

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 3<sup>rd</sup> July, 2013

The House met at 9.00 a.m.

*[The Deputy Speaker (Hon. (Dr.) Laboso) in the Chair]*

### PRAYERS

### PETITION

#### ERECTION OF BUMPS ALONG KISUMU-BUSIA ROAD

**Hon. Wandayi:** Hon. Deputy Speaker, I wish to present this Petition on behalf of the residents of Ugunja Constituency, which I represent, on a matter that is of great concern to them. We, the undersigned residents of Ugunja, Siaya County within the Republic of Kenya, draw the attention of the House to the following:

Aware that the Kisumu-Busia Highway is part of the international road network that links Kenya to Uganda and the Great Lakes Region, and that this road facilitates transport of enormous amount of goods and a large number of people on a daily basis; that whereas the Kenya National Highways Authority (KeNHA) is charged with the responsibility of construction and maintenance of national highways that include the Kisumu-Busia Road; that whereas KeNHA has failed to put in place adequate safety measures to protect the lives of passengers, pedestrians and the general public along the stretch between Madeya and Rangala Trading Centre in Ugunja Constituency despite the propensity of motorists, particularly the drivers of public service vehicles, to over speed along this highway; that whereas KeNHA has not erected a single speed bump between Madeya and Rangala trading centres numerous road accidents have occurred which could otherwise have been avoided.

The last one month alone, we have lost close to eight people along that stretch. Five of them died in a single day at a trading centre called Sidindi. Unless urgent intervention is done, this unfortunate trend of deaths through road accidents is likely to continue as more people are attracted by commercial gains at those trading centres of Madeya, Sidindi, Simenya, Simelu and Rangala within the constituency.

We hereby confirm that efforts in terms of oral representations to the authorities and all concerned parties have been made to have this matter addressed, but so far no action has been taken. Therefore, your humble petitioners pray that KeNHA, through the Cabinet Secretary for Transport and Infrastructure, be compelled to, without further delay, erect speed bumps and establish rumble strips between Madeya and Rangala trading centres in Ugunja Constituency to prevent more deaths from road accidents.

Thank you, hon. Deputy Speaker. I table the Petition.

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

**Hon. Deputy Speaker:** Thank you. Is there any hon. Member who would like to make a comment on the Petition before we commit it to the relevant Committee? I can see hon. Anyanga.

**Hon. A.T. Anyanga:** Thank you, hon. Deputy Speaker. I rise to support the Petition. The road in question neighbours my constituency, and it is a road that I am well aware of in terms of how many accidents have occurred and how many lives have been lost on the Kisumu-Busia Highway.

Just a few years ago, we had a tanker bursting into flames at Sidindi Shopping Centre, and we lost close to 30 lives. However, when we talk about accidents on our roads, as a House, we need to look at more sustainable and permanent solutions. I know that in the short-term the Government has resorted to construction and erection of speed bumps wherever there is an accident on any section of our roads. However, I think it goes beyond construction of speed bumps. If you look at the problem we have on our major highways in terms of the accidents involving heavy vehicles--- I am looking at the tankers and trailers; you will find that there are a couple of reasons for which, I think, this Government needs to act.

With the growing of business within the East African region and the Great Lakes area, road transport itself is not sufficient to clear all our imports and the heavy cargo that we have to transport to our neighbouring countries, and even within the country. That is the more reason why I think we should be looking at enhancing the construction of an efficient railway system in this country, so that we are able to transfer heavy traffic and freighters from our roads to the railway system.

**Hon. Deputy Speaker:** Please remember that it is not debate. We are just making comments to support or not to support the Petition. It is not a debate on the transport system in the country.

**Hon. A.T. Anyanga:** I stand guided hon. Deputy Speaker. Thank you. Again, I need to reiterate the fact that, indeed, I am supporting the Petition; it is not just only for that part of the country; any time we have lives lost in this country, they are of Kenyans who are very productive. As I said, the section in question has been extremely notorious for accidents and it is true that we do not have a single speed bump on that part of the road, yet it supports a lot of traffic. Therefore, looking at the section between Madeya all the way to Rangala and indeed almost up to Ugunja, I think it is in order that the Kenya National Highways Authority should be compelled to construct speed bumps, which are standard, well constructed and which will be well marked and, of course, proper signage put on the road to warn road users that speed bumps have been constructed.

I support, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Yes hon. Isaac Mwaura. Brief comments, please.

**Hon. Mwaura:** Wrong button, please.

**Hon. Deputy Speaker:** Hon. Johnson Manya Naicca.

**Hon. Naicca:** Thank you, hon. Deputy Speaker. I also rise to support this Petition. It is very important. Sidindi is also in a constituency neighbouring mine, and most of the people who travel on that road come from one of my sub-locations called Bungatsi and Musanda. I think it is important to support and say that in addition to erecting the bumps, there is also need to put proper sign posts to show the dangers of over speeding. Also, KeNHA should be compelled to ensure that the road is straight. This is

because when you look at the road, there are so many corners which do not actually allow drivers to see ahead.

I also support the Petition. Thank you.

**Hon. Deputy Speaker:** Hon. Bare Shill.

**Hon. Shill:** Thank you, hon. Deputy Speaker. I also support the Petition. That area has been notorious for accidents. If you read newspapers, all the time it is reported that Kenyans are losing their lives on a daily basis. It is not only in that area but accidents occur in many areas. Putting speed bumps costs a small amount of money compared to the value of human life. Recently, His Excellency the President went to Uganda and the regional leaders discussed how to fast track construction of roads, so that goods can reach their destinations faster. That means vehicles will be travelling fast, and more people will die. Therefore, it is very important and urgent that speed bumps are put immediately.

I, therefore, support.

**Hon. Deputy Speaker:** Yes, hon. Munuve Mati.

**Hon. Mati:** Thank you, hon. Deputy Speaker. I stand to support the Petition and would like to say that maybe in future as we build roads, we should consider doing in a way that safeguards the lives of our people. One of the ways that this could be done is to make sure that there is a standard walkway besides the road and a space for bicycles, so that there is not much traffic on the roads. I say this with a lot of envy for the hon. Member of Parliament because I do not have an inch of tarmac road in my constituency. So, I am not likely to come up with proposals for bumps and so forth. For those who are lucky to have tarmac roads, I think we should raise the standards so that--- As in most developed countries, there should be a bicycle track besides the road as this reduces the number of accidents, especially those caused by bicycles.

Hon. Deputy Speaker, as I said, I envy my colleague; I do not want to invite accidents to my people, but some day I am sure we will have a tarmac road in Mwingi North. Thank you.

**Hon. Deputy Speaker:** Yes, hon. Moses Cheboi.

**Hon. Cheboi:** Thank you, hon. Deputy Speaker. I also rise to support the Petition, and I want to say that the Government and KeNHA should do much more. We have about 20 black spots in the republic and I am a fairly travelled person. In other countries what has been done is some real marking to raise attention to the black spots. We have a place like Salgaa. It is known to be very prone to accidents, but all that has been done is something to show only that, that is a black spot and nothing else. In other countries, what is done is that first in those particular areas you, as a matter of urgency, erect rumble strips. You put some neon lights to show specifically that the area you are driving in is a black spot and is dangerous.

So, whereas I support totally what my good brother has done, I think the Government should come up with a standard way of dealing particularly with the black spots, so that accidents can be dealt with and minimized once and for all. Thank you very much.

**Hon. Deputy Speaker:** Yes, hon. Amina Abdalla. Hon. Kamanda, I am leaving you for the last slot because you are the Chairman of the Departmental Committee on Transport, Public Works and Housing.

**Hon. (Ms.) Abdalla:** Thank you, hon. Deputy Speaker. I beg to support this Petition. While I am supporting this Petition, I would like to state that one of the promises

contained in Jubilee's Manifesto is to make Kenya a logistical hub. Making Kenya a logistical hub will bring with it more challenges of having vehicles moving at higher speed. So, I would like to request the Petitioner and the Departmental Committee on Transport, Public Works and Housing to broaden this debate on the issue. Because of the axle load restrictions more heavy-duty vehicles are coming to our roads; they can transport cargo that would otherwise be transported by more vehicles. So, I would like this Petition to be expanded and look at the impact of increasing Kenya's value as a logistical hub and the impact of that on road accidents.

As we speak now, the axle load situation is making Kenya uncompetitive and our competitors, especially the port of Dar-es-Salaam, are taking over all the transportation of goods, especially of oil products for Rwanda and Burundi; we need to have a balancing act when we are considering this Petition.

With those few remarks, I beg to support.

**Hon. Deputy Speaker:** Finally, hon. Onyura before I give a chance to hon. Kamanda.

**Hon. Onyura:** Thank you very much, hon. Deputy Speaker. I also rise to support this Petition. As it has been observed, the whole length of the road from Kisumu to Busia - it is a road I use very frequently to my constituency - is really a black spot. I would like to also urge the authorities to put bumps at all shopping centres. We know that in our country, unfortunately even if you put road signs, Kenyan drivers have no respect for them. The language that, perhaps, they will understand is that of bumps. Even where there are bumps you will always find that they try to go round those bumps, so that even the sides of the bumps have had to be secured.

So, I support this petition very much. I urge that bumps be erected at every shopping centre on the whole road from Kisumu to Busia; rumble strips should also be added, as is the case on the Thika Super Highway. The bumps should also be properly painted and maintained because they can also cause accidents, particularly to people who are not used to them. I have been on certain roads where there are bumps, but there are no signs to show them and they are not painted. This way, it becomes very difficult for the drivers when driving to see them.

Thank you, hon. Deputy Speaker. I strongly support this Motion.

**Hon. Deputy Speaker:** Yes, hon. William Kamanda.

**Hon. Kamanda:** Thank you, hon. Deputy Speaker. I also rise to support this Motion. I want to assure the hon. Member that over the weekend the Committee on Transport, Public Works and Housing met and this matter was raised by almost every member of that Committee, and we asked for a comprehensive report. It is not only the Kisumu-Busia Highway that is affected; there are many other highways in the country that have been having very serious accidents; examples are Salgaa and recently Mombasa and Kinangop. We are meeting the Cabinet Secretary and the entire team, and I want to assure the hon. Member we will raise this matter. Regarding the railway that he has mentioned, the Jubilee Government will very soon commence a standard gauge railway line from Mombasa to Nairobi; that will be done before the end of October. Hopefully, it will go up to Malaba during the five years of the Jubilee Government. I want to assure the hon. Member that those are issues that the Cabinet Secretary for Transport and Infrastructure and the Committee of Transport, Public Works and Housing are taking very seriously.

Thank you, hon. Deputy Speaker. I beg to support.

**Hon. Deputy Speaker:** So, I want to commit the Petition to the Committee on Transport, Public Works and Housing, and we expect a comprehensive report in the House. I hope you will use the HANSARD to also capture the other issues that some hon. Members have raised, which include what hon. (Ms.) Abdalla has mentioned. Give us a report within the next 60 days as is stipulated on the Order Paper.

### PAPERS LAID

**Hon. Deputy Speaker:** Hon. Mwaura, do you have a Paper? He is not even in the House! Please, hon. Members, if you press your button before the Order you are interested in is read, you cause a lot of confusion. Press only when the Order is called out.

### NOTICE OF MOTION

#### CONSTRUCTION OF MULTI-DAMS IN THE COUNTRY

**Hon. Deputy Speaker:** Hon. Members, are there any Members with Notices of Motion? Hon. Sunjeev, you have the Floor.

**Hon. Sunjeev:** Hon. Deputy Speaker, I beg to give notice of the following Motion: -

THAT, aware that every year floods and drought wreak havoc in various parts of the country; observing that flood seasons are often followed by times of drought, leading to loss of lives and lack of water for many; concerned that from 1995 to present, just over 500 small-scale sand dams have been constructed as water reservoirs, further concerned that as a result, there has been unplanned and rampant digging of multiple boreholes, leading to fast and widespread depletion of water tables; noting that such depletion leads to falling of trees and adversely affects the entire ecosystem yet could be prevented by harvesting flood waters for later use; deeply concerned that the ecosystem has a big impact on the environment as a whole; this House urges the Government to build multi-dams and ensure they are located equitably around the country while complementing the existing dams, and establish other measures for water harvesting especially during rainy or flood seasons for sustainability.

### REQUESTS FOR STATEMENTS

**Hon. Deputy Speaker:** Is there any hon. Member who wishes to request or make a Statement? I see an intervention by hon. Njuki.

**Hon. Njuki:** Thank you, hon. Deputy Speaker. Mine is not to request for a Statement, but to remind the Committee on Education, Research and Technology about a request I made some time back. I know this Committee has had a full in-tray for the last few weeks, but I requested for the Statement four weeks ago. It was on the state of the hardship allowance in a particular area in Chuka/Igambang'ombe Constituency, but to

date I have not received a feedback. So, I request the Committee, through you, whether I can get the answer to that request.

Thank you, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay, is that the committee on irrigation, or did you say Education? Remember, hon. Members, that if you are going to request for Statements they have to be approved first. Do you have a Statement that has been approved, hon. Melly?

**Hon. Melly:** Not yet, hon. Deputy Speaker. We are going to reply in the afternoon.

**Hon. Deputy Speaker:** That is for the request by hon. Njuki. I can see hon. Christopher Doye Nakuleu.

#### FATE OF STUDENTS WHO HAVE NOT RECEIVED KCSE CERTIFICATES

**Hon. Nakuleu:** Thank you, hon. Deputy Speaker. Mine is not a request for a Statement, but it is something similar to hon. Njuki's issue.

**Hon. Deputy Speaker:** Meaning that you are trying to find out when your Statement will be delivered?

**Hon. Nakuleu:** The last week of May, I did request for a Statement from the Committee on Education, Research and Technology, pertaining to the fate of students from Lokitaung Secondary School who sat for their KCSE Examination in 2010, and to date they have not received their certificates. The Chairperson of the Committee promised to give the Statement in two weeks' time, which was supposed to be last month. I need, through you, to hear when I will get that Statement.

Thank you, hon. Deputy Speaker.

**Hon. Deputy Speaker:** That is another question to the Committee on Education, Research and Technology. Can you give an undertaking? I think you have to expedite things; it looks like you have too many hon. Members asking for Statements from your Committee.

**Hon. Melly:** Thank you, hon. Deputy Speaker. On the issue of the students who did not get their certificates, we had taken it to the Kenya National Examinations Council (KNEC), and I think we will have a Statement by Tuesday next week; as they are re-organizing their systems, they are yet to give us a correct answer.

**Hon. Deputy Speaker:** Hon. Benson Makali.

**Hon. Mulu:** Thank you, hon. Deputy Speaker. I also wanted to follow up on a Statement I requested about three weeks ago from the Committee on Transport, Public Works and Housing, and up to now I have not heard any communication from them.

**Hon. Deputy Speaker:** Also be alive, hon. Members, to the fact that the Speaker made a ruling on this issue of Statements. We are not Government; we are the Legislature and those answers have to come from the Government. So, you also have to bear with the Committees, because they need to first of all go and get information from the relevant Ministries and then bring it to the House.

Hon. Kamanda, what do you have to say on hon. Makali's Statement?

**Hon. Kamanda:** Thank you, hon. Deputy Speaker. I undertake to follow it up as the Chair of the Committee. I would also like to tell Members that there is shortage of staff in Parliament. We even do not have enough Clerks in our Committees. That is

another big problem; nevertheless, I think Parliament is recruiting more staff. That is another reason why Committees are not able to communicate properly; we are not being facilitated properly because of the shortage of staff.

**Hon. Deputy Speaker:** That is a valid point that has been brought to our Liaison Committee; it is something that we are looking at. We want to address it so that there is efficiency in the flow of information in and out of Parliament.

Next Order!

## MOTIONS

### ESTABLISHMENT OF DISASTER MANAGEMENT AUTHORITY

THAT, aware that dozens of families in the country, especially in Isiolo County, have been marooned by floods; concerned that the flooding menace has led to immense negative impact on the economy which, *inter alia*, include widespread destruction of property, crops and infrastructure such as bridges and roads, hence curtailing the movement of people and goods from one place to another; deeply concerned that flooding has led to outbreak of waterborne diseases in some parts of the country, this House urges the Government to speedily establish a Disaster Management Authority to handle, prepare and create awareness to disasters, including rehabilitation of all facilities and infrastructure destroyed by floods.

*(Hon. T.G. Ali on 2.7.2013)*

*(Resumption of Debate interrupted on 2.7.2013)*

This is the Motion by hon. T.G. Ali. Hon. Kirwa Bitok has a balance of nine minutes. Is he in the House?

**Hon. Bitok:** Thank you, hon. Deputy Speaker, for giving me this opportunity to continue contributing to this Motion. I consider the establishment of a Disaster Management Authority to be overdue. It should have been established in yester years because this country has faced a lot of disasters that should have been mitigated had we established an authority to deal with such matters.

It is a cross-cutting issue and several Ministries will have to come together to deal with the affairs that bother our communities. If you go to the countryside right now, floods that occurred recently during the heavy rains have destroyed roads, dams and crops. This requires a lot of attention. If we have a disaster management authority we will harness resources in a co-ordinated manner and create synergy in the Government to ensure that disasters are dealt with properly. It is also important to note that in this country, our universities have been preparing personnel to deal with disasters, but they are not properly engaged. Therefore, their expertise is under-utilized. I support this Motion and request the Government to ensure that there is speedy establishment of a Disaster Management Authority, and creation of policies to deal with disasters.

I beg to support.

**Hon. Njenga:** Thank you, hon. Deputy Speaker. I stand to support this Motion. Creation of Disaster Management Authority was delayed by past Governments. We have had several disasters in this country. You will remember the 1998 bomb blast that we had. Time has come when we should have an authority to manage disasters. It should deter the occurrence of disasters; managing should be preceded by deterrence. It will manage and control disasters.

During the 1998 bomb blast, most of us who were around town ran to the site. If by bad luck there was another one in the offing, Kenya would have lost so many people. We had not even known what a bomb was. I want to borrow a leaf from countries like the United States of America and others in the West, which are prone to disasters like the tornados. Every child knows what to do during an adverse occurrence. It is high time that this country put in place a programme in our education system to educate the young, and even the aged, on how to manage disasters and protect themselves. If we had this authority, it would implement programmes through churches, mosques, women groups, the media and other organizations. It is high time that the media started contributing positively towards this, especially the State-owned Kenya Broadcasting Corporation and its related outlets. They should start educating our people and concentrating more on constructive education on matters that bring misunderstanding to the people of this nation.

Recently, the Leader of Majority Party, hon. A.B. Duale brought an answer that was talking about permanent intervention, especially in respect of floods in places like Tana River. He spoke about constructing dams in the upper parts of this country, like the Mount Kenya and the Aberdares regions, where we have a lot of water flowing down. He stated that we would intervene by building dykes and dams. He gave us a document here which states that the Government has set aside Kshs4 billion to do that intervention, so that we can manage things before disasters occur. Now the Government has the Budget and even the Appropriation Bill was passed here. It is high time that they implemented this. We know very well that most probably, we shall have floods next year. If we just talk and we do not implement measures, then disasters will always occur.

The Kshs4 billion will just be enough. The Budalangi problem used to be a big one in this country, and we used to hear about it year in, year out, but now, we do not hear much about it. We should have permanent solutions. Many Ministries like the Ministry of Transport and Infrastructure and the Ministry of Devolution and Planning - that includes the former Ministry of Special Programmes – are all involved. All this needs coordination. If you do not have an authority to co-ordinate the various Ministries and institutions that are concerned, we will not go far.

I support this Motion. Someone has talked about the bumps and rumble strips in this country. Those are all sorts of disasters. We should also deal with such issues. In my constituency, we have a school where we have lost more than 50 people through road accidents. When you inform the Government, it promises to deal with the issue. This is just the highway bypassing Thika and the Flyover at Lari. Many people die there every month. We should also consider such things as disasters. Disasters are not only in form of floods and drought. They go beyond floods and drought. It is high time such an authority was put in place and facilitated. We need to start talking and doing as the Jubilee says “*kusema na kutenda*”. We should resolve this issue and the Government *iseme na itende*.



**Hon. Akujah:** Hon. Deputy Speaker, I rise to support this Motion as floods and destructions have become seasonal issues. Every time there are rains, there is destruction. The proposed Disaster Management Authority should have been formed 50 years ago. Since Independence, disasters have been happening year in, year out. I do not know why this authority was not formed many years ago.

Disasters in this country have always been left to foreign relief organizations, which do not have sustainable strategies. It is high time the Government of Kenya took this issue seriously by establishing a Disaster Management Authority to be looking into issues related to disasters. As the previous speaker has said, disasters do not only include floods, drought and famine. They are more than this. If this House approves the establishment of this Disaster Management Authority, it will have to look beyond floods and drought. It has been a routine that every time there are floods, Kenyans are left destitute and without shelter. In fact, in some areas, people lose crops and livestock, which are their only source of livelihood. This has a negative impact on the economy of those areas. When a bridge is destroyed and roads are cut off because of floods, then the affected areas have their economy affected negatively.

Hon. Deputy Speaker, Sir, outbreak of diseases due to floods has also been rampant, and it is something which can be looked into. If the Disaster Management Authority is put in place and devolved to all counties and constituencies, or even to the grassroots level, when a disaster strikes, people will be found ready on the ground to respond to it.

I beg to support. Thank you.

**Hon. Kihagi:** Thank you, hon. Deputy Speaker. I also rise to support this timely Motion by hon. T.G. Ali. It is true that we have had droughts of different magnitudes resulting in damage in different parts of the country. Schools have been made inaccessible; roads have been destroyed and even access to health facilities has been impeded. Livelihoods have been disrupted and the response that we get from Government agencies has not been good. Humanitarian organizations have also been working to help our people. We all believe that things can be done better. There was a promise for action by the former Ministry of Special Programmes. Most hon. Members here will agree with me that in our constituencies, most places are still inaccessible.

Hon. Deputy Speaker, just the other day, we heard in the news that Kijabe Mission Hospital, which is in my constituency, was actually inaccessible. It has actually stopped a lot of construction work which was going on because the road that connects Mai Mahiu to Kijabe has been impassable for the last three months. We are saying that the former Ministry of Special Programmes promised to release money, but three months are gone and nothing has happened. The planting season is already over and there will be more ripple effects. It is high time we had this done in a more co-ordinated manner.

Hon. Deputy Speaker, this country is not lacking in terms of expertise. We have engineers, doctors, agricultural experts, water experts and all other professionals. If only they could be harmonized and coordinated, we would actually predict disaster and take the relevant remedial measures.

The irony in this country is that water has caused a lot of disasters, and also has been the cause of famine, but on the other hand lack of it has caused a lot of deaths. That contradiction shows that we are not prepared or organized as a society. We are saying that people in this country should not be dying of floods or famine.

Hon. Deputy Speaker, just the other day, we passed a substantial amount of money for the national spatial data infrastructure. Actually, this House approved Kshs2 billion to be used for this special facility that, I believe, will go a long way in helping us in disaster preparedness. Using such facility, we will be able to predict famine and how much water we will have in the next one year. We are also going to have a support system where, God forbid, if a disaster like a bomb blast happens, we will be able to know the escape routes. You may be surprised that other than Parliamentary staff, nobody else may be knowing where the exit route from Parliament is. So, even if you wanted someone to come for a rescue mission, he might not know where the escape route is.

Hon. Deputy Speaker, we are saying it is the role of such an agency to have plans of all major construction and installations within the country to ensure that reaction after disaster is co-ordinated and is timely.

Having said that, we have a problem and the nation still talks of urging the Government. Even as this House laments, how do we ensure that the Government creates this proposed authority? Are we going to keep on urging the Government, or are we going to move a step further and ensure that some of the issues we are talking of and that we believe are very pertinent to our country deserve implementation? It is high time we took action and I would wish that even the Clerk's office helps us. How do we ensure that we go beyond urging and ensure proper implementation of our Motion? We should ensure that our Motions are implemented for the sake of our people, or constituents.

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

**Hon. (Ms.) Mbarire:** Thank you very much, hon. Deputy Speaker. I rise to support the Motion. I want to begin by congratulating the hon. T.G. Ali for bringing this timely Motion, and which deserves the support of this august House.

I think this is a country that is ill prepared for disasters. We are a country that is under vicious disasters, starting with floods when it rains, and when it does not rain we get into famine and are forever crying out. When you watch television, you keep seeing the same Kenyans saying: "*Serikali tafadhali tusaidie; Serikali tafadhali tusaidie.*" I think it is about time we came up with a sustainable way of not just managing disasters, but also preventing them.

We know that we are facing a real threat that is not just national but international; it is world over. This is the threat of climate change. With climate change, therefore, we should not be expecting that we will be having signs of extreme weather. When it rains, it will be many times too much, and we will have floods. When it does not rain, we will face extreme dry conditions that have adverse effects on the living conditions of our people. That calls for the establishment of a Disaster Management Authority. That will ensure we are able to manage disaster when it occurs and come up with institutions which can prevent repercussions from disasters. When it is natural disaster, we should be able to be prepared to prevent those extreme conditions that will make our people suffer.

Hon. Deputy Speaker, I am thinking about floods. We have had floods year in, year out. You will find situations where every year we are talking about so many people losing their lives and property, and being rendered homeless after the floods. Therefore, it is important that the Government, through the proposed Disaster Management Authority, avails adequate resources, so that we can see how we can build dykes as we did in Budalangi. This is the second year without floods disaster; we should ensure that we do

not have the same from Tana River, Nyando River and other areas. Again, harvested rain water can be used later during the dry season.

Hon. Deputy Speaker, we need the proposed Disaster Management Authority because the Government gets too busy dealing with day-to-day challenges of life, management and the implementation of projects. Therefore, it forgets about disaster until it happens. We need a management authority that will be dealing with nothing else, but management and prevention of disaster. Besides natural calamities that come our way, we also have other calamities that are man-made and we have to deal with them every single day.

Hon. Deputy Speaker, we have terrorism that has now become a real threat to our country. We have so many other calamities that come our way. We need to raise awareness and be alert in order to notice behaviour that is not normal amongst the people living with us, or amongst strangers who may be a threat to communities. There is need to create awareness.

One other thing that bothers us every now and again when we have famine is that we see livestock die in large numbers in the pastoralist areas. With a disaster management authority, we could work with the Department of Livestock to ensure that farmers are alerted about impending famine. We could then buy off those livestock from its owners in good time and deliver them to the Kenya Meat Commission. We do not have to wait until they die. I think it is important that this becomes a day to day activity of the management authority that will be established. We need to take advantage of the training that is taking place in certain universities. We have graduates who are graduating with disaster management skills. They need to be employed and their skills used by the Government so that we take care of the disasters that keep on harming our people every day.

I believe that the time has come for a disaster management authority to be established; we hope that the Government will take this Motion seriously. I am sure we are going to pass it today. The Government should establish this authority and should not treat this Motion like all other Motions that we pass and nothing is done.

With those few remarks, I beg to support.

**Hon. Sang:** Thank you, hon. Deputy Speaker, for this opportunity to contribute to this Motion. I want to thank my sister, T. G. Ali for coming up with---

**Hon. Deputy Speaker:** There is an intervention by hon. Onesmus Njuki.

**Hon. Njuki:** Hon. Deputy Speaker, I did not mean to interrupt my brother. However, looking at the mood of the House I can see that most hon. Members have requested to contribute to this Motion. Will I be in order to suggest that we reduce the time of contributing to the Motion to, maybe, five or three minutes, so that most hon. Members contribute to it?

**Hon. Deputy Speaker:** Very well. I would want to agree with you because I see a long list before me. So, three minutes it shall be.

**Hon. Sang:** Hon. Deputy Speaker, I hope it is not starting with me.

**Hon. Deputy Speaker:** It is starting with you.

**Hon. Sang:** Thank you, hon. Deputy Speaker. I want to congratulate the Mover of this Motion. By now we ought to have established this authority. This country has been experiencing disasters for a very long time. There is no county or constituency which is

immune to disasters. We have had floods, fires and so on. We must be prepared to mitigate the impact of disasters.

I was in my constituency on Monday and I commissioned a bridge. The lack of it had resulted in the loss of lives in a place called Lelach. I want to support this Motion. We need this authority like yesterday. I hope this country will move forward, and we curb some of the disasters that we always see.

We sometimes experience fires, for example, in Kapkatet the other day. I rise to support this Motion. We need to move fast enough to mitigate some of the effects of disasters.

**Hon. Mohamed Abass:** Thank you, hon. Deputy Speaker. I rise to support the Motion. However, we have an institution similar to what we are proposing and I believe the two will be merged. This country is always ill-prepared when it comes to handling disasters.

This country has a lot of man-made disasters. There is wanton destruction of property, schools, and boreholes and so on. Over the weekend, some of our hon. Members and Senators went to Wajir to preach peace and stop conflicts. However, what we saw was hurting. Water boreholes and schools were destroyed yet they are public property which was constructed using the taxpayers' money. At one time we had about 6,000 IDPs in Wajir and Mandera. Nobody talks about this matter. The people are starving. We know that we have had IDPs since 2007. I think we shall not take this matter lightly.

We would like to have a disaster management authority that will consider conflict as a disaster. With those remarks, I beg to support the Motion.

**Hon. Wetang'ula:** Thank you, hon. Deputy Speaker. I also wish to support this Motion. From the previous contributions, you realize that we are always ill prepared to deal with disasters. One of the things we are not doing to prepare for is lack of awareness creation. We need also to educate our people to be able to understand how they can be prepared to move away from the disaster scenes. You realize that when something happens, say a building collapses, people rush there to see what has happened. It could even be an explosion. This is what causes a lot of deaths, and many people suffer injuries because they do not understand the danger of approaching disaster scenes.

We must also make use of our military to tackle some of the disasters in addition to using the proposed Disaster Management Authority. Our military personnel are also prepared to tackle some of the disasters. Sometimes we call in foreigners like Israelites to come and help; we call in foreign military personnel. So, even our military are trained and prepared to deal with disaster, and they can always come in handy.

Our local authorities must also be prepared. Most of them do not even have fire engines. When a disaster happens in an area, even sending a save our souls (SOS) message is always a fruitless exercise because help arrives when it is already too late.

I support this Motion and urge that we always be prepared. We need to educate our people right from our homes. They need to be trained even in basic safety measures, so that they are able to handle disasters.

Thank you.

**Hon. M'uthari:** Hon. Deputy Speaker, I rise to support this Motion because as a country many times we are just in a reactive mood. Every time we wait for disasters to happen and that is when we move up and down. However, some of those disasters are

almost predictable and something can be done about them; at any particular moment we have floods as we have had them this year. At the moment, we have drought and it comes year in, year out, as if we are not aware that it will happen. If we have this authority and we have people who can be trusted, we can move. I believe in this Republic we have Kenyans who are well prepared in terms of education, and who can steer this authority.

I believe we can convert some of those disadvantages like floods to an opportunity to harness water. That water will then be used for irrigation or other utilization, thereby solving the problem of food insecurity; those two features are connected. We also have incidents here and there on top of droughts and fires. You will find a building on fire; it is destroyed and we are not prepared. Again, this happens year in, year out and I believe that with the proposed authority, there will be help. However, for this Motion we could even have an adjustment and say that instead of urging the Government to act, we resolve, as a House, that the Government goes ahead and establishes this authority. This authority will also save money. If it is prepared properly, then we will save money for the Republic, save lives and our resources. That way, we can help our country to move forward.

With those few remarks, I beg to support.

**Hon. Chanzu:** Hon. Deputy Speaker, I rise to support the Motion and congratulate the Mover for bringing it. I wanted to say that it is not only in Isiolo where we have disasters, but all over the country. Sometimes it is difficult to predict where it will happen. We have had floods in Nyando, Tana River, and Budalangi and in many other places. We have had fires but the only thing that I would like to caution, from the experience that we have now, is that when we come up with an institution like this one, we should not create an institution for bosses. That is where people want to incur lots of overhead costs in offices, instead of doing the work that is supposed to be done in the field.

Sometimes back we used to have officers going round, some of them on bicycles and others on motorbikes, trying to show farmers what to do; their training include how to dig trenches to prevent erosion. Those days such officers are not there. The Agricultural Officers we have in the districts and counties are in offices. All of them go to the offices at 8.00 a.m. and get out at 5.00 p.m. They do not do the work they are supposed to do. I am only hoping that we will create an institution that will work, go round monitoring what is supposed to be happening and come up with ways in which they can detect and control some of the disasters.

One thing that we forget is that we need to facilitate whatever institution we put in place. We must have adequate equipment for them to use. Even the police officers we have today in districts and constituencies do not have vehicles, or equipment to detect the sophisticated crimes in our country. So, it is important that as we prepare to establish this institution, we think of a way by which once it is up and running, we will facilitate and help it detect potential dangers. I know that developed countries like the USA have had many problems from disasters like floods---

**Hon. Deputy Speaker:** Your three minutes are over!

**Hon. Mwaura:** Naibu Spika, nimesimama kuunga mkono Hoja hii kwa sababu mara nyingi unakuta kwamba watu wakipatikana na mafuriko ama majanga ambayo yamesababishwa na binadamu, Serikali huwa wakati mwingi inaanza kutafuta bajeti ya kuhakikisha kwamba lile jambo limesuluhishwa. Utaona kwamba hili linatatiza ile

mipango mingine ya kimaendeleo, kwa sababu ni lazima Serikali ianze kutafuta pesa za miradi ambayo tayari ilikuwa imeafikiwa.

Jambo ambalo pia ni la kushangaza ni kwamba wakati kunapotokea mafuriko ama majanga kama mengine, watu wengine huchukua nafasi ile kujitajirisha, au kutafuta pesa za kuwafaidi wao binafsi. Hii nchi imeweza kushuhudia--- Kwa mfano, wakati tulikuwa na njaa na kulisemekana kwamba kulikuwa na kashfa ya mahindi. Utakumbuka kwamba pia kuna mambo ambayo yametendeka kwa IDPs. Utakuta watu pia katika janga kama lile, walichukua ile nafasi kama matapeli kupitia ununuzi wa ardhi. Hii nchi pia inajua vile ambavyo Wakenya wamekuwa wakiiomba Serikali iweze kuwasaidia ili kujikimu katika maisha ya kila siku, na katika mambo ambayo wanahitaji kama nyumba, chakula na kadhalika.

Kwa hivyo, shirika hili likibuniwa nafikiri litakuwa ni jambo muhimu sana. Niseme kwamba Hoja hii ingepingwa na wale ambao kila baada ya muda hutaka kujinufaisha kutokana na majanga ya watu. Ni vizuri pia tuwe na hili shirika kwa sababu Wakenya wenyewe hawajaweza kuhamasishwa ni vipi ambavyo wanaweza kujikinga na adhari za majanga ambayo yanatokea. Kwa mfano, hata ukiangalia nyumba, wanawezaje kujikinga na moto ukitokea? Kwa hivyo, nimesimama kuunga mkono. Natumaini kwamba hii Hoja inaweza kuhakikisha kupunguka kwa nafasi ya watu ambao hufaidika kutokana na shida za watu wengine.

Kwa hayo machache, naunga mkono.

**Hon. Njuki:** Hon. Deputy Speaker, the rainfall pattern in this country is not erratic. We know the times when we normally expect the rains, but many times it appears that we are caught unawares. Most hon. Members who have spoken before me have dwelt on what they perceive to be areas prone to floods; this is the case with rural areas. I thank my sister, Hon. (Ms.) T.G. Ali because Isiolo is one place which is usually affected. In most urban areas, even Nairobi where we are at the moment, there are areas which are prone to floods. Even the authorities that are responsible for making sure that drainage systems are normally checked just before the rains fall are usually caught unawares.

I know of a family in Nairobi that lives in Lang'ata, and because they bought their house, they cannot move away. They have double-decker beds in their home. They do not sleep on normal beds. Every rainy season, the drainage system blocks and the place is like a river. Every time you approach the City Council of Nairobi, you are always told the same story. It is as if it has to be politicized so that people can be assisted. I want to echo the words of my brother, hon. Mwaura, who said that sometimes when we politicize things that are very serious and concern the lives of our people; we become victims of the same.

I wish my brother, hon. Ababu, was here because I understand that he got his seat because Mr. Wanjala could not contain the floods. Now that the floods have been sorted out in Budalangi, there is a petition against my brother because he is not seen to be doing anything at the moment, because the floods are not there. So, it is possible for us to sort out this problem and get our political mileage for doing other things. At the end of last year, there was a widow in my constituency who lost two school-going children and those are the only children she had. They were sent to buy bread across the stream---

**Hon. Deputy Speaker:** You need to organize your points. I said everyone will take three minutes. Yes, hon. Kiptanui.

**Hon. Kiptanui:** Thank you, hon. Deputy Speaker. I want to take this time to congratulate hon. T.G. Ali for moving this Motion. Indeed, over the years, we have experienced disasters in most parts of this country. If you are a student of mathematics, you can predict with some degree of confidence when disasters will occur again. You can predict this year, next year, ten years and 100 years from now. Therefore, we must move very fast and establish a Disaster Management Authority to respond to those disasters when they occur.

Last year, I lost 15 persons in my constituency as a result of landslides. As much as the Government was very quick to send a very big delegation led by the Prime Minister to condole with us, it has taken some time for this Government to compensate or even move the affected people at that time. Indeed, the small department in the Office of the Prime Minister at that time moved very fast and provided foodstuffs to the victims. Tents were also provided. But when it came to repair of the roads, water intakes and schools which were destroyed, it has taken close to one year. Therefore, I believe that things will move faster with the Authority that will be put in place.

As we establish the Disaster Management Authority, I agree with my brother, hon. Chanzu, that there is no need of establishing a department or an authority without funding. Therefore, we must ensure that we give them enough funds and equipment to respond adequately and in a timely manner. We should forget cases where fire brigades respond two or three hours late. They appear when you have lost all the property. Therefore, we need to equip and finance the Authority.

Finally, as we establish the authority, we need to have branches across the county. There is no need to establish an authority that is based in one place in this country. We can have branches in Mombasa, Eldoret, Western Province and other regions. Now that we have given governors sufficient funding, it is high time we urged them to establish small units of disaster management to respond---

**Hon. Deputy Speaker:** Hon. Kiptanui, your time is up!

**Hon. King'ola:** Thank you, hon. Deputy Speaker. I rise to support this Motion. I am aware that there are two types of disasters. We have man-made and natural disasters. We all know that disasters call for spending. We saw all the county governments preparing their budgets. I was shocked to hear that none of them has set aside money for disaster management. If you look at their budgets, obviously, you will see allowances, luxurious cars and other luxuries.

Hon. Deputy Speaker, it is time that the national Government dictated to the county governments to set aside some money to take care of disasters. We are also aware of man-made disasters. If someone somewhere fails to bring fertilizer on time, we should prepare for a disaster because of crop failure. I echo the previous speakers who have said that we could be creating disasters to cash on the same. The Disaster Management Authority should be put in place. But there must be checks and balances on the spending.

For example, I come from Athi River, Mavoko Constituency. Year in, year out, we move people from the slums along Athi River. Right now, it is dry but there will be rains in September, October and November. There is nobody who is constructing bridges or dykes along that river. I am happy because of the action that was taken to deal with the flooding in Budalangi. The people in that area are happy. Let the national Government take the lead. We should set aside funds to help our people rather than have the last-minute rush.

Hon. Deputy Speaker, I support this Motion because we needed that authority like yesterday.

**Hon. Deputy Speaker:** Yes, James Lomenen Ekomwa! He is not there. Yes, Nelson Gaichuhie! Somebody switch off that microphone for us. Hon. Members, this idea of coming to switch on your microphone and then leave the Chambers is really not helping to manage hon. Members. Please, let us desist from doing that. Once you have come and you want to speak, please stay in your seat so that we can manage the business of the House.

**Hon. Gaichuhie:** Thank you, hon. Deputy Speaker, for giving me this chance to contribute to this Motion. I also want to thank the Mover, hon. T.G. Ali, for bringing this timely Motion. It should actually be a reminder to the Government because it has always said that it will form a Disaster Management Authority, but it has never done so.

We are faced with very many disasters in this country. We have fire, floods, hunger and many other disasters that the national Government always declares national disasters. So, I urge the Government to speedily form a Disaster Management Authority which should be proactive and not reactive. That is because the Government comes in full force any time we have a disaster. It brings the fire brigade, personnel from outside, Kenya Army and the rest. That is the case and yet, some disasters can be managed if the Government is proactive and not reactive. So, it is time we urged the Government to form a Disaster Management Authority that will always be ahead of things, knowing very well that we are expecting floods and hunger. The authority should act before we have such disasters. It should be well managed.

Hon. Deputy Speaker, I also want to echo what hon. Chanzu has said. We can form a Disaster Management Authority whose officers will just be in the office doing nothing. It will have employees who are well paid but without equipment. So, once we form the Disaster Management Authority, it should be well managed. We should have a comprehensive plan for everything that they need; for example, vehicles. They should always be proactive and not reactive.

Thank you for those few minutes.

**Hon. (Maj-Gen.) Nkaisery:** Thank you very much, hon. Deputy Speaker. I rise to support this Motion. In doing so, I commend the Mover for bringing a very important Motion before this House. Disasters destroy the economy and peoples' livelihoods. So, a Disaster Management Authority is very important and it can safeguard our national security. For example, if a bridge is washed away and an attack from a foreign country occurs, you cannot support marooned people. So, that is a very critical thing. We must have a Disaster Management Authority which has the capacity and expertise to have an early warning system to manage disasters.

Hon. Deputy Speaker, you remember what happened in 1998. The Government did not have the capacity to respond to what happened at the American Embassy. If any Government, including this so-called digital Government, does not have the capability to manage disasters, then it has no business being called a Government. It is very important to start the authority as soon as possible and expand it to all the counties. We should have departments in every county which can manage any type of disaster. When you watch pictures of flood victims on television, it is very inhumane. You saw that lady in Nyando crying "*Serikali iko wapi?*" in the middle of water. Every year, we know it is going to rain. Every year, we know it is going to flood. So, we need an authority that can respond



to those disasters in an appropriate time. It should have the capacity and capability to manage them.

Hon. Deputy Speaker, we have so many rivers which are not very big. We can construct dykes and bridges along such rivers. We know the drought spell is going to set in. We can store hay for the livestock. If we can have an early warning system and capacity, the proposed authority can undertake that responsibility up to the county level. So, this is very important and I want to commend the Mover for bringing it.

**Hon. Deputy Speaker:** Your time is up. I said organise your points. Hon. Bishop Robert Mutua.

**Hon. (Bishop) Mutua:** Thank you, hon. Deputy Speaker. I stand to support and congratulate the Mover of this particular Motion. We are worried about the disaster preparedness in this country. When I talk about disaster preparedness, I am talking about preparedness that can enable us turn the floods into our advantage. We can have a massive water harvesting system that can enable us do irrigation work. We are not only talking about an authority that is just there, but a well-resourced authority. It should be resourced in terms of technology, visionary personnel and ability to respond on time. It should copy what we have seen the Red Cross do. I want to commend them. Every time there is a disaster anywhere, within a very short time, the Red Cross people are there. We are looking at that particular authority as an authority that is going to change calamities into opportunities of advancement.

At the moment, every calamity that happens in Kenya makes us beggars. We keep on appealing for relief food and assistance externally and yet, our disasters are well patterned. They are no longer surprises. Actually, we can plan for them because they happen repeatedly and we have statistics. Since we have a digital Government that embraces technology, then there is no excuse why we cannot have a Disaster Management Authority in place. That way, no more disasters are going to cause a lot of suffering to Kenyans.

Finally, it is important to know that the Disaster Management Authority is not going to be like any other authority. It will be an authority for engagement. So, we do not want to see offices only in Nairobi. The offices should be where they are required. The headquarters of that particular Disaster Management Authority should be located where there are disasters. It does not have to be in Nairobi because there is technology to communicate. The headquarters of that particular Authority can be anywhere.

Thank you, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Eric Keter.

**Hon. Eric Keter:** Thank you, hon. Deputy Speaker. I stand to support this Motion. This is a Motion which should have come many years ago. I say this because disaster, as we know, is an event that occurs without somebody's knowledge sometimes. But some disasters like floods should not take a long time to solve. I border the Kano Plains and, as a young kid, I saw my parents and other children suffering because of floods. Some were being ferried to the highlands and, up to now, many years later – that was about 40 or 50 years ago - the same things are happening.

So, the authority should come up with mechanisms to manage floods. Storey buildings have been collapsing in this country. The same has been happening in other cities. We do not have the personnel with the ability to cope with those things. We have witnessed winds destroying schools and other institutions in various parts of this country.

The local *mwananchi* only asks the Government to assist. The authority that is supposed to be responsible is not there. We should come up with an authority with well trained personnel to manage those disasters.

Hon. Deputy Speaker, Isiolo and Budalangi are now in a very good situation. But once we establish that Disaster Management Authority, we have to take the personnel to countries like United States of America (USA) which are prone to very big disasters like hurricanes, tornadoes and others. They will acquire skills on how to manage disasters.

I stand to support. Thank you very much.

**Hon. Deputy Speaker:** Hon. Tom Kajwang'.

**Hon. Kajwang':** Thank you, hon. Deputy Speaker. Allow me also to put my voice into this very noble Motion. I speak as a Nairobi City dweller; but I speak more as a slum dweller. I come from Korogocho in the suburbs of Kisumu Ndogo, Mathare and Kariandudu. Although the Motion is talking about floods, which are also with us when Nairobi River overflows, we are all washed away and taken down to the dumpsite. But the biggest disaster that we have is fire. In the homes that we own, fire is an everyday experience. Every weekend and nearly every two weeks, I have had to deal with issues when fire guts away homes and leaves people without materials, goods and even lives. Just last week, I was at Kisumu Ndogo. The other day, I was at Mathare and the story is the same for the other areas. That is because of the squalid living conditions that are prevalent there. Most fires are caused by illegal electricity connections. That is something that we need to discuss with Kenya Power Company. That is because they have the monopoly in the distribution of electricity and we have to live. We have to have some light, heat our systems, cook and so on, there is need to interface with the provider, who enjoys the monopoly. So, the Disaster Management Authority is an excellent idea to consolidate the functions that will help us in disaster management. In Schedule Four, I see that disaster management is a shared function of both the national Government and the county governments. If we had a central authority, it would help to consolidate those functions between the national Government and the counties.

Hon. Deputy Speaker, in the United States of America, fire marshalling is a big thing. Every young man is proud that his father was a fire brigade marshal. There are universities that offer special courses on disaster management. I would wish to see a day when Kenya would have a fire marshals department. That is something that will give us pride.

**Hon. (Ms.) Kiptui:** Thank you, hon. Deputy Speaker, for giving me this opportunity. I would also like to thank the Mover of the Motion, hon. T.G. Ali. I also wish to support this Motion, especially in terms of the coordination of disasters in the country.

When you scan this country, you realize that disaster issues have not been consolidated. When you go to the CDF, you find that an aspect of disaster funds is provided for. When you go to the national Government, you also find some bit of disaster management. This is also under the Red Cross, which is an international body. I support the Motion that we need to create a central point where all those people can rally and coordinate issues of disaster management.

As my colleagues have stated, disasters can be very costly. They can destroy livelihoods especially for people in the rural areas and, more so, in the ASAL areas where there are always floods and drought. Since those issues are predictable, if we had a body

to co-ordinate them, it would be its function to ensure that it gives early warning signs to the people and even categorize areas where people should not live. For instance, in Baringo, we normally have landslides. I am sure that if we had a body that looks into those issues, it would warn the people not to settle in areas which are prone to floods. Because of increased population, arable land is becoming less and many people are going up the hills, cutting trees and settling there. This is a recipe for disaster. It would be the business of that authority to inform the Government to bar people from living in those areas.

With those remarks, I beg to support.

**Hon. Muluvi:** Thank you, hon. Deputy Speaker. I rise to support this Motion. I am also aware that the Government has a small department called the Disaster Management Centre under the Office of the President, which has no capacity to manage disasters. As I support this Motion, that authority will not only address the issue of floods, but it will also address earthquakes, fires and bomb blasts, among other disasters.

In the past, the Government has been very reactive to disasters. This authority will have early warning systems to assist the Government to conduct evacuation in good time. The pattern of our seasons is well known to the Government. What is happening in Sondu and other places should be taken care of well in advance. Last weekend in Kitui Town, there was fire that took fire-fighters eight hours to put off. Due to lack of fire-fighting equipment, the fire occasioned losses to the tune of Kshs100 million. Therefore, if that authority is put in place, it will be devolved to the counties and, therefore, it will be very easy to react to disasters from a centralized place.

I support the Motion.

**Hon. Dukicha:** Ahsante sana Mhe. Naibu Spika. Naunga mkono Hoja hii. Kwanza, nampongeza sana Mhe. T.G. Ali kwa kuleta Hoja muhimu kama hii katika Bunge hili. Ni kweli kabisa kwamba wakati wa mafuriko, watu hupata shida sana nchini, hasa, Galole na Tana River. Mafuriko husababisha mambo mengi sana kama vile watu kuhama kutoka sehemu wanayoishi kuenda sehemu zingine na watoto wa shule kushindwa kufika shuleni kwa sababu maji hujaa kila mahali.

Mafuriko pia huharibu mimea. Watu wanatayarisha mashamba yao na mimea inaanza kumea. Lakini mafuriko yanachukua kila kitu na watu wanabaki hohehahe. Vile vile, mafuriko huleta ugonjwa wa kipindupindu katika sehemu kame na watu huadhirika sana kwa sababu hakuna madawa hospitalini. Jambo hilo linaleta tashwishi nyingi sana. Mafuriko pia huadhiri mifugo kwa sababu hawawezi kwenda malishoni. Kwa hivyo, ni jukumu la Serikali ya Jubilee kuhakikisha kwamba shirika hili limeundwa ili majukumu haya muhimu yatekelezwe.

Naunga mkono.

**Hon. (Ms.) Musyoka:** Thank you, hon. Deputy Speaker. I stand to support this Motion and congratulate hon. T.G. Ali for moving it. This is a very important Motion. We seem not to learn from our mistakes and the calamities that have befallen this country. It is high time that we had an authority to handle issues that come our way from the numerous disasters that we have year in, year out. Disasters are not specific to certain areas like Isiolo, they happen in the entire country.

We face all manner of disasters. It is not just floods and famine. We have fires in our forests and buildings. We have all sorts of calamities like disease outbreaks, which end up being big disasters because they are not well managed as they should because of

lack of such an authority. We have helplessly watched people die in fires and landslides and we cannot continue like this. We need to take a positive action.

*[The Deputy Speaker (Hon. (Dr.) Laboso) left the Chair]*

*[Hon. Speaker (Mr. Muturi) took the Chair]*

Hon. Speaker, Sir, we need to take positive action because this Motion has come at the opportune time. It is important for us to embrace it and set up an authority for disaster management. I think the Mover of the Motion has been a disaster manager in many occasions. We have watched many bad things happen, but we stand there watching helplessly.

Hon. Speaker, recently, in the last rains, I was called by somebody who was in Masinga. The person informed me that somebody had drowned because the water levels had come up. The crocodiles were on the rampage and it was hopeless. I could not do anything. With an authority as proposed in this Motion, we can have measures put in place so that when disasters occur, something can be done immediately. When a disaster occurs, time is of the essence.

**Hon. Nyenze:** Thank you very much, hon. Speaker, Sir, for giving me the opportunity to contribute to this very important Motion. I rise to support the Motion and congratulate hon. Tiyah Galgalo for bringing such a timely Motion.

Hon. Speaker, Sir, I just want to say that the money that the Government is spending to mitigate some of the effects of floods and all the other calamities that are caused by heavy rains is enough to contain the water through dams in most of the rivers in the affected areas. I have worked in Isiolo and I am sure hon. Galgalo knows that there are issues that have contributed to those advance negative effects. One, is environmental degradation.

Hon. Speaker, people are doing farming along the river banks; the area from Buuri to Isiolo and beyond. There is over-grazing and a lot of deforestation. When it rains in the uplands of Meru, all the water flows down to Isiolo and it causes untold suffering to the people who are living downstream. Just two months after, everybody started fighting to share the available water, which is never enough for farming. I think the best thing is for the Government to take proactive steps of constructing dams upstream, so that we can have enough storage of water.

Hon. Speaker, Sir, it is not only in Isiolo but all ASAL areas, including Kitui and the whole the Ukambani region. There are big rivers like Athi, Thua, Kawi, Thwake, Kaiyo, Matinga, Tiva, Kaiti and others which can be dammed so that people living in Galole and Tana River are not affected by floods during the most difficult time of the rainy season.

Hon. Speaker, by constructing dams upstream, they will contain water and increase irrigation. One of the pillars in the Jubilee Government's Manifesto is to ensure that we have food security. That way, we will have sufficient food through irrigation instead of rain-fed agriculture. They promised to irrigate 1 million acres of land each year. How can you irrigate 1 million acres if you do not go to areas where there is space like Isiolo?

**Hon. Rotino:** Thank you very much, hon. Speaker, Sir, for giving me the opportunity to add my voice to this very important Motion.

It has taken a long time for the Government to consider this matter because there are so many small agencies that deal with disasters. It is now high time that we consolidate all those agencies and put them into an authority so that it can have teeth to implement disaster management in this country. As my colleagues have said, in various constituencies, there are problems. In my own constituency, during the last rainy season, we lost more than 20 people because of rain-related disasters. The response from the Government was so slow that we could not save the people who were affected by the disaster.

Hon. Speaker, Sir, it is high the Government consolidated the agencies into a disaster management authority and implement it as fast as possible. It has taken a long time for the Government to organize itself. Disasters happen every year and yet, we are not pro-active. We need to look at this matter seriously and decide what to do. We should set a budget for it.

Hon. Speaker, Sir, I want to thank hon. Tiyah Galgalo for bringing this very important Motion. I urge the Government to move with speed and establish the Disaster Management Authority. I also urge the Committee on Implementation to take immediate action on this Motion and ensure that it is implemented. The Ministry concerned should take this matter very seriously. During the next rainy season, we should not sit down and wait for something to happen and then take action. It is good to prepare ourselves for the eventualities that might occur at the constituency level.

With those few remarks, I beg to strongly support.

**Hon. (Ms.) Mathenge:** Thank you hon. Speaker, for giving me the opportunity to contribute to this Motion. I want to thank the Mover of the Motion and assure her that in the last Parliament a lot of work was done in preparation of a disaster management authority. That was done because all the disasters that have occurred in this country in the last five years-- The Japanese Government actually gave a lot of equipment worth over Kshs500 million and it was very difficult to know who was going to be in charge of it.

I want to assure the hon. Member that, that Disaster Management Authority was recommended to take charge of that equipment, service them and ensure that every county had the equipment for various disasters.

Hon. Speaker, Sir, I want to say that with climate change, we going to have many more disasters like fires, drought, floods and so on. In addition, we also have artificial disasters. You remember we had the Sinai fire tragedy where we lost over 193 persons because of siphoning petrol. The same happened in Busia and Sachangwani. That Disaster Management Authority should start by training people on disasters. One of the biggest problems that the Government encounters is when it requests persons to move from disaster-prone areas so that they can evade them. We need to educate *wananchi* on how fast they can move and what precautions they should take. If that authority comes into place, I am sure we will develop a community that is resilient to disasters and one that can cope very well with disasters. I believe that disasters are not just floods and hunger. There are other disasters, for example, buildings that collapse. The equipment that we were given by the Government of Japan is able to dig out people who are---

**Hon. Speaker:** Your ten minutes are over. We had resolved that the Mover be called upon to reply at 10.50 a.m. The Mover is hon. Tiyah Galgalo. I am sure she has not forgotten that. Proceed and reply.

**Hon. (Ms.) T.G. Ali:** Hon. Speaker, let me take this opportunity to thank all hon. Members for supporting this Motion. The support shows the importance of this particular Motion. I know that this country has had many disasters. I do not need to repeat that. We remember the bomb blast and the Sinai fire. The most recent, of course, are the floods.

That agency will be important because it will enhance safety and preparedness for any disaster. I think what we need is a kit. We need to plan. We need to educate communities on what to do in the event of disasters. We need an information dissemination centre where people will share information on weather patterns. There will be information available on how to keep ourselves and our property safe in the event of any disaster.

The practice has been that committees are formed after disasters have taken place. In Isiolo, we lack vital equipment like firefighting equipment. One month ago, we watched a house in the hospital quarters burn down. A lot of property was destroyed and the family was displaced. We do not have ambulances or recovery centres. We also lack psychosocial support especially for the people who are affected after the occurrence of a big disaster.

Most of the time, we have disaster agencies such as the Red Cross come in handy. However, sometimes, the pledges that are made are never honored. I remember that ten years ago, when Gotu Bridge was washed away, it turned into a cash cow. It was not done until recently when the budget was passed in this House.

During the floods, five counties were affected. They are Isiolo, Moyale, Turkana, Mandera and Kilifi---

**Hon. Speaker:** You have another five minutes hon. Galgalo, before we put the Question. Even then, we will have to determine that we have quorum before we can put the Question.

**Hon. (Ms.) T.G. Ali:** Hon. Speaker, those five counties that I mentioned were discussed. All the then Permanent Secretaries met to allocate money for emergency use in those counties. I want to report that some of those counties are yet to receive the money that was allocated to them. I would like to urge the Departmental Committee on Transport, Public Works and Housing to table a report showing how much money was allocated to those counties. That is because whenever we have disasters of that magnitude, money is allocated and, at the end of the day, there is no accountability.

We are now expecting rains in September. I remember that the engineer concerned made a budget request of Kshs800 million that would ensure that Isiolo is not affected during the coming rains. However, that has not been honored. I expect the Committee to tell us how the money that was allocated in early May, 2013 was spent in those five counties.

That authority is very critical. I thank the House for supporting this Motion. I urge the Ministry concerned to move with speed so that it does not appear that we are taking peoples' lives for granted especially when disasters happen. We need to have a coordinating body which will have offices at the county level. This will help in evacuation and rehabilitation.

Thank you and I beg to reply.

**Hon. Speaker:** Hon. Tiyah Galgalo, I am informed that we are only 37 Members in the House. There is something exciting Members that they do not want to participate in debate. We could defer putting the Question on this Motion until we have quorum. That is the practice we have adopted in this 11<sup>th</sup> Parliament. We could give you another three minutes before we move to the next Order. I can see hon. Members coming in.

**Hon. Waititu:** On a point of order, hon. Speaker. I rise to let you know that most of the hon. Members are around. However, because the former Prime Minister is around, that is why they are not in the Chamber. They are, however, around.

**Hon. Speaker:** But that is extraneous to the proceedings in the House. Hon. Members, we will not put the Question relating to the Motion by hon. (Ms.) Ali, T.G. until such time as we shall form quorum. I direct that, that business be placed on the Order Paper for the afternoon Sitting at 2.30 p.m. and then we move to the next Order.

#### GOVERNMENT URGED NOT TO SIGN ECONOMIC PARTNERSHIP AGREEMENTS

**Hon. (Dr.) Laboso:** Hon. Speaker, Sir, I beg to move the following Motion: -

THAT, aware that since the signing of the Cotonou Agreement in the year 2000 the Government has been negotiating Economic Partnership Agreements (EPAs) with European Union (EU) together with other member States of the Eastern African Region; further aware of the concerns raised by the Eastern African Region on the contentious aspects of EPAs, including offering undue advantage to products from other markets at the expense of growth of local and regional industries; further taking cognizance of the adverse effects that EPAs are projected to have on Kenya's economy particularly on agriculture and manufacturing sectors; aware of an amendment to the European Union's Market Access Regulations (1528 of 2007) whose effect is that the 18 countries which have not signed or ratified the full EPAs, most of which are from Sub-Saharan Africa, Kenya included, will henceforth be removed from duty free, quota-free access to the EU markets; further aware that once removed Kenyan products will, from October 2014, cease to enjoy the duty free, quota free tariffs in the EU market and that the national economy is estimated to lose more than Kshs10 billion in that year alone; this House urges the Government not to sign the EPAs in their current form until all contentious issues raised by the Eastern African Region and Kenya, in particular, are addressed and that the Government continues to explore trade negotiations with the European Union.

Part of the reason why I feel quite passionate about this Motion is, first of all, for hon. Members to understand what happens as Members of the African, Caribbean and Pacific (ACP) group of States, as well as our partnership and joint parliament with the EU, it is important for hon. Members to understand some of the things that are discussed at that level. Currently, Kenya holds the presidency of the ACP and I am currently the President of that body. I want to declare interest that this Motion was brought long before I was holding that position and that, I am not speaking here as the President of ACP but as a concerned Kenyan who is a Member of Parliament. I need to make that point clear!

However, the Cotonou Agreement is an EPA involving the EU and ACP States. That agreement was signed on 23<sup>rd</sup> June, 2000 and it was amended for the first and second time on 25<sup>th</sup> June, 2005 and 19<sup>th</sup> March, 2010. It is a successor of what we call the Lome Convention and it is executed through EPAs. That is how trade agreements are signed between ACP and EU. But those EPAs are supposed to replace the non-reciprocal preferences that the EU currently grants to the ACP group with a reciprocal preferential scheme that conforms to the World Trade Organization (WTO) rules. I know this may all sound like jargon but if you hear me out, you will understand why I am making the proposal. The EPAs are between the EU and blocs of ACP countries that are members of the regional trading arrangements like the Southern African Development Community (SADC), the East African Community (EAC) and it informs the EU's dealing with the 79 developing countries drawn from ACP. One of the trade agreements they have is the one they call "everything but arms (EBA)". This EBA initiative is usually done for the least developed countries (LDCs). The LDCs are able to export their products to the EU duty free and they can export anything but arms. Kenya is the only non-LDC in the EA region. All the other members of the EAC are classified as LDC. However, not all member States of the Cotonou Agreement have fully ratified that partnership. So, despite sustained pressure from the EU Commission, Kenya and, the EA partner States have refused or have not yet signed the EPAs in their current form. I want to emphasize that I am not here trying to say: "Do not sign at all!" We are saying "in their current form"; as they are right now. The agreements offer contentious aspects that give the EU undue advantage over Kenya. That has seen negotiations start and stop on the agreements over the years. In the EA, the regional partnership seeks to work with partners and members of the EAC; Kenya, Uganda, Rwanda, Burundi and Tanzania.

In joining its EAC partners, Kenya remains in negotiations with the EU for a review of the agreement to eliminate the outstanding contentious issues. Through the East African Legislative Assembly (EALA), the EAC has called on the EU to renegotiate the agreement and remove the clauses – that is what we are saying – that give the EU undue advantage over Kenya's and the region's developing economies. We are a young country; our economy is just developing and we are saying: "Do not put so much pressure on us and our young upcoming economies." Our young upcoming industries may not compete effectively if, in our agreements, we are opening up our markets for all European products to come into our country. They will definitely out-compete our products because of the subsidies that the Europeans give to their farmers and citizens. So, the EU Commission has, on several occasions, threatened to withdraw those preferences to Kenya if the country does not ratify the agreements. Because of the pressure from politicians and other leaders from developing nations, in December last year, the EU agreed to move the deadline for ratifying the EPAs from January 2014 to January 2016. In the last meeting in Brussels - I am sure you have noticed that we were not here for about two weeks - it was agreed that they were not moving it. We have been given up to the end of 2014 to ratify the EPAs. So, that statement is misleading; it is the end of 2014 and not 2016. So, we must have ratified or else - as they say - suffer the consequences.

As things stand now, after that deadline, Kenyan exporters will have to pay duty on exports to the EU. An amendment to that effect of the EU Market Access Regulation targets 18 non-LDCs that have not ratified EPAs. In the EAC, this regulation – it is called Regulation 2015 – specifically targets Kenya because we are not an LDC. Therefore, if



that EPA is not signed by the end of next year, it means our flowers, fruits, fish and any other exports to the European Union (EU) will attract 100 per cent duty and tariffs on entry into the EU market. Kenya stands to lose over Kshs6 billion in 2015. That is the direct loss that does not include the losses that are associated with job cuts and loss of indirect employment.

Hon. Speaker, Sir, what are the effects of EPAs on the Kenyan economy? The rejection of EPAs in its current form by Kenya and the other Sub-Saharan States is informed by the potential harm that they will have on the Kenyan economy should the country ratify the agreements fully. We are saying that nowhere else is the danger more eminent than in the “all out liberalization” which is what the agreement is saying. An all out liberalization of trade with the EU will be felt more in our agricultural sector and Kenyans will not start new manufacturing industries.

We know very well that Kenya’s main agricultural exports to the EU include horticulture, coffee and tea, which you all know is a product that is, of course, very dear to all of us and, particularly, to me since I come from the South Rift. The EU actually accounts for up to 80 per cent of Kenya’s fruits and vegetable sales. It also accounts for 42 per cent of the flower exports. Kenya also imports most of the equipment from the EU. So, the full ratification of EPAs in their current form poses several dangers to the Kenyan agricultural and manufacturing sectors. Whereas the total liberalization of trade may sound attractive; yes, some people may think that, that is attractive, but trade preferences granted by developed countries to products from developing States such as Kenya are still subject to very risky known tariff barriers.

One such example is the stringent EU export product requirement that they can potentially lock out Kenya’s small-scale farmers. They have raised their requirements so high that it is very difficult for ordinary farmers in Kenya to meet the standards for their products to be exported to the EU markets. In our last meeting, Botswana said that it exports meat products to the EU. The example Botswana gave was that it has reached a point where they are literally being told that they have to exercise the cows and take them to the gym before they are slaughtered.

*(Laughter)*

They say that the cows get stressed when they have to travel long distances to the abattoirs before they are slaughtered.

Therefore, we might not meet the stringent measures that they require of our farmers. That is the case and yet, we would have signed an agreement which allows everything from the other side to come easily into our country. However, we cannot say the same about our products going to the other side. That is just an example.

Hon. Speaker, Sir, further, Kenya’s productive sector will be exposed to increased competition from the EU imports. Ironically, the COMESA has overtaken the EU in the current trade. That COMESA has overtaken the EU as Kenya’s key destination for manufactured goods and exports. Remember what we are taking to the EU in most cases are exports of raw material. But what we are selling in COMESA and in the East African Community (EAC) are manufactured goods. We are getting more from doing trade in the COMESA and EAC region than what we are getting from the EU.

So, if Kenya bows to the EU undue pressure rather than protect and enhance the COMESA trade, the EPAs in their current form will actually compromise that relationship that we have with COMESA and EAC. The relative growth of Kenya's exports to COMESA when compared to the EU is telling on the foregoing reality; that the regional COMESA market is the main destination for Kenya's manufactured goods than the EU market.

Therefore, EPAs may, through opening up market access to the EU, result in the loss of competitiveness for Kenya's industries in the domestic as well as in the regional markets.

The Institute of Economic Affairs has done a detailed study on the effects of EPAs and has made the following recommendations. For Kenya to benefit from EPAs, it must, amongst other things, press for access of all Kenyan products into the EU market. There should be no conditions imposed on Kenyan products. There should be enough tariffs phase-down period to enable Kenya to consolidate gains from the regional integration. There should be full compensation for expected revenue loss in form of increased budgetary support. There should also be trade capacity building to mitigate the loss of complying with the crippling and non-tariff barriers. That is because they have several non-tariff barriers or strict measures that they expect to be met by us in order for our products to be in their markets.

Hon. Speaker, so, Kenyan trade flows in agriculture and in manufacturing. That presents her a unique production structure. I do not want to go into that in details but, if anybody is interested, he can read. It is summarized that the stringent measures they are taking is in order for us to meet the standards for our products to access their market. However, there is information for anybody who is interested.

I would like to say that Kenyan farmers and exporters require certification from companies that are accredited by European retailers. Those standards, though they are being taken to be advantageous by some key stakeholders, have severe cost implications for small-scale farmers who, unlike their larger counterparts, are not well organized and may result in their products being locked out of the EU market. So, any position being taken by the country must really ensure that the market access currently being enjoyed by the country's exports is preserved and not eroded. At the same time, it should protect the local manufacturing sector from heightened competition from the EU exports.

Hon. Speaker, our President, Uhuru Kenyatta, in his Speech during the Official Opening of Parliament and during the Jubilee Campaign Manifesto, reiterated his commitment to protecting local industries and supporting homemade products. If he fails in this duty, the President will let down youth enterprises, women enterprises, youth employment, agriculture and all those things that, we, as the Jubilee Government, had promised Kenyans. So, the competition problems that will arise from the ratification of EPAs in their current form will be devastating to industrialization. We want to be an industrialized nation. We also want to sell our products in other countries. We want to start our manufacturing industries. But that should not be pegged to signing the EPAs in their current form and I keep on emphasizing that.

The EU considerably subsidizes both their manufacturing and their value addition and we are aware of that. That makes their products extremely competitive anywhere globally. They give subsidies to their farmers and manufacturers. Our goods cannot compete fairly with the EU products in our market if we open the free tariff to EU

products. If we allow Economic Partnership Agreements in their current form, we might as well actually be writing obituaries to our renowned local manufacturers like Universal Cooperation, Sameer Group of Companies, Haco Industries and Forever Living. All those are local products that when you go into supermarkets you are buying Kenyan products. What we are saying is if you visit a supermarket in countries such as Togo, Benin, Sierra Leone, it is almost like being in a supermarket in Europe because all their products come from the European Union (EU). We are saying we have to protect our local manufacturing industries so that we avoid buying European goods. This is because we know that in Kenya you go into a supermarket and you will be using products that literally are actually manufactured here in our country.

Hon. Speaker, I would like to mention that there are countries that have actually signed those EPAs. This Cotonou Agreement, as I said, comprises the 79 nations that form the African Caribbean Pacific (ACP) countries under the EU. Of those 79 ACP countries, only ten African nations have signed. Some 18 other African countries including Kenya, Burundi, Ghana, Namibia, Rwanda, Tanzania, Uganda, Zambia have concluded negotiations but they have not signed their respective agreements. We have got Botswana, South Africa, Cameroon, Ivory Coast, Lesotho, Mozambique, Swaziland and Zimbabwe as well as Fiji and Haiti. Those ones have signed but they have not taken the necessary---

**Hon. Speaker:** Your time is over.

**Hon. (Dr.) Laboso:** Hon. Speaker, Sir, I thought I had more time than the three minutes you were giving me. Is there a problem? It is still not on. Can I go to the Dispatch Box?

**Hon. Speaker:** I had given you 20 minutes to move.

**Hon. (Dr.) Laboso:** Are my 20 minutes over?

**Hon. Speaker:** Yes.

**Hon. (Dr.) Laboso:** I am just finishing. Give me two minutes and then I will conclude.

So, I have just given you list of countries which I have said have signed the EPAs but have not taken the necessary steps to ratify and implement their respective agreements. So, what I am saying is: Yes, we need to sign an EPA but we are saying let us not sign it in its current form as it is giving us undue advantage over products coming from the EU into our market. We are also saying that the impact of being removed will differ from country to country. Remember we said that after the end of 2014, we will be removed from the market access into European markets and the impact of being removed from that market access regulation would be different for the various countries. Everybody will have different impacts. This is because as I said earlier, in the East African Community (EAC) it is only Kenya that does not belong to the Least Developed Countries (LDCs) and, therefore, will be impacted by not signing it. Even if all the other East African countries do not sign, there will be no problem because they belong to LDCs and, therefore, will still have ability to access the European markets because of what I earlier alluded to; everything but arms.

Hon. Speaker, Sir, so, really what I am saying is that we need to ask our Government to look critically because what we want to save is our local industries and we want to stop an agreement that brings a flood of products from the EU that are going

to definitely cost a lot less because of the subsidies that are given to their markets, farmers and manufacturers in their countries.

Hon. Speaker, Sir, so, I want to leave it there because of time and ask the Member for Ugenya who is a member of the Committee on Regional Integration to second.

**Hon. Speaker:** Hon. David Ouma Ochieng. You are the one to second.

**Hon. Ochieng:** Thank you very much, hon. Speaker, Sir. I would like to congratulate the Mover of this Motion, hon. Dr. Laboso, for a very important Motion. Most things happen without this Parliament knowing and this is one of the things that I think is happening without Parliament knowing. However, at least under the new Constitution, this House now has a very major role to play at any time this country is going to sign any international treaty under the Constitution. However, back to the Constitution, I have lived in Kenya now for the last 32 years and a couple of things have happened. Among them has been the going down of Raymonds, Rift Valley Textiles (RIVATEX) and Kisumu Cotton Mills (Kicomi). Thika used to be the hub of this country in industrial production but it is long gone. It no longer produces anything.

Hon. Speaker, you know some time back in 1998/1999, the EU decided to block fish from Lake Victoria from going to Europe but allowed the fish from Uganda and Tanzania and yet the fish is from the same lake. Just to bring it closer home, recently we passed a very good Budget and we allocated so much money for industrial and enterprise development. When the President was here sitting on the seat that you are sitting on today, he said that he wants to ensure the local industry grows more than it has been doing before and that is why we are putting so much money in the Youth and Women Enterprise Development Funds. We are putting so much money in enterprise development. We are also, as we speak, trying to develop our Numerical Machining Complex (NMC) and so this Motion is not much about the EPA. EPA is just a nomenclature that is being used to describe the agreement between Europe and ACP countries. It is much about how Kenya will relate with the rest of the world moving forward including the EU.

The Mover has ably said that Kenya, in East Africa, is classified as a developing country. Tanzania, Uganda, Rwanda and Burundi are all classified as LDCs and within the World Trade Organisation (WTO) framework or within the EU framework, they are allowed to trade anyhow. The reason here is that what they produce is so small. It will not unsettle any trade balance in the world. It is so minute and that is why they are treated that way but Kenya, in the world arena in terms of trade, is so huge that you just do not want to allow Kenya to trade with you. You must discipline it and that is why the Mover said that in disciplined trade between Kenya and the rest of the world, in this case the EU, we must have some rules that will help the industry here and that is why this particular Motion is very important.

Hon. Speaker, I am one of the experts who have been advising East African countries because as you know, one of the legal impacts of the EAC is that Kenya can now not on its own sign a trade agreement with the rest of the world. It must sign as a community. Where Kenya is going to sign, it must sign with Rwanda, Burundi, Uganda and Tanzania. So, if those countries refuse, Kenya will not sign but particularly for Kenya is that Kenya has high stakes. As we speak, Uganda is our major trading partner in the world. Uganda also sustains us and that is why sometimes when you hear them cry when the railway line is messed up, it is because all that we produce in this country, 60

per cent of it goes to Uganda. About 20 per cent goes to Tanzania. That is why within the EPA framework we are saying let us put much energy in the regional trade. However, what EU is now telling us is that if Kenya is supposed to trade with Uganda, Tanzania, Rwanda and Burundi, within the agreements that we are talking about – the so called EPA – in case Kenya extends any concession to Uganda, Tanzania, Chad and South Africa, EU is saying that that concession must again be extended to it. That anything we give to Uganda or Zimbabwe, we must give to the EU. That is what the hon. Member is saying should not happen because this will interfere with our own inter-Africa trade.

EU is long developed through our own sweat and we are saying let them allow us to trade within ourselves first before we get capacity to trade with them and that is one of the issues that she is calling contentious. It is covered under a principle called “The Most Favoured Nation Principle.” This principle says that in case a country extends a trade concession to another within the international arena, that concession must extend to the rest of the world unless there is a prior arrangement like what we have in the EAC. What we have in the EAC and what we are trying to do with EU, are all anchored under the WTO Agreement, Article 24 that says that if you want to run away from the international rules, you must follow some disciplines. But the EU is trying to go ahead of us and saying that anything that we give to our neighbours must again also accrue to the EU and that is what those countries are saying no to. They do not want that.

Hon. Speaker, so, you know that Europe and America developed through our sweat and all our materials. Now, what African countries are saying and particularly Kenya is that allow us as we go forward to be able to put what we call export taxes. You heard the other day the Governor of Nairobi saying that they are banning the sale of scrap metal.

If you go to our books, you will find that Kenya exports steel. We do not produce any steel, but we export steel today. Kenya and the current Parliament are saying that we must have the policy space. If we want to add value to coffee, then we will say that we are putting an export tax. If you want to export coffee you must pay 30 or 50 per cent tax, so that we discourage people from exporting and so that we add value here. EU is saying no because they want us to export raw materials to Europe, they process it and bring it back as Nestle or the Nescafe of the world. Those are our products. They take the raw materials, process them and bring them back at a higher rate. Now, Kenya is saying no. Allow us to take measures that will help us to produce locally and export those finished products. EU is saying no. This Parliament is saying: let us look at it afresh and have this policy space that will enable us to move forward.

One of the other contentious issues is that under the Lome framework that the Member talked about, we used to sell to the EU duty free and quota free, but from 2015, we will be required to pay tax. Our products will be taxed just like they tax products from America and China into Europe, yet our circumstances are very different. That is why we have said that, look, if we are going to sign those agreements, the EU must commit that they will up their development support to us and when they do so, they will not tie it down to things like human rights and democracy because we know how better to manage our democracy. We are saying that let the EU give us money to help us build that capacity. This capacity looks like this: Today, where a Kenyan producer spends Kshs100 in power in cost of production, a European spends 50 cents. This means that our cost of

power is over 1000 per cent more than what a European will spend on power because their power is subsidized.

For example, for a normal European cow producing milk, Europeans spend about US\$1 a day. A Kenyan can barely live on US\$1 per day. So, the European cow is richer than a Kenyan in the sense that Europe subsidizes production more than anything else. We will not allow that they subsidize their products and bring them here. If we do that, you can be sure that Brookside, KCC and all those industries that you see today will go. That is why we are saying that Parliament must now be involved in some of those things because it is us who ask questions. It is not a civil servant, but us. What was happening before was that a Permanent Secretary would leave this country, board a plane to Belgium and sign some agreement that we agree, without Parliament knowing. The position has changed and that is why the Member is saying that we should advise the Government on what to do or not to do before they sign those EPAs.

This is very important for us as a country, because we are respected in Africa and countries are looking up to us to give direction. We are “more industrialized than them”. As a country, we must show direction. Countries like Togo and Benin are middles. Those are very small countries that do not produce anything. In fact, they export most of their cocoa to France and Switzerland. It is very funny that if you go to any shop today, even in Togo and Benin, you will find very nice chocolate, very well done, but all this is made in Switzerland with raw materials from Benin and Togo. This is their mainstay.

**Hon. Speaker:** Are you seconding?

**Hon. Ochieng:** Hon. Speaker, give me two minutes I finish. This is an issue that is very key. The main issue for us is that as a Parliament, we must help this Government to put money in production and reduce the cost of production. We cannot be paying Kshs100 for a single unit of electricity and South Africans and Europeans are paying Kshs1 for it. Let us do our roads. Transporting just potatoes for making chips from Nyandarua into this City is hell to our farmer. Let us sort out what we call surplus at the constituency. Let us sort out our roads, electricity and remove the bureaucracy before we sign the EPAs.

I beg to second.

*(Question proposed)*

**Hon. (Ms.) Kajuju:** Hon. Speaker, I thank the Mover of this Motion. The Motion is very important to the East African Community and Kenya in particular. This 11th Parliament is quite blessed to have a Committee on Regional Integration under the Standing Order 212. Some of the functions of that Committee are to inquire and examine all treaties and laws that would affect the EAC and our country.

I am also alive to the fact that there was a disconnect between the previous Assemblies and the current Assembly in the sense that any treaty that was signed before did not find its way into this House in view of the fact that there was no Committee that dealt with issues of regional integration. Today, courtesy of the 10<sup>th</sup> Parliament we are blessed to have the Regional Integration Committee.

As a lawyer, I am alive to the provisions of Article 2(5) and (6) that expressly allow any treaty that has been ratified by the Republic of Kenya to become operational in Kenya. This, therefore, means that all the terms and conditions that go with that treaty or

agreement would automatically affect each and every citizen of this Republic. We have seen this happen through the ICC and the other treaties that have been signed and persons, at the end of the day, claim not to have known the consequences of that action. It is with this in mind that I beg the Mover of this Motion to allow this debate be adjourned under Standing Order No.96 and the matter be referred to the Committee on Regional Integration, so that we can bring a report to this House and sort out the issue. That is my position as the Chairperson of the Committee on Regional Integration.

**Hon. Speaker:** Is it your proposal that you move under Standing Order 96 that debate be adjourned?

**Hon. Kajuju:** I, therefore, move under Standing Order 96 and request that this debate be adjourned.

**Hon. Speaker:** Well, I can see some frowning. Let us hear some reaction from the hon. Rachael Shebesh.

**Hon. (Ms.) Shebesh:** Thank you, hon. Speaker. Of course, with a lot of respect to the Regional Integration Committee, she has given accolades to the 10<sup>th</sup> Parliament for creating the Standing Order and the spirit in which the committees have taken over responsibilities to look at Motions and reports in this House does not negate in any way the right to debate the same issues on the Floor of the House. That is how one enriches the Committee's report. It is by listening to the views which even the Chair has agreed, when the Mover and the Secunder speak it gives immense value.

Hon. Speaker, I have been a member of the Pan African Parliament. I do have very valuable input in terms of how negotiations are going and how Africa is being treated by the European Union. I would beg the Chair to be patient, allow debate and use that debate to enrich the Committees' work. I do not think that particular Standing Order was in any way meant to negate debate on the same Motions on the Floor of this House.

**Hon. Speaker:** Can I have some other reactions as I can see in the face of hon. David Ochieng'?

**Hon. Ochieng':** Hon. Speaker, Sir, just on the same point of order, I wanted to agree with hon. Shebesh, because I am also a Member of that Committee. I think debate on this matter will help us more so that we pass the Motion, before we refer the matter.

Thank you.

**Hon. Speaker:** Let us hear from hon. Dr. Laboso.

**Hon. (Dr.) Laboso:** Thank you, hon. Speaker. I want to agree with the two speakers that have contributed before me. I think this is a debating chamber for hon. Members and Motions are not binding, nobody ---

We had a situation last week where we were telling hon. Members that they were the people who were in charge of budget; if they wanted to move a process to the next level, then they would have brought a Bill to the House and then go and negotiate with the Government. A Motion is partly to inform hon. Members. A lot of hon. Members do not know what ACP means; I am sure a lot of the hon. Members were going to the Committee were wondering what happens at the ACP. This is an opportunity for hon. Members to know some of the issues that are brought up in a Parliament that you are a member of. You are a Member of that House and as I have told you, even in the ACP, a lot of fears that people have had is that Parliaments are unaware of what happens in the executives in most times. That is why we come here and sometimes we look at comments such as, why we did not sign the Global Fund; what happened that we did not

meet the requirements and we just wonder. This is because there is disconnect between what is going on in the Executive and what happens in this Parliament. This is an opportunity to bridge that gap and get informed on what is happening here.

I am not speaking as the President of ACP, I am just speaking as a concerned Kenyan who wants that information for the hon. Members of this august House. So, yes, the Chairman of the Committee, you are the one who is going to have the opportunity to engage the Government and come up with information on the way forward. That does not stop hon. Members of this House from getting informed, participating and also expressing their views on the same.

Thank you, hon. Speaker.

**Hon. Speaker:** Let me give direction. The hon. Florence Kajuju claims to move under Standing Order 96 that debate on this Motion be adjourned and be referred to the Committee that she chairs. Unfortunately, Standing Order 96 (1) is clear and states as follows:

“A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move “That, the debate be now adjourned”.

Now, the hon. Kajuju is not claiming that debate be postponed to any future occasion, but seeks to have debate referred to the Committee. I want to advise that I have been in agreement with what hon. Dr. Laboso and hon. Ochieng’ have said that, if this House adopts this Motion as it is or even with amendments, it will be perfect excuse or reason for the Motion now to go before the Committee on regional integration so that the Committee now will engage the technical persons in the Ministries concerned so that then you can bring a report, which either agrees or does not agree with the spirit of this Motion as passed by the House. Then that report will be debated in the House. Therefore, debate will proceed.

*(Applause)*

**Hon. Opiyo:** Hon. Speaker, Sir, I want to thank you for giving this opportunity to contribute to this Motion. The 11<sup>th</sup> Parliament came into existence during a time when our Constitution also changed. Parliament as is currently constituted has got extended powers. The best thing that could be for the benefit of this country would be to engage Parliament, every other time that we sign any agreements with our development partners.

Hon. Speaker, Sir, I want to say that for us to encourage development in this region, and for us to encourage industrial growth within our country, it would be important to look inwards and to engage in activities that promote markets for locally produced goods.

Hon. Speaker, Sir, for a long time, as a country we have engaged in agreements with other development partners without looking into the long term effects of such agreements on our industrial growth. I would want to support this particular Motion by saying that we as a country must engage our development partners within this region and all agreements that we enter into that are aimed at development must always ensure that we give priority to members of this particular region and, of course, we give priority to products that are produced locally.



Hon. Speaker, Sir, we would not want to envisage a situation where one individual, be it a Cabinet or Principal Secretary, or whoever enters into an agreement on trade that commits our country without, particularly engaging this august House. So, I want to urge hon. Members of this House to look at this Motion favourably with the aim of enhancing the powers of this House with regard to agreements that are usually signed on trade and partnership.

With those remarks, therefore, I support this particular Motion.

**Hon. Kemei:** Thank you, hon. Speaker for giving me this opportunity. I want to thank the Mover of this Motion, hon. Dr. Joyce Laboso for bringing this Motion. This will enable us get information concerning some of the trade policies and agreements that are signed by the Government and which have an effect on our people.

Hon. Speaker, Article 95(2) of the Constitution gives this august House power to deliberate on all issues touching on the people of Kenya. This is, indeed, a matter that is of critical importance to Kenyans. In the past, our nation has signed agreements which ultimately impact negatively on us. Today we have been discussing about disaster preparedness. We are conscious of a treaty that was signed a long time ago between Egypt and the rest of the East African countries. Today we cannot harness fully the waters of River Nile because of the treaty that was signed during the colonial times. Any treaty that is signed by the Government of Kenya should have the input of the National Assembly.

This is why I support this Motion: Trade imbalances between developing countries and Europe disfavor the growing nations. In order to address those imbalances we must critically look at the agreements that we sign with Europe and other developed States. When we look back at the 1990s when we had the Structural Adjustment Programmes (SAPs) we realize that those programmes had a negative impact on our economy and therefore the livelihood of our people. We can hardly see anything positive that came out of the SAPs.

As a nation, we should improve the efficiency in our manufacturing sector. Let us fix our roads and the cost of power. We need to look at modern ways of manufacturing in this country so that we are more competitive. We are dealing in trade with developed countries and which also subsidize heavily. For instance, Europe spends about US\$1 billion daily in subsidizing production. We also need to subsidize production so that we are more competitive when it comes to dealing with other trading blocs like the European Union.

Hon. Speaker, where is our interest at the moment? We export more than 60 per cent of our goods to COMESA. We do the bulk of our trade within the EAC. We should be focusing more on the EAC and COMESA because that will give us the platform to grow as a nation and be more efficient as a producing country. This will also give us a chance to look at markets that are far off like the European market.

Those agreements, in the past, have not favored us. Every time we reach an agreement with the European nations, the next thing you realize is that the bar is lifted one more height even before you jump the original one. After a while another bar is raised. I support the fact that Kenya should negotiate with the EU on this aspect of trade so that before we enact this law all issues of concern touching on our people are deliberated and right action taken. We are not supposed to sign something that we will regret the following day.

Hon. Speaker, with regard to non-tariff barriers, we are affected negatively. When we sign those agreements we can look at the tariff barriers in clear black and white. However, the non-tariff barriers which actually prevent us from accessing the markets in Europe are not clearly spelt out. The Government of Kenya should look critically at the non-tariff barriers. The WTO, IMF and other international agencies, when we look at their work we tend to think that they represent the interests of Europe and other developed nations more than they represent our interests. We should encourage Brazil, South Africa and India. Those are nations that are developing and they provide us with good trade policies that we should look at.

I beg to support.

**Hon. Mwaura:** Hon. Speaker, I rise to support this very important Motion by the Deputy Speaker and very well seconded by hon. Ouma. If you look at Europe currently, they are in turmoil. Their economies are collapsing. They are having ageing populations because they do not have young people who can drive their economies. Those that are there are so much used to the welfare system to the point that they do not want to work. They just want to stay there and get kilos like in the UK where I was studying last year. Also the people below the age of 25 years have no jobs. It is increasingly becoming difficult to live in Europe. What with countries like Portugal, Greece, Spain and Italy which would qualify to be Third World countries?

If you look at the migration rules that are being redesigned, you will realize that they are meant to look out for people outside the EU to actually penetrate their market. That is why, for example, students from even this great country called Kenya immediately they finish their studies, they are told to go back home. They cannot even get internship soon after they have finished their studies. Britain wants to move from the EU. Germany is suffering under the burden of having to subsidize debts that have been accumulated by various countries. In short, the Euro project seems to be failing.

Hon. Speaker, the economic problems of Africa in the 1970s were actually engineered by the West. Because of the agricultural boom of the 1970s, the West engineered an oil shock to make sure that countries borrowed a lot and therefore they were not able to pay. That is why they introduced, in my opinion, what was then called Voodoo economics and development corruption by one Ronald Reagan of the USA. Countries would borrow and then they would introduce SAPs that would open markets for the products from the West. Nations were not able to support their people as a result.

If you look at the historical and economic context, this is nothing but a reintroduction of the neo-liberal agenda of the West. Africa is rising. If you look at the ten most developing economies of the world you, will realize that seven of them are in Africa. You remember that in the 1970s the EAC was way ahead of the European Commission as it was then known and yet it is the West that sabotaged this noble project. Africa has not been able to develop because we do not even trade with ourselves to the extent that some products have to first land in Europe before they end up in different African countries. We are living in an opportunity. This country wants to achieve the Vision 2030 yet here there is a reintroduction of neo-colonialism where people would want to imagine that there is equal power between the demand and supply sides. They go ahead and give us conditions on how we should package our products and how they are supposed to look, but in a non-tariff barrier way. They want unfettered access and even call themselves “our neighbours” yet we cannot even agree with Uganda and Tanzania on

how to do our trade. This is akin to what happened in South Africa, where they had the black economic empowerment programme that was meant to increase the economic position of previously disadvantaged groups that also said the Chinese should be recognized as black.

Hon. Speaker, Sir, I think it is time Africa knows its position. There is no way we are going to develop and accept those conditions just because we are going to lose Kshs6 billion directly. I think this country must develop ways and means of how to ensure that we trade with our partners and that there is increased trade between African countries so that then we have more people to deal with in regional economic blocs that we have developed for ourselves like COMESA, SADC and EAC. Therefore, I vehemently oppose in any way any counter negotiations that then would see that there is a give and take spirit meaning we may end up with some of those negative proposals coming from the West.

If we are to go ahead and accept those proposals, we are doing a disservice to our young people. Young people in this country have nice innovative ideas and yet they cannot get jobs because they cannot develop industry. We must put an end to the idea that ours is to produce while others process and then we buy the same products. We must refuse to continue being a slave economy and the only way we can subsidize our expenditure for development or otherwise is through donations because no country has ever developed through aid. I think this House would find a lot of information written by one Dambisa Moyo called *Dead Aid*. Even South Africa has refused to be divided. The South African region has refused to be divided on this issue because what the EU has done is that it wants to negotiate independently with countries. I think it is important that this country should show leadership as a regional power house of EA by rallying other countries not to accept those Economic Partnership Agreement conditions because as we know very well, if we do it united, then we shall get our own way. I also note that we have one of our own, Dr. Kituyi, at the United Nations Conference on Trade and Development (UNCTAD) and this country can benefit from such expertise of one of our own. For a very long time what has happened to developing countries is that they have been suppressed when it comes to issues of trade. We should not accept the second scramble for Africa. We should not accept that our countries can only be seen to be recipients of finished products yet we also have capacity to develop our industries.

With those few remarks, I beg to support.

**Hon. Muchai:** Hon. Speaker, Sir, I rise to support this Motion and join hands with my fellow hon. Members in congratulating the Mover, hon. (Dr.) Laboso, for giving us insight of what transpires on the African, Caribbean and Pacific (ACP) Group of States' parliaments on issues such as the ones that are in this Motion.

Any arrangements made between two or more people must carry with them in their rules of engagement three key components. The rules of engagement must be right, they must be freely negotiated and they must be to the mutual benefit of the parties to that arrangement. Anything less is detrimental particularly to the weaker party in that arrangement. In this respect, we are talking about developed countries and developing countries. There is a stronger party and a weaker party in this arrangement. Every effort must be made to ensure that the weaker party is more protected than the stronger party in that arrangement. I have issues when we talk about local manufacturing industries. What do we mean? To me, those are industries that are owned by Kenyans as opposed to

multinationals in the developed world which have come to invest in this country for purposes of obtaining cheaper production costs and supply their goods to the surrounding regions.

I recall that when Parliament in the USA enacted the African Growth and Opportunity Act (AGOA), we saw the emergence of the export processing zones (EPZs) in this country. When the EPZs were introduced in Kenya, they brought disaster much as they came to offer employment to our people. First and foremost, they sought to be excluded from the application of our laws governing occupational, safety and health within the working places. They deprived those working in those EPZs the right to exercise their freedom of association. But the end result or the net effect was that the EPZs were making huge amounts of profit repatriated to the countries of origin. When we look at our sub-region, the EAC, we must not run away from the fact that Kenya is a leading economy within the five EA countries and it must take a lead in giving to the other countries within the sub-region the way forward. If there is anything that is not acceptable to the country, we must not be arm twisted to be told because the weaker economies within the sub-region are in agreement; Kenya must have a deadline within which to sign on its part.

Hon. Speaker, Sir, when the Mover of this Motion was addressing this House, she touched my heart when she talked about the impediments that are put to the Kenyans when it comes to the standards that are set by the EU and that certification must be made by certified EU agents. I am aware of those standards when it comes to the export of fish. The standards are set so high that it would take very few people to invest to reach the level of the standards that are set to export to the EU market. I believe the same applies to the other sectors.

When we talk about transformation of Kenya, what do we have in mind? We must focus on our agriculture and manufacturing sector but a lot of emphasis is put on the agricultural sector particularly when we talk about the things that we export to the European market; coffee, tea, flowers, fruits, fish and meat. Equal effort of focus must be made to our manufacturing sector because this sector would be the savior of this economy. We cannot allow European industries to bring goods to our country which in turn sustain employment in their countries at the expense of killing our local industries and denying Kenyans job opportunities in this country.

Hon. Speaker, what are the disadvantages of our manufacturing sector? The advantage that the developed countries have over us is that they have the cutting edge technology within their manufacturing sector which we do not have. Let the European Union (EU) assist us, the way the Korean Government is assisting Kenya in ensuring that we have cutting edge technology being held by our people so that we can use our power of innovation to make our own goods in our industries. So that we can in turn supply within the region and eventually supply across the globe and probably compete with goods coming from the developed countries.

It is a sad story when we go back to the memory lane and look at our textile industry where RIVATEX used to export final products to European markets. You would go to London, walk into a shop and look at a suit and think that it is made in that country only to discover that it is Raymond made in Eldoret. Those days are gone because our textile industry was killed. This is where we should lay our emphasis and focus on. I do

agree that if the rules of engagement as elaborately put by the Mover of this Motion are not favourable to Kenyans, then we must not be arm twisted to sign this agreement.

I rise in support of this Motion in the contest of my submission.

*(Applause)*

**Hon. Ogallo:** Thank you, hon. Speaker. I beg to move an amendment to this Motion even as I support it. The amendment I will propose will not alter the full import of this Motion. I am just concerned because the contentious issues we are raising as ably highlighted by my brother, hon. Ouma, are very clear. We should not pass the Motion without specifying those contentious issues within the Motion.

Hon. Speaker, I beg to move that the Motion be amended as follows: -

THAT the Motion be amended by deleting the words after the word "alone" on the 16<sup>th</sup> line and replacing thereof with the words "this House resolves that the Government does not sign the Economic Partnership Agreements (EPAs) in their current form until all outstanding issues especially the most favoured nation treatment, export taxes and development clauses as raised by the East African Community and Kenya in particular are conclusively addressed, and that the Government continues to explore more beneficial trade negotiations with the European Union (EU)".

Hon. Speaker, Sir, even if you Google what the contentious issues are, you will find that they are three. That is according to the EAC and Kenya. It is important for this House to note what those contentious issues are, and if we do not conclusively negotiate them what we are putting ourselves into. If you look at the export taxes, you will find that if we do not insist on them for every raw material we export, we will be exporting jobs. This is because when we export raw materials, we curtail our capacity to do value addition. This means that somebody else will get a job to do the value addition elsewhere. So, we must insist that we retain the policy framework that we control and chose which export taxes we can levy and which ones we cannot.

There are three parts of value addition treatment. If we get into any partnership with any other country; a developed country and the benefits of that agreement are better than the ones we are signing with the EU now, it means that the EU automatically gets those benefits. This will tie us down. This means that if in the interest of our nation or our region as the EAC we decide that we need certain imports to spur development in our area and we give concessions, EU will immediately take up the benefits of those concessions without any additional benefit to the EAC or to the country.

Hon. Speaker, Sir, if you look at development, you will find that we are an under-developed nation compared with the EU. If we want to compete with the EU it means that we must gain industrial capacity to export finished goods to the EU markets that can also compete in their markets. Otherwise, at our level, we will not enjoy or benefit from the EPAs that we are about to sign. This means that the EU will be able to export everything to Kenya and East Africa to the detriment of our industries and we will not compete by sending our exports to their markets. So, we must insist that there must be associated development assistance to our economy and our countries before we sign the EPAs.

We are talking about contentious issues. If we “just urge” the Government as we always say then we will not compel the Government to do anything. We are saying that let us resolve as a House. Article 2(6) of the Constitution says: “Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution.” So, let us resolve now to ensure that no agency or arm of the Government will go into law-making by signing this Treaty without the conditions laid under this Motion. So, I urge that we resolve.

The EPAs can be detrimental. We know the Rapporteur for Right to Food in the United Nations (UN) once said that over 15 million Mexican farmers ended up with their livelihoods wiped out due to the competition that arrived from the US’ subsidized maize. If we do not look at the EPAs properly, the EAC will face the same fate. So, we have to be very careful. I know there is the exclusion list. That is the sensitive goods list. This is what we must debate comprehensively to make sure that the list saves the Kenyan and the East African economy to ensure that our food security is maintained; that we will not allow imports of food items or goods that will undermine the Kenyan farmer from producing food locally.

Hon. Speaker, Sir, even as we fight to help or save our industries, as a nation, we must also decide that we cannot be the little economy forever. There is no justification for continuing to have high cost of production in our economy. For example, look at your electricity bill, you will find that you are being charged FOREX exchange fee. Why do you not allow people who can pay their bills in dollars to pay in dollars so that you remove that fee? I have never seen anybody who sells you water and tells you that I am also charging you for the cost of going to get the water from the river.

Electricity is a major cost of production limiting our capacity to compete. Some of the charges they levy on those who consume electricity are strenuous. They are selling to you a product and also charging you the cost of creating the product. We can work on some of those things, resolve and make our economy more cost-beneficial.

Hon. Speaker, Sir, with those few remarks, I would like to request my sister, Cecily Mbarire to second the amendment.

**Hon. (Ms.) Mbarire:** Thank you, hon. Speaker for giving me this opportunity to second this amendment. I would like to begin by thanking hon. Dr. Joyce Laboso for bringing this important Motion that sets precedent of this Parliament where it is involved when the Executive goes into any agreement with the international community or economic bloc. It is involved in giving the *mwananchi* voice in those agreements.

Having looked at this Motion and even the amendment that has been brought by the hon. Member, I would like to say that it is really about time that Africa stood on its two feet and showed the West that we understand what is good for us as a continent. I have travelled quite a bit. I remember that one time I travelled to Gabon. I entered a supermarket to buy toothpaste and I remember the shock I got after realizing that all the things that were on the shelves in that supermarket were imported. The question we want to ask is that if we go the route the EU wants us to go, that is, through those EPAs are we helping our local manufacturers? Are we building this country, or are we destroying our economy?

I think it is about time that we stood by the local manufacturers. What is Kenyan is good for our economy. What comes from out should only come when we have had enough of what is Kenyan. We must encourage Kenyans to be proud of buying what is

Kenyans. I have heard the hon. Member for Kabete say that you would go to Europe to buy something from Marks and Spencer only for you to realize that actually you are buying an outfit made in Kenya. What happened to our textile industry? It is this kind of EPAs that killed our textile industry. It is when we accepted to bring *mitumbas* into Kenya that we killed our textile industry.

I come from a constituency that depends heavily on tea and coffee. The county I share with you, hon. Speaker, is one of the largest producers of tea and coffee. However, when you travel outside this country you will see something called “English Tea”. Where in Europe will you find a single plant of tea?

*(Applause)*

With this devolution that is urging counties to begin adding value to their farm produce, it is now time to ensure that we protect our counties from agreements that are in favor of the West. We must ensure that we enter into trade agreements that will encourage county governments to begin value addition of the produce in the farms in the counties. If we do not do that, we can be sure that devolution will come to naught. I look forward to the day when Kenyan coffee, tea, and other products will be found on shelves out there in the name of Kenya and not in other names like “English Tea.”

Hon. Speaker, I once went to a coffee exhibition in Atlanta when I was a nominated Member in the Ninth Parliament. The manager of Starbucks Coffee came and gave each of us four small cups of different types of coffee. He showed us how to taste the coffee so that we could tell what kind of aroma and taste the coffee had. It is called liqueur, I am told. We all tasted the coffee. The hall was full of Africans. The coffee that tasted sweetest and the one that was ranked third was Kenyan coffee. The following day we were taken to a roaster factory. What shocked us is that Kenyan coffee is blended with other coffees to add taste to other coffees. Unless we recognize that we have the potential to grow and protect the local farmers and producers from unfair trade practices out there, we will never go anywhere.

I really want to thank hon. Dr. Laboso and hon. Juma who have made this thing a reality on the Floor. This is because we have never discussed those kinds of things for the time that I have been around. We need to go further. Our Members in ACP need to get us into a seminar and take hon. Members through this so that we become active participants in ensuring that we influence the product of the kind of agreements we want to sign. That is why I am now a strong proponent of EAC. It must grow. I believe EAC can become a major trading bloc that will help this country.

With those few remarks I beg to second.

*(Question of the first part of the amendment,  
that the words to be left out be left out, proposed)*

Hon. Speaker: The Motion as amended now reads as follows: -

THAT, aware that since the signing of the Cotonou Agreement in the year two thousand, the government has been negotiating Economic Partnership Agreements (EPAs) with the European Union (EU) together with other member states of the Eastern African Region; further aware of

the concerns raised by the Eastern African Region on the contentious aspects of the EPAs, including offering undue advantage to products from other markets at the expense of growth of local and regional industries; further taking cognizance of the adverse effects that the EPAs are projected to have on Kenya's economy particularly on agriculture and manufacturing sectors; aware of an amendment to the European Union's Market Access Regulations (*1528 of 2007*), whose effect is that the 18 countries which have not signed or ratified the full EPAs, most of which are from Sub-Sahara Africa, Kenya included, will henceforth be removed from duty -free, quota-free access to the EU Markets; further aware that once removed, Kenyan products will, from, October 2014, cease to enjoy the duty free, quota free tariffs in the EU market and that the national economy is estimated to lose more than Kshs. 10 billion in that year alone; this House resolves that Government does not sign the EPAs in their current form until all outstanding issues especially the most favored nation, export taxes and development clauses as raised by the Eastern African Community and Kenya in particular are conclusively addressed and that the Government continues to explore more of beneficial trade negotiations with the European Union.

**Hon. Dawood:** Thank you, hon. Speaker. I wish to support this Motion as amended. It is something that should be done very soon. I would like to talk a bit on the cotton industry which has been failing. Mahatma Gandhi advocated for use of cotton in India. He banned the importation of cotton from Britain. We need to be more patriotic by building our industries rather than exporting jobs.

We need to think about EPZ. People get tax holidays and there is the AGOA initiative. People come in as investors, but as soon as the tax holidays are removed, they run away from Kenya and go elsewhere.

Our coffee and tea should be given good treatment---

### ADJOURNMENT

**Hon. Speaker:** Hon. Members, it is now time to interrupt the business of the House. This House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.