

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 15th August, 2012

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

(Mr. Musyimi stood up in his place)

Mr. Speaker: Order! Hon. Mutava Musyimi, I think you have got Reports to table!

Mr. Musyimi: Yes, Mr. Speaker, Sir.

Mr. Speaker: Proceed!

Mr. Musyimi: Mr. Speaker, Sir, thank you for indulging me. I beg to lay the following Paper on the Table of the House today Wednesday, 15th August 2012. It is a Report of the Departmental Committee on Lands and Natural Resources on a Petition by the residents of Marakwet---

Mr. Speaker: Order! Hon. Mutava Musyimi, you caught my eye to table a Report which your Committee prepared pursuant to Petitions that were referred to your committee. Is that what you are doing?

Mr. Musyimi: Yes, Mr. Speaker, Sir.

Mr. Speaker: Then proceed!

Mr. Musyimi: Mr. Speaker, Sir, I beg your pardon. I think the problem is with the Clerk and I take responsibility!

Mr. Speaker: Proceed, hon. Mutava! I think it is clear now!

The following Papers were laid on the Table:-

Report of the Departmental Committee on Lands and Natural Resources on a Petition by Kigago Welfare Association on the irregular allocation of compulsorily acquired land to private developers by Kisumu Municipal Council.

Report of the Departmental Committee on Lands and Natural Resources on a Petition by the residents of Marakwet West Constituency to the Ministry of Forestry and Wildlife to be allowed to harvest overgrown exotic trees to build schools in Marakwet.

Mr. Shakeel: On a point of order, Mr. Speaker, Sir. We are having difficulties following what hon. Mutava is saying because the microphone is not really picking his voice!

Mr. Speaker: Yes, your point is made. Hon. Musyimi, I actually gave you the Floor from the point where you are. Could you try pressing the request for it?

(Mr. Musyimi pressed the MIC button)

Mr. Speaker: Proceed!

Mr. Musyimi: Do I repeat the whole thing?

Mr. Speaker: No, do the second one!

Report of the Departmental Committee on Lands and Natural Resources on a Petition by the residents of Bungoma County on the proposed construction of Nzoia Dam and the impending displacement of residents following the dam construction on River Nzoia in Bungoma.

(By Mr. Musyimi)

Mr. Speaker: Very well. Hon. Musyimi, as you resume your seat, and which you should do, please, listen! Have you in compliance with Standing Order No.210 dispatched those reports to the petitioners and/or their representatives?

Mr. Musyimi: I do not have an answer to that question, Mr. Speaker, Sir.

Mr. Speaker: You ought to have an answer and, maybe, for the purpose of the rest of the membership. I want to link up the provisions of that Standing Order. Petitions, as you are all aware, are provided for, beginning from Standing Order Nos.200, 206, 207, 208, 209 and finally 210. I want all hon. Members to be aware of those provisions and, in particular, those hon. Members who may be chairing different Parliamentary Departmental or Select Committees. I would like to read Standing Order No.210. It reads:-

(1) "Every Petition presented pursuant to this Standing Order shall stand committed to the relevant Department of the Government or Committee of the House as the case may be.

(2) Whenever a Petition is committed to a department of the Government, the Minister responsible or any other designated Minister shall, in not more than twenty one calendar days from the time of reading the prayer, respond to the petitioner by way of a Statement in the House addressed to the petitioner or petitioners.

(3) Whenever a Petition is committed to the National Assembly, the relevant committee shall, in not more than twenty one calendar days from the time of reading the prayers, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the table of the House and no debate on or in relation to the report shall be allowed.

(4) The Clerk shall, at the end of every Session, forward Petitions which have been approved by the Speaker and not been presented to the House, to the relevant department of the Government and such department of the Government shall reply to each Petition forwarded in not more than twenty one calendar days."

Mr. Mutava Musyimi, your Committee is obligated under the provisions of Standing Order No.210, paragraph (3) to respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the House. You have

laid Reports pursuant to those Petitions on the Table of the House but you have to go further and address those Reports to the petitioners and or their representatives. I would want you to confirm that you will take that step.

Mr. Musyimi: I am much obliged, Mr. Speaker, Sir.

Mr. Speaker: Very well. The rest of us, please, be guided accordingly.

Mr. Minister for Finance, I can see you have a request!

The Minister for Finance (Mr. Githae): This was on the next Order, Mr. Speaker, Sir.

Mr. Speaker: Next Order? So you requested too early?

The Minister for Finance (Mr. Githae): Yes, Mr. Speaker, Sir.

Mr. Speaker: Is there anybody else with business on Petitions, particularly a report? Presentation of actual petitions will be tomorrow. That is the allotted time.

PAPER LAID

The following Paper was laid on the Table:-

Report of the Commission on Revenue Allocation (CRA) on recommendations on sharing of revenue raised by the national Government between the National Government and county governments and among County Governments, and recommendations on the sharing of revenue raised nationally between the national and County Governments for the Fiscal Year 2012/2013 and among County Governments for the Fiscal Years 2012 to 2015.

(By the Minister for Finance)

Mr. Speaker: Next Order!

NOTICE OF MOTION

PROVISION OF FREE SEEDS/FERTILIZERS TO FARMERS AFFECTED BY MAIZE DISEASE

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

THAT, aware that the outbreak of a mysterious maize disease in Bomet County, parts of Kericho and Narok counties has destroyed the maize crop; concerned that the disease has occasioned huge financial losses to the farmers; further aware that the net effect will be adverse food security situation in the country; this House resolves that the Government undertake a comprehensive survey to determine actual individual farmers' losses and compensate the affected farmers for the losses incurred by providing free certified seeds and fertilizer to farmers in the region by the end of August 2012.

Mr. Speaker: Next Order!

QUESTIONS BY PRIVATE NOTICE

INVASION OF MAKINDI PRIMARY SCHOOL BY SQUATTERS

Mr. James Maina Kamau: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that Makindi Primary School grounds in Kandara District have been invaded by squatters, thus interrupting the normal learning and management of the school?

(b) What is the Ministry doing to ensure that the squatters are evicted from the school grounds immediately?

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

(a) I am aware that squatters from the then larger Murang'a District encroached on Makindi Primary School grounds in new Kandara District and have continued to occupy part of the school land. These squatters used to work for Del Monte Company and were laid off and allowed to stay in this disputed area by the company. The school was set up on the same piece of land and it acquired an allotment letter in September 1986. Therefore, it is true that the presence of these squatters interrupts the normal learning and management of the school

(b) The school's parents took the squatters to court and managed to get a court order on 24th April, 2002 to evict the squatters from the school land. However, the court order has not been enforced to date. The Ministry will liaise with the Provincial Administration with the view to finding a lasting solution to this problem.

Mr. James Maina Kamau: Mr. Speaker, Sir, I do not have the answer; so, I am kind of a stranger to what he is saying. I wish he could give me a copy of the answer.

Mr. Speaker: Do you want time? We can come back to you later on. We will take the next Question in the meantime.

Mr. James Maina Kamau: Mr. Speaker, Sir, if he has it right now I can just look at it!

Mr. Speaker: Order, Member for Kandara! Mr. Assistant Minister, will you kindly pass on a copy of the answer to the Member? You have just one copy?

The Assistant Minister for Education (Prof. Olweny): We can share the copy I have!

Mr. Speaker: Please, do so. We will revisit the Question a little later on. Next Question by the Member for Bura.

REHABILITATION OF BANGALE DAM

(Dr. Nuh) to ask the Minister for Water and Irrigation:-

(a) Je, Waziri ana habari kwamba maji ya Bwawa la Bangale ambayo ndiyo njia pekee ya maji kwa wakazi wa Bangale yameharibika?

(b) Je, Waziri ana habari zaidi kuwa kuna uwezekano wa kuzuka maradhi kutokana na matumizi ya maji haya?

(c) Ni hatua gani Waziri amechukua ili kuepusha wenyeji na hatari hiyo?

Mr. Speaker: Member for Bura! Maybe, because of the circumstances at the moment, I know we are going through a kind of learning transition. Therefore, we will come back to this Question later on.

ORAL ANSWERS TO QUESTIONS

Question No.1242

LAUNCH OF MOBILE ID REGISTRATION PROGRAMME IN WAJIR SOUTH CONSTITUENCY

Mr. Sirat asked the Minister of State for Immigration and Registration of Persons:-

(a) whether he is aware that Wajir South Constituency which comprises two districts and covers 23,000 square kilometres has only one District Registration Officer, two clerks and has no GK vehicle and, if so, when the Ministry will post more officers and provide a motor vehicle.

(b) how many persons have attained the age of 18 years and above in the constituency but have no IDs according to the National Population Census of 2009 and when they will be issued with IDs.

(c) whether the Ministry could consider launching a mobile ID registration programme in the constituency.

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that--- (*off-record*).

Mr. Speaker: Order, Minister! There is a point of order!

Mr. Njuguna: On a point of order, Mr. Speaker, Sir. The Minister is not audible enough!

Mr. Speaker: You cannot hear him?

Mr. Njuguna: No, we cannot hear him!

Mr. Speaker: The Minister is not audible or there is a hearing problem? I can hear the Minister clearly myself! So, it must be one or the other.

Mr. Minister, could you try and raise your voice?

The Minister for State for Immigration and Registration of Persons (Mr. Kajwang): I will try harder and start again.

(a) Mr. Speaker, Sir, I am aware that Wajir Constituency comprises of two districts and covers an area of 23,000 square kilometers. I have since opened a new registry at Leilei in Wajir South, and allocated a new vehicle GK A432P to serve the two districts in the constituency. I am in the process of recruiting additional staff comprising three clerical officers and two subordinate staff for the two districts.

(b) According to the National Population Census of 2009, approximately 3,715 persons are expected to turn 18 years by December 2012 in the constituency. Out of this 1,389 have been registered and issued with IDs this year, leaving a balance of 2,326. I anticipate that they will turn out for registration before December 2012.

(c) The Ministry has already issued funds to the District Registration Officer for both Habaswein and Wajir South districts with instructions to mount mobile registration programmes in the constituencies.

Mr. Sirat: Mr. Speaker, Sir, while I thank the Minister for answering my Question, in part “c” the Ministry has issued funds for mobile registration; the District Registration Officers have refused to go beyond the district headquarters. Could he ensure that before the registration of voters, they do the exercise in the locations?

Mr. Kajwang: Mr. Speaker, Sir, I am aware that recently when the Member of Parliament organized for mobile registration closer to the border with Somalia, we encountered some unfortunate incident in which my own registration officers and a District Officer were kidnapped by the *Al Shaabab* militia on 23rd January, 2012. As we are talking, they have not been released. We only got word through some communication that they are fit and alive, and that they were being instructed in Quran. I hope that they will not be hurt. That has caused some fear in the minds of our registration officers, and I am sure that reluctance has been caused by that fear. I can assure you that we are ready and willing to continue this exercise, but we will have to make arrangement with the Provincial Administration and the police to give our officers sufficient protection so that they feel safe to go towards the border.

Mr. M.M. Ali: Mr. Speaker, Sir, while thanking the Minister for at least giving a vehicle to the Leheley District Registration Officer, I will also ask him to consider giving one to the Lefey District, which is in Mandera East, about 700 kilometres from Leheley. It is about 1200 kilometres from Nairobi. He should also provide a vehicle to the Registration Officer at Lefey, because---

Mr. Speaker: Order, Mr. M.M. Ali! You have asked that question, repeated it for a second time and now you want to explain why you are asking the question. Let the Minister answer.

Mr. Kajwang: Mr. Speaker, Sir, Parliament was generous enough to give us money to buy some 20 vehicles. We tried to be as rational as possible with only 20 vehicles. We decided that each county would have a working vehicle. The vehicle is meant for one county but I know that the area is so large. Therefore, it may be difficult to do this exercise without a vehicle. Probably, we will find a county with more than one vehicle and withdraw a vehicle temporarily to help in mobile registration.

Mr. Mwangi: Mr. Speaker, Sir, while appreciating the answer given by the Minister, maybe he could admit that he has a shortage of staff and vehicles. It is not only in Wajir South where young people are not being registered. What remedial measures will the Minister consider to make sure that we register all the young people either through education institutions like schools which will hasten the registration procedure? Are you setting up any short-term measures to make sure that you catch up with the time?

Mr. Kajwang: Mr. Speaker, Sir, we have been in the process of recruiting clerical officers and subordinate staff, but the process is not complete. Even when it is complete, they will not be quite sufficient. We are recruiting the number that was allowed by Treasury although we needed double the number we are recruiting. So, we will do with that we have. We do not have funds for temporary clerical officers. We put in a suggestion to the Cabinet to allow us some additional Kshs400 million to enable us buy a few more vehicles, and employ temporary staff who could help us in the mobile registration phase, and then we will consider whether to employ them permanently or not.

Mr. I. Muoki: Mr. Speaker, Sir, the situation in Wajir South is replicated everywhere in this country, especially in constituencies like mine where we have an area of 12,000 square kilometres. The Minister and the Cabinet have been assuring Kenyans that they would get national identity cards before the next elections. Does the Minister have a programme that will ensure that all the youth of this country will have identity cards for registration before the next general election?

Mr. Kajwang: Mr. Speaker, Sir, I have given this assurance several times and I can give it again. We will try to register as many youths as will come out to be registered by December. Even in December, some will be turning 18 years and so we will continue with the programme. In this programme, we will want to register as many youths as possible. In fact, in Arid and Semi-Arid Areas (ASALs) is where we put a little more money for the Registrars to move around because we know the distances to be covered. We have also given them newer vehicles because we know that they have to move longer distances. So, we are taking particular interest in making sure that ASAL are covered like other areas.

Mr. Sirat: Mr. Speaker, Sir, you have heard the Minister say that he has given a vehicle to my two districts in my constituency. You have again heard him tell the hon. Member for Mandera East that he has given vehicles to counties. My county will have six constituencies in the near future or six districts. Will he be clear as to whether he has given the vehicles to the constituency or the county?

The Minister has said that he does not have any problem with District Registrars going to the locations and since the Assistant Minister for Provincial Administration and Internal Security is in the Chamber, could he assure this House that he is going to provide security so that District Registration Officer can go and register my people?

Mr. Kajwang: Mr. Speaker, Sir, I will not answer for the Assistant Minister, Ministry of State for Provincial Administration and Internal Security; he will answer for himself. The vehicle was given to the district. I said that we made sure that no county got more than one new vehicle. Although the vehicle was given to his district, it can also be used by his neighbours. Be generous enough---

Mr. Speaker: Order, Minister! What is it, hon. Member for Naivasha?

Mr. Mututho: On a point of order, Mr. Speaker, Sir. Is the Minister in order to very casually talk of people who were hijacked or whatever happened in January and not inform this House their status for the sake of their families who could be listening to this live transmission on what is really happening to those officers who were captured, carjacked or whatever happened this year?

Mr. Speaker: Order! That is a valid concern but the intervention comes at a point where it is not a point of order. Minister, I want you to complete answering the question which was first asked and then because of the importance of this matter answer the question by Mr. Mututho.

Mr. Kajwang: Mr. Speaker, Sir, I think I was almost there when I said that the vehicle was sent to the district but may be used by the region if and when necessity arises. Other districts also have vehicles. This is just an additional facility to help you.

For Mr. Mututho, may I say, first of all, that I am not casual when I say that a Kenyan has been taken and not only one but our Registrar and DO were kidnapped. They have not been seen by their family members or by our security forces. There is very little to say more than that because the rest will depend on what our security forces will

unearth and what our Ministry of Foreign Affairs will tell us. I think my responsibility rests when I say that my officers were kidnapped and that we are making every effort to see whether we can bring them home safely. I can urge the Minister in charge of internal security to give a comprehensive reply to that question because then we can debate it and see what can be done.

Question No.1619

WAIVER OF HOSPITAL BILL FOR
MR. PETER MUKARIA RWONA

Mr. M'Mithiaru asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he is aware that Mr. Peter Mukaria Rwona from Igembe North was among those Kenyans who were shot by *Al Shabaab* in Garissa on 19th December 2011, and that he was admitted at Kenyatta National Hospital (KNH) on 20th December, 2011;

(b) what Government programme is in place to assist Kenyans who suffer permanent injuries or compensate families of those who lose their relatives through terrorist attacks, especially those from poor family backgrounds; and,

(c) whether the Government could consider paying his hospital bill now that he was discharged from the hospital two months ago, but cannot be released until he clears the outstanding bill of about Kshs.200,000.

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

(a) I am aware that Mr. Peter Mukaria Rwona was shot and wounded on the evening of 19th December, 2011 at about 10.00 p.m. by two armed assailants who were inside a barber shop for a haircut. The barber himself was shot dead by the assailants who escaped into darkness. The motive of the shooting has not been established yet and no evidence has been found to link the incident to terrorists.

(b) There is no Government policy to compensate families and or next of kin of any persons killed or injured during terrorist attacks. Such assistance comes only by way of waiver of medical bills by the line Ministry.

(c) The Ministry has no allocation to cater for medical expenses.

Mr. M'Mithiaru: Mr. Speaker, Sir, the Assistant Minister has said that Mr. Mukaria was shot by gangsters but although he is not admitting, this was an attack by the *Al Shabaab* yet we know that these terrorists attacks have not been in Kenya previously. What the family is asking is the Ministry's preparedness now that this is a reality and we must face it. We are aware that even the Government has come in to assist in hospital bills of people who have been killed even on roads by known motorists who carelessly drive or in buildings that have collapsed because of carelessness. So what is the Ministry doing to ensure that these attacks by terrorists can be compensated considering that the Government has even shown signs of assisting other people who are killed through negligence of Kenyans themselves?

Mr. Lesrima: Mr. Speaker, Sir, it is true that the Government through the Ministry of State for Special Programmes has been assisting in certain cases of disaster but I still say that we do not have a fund. We rely on the Ministry of Medical Services through the KNH to waive medical bills. I would recommend that the hon. Member and I can approach the KNH to see if out of ex gratia they can accommodate this one case---

Mr. Kigen: On a point of order, Mr. Speaker, Sir. The Questioner has clearly made indications that the Government has assisted in cases where there have been incidents of road accidents. Is it in order for the Assistant Minister to try and through back the same problems to the Questioner instead of telling him exactly how the Government was able to assist one case and cannot assist the other one?

Mr. Speaker: For whatever it may be worth, let me hear your response.

Mr. Lesrima: Mr. Speaker, Sir, I had actually mentioned that there may be cases where in terms of disasters, the line Ministry has come on board. But we do not have a budget to pay victims---

Mr. Speaker: Order, Assistant Minister! Are you not just being repetitive now? That is why already I gave you a lifeline when I said, for whatever it is worth. Then you should have dealt with it a little more intelligently so that we save time. I think you can conclude there if you understand what I am saying because you are just going to repeat what you have already given in your earlier answer. Is there not a faster way of dealing with it if you are going to repeat something that you have already said? Anyway, maybe you can consult those around you.

Mr. Duale: Mr. Speaker, Sir, there is a gentleman who was killed by *Al Shabaab* in an incident that took place in my constituency. He is among 37 people who were killed by the *Al Shabaab* in the last one year culminating in the loss of the 17 Kenyans in a church. Could the Assistant Minister confirm to the nation that until today in all the incidents where more than 37 Kenyans were killed at the heart of Garissa Town, the Provincial Headquarters of North Eastern, barely few metres from the police station and the military camp, the Government has failed to bring the culprits or the people who were behind these heinous acts to book? Could he confirm to the nation that his Government cannot bring anybody to book up to today even after people were killed in a church?

Mr. Lesrima: Mr. Speaker, Sir, the Government is making every effort to investigate this matter and to bring those people who were involved in those incidents to book.

Mr. Duale: On a point of order, Mr. Speaker, Sir. You heard the Assistant Minister say that the Government is in the process of bringing those people to book. It is more than one year and a half that 37 Kenyans, the last one being 17 worshipers were killed in a church barely 500 meters from the previous military camp. Is he in order?

Mr. Speaker: Order, Member for Dujis! You have given those statistics even in the question that you have asked and now you are on a point of order. I do not see that you have prosecuted any point of order.

Mr. M'Mithiaru: Mr. Speaker, Sir, the Assistant Minister says that the Government is not in a position to assist this case of terrorist attack. It is known very well that already Kenya is using billions of shillings in this war. This week, some Kenyans died in a road accident in Tanzania. The Government took its own helicopters to bring the victims to Kenyatta National Hospital (KNH).

Mr. Speaker, Sir, this is a terrorist attack. What is the Government's policy on this particular issue? This is *Al Shabaab* where the Government is in the forefront trying to arrest the situation. Why should they leave the poor family of this young man to foot the bill? Could he confirm that the Government is unable to assist this family?

Mr. Lesrima: Mr. Speaker, Sir, I have earlier on mentioned that, indeed, we did not have a budgetary line for this. However, we could approach the Ministry of Health and see if the bills could be waived in this particular case.

Mr. Speaker: Next Question, Member for Emuhaya.

Question No.1625

CURBING VANDALISM OF
TRANSFORMERS/TELKOM WIRES

Dr. Otichilo asked the Minister for Industrialization:-

(a) whether he is aware that due to high demand for scrap metal, vandalism has greatly increased, especially the destruction and theft of Kenya Power transformers, Telkom wires, roads, furniture and metal tools from homes;

(b) whether he is further aware that the economic crime has continued to increase because lenient fines and jail terms are imposed on the culprits, and,

(c) what short, medium and long-term measures he will take to curb this economic crime.

Mr. Speaker, Sir, I have not received a written answer.

Mr. Speaker: Minister for Industrialization! Hon. Henry Kosgey was here not very long ago.

Hon. Otieno Kajwang, could you search for him?

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang): Mr. Speaker, Sir, I will look for him if you could give us five minutes and he will come.

Mr. Speaker: Very well, in the meantime Member for Ndaragwa.

(Mr. Nyamweya stood in his place)

Mr. Speaker: What is it, Mr. George Nyamweya?

Question No.1561

ESTABLISHMENT OF REHABILITATION
CENTRES IN CENTRAL PROVINCE

Mr. George Nyamweya, on behalf of **Mr. Kioni**, asked the Minister for Public Health and Sanitation:-

(a) why the Ministry has not created the Public Health (Standards) Board as provided for by section 27 of the Food, Drugs and Chemical Substances Act, to administer and enforce the provisions of the Act;

(b) whether she could clarify whether or not an operational Central Board of Health, as provided for by section 3 of the Public Health Act has been established, and if so, what action the Ministry has taken through the Board with regard to the numerous deaths and instances of blindness coupled with other ill health that have occurred as a result of consumption of unhealthy alcohol, and,

(c) whether she is aware that section 52 of the Narcotic Drugs and Psychotropic Substances (Control) Act, 1994 provides that the minister establishes such number of rehabilitation centres as he thinks fit for the care, treatment and rehabilitation of persons addicted to narcotic drugs or psychotropic substances, and if so, how many rehabilitation centres the Government has created.

Mr. George Nyamweya: Mr. Speaker, Sir, I have been requested by the Member for Ndaragwa to ask Question No.1561 on his behalf.

Mr. Speaker: Fair enough! Why did you not draw the attention of Mr. Speaker to the fact that you had that arrangement?

Mr. George Nyamweya: Sorry, Mr. Speaker, Sir, it is an oversight. I think there was a little commotion going on when the Question was being raised. But we had earlier indicated---

Mr. Speaker: Order, hon. Nyamweya! I will then want to deal with the substance. Minister for Public Health and Sanitation, proceed to answer.

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Speaker, Sir, following the Government's way of working under collective responsibility, I do beg to reply for and on behalf of the Ministry of Public Health and Sanitation.

(a) In line with Constitutional alignment, my Ministry has finalized the Health Bill, which envisages establishment of structures that have functions of equal footing as the Public Health (Standards) Board and Central Board of Health as provided for in the Food, Drugs and Chemical Substances Act Cap.254 and Public Health Act Cap.242, respectively.

(b) No, an operational Central Health Board of Health has not been established. However, in regard to operationalization of Central Health Board of Health as provided for in the Public Health Act Cap.242, Laws of Kenya the Health Bill makes provision for a Health Council.

(c) The establishment of rehabilitation centres is addressed in the proposed Health Bill, which stipulates that appropriate policies shall be developed by the Health Council and formally adopted to protect the rights of any individual suffering from any mental disorder or deficiency. Currently, there are two rehabilitation centres each in Nairobi and Mombasa.

Mr. George Nyamweya: Mr. Speaker, Sir, could the Assistant Minister be a bit more serious than just talking about a proposal. This is a matter which afflicts the entire population of Kenya, particularly the young people who have problems with alcohol and drug abuse. It cannot really be left forever hanging. Could we have a more definite date when this Bill will come to Parliament for Parliament to enact the necessary legislation?

Mr. Kambi: Mr. Speaker, Sir, we, as a Ministry, have already done the needful. We have forwarded the Bill to the Cabinet for approval and then it will be forwarded to Parliament.

Mr. Mututho: Mr. Speaker, Sir, when will this Assistant Minister form the said council because as it appears, one of the major problems we have right now is that the people who are addicted to both alcohol and narcotics cannot afford any rehabilitation programmes, so we are turning around huge members to waste because of lack of this rehabilitation centres. When will he put, at least, one per county?

Mr. Speaker: Order! You are now repeating the question which you have already asked.

Mr. Kambi: Mr. Speaker, Sir, we will do it as soon as possible. As we have said, we have already forwarded the necessary documents to the Office of the Attorney General for this Bill to be debated in the Cabinet then, finally, it will come here. So, once that is done, we will do it with fastest speed we can.

Ms. Amina Abdalla: Mr. Speaker, Sir, it is 18 years since the psychotropic and Narcotic Drug Act was established. Article 54 of the Act says that your Ministry should have formed rehabilitation fund that should have been able to set up rehabilitation centres. Since it has taken you 18 years to establish the two rehabilitation centres in Mombasa and Nairobi, how long should we be waiting for you to decentralize these centres in the 47 Counties?

Mr. Speaker: Mr. Assistant Minister, I am waiting for a request which you have not met. It does not show on my screen. Very well, just press once and wait.

Mr. Kambi: Mr. Speaker, Sir, as I have said, we, as a Ministry, are also interested to make sure that we minimize the pain and suffering of our people. So, yes, it has taken 18 years to do the two rehabilitation centres.

Mr. Speaker, Sir, this has got budgetary repercussion. So, we have made our proposal. In the next financial year, if our budget is approved by this Parliament, we will make sure that each and every county has got a centre for this problem.

Mr. George Nyamweya: Mr. Speaker, Sir, with the greatest respect, I really think that the Assistant Minister is not very serious about this. If he understood the pain and suffering that our young people go through, I do not think he would be as casual as he is, the way he is going about it. I will, perhaps, request that he be ordered. The Prime Minister is actually here; this is one of the Bills which must be expedited and handled by the Tenth Parliament before we go home. Not to hope for the future. Could he, perhaps, undertake to have that one done?

Mr. Kambi: Mr. Speaker, Sir, once we have done our proposal to the Cabinet, the Cabinet has got its own calendar. Once the Bills are here, I am sure that this Parliament will approve them. So, we have made the proposal because we need money, as a Ministry, to do all those facilities. At the moment, we do not have money as Ministry but, once it is passed by Parliament, then we are going to consider putting up those facilities.

Ms. Amina Abdalla: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to keep on saying “unless they have it in the Budget”, when Section 54 of that Act states that they should have established a rehabilitation fund? The issue is: Have they been requesting for that fund to be operationalized? He should not take us round in circles about having funds in their budget.

Mr. Speaker: Order! Order! A very good point but not prosecuted to pass the test for a point of order. It is a very good point, notwithstanding. Mr. Assistant Minister, you need not respond.

The Rt. hon. Prime Minister, you have heard the sentiments of hon. George Nyamweya with respect to the necessary legislation on this one, which apparently is pending before the Cabinet. Please, help to expedite its enactment.

We want to take the Member for Butula.

Question No.1554

REASONS FOR POOR RANKING OF KENYAN UNIVERSITIES

Mr. Odhiambo asked the Minister for Higher Education, Science and Technology:-

(a) if she could clarify whether the recent ranking of universities included all the universities in the country in view of the mushrooming of universities in the country and why most Kenyan universities were ranked poorly even among African countries;

(b) whether she is aware that most universities do not offer programmes in particular disciplines but they are driven by the desire for financial gains; and,

(c) how the Government is addressing the problem of shortage of lecturers in public universities, especially in specialized fields such as engineering and medicine and the issue of most universities relying on part-time lecturers who move from one college to another without doing proper research in their areas of specialization and how the Minister will address rampant tribalism in the universities.

Mr. Speaker, Sir, I do not have a written answer.

Mr. Speaker: Is the Minister for Higher Education, Science and Technology not here? Prof. Kamar or her Assistant! Hon. Yusuf Haji, do you want to hold brief? What is happening to the Minister? Why is she not here? Are you able to proffer an explanation on behalf of your colleague?

The Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security (Mr. Haji): Mr. Speaker, Sir, I do not have an explanation, but if anything is required, I will pass it over to her.

Hon. Members: We cannot hear you!

Mr. Speaker: Order! Minister, I have heard you! The Minister says that he is unable to proffer any explanation. He does not know where his colleague is, nor her Assistant. In that case, therefore, Minister, kindly resume your seat.

(Mr. Haji resumed his seat)

That, as you know, amounts to gross disorder. So, I will bar both the Minister and the Assistant from transacting any business in the House for the next two days. They will not be allowed to access the premises of Parliament, nor any office in Parliament or

Lounge until Tuesday next week. It would be expected that they will come with an explanation as to why they were not here. Serjeant-at-Arms, please, comply immediately!

(Question deferred)

(Applause)

Member for Mandera East!

Question No.1634

BENEFICIARIES OF SCHOLARSHIPS OFFERED
BY FOREIGN GOVERNMENTS

Mr. M.H. Ali asked the Minister for Higher Education, Science and Technology:-

(a) whether she could provide details of all scholarships from all countries that Kenya received in the last five years; and,

(b) whether she could provide names of the students who were awarded the scholarships.

Mr. Speaker: It is the same Minister! Those sanctions, therefore, apply still with full force. Both Questions Nos.1554 and 1634 will be on the Order Paper on Tuesday. But in the meantime, the directions I have given hold.

(Question deferred)

Hon. Musikari Kombo!

Question No.1117

HARASSMENT OF MOTORISTS BY SECURITY
OFFICERS AT NAIROBI ISRAELI EMBASSY

Mr. Kombo asked the Minister for Foreign Affairs:-

(a) why security officers at the Israeli Embassy in Nairobi habitually inconvenience motorists by stopping them outside the Embassy precincts;

(b) what the legality of the action by the security officers is; and,

(c) what action he will take to avoid the unnecessary inconveniences occasioned to the road users on the public road outside the Embassy.

Mr. Speaker: Is the Minister for Foreign Affairs not here? Assistant Minister for Foreign Affairs! Hon. Yusuf Haji!

The Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security (Mr. Haji): Mr. Speaker, Sir, I am very sorry. I cannot explain either, but I will pass whatever message to the Minister.

Mr. Speaker: You do not have an account for those either?

The Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security (Mr. Haji): Mr. Speaker, Sir, no, I do not.

Mr. Speaker: Rt. Hon. Prime Minister, you are in the House and can note what is happening to the Executive. It is not a very healthy situation. The sanctions that I have imposed on the Minister for Higher Education, Science and Technology and her Assistant are extended to apply to the Minister for Foreign Affairs and the Assistant. Serjeant-at-Arms, please, comply and enforce those directions strictly, beginning now.

Member for Chepalungu!

Question No.1688

CONSTRUCTION OF X-RAY ROOM
AT SIGOR DISTRICT HOSPITAL

Mr. Ruto asked the Minister for Medical Services:-

(a) whether he is aware that there is an X-ray machine lying idle in Sigor District Hospital for several years because of lack of an X-ray room; and,

(b) when he will construct the X-ray room to enable use of the machine.

(Prof. Ongeru entered into the Chamber)

Mr. Speaker: Order! Prof. Ongeru, it has been ordered that you withdraw from the Chamber for the next two Days. Please, comply! Otherwise, we will take the Standing Orders as they are for their full effect!

(Prof. Ongeru withdrew from the Chamber)

Minister for Medical Services!

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that there is a mobile X-ray equipment at Sigor District Hospital which is currently not in use. It was donated by the Walter Reed Project to the hospital about six months ago.

(b) The equipment is a mobile X-ray which by design does not require an X-ray room. It only requires lead aprons for the protection of the radiographer, other medical staff and other persons who may be exposed to radiation as the patient is being examined.

Mr. Ruto: Mr. Speaker, Sir, the Assistant Minister is terribly misled. Last year, we visited Longisa Hospital with his senior, the Minister for Medical Service. We were with the Medical Officer of Health (MOH) of Sigor Hospital and MOH of Longisa Hospital. They, in my presence, requested for funding to construct an X-ray room. That tells you, first of all, that it is not six months ago. Two, it also tells us that the medical officers who are there are aware that this machine is not a mobile one. They have to

construct a room. In fact, the Minister for Medical Services himself was there and can confirm. This answer is faulty. It does not mean anything because it is a lie. It is fake.

Mr. Speaker: Order! Order!

Mr. Ruto: Mr. Speaker, Sir, I withdraw the word “lie.”

Mr. Speaker: Withdraw both words; that it is a lie and fake!

Mr. Ruto: Mr. Speaker, Sir, let me also withdraw the word “fake”. I seek your indulgence to request the Assistant Minister to honestly accept that he has some information that he cannot vouch for and that probably, he needs to cross-check his information. When I got this information, I cross-checked---

Mr. Speaker: Order! Order! Let the Assistant Minister reply.

Mr. Kambi: Mr. Speaker, Sir, I am not aware of the issues the Member is raising. However, I will go back to the Ministry and inquire from my officers. In fact, I will visit this hospital to make sure that what has been reported here is on the ground. I received this information from my officers and I have a lot of trust in them.

Mr. Speaker: Order, Assistant Minister! How much time do you require to visit and come back to report to the House?

Mr. Kambi: Mr. Speaker, Sir, I take this House very seriously and I am going to do it in the course of this week. I wish to be accompanied by the Member, so that we can sort out this issue once and for all.

Mr. Speaker: Very well! Hon. Member for Chepalungu, I will defer this Question for ten days and it will then appear again on the Order Paper for the Assistant Minister to furnish the latest answer, which will include attention given to the matter. Will you, please, note ten days from today?

Mr. Ruto: Mr. Speaker, Sir, the Assistant Minister has confirmed that he is going to visit the hospital, but he has also mentioned that he has a lot of confidence in his officers. If it turns out that they were misleading him, what sanctions will he take against them?

Mr. Speaker: Order, Member for Chepalungu! That is asking the Assistant Minister to speculate. Let us leave it until he actually does the visit.

(Question deferred)

QUESTION BY PRIVATE NOTICE

INVASION OF MAKINDI PRIMARY SCHOOL BY SQUATTERS

Mr. James Maina Kamau: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that Makindi Primary School grounds in Kandara District have been invaded by squatters thus interrupting the normal learning and management of the school?

(b) What is the Ministry doing to ensure that the squatters are evicted from the school grounds immediately?

Mr. Speaker, Sir, I thank the Assistant Minister for giving me the written answer.

Mr. Speaker: He answered the Question. So, ask your supplementary question.

Mr. James Maina Kamau: Mr. Speaker, Sir, I do not think he had finished answering because I had risen on a point of order.

Mr. Speaker: The Assistant Minister actually finished. So, ask from your knowledge now of the answer.

Mr. James Maina Kamau: Mr. Speaker, Sir, you have just heard from the Assistant Minister that these squatters who have invaded the school came from Delmonte. It is a fact that Delmonte owns over 75 per cent of land in Thika. Why is the Government finding it so difficult to return these squatters to where they came from?

Prof. Olweny: Mr. Speaker, Sir, these squatters, as I said earlier, have been given notice through the court to leave the school compound. Unfortunately, they have not left. They were given some land in Maranjau in Murang'a South District and they were expected to settle on it after the court order, but they declined to go there. They are still staying within the school compound. The OCS, who was supposed to implement the court order, did not do it. The District Commissioner went there and told them to leave, but they have not left. So, we are going to liaise with the Provincial Administration and find a way of dealing with the problem.

Mr. Pesa: Mr. Speaker, Sir, in some cases, this idea of squatters and encroachment of schools and public land happens because most of these schools are not fenced. Could the Assistant Minister bring in a policy whereby all headmasters and school principals are forced to fence schools, so that nobody can encroach school land?

Prof. Olweny: Mr. Speaker, Sir, schools belong to communities. We expect the communities to help the school administration to fence the schools. It will be good for us if schools are fenced.

Mr. Njuguna: Mr. Speaker, Sir, schools belong to the community and squatters are to be settled by the Government. Through the collective responsibility in the Government, how soon is the Ministry going to make sure that these squatters are settled to allow a learning environment in the primary school?

Prof. Olweny: Mr. Speaker, Sir, actually, this takes me back to the Question that made me be kicked out of the House some time back. I do not issue land to squatters. The only thing I can say is that--

Mr. Speaker: Order, Assistant Minister! On this particular one, you can do better that you appear to be doing so far. You have given information to this House that there is land available somewhere in Murang'a to settle the squatters and that the squatters have persisted or continue to stay on the land notwithstanding that there is land not very far away from where they are. So, really, you do not then begin to hunt for excuses. Just say how you are going to deal with this situation.

Prof. Olweny: Mr. Speaker, Sir, we are going to liaise with the authorities to have these squatters removed from the school and taken to the land which had been identified for them. Land had been set aside for them elsewhere, but they are adamant. They do not want to leave.

Mr. Speaker: Precisely, Assistant Minister! You see, that is the point. You could very easily deal with this matter. Maybe now that the Prime Minister is next to you, he will train you in the skills of responding to Members' questions.

Mr. James Maina Kamau: Mr. Speaker, Sir, what the Assistant Minister has said leaves a lot to be desired. Could he tell us who is sleeping on the job? He has told us that there is a court order that was issued around April, 2002, ten years ago. Who is

sleeping on the job? Why can he not make sure that these people are evicted from the school compound? There is a court order and nothing has happened. He has said that he is going to liaise with the other authorities, yet it has taken him so many years to do a small thing.

Prof. Olweny: Mr. Speaker, Sir, I do not know who is sleeping on the job, probably the OCS and the DC.

Mr. Speaker: Order, Assistant Minister! Once again, I want to remind you that you can do better than that, certainly.

ORAL ANSWER TO QUESTION

Question No.1625

CURBING VANDALISM OF TRANSFORMERS/TELKOM WIRES

Dr. Otichilo asked the Minister for Industrialization:-

(a) whether he is aware that due to high demand of scrap metal, vandalism has greatly increased especially the destruction and theft of Kenya Power transformers, Telkom wires, roads furniture and metal tools from homes;

(b) whether he is further aware that the economic crime has continued to increase because lenient fines and jail terms are imposed on the culprits; and,

(c) what short, medium and long-term measures he will take to curb this economic crime.

Mr. Speaker, Sir, I have not received a written answer.

The Minister for Industrialization (Mr. Kosgey): Mr. Speaker, Sir, I apologize for not being in when the Question was called for the first time. However, we have written to Parliament about this Question because it can best be handled by the Ministry of State for Provincial Administration and Internal Security. It is about theft of transformers, Telkom wires and metal tools.

Mr. Ruto: On a point of order, Mr. Speaker, Sir. We are not aware that this Minister has been sworn-in again. I remember he had left office and he is just back.

Mr. Speaker: Order! That is a valid point of order! Mr. Minister, are you required to take an oath of office, and if so, have you taken it?

The Minister for Industrialization (Mr. Kosgey): Mr. Speaker, Sir, I am not required to take an oath of office again! I just stepped aside!

Mr. Speaker: Proceed, you have made the point!

The Minister for Industrialization (Mr. Kosgey): Mr. Speaker, Sir, I was saying that this Question can best be answered by the Ministry of State for Provincial Administration and Internal Security because it is dealing with theft of transformers, Telkom wires, roads furniture and metal tools. It is also dealing with the fines and jail terms which are imposed by the courts and the fact that they are lenient. It can also be answered better by the Ministry of Justice, National Cohesion and Constitutional Affairs. So, we have written to Parliament to that effect.

Mr. Speaker: very well! Member for Emuhaya, you have heard those sentiments of the Minister and I think they are legitimate. So, we may have to redirect this Question to the Minister who oversees police. He should be able to answer this Question. Is the Leader of Government Business here? The Minister of State for Public Service, hon. Otieno, maybe, you can assist us. Who has the mandate to deal with this? Look at Question No.1625.

The Minister of State for Public Service (Mr. Otieno): Mr. Speaker, Sir, it is the Ministry of State for Provincial Administration and Internal Security.

Mr. Speaker: Very well! Hon. Haji, the Minister thinks that this falls within your mandate. How much time do you want to prepare the answer?

The Minister of State for Defence and the Acting Minister of State for Provincial Administration and Internal Security (Mr. Haji): Mr. Speaker, Sir, since the Question is being directed to me, we will answer it on Wednesday, next week.

Mr. Speaker: Wednesday, next week! It is so directed! The Member for Emuhaya, please, note! I know the Member for Gwasssi wants to spin it out but I will not allow it for the time being. Wednesday, next week, Mr. Minister, please, come with the answer.

(Question deferred)

QUESTION BY PRIVATE NOTICE

REHABILITATION OF BANGALE DAM

(Dr. Nuh) to ask the minister for Water and Irrigation:-

(a) Je, Waziri ana habari ya kwamba maji ya Bwawa la Bangale ambayo ndiyo njia pekee ya maji kwa wakazi wa Bangale imeharibika?

(b) Je, Waziri ana habari zaidi kuwa kuna uwezekano wa kuzuka maradhi kutokana na matumizi ya maji haya?

(c) Ni hatua gani Waziri amechukua ili kuepusha wenyeji kwa hatari hiyo?

Mr. Speaker: Hon. Members, the Member for Bura is occupied elsewhere with an emergency situation. So, I will defer this Question to Thursday, next week. That will be on Thursday at 2.30 p.m.

(Question deferred)

That brings us to the end of Order No.6 except for one more Question to the Prime Minister.

PRIME MINISTER'S TIME

QUESTION

QPM/007

NUMBER OF OFFICIAL TRIPS BY PRIME
MINISTER TO TURKANA COUNTY

Mr. Ethuro: Mr. Speaker, Sir, I beg to ask the Prime Minister:-

(a) How many official trips has the Rt. Hon. Prime Minister undertaken to Turkana County since his appointment?

(b) What tangible development projects have been borne out of these trips, including the project name, (if any), and commencement date?

Mr. Speaker: The Rt. hon. Prime Minister, please, proceed and answer.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I beg to respond to the Question by the hon. Member for Turkana Central.

(The Prime Minister's voice was inaudible)

Mr. Speaker: Order, the Rt. hon. Prime Minister! Just hold the microphone in your hand and talk into it!

(Applause)

The Prime Minister (Mr. Raila): Testing, testing, over!

Mr. Speaker: Proceed, the Rt. hon. Prime Minister!

An hon. Member: *Kitendawili!*

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, *vitendawili* will come later! I beg to reply.

I have made four official trips as Prime Minister to Turkana County. Before then, I had travelled extensively within Turkana County in my private capacity as well as a Minister of the Government of Kenya, one, as the Minister for Energy and later on as the Minister for Roads. Let me also announce here that I will be visiting Turkana County for three days from 21st August that is from Tuesday, to launch the Integrated Turkana Basin Irrigation Project at Todonyang. I will also be visiting Lokitaung, Lokichoggio, Kakuma, Lodwar, Loima, Lokichar and Lokori during that trip.

As much as I find it intriguing that there is an expectation that my official trip to Turkana County should give birth to development projects, I appreciate the history of our politics where the visits by the Head of State to various parts of the country in the past were the forum at which local leaders pleaded for development projects and invoked the generosity of the Head of State to authorize development projects. It was then said, in that era; it was the era of "*siasa mbaya maisha mbaya.*"

Fortunately, our country has moved on to embrace the principle of equitable development across all regions---

Mr. Ruto: On a point of order, Mr. Speaker Sir. The Question is clear. It is asking about his past trips. The Prime Minister is talking about some future activities. In simple English, what he is telling us is contrary to what the Question is asking for. He is talking about a possible visit on 21st. The Question is very clear, the way I understand it. How many trips has he made?

Hon. Members: Four.

Mr. Ruto: What tangible development projects has he initiated?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I would like to plead with the hon. Member for patience because I am developing my answer.

As the prime Minister, it is my duty to visit as many parts of our country as I possibly can. These visits grant me opportunity to inspect Government projects, listen to the people and articulate---

Mr. Speaker: Order, the Rt. hon. Prime Minister! There is another point of order. What is it the Member for Turkana Central?

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. I would not like to interrupt the Rt. hon. Prime Minister. However, this being Question Time, I expected him to have given me a copy of his answer which he is yet to deliver to me.

Mrs. Odhiambo-Mabona: Check it in the internet! Use your Ipad.

Mr. Speaker: Order, Mrs. Mabona! The Rt. hon. Prime Minister, just pass over the copy of the written answer. The Clerk-at-the-Table, could you please, pass over the answer to the Member for Turkana Central?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I am sorry a copy of the answer was sent but in case the Member did not receive it, there is an extra copy here.

Mr. Speaker: You have made amends. So, just proceed.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the visits ought not to be tainted with political partisanship. They are not fora for leaders to beg *baba na mama* for a slice of national development.

(Laughter)

I would like to provide information on various development projects being implemented or plans for implementation within Turkana County. I do not wish to claim that some of these projects are being implemented as a result of my past and upcoming visits to Turkana. Some of them are---

I want to confirm that I take very keen interest in the development projects within Turkana County so as to deal with the past injustices of marginalization. I am also aware of the great economic potential of Turkana County and how the national economy could benefit from greater investments in Turkana County. Turkana region has suffered massively and persistently from drought that are clearly as a result of climate change. The way forward is to introduce irrigated agriculture among the pastoral communities as a way of diversifying the economic activities to end food insecurity. Water supply and irrigation are of top priority in the Government development programme for Turkana County. A total of 7,575 acres in the county are planned to be under irrigation when the various irrigation projects are completed in March, 2013.

With the support of United States African Development Fund (USADF) we invested over US\$4 million last year and this year we target to spend US\$10 million, that is over Kshs800 million targetting food security and high value crops such as tomatoes, bananas and capsicum for sale in the domestic market, livestock marketing and fisheries.

Eleven irrigation projects with investment totalling US\$1 million, that is over Kshs80 million will directly impact over 7,000 small holder farmers in Turkana East, South and Baringo District. We have estimated that over 35,000 individuals will benefit from this programme of grants alone.

Mr. Speaker, Sir, on 21st August, that is next week on Tuesday, I shall be launching the Integrated Lake Turkana Basin Development Programme which has two components. First, is the Todonyang Irrigation Project, a component of the Lake Turkana Basin Development Project which will irrigate 25,000 acres of land. The second component is the Furrows and Desert Agricultural Development Programme that seeks to promote dry land agriculture. A total of Kshs1.3 billion has been committed by the Government and the development partners including UNICEF, the World Bank and African Development Fund for various water supply projects in Turkana County.

The Government of Israel is providing technical assistance to this programme. I have a list which I will table which gives the breakdown of all water-related projects in Turkana County.

Mr. Speaker, Sir, with respect to the energy supplies, the Government has since 2008 committed Kshs525 million to rural electrification projects and Kshs153 million to solar photovoltaic installation projects and Kshs7.5 million to Lodwar Energy Centre in Turkana County. Again I table a list of all rural electrification projects and solar projects funded by the Government in Turkana County.

(Mr. Raila laid the document on the Table)

Mr. Speaker, Sir, the Government has licensed the construction of 300 megawatt Turkana wind power project at a cost of 700 million Euros, that is over Kshs70 billion. The project will be located at Loyangalani in Marsabit County. The Government is also investing in the construction of a transmitter line from Loyangalani to Suswa at a cost of 583 million Euros, that is over Kshs60 billion.

Mr. Speaker, Sir, oil has been discovered in Turkana County. I have invited the African Development Bank to consider establishing a tripartite consultative forum so that Kenya, Uganda and South Sudan can explore how to develop jointly the oil-related infrastructure in the region. This will help to avoid duplication and bring synergy benefits through cost sharing. But most importantly, the forum will help develop the appropriate mechanisms for the sharing of oil wealth with the local communities.

The Government has undertaken livestock vaccinations and treatment, training of pastoralists, branding of livestock including electronic traceability of livestock and construction of slaughter houses within the county. Again I am tabling a list of livestock-related projects in Turkana County.

(Mr. Raila laid the document on the Table)

Mr. Speaker, Sir for the Financial Year 2011/2012, the Government committed Kshs6 million for spot improvement of Lokori-Loporit Road and Kshs15 million for Lodwar-Kalokol Road under the Rural Roads Programme. The Government has identified the rehabilitation of Eldoret-Kitale-Marichpass-Lodwar-Nadapal Road as a high priority. The Government and the World Bank are presently undertaking feasibility studies and the engineering design for rehabilitation and upgrading of the road to bitumen standards.

There have been no new urban projects within Turkana County. An amount of Kshs100 million has been committed in the current financial year for improvement of

urban municipality roads within the county. Again I table list number four of Rural Highway and Urban Road Project in Turkana County.

(Mr. Raila laid the document on the Table)

Mr. Speaker, Sir, the Government is supporting by way of financial grants several projects within the Turkana County within the co-operative movement. This include; Turkana Teachers SACCO, Turkana Women Handicraft Co-operative, Turkana Entrepreneur SACCO, Napikare Irrigation Co-operative, Kalokol Youth SACCO, Lomidat Pastoral Co-operative, Katilu Farmers Co-operative and Okiwaliwa Rural Co-operative. Again I table list Number five of these projects and the amount of financial grants extended.

(Mr. Raila laid the document on the Table)

Mr. Speaker, Sir, the Provincial Administration has undertaken various projects in Turkana County. These include rehabilitation of Lodwar and Kalokol Airstrips; refurbishment of AP lines in Lodwar and Kalokol and construction of new district headquarters in Turkana East and West. Again I table list number six of all these projects.

(Mr. Raila laid the document on the Table)

Mr. Speaker, Sir, the Government continues to offer relief assistance to residents of Turkana County. Between the Financial Year 2007/2008 to last financial year the total value of relief assistance extended to the vulnerable and needy people in Turkana County amounted to Kshs203 million.

The Government is working with the County Council of Turkana and the Lodwar Municipal Council to construct 2,594 houses on a 1,404 acres land for the victims of post election violence at a cost of Kshs900 million. I table list number seven of these programmes and projects.

(Mr. Raila laid the document on the Table)

Mr. Speaker, Sir, the Government has constructed and equipped three constituency industrial development centres at Kalokol, Kainuk and Lokichogio at a cost of Kshs3.5 million each. The Constituency Industrial Development Centre in Kalokol will soon be upgraded to a smaller and medium enterprise industrial park to serve Lake Turkana County.

The tools, machines and equipment have been procured and will be delivered shortly by the Ministry of Industrialization. Again I table list number eight of these projects.

(Mr. Raila laid the document on the Table)

Mr. Speaker, Sir, Lake Turkana, Kenya's largest fresh water body is facing various challenges ranging from risk of over-fishing to disruption of water supplies from the River Omo. The Government has given the Turkana fishermen solar power dryers and

is in the process of procuring patrol boats for the lake. Again I table list number ten of these projects.

(Mr. Raila laid the document on the Table)

The Government constructed three modern health centres in Turkana Central, north and south at a cost of Kshs21.2 million each and procured an ambulance for each station. The health centres were equipped at a cost of Kshs3.8 million. Again I table list number 11 of these projects.

(Mr. Raila laid the document on the Table)

The health centres were equipped at a cost of Kshs3.8 million each. Again, I table list No.11 of these projects.

(Mr. Raila laid the document on the Table)

Mr. Speaker, Sir, in conclusion, let me just reiterate that with devolution, Turkana area stands to experience even more benefits that will accrue to the whole country as a result of the new constitutional dispensation. The hon. Member knows who were passionately campaigning for devolution of power in our country.

Thank you.

Mr. Speaker: Yes, Member for Turkana Central.

Mr. Ethuro: Mr. Speaker, Sir, I want to thank the Prime Minister for making those four visits. As you have heard, a few projects that he promised the people of Turkana County are on course, but he also made more promises. Now he comes here to tell us that he is not engaged in *siasa mbaya, maisha mabaya*. He needs to own up that he is a politician. While he performs his official duties, once in a while, he also engages in politics. However, I do not want to go that way.

Mr. Speaker: Could you, kindly, ask the first supplementary question, Member for Turkana Central?

Mr. Ethuro: Mr. Speaker, Sir, I will ask the question. What I am saying is out of his own Statement.

Mr. Speaker, Sir, in one of his visits, the Prime Minister promised the people of Loima District, in particular; a brand new Land-Rover vehicle to ensure that all the young people who have attained the age of 18 years are issued with identity cards. That is yet to be implemented. More particularly, when the Prime Minister was the Minister for Roads, he came all the way to Lodwar and promised to upgrade the Kitale-Kapenguria-Lodwar-Nadapal Road, which is the gateway to South Sudan.

Minister for Lands (Mr. Orengo): ---(*Off-record*)

Mr. Ethuro: He was not the Prime Minister then. I am referring to the five-year period, during which he has been the Prime Minister. What has he done about that road, in particular? We have heard the story of feasibility studies being carried out for eternity.

Mr. Speaker: Order, Member for Turkana Central! Can you come to the question?

Minister for Lands (Mr. Orengo): ---(*Off-record*)

Mr. Ethuro: Mr. Speaker, Sir, I will go to the question, but you have to protect me. I am not addressing hon. Orengo.

Mr. Speaker: Order! Order, Member for Turkana Central!

Mr. Ethuro: Mr. Speaker, Sir, I am not addressing hon. Orengo! My question is directed to the Prime Minister. Hon. Orengo is not the Prime Minister of Kenya!

Mr. Speaker: Order! Order! Member for Turkana Central, will you, kindly, resume your seat?

(Mr. Ethuro resumed his seat)

Member for Turkana Central, you have cited a number of promises. I want you to come round to the question. Quickly, cap those promises with a question!

Mr. Ethuro: Mr. Speaker, Sir, I thank you, but I hope you will deal with hon. Orengo in the same way you are dealing with me!

The Prime Minister had made promises to the people of Turkana County during his four visits relating to Lodwar District Hospital Medical Training College (MTC), issuance of identity cards to the youth, establishment of irrigation schemes and the upgrading of the Kitale-Lodwar-Kerio Road. When is the Government going to put money into such infrastructure for purposes of ensuring that Turkana County, which has great potential, can actually realise the benefits of being a *bona fide* part of the great Republic of Kenya?

Mr. Speaker: The Hon. Prime Minister, this is a Question. So, you will answer every supplementary question as it is asked.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the hon. Member has asked about the promises that we made in Loima, where we had promised to avail a new Land Rover vehicle. I want to remind him that the City of Rome was not constructed in one day. So, we did follow up the matter, but funds were not available immediately. However, the Minister of State for Immigration and Registration of Persons will, shortly, be releasing 20 vehicles. I want to assure him that we will make sure that one of those vehicles goes to Turkana County.

Secondly, he talked about the Kitale-Lodwar-Nadapal Road. This is part of what we call “the Great North Road”, which runs from Cape Town, South Africa, all the way to Cairo, Egypt. In Kenya, it runs from Isebania to Kisumu, Kitale, Lodwar and Nadapal, on the way to Juba. We are doing our best. It is true that we made the promise and I have just told him that we are now beyond the rhetoric.

The project is already at the design stage. It has already been agreed with the World Bank in terms of funding. So, I can actually assure the hon. Member that the project is now in the process of implementation. We have moved from the stage of promises. We are now at the stage of implementation. However, we cannot begin to construct the road before it is properly designed to acceptable standards.

Mr. Speaker: Yes, hon. Shakeel.

Mr. Shakeel: Mr. Speaker, Sir, I want to thank the Prime Minister for his answer. However, on the issue of Turkana Central, I want to ask what the Government is doing in respect of the illegal dam that Ethiopia is building across the Omo River which will stop water from flowing into Lake Turkana. Damming the river is against the Nile Treaty and every other treaty. It suppresses the riparian rights. What is the Government of Kenya

doing to protect our people in Turkana and ensure the continued existence of Lake Turkana?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the hon. Member is talking about the Omo River which is not part of the Nile River. The Nile Treaty is about the rivers that flow into the River Nile. Those are the White Nile and the Blue Nile.

The Omo River is the biggest river that flows into Lake Turkana. It is true that Ethiopia is constructing dams along that river. We have engaged Ethiopia in discussions over this matter. Our concern was that the dams would undermine the flow of water into Lake Turkana because they are fairly large.

Our scientists and engineers have had consultations with their Ethiopians counterparts over this matter. It is true that there will be a temporary disruption of the flow of water into Lake Turkana as the dams fill up. This damage is not permanent because once the dams fill up, the flow will continue. There are also irrigation schemes, which Ethiopia is introducing, but this is normal. So, we have---

Mr. Speaker: There is a request for a point of order, the Hon. Prime Minister. Member for Turkana Central, what is it?

Mr. Ethuro: Mr. Speaker, Sir, you have heard the Prime Minister claim that the damming of Omo River is not going to affect the flow of water into Lake Turkana. Is it in order for him to either deliberately mislead this House or accept to be misled by his officers when it is a fact that whenever you dam a river, it affects the flow of water downstream? The Omo River is the only major source of water for Lake Turkana. Its damming will affect the lives and livelihoods of about 500,000 Kenyans.

Mr. Speaker: Yes, the Rt. Hon. Prime Minister.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I did not say that it not going to affect. I said it is not going to “adversely” affect. I used the word very guardedly because if we did not do that, we would not have been having irrigation schemes on many rivers.

Dr. Otichilo: On a point of order, Mr. Speaker, Sir. Is the Prime Minister in order to say that there will be a slight adverse impact on the people of Turkana, when he is aware that an environmental impact assessment of that project has not been undertaken?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I will invite the hon. Member to engage the Minister for Water and Irrigation on this particular matter. That is because the Ministry of Water and Irrigation has been in discussions with their counterparts in Ethiopia for a very long time on this matter. The Ministry of Energy has also equally been involved in those talks and the experts within the Ministry have also been engaged in this particular discussion.

Yes, there is going to be some effects because as the dam is filling up, there will be less flow of water coming in. But once the dam is filled up, apart from the water that is being used for irrigation purposes, the bulk of the water will flow into the lake. So, unless we are going to tell Ethiopians that they do not have the right to make use of the water that runs through their territory, I do not think that we are going to be fair to them. What we need to do is: “Use, but let the other people live. This is the only---

Mr. Ruto: On a point of order, Mr. Speaker, Sir. As a matter of good conduct and procedure, I get worried every time the former Secretary-General of Kenya African National Union (KANU) keeps walking away with the microphone. I am wondering

whether he might use it on any other person next to him or what might happen. It is a matter of conduct.

(Laughter)

Mr. Speaker: Order, hon. Ruto! As a matter of fact, the Rt. hon. Prime Minister took the microphone off the holder with leave from Mr. Speaker. So, there is no breach. Proceed, Rt. hon. Prime Minister.

The Prime Minister (Mr. Raila): Thank you, Mr. Speaker, Sir, for that protection. Just for the hon. Member's information, I was not the Secretary-General of KANU but of New KANU.

(Laughter)

Mr. Duale: On a point of order, Mr. Speaker, Sir. Away from the KANU politics, I want to ask the Prime Minister whether he is in order that the same project he is referring to - of the river and Lake Turkana--- We are aware that the donor community – the World Bank, African Development Bank (ADB) and CIDA who were financing those projects withdrew and pulled out because of the environmental impact. Is the Prime Minister in order to keep on misleading the House by saying that the Ministry of Water has more information?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, for hon. Member's information, African Development Bank (ADB) did not pull out. ADB is actually funding that project. It is the World Bank that pulled out and not ADB. It pulled out because of various reasons. Sometimes, it could even be political reasons. But what I want to say is that we are actually taking actions in the best interests of our country. So, we shall, all the times, be very selfish when it comes to this. We will not accept a project that is going to adversely affect our national heritage. That, I can assure this House! We have engaged Ethiopia very constructively in negotiations on this matter.

Mr. Speaker, Sir, Ethiopia is going to sell electricity to us and an agreement to that effect has already been signed. We have already identified funding for the transmission line from Ethiopia all the way into Kenya. That is going to be at fairly concessional prices which will help us lower down the cost of energy to our country, which our industries in this country require very urgently.

Mr. Speaker, Sir, so, in conclusion, I just want to assure the hon. Member that we have engaged Ethiopia in a number of these issues. There is also the issue of security along the border. We know there have always been clashes between the Merilles and the Turkanas which has cost the lives of a number of our people. You will also realize that as Ethiopians are busy putting up irrigation schemes on their side, we do not have any on this other side. This will result in our people going to look for food on the other side. That is what we do not want to do, hence the irrigation projects which I am going to launch next Tuesday. One of them is the Todonyang Irrigation Project, where we are going to irrigate 25,000 acres of land, so that the Turkanas can become self-sufficient in food, so that we do not have to transport relief food all the way from Nairobi, Kitale and then to Turkana.

Mr. C. Kilonzo: Mr. Speaker, Sir, of course, I note that the other wing of Government has decided to take off. I hope the Minister---

Mr. Speaker: Order! Hon. Orenge, you have an intervention. What is it?

The Minister for Lands (Mr. Orenge): Mr. Speaker, Sir, I wanted to give information to the hon. Prime Minister.

Mr. Speaker: You have been overtaken by events! Hon. C. Kilonzo, could you proceed?

Mr. C. Kilonzo: Mr. Speaker, Sir, I was about to say that the other wing of Government – Party of National Unity (PNU) - has basically taken off and abandoned the Prime Minister. That is why you can see there are only Orange Democratic Movement (ODM) Members of Parliament and Ministers supporting the Prime Minister (PM). So, I hope your wishes will be supported by the other wing of the Government, of course, with a few exceptions of PNU.

The Minister for Trade (Mr. Wetangula): On a point of order, Mr. Speaker, Sir. In case it is lost to hon. C. Kilonzo, who is totally out of order, I am the party leader of FORD-(K) and I am not a member of ODM. There is Esther Murugi Mathenge, the Minister of State for Special Programmes. She is sitting there! There is hon. Peter Kenneth and hon. Cecily Mbarire. So, is he in order to impute improper motives on us?

Mr. Speaker: Hon. C. Kilonzo, do you have a response to that?

Mr. C. Kilonzo: Of course, Mr. Speaker, Sir. There is no way I can miss a response! My informers tell me that his party is already forming alliances with ODM, which is allowed!

(Laughter)

As for Esther Murugi and Peter Kenneth, those are sympathizers! There is nothing wrong with being sympathizers!

(Laughter)

The Minister of State for Special Programmes (Ms. Mathenge): On a point of order, Mr. Speaker, Sir. I object! I am not a sympathizer of ODM! I am PNU *damu!*

(Laughter)

Mr. Speaker: Order! Hon. Murugi, you stood on a point of order and you have not prosecuted any! So, I am afraid you are out of order! Do you want to take sanctions? Proceed, hon. C. Kilonzo!

Mr. C. Kilonzo: Thank you, Mr. Speaker, Sir. There being no other objection to my statement, my question to the Prime Minister is: What measures is the Government taking to ensure the Turkana people are not exploited? You can see what has happened with the new discovery of oil, where we have seen billions changing hands among people who even do not come from Turkana who have taken advantage---

The Assistant Minister, Ministry of State for Planning, National Development and Vision 2030 (Mr. Kenneth): On a point of order, Mr. Speaker, Sir. I had actually put in on at the time you gave it to Esther, but is it in order for the hon. C.

Kilonzo to mislead the House with words like “sympathizers” when he knows some of us are independent presidential candidates who have not sided with any other political party? Is it in order for him to mislead the House?

Mr. Speaker: Order! Even before hon. C. Kilonzo responds, hon. Kenneth, are you by any chance telling us that you belong to a different party from the one that we know brought you to this House?

The Assistant Minister, Ministry of State for Planning, National Development and Vision 2030 (Mr. Kenneth): Mr. Speaker, Sir, many people have indicated where they will be in the next election. They have not moved. It is very well known; in fact, there is a case which is being---

Mr. Speaker: Order, Member for Gatanga! Where are you today?

The Assistant Minister, Ministry of State for Planning, National Development and Vision 2030 (Mr. Kenneth): Mr. Speaker, Sir, I am in PNU, but I am not sympathizer!

Mr. Speaker: Okay; fair enough!

Proceed, Member for Yatta!

Mr. C. Kilonzo: Mr. Speaker, Sir, there is nothing wrong with being a sympathizer! We are all supposed to be friends!

That said, Mr. Speaker, Sir, I wanted to know from the Prime Minister what measures he is going to take to ensure that Turkana people are not exploited now that oil has been discovered the same way people in Coast Province, in particular Lamu, are being exploited by unscrupulous land dealers?

Mr. Speaker: Order, Member for Yatta! Can you be precise in your question?

Mr. C. Kilonzo: Mr. Speaker, Sir, my question is very simple. What measure is the Government going to take to make sure the people of Turkana are not exploited? Now that oil has been discovered, we are likely to get a lot of unscrupulous land dealers moving there to take advantage as is happening in Lamu Port.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, this is a very good question. First, we know how the mineral wealth is covered in our Constitution and who owns the wealth that is underground. There is also provision for incorporating the local community in wealth sharing. Oil can be either a blessing or a curse considering experiences in other countries. We know what oil has done to the people in Ogon land in Nigeria. We also know of other success stories.

Mr. Speaker, Sir, we do not want the oil to be a curse but a blessing to the people of Turkana. As a result of this, the Government has already engaged the leaders of Turkana on this particular issue.

Secondly, the Government is in the process of preparing a legal framework for exploitation and utilization of the oil wealth, which is going to come to this House for legislation. So, we already know the international best practices in terms of exploitation of oil. We do not want to reinvent the wheel. We know of success stories; for example, Norway is one of them. Even here in Africa, you go to a country like Equatorial Guinea, a tiny island republic, is an example of a real success story. You go there and you would think you are in Europe, because they have invested their oil wealth very carefully and for the benefit of the people of that country.

Mr. Speaker, Sir, the hon. Member also referred to the Lamu case. I want to assure the hon. Member that the people who are speculating in Lamu are wasting their time. We did not take the---

Mr. Speaker: Order, hon. Prime Minister! That, I did rule out. I restricted the Member for Yatta to precision and he immediately complied. So, you have to be relevant to the question.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I understand but because this is---

Mr. Speaker: Order, Rt. hon. Prime Minister! I ruled that out of order.

Last question, Member for Turkana Central.

Mr. Ethuro: Mr. Speaker, Sir---

Mr. Hassan: On a point of order, Mr. Speaker, Sir. I wanted to raise a point of order. Is the Prime Minister---

Mr. Speaker: "Wanted" is in the past.

Mr. Hassan: I want to.

Mr. Speaker: Okay, proceed.

Mr. Hassan: I want to raise a point of order. Is the hon. Prime Minister right to compare the kind of oil that we are going to have in our country to that of Equatorial Guinea, a dictatorship that has been condemned for the exploitation of that country and the repression of the people of that country? Is it an example that we should follow? Is he right to do so?

Mr. Speaker: Very well. Before the last question, Rt. Hon. Prime Minister, you want to respond to that? Who is delegate number three?

(The microphone in front of Mr. Midiwo was switched on)

Order, Member for Gem! That obviously will not help you. Delegate number three is anonymous! So, unless I have information ahead of your request, I would not give you the Floor.

Rt. Hon. Prime Minister, proceed.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I did not talk about a political system in Equatorial Guinea. That may be a subject for another day. I talked about exploitation and utilization of mineral wealth in Equatorial Guinea. Over that, I have no regrets. I will give that as an example any other day. This is because I have been to other countries which are oil rich. I have been to Nigeria, which is now the second biggest oil producer on the continent after Angola. However, if you go to Lagos or Abuja, you will find long queues of people waiting to get petrol, because there is shortage of refined product in Nigeria despite the fact that apart from producing the biggest quantity of crude oil in the continent, they also have three refineries. However, none of those refineries are working. It is a democracy. They hold elections regularly and there is a regular change of regime. The reason the refineries are not working is because the big brothers and the generals have got interest in the oil trade. It is more profitable to export crude oil and import a refined product than to get it from the ground, refine it and distribute it to the people. If you interfere, there will be a military coup, I was told.

Mr. Speaker: Member for Turkana Central, proceed. Member for Turkana Central, can you be gracious? I think you asked the last question.

Mr. Ethuro: Mr. Speaker, Sir, while I do appreciate the contribution made by the Prime Minister of the Republic to the county of Turkana, I want him to do us one favour as the Government, the Government must cancel the contract with the Ethiopian Government to get 400 megawatts of power when the Turkana wind power that can produce another 300 megawatts has not been tapped. This has no environmental impact whether slightly, adversely or in whatever form. Could the Prime Minister confirm that, as the constitutional co-ordinator and supervisor of the Government, some of the projects he has enumerated here are not actually working?

Mr. Speaker: Order! You have the opportunity to ask one last question. I cannot allow two. You will be in breach of the Standing Orders.

Mr. Ethuro: That is correct, Mr. Speaker, Sir. He has heard me and I am sure the Prime Minister knows he has a responsibility to this country.

The final question is---

Mr. Speaker: Order!

(Laughter)

Rt. Hon. Prime Minister, proceed.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the end part of it was politicking, which is allowed.

However, the two are not in contradiction; importation of 400 megawatts from Ethiopia and constructing a 300-megawatts wind power station around Lake Turkana are two different projects. As I speak today, we have managed to increase our generation capacity from 900 megawatts when we came to power to about 1,500 megawatts. In other words we have added 600 megawatts in the last five years. However, this is still peanuts if you look at it against the requirements of Vision 2030. Our consumption here is still equivalent to the consumption of a city in Europe or United States. In order for us to be able to achieve our objectives, we need to go to 10,000 megawatts and above. What is 400 megawatts by comparison? We need more. This is a case where supply creates demand.

A number of investors who want to invest in Kenya fear to come when they see that our generation capacity is almost nil. That is why we need to increase our power supply to be able to be more attractive to investors who want to come into this country. The Turkana Wind Power Project is on course and funds have already been identified for it. It is going to be implemented. Look at other projects like wind, solar, geothermal and the green sources of energy in this country that we want to implement in order to make this country self-sufficient in energy.

Mr. Speaker: Hon. Members, we must then come to the end of Question Time, which is Order No.6. That is also the end of Prime Minister's Time. We will take the next order.

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

Mr. Speaker: Order, hon. Member for Chepalungu!

Next Order!

MINISTERIAL STATEMENTS

Mr. Speaker: Is there any Minister with a brief Statement to deliver this afternoon?

The Minister for Lands (Mr. Orengo): Yes, Mr. Speaker, Sir.

Mr. Speaker: How long will you be, Mr. Orengo?

You have not logged in!

STATUS OF ALLOCATIONS AT CHEPCHOINA ADC FARM

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, on 16th February, 2012, the hon. Member for Turkana Central, Mr. Ethuro, requested a Ministerial Statement with regard to the status of land allocations at Chepchoina ADC Farm. He alleged that it was to be done in three phases in the last 20 years. While phase one was successfully done, phase two, which involved the Turkana community, is yet to be done. That is according to Mr. Ethuro. Further, he said that the scheme is going to the third phase before the second phase is undertaken. He further required me to state the following: why allottees in phase one are not being allocated land as initially; whether there is political interference from political leaders, including Cabinet Ministers; whether I could stop allocations in phase three until the issues surrounding phase two are dealt with.

Mr. Speaker, Sir, I now wish to respond as follows:-

Chepchoina Settlement Scheme is in Kwanza District and borders West Pokot and Uganda. It is located in a cosmopolitan district with the Luhya forming the dominant community. The farm initially belonged to the ADC and comprises of several pieces of land which include LR.No.8093/380809/480288026/1 and 8026/2 with an area of approximately 14,000 acres. The Government, through the Settlement Fund Trustees, purchased the farm from ADC in 1998. The scheme was divided into---

Mr. Midiwo: On a point of order, Mr. Speaker, Sir. I just wanted to draw your attention that you need to guide us because many hon. Members are literally crossing the Floor and bowing here; some go all the way to the Bar. Which is which? Or, is it now free for all? While I am at it, Mr. Olago is notorious at it and his friend, Mr. Shakeel, his counterpart from Kisumu East. It is like a Kisumu issue because they just keep on walking and bowing. Could we get guidance?

Mr. Speaker: Order, hon. Member for Gem! I have heard you but it would seem as if the hon. Member for Chepalungu wants to speak on the same matter.

Mr. Ruto: On a point of order, Mr. Speaker, Sir. I know Mr. Olago is certainly not one of those who are clueless about the order of the House, but he has kept doing that. Also, the hon. Member for Shinyalu, Mr. Kizito, has just done the same thing. We are wondering, because of the new structure they now imagine that this is a kind of a living room, or what could be happening? So, could you give some clue?

Mr. Speaker: Hon. Members, the rules of the House remain as they have been for the past 40 years or so. They have not changed, notwithstanding the change in the architecture of the Chamber. We still recognize, and I said so when we opened this Chamber when it was formally inaugurated this month, that the right hand of the Speaker will be occupied by the Government side. That is why I have kept repeating that Ministers speak from the first row on the right hand of the Speaker or from the Dispatch

Box; similarly that the opposite side, described normally as Opposition, but in the kind of prevailing circumstances now led by the hon. Member for Gichugu, will sit on the left. They may decide among themselves who has the right of place to sit on the first row. I think the hon. Member for Gichugu is hearing me. You can organize your team, so that they know who takes the first row on the left.

Despite the fact that we now have a horse-shoe sitting arrangement, the Floor is still clearly delineated into two halves. The half to the right will be occupied by the Government, and the half on the left will be occupied by the Opposition, informal as it may be. So, those are my clear directions. Any breach will be taken as grave disorder and will be dealt with in accordance with our Standing Orders.

Bowing will be at the Bar and the Bar is still clearly marked by a silver lining. Regarding points of order, we are in a new age in so far as technology is concerned; you will login in and press the button which says “INT,” meaning “intervention”. That will reflect on my screen as it is doing now. I can ask, “what is it Grace”?

Mrs. Odhiambo-Mabona: Thank you, Mr. Speaker, Sir. I am Grace. I am gracious and Grace.

I just wanted to inform you so that it could be corrected, that the new technology sometimes does not recognize us. That is why sometimes it sees Mr. Midiwo as delegate number three. Indeed, three times this morning, I was Mr. Abdikadir Mohamed, and Ms. Shakila Abdalla was Mr. Duale. The other challenge is that Parliament has been very exciting; now those of us who are usually very active are feeling that we have been re-born. We are very calm and sober. The point is, can we use technology and the usual standing when on a point of order, because we are not this humble generally?

Mr. Speaker: Order! I understand that Mrs. Mabona-Odhiambo! With respect to recognition by the system, as far as I am concerned, this system is very sensitive, and so far, it has been accurate all the time. That is why I was able to recognize you and call you “Grace,” which is a name that we rarely use in this House; the system points out where you are. It actually told me that you wanted to rise on a point of order. The hon. Member for Gem does not have his card. So, he was not able to log in. He was, therefore, given a card by the Serjeant-At-Arms. It was one of the spare cards that we have. If any of you does not come with their card to the Chamber, you can actually borrow one, which you will use on a temporary basis and we will recognize you.

Still, I am available to interact with you. If any of you appears to be fidgeting or jittery, I will be able to call you and find out what is it that is disturbing you. So do not worry about that. We will deal with that and we will take it in our stride.

(Laughter)

I can see Mr. Olago, for example, wants to rise on a point of order and so do Messrs. Ruto, Ogindo and Shakeel. So, do not take it like this system does not capture you. It does but it depends on the eye of the person presiding and for the moment mine is the sharpest. That is why I can see all of you.

Let us proceed, Mr. Orengo!

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, I have been giving this Statement and I was saying that the Chepchoina Settlement Scheme was divided into three phases; phase 1, 2 and 3 for ease of implementation. The role of the Ministry was to

survey, demarcate and formalize the allocations already done by the Agricultural Development Corporation (ADC) and the Provincial Administration between 1994 and 1998 through issuance of letters of offer. There is no evidence that ADC Chepchoina Settlement Scheme was meant for any particular ethnic community. Phase 1 and 2 of Chepchoina Settlement Scheme has been successfully---

(Off record)

Mr. Speaker: Carry on, Mr. Orengo!

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, the beneficiaries consist of the Pokot, Sabaot, Turkana, Luhya, Marakwet, Kikuyu and other ethnic communities. Survey and demarcation in Phase 3 has been completed and is pending vetting for the beneficiaries. We expect to settle 900 landless Kenyans in this phase including members of the Turkana community. Chepchoina Phase 2 Settlement Scheme which covers the pieces of land that I gave which measures in excess of 10,000 acres and the plot allocations were carried out by both the Provincial Administration and ADC. A substantial portion of this phase is rocky and semi-arid. The ADC in allocation took into consideration its farm workers from various communities, again, including the Pokot, Turkana, Luhya, Sabaot, Nandi and other groups who are ordinarily resident in Trans Nzoia. I wish to confirm that there has been no political interference during the exercising of implementation of Chepchoina Phase 2. The identification and vetting of beneficiaries was done by a committee elected by the communities at a public *baraza* held on 7th January, 2011 to represent them in the exercise.

The committee comprised of 21 members drawn from various communities as follows: Turkana, four members; Pokot, four members; Sabaot, two members; Luhya, seven members and other groups had a total of four members. The area chief and District Officer were also incorporated in the committee. The appointment of the committee was done on 25th January, 2011 by the District Settler Selection Committee (DSSC) and the mandate included identification, vetting and verification of joining squatters in the area. A total number of 1,681 beneficiaries were identified and the list was forwarded to the Ministry on 17th June, 2011 after approval by the DSSC which was held on 1st April, 2011. The scheme was subdivided into 2.5 and 5.0 acre plots with the view to settle as many landless as possible. The exercise was handled procedurally with the full involvement of the concerned stakeholders and the leadership of the various communities and no direct or indirect interference can be claimed.

I also wish to state that once those allocations were finalized, I personally issued the letters of allotment to the beneficiaries on 20th March, 2011 at a meeting which was attended by in excess of 10,000 members of the public. The beneficiaries have responded well and are paying for their respective plots. The issue, therefore, of stopping Phase 2 allocations does not arise. Just to prove what I am saying, I have brought a list of all the allottees which I wish to table which will demonstrate that all the communities in Kwanza – this was a scheme for those living and resident in Kwanza Constituency and a few cases from Trans Nzoia County. The list is here and you can see from this list that the members of the Turkana community who got various plots in this scheme are quite substantial and one cannot doubt that their interests were not taken into consideration. But Kwanza being what it is, it is not right to identify any piece of land for any particular

community. That we have found can bring a lot of problems because it is a cosmopolitan county and so to go into Kwanza and say we are settling the Turkana exclusively or the Luhya exclusively, that has been tried before and it cannot work.

Mr. Speaker: We will take requests for clarification beginning with Mr. Ethuro.

Mr. Ethuro: Mr. Speaker, Sir, I want to thank the Minister for the Statement but you will realize that this is a matter I raised in February and the Minister is coming to respond in August. So a bit of time has elapsed and you know we have been pushed for this Statement. He also has a document he wants to table for the allottees---

Mr. Speaker: Which I have allowed him to do; please come quickly to the request, we have run out of time.

(Mr. Orengo laid the document on the Table)

Mr. Ethuro: Mr. Speaker, Sir, in fact, my request, is that if I can defer the clarifications so that I can look at that particular list because the contention was if the people who have been allocated the land and the size before Mr. Orengo became the Minister were the ones who were allocated. So, I need to establish that.

Mr. Speaker: That is fine. Let us take those who are ready for their requests for the moment and then we will consider deference after the Minister deals with that. Minister, will you keep notes?

Ms. Karua: Mr. Speaker, Sir, I would like the Minister to tell the House what criteria was used in determining the number of members of the committee from each of the communities he enumerated and those he did not enumerate.

Mr. Kiuna: Mr. Speaker, Sir, I would like to get clarification from the Minister for Lands who represents the Government of Kenya.

We have heard of various incidents whereby the Government bought some pieces of land in the Republic with the intention of resettling the IDPs. But once the Government has embarked on resettlement programme, sometimes it is blocked by some people or politicians, who insist that certain community cannot be resettled in their midst by the Government. What measures has he taken to make sure----

Mr. Speaker: Order, Member for Molo! You know you have made your point. It is as if you want to repeat it.

Mr. Kiuna: What measures will the Government take to make sure that all IDPs are resettled anywhere in the Republic of Kenya?

Mr. Speaker: Member for Lari and that is the last one.

Mr. Njuguna: Mr. Speaker, Sir, while I thank the Minister for that very lengthy response, could he indicate to the House when he is likely to conclude the third phase? How many squatters will be allocated plots on this land?

Mr. Speaker: Minister, could you kindly respond now?

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, in response to the hon. Member for Gichugu, I wish to say that the criteria used was the establishment of the population of the various communities who live particularly in Kwanza Constituency. Therefore, it is not a surprise that members of the Turkana community would have a higher number than other communities, save the Luhyas, who are the dominant community. This was done through a process of consultations and several barazas.

I want to assure the Members of the House that when I visited the area at the time of issuing the letters of allotment was met with almost total unanimity as opposed to some other areas I have gone to conduct such exercises.

As to the question raised by the Member for Molo, yes, the Constitution says that every Kenyan has a right to settle anywhere and acquire properties in any part of the country. We must also be sensitive to community's interest and values when we are settling people in various areas. The interests and concerns of the local communities must be taken into consideration. Ordinarily, we can settle thousands and thousands of people in the midst of a community in a country without consultations. So, all that we do is to try and consult with the local communities. My sister; the Minister of State for Special Programmes, has been at this for quite a bit. We have been together even in places where we have faced some resistance when settling IDPs. With consultations with the local communities, we are finding that it is not difficult to settle people there. Difficulties only arise, if there are no consultations with the local communities. This is not to say that IDPs cannot be settled in any part of this country, but we must consider the interest of the local communities. I would like to remind the hon. Member that a lot of land in this country belongs to communities. What has now been categorized as community land under the old Constitution was trust land. Therefore, ordinarily, trust land is held for the interest of residents in those particular counties. Therefore, if all that is put together, there would be no resistance or any difficulties to settle the IDPs.

I think the last question that was raised by the Member for Lari with regard to Phase 3 of Chepchoina Settlement Scheme, it is ongoing, but sometimes the process of consultations and identification of those who qualify for settlement takes time. According to the standards we are using is that a person must be poor or landless. Hon. Ethuro, perhaps, knows that in Kwanza, where he had some interest, the problem was that previously the land was meant for the poor and landless, but it ended up in the hands of senior people in Government or other people who were not deserving. But I want to assure the Member for Lari that we will try as much as possible to expedite this process and by the end of December, we should be able to complete Phase 3 of Chepchoina Settlement Scheme.

Mr. Speaker: Order! Hon. Members, I will defer the rest of the interrogation on this matter to Wednesday morning, next week, to take the request for clarification from the Member for Turkana Central only. We will also allow two such requests for clarification.

Member for Kisumu Town West, I am afraid we will not accommodate you on this one.

We want now to take requests for Statements. I want to begin with the Member for Dujis.

POINTS OF ORDER

ENGAGEMENT OF CHINESE CITIZENS IN HAWKING ACTIVITIES IN MAJOR TOWNS

Mr. Duale: On a point of order, Mr. Speaker, Sir. I beg to seek a Ministerial Statement from the Minister for Trade on the number of Chinese citizens and companies that have issued with work and business permits in Kenya since 2008.

In this statement, I want him to explain the following:-

1. Whether Chinese citizens are involved in hawking business in all the major cities in our country

2. To confirm or deny whether there regulations or policies that allow foreigners to engage in small trading activities such as hawking, and,

3. To give the measures the Government is undertaking to safeguard local business, especially small traders and hawkers in the country.

Mr. Speaker: Minister for Trade, when will this statement be forthcoming?

Hon. Naomi Shaaban, do you want to hold brief for your colleague, the hon. Moses Wetangula and to give an undertaking on when this Statement can come?

The Minister for Gender, Children and Social Development (Dr. Shaban): Mr. Speaker, Sir, I will pass on the message to my colleague---

Mr. Speaker: Lift it out of the microphone stand there!

(Dr. Shaban lifted the microphone)

The Minister for Gender, Children and Social Development (Dr. Shaban): I will pass on the message to my colleague so that the earliest this can come will be Wednesday.

Mr. Speaker: Tuesday next week, Tuesday at 2.30 p.m. It is an urgent matter.

The Minister for Gender, Children and Social Development (Dr. Shaban): Okay, Sir.

Mr. Speaker: Very well. It is so directed.

Yes, the Member for Kisumu Town West.

Mr. Olago: On a point of order, Mr. Speaker, Sir. Last week, I sought for a Ministerial Statement from the Minister for Environment and Mineral Resources on the implementation of the removal of water hyacinth from Winam Gulf of Lake Victoria. The Minister was supposed to give the Statement this afternoon. It has not been issued and I do not see him here either.

Mr. Speaker: Which Minister would that be?

Mr. Olago: Mr. Speaker, Sir, I believe the Minister for Environment and Mineral Resources, who is now hon. Mwakwere.

Mr. Speaker: Hon. Dr. Shaban, can you also hold brief for hon. Mwakwere?

The Minister for Gender, Children and Social Development (Dr. Shaban): Mr. Speaker, Sir, I will need to get hold of my colleague who has been unwell.

Mr. Speaker: On the hyacinth matter, you get hold of the Minister. But if his Ministry can prepare the response, you can come and deliver it.

The Minister for Gender, Children and Social Development (Dr. Shaban): Yes, Mr. Speaker, Sir. I will do so.

Mr. Speaker: Thursday next week! That gives you enough time. If the Minister is unable to get up from wherever he is, then, please, come with the Statement.

Mr. Olago: On a point of order, Mr. Speaker, Sir. With your indulgence, may I ask for the week after that because I will be away on parliamentary business next week?

Mr. Speaker: Fair enough. Thursday, the week after?

Mr. Olago: Yes, Mr. Speaker, Sir.

Mr. Speaker: Very well! Hon. Dr. Shaban, please, note.
We want to take the next Order.

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD OF BILLS

The Minister for Industrialization (Mr. Kosgey): Mr. Speaker, Sir, on behalf of the Leader of Government Business, I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order 111, this House orders that the referral period of the following Bills to the relevant Departmental Committees be reduced from 10 to 6 days:-

- (i) The National Intelligence Service Bill
- (ii) The National Security Council Bill
- (iii) The Leadership and Integrity Bill
- (iv) The Petitions to Parliament (Procedure) Bill

Mr. Speaker, Sir, the main purpose of this request for reduction in the publication period is so that we can beat the deadline of 27th August, 2012, as provided for in the Fifth Schedule of the Constitution. That is the main purpose. I think that there is sufficient time for the various Committees to consider these Bills adequately and present them before the House.

Mr. Speaker, Sir, I beg to move.

[Mr. Speaker left the Chair]

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

The Minister for Lands (Mr. Orengo): Mr. Temporary Deputy Speaker, Sir, I beg to second. I will only emphasize that we have no choice because of the constitutional timelines. Some of these Bills are critical and should get to the Committees as early as possible to interrogate them. Some of these Bills are already a matter of discussion in the media and within the members of the public. The sooner they end up with these Committees, the better, so that we could have a full discussion and report to the House on both the content of the Bills and what this House should do.

Mr. Temporary Deputy Speaker, Sir, I just want to add that we are already in a new dispensation and some of these Bills touch on security. There is the National Intelligence Bill and a new organ which is very critical - the National Security Council Bill. Previously, there was no constitutional organ bringing together the security agencies within a statutory framework, to discuss and guide the nation on issues of national security. Therefore, it is an important Bill to look at, interrogate and see whether or not the values and principles contained in the Constitution have been abided with.

Mr. Temporary Deputy Speaker, Sir, finally, regarding the issue of integrity and leadership, this House needs the fullest time possible. That is why I think it is good that the Committee will have an opportunity, within a reasonable time, before 27th August, 2012, to look at this Bill critically. That is because as far as I am concerned, one of the most important pillars of this Constitution is the Chapter on Leadership and Integrity. In fact, by the hierarchy of this Constitution, the Chapter dealing with Leadership and Integrity is coming immediately after the chapter dealing with fundamental rights - the Bill of Rights. Unless and until we can, as a House, come up with a Bill that measures us up to the thresholds set out in the Constitution, we may not have actually absolved ourselves in bringing in a new leadership to this country. I am urging this House that this is a matter that we should not take lightly. That is because if we wanted change at all, it was, first, on the issue of governance and, secondly, the issue of human rights and, thirdly, leadership.

(Mr. Koech gestured at Mr. Orengo)

Hon. Koech, do not be impatient with me. Whether I take long or not, it is important that what I am saying goes on record. In this House, sometimes, when we hurry debate--- When this House resolved that Kenya shall become a one-party State, there was a Member like you who was telling me: “*Tosha.*” I wish I had spoken longer because what went on record did not sufficiently absolve me of the sins of that Parliament. So, I want to use this opportunity to make the point.

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

(Question proposed)

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I rise to support. I also want to bring to the attention of this House that we really do not have time to debate these Bills. As it were, the constitutional deadline is 27th of this month. However, it is noteworthy that 27th is on a Monday. So, literally, we only have up to 23rd to pass these Bills.

Ms. Karua: We can sit on Monday!

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, hon. Karua is saying that we can sit on Monday, but it is this sitting until midnight that makes us pass bad laws. That is the very reason I am supporting the Motion. Literally, we only have tomorrow, 21st, 22nd, 23rd and 24th. Therefore, I want to urge that we shorten the period and get to business.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I had a good mind to oppose the Motion, but on reconsideration, I am supporting the Motion for the reasons that we need the Committees to engage with the public especially over the first three Bills which are of fairly serious nature. There has been public outcry on The Leadership and Integrity Bill and the Committee will need time to engage the public. For those reasons, Parliament needs to discharge its duty of allowing the members of the public to participate.

I support the Motion.

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I stand to oppose the Motion. In opposing, I want to indicate that we have raised concern on the Floor of this House before that the Executive is taking unduly long with the Bills that

have a constitutional deadline. They tend to bring these Bills, give us a very short time and then there is a lot of public outcry on them. When there is a mistake or when we pass things which do not meet the constitutional threshold, it becomes a problem of the entire Parliament.

In opposing, I would like to indicate, as the Vice-Chair of the Constitutional Implementation Oversight Committee, that we have called the Executive even five months before this deadline. We met them even last year and we have been calling them every now and again to remind them of these deadlines. I want to tell the Executive something I used to tell my employees when I was a director that “your disorganization cannot be my crisis”. If they are disorganized, it cannot be my crisis. Do not tell us that there is a crisis. Your disorganization is not our crisis.

I oppose the Motion.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, in supporting the reduction of the publication period, it is important that we note that there is general fear in the market places, supermarkets, the churches and even in our schools because of the terror attacks. With the passage of these Bill, national intelligence and security will be empowered to address some of these serious challenges that are facing our country.

With those few remarks, I fully support the reduction of the publication period.

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I rise to support this Procedural Motion. In fact, I was not going to say anything but now that the Government has been accused of being disorganized, I will say something. The Government is not disorganized. What is happening is that the Constitution requires extensive and intensive consultations. This is what is taking time. Previously, we were accustomed to the Ministry preparing the draft policy and then taking it to the Attorney-General for the drafting of a draft Bill. Now, in between, you have to consult all the stakeholders and have town hall kind of meetings. This is what is taking time. This is a learning process. We are learning and I am sure as we go by, we are going to improve the efficiency. But that is not disorganization. The stakeholders require extensive and sometimes intensive discussions. This is what is taking time.

I, therefore, support the Procedural Motion.

(Question put and agreed to)

BILLS

First Reading

THE TRAFFIC (AMENDMENT) BILL

*(Order for First Reading read - Read the First Time
and ordered to be referred to the relevant
Departmental Committee)*

Second Reading

THE FINANCE BILL

(The Minister for Finance on 9.8.2012)

(Resumption of Debate interrupted on 14.8.2012)

The Temporary Deputy Speaker (Mr. Ethuro): Minister for Finance, I thought you had the Floor or you gave it to somebody. Who was on the Floor, hon. Nyambati? Hon. Nyambati had the Floor. Is he around? He has lost his chance. Is there any other interested contributor? Then I will call the Minister to reply.

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, right from the outset, I will start by saying how I appreciate the support that I am getting from the Members of Parliament. I do not take this for granted and I really appreciate their support. Together, we will achieve much. I also wish to record my appreciation to the House Business Committee also for prioritizing the Bills for the Ministry of Finance as we really want to clear all these Bills. I know from December, it will be difficult to get the Members of Parliament here because then they will be on the campaign path. So, I really appreciate.

The only issue that arose, over which I would like to give assurance to this House was the issue of computers. Previously, we had seen gangs that were stealing or vandalizing bridge guard rails, rail lines, transformers, but now we have seen another one where they are now targeting computers, particularly for Government institutions. There was a request that the stealing of computers should also be treated as an economic sabotage and the penalty enhanced to the same as for scrap metal. These are people who steal or vandalize Government equipment for scrap metal. I will propose that amendment during the Committee Stage. The other issue was on *mitumba*. It is true that I reduced the duty on *mitumba*, but this was as a result of a cry from Kenyans that *Mitumbas* had become so expensive and unaffordable that people had now started putting patches on their clothes, a phenomenon that had long disappeared. So, it is as a result of that cry that we decided to reduce the duty.

As we reduce the duty, we are also cognizant of the fact that we need to encourage and to give incentives to our textile industry. We want to bring back the days of Kisumu Cotton Mills (KICOMI) and Rift Valley Textiles (RIVATEX). We want to bring them back.

Mr. Temporary Deputy Speaker, Sir, what has happened is that the Minister for Agriculture has put a lot of effort in cotton growing. From cotton growing which is successful, you have the ginneries. Only a few ginneries have been revived but we want to revive all of them. After reviving the ginneries, we have the weavers. Again, we have one or two weavers. From there, we have the spinners. After the spinners we have the cloth manufacturers.

Mitumba only affects adversely the last portion of the textile industry which is the cloth and material manufacture. At the moment, there is only one company that does the cloth and material manufacturing and we need more of this. It is at this point that the issue of *mitumba* needs to be looked at. However, as of now, there is no competition because those who buy suits of Kshs500,000 – and they are there and they claim that they even buy suits for Kshs600,000 – even if you reduce duty on *mitumba* to zero they will still not go and buy *mitumba*. However, if you increase the duty on *mitumba*, then that

person who can only afford Kshs2,000 or Kshs4,000 for a full attire, comprising of a pair of shoes, socks, a suit, shirt and even a tie will have problems. I am saying that it is at the point when we start having factories manufacturing clothes and material that this issue will be looked into. Otherwise as of now, it has not affected the other sub-sectors of the textile industry.

Because I know that from December there will be elections, I would like to disburse the CDF money immediately. We have been talking with the Chairman of the CDF. We want to disburse the money immediately because we are late by one week as we had agreed with the Chairman. I am informed that by Monday, all the Members of Parliament who have requested for funding, and I am told that they are over 100, will get their funding. My request is that, do not start new projects but complete the projects that are already there. This is because we do not want to have uncompleted or stalled projects. That is my request to Members of Parliament. Please, do not start new projects but complete the ones that you already have. That way, when we move to the county governments, they will not say that they inherited stalled or abandoned projects.

Lastly, for the first time in the history of this country - thanks to the Members of this House and the Chairman of the Budget Committee - we are able to give all the Ministries their full annual allocation. The Vote on Account is normally 50 per cent but we were able to do that. I think we have set a very good precedent and for that, I am really grateful for the support that I receive from Members of this august House.

With those words, I beg to move.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

Second Reading

THE SEEDS AND PLANTS VARIETIES (AMENDMENT) BILL

The Minister for Agriculture (Dr. Kosgei): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Seeds and Plants Varieties (Amendment) Bill, Bill No. 65 of 2011 be read a Second Time.

As you may be aware, certified seed is one of the most important inputs in agriculture and must be well managed. The challenges facing the seed industry in Kenya include inadequate coverage of some varieties and plants in seed certification process, lack of comprehensive breeders' rights and lack of definition of the competent authority on matters of seed certification, among others.

Currently, the seed industry is governed by the Seeds and Plants Varieties Act Cap.326 which does not provide for a competent authority. The competent authority, the Kenya Plant Health Inspectorate Services (KEPHIS) is established under Section 3 of the State Corporations Act Cap.446 and Legal Notice No.305 of 18th October, 1996.

Furthermore, the law does not provide for self regulation in the seed industry as it is the case in other countries. The amendments proposed in this Bill will address these

shortcomings. The amendment of the Seeds and Plants Varieties Amendment Act Cap.326 will ensure that Kenya is within the international protocol.

Specifically, the amendments to be introduced cover the following areas: Review of the plant variety protection provisions for conformity with the International Treaty on Plant Variety Protection; the Union for the Protection for New Varieties of Plants, 1991 to which Kenya is party to and to which member countries within Kenya's trading bloc have acceded to - we have not and that is what we seek to do now; authorization and registration of private seed inspectors and seed testing services to supplement the services offered by KEPHIS thereby encouraging self regulation in the seed industry; enhancement of penalties from time to time to deter malpractices in the industry; provide legal anchorage at the national plant genetic resource centre to serve as a repository for germ plasma for agricultural plants; enhancement of industries, stakeholders participation by broadening their representation in the regulatory board and the expansion of the jurisdiction of the Seed and Plant Tribunal to include matters relating to seed certification and disputes arising from seed production and sale, in addition to introducing a new section to enforce tribunal decisions.

I would like to request Members of this House to embrace the above changes and pass this Seeds and Plants Varieties (Amendment) Bill of 2011. May I now request my friend and colleague, hon. Moses Wetangula to second the Bill?

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

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

The Minister for Trade (Mr. Wetangula): Thank you, Madam Temporary Deputy Speaker. I stand to second this Bill. The Bill is important to the extent that KEPHIS as currently constituted needs to be strengthened, empowered and supported to discharge its mandate.

Seed quality and varieties of all plants and crops is very critical for any economy. If we do not get it right, we will not do it right. That is why I support this amendment so that we bring ourselves within the net of international conventions and international treaties governing and protecting research outcomes, production, distribution and dissemination of seeds for crops and plants. In so doing, I want to urge, my colleague, the Minister to pay attention to one or two things. You know Kenya is a country of the quick profit margin for everybody. Even as we have quacks in other professions, we also have quacks who pretend to produce and multiply seeds for plants and crops. Some do not even pretend to produce anything. During planting time, we hear many things. I come from a maize producing region, so do you, Madam Temporary Deputy Speaker and the Minister herself, where fraudulent and unscrupulous traders simply pick maize cereals, cover them with blue Omo and other substances and sell it to unsuspecting farmers pretending that these are good variety high yielding seeds.

Madam Temporary Deputy Speaker, I want to urge the Minister to enhance the penalty that she is proposing for malpractices so that she can be able to provide a deterrent for those who are engaged in these malpractices for the simple reason that when

somebody embarks on such mischief, you are not only undermining food production in the country, but actually committing an economic crime.

Perhaps this is the reason why we have had these problems with maize diseases and so on and so forth. So, I want to urge the Minister that, in fact, in the new Kenya a penalty of Kshs3, 000 or three months or both for a fraudster who is giving wrong seed to farmers is nothing. I would urge that the penalty be raised to anything up to Kshs500, 000 or three years in jail so that it can be able to provide a deterrent. I am sure this House will support this because we are an agricultural country. If we let quacks undermine our wheat, maize, coffee and horticulture production, then we are acquiescing to a mischief that is not forgivable.

I also want to urge that once we pass this, KEPHIS in its operations should move quickly to conform to the standardization that is ongoing within the context of the East African Community. Kenya is producing through some of our companies seeds, in Southern Sudan, Rwanda, Tanzania, Arusha and so on, so that the seeds produced in Rwanda, Sudan or Tanzania conform to the standards of what we produce here so that they can be able to get into our market.

More importantly, as I come to an end, the Minister should also look at enforcing the Clauses in the original Act that deal with prohibition of illegal movements of varieties of crops and plants through quarantines.

Madam Minister, you can borrow from the legislation in Australia where even to move a variety of a crop from Western Australia to Queensland, you need to get a permit. This very strongly controls the spread of diseases, weeds and weevils. You may be aware that there is a weevil commonly nicknamed “*Osama*” that has ravaged maize cereals in this country to the extent that post harvest losses are now running up to 40 per cent. This is because you put your cereal in the store and this weevil resists every pesticide you put and it came in all the way from West Africa because of poor enforcement rules. So, I would want to see that at the Committee Stage the Minister can look at the enforcement of restrictions that protect, not the farmer within the context of international protectionism but within the context of saving our country from dangerous diseases that may come in through pests by uncontrolled importation of seeds and plant materials.

This is a very timely Bill. It will make the work of KEPHIS easier and better. I do hope that as an agricultural country the benefits from this amendment will be immense and will translate into economic activities that are beneficial and value-adding to our economy.

With those few remarks, I beg to second.

(Question proposed)

Mr. Mututho: Madam Temporary Deputy Speaker, I rise to support this Bill in its entirety. In supporting this Bill, I must sound a serious warning from where we work - the Committee of Agriculture, Livestock and Co-operatives - that the days of quacks bringing in anything and calling them seeds; the days when you would bring any material without any control; the days when you would pose as a seed breeder when in essence you do not have any breeders’ rights are long gone. Now it is time for us to reflect the seriousness of agriculture in the Kenyan economy. Out of the Kshs3 trillion or thereabout

which is our productivity in this country, agriculture still maintains a stable 24 per cent. Such a heavy investment then requires total control.

I thank the Ministry for coming up with this Bill. I am aware and privy to the fact that they are consolidating all their Acts and I believe all the useful and good practices will be borrowed. But we cannot wait, particularly now when we have this maize problem. We have other problems to do with potatoes and everything.

Kenyans require prosperity. It is a shame that in this region, although we are economic giants, we are still food insecure, not because we cannot do it right, but we have so many unprofessional people trying to do what they are not supposed to be doing. We have so many people pretending to be breeders. They are trying to distribute seeds from the commercial lot. Instead of taking the grain to the millers they decide to package it as seed maize, this is very serious. We have companies of repute who are crying and extending the few trials to the farmers. I believe the Minister will not just stop here but will go and prosecute all these, including her own Kenya Seed Company if they have done something unprofessional.

The little things that we need to iron out here, can always be done at the Committee Stage. As we have said, all agricultural laws are being consolidated to form four powerful laws and this will be the way to go. We are looking at the Tenth Parliament, within the month of September or October to pass those four laws.

Talking about those four laws, I understand the Ministry of Livestock Development is still lagging behind. As the Committee of Agriculture, Livestock and Cooperatives, we have prepared our own draft legislation, consolidating all their laws, just in case they are still in slumber by the time the Minister of Agriculture decides to table theirs; we can progress.

I support.

Mrs. Odhiambo-Mabona: Madam Temporary Deputy Speaker, I want to thank the hon. Minister for bringing these amendments. In thanking the hon. Minister, I want to indicate that I congratulate her for doing a very good balance. The amendments respond to some issues that I had raised in my thesis several years ago when I was a university student. I see that the Minister has tried a delicate balancing between breeders' rights and the rights of farmers and rights of communities on the other hand. Because of the advent of biotechnology there has been a lot of increased interest in plant genetic resources which has pitted multinational agrochemical companies against local communities.

In some countries like India where there is a lot of activism around issues of farmers' rights, we have even seen farmers killing themselves when we have had negotiations around the General Agreements on Tariffs and Trade (GATT) especially when there were negotiations around the Uruguay round of the GATT that was focusing on providing an international legal framework that was patenting plant genetic resources against farmers' rights. Some farmers actually burnt themselves because they were saying that it was taking away the control of a vital resource from them.

It is understandable because the International Union for the Conservation of Nature and Natural Resources (IUCN) estimates that about 40,000 plant species exist on earth. Of these, two-thirds of plant species are found in the tropics and one fourth is found in Latin America alone. Of these species 20,000 to 25,000 are threatened with extinction and an estimated 15,000 a year to be discovered.

So far, scientists have only analyzed in detail about 5,000 plant species.

Given the beneficial properties of plant genetic resources, there may be a lot of plants out there that can cure diseases such as HIV/AIDS, cancer and other diseases. Therefore, it is important to protect breeders' rights on one hand and protect countries on the other, so that we do not have a situation where you have an international community, especially from the North, saying that you can have free access to plant genetic resources that they call "the common heritage of mankind" but who, at the same time, deny us access to the biotechnology that they use for genetic engineering.

Madam Temporary Deputy Speaker, therefore, one of the things that I would want to urge the Minister to do is, especially, in Clause 22---. I would want us to put a firm language that predicates access of our generic resources to transfer of technology. It is good that the Ministry is establishing the National Plant Genetic Resource Centre (NPGRC), under Clause 27, and giving it explicit powers. Under Sub-Clause 2(d), the Bill provides that one of the functions of the NPGRC shall be to co-operate with international institutions on matters relating to plant genetic resources, including the administration of material transfer agreements.

What I want to encourage is for us to ensure that we protect our own unique plant genetic resources. We need a firm language that predicates access to transfer of technology and also to access to gene banks that are in the developed countries. What international organizations do is that they come to Africa, get our own plant genetic resources, modify them and put them in their gene banks. When we want to access those gene banks, we have to pay or we are not allowed to access them at all, but they say that our own plants are a common heritage of mankind and, therefore, they can just walk into Kenya or any part of Africa and pick them up without paying anything.

Madam Temporary Deputy Speaker, the Minister has made reference to one of the things I want done, but I want us to introduce a firm language on payment of royalties to communities for accessibility and transfer of technology. I want to give an example of the *rosier periwinkle*, which is a native plant of Madagascar. This plant has actually enhanced the survival chances of children suffering from leukaemia. The people of Madagascar have no control over that plant because another country has patented it.

The United States of America (USA) has patented *endod*, which is a native plant of Ethiopia. The people of Ethiopia, who discovered this plant, have no control over it. Even though it is their own people who discovered the plant, if they want to use it, they have to pay to access user rights.

The Minister for Trade (Mr. Wetangula): On a point of information, Madam Temporary Deputy Speaker.

Mrs. Odhiambo-Mabona: I agreed to be informed, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): What is it, hon. Wetangula?

The Minister for Trade (Mr. Wetangula): Madam Temporary Deputy Speaker, I want to inform my junior learned friend that she is making a very important point. The Minister should pay attention to these issues because, as hon. Members are aware, *Monsanto* of the USA pretended to patent *basmati* rice, which the Indians have been growing for the last 5,000 years. The Americans pretended to patent it as their innovation. So, we must be very careful in order to protect our innovations.

The Temporary Deputy Speaker (Dr. Laboso): Continue, hon. Millie.

Mrs. Odhiambo-Mabona: Madam Temporary Deputy Speaker, I agreed to be informed because hon. Wetangula is, indeed, my senior learned friend. You can see that his information is useful.

Madam Temporary Deputy Speaker, I am raising this point, taking into account what is happening in the South African region. We put a lot of emphasis on breeders' rights without knowing the implications of doing so. I will give an example. Whenever I went to visit my grandmother upcountry, I noticed that she used to put some maize cob on her kitchen roof. I just thought that it was her clever way of doing things but a year later, while I was studying these aspects, I discovered that she used to keep the maize cob there because she needed to replant it later on.

Since we are now using bio-engineering to breed plants, if you have to plant maize seed in the usual way, you have to get the breeder to allow you to do so. This requirement excludes our farmers and may even deal a blow to our own sovereignty because, as we all know, anybody who controls your stomach, controls your destiny.

Madam Temporary Deputy Speaker, plant genetic resources are very important in terms of our own food security. They are also important for purposes of medicinal values they may have, amongst other things. Previously, I spoke at length on these matters, while debating a Motion which was brought to the House by hon. Gumbo. So, I do not want to dwell too much on these issues but let me mention that I even gave examples of Kenyan plants of medicinal value.

So, I would want to encourage the Minister that, other than introducing amendments that focus a lot on breeders' rights, let us put a lot more emphasis on our own plant genetic resources. Let us not allow a foreigner to come to Kenya and discover that we use materials from the *Muarubaini* tree to cure certain diseases, only for him to go back home, research on it and come back to sell it to us, as Kenyans, using some fancy name. I know for a fact that my grandfather had a medicine that cured snakebites. I asked my family to tell me to whom he passed it on, but nobody knows.

During that time, the white men came and told us that if you were a person who could cure snakebites, then you were something bad. They used a negative terminology to describe such a person but they took the same medicine and made it their own. They then come back and re-sell it to us at a very high cost.

So, I would want to encourage that, other than this Bill, let us look at other related laws such as the Industrial Property Act, which looks into the issue of patents. The issue of patenting live forms has been very contentious at the national level. Let us see how we can guard our own resources and protect our people and our future generations. This is what we call "sustainable development".

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Dr. Laboso): Yes, hon. Githae.

The Minister for Finance (Mr. Githae): Madam Temporary Deputy Speaker, I rise to support these very important amendments to the Bill.

In doing so, I have a few points I would like to make. The first one is to ask the Minister to establish a safe storage place for our seeds and plant materials, so that we can protect them for use by future generations. I know that there is such a storage facility somewhere in Europe, but we also need one in Kenya. We may not have snow and ice in Kenya. I am told that the storage facility in Europe is located underground, in a very cold place. I am sure that we can replicate something like that in Kenya for storage of seed and

plant materials to just make sure that the plants and animals that we have do not become extinct.

The second point I want to make is also on seed banks. I would like to tell the Minister to see how intellectual property rights can be strengthened to also include plants and seeds. At the moment, it is more geared towards industrial property rights, but we can also have rights on seeds, plants and cuttings.

Thirdly, I would like to request my fellow Kenyans that if someone has come up with an innovation in the form of a new variety of seed or plant, if you use it, please, pay that person. We have piracy of music. We are now going to piracy of seeds and plants. Those who invested heavily in the research that led to those innovations are not getting any financial benefit.

The fourth point I want to make is that we should also look at the penalties. The penalty for general breach is Kshs20,000. A sum of Kshs20,000 would, in my view, be a very little amount. It needs to be increased so that it acts as a deterrent for any breach of this Act. Otherwise, Kshs20,000 encourages people not to comply with this law. They can pay and then make a profit. If my only penalty is Kshs20,000, then I will use what you have come up with - whether you are a breeder or whatever - and then pay Kshs20,000. I will then use it and make more money. So, I think that needs to be looked into.

Otherwise with those words, Madam Temporary Deputy Speaker, I support.

Mr. Njuguna: Madam Temporary Deputy Speaker, in supporting this amendment Bill, I would like to request, by observation, that it is important that more funds are invested in research. When we invest well in research, better seeds and plants will be generated from those research institutions. Secondly, the researchers in those institutions must be paid well, so that they are motivated.

Madam Temporary Deputy Speaker, Jomo Kenyatta University of Agriculture and Technology (JKUAT) is doing very well in terms of research. We have seen them doing well in banana tissue culture development. If all the universities in this country are funded well and their programmes bear fruit, this country will go far in terms of food production.

The Prime Minister, a few minutes ago, talked about irrigation schemes that are to be done in North Eastern Province and other parts of this country. Those irrigation schemes require quality seeds. This being an agricultural country where farmers are really working very hard, if farmers are given those seeds, they will be able to create the necessary jobs and employment for the youth, thus bettering security in this country.

Madam Temporary Deputy Speaker, Sir, currently, farmers are going all the way to Rwanda to look for the modern beans which yield high production. Why would farmers from Kenya go to that country? Therefore, it is important that seed generation and quality production must be addressed properly. Kenya can also be an exporting country in terms of seeds and plant production. We are surrounded by countries that require our efforts and investments. They form a huge market that we must be able to take advantage of.

As we now engage in the new counties come 2013, it should be imperative for the Ministry to make sure that those counties will be provided with better seeds and plants, so that poverty levels will be reduced in this country. By investing more in the Ministry of Agriculture, this country can soon be self sufficient in food production.

The issue is whether the food prices which keep going up will come down. Therefore, it is a high time that the Ministry was supported well. If the Ministry is supported well the National Cereals and Produce Board (NCPB) capacity will also be improved because farmers will produce more to sell to the Government and even for export.

With those few remarks, I fully support this amendment.

The Minister for East African Community (Mr. Sirma): Madam Temporary Deputy Speaker, I rise to support this amendment by the Minister for Agriculture. From the outset I would like to say that I am a farmer, and our economy depends on farming. The success of any season's crop depends on good quality seeds. It depends on how the seed manufacturers prepare the seed, so that the farmer can access good quality seeds.

Madam Temporary Deputy Speaker, last year we were treated to very poor quality seeds; there were seeds in the market which were not certified. However, because there were no seeds in the country we had no option but to plant what was available. The end result was poor harvest. We shall continue having severe hunger in this country if we do not address this. I want to thank the Minister for having taken this bold move to protect the Kenyan farmer. I would also like to urge the Minister that before any company exports any seed within our region or outside the region we first ensure that there is enough for our farmers. We know how much we need as a country. Laws alone may not be enough to do this, but if we become patriotic, as Kenyans, and support the law that has been put in place then we shall succeed.

This year we witnessed a very poor crop in the South Rift because of the poor seed which farmers got. Who will now pay the farmer who suffered a loss, yet we are charged with the responsibility to plan on behalf of Kenyans? I wish to say that these farmers have suffered a big loss. The seeds which they were given were not resistant to diseases. We need good research. We need to develop seeds which can resist diseases or viruses that attack our maize. We have undergone a big loss.

I want to thank the Minister because it is not about making very big statements everywhere, which people may believe, but is about making good laws and being close to the farmer. This is more important than the big meetings and rallies which people hold and say they are working very hard to develop agriculture in this country.

Madam Temporary Deputy Speaker, we want seed manufacturers who are in the market to respect and give the farmers the right seeds, if at all they are licensed. For those who are not licensed we want the seed quality control in place to do thorough inspection in the fields where crops are grown as they are later processed into seeds. Experts should also visit the vendors who sell these seeds to the innocent farmers of Kenya.

With those few remarks, I beg to support.

Mr. Chepkitony: Madam Temporary Deputy Speaker, thank you for giving me the opportunity to contribute to this Bill. From the outset, I would like to congratulate the Minister for introducing these changes as they are going to improve the future plants and varieties. As has been said by other hon. Members, seeds are very important in crop production. Without good seeds you will not have a profitable farming. It is right that we amend the necessary laws in order to improve seeds. Before seeds are released to farmers, they must be tested properly. I can see that there is an aspect of testing before they are released for commercial use by the farmers. So, it is very important that the plant

breeders undertaken to test the seeds properly, so that they release good seeds which will be beneficial to them.

There is a problem also in the seed industry; you find certain seeds are sneaked into the country from other countries. We need to be very alert. The inspectors at our borders, or entry points, must be alert and should be checking all people coming in, so as to prevent any sneaking in of seed varieties which have not been cleared of disease and met other requirements. So, we need to be very alert to ensure that the seeds coming in do not bring diseases or cause any danger to the existing varieties.

The other thing that I notice in this Bill is the creation of the National Plant Genetic Resource Centre. This is very important because we need to have our own plant genetic resource centre, where we will store our genetic material for breeding work and for future use. This will assist in breeding and plant improvement. We also need to regulate the export of our plant varieties, which are developed here so that we benefit from them. Where we export, we need to derive maximum benefit from the export of our varieties. I know we developed some varieties in coffee and they were exported to Vietnam, whose farmers are reaping good yield from them. I do not know whether we were paid for this and whether we benefitted. Coffee varieties were exported and but there are no benefits coming in.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Dr. Laboso): There seems to be no more interest. I now call upon the Minister to reply.

The Minister for Agriculture (Dr. Kosgei): Madam Temporary Deputy Speaker, let me thank all the hon. Members who have contributed and assure them that we have taken note and we will use the HANSARD to strengthen where the laws are obviously weak. I accept that unless we have stiff penalties, our laws will be violated. I am also aware that we actually brought in this to try and deal with some of the issues that have been raised here. We will benefit from what has been said here. Apart from the penalties we need to have more clarity on the clauses that have been put here. We will do our best and make sure that this Bill comes up for the Third Reading as quickly as possible, so that we can begin to implement the law. I thank everybody and you too, Madam Temporary Deputy Speaker, for being so generous with time.

With those few remarks, I beg to move.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

MOTION

ADOPTION OF REPORT ON INQUIRY INTO RECEIVERSHIP OF KPCU

Mr. Mututho: Madam Temporary Deputy Speaker, I beg to move:-

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the Inquiry into

the Receivership at the Kenya Planters Cooperative Union (KPCU) Ltd, laid on the Table of the House on Tuesday, 6th March, 2012.

At the outset, I want to remind hon. Members that the KPCU Ltd is owned by one million farmers. These one million farmers have built that resource now commonly known as the KPCU to an extent that at the time when the World Bank and others refused to give any support to Kenya, this KPCU and tourism maintained the economy. All the foreign earnings that were received then were useful to purchase oil and to do all the development including the then Thika Highway, Jomo Kenyatta International Airport (JKIA), the KICC and others. It is this resource; coffee, as executed by the KPCU, that built Kenya to become the strongest economy in East Africa. It is sad that over time because of a variety of governance issues, people thought the KPCU was a cash cow and ultimately what they did now was that there were serious leadership wrangles but even without that, something happened in 2005; that was liberalization of the market such that the KPCU lost the monopoly in handling coffee. The law was well drafted by this House and I salute it for that. The provisions were that if you decide to shift from one miller to another, then you must get authority from where you were taking your coffee before as long as you were registered. That has never happened, therefore, the seven millers that shot up took all the clientele leaving the KPCU to cripple and die of debt.

The debt that KPCU has, as much as we talk about governance, has something to do with that particular law and the failure by the management then at the KPCU to call for the bonds which are mandatory and which are supposed to be Kshs1 billion for anybody who wishes to mill coffee in this Republic.

When eventually the decision was made and this harsh decision to come on and put the company under receivership, the story became like a theater. There were so many things happening that this Committee - I thank the Membership - has captured a summary of that in this big report which I would encourage hon. Members to go through. But among the things is that, even with all that was happening, some people were abusing the accounts of the KPCU. We have a case, for those who have the report, page 146, where somebody moves over US\$772,000 into the account and then out. We have several cases, all eloquently proved in our report, where the opening balance and closing balance cannot tally. It is generally understood in the banking sector that overnight there is nothing that happens and so if your balance was at Kshs1 million yesterday, this morning it should be Kshs1 million but it was not the case with the KPCU.

We know time is of essence. We value our farmers and also appreciate their contributions to the Kenyan economy. As I said from the outset, this whole thing was an illegality. This Committee as late as this afternoon has confirmed from the Registrar of Companies that, indeed, Kenya Planters Co-operative Union Limited (KPCU) was under receivership, but the receivers have never bothered to register. This means all that they have been doing is a farce. It is total illegality just like driving a car without registration numbers.

Madam Temporary Deputy Speaker, the matter here is very grave. I wish to read this letter and table it. It is from the Registrar of Companies. The upshot of this is that all the money which according to the company that deals with receivership totals to about Kshs273 million, was done illegally. True to the word, that has not been reflected in the Kenya Commercial Bank (KCB) account. Indeed, it is a very sad affair.

Madam Temporary Deputy Speaker, the Registrar of Company says:-

“From our records the Receiver Manager has not filed a notice of appointment of receivership with the Registrar of Companies” That is as of today. So, what have they been doing? I think it is a challenge to the Government. I believe the Ministers are here and they can hear this and report to the Executive, so that they can know what went wrong. Indeed, when we made an inquiry, an attempt was made by the Delloitte and Touche, a reputable company according to its own standards, to try and show that, indeed, they had filed that notification. I have a copy, which I wish to table. To us, this copy is useless. It is just a mere document. Even if they did fill the document, they kept it in their drawers and, obviously, it was not useful.

When we enquired from the receiver managers as recently as 14th of August, so that we are up to date, they said, they were relying on the receivers, who exercise their power of entry under Clause 12 of debenture dated 17th August, 1992.

Madam Temporary Deputy Speaker, they are citing 20 years ago. They got the authority 20 years ago, so that they could do what they did to the KPCU. There is no one to describe the suffering of the coffee farmers and the frustration that has been caused by this. Again, this matter has been captured very well in the report. This report has taken the Committee over two years to compile with a lot of other supporting information.

I would like to encourage hon. Members to read through this report. But before the Minister for Finance takes leave, it is important that he take this message home. The whole mess at KPCU was by the Executive. When the receiver managers came to the premises, the OCS Kamkunji Police Station declined to force entry to the KPCU citing the fact that they lacked necessary court documents. But the colleagues at the Administration Police (AP) thought they were the marshal men and they moved there and they hassled everybody and threw everybody out. So, one part of the Government said they did not have the court documents--- I thank the police for doing that. I wonder why the AP forced their entry.

All these happened with the blessings from the Ministry of Co-operative Development and Marketing. This is another arm of the Executive. Again, in one of the pages in this report, the Minister is cited by the local media to say that that he was very happy that KPCU had collapsed. Again, this is the Executive. Let us not wash our dirty linen in public in this particular aspect. Now that these people have been battered for a fault that is not their own, consider this report the way we are recommending. We are recommending that all the members who number now one million contribute Kshs1000 to renew their membership and commitment to KPCU that will earn them approximately Kshs1 billion. If it pleases the hon. Minister, he can chip in Kshs1.2 billion, so that they can clear the mess with any serious and genuine debt.

Since the Minister for Agriculture is here and it is in her portfolio - and it is cited very strongly in this particular Report - she can also consider writing off whatever is owed by the Coffee Board of Kenya, to truly reflect the will to have Kenya Planters Co-operative Union (KPCU) back on its feet.

The Temporary Deputy Speaker (Dr. Laboso): The hon. Minister is on a point of order!

The Minister for Agriculture (Dr. Kosgei): Madam Temporary Deputy Speaker, it is a point of information. I want to respectfully inform my friend, hon. Mututho that the matter rests with the Ministry of Co-operative Development and Marketing. However, I do not run away from being part of the Government and will convey that message. But

for the record, I just want it stated that it is the Ministry of Co-operative Development and Marketing.

Mr. Mututho: Madam Temporary Deputy Speaker, I stand informed.

Madam Temporary Deputy Speaker, I want, to the shock and awe of the House, to confirm that all the equipment at KPCU has been looted. I wish to table an extract of the Occurrence Book (OB) from Kamukunji Police Station confirming that, indeed, lorries have been taking the hard-earned factory as scrap metal from that KPCU place. It is for this reason again that this Committee recommends that Deloitte and Touche in the spirit of Article 46 of the Constitution---. It is in the spirit that we recommend that Kenya Commercial Bank (KCB), which is the masters in the Receivers affair, now own up. The hon. Minister for Finance, even if you were to do that package for Kshs1.2 billion, it is after those people have replaced what they have looted. I wish to table a report showing that, indeed, that looting has taken place.

(Mr. Mututho laid the documents on the Table)

The Temporary Deputy Speaker (Dr. Laboso): Hon. Mututho, allow the Minister for Finance to intervene.

The Minister for Finance (Mr. Githae): Madam Temporary Deputy Speaker, it is a point of clarification. I would like to assure the hon. Member that Treasury is not apprised of what has been happening. The day they will do that, we will intervene because KPCU is an important organization that should not be allowed to go to the dogs. It should be revived, but we need figures for us to see how we can assist. I also note that KCB is not a parastatal. The Government owns only 18 per cent. It is a private company.

Mr. Mututho: Thank you for that information. But I was saying that if it was in any country, at least, the mills that turn down the economy could have been preserved, but not taken to be scrap metal.

Madam Temporary Deputy Speaker, Sir, I now invite my deputy to second the Motion. It is one very emotional Report. I would speak for ten hours on end, but everything is crystal clear. But if you could pass a message to your brother, the Minister for Co-operative Development and Marketing that tomorrow, he should send genuine police officers there to take stock and take people to court for masquerading as receiver managers against the law and stealing farmers' own hard-earned savings in equipment and converting them to scrap metal. It is a sad day.

Madam Temporary Deputy Speaker, I beg to move.

Mr. Chepkitony: Thank you very much, Madam Temporary Deputy Speaker, for allowing me to second the Motion on KPCU.

Madam Temporary Deputy Speaker, KPCU, as has been mentioned, has had a long history in the coffee industry in this country. Its problems actually started after the liberalization policies in the 1990s. Subsequently, there was emergence of new millers and farmers moved to them, thus, affecting the market share of KPCU. KPCU was on its way up and should have continued to reform in order to cope with that competition.

It was forcefully put under receivership by the Kenya Commercial Bank (KCB) over non-payment of a debt of Kshs656 million. The directors protested due to pending court cases regarding the receivership matters with KCB, but the receivers moved in.

The Committee conducted investigations by inviting players regarding the matters of the receivership and various players appeared before it. This included the Board of Directors of the Kenya Plantation Co-operative Union, the Board of Directors and managers of the KBC, the Ministry of Co-operative Development and Marketing, the Ministry of Agriculture, the receiver managers from Deloitte and Touch, the Coffee Board of Kenya, the management of the Kenya Coffee Exporters, the management of the Co-operative Bank of Kenya and representatives of the coffee farmers. So, we had very extensive deliberations and evidence was given to us. More of this report appears in our conclusion and it will be in the interest of those who are interested in reading the report to learn what really went on with the KPCU and why there has been a dispute.

I second the Motion.

(Question proposed)

Mr. Nyambati: Madam Temporary Deputy Speaker, I wish to support this Motion. It is important for the KPCU to go back to its owners, namely, the farmers of this country. It is important for the Government to support and empower farmers. It should ensure that the farmers are given freedom through the kind of work that they do. As opposed to putting the KPCU and other farmers' SACCOs or unions under receivership, it is the responsibility of the Government and this House particularly to ensure that we help our farmers to strengthen their organizations, so that they can manage their own affairs. It is a big shame that a giant organization like the KPCU is removed from the hands of farmers and put under receivership because it has been mismanaged.

We must blame ourselves as a Parliament, as a Government and as a country that instead of helping our farmers to move forward and looking forward to see how they can be helped, we are killing their unions, co-operatives and organizations, which is not right. Until and unless we wake up, as a country, and support the Ministry of Agriculture and other departments that are involved in agriculture, so that we can be self-sufficient in terms of production, whether we are talking about food sufficiency, exports in terms of cash crops like tea and others that we export, we will never survive as a nation. A Government which cannot feed its people has no business governing that country. So, it is extremely important that we review, as a country, the on goings in the Ministry of Agriculture and the Ministry of Livestock Development and Marketing and support them fully, so that they are able to produce enough for this country. The organizations which manage the produce of this country should be safeguarded selflessly, so that as a country, we can move.

I beg to support.

Mr. Njuguna: Thank you, Madam Temporary Deputy Speaker. Very briefly and because of time, let me start by thanking the Chairman and his Members for generating a very informative report.

Secondly, the Kenya Government redeemed the National Bank of Kenya and the Kenya Commercial Bank which had gone under. Therefore, it is imperative that this farmers' body must be redeemed by the Kenya Government by pumping in Kshs1.2 billion. By doing so, this will be a reflection of empowering the Kenyan farmer and creating the necessary employment for our youth in this country. Therefore, I support the

entire Report and recommendations and hope that the Government will also institute measures to arrest the perpetrators who misappropriated funds from this union.

With those few remarks, I support.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Minister, you can respond.

The Minister for Agriculture (Dr. Kosgei): Madam Temporary Deputy Speaker, Sir, I did not ask for the Floor deliberately, because as I said earlier on, this matter falls under the Ministry of Co-operative Development and Marketing. It is not a matter for the Ministry of Agriculture. The reason I am sitting here is that I consider it important for all the reasons that have been said. I looked around and saw that I was the only Member of the Front Bench. I thought it would be very irresponsible to leave because I need to collect the views of the House and take them to the other Minister so that we can take appropriate action.

However, thank you for giving me that one minute.

Mr. Mututho: Madam Temporary Deputy Speaker, I want to thank all hon. Members who have contributed and particularly the commitment by the Executive that they are looking at this matter more seriously. I pray that they do exactly that, as they have pledged. Where investigations are required, let them go for it and where further investment is required, let them go for it. I cannot wait to see the Kenya Planters Co-operatives Union (KPCU) back again notwithstanding that there is Kenya AAA which is owned by the KPCU and which must not die. Internationally, that is worth over Kshs40 billion. That is Kenya AAA as a brand. I thank you and let us see a vibrant agricultural sector sooner rather than later.

I beg to move.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, it is now time to interrupt the business of the House. Therefore, the House stands adjourned until tomorrow, Thursday 16th August, 2012, at 2.30 p.m.

The House rose at 6.30 p.m.