respected this law. It is up to us to begin enforcing this law so that we can have more local content in our programmes.

**Mr. Deputy Speaker:** I have a lot of sympathy for this Question, but it has already taken ten minutes. I know that Mr. Khamisi has a lot of interest in broadcasting, so ask a very brief question.

**Mr. Khamisi:** Thank you, Mr. Deputy Speaker, Sir. I think the only reason that the KBC is forced to enter into agreements with foreign stations is because the Government has failed to adequately fund the station. Could the Assistant Minister tell us whether he intends to take action so that the Government takes the KBC more seriously and funds it adequately so that it does not have to enter into unbalanced relationships with foreign stations?

**Mr. Wamwere:** Mr. Deputy Speaker, Sir, if the Ministry had a choice, I think it would fund the KBC 100 per cent as a public broadcaster. We would equally be eager to advocate for the return of the radio and television licensing to the KBC for them to raise more money in addition so that they do not have to engage in some of these activities as a way of raising funds. So, I am in total agreement with what hon. Khamisi has asked and, as long as Parliament is equally in agreement, there is no reason why we cannot fund the KBC 100 per cent or even 120 per cent.

**Mr. Deputy Speaker:** Last question, Mr. Syongo!

*(Loud consultations)*

Order! Order! The hon. Member cannot ask his question because of the loud consultations on the Front Bench on my left!

**Mr. Syongo:** Thank you, Mr. Deputy Speaker, Sir. The issue is not just a matter of giving Chinese our frequencies. If they have been given frequencies, that is a separate matter. But they have also taken over the KBC's General Service as well as the National Service. Last Tuesday, the General Service switched off to air Chinese programmes from 7.30 p.m. after the 7.00 p.m. news. So, we are losing or surrendering our sovereignty. Only last week, the Assistant Minister said that the KBC had to retrench over 200 Kenyans because there is lack of capacity, yet they are actually giving away jobs to the Chinese broadcasters. Could the Assistant Minister explain to this House what he is going to do to ensure that the KBC invests in expanding the capacity of the station so as to afford more broadcasting airtime for Kenya and the entire region of the Common Market for Eastern and Southern Africa (COMESA) given that they are receiving US\$500 per hour?

**Mr. Deputy Speaker:** Mr. Assistant Minister, do you not think that is a very serious matter?

**Mr. Wamwere:** Yes, it is, Mr. Deputy Speaker, Sir. The fact that the Chinese have been allowed to air some of their programmes in the KBC television is not an indication that we have surrendered our sovereignty to them. But it is equally true that we have surrendered, not absolute sovereignty, but some sovereignty in terms of culture to these radio stations by allowing them too much time on our radio and television stations, both in the KBC and the private broadcasters. This is because of the need for the KBC to raise funds by giving time to, for example, the Chinese, because they are willing to pay and they have the money. I think that the way to solve this problem is to fund the KBC adequately so that they do not have to sell time to the Chinese in order to make money.

Lastly, the Ministry is fully committed to a reform programme for the Kenya Broadcasting Corporation (KBC). We would also like to extend the reform agenda to private broadcasters, so that the programmes that are aired reflect more on who we are, because we have an image to maintain. We also have a right to propagate our culture in our own country. Therefore, both our public and private broadcasters should help us to get there.

**Mr. Deputy Speaker:** Very well. So much for that Question. I think we have taken a lot of time on it. We will now move faster.

Next Question, Mr. Bett!

**Mr. Bett:** Mr. Deputy Speaker, Sir, I would like to bring to your attention the fact that I have not received the written answer to the Question.

**Mr. Deputy Speaker:** You have not even asked the Question! Ask your Question first!

#### RE-EMPLOYMENT OF FORMER KMC STAFF

**Mr. Bett:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Livestock and Fisheries the following Question by Private Notice.

(a) How many former employees of the Kenya Meat Commission (KMC) have been re-employed and on what terms?

(b) Could the Minister table the list of the former employees and the new ones?

**Mr. Deputy Speaker:** Mr. Assistant Minister, before you answer, could you address the issue of the hon. Member having not received the written answer to the Question?

**The Assistant Minister for Livestock and Fisheries Development** (Mr. A.C. Mohamed): Mr. Deputy Speaker, Sir, we forwarded the written answer to the National Assembly last week. I

do not know why the hon. Member has not received a copy.

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

(a) The KMC has re-employed 167 of its former employees on a one year renewable contract basis.

(b) I wish to table the list of the former employees who have been re-employed.

*(Mr. A.C. Mohamed laid the document on the Table)*

Mr. Deputy Speaker, Sir, the KMC has also employed seven new managers, comprising of the Sales and Marketing Manager, Human Resource and Administration Manager, Chief Engineer, Production Manager, Livestock Manager, Internal Auditor and Quality Control Manager.

**Mr. Bett:** Mr. Deputy Speaker, Sir, I am not able to peruse that list because I did not get the answer earlier. Nevertheless, it has become fashionable in this country for each Minister to appoint his or her tribesmen to head parastatals, thereby glorifying tribalism. I would like the Assistant Minister to assure this House that the employment process of staff at the KMC will ensure regional representation and particularly, that the interests of pastoralists are looked after?

**Mr. A.C. Mohamed:** Mr. Deputy Speaker, Sir, the eight senior posts that were filled recently at the KMC have been fairly distributed to all the provinces. So, there is no bias in employing staff at the KMC.

**Mr. Waitbaka:** Mr. Deputy Speaker, Sir, the Assistant Minister has said that the KMC has re-employed 166 of its former staff on a one-year renewable contract basis. What fraction of the KMC's former employees does the 166 re-hired employees represent?

**Mr. A.C. Mohamed:** Mr. Deputy Speaker, Sir, the KMC was closed down for rehabilitation in 1992. When the rehabilitation exercise was completed in 1995, the organisation's receiver manager retained some of the former employees after screening all the employees. So, the total number of employees at KMC is as per the list I have tabled.

**Mr. Deputy Speaker:** Last question, Mr. Bett!

**Mr. Bett:** I have no further question, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Good! Hon. Members, let us proceed to Ordinary Questions.

### ORAL ANSWERS TO QUESTIONS

**Mr. Deputy Speaker:** Mr. Ojaamong!

**Mr. Ojaamong:** Mr. Deputy Speaker, Sir, I have not received the written reply to the Question. Nevertheless, I will ask the Question.

*Question No.029*

#### MEASURES TO ADDRESS CORRUPTION IN JUDICIARY

**Mr. Ojaamong** asked the Minister for Justice and Constitutional Affairs what measures she has instituted to address rampant corruption in the Judiciary.

**Mr. Deputy Speaker:** Hon. Minister, could you, first, address the issue of the unavailability of the written answer?

**The Minister for Justice and Constitutional Affairs** (Ms. Karua): Mr. Deputy Speaker, Sir, the written answer was submitted to the National Assembly a while ago. I do not know why the

hon. Member has not received a copy.

**Mr. Deputy Speaker:** I am directing the Clerk of the National Assembly to ensure that once Ministers submit written [Mr. Deputy Speaker] replies to his office, they should be supplied to hon. Members.

**The Minister for Justice and Constitutional Affairs** (Ms. Karua): Mr. Deputy Speaker, Sir, this Question has been due for answering a few times but it had not been reached by the Chair. Even what I have here is only a photocopy of the answer because it has been a long while.

**Mr. Deputy Speaker:** Go on and reply to the Question, Madam Minister!

**The Minister for Justice and Constitutional Affairs** (Ms. Karua): Mr. Deputy Speaker, Sir, I beg to reply.

The following measures have been put in place with the aim of checking corruption in the Judiciary: If you will recall, there was a committee set up in 1998, chaired by Retired Justice Kwach, to investigate corruption in the Judiciary and make recommendations on the way forward. Another committee was set up when the NARC Government came to power, chaired by Retired Justice Ringera, in 2003. The committee highlighted instances of actual corrupt practices perpetrated by judicial officers and para-legal staff. Following the committee's recommendations, six Court of Appeal and 17 High Court Judges were suspended; 74 magistrates who were implicated in corruption were retired in public interest, together with 43 para-legal staff and one Kadhi.

Mr. Deputy Speaker, Sir, on 18th March, 2003, the Chief Justice appointed an Ethics and Governance Committee of the Judiciary, chaired by Justice Onyango Otieno, to serve as an internal audit of the Judiciary's integrity and processes. The committee held hearings throughout the country and presented a report on 4th January, 2006, which contains far-reaching recommendations which are being implemented. Similar reviews will be held bi-annually.

Further, the Judiciary has constituted various committees, including the Rules Committee and Expeditious Disposal of Cases Committee, which are both geared towards addressing complicated rules of procedure and bottlenecks hindering the speedy disposal of cases, which delay and lead to corruption in the Judiciary. Other committees that have been formed are the Strategic Plan Implementation Committee and the Reform Development Committee.

I am also aware that the Kenya Magistrates and Judges Association has proposed the establishment of Peer Review Committees to tackle issues of standards and graft in the Judiciary.

**Mr. Ojaamong:** Mr. Deputy Speaker, Sir, I wish to thank the Minister for that very good answer. When the NARC administration took over the leadership of this country, it promised to modernise the Judiciary by establishing a HANSARD unit in the Judiciary so that we could have verbatim recording of court proceedings. What has happened to that programme?

**Ms. Karua:** Mr. Deputy Speaker, Sir, the programme is ongoing. It is donor-assisted. I am aware that the tendering process is complete but we will only start with a sample of three courts. However, the problem of graft is not just about automation. It is about people's attitudes. Until each and every person in this country, especially leaders, preach to others and unto ourselves, so that we all play above board, and not like the current situation where some of us in this House and outside in society believe that corruption is only bad when it relates to other persons but not when you, yourself, are engaged; we shall not be able to tackle this problem. As Government, we are doing the best we can.

**Mr. Mukiri:** Mr. Deputy Speaker, Sir, last year, some magistrates agitated for the increment of their salaries. At that time, the Government promised to look into the issue of salary increments for magistrates. There is no way we will address corruption in the Judiciary unless the issue of increment of salaries for magistrates is addressed. Could the Minister tell this House how far she has gone in looking into the issue?

**Ms. Karua:** Mr. Deputy Speaker, Sir, I would like to tell my learned junior that the issue is being looked into. As he is aware, salaries of Judicial officers have been increased but we are looking into a comprehensive way of tackling the issue vis-a-vis other Justice system departments. So, it is an on-going process and we are on top of it.

**Mr. Billow:** Thank you, Mr. Deputy Speaker, Sir. In the 2003/2004 Financial Year, the Government carried out what it termed as a radical surgery, when it dismissed many judges and magistrates. The Law Society of Kenya (LSK) also submitted a list of judges and magistrates it believed should be sacked. I want to know what action the Government is taking to deal with the magistrates and judges, whose names were submitted by the LSK for action.

**Ms. Karua:** Mr. Deputy Speaker, Sir, the Government is not obliged to act on the list provided by the lawyers. However, it can, and formed a basis for further in-depth inquiry by the Judiciary, remembering that the lawyers too need to purge their own corruption. As a Government, we have not dismissed the report and it has formed a basis for further inquiry.

**Mr. Ojaamong:** Mr. Deputy Speaker, Sir, some of the magistrates and judges were struck off from the Judicial Service Commission because they were corrupt. However, those same magistrates and judges have opened their own private law firms and are now corrupting the clean ones we have. What action will the Government take to ensure that those magistrates and judges who are corrupt do not practice because they are corrupting the clean ones?

**Ms. Karua:** Mr. Deputy Speaker, Sir, that is a complex question. You will recall that in this House, we have people who the Public Accounts Committee has barred from holding public offices. It is the LSK that licenses practising advocates. Although judges and magistrates were fired or forced to resign following the Ringera Report, as for those who were not tried in a court of law but and resigned voluntarily, there may not be good enough reasons to bar them from practising. It is up to us, as a society, to identify who to hire or not to hire. The fact that they get clients means that we are tolerant of those practices. So, it is a collective effort like I said, to fight the perceptions of graft. But we also have to be fair that when there is an allegation that has not been proved, we do not condemn everybody wholesale.

*Question No.440*

SHARING OF POLLING STATIONS BETWEEN  
TIGANIA EAST/THARAKA CONSTITUENCIES

**Mr. Munya** asked the Minister for Justice and Constitutional Affairs:-

- (a) whether she is aware that Gatithine and Thangatha primary schools, which are polling stations in Tigania East Constituency also double up as polling stations for Tharaka Constituency;
- (b) why this illegality is allowed to prevail and,
- (c) what steps are being taken to address the anomaly.

**The Minister for Justice and Constitutional Affairs** (Ms. Karua): Mr. Deputy Speaker, Sir, I must begin by apologising because I have just come with the written answer. With your permission, I will proceed to answer the Question.

**Mr. Deputy Speaker:** Madam Minister, even for the previous Question, the Clerk-at-the-Table has confirmed that the written answer did not reach him. You may need to check what may have happened.

**The Minister for Justice and Constitutional Affairs** (Ms. Karua): Mr. Deputy Speaker, Sir, I will confirm what may have happened. But, I admit that for this Question, I have just come

with the answer now.

I beg to reply.

(a) Gatithine and Thangatha primary schools which are polling stations in Tigania East Constituency are also used as polling stations for Tharaka Constituency. The two schools are polling stations for Tigania East---

*(Loud consultations)*

**Mr. Deputy Speaker:** Order, hon. Members! Just near Mr. Munya, there is a lot--- I do not want to call it noise, but very loud consultations. However, I hope the Standing Orders will allow the Chair to be calling it noise because that is what it is. Mr. Munya cannot even hear what the Minister is saying. Can we please, let Mr. Munya hear the reply to his Question?

**The Minister for Justice and Constitutional Affairs** (Ms. Karua): Mr. Deputy Speaker, Sir, the two polling stations for Tigania East Constituency, only Thangatha Primary is used as a polling station, for both Tigania East and Tharaka constituencies. The two constituencies form the common and undisputed Meru North and Tharaka District boundary. Thangatha Primary School is situated in the disputed boundary and is claimed by both districts.

Therefore, it is not right to say, categorically, that it belongs to Tigania East until the dispute is resolved. The Office of the President is currently surveying the boundaries of the newly-created districts and those which were created administrative like Meru North and Tharaka. Once the administrative boundary dispute is resolved, the Electoral Commission of Kenya (ECK) will affirm the position of the polling station areas.

**Mr. Munya:** Mr. Deputy Speaker, Sir, I am shocked to hear the Minister admit that the ECK has created an illegality by overlapping the boundaries of two constituencies and turning one primary school into a polling station for the two. Boundaries of constituencies are supposed to be gazetted and known. Tigania East has existed as Tigania since Independence and its boundaries are also known. Why has the Ministry and the Government continued to cause the problem that has brought about clashes between the Tharakas and the Tiganias, when it is very clear in the maps and the boundaries are known? How can the Minister come to this august House to make that statement?

**Ms. Karua:** Mr. Deputy Speaker, Sir, I will inform my learned junior that one, there is no illegality here.

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

**Mr. Deputy Speaker:** Mr. Munya, you must listen! Are you denying that you are a junior to Ms. Karua in terms of your profession?

**Mr. Munya:** Mr. Deputy Speaker, Sir, it is out of order for the Minister to refer to me as her learned junior because in Parliament, we are all equal!

**Ms. Karua:** Mr. Deputy Speaker, Sir, he remains as my learned junior, as a lawyer. In this House, he is my equal but as a lawyer, he is my junior and there is nothing out of order about that.

**Mr. Deputy Speaker:** I will not interfere with that.

**Ms. Karua:** Mr. Deputy Speaker, Sir, he may resent me, but the hon. Member for Tigania East is totally incorrect to claim that this is an illegality. It is the leadership of the various areas that is causing tension between their members. Even the design of this Question is intended to cause tension. There is nothing wrong with one polling station, if it has sufficient facilities, to be used by two neighbouring constituencies. However, the anomaly will be corrected when the dispute of the boundary is resolved. I appeal to the leadership of Tharaka and Meru North to approach the matter with sobriety and not emotions, to facilitate the amicable resolution of the dispute.

**Mr. Kagwima:** Mr. Deputy Speaker, Sir, I wish to put it on record that, in the last six

months, this Question has been answered three times by different Ministers. It was answered first by the late Mr. M. Kariuki from the Office of the President. Mr. Munya was claiming these two parts.

It was answered for the second time by Mr. Tarus from the Ministry of Local Government. Now, thirdly, it is being answered by the Minister for Justice and Constitutional Affairs. All the Member is trying to do is---

**Mr. Deputy Speaker:** Order! Could you ask your question now?

**Mr. Kagwima:** Mr. Deputy Speaker, Sir, why would an hon. Member, who can serve people in Western Kenya or even his neighbours in Tharaka, discriminate against a society? That is against the Public Officer Ethics Act which Parliament passed in 2003---

**Mr. Deputy Speaker:** Are you asking the Minister that question?

**Mr. Kagwima:** I am asking the hon. Member!

**Mr. Deputy Speaker:** Mr. Kagwima, you are supposed to direct your question to the Minister and not Mr. Munya!

**Mr. Kagwima:** Mr. Deputy Speaker, Sir, my question is: Could the Minister correct the anomaly by striking out the polling stations in Tigania because they are in Tharaka Constituency?

*(Laughter)*

**Ms. Karua:** Mr. Deputy Speaker, Sir, let us leave the Electoral Commission of Kenya (ECK) out of local politics and disputes. I, once again, appeal to the leadership of the two constituencies to approach the matter with sobriety. We will do our best to ensure that, that matter is settled once and for all.

**Mr. Deputy Speaker:** Very well! It looks like it has been satisfactorily done.

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

Mr. Angwenyi, what is it?

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, that seems to be a very simple matter. Why can the ECK not create two polling stations in each of the two constituencies, away from the two which are being contested?

**Ms. Karua:** That may be one of the solutions, but you will realise that it is a question of distances and availability of facilities. That is going to be done. But it paints hon. Members of this House in bad light, when we cannot, with sobriety, solve a problem. It is really not a problem, but a creation of our own local politics.

**Mr. Deputy Speaker:** Last question, Mr. Munya!

**Mr. Munya:** Mr Deputy Speaker, Sir, it is not local politics that created two polling stations in one primary school. It is an irresponsible Government that does not look at issues affecting its citizens. Under the law, the boundaries of a constituency are supposed to be gazetted and known. When did ECK change the boundaries of Tigania East Constituency to include part of Tharaka? The Minister has not answered this Question properly. The boundaries of constituencies are gazetted. Thangatha Primary School has been a polling station in Tigania East Constituency since Independence. It is run from Tigania. I am building classrooms using the Constituencies Development Fund (CDF) money in that primary school. How did the ECK change the boundaries to make Tharaka have a polling station in Tigania?

**Mr. Deputy Speaker:** You are now involving us in very local things. Mr. Kagwima says that the polling station is in his constituency. That is surely not for us! Let the appropriate authority

tackle that matter. Could you ask the question? You see, you are giving us history!

**Mr. Munya:** Mr. Deputy Speaker, Sir, the question is very simple. The two constituencies have been in existence since Independence and the boundaries have always been known. On what basis did the Government change the boundaries, so that we have two polling stations in one primary school?

**Ms. Karua:** Mr. Deputy Speaker, Sir, the hon. Member is well aware that, it is the administrative boundaries that change on creation of new districts. By the way, for the information of the House, there is nothing illegal for a polling station of constituency X to extend to constituency B. That does not mean that the boundary of the constituency has changed. What I do not understand is the resentment of leaders that members of the neighbouring constituency are using a facility in the other constituency. If, indeed, there was merit in that, the hon. Members representing constituencies in Nairobi should evict all of us, so that we can operate from our constituencies.

*(Applause)*

**Mr. Deputy Speaker:** Very well! Hon. Members, the next two Questions - No.239 and No.305 - are directed to the Office of the President. I have been informed that Ministers and Assistant Ministers in the Office of the President are not available today. They are attending a workshop at the Kenya School of Monetary Studies. Therefore, these two Questions are deferred until tomorrow!

**Mr. J. Nyagah:** On a point of order, Mr. Deputy Speaker, Sir. Question No.239 was scheduled to be answered yesterday, but there was a last minute change of the programme. I have not received a written answer. Could you direct the Office of the President to give me the written answer, so that I can prepare sufficient supplementary questions before tomorrow? I think they should be delivered to my office, if possible!

*(Laughter)*

**Mr. Deputy Speaker:** Order, Mr. J. Nyagah! The Clerk of the National Assembly will attend to the Question. He also knows where to deliver it.

*Question No.239*

REIMBURSEMENT TO KENYA FOR TROOPS IN UN PEACE KEEPING MISSIONS

*(Question deferred)*

*Question No.305*

RETIREMENT BENEFITS FOR  
MR. ROBERT KARUGAARA

*(Question deferred)*

*Question No.073*

RETURN OF UNUTILIZED FUNDS TO

## TREASURY BY TANA RIVER DISTRICT

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

- (a) how much money was returned to the Treasury by various Government departments in the fiscal year 2004/2005 from Tana River District's allocation;
- (b) what reasons were given for not utilizing those funds; and,
- (c) what measures have been taken to ensure that such funds are utilized efficiently and effectively in future.

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

(a) A total of Kshs9,126,652.45 was returned to the Treasury by various Government Departments in the Fiscal Year 2004/2005, from Tana River District's allocation.

(b) Those funds were not utilised for a number of reasons, ranging from delay in the issuance of Authority to Incur Expenditures (AIEs), insufficient cash fund at the District Accountant, Treasury, negligible balances under the various budget items to Exchequer under-issues.

(c) Some measures have been put in place to ensure that such funds are utilised efficiently and effectively in future. They include:-

Preparations of work plans and procurement plans to guide utilisation of funds, implementation of monitoring and evaluation programmes, preparation of forward budget and strict adherence to procurement procedures. The Exchequer under-issues were reflected in the Annual Appropriation Accounts to enable the Treasury rectify the situation in the subsequent year.

**Mr. Wario:** Mr. Deputy Speaker, Sir, to return Kshs9 million from a poor district like Tana River--- The Government is giving by the right hand, delaying the AIEs and withdrawing the same money by the left hand. Is that not political marginalisation?

**Mr. Kenneth:** Mr. Deputy Speaker, Sir, first of all, I appreciate the concern of the hon. Member. But looking at the two Ministries that form the bulk of the money that was returned--- The Ministry of Health is very important to Tana River District and yet, it returned Kshs5 million! That is because Government officers on the ground did not prepare work plans at the station. Effective from this year's Budget, we have formed a budget implementation unit to ensure that funds allocated to districts are utilised. Officers who return money to the Treasury will also be punished for non-performance.

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, most districts and, more so, marginalised districts in Arid and Semi-Arid Lands (ASAL)s, end up returning money to the Treasury at the end of every financial year. That is caused by the inefficiency of the officers on the ground. Could the Assistant Minister consider punishing those officers who, out of their own negligence, ensure that money is returned to the Treasury at the expense of the residents? Could the Assistant Minister consider punishment as a way of retaining money in the districts?

**Mr. Kenneth:** Mr. Deputy Speaker, Sir, we have formed a Budget Implementation Unit and any officer who returns money will be punished for non-utilisation of that money. The intention of the Government when allocating money to districts is to ensure that money is utilised so that there is delivery of service at the grassroots. That is why in the Budget Speech this year, we set up the Budget Implementation Unit.

**Mr. Owino:** Mr. Deputy Speaker, Sir, I am sure so much money has been returned to the Treasury from the various districts. What happens to the projects for which those monies were meant?

**Mr. Kenneth:** As in the case of Bura, the money was re-allocated back to the district in the subsequent financial year. I think the problem is that because of the money having to be re-

allocated, the district loses further re-allocation that would have taken place. This is the problem that we saw and that is why we set up that unit to ensure that what is discussed in this House in every financial year is cleared before the next one.

**Mr. Wario:** Mr. Deputy Speaker, Sir, the Ministry of Health returned Kshs5 million; money that is badly needed by the people of Tana River. What specific policy measure will the Ministry put in place to avoid repetition of a similar mistake?

**Mr. Kenneth:** Mr. Deputy Speaker, Sir, one of the measures we have taken is that we now have finance officers from the Ministry of Finance in respective Ministries. Secondly, we also have desks in our Ministry for each respective Ministry. We hope by having a desk where we have an officer standing in to look at the affairs of each Ministry, and having a finance officer in that ministry, we should be able to implement what has been allocated.

*Question No.335*

ANNUAL TOTAL INTAKE OF P1  
TEACHER TRAINEES IN PUBLIC COLLEGES

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

(a) what the annual total intake of P1 teacher trainees in the public teachers' training colleges in the country is;

(b) whether he could give the breakdown of intake to the various colleges for each district for the year 2005/2006; and,

(c) the criteria used to determine the number of trainees per district.

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

(a) The annual intake of P1 teacher trainees in the public teachers' training colleges in the country is as shown below: Year 2005; male, 4,547, female, 4,121, total 8,668. Year 2004: Male, 3,843, female, 4,225, total 8,068. Year 2003: male, 4,315, female, 4,210, total 8,525. The attached schedule shows the breakdown of intake to the various colleges for each district for the year 2005/2006. The Hon. Member has a copy of the schedule.

(b) The allocation of college places per province and district quota is based on the TSC teacher approved establishment as follows: Approved teachers establishment per district/province plus the teacher shortages, divided according to the total vacancies in colleges. We also take into consideration the national teachers establishment plus teachers needs/shortages.

(c) The formula which has been used to determine the quota allocation of college places per province and district has been based on the teacher needs per district. The higher the need for teachers, the higher the allocation.

**Mr. Deputy Speaker:** Mrs. Mugo, for the benefit of other Members, could you table the schedule?

**The Assistant Minister for Education** (Mrs. Mugo): Yes, indeed, I will table it.

*(Mrs. Mugo laid the document  
on the Table)*

**Mr. Chepkitony:** Mr. Deputy Speaker, Sir, if the need for teachers is taken into consideration when they are recruiting trainee teachers, does this include the private academies? How come there is a huge shortage of teachers in certain areas? Can they have resorted to employ teachers from other districts?

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, the need for teacher mainly applies to public schools. But the fact that we train a lot of teachers means the teachers are always available for the private sector. So, there should be no shortage of teaches at all.

**Mr. Ndolo:** Mr. Deputy Speaker, Sir, this is shocking and disappointing. Nairobi has a population of more than three million people, and the schools are packed to an extent that you cannot even imagine that only 81 vacancies for teacher trainees have been given to Nairobi. What is the Assistant Minister going to do to rectify the anomaly? Nairobi should be allocated enough vacancies.

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, the Question was about trainee teachers, not the teachers who are currently employed. However, Nairobi has the least shortage because most teachers want to come and teach here. In fact, we should be transferring some of the teachers from Nairobi to other rural areas. Apart from Dagoretti which suffers the greatest shortage, Nairobi has the least shortage of teachers.

**Mr. Chepkitony:** Mr. Deputy Speaker, Sir, the Assistant Minister has given a formula which they use to allocate the quota. If they are sticking to this formula, how come there is still a shortage of teachers in various regions and districts in the country?

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, I want to agree that there is a shortage of teachers. But it does not relate directly to the teachers we train. Indeed, we have an excess of trained teachers. What is lacking is enough funds to employ all the teachers we need. As I have said in this House before, we have requested, and we are discussing with the Ministry of Finance, for more funds to employ more teachers. But, at least, we are going to employ over 7,000 teachers within the next month, and the vacancies will be advertised.

**Mr. Deputy Speaker:** Hon. Members, it is now 10.00 o'clock. Ordinarily, we should be through with Question Time. Since this is a Supply day, I will allow about 15 minutes more.

*Question No.192*

TURNING AWAY OF STUDENTS  
ADMITTED TO KMTC

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

(a) whether she is aware that Kenya Medical Training College applicants who received admission letters in 2005 for various medical courses were turned away on reporting day and their places taken up by new applicants;

(b) whether she could table a list of applicants and their KCSE mean grades and those admitted for various courses on a district basis; and,

(c) what measures she is taking to make the selection process more transparent and free from external interference.

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

(a) I am aware that no applicants with genuine admission letters for various medical courses had been turned away on admission day and the places taken up by new applicants.

The selection of candidates who had applied for various courses in the KMTC campuses for the year 2005/2006 intake, was based purely on academic qualification. Selection for various courses in the 25 KMTC campuses was done by the Academic Board on 28th July, 2005. After this, all the successful candidates were issued with letters of admission.

(b) I hereby table the complete list of the applicants who were admitted for various courses, showing their mean grades and their districts of origin for further information.

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

(c) In order to make the selection process more transparent and free from any external interference, the Academic Board has put in place the following measures:-

(i) With effect from this year, students will be picked automatically in a computerised system, based on their grades. The system, similar to the one used by the Universities Joint Admission Board, will ensure that only qualified students join the colleges.

(ii) Secondly, the Academic Admission Board has identified some marginal areas to be offered courses on affirmative action to help train health workers/professionals from those regions.

**Mr. Oparanya:** Mr. Deputy Speaker, Sir, I am surprised that the Assistant Minister says that only the students who had genuine admission letters were admitted to the colleges. I have a letter here for a student from my constituency, who was admitted to Kakamega Medical Training College (KMC). This lady comes from a very poor family and the father sold the only livestock that he had to raise the required fee. Unfortunately, when the lady reported, she was turned away and told that she had not been genuinely selected.

I would like to know where the lady got the admission letter, which I have with me. Since the lady has an admission letter, could the Assistant Minister consider this lady for admission in the 2006 intake? However, I would like to table the letter.

*(Mr. Oparanya laid the letter on the Table)*

**Dr. Kibunguchy:** Mr. Deputy Speaker, Sir, I cannot competently answer that question until I have looked at the admission letter. Maybe the hon. Member can show me the letter. This is something that the two of us can sort out without having to burden the House with it.

**Mr. Kombe:** Mr. Deputy Speaker, Sir, the Assistant Minister has said that they will use a computerised system to select the students who qualify to join the MTCs. What will happen in areas where the applicants will have attained the minimum grades and the computerised system will not be in a position to segregate properly? Students from these areas need to be trained, so that they can serve their people. People who are posted in such areas run away.

**Dr. Kibunguchy:** Mr. Deputy Sir, if I understand the hon. Member, I think he is asking about marginalised areas. I have made it very clear in my answer that some form of affirmative action is going to be extended to those areas.

**Mr. Deputy Speaker:** I really sympathise with Mr. Midiwo, but I have no time. Could you ask a short question?

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, thank you for the sympathy. How sure can we be that the computerised system of admitting students to MTCs is not going to be tampered with to disenfranchise certain regions of this country? Could the Assistant Minister assure this House that slots in our MTCs will be equally distributed to the various regions of this country? He should also assure the House that the marginalised regions of this country will be taken care of.

**Dr. Kibunguchy:** Mr. Deputy Speaker, Sir, that question is in two parts. First, the computerised system has worked extremely well with out universities. I do not think anybody can stand up and say that this system has not worked well in our universities. Because of that, we would like to adopt it in our KMTCs. However, the marginalised areas will be given certain preferences and some affirmative action will be extended to them, so that we can bring them on board.

**Mr. Oparanya:** Mr. Deputy Speaker, Sir, I do not know whether the Assistant Minister has looked at the letter, so that he can give me an answer now.

**Mr. Deputy Speaker:** But, Mr. Oparanya, the Assistant Minister invited you to discuss the matter with him. The letter will be passed on to him and he will avail time to discuss the matter with you outside the House.

**Mr. Oparanya:** Mr. Deputy Speaker, Sir, but I would like him to give the answer to the House.

**Mr. Deputy Speaker:** Mr. Assistant Minister, do you want to answer that question now?

**Dr. Kibunguchy:** Mr. Deputy Speaker, Sir, I have made it very clear that, that is really something personal. The two of us can work it out. We should not burden the House with this. If the admission is really genuine, I want to assure the House that this girl will be admitted to one of our medical training colleges.

*Question No.323*

MISMANAGEMENT OF CO-OPERATIVE SOCIETIES

**Capt. Nakitare** asked the Minister for Co-operative Development and Marketing:-

(a) whether he is aware that almost 75 per cent of co-operative societies are on the verge of collapse due to mismanagement and uncontrolled loans, which pose a threat to coffee, tea, cotton and maize farmers;

(b) whether he is further aware that as a result of the above, farmers are abandoning cash and food crop farming, leading to food shortages; and,

(c) which co-operative societies are on the verge of collapsing and what steps he is taking to salvage them.

**Capt. Nakitare:** Mr. Deputy Speaker, Sir, I have an unsigned written answer. So, I do not know whether it is authentic or not.

**Mr. Deputy Speaker:** Mr. Mwenje, you can sign it. Can you not?

**The Assistant Minister for Co-operative Development and Marketing** (Mr. Mwenje): Mr. Deputy Speaker, Sir, I can sign it right here. I do not know how he got an unsigned answer because it should be signed, unless he got it through some other means.

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

(a) I am not aware that almost 75 per cent of the co-operative societies are on the verge of collapse due to mismanagement and uncontrolled loans. Out of the current 11,000 registered co-operative societies, over 7,000 are, indeed, active. That is approximately 65 per cent of the total registered co-operative societies. The difference, which is 35 per cent is dormant and this may be attributed to:-

(i) Liberalisation, which affected the cereals marketing societies.

(ii) Accomplishment of the primary objectives, for example, farm purchase and housing co-operative societies.

In order to control borrowing by societies, the law has been amended, giving my office powers to approve maximum borrowing by societies.

(b) I am also not aware. However, as a result of the ongoing reforms in the agricultural sector, most farmers are now re-activating their co-operative societies because of the improved producer prices and improved governance as a result of the amended Co-operative Societies Act.

(c) The agricultural marketing societies were mostly affected due to market liberalisation, low producer prices, delayed payments, poor governance and subdivision of societies into unviable

economic entities.

The rural SACCOs were also affected due to poor governance.

**Capt. Nakitare:** Mr. Deputy Speaker, Sir, the Assistant Minister has accepted that 35 per cent of co-operative societies are dormant. However, some of these societies were formed to buy land and yet they have never partitioned, issued and allocated land to their members. This has rendered most of these co-operative society members poor because they have no access to title deeds. What is the Assistant Minister doing to make sure that land buying co-operatives societies comply with the Co-operative Societies Act?

**Mr. Mwenje:** Mr. Deputy Speaker, Sir, I have just mentioned that we have reviewed the Co-operative Societies Act including rules which culminated in ordering of fresh elections. As you know, recently, we held elections in all co-operative societies in the country. So, currently, those members in the management team are all new. Those members who were involved in the land buying companies have also been ordered to sub-divide the remaining land. We are in the process of winding up all those co-operative societies which have not accomplished the original objective of co-operative societies when they bought the land. They are supposed to have sub-divided all the land by now. If anybody comes up with any specific co-operative society which has not complied with the Co-operative Societies Act we will deal with it immediately.

**Mr. Bett:** Mr. Deputy Speaker, Sir, indeed, these Savings and Credit Co-operative Societies (SACCOs) are collapsing. The amendments which were made to the Co-operative Societies Act and the regulations thereto are not adequate enough to look after the affairs of these institutions which have now grown bigger. There was a plan to introduce a SACCO Bill to be concerned with the management of SACCOs. Could the Assistant Minister tell us when this Bill will be introduced in this House?

**Mr. Mwenje:** Mr. Deputy Speaker, Sir, I agree totally with hon. Bett that there is need to bring a SACCO (Amendment) Bill to give powers to the Ministry so that we are able to deal with co-operative societies. Indeed, the SACCO (Amendment) Bill is now in its preparation stage. We have already forwarded the draft Bill to the Office of the Attorney-General to look at it again. We hope he will be able to finalise his part very soon and then we will soon table the Bill in this House.

**Capt. Nakitare:** Mr. Deputy Speaker, Sir, could the Assistant Minister inform this House how many dormant land buying co-operative societies in Trans Nzoia have not complied with the Co-operative Societies Act by not distributing land to their shareholders?

**Mr. Mwenje:** Mr. Deputy Speaker, Sir, I knew the hon. Member would ask about co-operative societies in Trans Nzoia District in particular since he comes from that area although he asked the Question in general. It is important to inform him that Trans Nzoia District has 278 dormant co-operative societies and 111 active societies, thus 71 per cent of the co-operative societies are active. Therefore, Trans Nzoia co-operative societies were also affected by the liberalisation process and lack of capital. These are mainly the co-operative societies for cereal marketing. We have also those which are dealing with farm purchases which are about 56. They have not accomplished their tasks because of the same various reasons which I had given earlier on. We also have five co-operative societies in housing which have not accomplished their task. There are four dairy co-operatives societies and three *Jua Kali* co-operative societies. This is only in Trans Nzoia District. We are dealing with them and I can assure Capt. Nakitare that they will be revived very soon.

**Mr. Deputy Speaker:** Next Question by Mr. Weya!

*Question No.229*

NUMBER OF BOREHOLES/WATER

PANS TO BE SUNK BY  
GOVERNMENT IN 2005/2006

**Mr. Weya** asked the Minister for Water and Irrigation:-

- (a) how many boreholes and water pans the Government is planning to sink during the Financial Year 2005/2006;
- (b) which districts and localities will benefit from the project; and,
- (c) how the districts and localities were identified.

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

(a) My Ministry plans to drill and equip at least 188 boreholes in 50 districts as well as 264 small dams and water pans in 51 districts. Currently, the target has been exceeded because of the rigours mainly due to the drought.

(b) The allocation of boreholes is as follows:

ASAL - 5 boreholes in each of the following districts: Turkana, West Pokot, Kajiado, Makueni, Marakwet, Kitui, Mwingi, Samburu, Marsabit, Isiolo, Garissa, Wajir, Mandera, Moyale and Laikipia.

Four boreholes in each of the following districts: Narok, Keiyo, Machakos, Rachuonya, Taita-Taveta, Tana River and Tharaka.

Three boreholes in each of the following districts: Nyandarua, Thika, Bondo, Siaya, Migori, Homa Bay, Suba Kuria, Trans Mara, Kisii Central, Bungoma, Kakamega, Butere, Teso, Kilifi, Mbeere, Nyeri, Kiambu, Murang'a, Maragwa and Meru North. Two boreholes in each of the following districts: Nyando, Gucha, Nyamira, Embu, Meru South and Meru Central.

The funds allocations in Nyando are two in number and I will table it later on.

(c) The districts and localities were identified based on the following factors: To reduce water shortage in semi and ASAL areas, maximum impact on poverty reduction, pan selectors should have water impartment capacity of 10,000 cubic metres on average in each district, fair distribution of dams, pans and boreholes within the district, and hydrological viability of boreholes. Beneficiary communities or stakeholders were consulted on location of siting of boreholes and pans. Some communities made applications and their proposals were passed at District Development Committees (DDCs) meetings and that is how we went about deciding where to sink these boreholes and dams.

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

**Mr. Weya:** Mr. Deputy Speaker, Sir, I would like to thank the Minister for that comprehensive answer. However, I normally attend District Development Committee (DDC) meetings and I do not think District Water Engineers (DWE) are aware of these boreholes and water tanks that are being put up in the district. Could the Minister tell this House whether geo-surveys have been done? How much will it cost to sink these boreholes?

**Mr. Deputy Speaker:** Mr. Weya, but these projects were for the past financial year. You are asking the question as if they will be done soon.

**Mr. Weya:** Mr. Deputy Speaker, Sir, I am asking how much did these boreholes cost because I do not remember these issues being discussed in the DDC meetings?

**Mr. Katuku:** Mr. Deputy Speaker, Sir, I would like to advise the hon. Member to be in touch with my officers on the ground, so that he can be in the picture and also assist my officers to decide where these boreholes could be sunk. However, as far as the issue of cost is concerned, it

varies from one region to the other depending on the depth of the borehole and other circumstances. However, it ranges between Kshs1 million and Kshs2 million.

**Mr. Manoti:** Mr. Deputy Speaker, Sir, while I appreciate what the Minister has told us, last year, there was a borehole which was sunk in my constituency up to 100 metres, and there was no water which was found. They moved the equipment from the site and they have not told us what they will do next. What will the Ministry do to make sure that the people of Tukia Mwana area in my constituency have water?

**Mr. Katuku:** Mr. Deputy Speaker, Sir, it is unfortunate that my officers were unable to strike water at that point. You will realise that about 20 per cent of the boreholes sunk come out to be dry. The other 80 per cent are successful. Once we give a contract, the contract is paid depending on depth. If they sink about 200 metres, for example, and they do not find water, we still have to pay for that. In this financial year, if that area still has a water problem, we will survey another area and see whether we can strike water.

**Mr. Deputy Speaker:** Mr. Katuku, perhaps, you could also improve on the officers who site these boreholes. Yesterday, Dr. Ali was being accused of doing boreholes which do not produce water and yet, it is not his fault. As an hon. Member for Mwingi South Constituency, I can say that the 80 per cent success in getting water does not apply in my constituency. In fact, it is 20 per cent water and 80 per cent no water. The fault lies with the geologists who, perhaps, lack experience. Could you address the issue of sending geologists who are able, at least, to achieve the 80 per cent instead of the other way round? I have to exercise that right to talk about it from the experience I have with my constituency. That notwithstanding, let us hear from Archbishop Ondiek.

**Archbishop Ondiek:** Mr. Deputy Speaker, Sir, five years ago, there were some boreholes that were sunk by the Kenya Finland Co-operation (KENFINCO). Those boreholes were handed over to the Government. Could the Minister tell this House which action he is taking to repair nonfunctional boreholes? He is aware that the KENFINCO officials gave the Government conditions that unless they repair those boreholes, they will not embark on another project.

**Mr. Katuku:** Mr. Deputy Speaker, Sir, if that question was put to me independently, I will address the problem, but generally, I would like to advise the hon. Member that, in view of the same, my Ministry has set aside funds for projects run by communities where they can apply for funds, that is in the Water Trust Fund (WTF) and they will be able to address those kind of problems.

**Mr. Deputy Speaker:** Last question, Mr. Weya!

**Mr. Weya:** Mr. Deputy Speaker, Sir, in my constituency, we have been sinking boreholes for the last one year or so. It is costing us between Kshs700,000 to Kshs1 million to drill a borehole. Our biggest concern is the geological survey being done by his Ministry officials. Could the Minister tell us why they are delaying in doing these geo-surveys, and what plans he has put in place for officers to do these geo-surveys fast enough?

**Mr. Katuku:** Mr. Deputy Speaker, Sir, the concerns raised by the hon. Member are similar to the concerns which were raised by the Chair. We, as a Ministry, are trying to address this issue so that we can improve on efficiency, especially when it comes to siting boreholes. I have instructed my officers to be diligent in their work. We are monitoring the efficiency. Where we find that an officer is not performing, we will take action. However, some of the problems are related to the machines some of the officers are using, which are outdated. We are trying to get better machines for the officers. With that, we will not hear complaints. However, the fact is that about 20 per cent of the boreholes are sited in dry areas. We want to improve that efficiency.

**Mr. Deputy Speaker:** Hon. Members, that marks the end of Question Time.

Hon. Members, by indulgence of the House, and after consultations with the Chair, Mr.

Khamisi will issue a brief Personal Statement under Standing Order No.69.

### PERSONAL STATEMENT

REBUTTAL OF ALLEGATIONS  
MADE AGAINST HON. KHAMISI BY  
INFORMATION ASSISTANT MINISTER

**Mr. Khamisi:** Mr. Deputy Speaker, Sir, Under Standing Order, No.69, last Thursday 6th July, 2006, the Assistant Minister for Information and Communications made serious allegations against my person following my Question on the recent retrenchment of 253 employees of the Kenya Broadcasting Corporation (KBC).

(i) That during my tenure as Managing Director of KBC, I employed unqualified staff. The Assistant Minister went on to name three such people allegedly employed by me namely: Mr. Eric Ponda, Mr. Stephen Murima and Mr. Alfred Kiti, who he claimed and I quote "were employed on grounds that were not straight."

(ii) The Assistant Minister further claimed that Mr. Ponda was a fuel pump attendant at the KBC whom I appointed to the newsroom on tribal basis. He also claimed that Mr. Ponda came from my village.

(iii) That Mr. Kiti was my driver and that I appointed him as News Editor again on tribal basis.

Mr. Deputy Speaker, Sir, I want to put the record straight by stating the following:-

(a) I was hired as KBC Managing Director in February, 2000. At that time, the named employees had long been employed at the Corporation. Mr. Ponda was employed in 1989, Mr. Murima was hired in 1996 and Mr. Kiti was recruited in Mombasa in June, 1998. So, it is not correct for the Assistant Minister to claim that I hired these individuals.

(b) The Assistant Minister claimed that Mr. Ponda comes from my village. In fact, he does not even come from my constituency. I come from Bahari Constituency and Mr. Ponda comes from Dida in Ganze Constituency.

(c) Mr. Ponda never worked as a News Editor. At the time of his retrenchment, he was a News Assistant in the Translations Department, having assumed that position in 1994. I was not the one who promoted him to that position because I was not there. For the Assistant Minister, therefore, to claim that I promoted this individual from a pump attendant to a News Editor is misleading.

Mr. Deputy Speaker, Sir, it is true that Mr. Kiti was hired as a driver at the Mombasa station. He was transferred to Nairobi on his own request to pursue his ambition of becoming a journalist. While at KBC in Nairobi, it was discovered that he was good at translations and had the requisite qualifications for entry at the KIMC. He was then promoted to a Clerical Officer and, subsequently, to a News Assistant, which was basically a translation and not an editing position as claimed by the Assistant Minister. Mr. Kiti has since obtained a diploma in journalism from the KIMC.

Mr. Deputy Speaker, Sir, as for Mr. Murima, the only thing I know about him is that he was a Kiswahili news reader. What the Assistant Minister said on the Floor of this House is actionable in a court of law. I challenge him to repeat the same outside the precincts of this House. It is obvious that the Minister was misguided into making false and misleading allegations against me.

Finally, with your permission, I would like to lay on the Table of this House documents pertaining to these individuals, including letters of appointments, academic and professional qualifications as well as letters of recommendation from their superiors to prove the Assistant

Minister wrong, and to clear my good name.  
Thank you, Mr. Deputy Speaker, Sir.

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

## MOTIONS

### BAN ON GENETICALLY MODIFIED PRODUCTS IN KENYA

THAT, taking into consideration that most developed countries have banned genetically modified (GM) foods due to their dangers to human beings and the environment; and further being aware that the Government has not put in place any policy guidelines to guard against introduction of such foods; this House urges the Government to ban all genetically modified products in Kenya.

*(Capt. Nakitare on 5.7.2006)*

*(Resumption of Debate interrupted  
on Wednesday 5.7.2006)*

**Mr. Deputy Speaker:** Hon. Members, last time the question was proposed, and hon. Prof. Maathai was on the Floor and had a balance of nine minutes. She is not here now and, therefore, she forfeits her chance. So, the Debate on this Motion is open to hon. Members who want to contribute to it.

**Mr. Weya:** Thank you Mr. Deputy Speaker, Sir, for giving me this opportunity to say a few things with regard to introduction of biotechnology in Kenya.

Technology is the key to development in any country. I have had an opportunity to travel to the United States of America (USA), where biotechnology products are produced. I saw that it does not stop farmers from planting traditional crops. They can still plant their traditional crops. In some shops in the USA, you will find a notice indicating that they sell only organic food, while other shops sell biotechnology products. What is biotechnology? It is technology by use of which you do plant breeding. It can also be used in animal breeding. What we should advocate for is better use of this technology. We can get drought-resistant crops, or crops that yield fast, if we use biotechnology. We can have mixed-breed cattle that can withstand harsh conditions in different parts of this country such as North Eastern Province.

There is research being conducted to produce fish that is fast-growing and high-yielding. For instance, it will be possible to take a fish from Sagana breeding ponds and cross breed it with fish from Uganda. In this way, we will be able to produce fish that matures quickly, so that our people can be self-sufficient in food production.

I also got an opportunity to go to South Africa. The South African Government spends up to \$70 million in bio-technology research. This is a huge sum of money for our country. We cannot raise that kind of money, because we need it in other sectors of our economy. Most hon. Members in this House wear clothes made from bio-technology cotton. I have eaten bio-technology food in other countries, but I am still healthy. So, I do not think eating bio-technology food, or wearing bio-technology clothes, will affect us.

Kenya and South Africa are within the same continent. So, if our neighbouring countries have introduced this kind of technology, we should borrow a leaf from them to understand how

they have done so. We have resources to invest in this technology. About 70 per cent of the products that are produced in South Africa are exported to other parts of Africa. However, as from next year, the South African Government will not export genetically modified grains, because it wants to use its maize to produce bio-diesel. This will enable it to reduce the cost of fuel. In turn, this will reduce the cost of production in different sectors of their economy. In most African countries, fuel is the most expensive development component.

South Africa has also put in place measures to help its farmers. It buys seeds for farmers and gives them other farm inputs such as chemicals to enhance production of bio-technology cotton. Farmers spray their farms with chemicals, which do not negatively affect their cotton. They have established demonstration farms for both organic methods and other modern methods to enable farmers see the difference between the two methods of production. South Africa produces a lot of cotton.

Kenya will lag behind in technology if we continue using traditional methods in farming. As a country, we should adopt modern methods of farming. It was a huge problem when our society was accepting the idea of using computers. People thought it was a monster that would drive people out of jobs. We now realise that the computer sector is one of the biggest job creators in the world. We have many people employed in the Information Communication Technology (ICT) sector. Today, I think there is no one who is not using computers. Even mobile technology is part of the computer technology.

A country like the USA produces a lot of bio-technology products. But NGOs that are fighting introduction of biotechnology in Africa come from the USA or Europe. They are opposing our initiative to use methods that they themselves are using. This is because they want Africans to remain poor. I am saying this because 20 years ago in the USA, they used DDT to eradicate malaria. Today, international companies from USA are supplying us with malaria medicines, so that we continue falling sick. Getting rid of malaria is now a big problem, yet the USA used DDT to get rid of malaria. It is now using biotechnology to feed its people and get surplus produce. We need to ask ourselves why it sends NGOs to come to Third World countries to stop us from using what it is using. Is this because it wants us to remain poor and not to advance?

We must be clear about the intentions of some of the Western NGOs' involvement in our developmental and environmental issues. They are creating irrigation projects in their countries but tell us not to use irrigation in our farming. In my constituency we have this Dominion firm that is opposed by NGOs. They say that it is not good for the environment. Most NGOs have been in this country for many years, but have not done anything that benefits our people. Why should they not implement projects that will eradicate poverty from our country?

Mr. Deputy Speaker, Sir, we need policies to guide us on how we can introduce biotechnology in this country. I am very clear about that. I think banning biotechnology will be shooting ourselves in the foot. We need a policy on how to introduce and use biotechnology. We should borrow a leaf from South Africa. We can learn from how South Africans have advanced in the use of this technology. We can also learn from the problems they have had in implementing this technology. We will need huge resources, because we will need to establish bio-safety departments in our Ministries. So, there is a cost implication in the introduction of this technology. But I do not think that this country has a problem with that. We need to keep up with technology. Let us not block technology from coming into our country because NGOs have told us not make use of it.

As legislators, let us open our minds. Let us sit with our scientists and ask them what they think about biotechnology. I do not think our scientists, like those in the Kenya Agricultural Research Institute (KARI), will allow us to produce food that will endanger the lives of our people. I know we talk about MONSANTO and other big multinationals, which oppose introduction of

biotechnology in our country. But they are in business. We want our scientists to be empowered, so that we can produce our own variety of biotechnology. I am not saying that we should import foreign technology. I am saying that we should have our locally generated biotechnology. We are not saying that we should import their technology. It is possible for us to have our own localised biotechnology. In fact, biotechnology is just like all these other technologies that have come up. For example, people are now talking against the test tube baby technology because they only know of the traditional method of conception, and yet there are some women who cannot conceive through the conventional method. So, what we are supposed to do is to seek the help of scientists and doctors who can enable the women who have been branded barren to conceive and give birth. Is there a problem with such a technology? Today, the concept of surrogate mothers is quite alive. If a woman is not able to give birth, it is possible to transplant sperms and ova into another woman who will now conceive and give birth on her behalf. These are technologies that exist all over the world and we cannot block our minds from what is happening around us.

Mr. Deputy Speaker, Sir, if you want to grow organic crops, continue doing so because no one will stop you. If, also, you want to go the biotechnology way, do so. This is because our people are starving. Even if their intestines are going to grow big because of using genetically modified foods, that is not an issue. We cannot start talking of matters to do with low sugar levels or low level of body fats. Our people need that sugar and those fats. This idea of coming up with products and telling people that the products are low in cholesterol and so on will not help. Our people need that cholesterol because they are dying of hunger. Their bodies require those fats, sugars and cholesterol. When you attain high levels of development, then you can reduce the consumption of fats, sugars and cholesterol because you will already be having them in excess. We need to make it clear that we do not need to follow methods used by Americans or Europeans because they already have too much for themselves. For example, the minimum wage in most of these countries is an equivalent of between Kshs15,000 and Kshs20,000. In South Africa, the lowest salary you can earn is Kshs10,000 while here in Kenya there are people who earn Kshs1,000 per month.

As leaders, we need to work with scientists and people who can give us the right policy framework. Let us borrow ideas from other countries that already have this kind of technology. If we do that, we shall be able to share ideas and eventually find out what the problem is.

Mr. Temporary Deputy Speaker, Sir, I would like to inform my colleagues that plant breeding does not affect the soil. Breeding involves operating on cell factors be it on animals, plants or fish. All it involves is changing cells in order to get attributes such as resistance to drought, faster growth---

**Capt. Nakitare:** Mr. Deputy Speaker, Sir, is hon. Weya in order to mislead this House that plant breeding does not affect soil when we know for a fact that bacteria work in the soil?

**Mr. Deputy Speaker:** Capt. Nakitare, that is a point of information or argument. You are the Mover of the Motion and you will have time to reply. Those are points that you should note so that you address them when your time comes.

**Mr. Weya:** Mr. Deputy Speaker, Sir, I need to assist my colleague. When you get a maize plant that can actually withstand drought in North Eastern Province and then cross-breed it with one that can produce more yield and faster than normal from Kitale District and then plant it in Nyanza Province, what you are essentially doing is closing the cell so that you can produce a crop that has several good characteristics.

Mr. Temporary Deputy Speaker, Sir, with those remarks, I beg to oppose this Motion.

**Prof. Oniang'o:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I was in the USA for the last two weeks and I read about this Motion on the internet. I was hoping that I would be around to contribute to it. I was actually shocked to read about the emotional utterances that were being made

in the name of science. It will be a sorry day if the House passes this Motion in its present state. We will, in fact, show the world what an ignorant Parliament we are.

First of all, the Genetically Modified (GM) foods have not been banned in other countries. In fact, if we are to refer to Europe, it is regretting that it is far much behind the USA with regard to this biotechnology. If you listened to Mr. Tony Blair two years ago, he said that the United Kingdom (UK) will have to differ with the rest of Europe because they have to keep up with the science of biotechnology.

We know that the people who controversially oppose biotechnology in this country do not go hungry themselves. They are well fed and when they go overseas, they eat biotechnology foods. Even here in South Africa, people eat GM foods. We depend on food aid from other countries. This is because only one-fifth of Kenya's land is arable. The same fraction of our land area is used for settlement. That means that four-fifth of our land area needs to be made productive. It cannot be productive if we continue using Stone age technology. Kenya is way ahead when it comes to technology. We are strategically placed given that we are next to South Africa. However, we need to bypass them when it comes to technology. As far as I am concerned, biotechnology is like a computer; like it or dislike it, it is here to stay.

It is good the Assistant Minister for Agriculture is here and he is listening to what we are saying. What we require is biosafety legislation. We are taking too long to bring that legislation in this House for debate. Biotechnology food is, in fact, safer than some of the foods that we are eating at the moment which are subjected to all kinds of chemicals. We do not even know how such foods are produced! I would rather eat biotechnology foods because they have been scrutinised thoroughly over the last ten years. We do not want to be left behind. The Mover of the Motion should go to the internet and keep abreast with science.

*(Applause)*

Mr. Deputy Speaker, Sir, even the European Union (EU) has now approved GM foods. All they are insisting on is proper labelling of these foods. So, it saddens me when I see our people die of hunger, and yet we still hang on some archaic science. Remember that I am also a teacher. I am telling my students that they should keep up with biotechnology because they are the ones to advise our Government on the usage of biotechnology. We should not rely on a few individuals in Europe who want organically grown crops which are grown by our own people here. Those crops are very difficult to grow and we cannot afford to see our people sweat to grow them.

Recently, I was in a meeting in Abuja, Nigeria which was about "Tired African Soils". It was agreed that our soils need fertilisers both chemical and organic. There are few individuals who tell us not to use chemical fertilisers at all. They urge us to concentrate on organic production and keep away from chemicals. Africa is not going to realise a green revolution if we do not keep abreast with modern technology.

Mr. Deputy Speaker, Sir, just to inform the Mover of this Motion, last month I attended a meeting here in Nairobi. Scientists affiliated to the Common Market for Eastern and Southern Africa (COMESA) approved Genetically Modified Organisms (GMOs). So, even if we ban GM foods here in this House, through COMESA and NEPAD, we shall be forced to approve them because of inter-country trade. These are approvals by our own top scientists; in fact, they are our top brains. We depend on the Kenya Agricultural Research Institute (KARI) which strives to keep abreast with the latest technology. I am aware that here in Parliament we discuss everything and it will be a shame for us to be misinformed and make decisions on scanty information being propagated by the Mover of this Motion. I admire him for his courage to bring it here, but I want to tell him that I do not want to be part of that bandwagon that uses emotions to pass bad Motions

here. I will not want to be associated with it because it will show how ignorant we are, and yet we are not. We do not want to misinform Kenyans because they look up to us to do proper legislation.

We must fail this Motion. If he refuses to amend it, then we must make sure that it is defeated. I also want to appeal to the Ministry of Agriculture to bring biosafety legislation in this House so that we can debate it. We are losing a lot of money to other countries because of lack of biosafety legislation. We need to do proper testing of organisms and enhance research so that our young scientists can actually keep abreast with modern technology.

Mr. Deputy Speaker, Sir, with those remarks, I beg to oppose this Motion.

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, when I listened to Capt. Nakitare moving the Motion, I was very keen to hear what dangers are caused by Genetically Modified (GM) foods to human beings. I wanted to know what we are likely to suffer from health-wise. I also wanted to hear what environmental damage GM foods could bring to our country. If he could persuade us that we are likely to get cancer from GM foods, grow obese or damage our environment to the extent that our lungs could be affected, maybe, I could have listened. But if those things have not been scientifically proven--- The people who eat GM foods in the United States of America (USA) are not dying from health problems. Their environment is not affected! It might even be better than ours. If he had highlighted all those problems, then I could have supported my friend. What I have read in the literature about GM foods does not support the view that those foods are a danger to human beings and the environment in any way. I have seen some lobby groups--- In fact, I met some lobby groups in a hotel. They were lobbying me with some cards saying that they were fighting against GM foods. I looked at them and, to me, they did not look as people who are aware of any scientific facts. They are people who are earning some money from some other lobbyists somewhere else. They are getting quite busy in the streets convincing us that those things are dangerous to our health and environment. If somebody does not want to eat GM foods, he can ask for naturally produced foods. I usually see it in Britain where shop-keepers label the foods as GM foods or Non-GM foods. So, you can choose what you want to eat. But to threaten us that a scientific development is likely to destroy us, without any scientific facts to that effect, is being an alarmist. We are not going to run this country through alarmists. You cannot, all of a sudden, wake up in the morning and frighten us that we are just about to die, because some catastrophe is likely to happen to this country. That catastrophe has not happened in South African, USA, Europe and China. Why is Kenya behaving as if it is outside this world?

*[Mr. Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, I did not want to talk much on this subject, but I thought that the Ministry of Agriculture could have, by now, been supporting the production of GM foods. I know of a lady who is a scientist and is producing GM potatoes. I think she wants to multiply the potato seed so that Nairobi could be supplied with sufficient potatoes produced cheaply, so that we could buy chips cheaply. But instead of that, the Government is not putting aside any money to support research. So, the Kenya Agricultural Research Institute (KARI) is working with very limited resources from some foreigners who have their own interests. I think the Government must now put money for research in our universities and research institutions, so that people do not come here to alarm us. That way, even before we come to this House, we could consult some professors from KARI, University of Nairobi or any other university to give us a seminar so that, when we come here, we dismiss this thing forthwith without debate! We are

wasting a lot of our energy talking about things that the Mover himself is very inadequately informed about.

Mr. Temporary Deputy Speaker, Sir, my own constituency is a marginal area in terms of rainfall. We are lucky that we got some harvest this year. Most times, we lose our harvest just when it is about to ripen, because of lack of rains. If we got rainfall twice, thrice or even one more week, we harvest. We are using seeds which are not responsive to that area. If somebody could come up with a seed that would feed us with that limited rain, we would be very happy. We would not be begging for relief food. But we keep on begging for relief food. I was talking to the Minister for "relief food" yesterday--- I do not know what that Ministry is all about, but it must be the Ministry for "Relief". I went to ask him for some help, so that we could get some maize and some beans in my place. I could not be asking for that if some scientist came up with some seed which can do well in my area. We cannot be afraid of science. In the history of scientists, they have been hanged before just because they said the world is round. They have been hanged before just for saying that there is gravity. We are now being hanged because somebody is afraid of change. We must change to survive. The population of the world is so high that, unless we increase the production of food per acre, we are all going to perish.

So, unless, I am persuaded, which I am not, that those things pose a danger to my life and the environment, I oppose.

**The Assistant Minister for Health** (Dr. Kibunguchy): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to also stand up and oppose this Motion. I oppose it for various reasons. We cannot turn back the clock. We have to move forward. We must keep pace with the rest of the world. The spirit of this Motion is trying to push us back to the days of our grandfathers. For that reason and many other reasons, we must oppose this Motion.

Mr. Temporary Deputy Speaker, Sir, last week, when the Mover was moving this Motion, the spirit in the House was that we needed to amend it. I am surprised and saddened that a good Motion like this is going to fail because the Mover is stubborn, obstinate and does not want to amend it. We should have amended this Motion so that, rather than ban GM foods, we look at other aspects of science that are involved. We should have looked at other aspects of policy, regulation and learning more about that new exciting field that is poised to take care of certain aspects of our lives, especially in Third World countries. We should have looked at those things, rather than the Mover of the Motion being stubborn and refusing to come to terms with what is happening in this country.

Mr. Temporary Deputy Speaker, Sir, I will talk about two aspects only. First of all, I am a medical doctor and I know that a lot of work is being done on stem cells in the world. Stem cell science is trying to look into aspects of taking care of inherited diseases. Those are diseases which are inherited and not easy to treat. What that science is doing is trying to alter certain genes to take care of debilitating diseases that do not have a cure. So, for us to stand up in this House and oppose a move like that, we would not be doing humanity any justice at all. That stem cell science is a form of genetically modified procedure.

Mr. Temporary Deputy Speaker, Sir, one of the biggest problems in Third World countries - Kenya and especially my constituency of Lugari included - is poverty. Poverty comes with malnutrition, lack of sense of worth and many other problems. Poverty is degrading and limits our ability to do a lot of things.

Mr. Temporary Deputy Speaker, Sir, Lugari Constituency is one of the places in this country where we have fertile soil for food production. Over the years, especially after the clashes of 1991/1992 and 1997/1998, we had so many people moving and settling in Lugari because it was relatively peaceful at that time. Over the years, people have sold their land and they are now living on small pieces of land. How do we maximise our production when we are faced with a situation

where our land size is getting smaller and smaller over the years, if we will not address the issue of science? This is one of the issues that we are discussing today.

I must strongly oppose this Motion because one of the things that we are worried about in Lugari is that we want to maximise production from the small pieces of land that our people find themselves settling in.

Mr. Temporary Deputy Speaker, Sir, listening to Capt. Nakitare move this Motion, he kept talking about a group called Monsanto. It appeared to me that he had a personal grudge with this particular group. As we oppose this Motion, we are not saying that Monsanto is doing any good job. In terms of policy and advancement of science, we have to oppose this Motion because it is trying to take us back to the days of our grandfathers.

There are all kinds of genetic modifications that have been done, some not so dramatic and some dramatic. I would like to talk about the issue of tissue culture bananas. This is a technology that has been widely accepted in this country. It is widely practised in this country, even in Lugari Constituency. We have seen the benefits that tissue culture bananas can bring to this country.

We are looking at some trees that are growing much faster especially the eucalyptus trees. As a result, very soon this country will be self-sufficient in terms of production of poles for electricity supply in various areas rather than importing poles from other countries at this time and age. Science is enabling us to produce some of these things that will mature faster and be able to serve the communities in whatever they are doing.

Mr. Temporary Deputy Speaker, Sir, those of us who produce maize sometimes lose up to 50 per cent of our maize because of a pest that has been aptly called *Osama*. This pest normally destroys our maize when it is about to start flowering. If science can be applied to take care of a pest like that, those of us who grow maize will be very grateful because we would be able to save up to 50 per cent of our produce. For those reasons and many more that my colleagues have mentioned in this House, I would like to say that we should all rise up and oppose this Motion.

Thank you.

**Dr. Rutto:** Mr. Temporary Deputy Speaker, Sir, I would like to join the chorus of opposition to this Motion. While looking at the Motion directly, I would like to say that the Motion talks about things that are not true. First of all, not all Genetically Modified Organisms (GMOs) have been banned. Those that have been banned are few. So, it is not true that most developed countries have banned GMOs.

Secondly, not all GMOs are dangerous to human beings and to the environment. Some are, in fact, supportive to human life and environment. The Motion does not reflect the truth about nature and science. The Mover should have revised this Motion in the light of those aspects.

Thirdly, in cases where GMOs have been noted to be dangerous, precautions have been put in place. The Motion also talks about lack of policy. Where there is lack of policy and guidelines, you do not ban a product. You improve on the policy, guidelines and precautions. The Motion is misguided from the start and we need to oppose it just on the basis of those four points.

Mr. Temporary Deputy Speaker, Sir, I was a student of science and I have also taught science in my background. While reading the Motion, I cannot help feeling that this Motion is anti-science. This is because it portrays scientists as ignorant of the dangers of their activities. One of the things that scientists are conscious about while carrying out experiments are the precautions and potential dangers that their activities may cause. The Mover of the Motion wants to portray scientists as ignorant of those facts. That is not true.

There are many other reasons why I am opposing this Motion: One, there is need to develop food varieties in various places that are disease resistant. One of the ways of improving the yields of such crops is to modify their genetic components so that such a crop may be resistant. I would urge the Mover of the Motion to visit our universities and see how our scientists are

struggling to develop crops that are disease resistant, so that we can improve our food security and production, to enhance our capacity to deal with hunger.

Secondly, there is need to develop certain crops for the sake of adaptability to certain climates. I advise the Mover of the Motion to visit Egerton University where they are developing a breed of rice that will be used in North Eastern Province. This breed of rice is drought-resistant. Such a development is more positive than banning this science.

Thirdly, if you go to places like Makueni and Kwale districts, you will note that people are suffering because of lack of food.

Mr. Temporary Deputy Speaker, Sir, as a nation, we should support science in order to produce more food to serve the communities that live in dry areas. Banning biotechnology as this Motion suggests will be a mistake for this country. I join the hon. Members who have opposed this Motion.

With these remarks, I oppose the Motion.

**Mr. Khamasi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this very important Motion. The Mover of this Motion is a very close friend of mine. In many incidents, we share ideas but this time round, he decided not to talk to anybody.

*(Laughter)*

In that regard, I oppose this Motion. However, he should not carry that out of this Chamber. We must remain friends.

The intention of the Motion is not good but retrogressive. We cannot go backwards. All I wanted to say has been said by other hon. Members. If today, this House passes this Motion and the Government went ahead and banned all the Genetically Modified (GM) foods, where shall we be in terms of food sufficiency?

We are currently under a lot of pressure with the prevailing famine in ASAL areas. The people who live in those areas require food. The Chair knows that we do not have enough food to supply to the people who are starving. Most of the food is supposed to be imported. I think it is better to have GM foods to supply to our people who are dying of hunger than have nothing.

I believe that the spirit of this Motion is bad and does not help anybody. We should not pass this Motion because it is dangerous. This Motion will not help our people, particularly, when it comes to the quantities and varieties of food that we seek to improve. We can only improve the quantities and varieties of food scientifically. The opposite will be to go back to where we were; that is planting unimproved maize seeds and *mtama*. This will not fit into the current situation where we require high quality and enough food for our people.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I oppose this Motion.

**Mr. Ahenda:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. Allow me to dedicate a few minutes to give a small lecture to the Mover of the Motion on genetic engineering and biotechnology. At the end of that lecture, he will withdraw this Motion from the Floor of this House.

About four to five years ago, the University of Nairobi, Faculty of Medicine started a Department of Biochemistry to carry out studies in genetic engineering. At that time, the first students were admitted at the university, Faculty of Medicine, Biochemistry Department to do genetic engineering and stem cell scientific research.

Many papers have been written within the faculty that would have helped the Mover of this Motion to fully understand the essence and real values that accrue from scientific research. You cannot stand on the way of scientific development. You cannot stand on the way of change; otherwise, change will change you.

Mr. Temporary Deputy Speaker, Sir, my late grandmother, Gaudencia, was maybe, the first GMO researcher in this country. The GM foods did not start yesterday. We were only doing it crudely. Science is only perfecting what has been in existence for many years. So, we cannot stand on the way of science. It has been said that science creates nothing new, except improving on what we have on the ground. The GM foods are not new. The yields from our *shamba* have been dwindling and I am aware the Mover of this Motion is aware of that because he comes from one of those high potential growing areas of maize. The maize yields have been dwindling per acreage. The same acreage does not produce the same yield it used to produce a few years ago and, therefore, we should have something to improve the yields. They came up with organic manure and ventured into chemical manure and still, the yields continued to dwindle. Can we not move ahead and bring something that can improve the yields beyond both chemical and organic manure? We came up with the GM foods. These are genetically engineered foods. Researchers have come up with a technology to engineer crops. This does not change the chemical composition of the crops. If anything, researchers, have first of all, researched deeper to find out what your body requires. If there is anything that your body does not require, it will be removed from those plants scientifically.

Some of the GM foods have been found to be very healthy to human beings. Sometimes, you eat several foods to get only one component of food value that your body requires. For example, you do not need to eat a tonne of maize to get the starch that your body requires. In the GM engineered-crops, you might even need a glass of porridge to get all the starch that your body requires. Is there a better scientific research than that?

I was shocked that such a Motion can be brought before the House to stand on the way of research in this country when the world is heading towards research. Where are we heading to? As one hon. Member said, we are going to the stone age when research was unheard of. However, our stone age people carried out research. If anybody brings a Motion before this House to stand on the way of research, the whole country is doomed.

Maybe, the Mover should have found out the calamities, if any, the GM foods have brought to human beings. Definitely, I do not know any Kenyan who has never eaten the GM foods in this country. The Americans started giving us the GM foods many years ago and we have been eating them. I am yet to see any Kenyan who has died after eating the GM foods. Maybe, they did not know. However, science says: "If you do not know that you do not know what you do not know, then you are a fool."

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, we have been eating GM foods. For that matter, it is not new in this country. Our universities should be strengthened to take over from the Europeans, the Americans or the South Africans, improve and localise it so that it can be in conformity with our soils, temperatures and rainfall to improve the yields even further.

Mr. Temporary Deputy Speaker, Sir, if you are a farmer, you know that the South Africans have been giving Kenyans GM seeds. This was in the Press recently. We planted them and they did very well. The Mover of this Motion enjoyed some of the GM foods. He is my friend. He visited my constituency recently and I fed him on some genetically modified food.

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, it has been proven in the world that there are no side effects on genetically modified food. Contrary to the belief that the researchers inject some chemicals into

the crops during their research, they actually put chemicals in the soil. That is a fallacy. So, the genetically modified food is the right way forward. In any case, science does not stop there. After the genetically modified food, we will move on to something else. Science is continuous. If we, as a country, do not take up the challenge of genetically modified food today, by the time other countries will have moved to something else, we will be starting to embrace genetically modified food. We will be a decade or two behind other countries. So, this is the time.

With those few remarks, I beg to oppose the Motion.

**The Assistant Minister for Agriculture** (Mr. Kaindi): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to respond to this Motion. I want to thank the hon. Members who have eloquently, articulately and scientifically addressed the concerns in this particular Motion. They have looked at the major issues, because the question of food security is pertinent to us.

I want to start by saying that we cannot do away with genetic engineering. It is something we have to be contented with, because it is the latest technology. Probably, the Mover's fears arise from the products. Genetic engineering is a process. The product is genetically modified food. But I want to say that we, as a Government, have put sufficient measures to address the concerns that the Mover of the Motion has raised. It is true that there are concerns from various quarters that genetically modified products may have toxicity or allergenicity. However, I want to assure this House that even when cases of genetically modified products are reported, they are subjected to rigorous testing and research. We have the Kenya Plant Health Inspectorate Services (KEPHIS) which deals with those products. We subject them under a lot of scrutiny because they are likely to affect the lives of the people of Kenya.

Mr. Temporary Deputy Speaker, Sir, we, as a country, also subscribe to international organisations such as the World Health Organization (WHO), Food and Agriculture Organization (FAO), and the Organization for Economic Co-operation and Development (OECD). These are organizations where we have signed conventions and treaties. They have developed codes and sufficient mechanisms to ensure that safety measures are properly put in place when we are dealing with genetically modified products.

It is true today that genetically modified products have not been commercialised in this country. We, as a Government, through the Kenya Agricultural Research Institute (KARI), are still undertaking a lot of trials. But as hon. Members have said, we need to have a legislation. I want to assure this House that through the relevant organizations within the Government, we have been able to develop a draft Biotechnology and Biosafety Policy which is awaiting debate in this House. What we need is to have sufficient guidelines, statutes and regulations to ensure that those safety concerns are taken on board.

I also want to assure the Mover of the Motion and the House that genetic engineering has potential benefits as most hon. Members have alluded to, not just in the side of crops, but also in the side of animals. The KARI, in collaboration with the International Livestock Research Institute (ILRI), has undertaken a lot of research on how to overcome the East Coast Fever.

Mr. Temporary Deputy Speaker, Sir, in the area of heart water, which is a disease that affects both cattle, sheep and goats, without genetic engineering, we will not be able to overcome the challenge in that respect. The Kenya Agricultural Research Institute (KARI) has also done a lot of scientific research in this area at Muguga Research Station.

Mr. Temporary Deputy Speaker, Sir, the third disease is called anaplasmosis, which affects sheep. KARI has undertaken a lot of research through the National Agricultural and Livestock Development so that we can get the proper diagnosis in order to deal with the disease. This can only be achieved through genetic engineering. Diseases like Rinderpest had become prevalent and dominant. It was not possible to deal with the disease. But through genetic engineering, the

potential for benefits on how to overcome some of these diseases has proved to be quite encouraging. KARI has also done a lot of research regarding Rift Valley fever, and foot and mouth diseases which are quite lethal. These are many of the potential areas where genetic engineering is proving to be quite effective. Therefore, it is not sufficient for us to bring all the fears into this House and say: "Let us deal with only one aspect of the entire spectrum of biotechnology and genetic engineering".

Mr. Temporary Deputy Speaker, Sir, we will bring the Bill to the House for debate soon, I urge the House to pass it. We want to assure hon. Members that it is up to the House Business Committee to fast track the coming of that Bill. As a Ministry, we have already finalized that Bill. But arising from the hon. Members' concerns, the Ministry needs to organize a workshop so that all the areas and issues which are arising can be discussed so that when the Bill comes to the Floor, sufficient thoughts and effort would have been put in the Bill. This will ensure that we benefit from the latest technology as a country.

Mr. Temporary Deputy Speaker, Sir, I do not want to say much. I just want to agree with the hon. Members that we need to amend this Motion. I tried to appeal to the hon. Member to amend the Motion in order to allow the Government to fast track the bringing of the Bio-Safety Bill to the House, but he was adamant. That is also his right to bring the Bill.

With those few remarks, I want to join the rest of the hon. Members in opposing this Motion.

Thank you.

**Mr. Balala:** Thank you, Mr. Temporary Deputy Speaker, Sir. I stand here to oppose this Motion although the hon. Member is my personal friend.

Mr. Temporary Deputy Speaker, Sir, human beings have been given a small brain which, when activated, can generate many things that are good for this world. It is a fact that research must have been done on how birds fly and this enabled the hon. Member to be a captain and fly an aircraft. It is out of technology. If we are going to ban Genetically Modified (GM) food, then we are banning technology. How come we have a Ministry of Science and Technology in this Government? We will, therefore, be forced to ban that Ministry as well.

Mr. Temporary Deputy Speaker, Sir, technology is today's life. We are taking this country forward into the 21st Century and we cannot afford to remain behind, backward or primitive. I know that the hon. Member is aware of the organic foods which are being sold very expensively, hence enabling farmers to get more value for their crops. These products come from agricultural areas, and I think it is also useful for him and for the Government to encourage the growing of organic foods in our country.

Mr. Temporary Deputy Speaker, Sir, this country has Arid and Semi-Arid Lands (ASALs) which are always faced with drought and lack of rain. We started begging in the last ten years, asking the same western world, which produces GM foods to give us handouts. We received yellow maize, which is food for horses in the United States of America (USA), and we are given the same to eat because we had no alternative.

Why do we want to turn ourselves into relatives of Mr. Githae and start eating rats and cockroaches? I wonder what we should eat when there is no food. Should we eat rats and cockroaches? Should we eat fellow human beings? I say "no" to these questions. So, we should oppose this Motion but undertake new ways of organic agriculture. Banning technology is the most primitive thing that we, as a nation, can do.

Mr. Temporary Deputy Speaker, Sir, I want to encourage the Minister for Agriculture to bring that Bill as soon as possible, so that we do not become beggars whenever the rains fail. As a country, our problem is that we do not plan in advance. We like working in *ad hoc* situations, so

that we can syphon public resources for our personal gain. It is important for the Ministry to regulate use of genetically modified food. From the words of the hon. Member who has just spoken, I am convinced that a Bill will be brought to this House very soon.

With those remarks, I beg to oppose.

**Mr. Ochilo-Ayacko:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. The Mover of this Motion is a good friend of mine. We have, in fact, had a discussion as to whether I should move an amendment to this Motion. However, I have changed my mind and wish to go on record as opposing the Motion.

Mr. Temporary Deputy Speaker, Sir, in modern governance systems, the word "ban" is never used. So, as part of the democratic world, Kenya should never be encouraged to ban anything. The appropriate word that is permissible in modern democracies is "regulate". So, my first reason for opposing this Motion is the fact that the Mover is urging this House to ask the Government to "ban" all genetically modified products in Kenya. The word "ban" is undemocratic, tyrannical and archaic. So, we should reject this Motion for the reason that it is asking the Government to ban such products.

The word "regulate" is open to suggestions, wisdom and debate. I believe that the Mover is an inherent democrat. As such, he should have had the word "regulate" in mind, and not the word "ban". The Minister who spoke on behalf of the Government indicated very well that a legislation to regulate this new technology is on its way. I believe that my good friend, Capt. Nakitare, will have occasion to contribute to the debate on how the Government should regulate the use of genetic modification or engineering of biodiversity.

Mr. Temporary Deputy Speaker, Sir, the Motion talks about the banning of food and seeks to have this House resolve to urge the Government to ban all genetically modified products. I think the matter should have been confined to genetically modified food.

If you look at the Millennium Development Goals of governments in the world, you will note that the most important challenge that we have in the world is how to eliminate extreme hunger. If you are a subscriber to the achievement of the Millennium Development Goals, you know that all Governments in the world have collectively and individually resolved to eliminate extreme hunger.

Mr. Temporary Deputy Speaker, Sir, those who believe in metaphysical idealism know very well that the Biblical Esau sold his birth right to Jacob because of hunger. He had gone to pursue Godly issues and when he came back home, he was extremely hungry and decided to sell his birth right. I am sure that if we ban genetically modified foods in this country, many Kenyans will sell their birth rights. If we ban the production of genetically modified foods, I am sure that many Kenyans will lose their pride. The streets of the poor world are filled with prostitutes who do not know where their next meal will come from. The prostitutes are selling their conscience, purity and birthright in order to have a meal.

Mr. Temporary Deputy Speaker, Sir, you know that in Kenya, we face a challenge in political commitment, particularly by the electorate because they do not have food on the table. So, what is important for a country that does not have food security is food. In fact, the citizens of this country care less about the kind of food you give them. They just want food. They have in the past, partaken of genetically modified foods and to tell them the foods should be banned would be contrary to modernity and would not solve their problems. So, I want the Mover to agree that our previous and current Presidents were not wrong when they asked the world to come in aid of Kenya by giving Kenyans food. They did not restrict the kind of food to the type which is not genetically modified. They felt that a human being who has a full stomach is reasonable, rational and could work towards improving his or her welfare.

I want to entirely agree with all hon. Members who have been opposing this Motion, saying

that it should have expressed a desire to urge the Government to regulate rather than ban the genetically modified foods.

With those few remarks, I beg to oppose.

**Mr. Twaha:** Mr. Temporary Deputy Speaker, Sir I would also like to register my opposition to the Motion because as you all know, there is no new world to be discovered or explored. The only new things we have are the new scientific frontiers. We should not deny ourselves the opportunity to benefit from the riches and wealth that may be generated by technology of genetically modified foods such as cotton, which is not a food crop, but we still stand to gain from its higher yields, resistance to pests, drought and other ways. There is need, as we look for scientific progress, to look into the ethical issues. That is not only in the field of agriculture but also in medicine. We have been hearing about stem cells and medicine which is derived from human embryos. There is need for ethically-correct regulations to be followed as Mr. Ochilo-Ayacko said. When we are taking care of ethics, we should also differentiate between real ethics and dogma. We should not confine ourselves to issues which are old fashioned, superstitious and try to pass them on as ethics. As I said, I oppose the Motion because the Mover refused to allow amendments to it, and wants to use, as hon. Ochilo-Ayacko said, dictatorial words which are out of fashion to push it through.

I oppose.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): I think debate has now been exhausted and I would like to call upon the Mover to reply.

Captain Nakitare!

**Mr. Raila:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is debate really over?

**The Temporary Deputy Speaker** (Mr. M'Mukindia): But there is no one who wants to speak.

**Mr. Raila:** But has he finished?

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Yes, he just finished. So, go ahead and make your contribution then.

**Mr. Raila:** Mr. Temporary Deputy Speaker, Sir, I stand to oppose this most unscientific Motion. The Mover of this Motion, being a scientist himself--- I am really taken aback as to why the Mover would like to take Kenya behind other countries. We live in a scientific age where mankind continues to study and discover the laws of nature, and make use of them for the service of mankind. There are many things that we are doing today, which were not imaginable some years back. Remember that Galileo was "burned a steak" for merely saying that the world was round. Years later, he became a hero. That happened because of ignorance of mankind. But mankind has continued the quest to discover nature. That is why we have reached a stage where we are able to genetically modify food and produce more for the consumption of mankind. The population of this world is growing very fast. In 1956, when I was in primary school, China was the most populous country in the world. It had a population of 550 million. Today, the Chinese are over 1.5 billion. The population has grown threefold. Likewise, in this country, we were only 6 million at Independence. Today, the population is estimated at 34 million people. We have continued to produce more mouths to feed. Therefore, we need to develop better methods to feed them. That is why I do not see the reason why somebody should come and say that GM foods should be banned. Let him give an example of a country where a blanket ban has been imposed on genetically modified foods. I do not know of any country that has done that.

I recently came from the United States of America (USA) and I know that those foods are used there. The same applies to Europe. I do not see any reason why an hon. Member, who is knowledgeable, should propose a blanket ban on genetically modified foods.

Mr. Temporary Deputy Speaker, Sir, some countries have high yields of cotton because of

genetical modification. Our people sometimes fear innovation. When I was in charge of the Ministry of Energy, and we were talking about a policy on energy, I said that we should be very open-minded and look at all the available possibilities. That is because hydro-electric potential is almost exhausted. We also have a limited geo-thermal energy potential. I said that, as we look at new and renewable sources of energy, let us be open and even look at nuclear energy as a source of energy. The moment I mentioned the word "nuclear" the hall just became quiet. I had touched the untouchable! I said I am ashamed that people should be so fearful or frightened by the use of the word "nuclear". Countries in Europe and Japan have continued to develop new generation nuclear reactors. The peaceful use of nuclear energy is universal. I said: For this country to develop technologically and industrially, we must confront that issue and bring a nuclear reactor of up to 2,000 megawatts. That issue has not been resolved up to today. We must be prepared to think out of box in this country, if we are going to develop and become industrial. This House must provide leadership to this country. That is why this Parliament is charged with the responsibility of creating a vision for this country. We must have visionary leaders who are prepared to look at 50 years from now and take measures today to deal with those kind of situations. We should not be living from hand to mouth, just thinking of what is happening today. We should not either be influenced by some other commercial considerations in taking decisions that affect our people. We must be very open-minded. That is why I stand to strongly oppose this Motion which is very ill-conceived.

With those remarks, I beg to opposed.

**Capt. Nakitare:** Mr. Temporary Deputy Speaker, Sir, I would like to donate two minutes to Prof. Mango.

**Prof. Mango:** Mr. Temporary Deputy Speaker, Sir, most of the time, things are invented in the Western world and they are pushed down our throats in the Third World and we become their guinea pigs. We do not seem to have the capacity to prove what is good for us. We rely on other people to decide for us.

Mr. Temporary Deputy Speaker, Sir, in the GM crops, particularly maize, the GM maize has been tested elsewhere. It has never been tested here to know how it adapts here, yet it is being pushed down our throats, that we should have GM maize to have food security. Why are those countries themselves not consuming it? Originally, the GM maize was developed in the US as animal feeds, and now in Africa, it becomes food for human beings. What is good for the goose should be good for the gander. If the GM maize is good for Africans it should also be good for the Americans.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Prof. Mango! You have ten minutes.

**Prof. Mango:** Thank you, Sir. First of all, the GM maize is not resistant to pests like the larger grain borers. These days, you find maize is ground to flour by the greater grain borers because this maize has not been tested here. We just get the maize and everybody thinks technology from the West is always good for us. Why do we not use our own grain which has been here for many years, which has been tested against our pests and which is good for us? We also need to develop capacity to test out all these things.

Mr. Temporary Deputy Speaker, Sir, what happened with our scientists is that they think whatever comes from the West is good to be adopted here. Before we adopt anything, it must be tested here and we prove it is good for us. A case in point is the HIV/AIDS virus. This was a virus that was invented genetically in the laboratories in the UK and US for biological warfare. Now, it is killing us here because we have no capacity to test some of those things. So, we have become the guinea pigs of the West. It is time we developed capacity to test out everything that comes here before we start consuming it. Otherwise, we consume it to our detriment. The other people do not love us, and they do not care what happens to us. It was very good when Zambia rejected maize---

**Dr. Rutto:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead the House by talking about "myths" that have not been proved? She just mentioned that HIV/AIDS virus was manufactured in a laboratory. That is a myth, not a truth. Can she substantiate or withdraw?

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Prof. Mango, could you substantiate that statement?

**Prof. Mango:** Mr. Temporary Deputy Speaker, Sir, this is literature in a book.

**Dr. Rutto:** Mr. Temporary Deputy Speaker, Sir, which book?

**Prof. Mango:** Mr. Temporary Deputy Speaker, Sir, there is a book which talks about the genesis of HIV/AIDS, which reference I can give you.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): That is somebody's opinion. Dr. Rutto, I do not think you can prove it one way or another. For that reason, that is just a personal opinion.

**Prof. Mango:** Mr. Temporary Deputy Speaker, Sir, I was giving an example of what is done elsewhere and eventually it impacts negatively on us. We have not tested the genetically-modified maize sufficiently, and yet we are being urged to adopt them for the sake of food security. We need to conduct enough tests to prove what is good and can be adopted in our situation.

Mr. Temporary Deputy Speaker, Sir, when most of these new inventions are brought here, we have no capacity to fight them legally. There have been cases of farmers elsewhere who have tried to fight against some of these inventions legally and they have been unable to do so. It is known that Africa has no capacity to fight against any of these new inventions when they are pushed down on Africa. Therefore, we need to be very careful before we adopt many of these things because we have no capacity of fighting them.

Once the maize is planted, the pollen will spread out to our indigenous maize crop and we will have no way of preventing this from happening. You cannot say that you will isolate the genetically-modified crop from the indigenous crops because you have no way of preventing the pollen from diluting the local breed. As long as we do not have that capacity, we cannot be safe. We are not safe from anything.

Mr. Temporary Deputy Speaker, Sir, all these inventions are good, but we have to test them, domesticate them and know their advantages and disadvantages in our environment. Therefore, we have to domesticate any good invention. The genetically-modified foods might be very good, but why is it that the European Community and America do not consume them? Why the resistance?

When you look at the list of the countries that have accepted the genetically-modified foods, you will find that countries which have the capacity to test them have refused to consume them. They are saying that Africans are dying of starvation and, therefore, this will not make a difference. Are we just going to remain consumers of other people's technology, regardless of what injurious effects it can have on us?

If the genetically-modified maize was invented for feeding animals, are we animals? That is the truth. The whole story is that they were multiplying the maize to make good feeds for the animals. Since when did Africans become animals? We need to resist a lot of these things, so that we are not used as the dumping ground.

We have heard that genetically-modified potatoes have been introduced here. For example, the yellow-fleshed sweet potatoes have been introduced here, which do not measure to our local sweet potatoes. They are very susceptible to pests. The local pests do away with those sweet potatoes a lot faster than they do with our local sweet potatoes. Therefore, before we spread this technology, we should set up testing laboratories with credibility because, sometimes, some of our people can be compromised.

Mr. Temporary Deputy Speaker, Sir, we need to have integrity and transparency in testing any of these new technologies before we adopt them. It is very important to know what we are consuming and sending out to our people before we adopt them, particularly when it comes to food. There could be other deleterious effects on the human being and this takes a long time before its effects are seen. Therefore, we need to have testing laboratories, be it for drugs, food or anything. We must set up testing mechanisms to find out the long-term and short-term effects. We should not be excited because new technologies have come and, therefore, it is for us to adopt them because some are fake. Even when DDT pesticide came, it was hailed as a revolution but it was later rejected.

I beg to oppose.

**Capt. Nakitare:** Mr. Temporary Deputy Speaker, Sir, due to the enthusiasm shown by the hon. Members on this Motion, let me donate some time to hon. Sungu.

**Mr. Sungu:** Thank you, Mr. Temporary Deputy Speaker, Sir. I think the Mover of this Motion needs to be congratulated for bringing such a futuristic Motion to the Floor of this House. I think the Ninth Parliament must be congratulated for tackling issues that are of national importance, and which concern the future of humanity. I would really love to support this Motion except that I would have liked to substitute the word "ban" with "regulate" but unfortunately, I have come too late to propose an amendment because we are unfortunately going to lose a Motion which is of major significance to the future of this country.

Mr. Temporary Deputy Speaker, Sir, the issue of GM foods raises questions of genetic engineering. When you raise the issue of genetic engineering, you should be very careful because there are questions of ethics and environmental impact. Nobody has ever done research on the possible effect of GM technology that is coming to our country when we are ill-prepared to regulate it, have a legal framework and adequate scientific knowledge to ensure that it is used.

Mr. Temporary Deputy Speaker, Sir, the other day we had *Omieri* somewhere in the Nyando Basin which gave birth to 100 odd small snakes. Can some scientist tell us what would happen if *Omieri* went to the rice fields in Yala Swamp and ate GM rice or something produced from that, and then it became a huge snake like an anaconda which is common in South America, but not here in Kenya? Can you imagine how many chicken or animals this anaconda would consume and what possible effects it would have on the future of this country? The questions that come to the fore are unimaginable because we do not have the knowledge and capacity to fathom, even from the word go the potential of GM foods.

Mr. Temporary Deputy Speaker, Sir, I think there is a good cause for supporting this Motion, except that I would have been very happy if it was "regulating" rather than "banning" GM foods, because the latter raises questions of how do we feed our people in the face of immense problems of drought and so on. GM organisms could bring drought resistant crops that could be producing larger quantities where fewer quantities are produced.

With those few remarks, I beg to support.

**Capt. Nakitare:** Thank you, Mr. Temporary Deputy Speaker, Sir. The future of this country is at crossroads and my aim of coming up with this Motion was not to challenge scientific research. Mine was to urge our local scientists to refrain from being used as the experimental gadgets on Third World country human beings when it comes to the needy effects.

Mr. Temporary Deputy Speaker, Sir, I have 12 reasons to reject GM foods, and I would like it to go on record and especially in this Ninth Parliament. I know there have been a number of contributions on this issue from hon. Members, but the reasoning was not based on food production, but on what "if". However, I want to put down on record 12 reasons why GM foods should be banned. These reasons include:-

- (i) GM crops contaminate non-GM crops because they do not co-exist.

(ii) GM crops will foster dependence on corporate seed suppliers and because GM seeds cannot regenerate, this will force a farmer to depend on that company. I will elaborate this later.

(iii) GM crops will usher in terminators and straighter technologies. I will also elaborate on this later.

(iv) GM crops will increase the use of chemicals in our soil. That underlines the environmental threats.

(v) GM crops are patent.

(vi) GM crops favour industrial agricultural experiments.

(vii) GM crops threaten organic and sustainable farming in the country. They affect sustainable agriculture for small-scale farming.

(viii) The bio-safety systems required are unrealistic for African countries.

(ix) GM crops will not reduce hunger in Africa.

(x) GM crops will not resolve problems of pests.

(xi) GM crops will encourage the arbitrary destruction of bio-diversity.

(xii) GM crops are a threat to human health.

Mr. Temporary Deputy Speaker, Sir, this Motion caught several hon. Members unawares, but some hon. Members were aware of this issue because, recently, Mr. Ndolo presented in this House an expired GM product, which was still on the shelf of a shop.

When we talk of GMs and their by-effects, I would like to point out to this House that 10 years ago, researchers who were dealing with environmental degradation introduced a crop which was meant to control desertification right from Turkana to Baringo districts. The *Prosopis Juliflora* tree which was a fodder crop turned poisonous ten years down the line. Scientists are now denying having introduced this species of tree, saying that it was going to be beneficial to Kenya. Two days ago, the beneficiaries, who are farmers, came to file a case in court, with an exhibit of a goat which had consumed this crop. That goat had no teeth and it also had deformed hooves. This was a technology which was introduced by our scientists. If a goat with a deformity caused by genetically modified food is consumed by a human being, he or she will be affected in a way. How can we fan fire which is detrimental to our lives? This is a living example as to why we need a policy in the Government to ensure the safety of our food. Kenya is one of the countries that have ratified food safety protocols in the world. I have a document which proves that Kenya is one of the countries that have undertaken to ensure safety of food supplied from all over the world.

I am concerned about the side effects of genetically modified maize and other cereals that we produce in the Rift Valley. Most contributors to this Motion are consumers and not producers of food. They do have investments in food production in this country, and that is why they are opposing this Motion.

With those few remarks, I beg to move.

*(Question put and negatived)*

INTRODUCTION OF COMMUNITY  
HOUSING RE-INVESTMENT BILL

**Mr. J.M. Mutiso:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the acute shortage of housing and high mortgage rates in the country; cognizant of the fact that shelter is a basic human right; aware that very few Kenyans can afford to pay for decent housing, this House calls upon the Government to introduce a Bill for an Act of Parliament entitled the Community

Housing Re-Investment Bill to provide for the establishment of a fund from which low income earners can acquire loans to develop houses of their own or purchase existing ones at low interest rates.

Mr. Temporary Deputy Speaker, Sir, housing is a basic human right. This country has seen a decline in the provision of housing countrywide, both in the urban and rural areas.

Kenya now has a population of about 32 million people. According to the latest statistics released by the Central Bureau of Statistics (CBS)---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, Mr. Mutiso! Mr. Sungu and Dr. Ojiambo, would you, please, consult in low tones?

**Mr. J.M. Mutiso:** Mr. Temporary Deputy Speaker, Sir, I have just said that this country's population is about 32 million people and according to the statistics released by the CBS, we have been informed that 56 to 58 per cent of Kenyans now live on less than a dollar a day. These figures also explain the state of housing and other welfare amenities that exist in this country.

About 15 million people in this country live in shanties in slum areas. A good number of them are, in fact, homeless. What has the Government done in the last few years to address the issue of lack of housing? Through the Ministry of Housing, the Government has done very little to try and cushion the majority of Kenyans from the problem of housing. If you look at the 2005/2006 Budget, the Government only allocated a paltry Kshs600 million for housing purposes. This year, the Budget has remained constant despite the fact that our population has increased, and the rate of people migrating from rural areas to urban areas has even risen. The Government has allocated very little money to cater for the problem of housing.

Mr. Temporary Deputy Speaker, Sir, take the example of South Africa. It has a population of about 46 million people. This financial year, the Government of South Africa provided for R6 billion, which is equivalent to about Kshs9 billion, to cater for housing. In South Africa, the state of housing is incomparable to ours. What used to be called Soweto Slum is no more. It is now a habitable place.

Kenya has the largest slum in the world; it is called Kibera. How much has the Government done to try to mitigate this problem? We have heard about the Kibera Slum Upgrading Project where the Government has, in theory, allocated Kshs485 million to be used in uplifting the standards of housing for the people living in Kibera. Are we just going to remain a country which is host to the largest slum in the World, at the heart of its capital city? The people living in this slum provide labour to the industries in the Industrial Area of Nairobi City, and yet the Government is doing nothing about their welfare. That is the reason why I have brought this Motion before this House. It is urging the Government to come up with concrete policies that will make housing affordable to the majority of Kenyans.

Mr. Temporary Deputy Speaker, Sir, we have a very lofty and comprehensive economic policy in the name of the Economic Recovery Strategy (ERS). This is a Paper which was mooted by the NARC Government to try and capture the needs and aspirations of Kenyans with regard to propelling this country to economic prosperity. Kenya is also a signatory to the United Nations Declaration on Millennium Development Goals (MDGs), which states that all countries should strive to provide housing to all its citizens by 2006.

Mr. Temporary Deputy Speaker, Sir, in the last two years, we have not seen much as far as the housing policy is concerned. The private sector, which is the engine of growth in this country, was also supposed to make a substantial contribution to alleviate the problem of housing in this country. But the investment in housing, either rental, mortgage or one-time buying, involves

substantial amounts of money. We have only one premier institution in this country, which tries to provide housing to both urban and rural areas, the National Housing Corporation (NHC). I remember that in the 70s and early 80s, it was quite affordable for middle level income earners to access loans to build houses in rural or urban areas. At that time, corruption was not very rampant as it is today. From 1988 onwards, we started seeing public institutions and parastatals being managed through patronage. That housing institution was badly mismanaged, and today, it is an ailing institution with a very big portfolio of bad debts.

The private sector, which was supposed to cater for commercial activities, came in to fill the gap. Commercial banks and financial institutions loaned people money at very high interest rates. The people who had acquired houses in Buruburu and Kayole Estates using commercial loans ended up losing them even after paying double the amount of the money which they had borrowed, yet, the *In Duplum Rule* has remained in the papers! It has never been executed at all. People borrowed money from financial institutions and were charged four or five times. Somebody who borrowed Kshs2 million or Kshs3 million to buy a house and repay the loan for five or six years ended up paying Kshs7 million or Kshs8 million over and above what he or she had borrowed. There was very little regulation of interest rates in this country. When the new Government took over, the former Minister for Finance, Mr. Mwiraria, formulated the *In Duplum Rule*, where no bank or institution could charge double the amount of the loan facility advanced to its customer. But, today, there is apathy even in the financial institutions. Low and middle income earners cannot access loan facilities because the policy is still not very clear. Therefore, there is need to have an Investment Act where low income earners can access loan facilities without fear of losing their property in the long run.

Mr. Temporary Deputy Speaker, Sir, the housing market has not remained buoyant. A lot has been done in terms of constructions. But if you travel around Nairobi and tour areas like Hill Valley, Kileleshwa and adjoining areas near Tigoni, where new structures are coming up, there are very beautiful estates being developed. But look at the price tags of some of those apartments and houses. They are ranging between Kshs3 million to Kshs 6 million. In fact, when I did my research, I found out that those houses were targeting non-resident Kenyans who were working abroad. The housing units we are now creating are not targeting local consumers; they are targeting people who are living in London, Washington and other places in the world, who have surplus funds to invest here when they retire from abroad. The country is suffocating because of lack of provision of houses. There is an urgent need for this Government to come to the aid of Kenyans.

Mr. Temporary Deputy Speaker, Sir, yesterday, as I was listening to the Vote of the Office of the President, I was disappointed very much, particularly when Mr. Michuki said from the Dispatch Box that the military, armed forces and other core sectors within that department will not have any new housing units coming up simply because he requested for money but that request was not acceded to. If the Office of the President, which is the most sensitive Ministry in the country, cannot provide housing for the police who are supposed to maintain law and order, who else should be provided with housing in this country?

If you look at the Budget Estimates, Kshs3 billion has been allocated to the Office of the President for Development Expenditure, while Kshs600 million has been allocated for housing. This is supposed to cater for over 16 million people who do not have proper housing. We really need to think about this issue.

Mr. Temporary Deputy Speaker, Sir, every year, multinational financial institutions like Barclays Bank and Standard Chartered Bank make billions of shillings in profits. There is nothing wrong with this, but there should be some social responsibility to ensure that our people are housed properly. It is not fair for a worker to be underpaid and spend the night in a makeshift structure with his family.

Mr. Temporary Deputy Speaker, Sir, recently there was shift of policy by the Minister for Finance, particularly about the incentives and benefits of top civil servants with regard to transport and housing. I was left wondering what plans he had in place for the middle cadre and the lower cadre civil servants. Today a Minister is given one vehicle of his choice, either a four-wheel drive or a Mercedes Benz. He is also paid Kshs250,000 as transport allowance. The same applies to a Permanent Secretary all the way to job group "N". Below that, nobody is given that allowance, including house allowance.

If you give a subordinate staff a house allowance of Kshs1,500 where do you expect him to get a house worth that kind of rent in Nairobi? You will find that a clerical officer gets a house allowance of Kshs1,800. Where can such an officer get such kind of house? This is a big imbalance which the Government needs to address.

Mr. Temporary Deputy Speaker, Sir, let me talk about community re-investment. I know that the Government is either preparing or warming up to bring up a policy on housing. This is a very simple concept. We want to create a catalyst for development and preservation of affordable multi-family rental housing by pooling together financial institutions' incomes; either 2 or 3 per cent of their profits to be pooled together. This pool should be made accessible to different schemes in different areas, where people from the low income groups can access them and buy or build houses at an affordable cost.

There is no rocket science behind this concept. It is a very straightforward mechanism. This Motion has come at the right time, when Kenyans are yearning to own houses in this country. Therefore, I urge the Ministry to move with speed and introduce this Bill to enable many Kenyans realise the dream of owning houses.

Mr. Temporary Deputy Speaker, Sir, I request Mr. Muturi to second the Motion.

I beg to move.

**Mr. Muturi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I want to begin my contribution by thanking the Mover of this Motion, Mr. J.M. Mutiso, for bringing it before the House. Indeed, as he has stated, if the concept of community housing re-investment was taken on board by the Government, it would have revolutionized housing not just in the urban areas but also in the rural areas.

The Motion calls upon the Government to set up a fund that will help low income earners acquire loans to develop their own houses or purchase existing ones at low interest rates. I think the Mover has ably expounded on the rationale for the introduction of that fund.

Why should we call for the establishment of such a fund? Is it a new idea? The answer is "No". The idea of establishing such a fund is found in the policy reformulation, which came about with the enactment of the Water Act that saw the setting up of the Water Services Trust Fund. In that Fund are placed both Appropriations from the Government and donations from well-wishers and multilateral or bilateral donors. We have seen what that fund has done in the rural areas, where communities have been sensitised to come up with proposals on funding.

Mr. Temporary Deputy Speaker, Sir, indeed, I commend the Government for the creation of the existing fund, but unfortunately, it only caters for senior civil servants. Parliament should be commended because it has set a good example. Parliament is leading by example. We came up with a mortgage scheme which caters for both hon. Members and the staff. Indeed, we have gone down to cover even the lowest cadre of parliamentary staff. I urge the Ministry of Housing officials, as they come up with the proposed scheme and fund, to look into the functioning of the Parliamentary Mortgage Scheme.

We cannot wait for NGOs to come up with ideas which become so alien, like in the case of the Mathare Upgrading Scheme, because there is nobody to explain to the residents to own up. It is no wonder that we have seen controversy after controversy within the Mathare Upgrading Scheme.

It is important, as a country, to have a clear policy that explains what our position is with regard to housing.

It is just last year, during the constitutional review process, that we created---

### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Mr. Muturi, you will have six minutes when this debate resumes next week, on Wednesday!

Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.