

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 14<sup>th</sup> May, 2009

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

DELEGATION FROM TRANSITIONAL FEDERAL PARLIAMENT  
AT SOMALI MPs IN SPEAKER'S ROW

**Mr. Deputy Speaker:** Hon. Members, I want to recognize the presence of a delegation of Members of Parliament, who are actually the Committee Chairs of the Transitional Federal Parliament of the Republic of Somalia. It is headed by the Deputy Speaker.

### ORAL ANSWERS TO QUESTIONS

*Question No.028*

CONSTRUCTION OF FULLY-FLEDGED GOVERNMENT  
CHEMIST COMPLEX IN KISUMU

**Mr. Olago** asked the Minister for Public Health and Sanitation what steps the Ministry is taking to source for funds to commence the construction of a fully-fledged Government Chemist Complex in Kisumu to serve Nyanza and Western Provinces and parts of the Rift Valley, considering the urgent need for it and the fact that the Government Chemist Department already owns a 0.38 hectare land adjacent to the Nyanza Provincial General Hospital.

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

My Ministry has plans to build a fully-fledged and equipped Government Chemist Complex at Kisumu in the next Financial Year 2009/2010. A total of Kshs15 million has been factored in for the construction works, subject to Treasury approval.

**Mr. Olago:** Mr. Deputy Speaker, Sir, considering the seriousness of the issue, this answer is totally inadequate. That project has been in the books since 1992. Right now, the Government Chemist Department is housed in a small tin building at the Vector-Borne Disease offices in Kisumu. The Assistant Minister was the Provincial Medical Officer, Nyanza, before he came to this House and he should know better.

Considering that issues pertaining to cholera and other diseases are prevalent in parts of Rift Valley and Nyanza provinces--- Sometimes, the laboratory in Nairobi breaks down and the specimens have to be taken all the way to Uganda. This issue is very urgent. I wish to get a confirmation from the Ministry that, that project will, indeed, be started and that the approval from the Treasury will be obtained as soon as possible.

**Dr. Gesami:** Mr. Deputy Speaker, Sir, I agree with the hon. Member. However, that is a five-year project. We are going to spend Kshs132 million to construct the Government Chemist in Kisumu. We have started with a figure of Kshs15 million this year. We have asked the Treasury to give us Kshs15 million. We are going to spend Kshs56 million to construct the Chemist and then use the rest of the money to equip that facility. So, please, bear with us.

**Mr. Shakeel:** Mr. Deputy Speaker, Sir, I would like to remind the Assistant Minister that the basic minimum plans for the construction of a Government Chemist will cost Kshs60 million. The Kshs15 million is just not enough to start it. So, I do not think the answer that the Assistant Minister has given to us is suitable. I am the Chairman of the New Nyanza General Hospital and I know that, that plot is available to you. However, if the Government Chemist does not move fast enough, the New Nyanza General Hospital will take that plot back.

So, please, could you confirm to us when you are going to start the construction works? The New Nyanza General Hospital, as you know because you are a former PMO in the Province, is severely affected by the lack of a Government Chemist. We have to use private chemists.

**Dr. Gesami:** Mr. Deputy Speaker, Sir, I really want to request the hon. Member to bear with us. I think this is a question of resources. We are saying that, as a Ministry, we have asked the Treasury to give us Kshs15 million to start with. I think they will give us that money and we shall start the construction work next year. I have also indicated that we have asked for an additional Kshs140 million from the Treasury. I hope that we shall get that money and build the Government Chemist in Kisumu.

**Mr. Outa:** Mr. Deputy Speaker, Sir, we have collective responsibility in the Government. Since the Deputy Prime Minister and Minister for Finance is here, could he confirm whether he is going to release the money to build the Government Chemist?

**The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta):** Mr. Deputy Speaker, Sir, the relevant Assistant Minister is here. He is the one who is well placed to answer that Question.

**Mr. Deputy Speaker:** Indeed, the Question was not directed to the Deputy Prime Minister and Minister for Finance!

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, considering that the country is undergoing some reforms, could the Assistant Minister tell this House whether there are any plans to decentralize those services from the provincial level, rather than talking about Kisumu to cater for other provinces?

**Dr. Gesami:** Mr. Deputy Speaker, Sir, the Government Chemist Headquarters is in Nairobi. It is situated at the Kenyatta National Hospital. We have three branches in the country; namely, the Coastal Branch, which serves the coastal area, the Nairobi Headquarters, which serves the rest of the country and the Kisumu Branch to serve western Kenya, parts of the Rift Valley and Nyanza Province. That is what we can do at the moment.

**Mr. Olago:** Mr. Deputy Speaker, Sir, considering the absolute necessity of having a Government Chemist located within that area for water quality testing for bacteria, chemicals, rape, serology, *cannabis sativa* and all the other matters in courts – which include paternity and murder cases--- Considering that all those are very serious issues, I need to have a clear confirmation from the Assistant Minister that, indeed, he has confidence that the project will be started in the next financial year, which will commence in July this year.

**Dr. Gesami:** Mr. Deputy Speaker, Sir, I have actually answered that question. I have said that we have asked the Treasury to give us Kshs15 million to begin the exercise of constructing a Government Chemist in Kisumu. I want to assure this House that, if the Treasury gives us that money, we shall start construction works immediately in the next financial year.

*Question No.085*

DELAYED PAYMENT OF BENEFITS TO PSC/TSC RETIREES

**Mr. Chanzu** asked the Deputy Prime Minister and Minister for Finance:-

- (a) why it takes so long for retired Civil Servants (from the Public Service Commission and the Teachers Service Commission) to receive their retirement benefits; and,
- (b) what the Minister is doing to ensure that those delays are eliminated.

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Delays in processing of retirement benefits are caused by many factors. Those factors include the retiree not completing the requisite pension forms on time, the parent Ministry or the Teachers Service Commission failing to prepare the pension claim documents or failing to attach all the relevant supporting documents to the Pensions Department. It takes an average of 38 days to process a fully documented claim at the Pensions Department.

(b) The Ministry of Finance has procured a modern Pensions Management Information System (PMIS) whose installation is ongoing and is expected to be fully operational by August, 2009. Subsequently, the period it takes to process the pension claims will be reduced from the current 38 days to 20 days by June, 2010. The Pensions Department contacts Ministries and Departments whose submissions have errors and also carries out on-the-job training for the officers concerned.

**Mr. Chanzu:** Thank you, Mr. Deputy Speaker, Sir. I want to thank the Minister for that answer. But, I want him to tell this House, as he puts those systems in place, what measures he is going to put in place to inform the retirees what paperwork is required in advance. That is because there is still a lot of backlog even now.

**Mr. Kenyatta:** Mr. Deputy Speaker, Sir, recently, the Permanent Secretary in the Treasury actually issued a Circular to all the Ministries requiring them to submit pension claims to the Pensions Department, at least, three months prior to the date of an officer's retirement. The whole purpose of, this is to enable the Pensions Department to have

enough time to process the retirees benefits. But, also, I do agree that we really need to equally inform the retirees themselves of the system, so that they are able to take advantage of it when it comes on line.

**Mr. Abdirahman:** Mr. Deputy Speaker, Sir, retirees have a lot of problems in this country. The backlog of cases at the headquarters is enormous. As much as we appreciate the Ministry's plan to improve on its service delivery, could the Minister consider decentralizing the processing, if not at the district, even at the regional levels? We have asked that for long!

**Mr. Kenyatta:** Mr. Deputy Speaker, Sir, that can ultimately be looked at, but I think the most important thing that we needed to do was to capture the data. That is why we are looking for that new system. Once all the data has been captured, it will then be easy to process payments even at a devolved level at the provincial headquarters. But, first, we need the system in place.

**Mr. Gabbow:** Mr. Deputy Speaker, Sir, we know very well that people have been camping at the pensions centre here to get their benefits. By the time they receive their benefits, they have actually spent all they are supposed to receive in Nairobi. Could the Minister assure us that there is a system that is supposed to be followed and which stipulates that within a given period, we can pay those people as fast as possible? That is because we are making them suffer more than even giving them what we are calling "benefits".

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Kenyatta:** Mr. Deputy Speaker, Sir, as I said, it is in recognition of that problem that we are implementing the new system. Currently, we are processing the documents manually. We have only 150 officers dealing with over 190,000 pensioners. So, as you can appreciate, that is a very large number and, hence, the investment in a new system that will go a long way towards ensuring that we do not have to keep pensioners waiting around in Nairobi, instead of receiving their dues on time.

**Mr. Linturi:** Mr. Deputy Speaker, Sir, even for those who are lucky to receive their benefits on time, their monthly installments are never submitted within the required time. What steps is he taking to ensure that the monthly installments are paid on time to assist the gallant Kenyans who spent much of their lives serving this country?

**Mr. Kenyatta:** I do believe, Mr. Deputy Speaker, Sir, and once again, I am sorry for repeating the same line about the information system. The big problem in the delay comes from processing. Now, unless we can capture that data and be able to prepare the payments well in advance, it becomes difficult for the number of officers dealing with the huge number of cases while using a manual system. But I do believe that once the system is in place, it will rapidly reduce the waiting period that pensioners have had to wait to receive their dues. That, I believe, will be the case with the new system.

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

**Mr. Deputy Speaker:** Are you on a point of order, Dr. Monda, or you want to ask a question?

**Dr. Monda:** I want to make a follow up on what the Minister is telling us, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** What is your point of order, Dr. Monda?

**Dr. Monda:** Mr. Deputy Speaker, Sir, is the Minister in order to tell us about a system that is manual, and another system that is coming, without telling us the time frame within which that other system will be in place?

**Mr. Kenyatta:** Mr. Deputy Speaker, Sir, I want to say soon. I think he did not hear the original answer. Had he heard the original answer, he would not have asked the question. I said that the system will be operational by August, 2009, and it will be fully implemented by June, 2010.

**Mr. Deputy Speaker:** In any case, Dr. Monda, for the benefit of your fellow Backbenchers here, that was not a point of order! That was a question!

Proceed, hon. Olago!

**Mr. Olago:** Mr. Deputy Speaker, Sir, in certain developed parts of the world, those who have served their countries all their lives are referred to as “senior citizens” and treated with a lot of respect. They do not queue in vans, hospitals and in bus stages. They are given total respect! But in our country, we are treating those senior citizens as dust! What policy does the Ministry have to show respect and appreciation to those gallant sons and daughters of Kenya who have served their country all their lives?

**Mr. Kenyatta:** Mr. Deputy Speaker, Sir, I have no doubt in my mind whatsoever that we have a great deal of respect for those gallant sons---

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

**Mr. Deputy Speaker:** Eng. Rege, it had better be a point of order! What is not in order?

**Eng. Rege:** Mr. Deputy Speaker, Sir, could the Minister go back and investigate and tell this House if it will really be---

**Mr. Deputy Speaker:** Order!

**Eng. Rege:** It is a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! That is not a point of order! What is not in order? What is it that the Minister said that is out of order?

**Eng. Rege:** Mr. Deputy Speaker, Sir, we do not want a computer that will give us more errors!

*(Laughter)*

**Mr. Deputy Speaker:** That is not a point of order! Last question on this, Mr. Chanzu!

**Mr. Olago:** Mr. Deputy Speaker, Sir, the Minister was in the process of answering my question before he was interrupted by a point of order.

**Mr. Deputy Speaker:** Mr. Deputy Minister, are you willing to answer hon. Olago’s question?

**Mr. Kenyatta:** Mr. Deputy Speaker, Sir, as I was saying, I have no doubt whatsoever that we all have a great deal of respect for our senior citizens and, indeed, we know and recognize that they have served this country with dedication for many years and, ultimately, that is why we are making that investment to ensure that we ease the amount of problems that they encounter in receiving their dues after many years of hard work.

**Mr. Deputy Speaker:** Last question on this, hon. Chanzu!

**Mr. Chanzu:** Thank you, Mr. Deputy Speaker, Sir. The issue of decentralization is still very key in this matter. For the time being, now that the mainstream Civil Service and the Teachers Service Commission (TSC) are the majority of the public servants who benefit from that, could the Minister tell us the steps he is going to put in place to ensure that the processing of the retired teachers' benefits is done at the TSC and that, once it is through, the payment is done promptly when it is received by the Pensions Department, rather than going through another processing at the Pensions Department again?

**Mr. Kenyatta:** Mr. Deputy Speaker, Sir, I have agreed that there is need to have some devolution in order to ease even the distances that people have to travel. But, ultimately, that can only happen if we had a concrete database that can be utilized at the devolved level and, at the same time, allow the necessary controls which will ensure that there is no abuse of the system.

**Mr. Deputy Speaker:** Next Question, hon. Omondi Anyanga!

*Question No.057*

GOVERNMENT SUPPORT FOR LIVESTOCK KEEPING IN NYATIKE

**Mr. Anyanga** asked the Minister for Livestock Development that considering Nyatike District is a rich cattle-rearing area, what steps the Ministry will take to improve productivity and generally support livestock keeping in the district.

**The Minister for Livestock Development (Dr. Kuti):** Mr. Deputy Speaker, Sir, I beg to reply.

Nyatike is a cattle rearing area, having a good potential for improved livestock productivity. One of the core functions of my Ministry is to improve the productivity of livestock in the country, including Nyatike District. The following are the steps my Ministry is taking to address issues of livestock in Nyatike.

My Ministry is currently implementing the Pan African Tse Tse and Tripanosomiasis Eradication Campaign (PATTEC) in Nyatike as well as other parts of the country. These projects commenced in 2005 and the eradication exercise is a means to suppress Pan African Tse Tse and Tripanosomiasis diseases, which weaken and kill livestock. The campaign will enable farmers to increase the number of their livestock, introduce more good producing breeds and also open new land for pastures. Some areas are not accessible to livestock because of the infestation by these flies.

There is a bid to rehabilitate Macalder Sheep and Goat Station with 184 goats, in which case, after these 184 goats are put there, it will act as a source of local goat gene pool. Such rehabilitation of livestock multiplication farms where farmers can source quality breeds will improve the livestock genetic resource base in order to enhance productivity, be it in terms of milk or meat.

My Ministry will improve the availability of high quality livestock feeds and water through promotion of pasture and fodder production, conservation and protection of the environment. This will be achieved through improvement in research and extension services. Currently, my Ministry through the National Livestock Extension Programme, which is funded by SIDA and the South Nyanza Development Community Project, which is funded by IFAD, is providing technical advice to farmers in the region and this includes Nyatike District.

Recently, the Ministry recruited 100 extension professionals who will carry out extension services. You are aware that improved livestock productivity is enhanced where farmers are given recent technical information and advice. Now that we have recruited these 100 extension professionals, we will post them all over the country, including Nyatike. Thereby Nyatike livestock farmers will benefit from that advice.

Finally, Nyatike farmers are encouraged to access the necessary credit through the promotion of group formation and community-based organizations. Meanwhile, the Ministry proposes to facilitate the establishment of Livestock Development Enterprise Fund (LDEF) for the benefit of livestock farmers across the nation. Such initiatives will grant farmers access to the much needed financial assistance to boost their productivity.

**Mr. Anyanga:** Mr. Deputy Speaker, Sir, I thank the Minister for a detailed and well-elaborate answer. However, Trypanosomiasis is not the only disease that affects livestock. What plans has the Ministry put in place to ensure effective livestock disease control in Nyatike District?

**Dr. Kuti:** Mr. Deputy Speaker, Sir, I fully agree that there are various diseases other than Trypanosomiasis. Right now, the main concern is Trypanosomiasis disease which is killing not only livestock, but people. It is called sleeping sickness in human beings. The issue of budgetary constraints has always been a major issue in disease control to the effect that now we have changed the tactics from trying to make the whole country disease-free to regionalizing in what we call disease-free zones.

We are working towards this. By the end of the Vision 2030 Programme, we hope to have five disease-free zones. One of them should be within the region of Nyanza where Nyatike District is situated.

**Dr. Nuh:** Mr. Deputy Speaker, Sir, bearing in mind that the Ministry has not recruited technical staff for the last so many years, does the Minister find it efficient to tell the House and Kenyans at large, that they have recruited 100 personnel to alleviate the problem of livestock surveillance and disease problems?

**Dr. Kuti:** Mr. Deputy Speaker, Sir, while I appreciate the concern of the hon. Member, I think a journey of a thousand miles starts with one step. It is 23 years now since the Ministry of Livestock has ever recruited staff. During the time that I have been in this Ministry, we have managed to negotiate with the Ministry of Finance to recruit more staff. We got Kshs150 million in this financial year to recruit about 800 staff, including extension professionals, veterinary surgeons, support staff and clerical officers. We hope that the same arrangement will be in place next year and the following year. We want our staff to be at 37 per cent, so that we serve all Kenyans.

**Mr. Anyanga:** Mr. Deputy Speaker, Sir, what measures is the Ministry taking to change the Zebu cattle to exotic breed?

**Dr. Kuti:** Mr. Deputy Speaker, Sir, there are a lot of improvement activities. We have the Kenya Livestock Breeders Organisation, which is a very effective and active organization. It participates a lot in the shows. We have the Central Artificial Insemination Centre at Kabete. Bearing in mind the budgetary challenges and other personnel issues, a lot is being done to improve, not just the Zebu, but all the gene pools that we have. We are also trying to protect them. I will bring to Parliament the National Policy on Breeding in the nation because there has been a lot of haphazard and ad hoc ways of breeding in this country. We have lost some very vital genes to other countries.

We are trying to put order in the whole field of breeding in order to protect our gene pools and keep improving on them, so that we get better productivity.

**Mr. Anyanga:** On a point of order, Mr. Deputy Speaker, Sir. My question was very clear. I wanted to know when they will start doing that artificial insemination in Nyatike District. When will you apply that in Nyatike.

**Dr. Kuti:** Mr. Deputy Speaker, Sir, currently, we have two lines of service for artificial insemination services. We have private practitioners who are very active depending on the demand in various districts in this country. We also have the national one which is managed from the Central Artificial Insemination Service Centre. I would like to sit with the hon. Member and the Central Artificial Insemination Service Centre in order to give him a definite answer, so that I do not just give an answer that may not materialize in future.

**Mr. Joho:** Mr. Deputy Speaker, Sir, before I ask the Question, I would like to draw your attention to the fact that I have not received the written answer yet.

*Question No.065*

EFFECTS OF GLOBAL ECONOMIC MELTDOWN  
ON TOURISM IN KENYA

**Mr. Joho** asked the Minister for Tourism:-

(a) whether he could provide a projection of how severe the tourism sector is likely to be affected this year as a result of the current economic meltdown, which is also affecting key sectors of the economy; and,

(b) whether he could state the steps he is taking to cushion hoteliers and tour operators from the effects of the global economic downturn, particularly in the Coast region.

**Mr. Deputy Speaker:** Order! Hon. Members, this Question is deferred. The Minister had written to Parliament and explained that he would be out attending to other official commitments today. So, the Question is deferred to Tuesday, 19<sup>th</sup> May, 2009.

*(Question deferred)*

Next Question by Dr. Victor Munyaka!

*Question No.072*

REPAIR OF MACHAKOS-KATUMANI ROAD

**Dr. Munyaka** asked the Minister for Roads:-

(a) why the section of the road between Machakos Town and Katumani Research Station was not repaired when the Machakos-Wote Road was constructed;

(b) what steps he is taking to improve River Mwanja Bridge along the road, which is a black spot that has caused many fatal accidents; and,



(c) when the Ministry will erect speed bumps along the Wote Road, especially at market centers like Muumandu, Katuaa and Kola, where pedestrians have been hit by speeding vehicles.

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

(a) The section of the road between Machakos Town and KARI Katumani Research Station was in good condition at the time Katumani-Wote Road was being constructed, hence it was not included in the contract.

(b) The immediate steps to be taken by my Ministry will include erection of rumble strips and installation of guardrails along this stretch.

(c) The Ministry has already erected bumps at Muumandu and Kola. The District Roads Engineer has been asked to evaluate the best safety precaution that can be installed at Katuaa Market, with the aim of improving road safety.

Thank you, Mr. Deputy Speaker, Sir.

**Dr. Munyaka:** Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for his good answer, but I wish to state that the section from Machakos Town to Katumani is so damaged that it is becoming impassable. What is he going to do to improve the situation?

**Dr. Machage:** Mr. Deputy Speaker, Sir, I am, indeed, aware of the hon. Member's complaints. I am as much concerned about this section of the road. I will give it priority in the next financial year, depending on the availability of funds.

**Mr. Olago:** Mr. Deputy Speaker, Sir, there are several highways that need to have speed bumps. Jomo Kenyatta Highway at Kibuye in Kisumu, Arya Primary School, Otongolo and Kisian are on major highways, and are death traps. What is the policy of the Ministry with regard to erecting bumps on major highways?

**Dr. Machage:** Mr. Deputy Speaker, Sir, it is not the policy of the Ministry of Roads to erect road bumps whenever we improve a road network. Indeed, there is need for education of motorists to observe speed limits on good roads. Most of the roads that we repair usually have potholes, which could also be called "inverted bumps. We repair them and then you tell us to erect road bumps. It is, really, an interesting scenario. Whereas we sometimes consider erecting road bumps on roads on which major accidents occur, I think the important issue here is to educate Kenyans to be aware that high speed kills, and be ready to reduce speed once we have improved roads.

**Mr. Abdirahman:** Mr. Deputy Speaker, Sir, it is not only a question of bumps. The Ministry of Roads does not accord Members of Parliament, or even Kenyans generally, a chance to equitably share the resources that are normally allocated at the national level. We are engaged in the planning for the district-level roads, but we know that there is so much money. Can the Assistant Minister consider, in terms of planning and policy, allowing Members of Parliament and other stakeholders, to collect information, so that we can have enough resources availed to all regions?

**Dr. Machage:** Mr. Deputy Speaker, Sir, to the contrary, the Ministry of Roads takes great cognisance of equitable distribution of resources, especially to the District Roads Committees. Members of Parliament are actually members of these committees. In any case, Members of Parliament are allowed at any time to visit our offices, if they have information or needs and suggestions on how they want the road networks in their own

constituencies handled. I will, however, consider the hon. Member's concern, given that this is a subjective issue, to see where the problem is.

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, while replying to the Question by Dr. Munyaka, the Assistant Minister said that he is going to make money available in the next financial year. Could he tell this House how much money he is going to set aside for this project? Presentation of the Budget is just around the corner.

**Dr. Machage:** Mr. Deputy Speaker, Sir, that is a completely different question. I do not have that information with me, but the hon. Member can visit my office, so that he can see what we should do on that road.

**Mr. Deputy Speaker:** Last question, Dr. Munyaka!

**Dr. Munyaka:** Mr. Deputy Speaker, Sir, I would like the Assistant Minister to note that the issue relating to the bridge referred to in part (b) of the Question is not the guard rails. The issue is that the bridge is so narrow that two vehicles cannot pass each other on it. That is what has been causing accidents on that bridge. So, what is he going to do to enlarge the bridge, so that vehicles can pass each other on it?

**Dr. Machage:** Mr. Deputy Speaker, Sir, we are actually re-designing and re-aligning this section of the road. In my plan, a new bridge will be constructed at this point when funds become available. I believe we will get the funds.

*Question No.112*

DELAYED PAYMENT TO SUPPLIERS OF LODWAR HOSPITAL

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

- (a) whether he could table the AIE allocations per Item and how much Lodwar District Hospital owes respective suppliers per annum and the kind of goods/services supplied from 2002/2003 financial year to date;
- (b) why the hospital has delayed paying the suppliers; and,
- (c) when the Government will pay all outstanding dues to all the suppliers.

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

(a) As asked, the AIE allocations per Item and debts Lodwar District Hospital owes suppliers, with specification of goods and services supplied from financial year 2002/2003 to date, are hereby tabled.

*(Prof. Anyang'-Nyong'o Laid  
the Documents on the Table)*

(b) The hospital has delayed in paying suppliers because of funding constraints, the most significant being Treasury's failure to fund the 2005/2006 fourth quarter recurrent AIEs for the districts. That year, Lodwar District Hospital missed funding worth Kshs1,696,698.

(c) The Ministry has completed taking an inventory of all uncleared bills in public hospitals, and has initiated dialogue with the Treasury on the possibility of securing

additional funding on top of the normal allocations to clear the bills in the 2009/2010 financial year.

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I want to thank the Minister for a very good detailed answer. He has conceded that suppliers to Lodwar District Hospital have not been paid. He has confirmed that he has already completed the inventory of the debts and is looking for additional funding. When can these suppliers be paid, so that the hospital can clear these outstanding bills, noting that they amount to only Kshs6 million? I am sure, he has been paying bigger bills than these ones.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, the hon. Member is right. We were faced with pending bills worth about Kshs2.8 billion when I took over the Ministry last year. Most of the bills emanated from the Kenya Medical Supplies Agency (KEMSA) who owed suppliers Kshs1.6 billion. However, the KEMSA pending bill has now been cleared with funds obtained from the Treasury. We hope that in the coming Budget, the Minister for Finance will allocate my Ministry enough money so that we can clear the small bills owed by Lodwar District Hospital and other hospitals so that small traders who supply food, equipment and stationery can go about their business. Some of the funds owed are as low as Kshs200,000. If we get this money, we will clear the debt so that the businesspersons that the hon. Member is talking about do not suffer.

**Mr. Wamalwa:** Thank you, Mr. Deputy Speaker, Sir. Is the Minister aware that Kitale District Hospital which has a catchment of over a million people spreading all the way to Southern Sudan, and neighbours Uganda and Bungoma District, has similar problems? If so, what is he doing to address them?

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I am fully aware that Kitale District Hospital has similar problems. Indeed, it is not longer than one month ago when I visited this hospital which falls under the same category as Lodwar District Hospital. The only difference is that Kitale District Hospital has a larger sum of money that it should pay to the service providers. I hope that since we have submitted the same request to the Treasury for the pending bills, Kitale District Hospital will also enjoy the same support once the money is released by the Treasury. However, I urge hon. Members to scrutinise the Budget very carefully when it is read in the House to ensure that the money is, indeed, factored in the Budget so that their hospitals do not suffer by not being given services by the suppliers who are owed money.

**Mr. Yakub:** Thank you, Mr. Deputy Speaker, Sir. Intern doctors at the Coast Provincial Hospital have been working for the last three months and yet they have not received their salaries. Could the Minister assist them so that they can be paid their salaries by the end of this month?

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, although that is a different question, it is something we experience quite often and we should find a lasting solution to it. Quite often when doctors are employed by the Ministry, before their papers are processed, there is a lag period between the time of being assigned a particular station and the time the documents are ready so that their payment can be made. This is because of what we discussed the other day. We said that the hiring process should be shortened; that is the time taken to prepare the documents for the doctors hired through the Public Service Commission (PSC) and the time the Ministry takes to post them to stations should be reduced. This can be done if the Ministry hires these professionals and,

therefore, knows from the point go where they should be posted and the amount of money that should be set a side for their salaries.

**Mr. Shakeel:** Thank you, Mr. Deputy Speaker, Sir. My question is not really related to the main Question. However, could the Minister tell us what he is doing with regard to about 30 children and their mothers who have been detained in Ward 3A at the Kenyatta National Hospital (KNH) since January, 2009? This is the case and yet they should have been released immediately they were treated. Could the Minister assist those children and their mothers and the hospital treats their case as bad debt? Many of the patients owed the KNH about Kshs10,000, but now, their stay in the hospital for the last six months has made their bill rise to Kshs70,000 each. Surely, there must be a system to address this matter.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I agree with the hon. Member. It is an inhuman situation. However, put yourself in the shoe of the KNH which renders services and expects its bills to be paid. Because of the failure of the referral system in this country, people go to referral hospitals like the KNH for ailments that can be treated, at the primary level, this hospital is congested with patients it should not be looking after and spends money to treat them. Once a patient has been treated he or she is expected to pay his or her bill before he or she is released. If not, such patients should arrange a credit facility with the KNH to be released. It is like the chicken and the egg. Which comes first? Is it the patient or the money? A solution to this problem is for us to have a well-functioning social health insurance scheme where all patients, both in-patient and out-patient are covered. The cover will also ensure that patients do not go to hospital and then look for money in order to be treated.

Mr. Deputy Speaker, Sir, we have already drafted a Cabinet Memo---

**Mr. Wamalwa:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister telling this nation that it is in order to hold a patient prisoner? Is this the official Government policy? Is he in order to say that?

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, it is absolutely out of order to hold a patient who has been treated in a hospital, but it is also absolutely out of order for a patient to be treated and expect not to pay his medical bill.

**Mr. Ethuro:** Thank you, Mr. Deputy Speaker, Sir. The Minister has not even answered the question I asked. When will his Ministry pay these suppliers? I want to demonstrate to you the importance of this question. These are small-scale businesspeople who have been supplying foodstuff to the hospital between 2001 and 2005. Some of them are owed Kshs20,000, Kshs400,000, Kshs1 million and Kshs900,000. Last time, the water supply to the hospital was almost disconnected and I had to intervene. For how long will I do the job of the Minister for Medical Services? When will his Ministry pay these bills? Could he also ensure that Lodwar District Hospital gets a higher allocation than the Kshs7 million it is allocated? Let the Ministry pay the debts and allocate this hospital more money.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I really empathise with the hon. Member. I also agree with him totally that small traders should not be penalised. However, the hon. Member should also know that I was not the Minister for Medical Services in the 2005/2006 Financial Year. In fact, I was in the Opposition at that time. These are debts I found in the Ministry and I have taken---

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. Did you hear the Minister say that he was in the Opposition at that time? He is implying that Governments go by personalities rather than the institution of Government! Is he in order to say that?

**Mr. Deputy Speaker:** Mr. Minister, as a Minister in this Government, you are responsible for actions and in-actions for all the Governments that were there before!

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I was coming to the history of my concern for this issue. Now that I have arrived there, at least, I have owned up to the responsibility of the Government by compiling all the debts. Nobody had done this before. I have acknowledged that the debts are there and they must be paid. That is a step forward and the hon. Member should, at least, give credit to me.

Mr. Deputy Speaker, Sir, having done that, the next step is to pay the debt. Unfortunately, in the Ministry of Medical Services, we do not have a mint for money. It must come from the Treasury. In order for the money to "travel" from the Treasury---

**Mr. Chanzu:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to respond to this Question in isolation with the National Hospital Insurance Fund (NHIF) which has a lot of money but squanders it only through construction of buildings? The NHIF is not playing its role of looking after the welfare of Kenyan!

**Mr. Deputy Speaker:** Order, Mr. Chanzu! The Minister is not replying on Kenyatta National Hospital (KNH). He is replying on Lodwar!

**Mr. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, the hon. Member is out of order. That notwithstanding, going back to Lodwar, I think Mr. Ethuro is right. We had a problem with water bills. Water is so crucial that we allocated money and cleared the water bills and came up with a system so that hospitals do not get water shortages. The Ministry of Medical Services has a tremendous constraint in terms of resources. We need to have 15 per cent of the Budget allocated to health. At the moment, only 7 per cent of the Budget goes to health, which means we are only getting less 56 per cent of what we should be getting. So, I am appealing to hon. Members, when the Budget comes, to make sure that the Treasury gives us enough money to look after our hospitals.

Secondly, please, let us make sure that when the Bill turning the National Hospital Insurance Fund (NHIF) into the National Health Insurance Fund comes here, we support it so that we can get that money much easier and not to subject our people to the kind of inhuman treatment that we have observed so far.

*Question No.121*

PROVISION OF LABORATORY EQUIPMENT  
TO SECONDARY SCHOOLS IN MUTITO

**Mr. K. Kilonzo** asked the Minister for Education what plans he is making to provide laboratory equipment to Mutito, Endau, Kilonzo, Kaluva, Zombe, Nzambani and Chuluni secondary schools in Mutito Constituency.

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

The Ministry will disburse laboratory equipment grants to public secondary schools identified by the District Education Boards (DEBs) by 31<sup>st</sup> May, 2009. The unit

of allocation of the laboratory equipment grants is the district and not the constituency. Three secondary schools in Mutito Constituency, namely, Mutito Boys, Nzombe Girls and Endau Secondary School are among schools identified and recommended by Kitui North DEB to benefit from laboratory equipment grants in the 2008/2009 financial year. The other schools not covered, that is Kilonzo, Kaluva, Nzambani and Chuluni, are advised to submit their request to the DEB through the District Education Officer (DEO), Kitui North District, for consideration.

**Mr. K. Kilonzo:** Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for this good answer. However, I just want to inform him that these schools I have just mentioned do not belong to Kitui North DEB. They belong to Chuluni District. In view of that fact, could he consider supplying laboratory equipment to these schools because they have gone up to Form IV and students are sitting for exams yet they do not have the equipment?

**Prof. Olweny:** Mr. Deputy Speaker, Sir, may I inform the hon. Member that if those schools have not received anything, it is up to the area hon. Member, because he sits in the DEB. It is the DEB that enlists those schools; and then brings brings us the names and the minutes of the DEB meeting in which those schools were selected for support.

**Dr. Nuh :** Mr. Deputy Speaker, Sir, could the Assistant Minister confirm that this Ministry received a grant of Kshs4 billion in aid of orphans and under-privileged schools? If they did, how do they intend to distribute that money to the constituencies?

**Prof. Olweny:** Mr. Deputy Speaker, Sir, from which development partner?

**Dr. Nuh:** Mr. Deputy Speaker, Sir, from the American people

**Prof. Olweny:** Mr. Deputy Speaker, Sir, the USAID through the PEPFA programme distributes the money through the DEB to identified beneficiaries. The money does not come to the Ministry of Education. It is disbursed directly by the USAID.

**Mr. K. Kilonzo:** Mr. Deputy Speaker, Sir, the problem with this Assistant Minister is that he just does not get it. What I have just said is that these particular schools belong to Chuluni District and they have not been allocated funds. In view of the urgency because the students will be sitting for exams, they have up to Form IV students, could he consider from the headquarters, as a matter of urgency, to allocate money to the schools so that they can have the equipment? He could also visit the schools to witness for himself!

**Prof. Olweny:** Mr. Deputy Speaker, Sir, that is okay, we can visit the schools, consider them for grants. But I wish to repeat that even if they are in the other district, there is an hon. Member responsible for that area. That hon. Member sits in the respective DEB where they select and propose names of schools. All the same, those schools will be considered.

**Mr. K. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. In view of the fact that the good Assistant Minister has said that he is willing to visit these schools – this is a matter of urgency – would he confirm and give a date when he wants to visit them? We are ready as soon as yesterday so as to underscore the urgency.

**Prof. Olweny:** Mr. Deputy Speaker, Sir, that is part of our business in the Ministry. He should come to the office and we will arrange when we will visit those schools.

**POINTS OF ORDER**

**Mr. Deputy Speaker:** Mr. Chanzu, seek your Statement before the Ministers give theirs.

## CAUSE OF PLANE CRASH

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, I want to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the circumstances surrounding the air crash in Kapsabet on Monday, 11<sup>th</sup> May, 2009, I would like him to clarify the following: -

- (a) The ownership and age of the aircraft
- (b) Whether the aircraft in question has recently been overhauled and serviced and at what cost.
- (c) Whether the Minister was satisfied with the overhaul and the service and what procurement procedure was applied in identifying the company that overhauled the aircraft.
- (d) Finally, the steps being taken to minimize or eliminate such accidents.

**Mr. Deputy Speaker:** Mr. Minister of State for Provincial Administration and Internal Security, you have to give an undertaking on when you are going to issue that Ministerial Statement.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Deputy Speaker, Sir, we will try on Thursday next week.

**Mr. Deputy Speaker:** It is so ordered!

HIKING OF WATER  
CHARGES IN COAST PROVINCE

**Mr. Yakub:** Mr. Deputy Speaker, Sir, I rise to ask for a Ministerial Statement from the Minister for Water and Irrigation on the following:-

- (a) Owing to the high cost of living, could the Minister indicate why a vital commodity like water has been subjected to more than 100 per cent increment at the Coast Province?
- (b) What is the rationale of burdening water consumers with the monthly statutory standing fees for taps that continue to remain dry throughout the month?
- (c) Is the Minister aware that the local water and sewerage companies that were under her docket are imposing refuse bin collection and sewer charges where they do not provide such services to the people?
- (d) Could the Minister furnish this House with a comprehensive report on the progress of the World Bank-funded water project; Mzima Springs II that has failed to take off despite the completion of a feasibility study.

**The Assistant Minister for Water and Irrigation (Mr. Kiunjuri):** Mr. Deputy Speaker, Sir, I undertake to issue a comprehensive Statement next week on Wednesday afternoon.

**Mr. Deputy Speaker:** Mr. Mungatana, please, proceed!

INTRODUCTION OF FINANCIAL REGULATIONS FOR FOREIGN INVESTORS

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, thank you for giving me this opportunity.

Mr. Deputy Speaker, Sir, something very curious has been happening in the investment area. I seek a Ministerial Statement from the Deputy Prime Minister and Minister for Finance on what should happen when Kenyans are exposed to companies that come to this country, advertise certain services, demand forward payment and then close up and take off.

Mr. Deputy Speaker, Sir, I have in mind GTV and Car Track. All these are companies which came to this country, demanded forward payment and Kenyans paid for the services. After a while, these companies closed down and took off. There is no trace of them whatsoever. I would want to request the Minister for Finance, in particular, to tell this country: -

(a) How much money was lost by Kenyans to GTV that had promised them that they would watch the 2010 soccer world cup finals in Kenya;

(b) whether GTV has any arrangement of refunding these monies to the Kenyans who paid;

(c) whether there are any rules of financial regulations that protect Kenyans from investors of this calibre who come, demand forward payment and disappear on Kenyans; and,

(d) if those rules do not exist, when the Government will put the regulations in place.

Mr. Deputy Speaker, Sir, in particular, could the Minister consider requesting for specific deposits of a certain amount with the Treasury so that if any investor would require forward payment, there is automatic protection of the Kenyan investor in such a company?

**The Assistant Minister for Water and Irrigation (Mr. Kiunjuri):** Mr. Speaker, Sir, I would like to get more information from the “Prime Minister of Narc-Kenya”, on whether he was referring to Car Track or Track It. This can cause panic. I have invested in Car Track and would like that clarification. Did he mean Car Track or Track It?

**Mr. Mungatana:** Thank you Mr. Kiunjuri, my good friend. In fact, the company that has been in the media is called Track-It. So I stand corrected and thank you for that.

**The Minister for Foreign Affairs (Mr. Wetangula):** On a point of order, Mr. Deputy Speaker, Sir. Just to assist my good learned friend and brother, I think the issues he is raising are better directed to the Ministry of Information and Communications in terms of GTV and the Ministry of Trade in terms of general trade policy and the risks that come with trade.

So, perhaps he should direct the questions to these Ministries so that we do not take a lot of time moving to and fro and disclaimers coming up.

**Mr. Deputy Speaker:** Mr. Mungatana, I thought the body of your statement is seeking a Ministerial Statement more on GTV.

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

**Mr. Deputy Speaker:** So, Track-It was just a by the way?



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

**Mr. Deputy Speaker:** Okay, fine!

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, financial regulations, protection of investors--- I am not speaking of something in the air. It happens in other jurisdictions. When you come into a country and want to take forward payments from the nationals, the Treasury and Government demand some protection for their citizens. In this case, there is nothing in the Treasury. Could the Minister do something about it? This is the body of my request for a Statement.

**Mr. Deputy Speaker:** Order, Mr. Mungatana! One is the absence of an institutional framework to defend Kenyans and you want to bring a law on it or insist on the Minister to bring that piece of legislation to the Floor of the House.

The other issue is that you said Kenyans lost a lot of money and you want to now how much was lost. I thought that was directed to the GTV. Why do you not separate your issues and get more specific so that you can get a specific and comprehensive response?

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

**Mr. Deputy Speaker:** Mr. Mungatana, do you want the information?

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

**The Assistant Minister for Water and Irrigation (Mr. Kiunjuri):** Mr. Deputy Speaker, Sir, these days we have the Office of the Prime Minister who is the coordinator and supervisor of Ministries. On cross-cutting issues he has 45 minutes, why can we not address this issue to the Office of the Prime Minister? This is a very sensitive issue. We should hear how he answers it.

**Mr. Deputy Speaker:** Order, Mr. Kiunjuri! It is cross-cutting in terms of functions in Ministries. However, it is not cross-cutting because there is one aggrieved through the Ministry of Finance in terms of looking for a new piece of legislation. There is also a grievance in terms of matters that have already happened with regard to GTV. So if you want to get redress on GTV, in my opinion, I think the appropriate Ministry is the Ministry of Information and Communications.

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, the deeper question is that of the financial regulation, which I think, should be addressed by the relevant Minister. I also, would not mind the Minister for Information and Communications to in-feed. The problem is the lack of financial regulations as a whole. If they can in-feed into that, it can be wonderful.

**The Minister for Foreign Affairs (Mr. Wetangula):** Mr. Deputy Speaker, Sir, first we will communicate with the relevant Ministry on Mr. Mungatana's request.

Mr. Deputy Speaker, Sir, last week the hon. Member of Parliament for Nyando, Mr. Fred Outa, asked me to give a Statement on two questions. First, why we are spending Kshs140 million---

**Mr. Mungatana:** On a point of order, Mr. Deputy Speaker, Sir. I have not been given a definite date. The Minister said: "We will communicate". That is not complete.

**The Minister for Foreign Affairs (Mr. Wetangula):** We will try to see if they can do it on Thursday next week.

**Mr. Deputy Speaker:** Minister, you have a collective responsibility to the Executive to tell the House when you are going to have the Ministerial Statement

available. There is also the other bit; you are seeking an opportunity to deliver your own Statement. The Chair has not given you the Floor to give your own Statement. You have given an undertaking for the Ministerial Statement to be given on Thursday next week!

**The Minister for Foreign Affairs** (Mr. Wetangula): Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Hold your horses Mr. Minister!  
Mr. Boaz Kaino, please, proceed!

#### EVICITION OF MARAKWETS FROM CHERANGANI HILLS

**Mr. Kaino:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to seek a Ministerial Statement from the Ministry of State for Provincial Administration and Internal Security on inhuman eviction of Marakwets from Cherangani Hill Forest. The Ministerial Statement I am seeking is based on a meeting held on 4<sup>th</sup> April, 2009. In that meeting, we reached an agreement that those people will leave the forest. Some of them have title deeds for their pieces of land. Some of them settled in that forest way back in 1910. I would like him to table a copy of the minutes of the meeting held on 4<sup>th</sup> April 2009.

**Mr. Deputy Speaker:** Mr. Ojode, could you give an undertaking on that?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Yes, Mr. Deputy Speaker, Sir, we will give a Ministerial Statement on 27<sup>th</sup>, May, 2009. That will be on a Wednesday.

**Mr. Deputy Speaker:** Hon. Moses Wetangula, you can now deliver your Ministerial Statement.

#### MINISTERIAL STATEMENTS

##### SURVEY OF KENYA/UGANDA INTERNATIONAL BORDER

**The Minister for Foreign Affairs** (Mr. Wetangula): Sorry, Mr. Deputy Speaker, Sir, for jumping the gun. I thought hon. Mungatana's request was the last.

Mr. Deputy Speaker, Sir, the hon. Member for Nyando, Mr. Outa asked for a Statement from my Ministry on why we are spending on the survey of the Kenya/Uganda border. Secondly, whether there are any private companies involved in the survey. If yes, which companies?

Mr. Deputy Speaker, Sir, on Monday this week, 11<sup>th</sup> May, 2009, we launched the survey of the Kenya/Uganda International Border. Myself and hon. Kajwang attended the launch, from Kenya. Ugandans had the Deputy Prime Minister and Minister for Foreign Affairs and the Minister for Fisheries. The survey will start forthwith and is expected to be completed in two months. The cost of the survey is a Kshs140 million a piece. Kenya has put in Kshs140 million. Uganda has put in Kshs140 million.

Mr. Deputy Speaker, Sir, the question was why this money was not put on IDPs. It is difficult for me to say why the money was not put on IDPs. But I can say why it is put on survey. We, as a country, have been having running arguments with our neighbours on the location and legitimacy of Migingo as part of Kenya's territory. Right

from the word go, we did say that all available maps, orders in council and descriptions in our various constitutions of the two countries, show that the Island is part of Kenya's territory. In a situation such as this, the best way to resolve the argument is to be scientific and factual. We agreed that having visited the site and realized that there was a misconception between the two sides, the Island Kenya was calling Pyramid is not the Island Uganda was calling Pyramid which was the beacon on the lake.

The survey will establish and erect beacons and what is scientifically called coordinates from the tri-junction of the Kenya-Uganda-Tanzania border in the lake up to the tri-junction of the Kenya-Sudan-Uganda border in the north. This is an international boundary that since Independence has never been resurveyed or re-demarcated or even the beacons assessed and seen to be in their positions. You have heard information that certain beacons in some parts of the boundary have been destroyed. Indeed, information available is that that has been done. But we also understand that it has been criminal act.

The need to survey, apart from the Migingo issue, is also borne out of a requirement by the African Union (AU) whose Constitutive Act, states that boundaries inherited at Independence are sacrosanct for African countries. Beyond that, the AU has directed African countries that each country and its neighbour must ascertain the boundaries and sign a protocol and deposit them with the AU by the year 2012. The United Nations (UN) has also, after the proliferation of boundary disputes all over Africa-- You know we have had disputes between Botswana and Namibia; Eritrea and Ethiopia; Nigeria and Cameroon and others. The UN also directed that these protocols be deposited with the UN. So, the survey that we are carrying, and the cost element that goes with it, has been assessed by technicians from the relevant Ministries to achieve these requirements of the AU and the UN; whether there was a dispute or not.

Mr. Deputy Speaker, Sir, on the second bit, the survey is being carried out by the Departments of Survey of the Republic of Kenya and Uganda. We have given them a window that in the event of any lack of consensus or agreement on any issue, then they will be at liberty to seek an expert to guide them. So, we have got no private companies involved. Therefore, there are no names for such private companies.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Is there anybody seeking clarification from the hon. Minister's Statement? That is the tradition in the House.

Yes, hon. Outa, on the continent of the Ministers Statement, you can seek clarifications.

**Mr. Outa:** Thank you, Mr. Deputy Speaker, Sir. I want to thank my friend, the Minister for Foreign Affairs for giving a fair answer.

I want to understand how the Kshs280 million will be used! We are using Government officers to carry out this exercise! Could he tell the House why this huge sum of money should be utilized in this exercise?

**Mr. Wamalwa:** Mr. Deputy Speaker, Sir, in view of the fact that His Excellency President Yoweri Museveni this week admitted that the Island of Migingo is Kenya's and only the water is Uganda's, is it really necessary to go ahead with the survey or it is a matter that can be left for interpretation under international law?

**The Minister for Foreign Affairs (Mr. Wetangula):** Mr. Deputy Speaker, Sir, the survey being carried in relation to hon. Outa's seeking clarification is not just getting the lines drawn, but beacons will be erected in the lake. Around the Migingo Island, the Lake

is as deep as 56 to 68 metres. Several of those beacons will be erected deep in the lake right from the base. They must be such that they are visible to the human eye. It is quite expensive to erect such beacons. Along the boundary, we are talking of a boundary of close to 850 kilometre. Beacons will be erected on land from the centre of the mouth of Sio River through Busia, Malaba on the top of Mt. Elgon up to the junction with Sudan. In the process of the survey, there will be aerial activities and GPS systems. They will be on the lake boats that will be hired for the business. The money put in place by both governments may very well not be exhausted. If it is not, the balance will go back to the Treasury. If it is exhausted, then they will ask for some more. But I do hope that they will not exhaust the money.

Mr. Deputy Speaker, Sir, on hon. Wamalwa's question, what President Museveni said in Dar es Salaam, two or three days ago, simply confirmed what we have been saying all along; namely, that Migingo is Kenya's Island. But I did say that there is need for the boundary to be surveyed, Migingo or not, so that we can get the boundaries clearly defined. As I did say sometime back, it is only our boundary with Ethiopia that has been properly surveyed. We are in the process of getting all the others properly, even where there are no arguments and disputes, so that we conform to the African Union (AU) and United Nations (UN) requirements, which again, is international law at play.

Thank you.

#### ASSAULT ON HON. BENJAMIN WASHIALI BY POLICE OFFICERS

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, on 6<sup>th</sup> May, 2009, hon. Eugene Wamalwa, the Member for Saboti rose on a point of order to seek a Ministerial Statement from my Ministry regarding an alleged assault of hon. Benjamin Washiala by police officers. Following the incident, I wish to state as follows:

On 25<sup>th</sup> March, hon. Washiala wrote a letter to the Officer Commanding Station (OCS), Mumias Police Station, informing her of a farmers' meeting he intended to hold on 31<sup>st</sup> March, 2008, starting from 8.00 a.m. to 6.00 p.m., at Mumias Market. Due to the prevailing security situation, and the fact that some leaflets with words "the MD must go" had already been distributed, leading to general tension in Mumias, the OCS, Mumias, acknowledged receipt of the letter and advised hon. Washiala to reschedule the meeting to a later date. The later dated 27<sup>th</sup> March, was handed over to the hon. Member personally on the same day.

Mr. Deputy Speaker, Sir, on 28<sup>th</sup> March, four suspects, namely Rodgers Owaisi Okemo, Godfrey Lukoye, Omar Stanley and Mansur Kayowi were arrested at Buhuru of Mumias District while distributing leaflets with the words "MD must go." They were using a motor vehicle registration No. KAC 846X, with mounted speakers, an act which was meant to incite farmers, cane cutters, transporters as well as company workers, to rise against the Managing Director of Mumias Sugar Company. The same leaflets contained invitation to farmers to attend a meeting on 31<sup>st</sup> March at Nabongo Grounds. All of them have since been arraigned in court vide Mumias Criminal Case No.92525/147/2009. The case is awaiting hearing in the same court.

Mr. Deputy Speaker, Sir, on 31<sup>st</sup> March, hon. Washiala held a meeting near Mumias Bus Stage, with the full knowledge that the meeting or demonstration, had

already been cancelled. The farmers and other sugarcane stakeholders were calling for the removal of the Managing Director, as I have earlier said. People got charged and started shouting "Kidero must go," as they started marching towards Mumias Sugar Factory. The charged crowd started throwing stones at police officers who had gone to stop them from marching to the factory. The police later used teargas canisters to disperse the crowd, which was being led by hon. Washiali. The crowd dispersed while the hon. Member disappeared.

Mr. Deputy Speaker, Sir, on 1<sup>st</sup> April, 2009, police filed an indictment before court against hon. Washiali and a warrant of arrest was issued against him by Butere Court, vide Criminal Case No.292/2009. On 8<sup>th</sup> April, 2009, hon. Washiali, in the company of hon. Eugene Wamalwa and his lawyer, presented himself at Butere Police Station, and was taken to court. He was then arraigned in court where he pleaded not guilty to the charge of incitement and was later released on bond.

Mr. Deputy Speaker, Sir, upon his release from the court, he went back to Butere Police Station to lodge his complaint. At the station, he reported that he was assaulted on 31<sup>st</sup> March, by a Mr. Owino, whom he identified as a police officer. His complaint was recorded in the Occurrence Book (OB) by the Officer Commanding Butere Station vide OB No.8 of 9<sup>th</sup> April, 2009, at 1305Hours. He was also issued with a P3 form for medical examination, which he has never returned to the station for follow up of his complaint. The police have since opened an inquiry file No.1/2009, and are still waiting for the hon. Member to avail himself for statement recording, identification of suspects and further investigations.

Mr. Deputy Speaker, Sir, in conclusion, no officer has been arrested because hon. Washiali, or any witness, is yet to come forward to identify the suspect in order to allow an identification parade and necessary investigations to take place thereafter. In addition to the general security accorded to all Kenyans by the security agencies, I wish to assure all Members of Parliament of their safety while in their constituencies and within the Republic of Kenya, as each Member of Parliament is accorded armed police escort.

Mr. Deputy Speaker, Sir, as for the reforms, the Government has appointed a task force on police reforms vide Gazette Notice No.4790 of 8<sup>th</sup> May, 2009. The task force, whose membership is drawn from a cross section of the society, will, within three months of its inception, come up with appropriate recommendations on the police reforms in order to ensure that we have a highly disciplined, efficient and professional police service.

Thank you.

**Mr. Wamalwa:** Thank you, Mr. Deputy Speaker, Sir. I would like to thank the Assistant Minister and the Government for appointing a task force to initiate police reforms. This is one case that makes abundantly clear of the need for urgent reforms in the police force. Will the Assistant Minister assure this House that the police in Mumias have not deliberately avoided to arrest one of their own and are not protecting him and have not to date, refused to bring any charges against this officer who is known in spite of having assaulted a Member of this House?

**Mr. Washiali:** Thank you, Mr. Deputy Speaker, Sir. I first want to thank my colleague, Mr. Wamalwa, for bringing up this issue on my behalf. I am the elected Member of Parliament for Mumias Constituency and I am the one who was injured on

the material day of 31st March. Whatever information that the Assistant Minister has given as a response to the inquiry of this statement, three-quarters of it is false.

**Mr. Deputy Speaker:** Order, Mr. Washiali! If you think that the information is inaccurate, you can use words like “inaccurate” and “misleading” but you cannot use the word “false”. It is not parliamentary language to call anything that is part of the proceedings here “false”. The information can either be misleading or inaccurate!

**Mr. Washiali:** Thank you, Mr. Deputy Speaker, Sir, for that correction. I want to withdraw that word and replace it with the word “misleading”.

**Mr. Deputy Speaker:** In any case, Mr. Washiali, this is a Ministerial Statement. You should seek clarification on the content of the Ministerial Statement. If you want to interrogate the Government on this issue, and you feel that the information you are getting is misleading, then you have to choose another form of intervention apart from the one we are using now. Seek clarifications now on the content of the Ministerial Statement that we gave you.

**Mr. Washiali:** Thank you, Mr. Deputy Speaker, Sir. I wanted to bring up the chronology of what happened on that day of 31<sup>st</sup>, before he misleads this House.

**Mr. Deputy Speaker:** You cannot do that. The rules do not allow you to do that. When we are dealing with a Ministerial Statement, you seek clarification based on the content of the Statement. If the Ministerial Statement is inaccurate and if you feel that it is misleading, then use other avenues. You have many avenues under the Standing Orders that allow you to visit the matter again.

**Mr. Washiali:** Thank you, Mr. Deputy Speaker, Sir. The truth of the matter is that the person who injured me was a police officer and his name is well known. When he injured me, he was in the presence of the DCIO. So, the question of the Government or the Assistant Minister not knowing who injured me does not arise in this case. The police officer who injured me is called Humphrey Owino and he is currently based at Busia Police Station. I have already filled and returned a P3 Form to the Butere Police Station. As the aggrieved party, I am awaiting from the Assistant Minister to have this officer arrested.

Is he in order to come here and mislead the House?

**Mr. Namwamba:** Mr. Deputy Speaker, Sir, I have the highest regard for *Waziri Msaidizi*, Mr. Ojode, and I think he has earned our respect because of his hands-on approach to issues of Government. Many times, he has taken on tasks that require immediate action with the speed and expedition deserved. Could the Assistant Minister, therefore, give an assurance to this House to the comfort of the nation and to the hon. Member who was injured by this despicable act, by confirming now that he knows this officer who committed this act, based on the fact that he knows where this officer is based at the moment, simply that he will undertake to have the officer apprehended immediately?

**Mr. Deputy Speaker:** Could you respond to that point of clarification?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Deputy Speaker, Sir, I am a Member of Parliament as my colleagues and anything bad happening to him, as a Government, we will not allow. The primary duty of a policeman is to uphold law and order. We were short of getting the full names of that particular officer. That is why we were waiting for the hon. Member to go to the police station so that my police officers can parade those police

officers for identification process. The reason why I am saying that is because the only name, which we got, was a Mr. Owino, which would have been difficult for us to use in identifying the police officer. We are going to investigate even where the bodyguard of the hon. Member was at the time of the assault because all my colleagues are given police escort. If it is true that one of my police officers, which may not be true, assaulted a Member of Parliament, a legislator, I will take action immediately so that others do not repeat the same. I request Mr. Washiali to go to Butere Police Station or Mumias Police station to identify this officer because there is also the issue of impersonation. You might think that Mr. Owino is a police officer but if you investigate further, he may not be one of my officers. Let me request the hon. Member to use this opportunity to identify that particular policeman so that I can take action immediately.

**Mr. Chepkitony:** Mr. Deputy Speaker, Sir, for us to be seen to uphold the spirit of unity, we should not be seen to be protecting police officers. If we want to reform the police force, we should correct any wrongdoing. The Assistant Minister seems to doubt what the Member of Parliament has said and seems to doubt that the person concerned was a policeman, and yet Mr. Washiali seems to be very sure.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Deputy Speaker, Sir, I think I was very clear on this matter. It was very difficult for Mr. Washiali to identify this man as a police officer. Later on, he was given the man's full name. It is my duty now to check whether we have a police officer by the name Humphrey Owino in that particular station. If, indeed, it is true, because a number of my police officers have been taken for short, long term and managerial courses for them to behave well and to bring law and order and have a reformed police force, I want to assure this House that if that police officer assaulted a Member of Parliament, I will take action immediately.

**Mr. Baiya:** On a point of order Mr. Deputy Speaker, Sir. Last week, I sought a Ministerial Statement from the Minister for Justice, National Cohesion and Constitutional Affairs and also from the Deputy Prime Minister and Minister for Finance and the Statements were to be provided today.

**Mr. Deputy Speaker:** Order! Hon. Minister, there was an undertaking considering the issue of collective responsibility to have the said Ministerial Statement issued today. Why do we not have it?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Deputy Speaker, Sir, I undertake to consult with the Minister responsible for that particular Ministerial Statement.

**Mr. Deputy Speaker:** There are two Ministerial Statements. Am I right?

**Mr. Baiya:** Yes, Mr. Deputy Speaker, Sir. There is one from the Ministry of Justice, National Cohesion and Constitutional Affairs on the issue of Somali pirates being tried in the Kenyan courts. The other one is for the Office of the Deputy Prime Minister, Minister for Finance on the issue of Kenya National Bank earmarking for sale the Mboi Kamiti property.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Deputy Speaker, Sir, I undertake to call the Deputy Prime Minister, Minister for Finance, Mr. Kenyatta and the Minister for Justice, National Cohesion and National Cohesion, Mr. M. Kilonzo.

**Mr. Deputy Speaker:** Indeed, you should take home the consequences under the current Standing Orders which can be very grave.

**Mr. Ochieng':** On a point of order, Mr. Deputy Speaker, Sir. Two weeks ago, I sought a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security with respect to cattle rustling in my constituency and those who have been killed. Up to date, I have not received it.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Deputy Speaker, Sir, you have witnessed that I have several Ministerial Statements to make and some were not ready. I undertake that once they are ready, I will be giving them out as and when they are ready. In particular, this one for Mr. Ochieng' will be ready by next week on Thursday.

**Mr. Wamalwa:** On a point of order, Mr. Deputy Speaker, Sir. Last week, I also sought a Ministerial Statement from the Minister for Agriculture which they undertook to give today. I do not know where the Minister is.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Ojode):** Mr. Deputy Speaker, Sir, I undertake to deliver the message to the Minister for Agriculture and hopefully by Thursday next week, the Ministry will be ready to issue the Ministerial Statement.

**Mr. Deputy Speaker:** Next Order!

## BILLS

### *First Readings*

#### THE ARBITRATION (AMENDMENT) BILL

#### THE COMPETITION BILL

*(Orders for the First Readings read – Read the First Time and ordered to be referred to the relevant Departmental Committees)*

## COMMUNICATIONS FROM THE CHAIR

#### A BILL STANDS COMMITTED TO RELEVANT DEPARTMENT COMMITTEE ONCE READ THE FIRST TIME

**Mr. Deputy Speaker:** Hon. Members, the committal of Bills to the relevant Departmental Committees is now presumptive. Standing Order No.111 says:-

“A Bill having been read a First Time shall stand committed to the relevant Departmental Committee without Question put”.

So, indeed, this so stands. That will be the practice in future. Once the Bills are read, they stand committed to the relevant Departmental Committee. We do not have to get an undertaking from the Minister as the tradition used to be.

#### DEFERMENT OF COMMITTEE STAGE: THE FISCAL MANAGEMENT BILL



**Mr. Deputy Speaker:** Hon. Members, we have a communication from the Deputy Prime Minister and Minister for Finance that the Attorney-General, who is the Chief Legal Adviser to the Government, is out of the country and it is only fair that this Bill is moved when he is in the House. So, it is now deferred to a time that is going to be convenient to the Minister and the Attorney-General.

### MOTION

#### ADOPTION OF REPORT ON FOOD SECURITY/ MAIZE SHORTAGE IN THE COUNTRY

THAT, this House adopts the Report of the Departmental Committee on Lands and Natural Resources on food security and maize shortage in the country laid on the Table of the House on Thursday, 30<sup>th</sup> April 2009.

*(Mr. Mututho on 13.5.2009)*

*(Resumption of Debate interrupted on 13.5.2009)*

**Mr. Deputy Speaker:** Mr. Mututho, you were moving this Motion. Please, proceed and complete moving the Motion.

**Mr. Mututho:** Mr. Deputy Speaker, Sir, yesterday while moving this Motion, I did indicate clearly that it is the spirit of the 10 million Kenyans who slept hungry last night; those who do not have hope of getting any food. It is in that spirit that this Committee sat to just check out what went wrong. What went wrong to a country that was food sufficient to end up being almost paupers to the extent that we have reports from the media of people eating roots? I want to thank the media for highlighting that. In fact, those who can get roots are lucky. What about the people in Kibera and other places?

Mr. Deputy Speaker, Sir, we can sit here and debate for ages but without coming to serious remedies in terms of policy that will guarantee our children and our grand children food security, then we will have failed this nation. I want to thank the hon. Members again for the indulgence and particularly for close scrutiny of what goes on in that industry. It is them who proposed the creation of an independent grain bulk handling facility. Grain Bulk Handling was mentioned severally in several quarters and this Committee feels, as reported on page 71, that we need a second grain bulk handling facility with double the capacity of the existing one but to be owned by co-operatives and *wananchi* but not private people.

We found out that 42 per cent of the maize industry is controlled by one family. Even in terms of national security, that is not good. It is not healthy. On that line, we recommended that no individual or a group of companies owned by the same family are allowed ownership of more than 12.5 per cent of the total grain market. When you read the report, you will realize that one miller had 500,000 bags when the Government was desperate for food but did not declare the same. You will also find out that millers are maintaining 104 per cent profit at this moment when everybody is hard hit, including the

Government. We do not have enough to import or buy maize but they are maintaining 104 per cent profit. At the time when they are selling maize flour at Kshs100, it is technically unfeasible to sell the same at Kshs50. We saw that as a sign of very bad faith on the part of millers. That is the reason why we would like recreation and reinvention of the National Milling Corporation to be owned by youth groups and women groups who should control up to 55 per cent.

Mr. Deputy Speaker, Sir, Grain Bulk Handling also maintains a contract that they do not service. This is to do with fertilizer. Although they have had the contract and the monopoly for all these years, they do not service that contract. They use both their terminals for grain handling. The net effect of that is that, the alternative offloading of fertilizer costs the Kenyan farmer an extra US\$6.5 per tonne. That has been happening for all this time. So, we would like a dedicated fertilizer bulk handling terminal. While the whole grain bulk handling saga is simply like drinking a bottle of water with a straw, it means that the ship comes with all the grain in one container and can only be siphoned by way of pulley or vacuum or whatever it is, to take it to the specialized silos. To remove the fertilizer will require stainless steel or specialized plastic and other things. It is a much more expensive venture, so that we can have a dedicated fertilizer handling terminal.

Mr. Deputy Speaker, Sir, all this quagmire about people issuing notes and what raised this alarm, was caused by the fact that the Ministry of Agriculture did not see it necessary to ban independent people from buying maize since 1993. I can see the Minister for Agriculture coming into the House. Indeed, the Gazette Notice allowed everybody to buy. This went on up 4<sup>th</sup> December, 2008. At that moment in time, the Minister put up a Gazette Notice. That Gazette Notice now made it impossible for everybody to buy maize, except the registered millers.

Mr. Deputy Speaker, Sir, Kenyans and my supporters, particularly as the Member of Parliament for Naivasha, got very angry with me when I talked about that subject when there was another Motion here. That is normal. I think it is important that people get to know the truth; that legally, there was nothing! There was no circular! There was nothing that would have stopped anybody from buying maize from the National Cereals and Produce Board (NCPB) up to 4<sup>th</sup> of December! But, now, let us look at it again in greater detail. How did it happen? It happened because there is this intermarriage between the three functions of the NCPB. It controls and stores the Strategic Grain Reserve (SGR). It is the custodian and stockist of famine relief stocks and also handles the commercial stocks.

Mr. Deputy Speaker, Sir, so that this thing never, ever happens again, we want to separate the SGR from NCPB. That way, anybody who will go to buy maize there will be buying and stealing from SGR. That is because as it is now, and with that mixture of functions, you cannot know whether those people were buying SGR stocks, commercial stocks or famine relief stocks!

Mr. Deputy Speaker, Sir, we are recommending in this Report that the SGR stores be established immediately, which have the management role of the stores. Further, we are recommending that an amendment of Gazette Notice No.55 be done such that they will be able to hold, physically, good and first quality, 10 million bags. That will approximately be one third of our requirements. In cash, based on the Chicago prices--- There is a big market and that is why those commodities are controlled. We need another 5 million bags. So that our net SGR capability will be 15 million bags of maize.

Mr. Deputy Speaker, Sir, we were, to say the least, embarrassed to a point of almost shedding tears when we learned that, in some parts of Kenya, observing all respect for the areas - and this is very serious, hon. Members and Mr. Deputy Speaker - a chief had to sleep with the grandmother, mother and the daughter in order for them to get 2 kilograms of maize!

Mr. Deputy Speaker, Sir, this is maize which was bought by this Government - 300,000 bags of maize bought painfully by this Government to help our brothers and sisters! Yet some people have taken advantage of that for all this time. If you think that is very bad, in my own Naivasha Constituency, at a place called Kongasis, during this bad moment of lack of water, it happened. Some ladies had to wait for three days for water and, on the third day, they had to compromise their sexuality so that they could get water! We cannot allow that! We cannot continue sitting here and basking in glory while our people are being abused because of some things that we can control at a policy level!

To this end, Mr. Deputy Speaker, Sir, this Committee recommended that immediately, a plastic intelligent card be introduced so that a farmer does not need a chief to go and collect that. That would be a good marriage between private entrepreneurs and the Government in dispensing the famine relief food. You can read a lot of that in our Report.

Mr. Deputy Speaker, Sir, being cautious of time, I want to highlight one thorny subject. I will seek your permission to show the House the so called "poisonous maize". I will show you the sample of that maize and, if you allow me, Mr. Deputy Speaker, Sir, I will go ahead to describe what is bad about that maize.

While waiting for your ruling on that issue, Mr. Deputy Speaker, Sir, I want to talk about something more serious - Genetically Modified Organisms (GMOs). I do not want to go into the science of GMOs, but all over the world and everywhere - left, right, north, south - no one talks good of GMOs! No scientific support has been given, except for one variety of maize. It has shown substantive increase in yields because of GMOs. But when you consider the damage on the B-Complex, the thiamine's; things that form the blocks that build the human being's form - I want to put it that way. That is the foundation. Assume that they are impaired. What happens when those things are impaired and they are used in our physiology? We can say very clearly here that, in five to 15 years time, just like the people of Hiroshima, expect mutants! We should expect to have human beings with serious deformities! Is it worth all that trouble? All the contracts by this Government were for non-GMOs, because they realized that - and I thank the Government for that - they did not want to import GMOs. That is because the rules, including the Biosafety Act that we passed last year, are very clear! Section 52 of that law provides very heavy penalties of up to ten years imprisonment and a Kshs20 million fine if you infringe that particular law. We passed it here in this House.

But, shockingly, Mr. Deputy Speaker, Sir, a lot of GMO was imported. According to KEPHIS, which is a Government body, up to 90 per cent was imported. I will be giving a schedule of the imports and the vessels that came with that GMO food.

Mr. Deputy Speaker, Sir, more worrying about GMOs is a study conducted by Vienna University's School of Veterinary Medicine in which three generations of mice in a row that were fed with the same variety of GMO maize, did not reproduce. We are not saying that human beings cannot reproduce, and we have to be responsible on that particular aspect, but we are calling for more studies.

But what are we saying in this Committee, Mr. Deputy Speaker, Sir? That we continue importing non-GMO food and that we should have a risk management provision so that we can minimize the damage. Once again, I want to thank the Government because it is not the will of the Government to import GMO food. It is not in its policy. That is why it entered into contracts to deal with non-GMO foods. I also want to thank the professional bodies.

Mr. Deputy Speaker, Sir, I will seek your indulgence again so that I can show the maize.

**Mr. Deputy Speaker:** You can show a sample here.

**Mr. Mututho:** Sergeants-at-Arms, please, bring in the maize.

*(Mr. Mututho laid a sample of the GMO maize on the Table)*

Mr. Deputy Speaker, Sir, I am laying a report on the Table showing the exact study. This is in utmost good faith! The Committee studied this report, contacted the university and found it to be legitimate. It is true that the study was done.

*(Mr. Mututho laid the Report on the Table)*

Why are we struggling with things that are going to affect our physiology, while we can avoid it? That is why we are asking for an overhaul. We need a change in restructuring of the SGR stores.

Mr. Deputy Speaker, Sir, this maize is what the Prime Minister properly described yesterday. The important thing to note in this whole maize saga is that the grey particles are aluminum phosphate.

**An hon. Member:** Could you remove the maize from the bag?

**Mr. Mututho:** I am not allowed to do so.

Mr. Deputy Speaker, Sir, I want to be very careful and read very slowly the effects of aluminum on human physiology. This Government is right in insisting that this product be destroyed here and not shipped back to South Africa. Any other maize is not this maize that was confiscated. I table it here.

*(Mr. Mututho laid the dry maize seeds on the Table)*

Aluminum as we know it, is not good. I want to read to you the effects of aluminum in our bodies. I see a lot of professors here, some of them in medicine and they will support me on this position. Aluminum causes conditions similar to what we see with Mohammed Ali. This is a condition that affects our co-ordination. I do not want to say that people who suffer from loss of memory, so far, have been eating this aluminum too much, but it is implied. I read:

“Chronic injection of aluminum may cause aluminum related bone disease or aluminum induced post humaratia with fracturing. In simple terms, the most notable symptoms of aluminum poisoning are diminishing intellectual functions, forgetfulness, inability to concentrate and in extreme cases, full blown dementia and Alzheimer.”

Alzheimer is the kind of disease that the late President of the USA and Mohammed Ali suffer from. And the story goes on.

There is nothing to persuade us to feed our people with 6,053 metric tones of this bad maize. This Committee recommends that the whole consignment be destroyed in their presence and not shipped back because we are not sure that the same ship will not make a U-Turn and then bring the same consignment back to Kenya. In any case, our statutes provide for the same. Any contaminated food is not shipped back. Whom are you shipping it back for? You destroy it. That is what we are talking about here.

**The Minister for Environment and Mineral Resources** (Mr. Michuki): On a point or order, Mr. Deputy Speaker, Sir. The hon. Member has tabled dry maize seeds. However, the use of the words “chronic consumption” must be linked with the sample that is here. Could he explain whether the maize seeds he tabled here contains what would amount to chronic consumption?

**Mr. Mututho:** Mr. Deputy Speaker, Sir, I will help the hon. Member by telling him that if he looks at the report by the Government Chemist and all the reports that were tabled yesterday in this House, they indicate that the contamination was aluminum phosphate after the explosion. The damaging component is aluminum. “Chronic consumption” means that you are consuming like we do. For example, in all our diets, we have *unga* and maize meal. That is what I am talking about.

Let me proceed, Mr. Deputy Speaker, Sir. I have---

**The Minister of State for Immigration and Registration of Persons** (Mr. Kajwang’): On a point or order, Mr. Deputy Speaker, Sir. This is a very major issue. We are being told something very alarmist that if you ate a portion of *ugali* one night, then you will, all of a sudden, become very stupid and your bones will become terribly rickety and things can go wrong. The hon. Member is alarming this country. What we want to know is this: What is this thing called “chronic consumption”. How much aluminum would you have consumed in one year, to be termed as chronic so that this country can know? We may be consuming a lot of aluminum every other day, but what is saving us is that it is not chronic. What is chronic?

**Mr. Mututho:** Mr. Deputy Speaker, Sir, any medical doctor will tell you that somebody like Mr. Mututho who does not drink, you do not need to give him a big dose of anaesthesia to make him sleep for surgery. A simple drug, even a smell of it, will make him sleep. Others who drink heavily may require a whole dose of that medicine.

What I am saying here is that aluminum was found present in that bad sample. Whether it was consumed, whether somebody has kept it---

**An hon. Member:** Was it chronic?

**Mr. Mututho:** I want to specify. By the way, you can also get aluminum from you *sufuria*. However, if you continue consuming aluminum depending on your physiology, some things can happen.

**An hon. Member:** For how long?

**Mr. Mututho:** That depends on your body. I am not a medic. This is not an alarmist situation. That is why KEBS and the health authorities in this country decided that this maize should be destroyed. We concurred with them.

Mr. Deputy Speaker, Sir, the quantity of maize, which we are talking about, we believe it is in Mombasa. I do not know what the hon. Minister is alarmed about. The Prime Minister confirmed that maize is in Mombasa. All we are saying is that, that maize

should be destroyed. We are not saying anything beyond that point. As of now, we do not have any information to the contrary.

I want to thank everybody, particularly members of the public who gave us a lot of information. I want to thank members of the Press for highlighting all that we were doing. I want to thank Kenyans for their patience. I am telling them that as far as this Committee is concerned and up until the last visit we had in Mombasa, that consignment of contaminated maize was still in the stores of Grain Bulk Handling.

Having said that, it is up to this House to use other Committees in terms of disposal of that particular consignment.

I beg to move and request hon. Munyaka who is a Member of my Committee, to second.

**Dr. Munyaka:** Mr. Deputy Speaker, Sir, I stand to second the Motion. It is common knowledge that maize is a staple food, particularly in Kenya. Any shortage of maize will have very bad effects in the country. In that case, you will find citizens experiencing famine and starvation. Over the years, the Government has failed in its policies on agriculture, especially on food security because it has been part of our life. In Kenya, after every three years, we talk about starvation. Every time we have famine, the Government declares it a national disaster. This is not acceptable 45 years after Independence, considering that we have plenty of arable land in Kenya. If the Government puts good attention on it, it can be put to irrigation. The most interesting thing is that in Kenya, we talk about floods every now and then. All that water runs and finds its way into the ocean. We need a strategy where we construct reservoirs and embrace irrigation. We cannot continue relying on unreliable rainfall.

Mr. Deputy Speaker, Sir, the other big issue is that we are also endowed with the second-largest fresh water lake in the world, namely Lake Victoria. However, because of a treaty that was signed during the colonial era, we are not able to use that water for irrigation. If we changed those old archaic laws, we would invest and use that water to mitigate against periodic situations of famine

Food is very important. We have seen many countries where people have demonstrated on the streets, because of increase in prices of food. We even have the Biblical story of Joseph, where the Pharaoh dreamt seeing seven fat cows, and then seven emaciated cows. The Pharaoh looked for somebody who could explain the meaning of that dream for him. Many wise men tried and failed. Only Joseph came up and told him: "This means there will be seven years of plenty of harvest that will be followed by seven years of famine and drought."

Mr. Deputy Speaker, Sir, therefore, the Kenyan nation should be able to learn from that analogy, so that when there is some bumper harvest, we store the excess food for times of drought and starvation. I remember that in the year 2007, we had a bumper harvest. We harvested close to 36 million bags of maize. However, most of it was left to go through the borders. Unscrupulous traders took advantage. Farmers were conned of a lot of maize, which found its way out of the country to other countries.

Just because the Government had a limit of three million bags of maize for the National Strategic Grain Reserve (NSGR), we left 33 million bags to go to waste. A year later, we started talking about famine. So, the Government should be proactive. I would suggest that whenever we have a bumper harvest, the NSGR level should be increased, to a minimum of 15 million bags; we are talking about 15 million bags of maize that should

be maintained as the minimum NSGR, so that we do not experience what we experienced at the beginning of this year, when the NSGR level went down to as low as 89,000 bags.

Mr. Deputy Speaker, Sir, food prices in this country are very high. So, the Government needs to come in and regulate the prices of food. We cannot leave the function of determining food prices to business people alone because, as we know, business people are driven by the profit motive. Currently, maize millers make between 104 per cent and 220 per cent profit.

So, we need the Government to come in and regulate profit levels to between 15 per cent and 20 per cent. I would like to thank my fellow Members of the Committee for agreeing that people dealing with food should make a maximum profit of 18 per cent profit, because food is mandatory to life.

Mr. Deputy Speaker, Sir, the other issue is that of Genetically Modified Organisms (GMOs). There is not enough research that has been conducted to support continued use of GMOs. We need a lot of research and tests to be conducted in this area, so that we can feed our people, who are ignorant about GMOs.

Actually, “genetically modified” means “genetically mutated”. It also means “genetically engineered” or “genetically manipulated”. It is a gene that is usually taken from one species and put into another species. I wonder---

**The Assistant Minister for Education** (Prof. Olweny): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to mislead this House as regards the definition of “genetic modification”? The way he is defining “genetic modification” is totally wrong!

**An hon. Member:** What is right? Tell us, professor!

**Mr. Deputy Speaker:** Order! Order, hon. Members!

Proceed, Dr. Munyaka!

**Dr. Munyaka:** Thank you, Mr. Deputy Speaker, Sir. My good friend, Prof. Olweny, should know that when you modify something, you manipulate or engineer it. You change it. So, something that is genetically modified is something that has been changed. It is not in its original form.

**The Assistant Minister for Education** (Prof. Olweny): On a point of information, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Dr. Munyaka, do you want his information?

**Dr. Munyaka:** It is okay, professor!

**The Assistant Minister for Education** (Prof. Olweny): Mr. Deputy Speaker, Sir, may I inform the hon. Member and the House that even ordinary, or conventional, breeding involves genetic modification. What is involved in what we call “GMO” is just the level at which the work is done. In the case of GMOs, genetic modification is done at the cellular level, while in ordinary breeding this is done at the organism level. There is nothing very strange about it.

*(Applause)*

**Mr. Mututho:** On a point of order, Mr. Deputy Speaker, Sir. Is Prof. Olweny in order to mislead the House? The GMO process involves introducing something from another species. That something we introduce at the genetic level makes it an organism. So, it is called a “genetically modified organism”, because it cannot be the same as the

specie that we were dealing with. That is why you see things like BT corn, BT cotton, *et cetera*.

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

**Mr. Deputy Speaker:** What is not in order, Ms. Odhiambo?

**Ms. Odhiambo:** Mr. Deputy Speaker, Sir, is it in order for the Assistant Minister to mislead the House? One of my Master's Degrees is actually on Plant Genetic Resources. What he has told us is actually misleading to the House.

**The Assistant Minister for Education (Prof. Olweny):** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** What is it?

**The Assistant Minister for Education (Prof. Olweny):** Mr. Deputy Speaker, Sir, is the Chairman of the Departmental Committee on Agriculture, Livestock and Co-operatives in order to mislead the House that genetic modification involves taking genes from one species and planting or engineering it into another species? Is he in order to mislead the House?

**Mr. Deputy Speaker:** What is in order, Prof. Olweny?

**The Assistant Minister for Education (Prof. Olweny):** Mr. Deputy Speaker, Sir, when you get involved in genetic modification, you simply do not take genes from one species and take them to another species, unless there is proper compatibility. Scientists ensure that there is compatibility before anything is released to the public domain.

**Dr. Munyaka:** Thank you, Mr. Deputy Speaker, Sir. I do not know the field of study of Prof. Olweny. I am a Doctor in Veterinary Medicine and I have also done genetic engineering.

**The Assistant Minister for Education (Prof. Olweny):** On a point of information, Mr. Deputy Speaker, Sir. May I inform the hon. Member that I am a Professor in Genetics.

**Dr. Munyaka:** Thank you very much, professor.

Mr. Deputy Speaker, Sir, regarding the consignment of condemned maize, I would like to say that it is a very sad story for Kenya to, really, see what is appearing in the media and everywhere else. We may be having poisonous maize being sold to the public. It is proper for leaders to take care when they talk to the public. When you make very alarming statements in public, you scare many people. As we speak here, there are people who do not feed on maize meal because the condemned maize is in the stores. The Government should take this matter seriously. It should also find out where this maize is stored and destroy it before it is distributed to Kenyans.

It is unfortunate that the constituency I represent survives on relief food. If the contaminated maize is released, my voters might get it and that will be very bad. I hope that the Government, as the Prime Minister promised, will keep its word and destroy that maize so that we can be safe.

Mr. Deputy Speaker, Sir, I beg to second this Motion.

*(Question proposed)*

**The Minister for Environment and Mineral Resources (Mr. Michuki):** Thank you, Mr. Deputy Speaker, Sir, for granting me this opportunity to contribute to this Motion on the adoption of a Report by a Committee of this House.



*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Prof. Kamar) took the Chair]*

Madam Temporary Deputy Speaker, the historical background of all these matters is in our possession. Some of these matters have been with us for a longer period than others. I am talking about the history of bulk grain handling at the Port of Mombasa. The importation of maize has been very controversial and has led to the jailing of a number of people. However, we should be cautious when we dwell on history. Somehow, guided by history, we should think of ways of making this country famine-free. That should be the pre-occupation of this House.

This Report is well written and will guide us but we must be careful. We should ensure that the Report is objective and keeps away from anything that is subjective. This is because it is only objectivity that will benefit this country in the long run. Therefore, I do not intend to dwell on history. I also do not intend to contribute to this Motion on the basis of what has happened. I want to look forward. I would like to see the Ministry of Agriculture, the Ministry of Livestock Development, the Ministry of Water and Irrigation, the Ministry of Environment and Mineral Resources and any other Ministry address these issues. These Ministries should address these problems not just by talking, but by implementing useful policies. That is when this country will be able to feed her people.

Madam Temporary Deputy Speaker, the Government has been very concerned about the success of the agricultural sector in this country. I would like to confirm to this House, because I am in possession of that information, that His Excellency the President started the process of obtaining fertilizers awaiting the rains that are now being experienced in the country when the financial year started in July, 2008. I am privy to that information because for that short period, I enjoyed the privilege of leading the Treasury. This information came to my possession at that time. All of us should be concerned with providing enough food to our people.

It was my duty at that time, as the Minister for Finance, to ensure that the Ministry of Agriculture had the necessary resources to import fertilizer. Therefore, the Minister for Agriculture and myself put an allocation of Kshs30 billion towards that end. We looked for this money far and wide; from within and from without and got it. Obviously, having the money is not the same as having what you want to buy because the product should be available. However, that was the work of the Ministry of Agriculture. I believe that the Minister for Agriculture acquainted himself with the procedures of getting the fertilizer.

We have rains now, although certain parts of the country may not have received it. However, we should appeal to our farmers to fully utilize the rains to produce food. I would like to tell the Ministry of Agriculture that it would be unfortunate if we get into a situation where the farmers complain that although they have rains, they do not have fertilizer. That will be a criminal act. I hope a situation where farmers would say that they had the rains, seeds and had prepared land but did not get fertilizer will not arise. That will be an omission that is unforgivable. It is not late. Fertilizer should be availed to the

farming areas. If necessary, it should be available even in the local kiosks. This is because it is an important ingredient in food production.

*(Applause)*

Madam Temporary Deputy Speaker, I also want to say that the Ministry of Livestock Development should turn their attention to the dairy industry. I have been involved with the dairy industry since I came to this Parliament, a little slightly before. Some hon. Members here may not know that I am serving my fifth term in this Parliament.

*(Applause)*

At that time when the Kenya Co-operative Creameries (KCC) was KCC, although it has been succeeded by what is now the New KCC, we started the zero-grazing programme in that part of Central Province called Kangema, which is my constituency. We started this when milk was going for Kshs1.50 per litre. We continued and were able to withstand all the problems and deficiencies. We developed very good co-operative societies that supplied milk to KCC. We were also able to seek assistance from donors to establish Artificial Insemination (AI) programme, which was easy to operate because as the vehicle that collected milk from farmers went round, it also carried the inseminator with his pouch. As the milk was being collected at various centres, the inseminator also did his work. So, the co-operative was able to kill two birds with one stone. One vehicle did a lot of work and the cattle in the area were highly upgraded until the KCC collapsed in those days. It collapsed with our money and the AI. The Minister for Livestock and Development together with the Minister for Co-operative Development and Marketing should revive this system because the commercial insemination – the supply of seeds in that manner – is too expensive. It is becoming too expensive and holds back the growth of the dairy industry and production of exotic cows and bulls; both for milk and meat. We still need meat. If we can have enough of it, there are countries that look upon countries like Kenya to supply them with meat. The KCC is one of the candidates for privatization and hopefully, whoever gets the chance to own it will, first of all, give service to this country before he can give service to his pocket.

Madam Temporary Deputy Speaker, I want to take this opportunity to congratulate the management of the New KCC who have not only revived the dairy industry but also turned it into a money minting organization. It is possible that many hon. Members do not yet know that during this famine that we have just experienced, all the dry milk that was needed for people who had not eaten for quite some time, for little children and others, was supplied by the New KCC. We did not import anything. This is a very commendable job. I think all of you should join me in congratulating the New KCC.

I do not want to take too much time of the House but I want to say that we, who are charged with superintendence of public services, must be like Caesar's wife. We must be beyond suspicion. In the way we carry out our duties, we should not allow ourselves to go through any opportunity that might touch on our integrity because our integrity is what we have as stock in trade.

Thank you.

**Eng. Rege:** Thank you, Madam Temporary Deputy Speaker, for giving me the opportunity to also contribute to the Motion. I would like to support what Mr. Michuki has said that in Kenya we do not walk the talk. We talk, research and do a lot of things but we do not implement. I am saying so because to date, we are still spending billions of shillings buying food when we should not. This country has abundant rainfall, arable land, the will and the science that we need to have adequate food for this country. It pains to see that just recently, we had to approve some Kshs7 billion to buy food.

May I say that where I come from, Karachuonyo Constituency, in the southern part of Lake Victoria lies, a very rich land. Research has been done and records are available at the Lake Basin Development Authority (LBDA) in Kisumu. There are more than six volumes of research on food security in this country. Let me just point out a few of those findings. It was reported that around the lake from the northern part of Mara River all the way to River Nzoia, we have adequate land running to some 400,000 hectares that are completely arable, and if possible we can always do natural irrigation using the rivers that flow in Lake Victoria. We could secure the water by creating dams that will protect the water from going into the lake and have adequate water to do natural irrigation into all those large hectares of land. This could give us enough food to feed this country throughout the year. To date, Lake Victoria is choking from hyacinth right before our eyes and nobody is looking at it, it as if it is not even there. Nobody has recognized what we can get from Lake Victoria. The water hyacinth is feeding on the soil swept from the highlands into the lake through soil erosion. I suggest that the Ministry of Agriculture and the Ministry of Water and Irrigation look into this matter. They should look into the research that has been done to provide food security in this country.

Madam Temporary Deputy Speaker, Lake Victoria has fish that gives us about Kshs400 million as revenue annually. In Karachuonyo, we have so many fish farming areas. We have fish landing ports but we cannot reach them simply because we do not have roads to those places. Very soon, we will be throwing fish one by one across the galleys in Karachuonyo. This is because there are no roads that can be used to take the fish to Nairobi, Kisumu and so on. In short, I am saying that we are not paying attention to food security and development in areas that can give us economic development in the country.

Madam Temporary Deputy Speaker, we have an organisation called the Lake Basin Development Authority (LBDA) that has its headquarters in Kisumu. The LBDA is a laughing stock, if I may say so. All the researches that it has done are dormant. They are not taken seriously. There is no money to implement the results of any of these researches that have been done. Today there is something called Kimira-Oluch Irrigation Scheme. I think early last year vehicles were brought in and launched, but to date, there are no drivers for these brand new vehicles. This is because the scheme is not being financed properly.

Madam Temporary Deputy Speaker, may I say that this country seriously needs proper commissions that can implement what we have researched and spent money on. This plague is not just in this country. I have seen it in other countries as well. Surely, Kenya is equipped to ensure that we walk the talk. That is my contribution.

Thank you very much.

**The Minister for Forestry and Wildlife (Dr. Wekesa):** Thank you Madam Temporary Deputy Speaker, for giving me the opportunity to contribute to this Motion. I dare say, I want to support this Motion with reservation.

Madam Temporary Deputy Speaker, the importation of maize has been in the news for a long time. I remember in 1978 we had a shortage of maize and the then President of the Republic of Kenya, the retired President Daniel Arap Moi had to go out of the country to beg for food and maize. Therefore, Kenyans were saved by farmers from outside this country. Ever since then, there has been talk of importation of maize nearly every year. We know that half of this country is endowed with very good soil, weather and rainfall. The question is, have we really exploited the potential that does exist? Have we used our waters properly? Have we used our soils properly? Have we embraced technology?

For a long time, farmers in this country have been tilling the soil and planting the same maize they planted, 30 years to 40 years ago and yet there is a lot of development in technology. We ought to change the way we produce our food.

Madam Temporary Deputy Speaker, in Israel, there are places where farmers have to import or carry soil for miles and miles away to put on top of the sand so that they can grow cabbages, maize and other foods. They do this very well. In the whole of western Kenya, parts of Rift Valley, parts of Eastern Province, we do not have to carry soil from elsewhere to grow our foods. As Kenyans, are we serious about farming? When I was a young student in this country and outside this country, people would say, Kenya's economy is based on Agriculture. We have been saying that for a long time. However, when you see the way we do things, you wonder whether we have experts in our universities, industries and the Government to change the way we have been farming.

Madam Temporary Deputy Speaker, in my view, there is no need for Kenya to import maize or any food. We have scientists. We have expertise in our universities and industries to be able to grow food. We should not grow food only for consumption by Kenyans but we can grow food to the extent that we can be net exporters of food such as maize.

Talking about last year, you know we had the post-election violence and then extended drought in most parts of Kenya. Indeed, the importation of maize as far as last year is concerned was justified. The post-election violence rendered many farmers unable to grow food.

Madam Temporary Deputy Speaker, as you fly right through your constituency going towards the borders of Uganda, you will see many empty farms that have been abandoned. For a long time, we called that area the basket of this country. Many farmers in your region and my region did not grow maize. That was because of the post-election violence. I hope while we are still Members of Parliament, we shall never see that again. We shall do anything to avoid what we saw last year as post-election violence.

Madam Temporary Deputy Speaker, I have referred to the issue of drought. I am sure if you have an opportunity to visit colleagues who come from northern and eastern parts of Kenya, you will agree with me that even as I am speaking now, there is drought. That affects the production of maize and other food crops. So, we must deal with the issue of drought because it recurs from time to time. Our experts in the Meteorological Department can predict when we will have drought. That expertise we have in this country. They told us this year we will have less rain. That is happening. So, if they can

predict that we will have drought, do we just sit and wait for it? Do we actually do something? I believe that it is our duty, especially those of us who are in the Government, to do something about it. We can import maize when we can empower our farmers to produce it. I have tried to prevail upon my colleagues in the Cabinet and Parliament that we concentrate on the farmer. We should make sure that the farmer in Kenya is receiving all the support. If we do so, we will produce enough beans, maize and sorghum to be consumed by Kenyans. At the same time, we could export the commodities. We, as a Government, have not been serious in food production.

Madam Temporary Deputy Speaker, we know that when we talk about security, or insecurity we are not talking about arrow, spears and so many A-K 47 rifles. The worst insecurity is to have a Kenyan having hungry. So, if we know that, why can we not do something about it? We have not empowered our farmers with technology. When I was a young schoolboy and I am not going to tell you when that was, I used to see extension officers from the Ministry of Agriculture. They used to have uniforms. You could always identify them in the village. They would come around and tell you how to plant you beans and maize. We do not see them any more. So, how is the farmer going to get the technology that is required? How many times have you looked outside as you drive and seen yellow maize? This means that, that maize was planted without Diammonium Phosphater (DAP). The farmer did not know that you need DAP and calcium Ammonium Nitrate (CAN). So, they plant maize the way we did in 1940s and 1950s. I have been to the Coast Province, Karachuonyo, Trans Nzoia and other parts of the country. I saw people planting maize without fertilizer. This is not because they do not have money to buy fertilizer, but nobody has told them the effects of planting without fertilizers.

Madam Temporary Deputy Speaker, I must declare my interest; I am a maize farmer for many years now. I can assure my colleagues in the House today that if you plant maize without DAP; that maize will not do well. DAP actually has phosphorous in it. Phosphorous is what makes the roots able to get nutrients from the soil. If you plant maize without DAP or phosphorous, four or five weeks later, you do not put on CAN which is mainly calcium ammonium, you will only get eight bags per acre. However, if you do it the right way, you can get anything from 25 bags to 35 bags in the region where I come from. So, you can see there is a whole lot of difference between planting maize without fertilizer and planting it with fertilizer. Also, the spacing of maize from one plant to the other should be nine inches and between the rows should be two and half feet. Unless you do so, you would not get enough plants per acre. These are issues that should be brought by the extension officers within the Ministry of Agriculture. As I have said, when I plant this maize, I do not see these people. So, we are doing it the wrong way.

The farmer needs to be supported by GMR programme. It was a wonderful programme, but somehow we lost it. We, as a Government, must give a farmer financial support. We must find ways and means of giving financial support to the farmer. We must give them loans and make fertilizers available. Here, I want to commend the Minister for Agriculture, Mr. William Ruto who tried as much as possible this year to bring the price of fertilizer to a level of Kshs2500 per 50 kilogramme bag and Kshs1700 for CAN. This is one way of enabling the farmer to produce.

Furthermore, as a maize farmer, I want the Government to tell me how much I will sell my 90-kilogramme bag of maize. If I know, in January and February, how much money, as a farmer I will get, I will be able to do my budget. I will say, this year I will till

three acres instead of five acres. However, the Kenyan farmer has never been assured of the price. We must now address that issue. I see that my colleague is here and I hope he is making notes from a farmer. I am now talking as a farmer, not anything else. You must tell me, as a farmer, in January and February, how much money I will get, then, I will be able to plant. If you do not assure me, how do I plant?

I want to commend some of our banks. They are doing a good jobs. For example, Equity Bank has come in to help the small farmer. They give small loans to farmers to purchase input and pay later with the produce that they get at the end of the year. So, we should have more of our banks joining Equity Bank in doing exactly that.

Madam Temporary Deputy Speaker, I saw my friend, the Chairman of the Committee on Agriculture, Lands and Natural Resources revisiting a subject that he loves, that is, Genetically Modified Organisms (GMOs). I remember that during the debate on The Biosafety Bill, he talked just as he has done today. I do not want to agree with him. In Spain, Brazil and India farmers have taken on the technology of today. They are planting Genetically Modified (GM) crops, and by so doing they have increased their production. Spain has been doing it for 25 years. Brazil has been doing it now for quite a long time. Of course, India has more than 10 million large-scale and small-scale farmers growing GM crops, and they have increased the amount of food in that country. The Chairman of the Committee on Agriculture, Lands and Natural Resources knows who is growing GM crops and who is not, because he is very well informed. What I do not want to agree with him on is on his rhetoric about the scientific and medical aspects of GM food. In Spain and other countries, people have been eating GM food all these years, but medical experts have never come out with adverse effects of eating it.

**Mr. Mututho:** On a point of order, Madam Temporary Deputy Speaker. I would like to ask my friend and senior, the Minister, to support his argument, because I am prepared to table a document which gives a summary of the world research on food productivity based on GMOs, showing clearly that there has never been any significant change except for the maize variety MO810, which increased up to a level of 10 per cent and not beyond that. I wish to table this Report entitled "Failure to Yield", so that Members can have a chance to look at it. But if he has any document showing that, indeed, GM food---

**The Temporary Deputy Speaker** (Prof. Kamar): Hon. Mututho, you have taken advantage of a point of order to give information that you should use when you are responding.

*(Mr. Mututho laid the Report on the Table)*

**Mr. Baiya:** On a point of order, Madam Temporary Deputy Speaker. The issue we are dealing with---

**The Temporary Deputy Speaker** (Prof. Kamar): What is your point of order?

**Mr. Baiya:** Madam Temporary Deputy Speaker, it is the one I am raising.

The issue we are raising is about---

**The Temporary Deputy Speaker** (Prof. Kamar): Who is not in order?

**Mr. Baiya:** Madam Temporary Deputy Speaker, I am laying the basis for my point of order.

**The Temporary Deputy Speaker** (Prof. Kamar): A point of order should be to tell us that So-and-so is not orderly in the way they are conducting themselves.

**Mr. Baiya:** Madam Temporary Deputy Speaker, the Minister has made an assertion that GM food is being eaten all over, yet we are specifically talking about maize, which is the staple food for Kenyans. Is it in order for him to say that the GM food – maize in particular – is safe for consumption? If it is so, could he substantiate which countries in our region are actually relying on GM food?

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Madam Temporary Deputy Speaker, when I was talking about GM food, I did not particularly target maize. GM food can be peas, beans or wheat. Indeed, BT wheat that is now being grown is a GM product. It is a fact that GM foods give more yield. This is why countries such as Brazil, India, United States of America and Canada are growing it.

**The Assistant Minister for Education** (Prof. Olweny): On a point of information, Madam Temporary Deputy Speaker. Because the hon. Member wanted to know which countries in Africa are growing GM crops, in South Africa BT cotton and GM maize are already commercialized.

**Mr. Baiya:** On a point of order, Madam Temporary Deputy Speaker. The Report tabled by the Committee shows a difference. There is maize even for bio-fuel and for animals. We are talking about maize for human consumption.

**The Temporary Deputy Speaker** (Prof. Kamar): Continue, Mr. Minister!

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Madam Temporary Deputy Speaker, my colleagues will have a chance to contribute to this Motion. I do not want to be derailed. Let me address another issue that is very important in as far as food production is concerned.

Madam Temporary Deputy Speaker, I want to join the Member for Karachuonyo in talking about the Lake Basin Development Authority. Indeed, Trans Nzoia, where I come from, is within this Basin. This is an institution that we should support, as a Government, and give it more money. First of all, we should give it money to employ staff.

**The Temporary Deputy Speaker** (Prof. Kamar): Your time is up!

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Madam Temporary Deputy Speaker, I beg to support.

**The Temporary Deputy Speaker** (Prof. Kamar): Hon. Members, before we proceed, I want to inform you that I received a notice from hon. Mbadi to move an amendment to this Motion. Let us receive the amendment first.

**Mr. Mbadi:** Thank you very much, Madam Temporary Deputy Speaker. While I support this Motion, it is true that I gave notice of an amendment, which I would like to proceed and move.

Madam Temporary Deputy Speaker, I beg to move:-

THAT, the Motion be amended by deleting the full stop after the figure “2009” and inserting the words “subject to deletion of Section 12.1.20 on page 41, 14.1.5 and 14.1.8 on pages 70 and 71, 14.4.6, 14.4.7, and 14.4.8 on pages 73 to 74---

**The Temporary Deputy Speaker** (Prof. Kamar): Please, do not rush hon Members so that they can take notes!

**Mr. Mbadi:** Madam Temporary Deputy Speaker, let me start afresh.

I beg to move:-

THAT, the Motion be amended by deleting the full stop after the figure “2009” and inserting the words “subject to deletion of Sections 12.1.20, on page 41, 14.1.2 and---

**Mr. Midiwo:** On a point of order, Madam Temporary Deputy Speaker. Will it be in order to ask that as he moves the amendment we know what it is instead of the numbers? What is he amending?

**The Temporary Deputy Speaker** (Prof. Kamar): He will do that after moving the amendment. I will read them out myself. So, let him read out the items and we debate it with that in mind.

**Mr. Mbadi:** Thank you, Madam Temporary Deputy Speaker. Indeed, you are right. Let me move the amendment to the Motion and then I will debate the various sections, and explain why I am proposing an amendment.

I beg to move:-

THAT, the Motion be amended by deleting the full stop after the figure 2009 and inserting the words “subject to deletion of Sections 12.1.20 on page 41; 14.1.5 and 14.1.8 on pages 70 to 71; 14.4.6, 14.4.7 and 14.4.8 on pages 73 to 74 and 14.6.3 on page 75 of the Report.

Madam Temporary Deputy Speaker, the amended Motion will read as follows:-

This House adopts the Report on the Departmental Committee on Agriculture, Lands and Natural Resources on food security and maize shortage in the country laid on the Table of the House on Thursday, 30<sup>th</sup> April, 2009, subject to deletion of Section 12.1.20 on page 41, 14.1.5 and 14.1.8 on pages 70 and 71, 14.4.6 and 14.4.7 and 14.4.8 on pages 73 to 74 and 14.6.3 on page 75 of the Report.

Allow me to mention a bit why I propose that we make those amendments. First of all, let me first thank the Committee for having put a lot of time in producing this Report. I went through this Report and I must commend the Committee for considering why we have maize shortage in different regions of the country. The Committee divided this country into regions and even went ahead and identified the people, who are most insecure in terms of food shortage, both in rural and urban areas. I really did not want this Report to go in vain. As much as I appreciate that, I find this particular section to be a little bit wanting in some aspects. I will enumerate some aspects that I think needed to have been considered by this Committee but were not given enough attention.

If you look at Section 14.1.5 and 14.1.8 on pages 70 and 71, the Committee makes recommendations. Let me first start with Section 14.1.5. The Committee made recommendations on the Cabinet *ad hoc* Committee, which is basically chaired by the Prime Minister and the other Members are Ministers for Agriculture, Special Programmes and Finance. The Committee recommended that the work of the Cabinet *ad hoc* Committee should be investigated. If you read the Report from page one to page 70, which is the end of the Report, and you also even look at the evidence that is provided in the schedule in form of minutes, we really do not see why this Committee should be held accountable and investigated. The only thing mentioned is about the importation of the two million bags of maize. But if you look at the evidence adduced before the Committee, you will realize that the work of this *ad hoc* Committee was basically a policy matter. The National Cereals and Produce Board (NCPB) had been mandated to



actualize the importation. Indeed, the Report has already recommended that stern action to be taken against the Managing Director of the National Cereals and Produce Board.

Madam Temporary Deputy Speaker, the other section is 14.1.8 which recommends that “the role of the Personal Assistant to the Prime Minister, the Prime Minister’s family, the son and associates in all this import saga, and particularly establish whether there were possible links to maize importers and further establish whether indeed, the companies were registered in Kenya or were foreign as alleged---“ The implication of this proposal and recommendation is that there is something wrong that a Personal Assistant and he is not identified. The Prime Minister has very many Personal Assistants. That is number one. So, you would not really know exactly whom this Report refers to. Again, if you look at the evidence that was adduced before the Committee, you will see that it does not link any particular Personal Assistant of the Prime Minister. So, it leaves room for any interpretation. So, any Personal Assistant of the Prime Minister, whether the current, previous or the future one could be investigated. So, I felt that this was a bit wanting.

The Report talks about investigation on the Prime Minister’s family. However, if you read from page one to the point of recommendation, you do not see any evidence to implicate any member of the Prime Minister’s family. Further, the Report is not even clear on the definition of the Prime Minister’s family. Does he mean the nuclear family, the extended family or the political family? This Report is wanting because it is not clear who should be investigated. The Report talks about the sons of the Prime Minister. As far as I am concerned, the Prime Minister has two biological sons. I am at a loss which son among the two the Report is referring to. Do we go for both of them or pick one of them? Based on these facts, I felt that this section needs to be expunged from this Report.

Madam Temporary Deputy Speaker, let me also talk about Grain Bulk Handlers Limited (GBHL). I want you to get me clearly on this. I am not defending GBHL. However, in the Report, the Committee has recommended that another grain bulk handling facility is needed at the Port of Mombasa. The sections I want deleted are particularly calling for investigations into the activities of GBHL without giving any reason as to why the company needs to be investigated. If you look at the Report, it is only mentioning that GBHL failed in handling fertilizer. So, if they failed in handling fertilizer, we need to recommend that we have another grain bulk facility to handle fertilizer. My reason for asking this House to delete those sections is that we should not encourage investigating investors in this country, especially if we have no concrete evidence to warrant the investigations.

Let me conclude by saying that while I commend the work of the Committee, I would urge that in future when Committees go out to carry out such an important exercise, and especially when they make recommendations touching on a family of anybody, I think it is important that we have concrete evidence to link that family either to corruption or mismanagement of State resources in any way. However, if we make empty or blanket condemnations, that would be unfair to our families. I will request one Member of that Committee, Dr. Monda, to second my amendment.

**Dr. Monda:** Madam Temporary Deputy Speaker, I stand to second the amendment proposed by Mr. Mbadi. The proposed amendment carries substance in the various sections that he has mentioned. I do not want to take time going through each section and pages that have been mentioned. I want to support Mr. Mbadi by saying that I

am also a Member of the Departmental Committee on Agriculture, Lands and Natural Resources. I want to congratulate this Committee for doing commendable work and coming up with proposals on ways of generating enough food for this country.

I want to cite a few examples in this report that have made me second the proposed amendment. First, we have talked about the *ad hoc* committee chaired by the Prime Minister and that they need to be investigated for the way they handled the grain that was imported. In this Report, there is no indication that we invited the *ad hoc* committee to come and shed light on their misdoings at any one time. Secondly, the Prime Minister, his family and officers in his office have been said to have been involved in the saga surrounding the imported maize, but when you go through the list of Government officials or individuals who were invited by the Committee to give evidence over the maize saga, there is no record where the Prime Minister or anybody around his family or office were invited.

Madam Temporary Deputy Speaker, in the documents that have been cited in this Report, the Committee did not indicate that it ever requested and accessed documents from the Prime Minister's office, from his family or from his officers to show whether they participated in the maize saga. We did not ask any of these persons to present any documents to us. Therefore, the conclusion we drew or arrived at that the Prime Minister, his family and officers in his office should be investigated raises questions that need to be answered. That forms the basis for seconding the expunging of the sections that Mr. Mbadi came up with.

I do not want to take a lot of time on the issue concerning the Grain Bulk Handling Limited. The Committee has recommended that there should be a second grain handling company in this country so that we reduce the congestion and delay in grain handling at the Port. Therefore, I do not find a good reason to justify our position in the Report that the company be investigated but I stand by the Report and the recommendation that there should be a second grain handling company to reduce the congestion and delays at the Port so that the cost incurred by the Government in paying for delayed off-loading of grains at the Port can also be reduced.

With those few remarks, I beg to second.

## QUORUM

**Mr. Baiya:** On a point of order, Madam Temporary Deputy Speaker. There is no quorum.

**Ms. Odhiambo:** On a point of order, Madam Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Prof. Kamar): We are on another point of order, Ms. Odhiambo!

**Ms. Odhiambo:** Madam Temporary Deputy Speaker, it is unprocedural.

**The Temporary Deputy Speaker** (Prof. Kamar): What is unprocedural about lack of quorum?

**Ms. Odhiambo:** He has to indicate what section of the Standing Order.

**The Temporary Deputy Speaker** (Prof. Kamar): Let the Clerk-at-the-Table count.

Yes, I have been informed that it is true there is no quorum. Ring the Division Bell!

*(The Division Bell was rung)*

Hon. Members, we now have a quorum.

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

**Mr. Namwamba:** Thank you, Madam Temporary Deputy Speaker. It can be excused when members of the public engage in speculation and rumor mongering. It can even be excused if members of the Fourth Estate, in their pursuit of a story, engage in speculation. But it cannot be excused, and it is absolutely unacceptable, when this august House becomes an arena for speculation of any kind or of any shade. The responsibility we hold on behalf of the people of this country places a heavy burden on each one of us, severally and collectively as individuals and as an institution, to make sure that any matter that we prosecute or interrogate in this House must be done in a manner that meets the highest standards of probity, propriety and cogency in terms of evidence.

Madam Temporary Deputy Speaker, we have witnessed here, in the past, allegations thrown around this House in the guise of debating national issues. Yesterday, I sat here through the debate on the Report of the Departmental Committee on Finance, Planning and Trade regarding the discrepancies in the Supplementary Budget Estimates. Looking at that Report and the manner in which that debate was conducted, it re-ignited my belief in this House, that we can rise to the occasion and handle matters of national importance with the decorum and seriousness they deserve. That Report did not only pass the mark of maturity, but it also went a step closer to reclaiming the dignity of this House. It is against that background that I want to support the Motion to amend the Report by the Departmental Committee on Agriculture, Lands and Natural Resources.

Madam Temporary Deputy Speaker, when we sit in the various Departmental Committees, especially the key watchdog Committees whose responsibility is to audit the actions of the Government and the expenditure of public resources, we owe this House, ourselves and this country the ability to bring to this Floor only those matters that can stand up to scrutiny! To attempt to interrogate any matter purely on account of speculation or rumor mongering, that can only lower the dignity of this honourable House.

*(Applause)*

Madam Temporary Deputy Speaker, I want to congratulate the Departmental Committee on Agriculture, Lands and Natural Resources for the work they have done in preparing this Report. I believe that, for the first time since this whole saga of maize erupted in this country; a saga that has captured the imagination of the country like no other because it touches on the matter of food--- For the first time, we have been granted a platform and an avenue through which such matters can be interrogated and investigated with the seriousness that they deserve and not purely running on the rumor mills!

Madam Temporary Deputy Speaker, I have taken time to look at this Report with a toothcomb. I want to agree that the allegations that have been proffered in respect of the Office of the Prime Minister and his family cannot be supported, at least, not on the evidence adduced in this Report.

Madam Temporary Deputy Speaker, I, therefore, want to urge the Committee--- In fact, I would have been even more pleased if the Committee had gone beyond the importation of maize and wrote in greater details on this whole matter so that, finally, we can lay this matter to rest.

But, Madam Temporary Deputy Speaker, even as we pass these amendments, let us celebrate---

**The Assistant Minister for Energy** (Eng. M.M. Mahamud): On a point or order, Madam Temporary Deputy Speaker. In view of the interest this matter is generating and because of the time we have, would I be in order if I ask the hon. Members to be allowed to contribute for only two minutes, so that we can have more people contributing?

**The Temporary Deputy Speaker** (Prof. Kamar): Hon. Members, you can contribute at your own discretion because according to the Standing Orders, every hon. Member is allowed to debate for 20 minutes. If we agree and have consensus, please, take that in mind without the Chair ruling on it. We cannot make a ruling on that.

**Mr. Namwamba:** Madam Temporary Deputy Speaker, Sir, let me lead the way by concluding in a couple of minutes. I want to conclude by saying that what pleases me most about this Report is the recommendation that our national investigative agencies; the Kenya Anti Corruption Commission and others, take up this matter and conduct thorough investigations to tell us the truth about this whole maize saga that goes beyond mere speculation and rumor mongering, that has dragged the names of many people through the mud.

Let us go further as we amend this Report to even remove every mention of any institution and allow the investigative agencies to have a carte blanche; a blank cheque, so that they can conduct investigations on anybody and anything that may shed any light in this matter.

With those remarks, I support the Motion.

**The Minister of State for National Heritage** (Mr. ole Ntimama): Madam Temporary Deputy Speaker, Sir, from the outset I support the amendment fully. I want to say very briefly because we are short of time and we will, probably, need to see the results of this amendment. I took a lot of time to read this Report. I was a bit surprised because the Report in a big way talked about the storage of maize, shipping, export and quite a lot of other things. However, I never came to see what they really want done. They recommended that the Kenya Anti-Corruption Authority investigates, the issue did not give us the leads of what anyone of those people had done. With all due respect to the hon. Members of the Committee, I thought it was absolutely clumsy. There was nothing to follow about the whole Report.

Madam Temporary Deputy Speaker, when you involve a very important person like the Prime Minister and his family, then you ought to show us what they have done. There is no need at all to say what these people have done. They do not even identify the members of the family. It shows that definitely there was some malice about the whole thing. There was innuendo and character assassination. We cannot have those things going on among our people. We know that this maize is our staple food. As an hon.

Member said here, since the maize saga started, some of us are not completely happy about how the whole thing was handled. When the country has no special food like maize, it is not worth being called a nation.

As you know, when there is fraud on food, then we are in trouble. We hope that later on, some of these things will go. I think regarding the maize issue, we have only touched the tip of the iceberg. One day, we will know what happened to the maize, who stole it and where it went, because we are not satisfied with what we have been told happened.

This Report does not show us anything. It is characteristic of malice, innuendos and character assassination, especially of the Prime Minister. For example, although they talk about the Permanent Secretary (PS), Ministry of Agriculture, and the PS, Ministry of State for Special Programmes, they have not told us what these people have done. However, they have arrived at a very severe verdict, which says that they should be sacked.

**Mr. Mututho:** On a point of order, Madam Temporary Deputy Speaker, Sir. Is the Minister sure that he has read the Report? Some of the things he is talking about are clearly articulated in the Report. I respect him like my grandfather, but when it comes to reading the Report and understanding it, he should be able to peruse through it and see a letter that is annexed to it, and which is attributed to the PS, Ministry of Agriculture.

**The Temporary Deputy Speaker** (Prof. Kamar): You do not have to go into the details. Just raise your point of order.

**The Minister of State for National Heritage and Culture** (Mr. ole Ntimama): Madam Temporary Deputy Speaker, on the issue of the PSs, they should have shown us clearly what they have done for the Committee to arrive at a very severe verdict that they should be sacked. Of course, they have not also told us what the General Manager of the National Cereals and Produce Board (NCPB) has done. I want to say very frankly that the Minister and the PS work together. They are completely inseparable. Definitely, if the Minister did not know what the PS was doing, then he was sleeping on his job.

*(Applause)*

We cannot condemn the PS and the General Manager of the NCPB because we do not see, in the Report, anything that they have done. An ordinary letter does not warrant the Committee to condemn a person in that manner.

Therefore, I want to say that I support the amendment, and say that we must always be careful, as I said yesterday. I was very satisfied with yesterday's Report, because the Committee investigated the matter and gave us a comprehensive Report that cleared the Minister, and many other people, of any irregular actions. However, I cannot say that this particular Report is credible.

I, therefore, support the amendment fully.

**The Temporary Deputy Speaker** (Prof. Kamar): Hon. Members, I think we need to dispose of the amendment first, because I can see that debate is going back to the main Motion. So, let us dispose of the different parts of the amendment one by one.

*(Question of the first part of the amendment, that the word to be left out be left out, put and agreed to)*

*(Question of the Motion as amended proposed)*

**The Minister of State for Immigration and Registration of Persons** (Mr. Kajwang): Thank you, Madam Temporary Deputy Speaker, Sir. I would like to support the Motion as amended. I would also like to say very quickly one or two things.

First, this bulky Report was about food security and the status of maize shortage. However, I have looked at it and I have not seen much about food security. I thought the Members of this Committee should have come here and told us this is what Kenya should do so that we can have food security. That has not been done. The Committee has failed miserably even on the title of this Report.

Secondly, when you make recommendations, you must make them based on findings. You must find and then recommend. You do not come here and give us recommendations based on no foundation whatsoever. This demeans this House and the Committee system.

*(Applause)*

The Committee system is one of the most powerful things in the world in Parliamentary democracy. A Committee of Parliament investigated the President of the USA at one time. It even tried him.

This Committee should have summoned the Prime Minister; the Minister for Agriculture; the Permanent Secretary, Ministry of Agriculture and the Permanent Secretary, Ministry of State for Special Programmes. There is no evidence that any of these people were summoned to appear before the Committee and yet it made very serious recommendations. First of all, the Committee should have investigated the Prime Minister's Personal Assistant, son, family, associates and wife. This is crazy! We cannot allow this kind of Report in this House. It demeans the dignity of this House.

I heard some hon. Members talk about genetic engineering and I thought that was an exciting thing. Now I am looking at political engineering in this Report. It is sensational, speculative and even sexy. We should not come to this House to entertain people. This House is supposed to serve Kenyans. The Report talks about issues like:-

“The supply of maize must be demand-driven or cartel-driven or politically-driven”.

I find this Report politically-driven.

Madam Temporary Deputy Speaker, I support.

**Mr. Midiwo:** On a point of order, Madam Temporary Deputy Speaker. Given the fact that everybody who is contributing is saying what has already been said, could I be in order to ask you to call upon the Mover to reply?

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**Mr. Mututho:** Thank you, Madam Temporary Deputy Speaker. There comes a time when people have to learn to speak the truth and the truth has been said in this Report. I thank all hon. Members who have read this Report and understood it. The

Executive, including my good friend Mr. Kajwang should comb the Report and implement recommendation on SGR stores and all these other recommendations.

Once again, I want to thank my membership of the Committee. It is the most professional Committee. I want them to keep it up and even if you are encouraged to quit that Committee for any particular reason, please, quit and continue talking the truth.

With those few remarks, I beg to move.

*(Question of the Motion as amended put and negatived)*

**The Temporary Deputy Speaker** (Prof. Kamar): Next Order!

### ADJOURNMENT

**The Temporary Deputy Speaker** (Prof. Kamar): Hon. Members, it is now time for interruption of business. The House is, therefore, adjourned until Tuesday, 19<sup>th</sup> May, 2009, at 2.30. p.m.

The House rose at 6.30 p.m.