

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 6th October, 2010

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

ANNUAL CONFERENCE FOR KENYA
PRIMARY SCHOOL HEAD TEACHERS

Mr. Oyongo Nyamweya: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that Kenya Primary School Head teachers) are attending the Annual Conference in Mombasa between 3rd and 8th October, 2010?

(b) Could the Minister explain why the Ministry has allowed the Kenya Primary School Heads Association (KEPSHA) to hold the Annual Conference while they should be in their respective schools to prepare pupils for the KCPE examination?

(c) Will such meetings affect the performance of the KCPE examination and end of year examinations for all classes?

Mr. Speaker: The Minister for Education is not here?

CONSIDERED RULING

COMMUNICATION FROM MINISTRY OF EDUCATION OFFICIAL
UNACCEPTABLE TO PARLIAMENT

Hon. Members, I am going through a letter that I have just received now while in the Chamber. So, you will have to bear with me so that I know how to deal with this Question.

(Mr. Speaker read the letter)

Order, hon. Members! I have a letter addressed to the Clerk of the National Assembly by somebody, for the Permanent Secretary, Ministry of Education. Hon. Members, you will recollect that I have previously given directions on this matter, that this House will not accept correspondence addressed to the Clerk if that communication is not addressed to him by the Permanent Secretary in that Ministry, who is the counterpart of the Clerk. Neither would the House accept a letter addressed to the

Speaker other than by the head of that Department, who would be the Minister in charge of the Ministry. So, I am afraid that this letter is not acceptable to Parliament.

(Applause)

The explanation given by the letter falls short of our expectations; it falls short of the standards laid by this House and I will, therefore, expect the Minister in charge of Education, the next time he appears in this House, to be able to offer an explanation as to why neither him nor his Assistant Ministers were here to deal with this Question. As things stand now, I find the conduct of the Minister for Education and the two Assistant Ministers – except for hon. Mwatela, who is away attending a court in Voi – to be disorderly conduct in terms of Standing Order No. 97.

(Applause)

We will move to take action in accordance with Standing Order No.97 which may include exclusion from parliamentary business as may be necessary.

So, this Question is, therefore, accordingly deferred to Tuesday next week when we will expect compliance with the direction I have given by both the Minister and the Assistant Minister.

(Question deferred)

Proceed, the hon. Member for Emuhaya!

DISPLACEMENT OF FAMILIES BY FLOODING OF SABWANI RIVER

Dr. Otichilo: Mr. Speaker, Sir, I beg to ask the Minister of State for Special Programmes the following Question by Private Notice.

a) Is the Minister aware that recent flooding of Sabwani River in Kwanza Constituency has led to the displacement of hundreds of families from their homes, who are currently residing at market centers and with relatives?

(b) What urgent action will the Minister take to help the displaced families and what short and long-term plans does the Government have to permanently control the annual flooding of Sabwani River?

Mr. Speaker: Is the Minister of State for Special Programmes here? We will revisit the Question a little later.

Proceed, the hon. Member for Nyaribari Chache!

MURDER OF REV. MICHAEL NYAKUNDI

Dr. Monda: Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

a) What circumstances led to the recent brutal murder of Rev. Michael Nyakundi aged 85, in his house in Kisii?

(b) Why is there an increased rate of insecurity in Kisii and Nyamira counties and what steps is the Ministry putting in place to assure residents of their security?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Speaker, Sir, the hon. Member did agree with hon. Ojode to defer this Question until next week. This is the information I have; that they had agreed mutually to defer this Question until he comes back, because he is the one with the answers.

Mr. Speaker: Dr. Monda!

Dr. Monda: Mr. Speaker, Sir, hon. Ojode alluded to me that he will be away until Wednesday next week. I leave it to the Chair to direct when the Question will be on the Order Paper next.

Mr. Speaker: Very well, I will defer the Question to Thursday, next week, at 2.30 p.m.

(Question deferred)

Proceed, the hon. Member for Samburu East!

POLICE ASSAULT ON RESIDENTS OF SAMBURU EAST

Mr. Letimalo: Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

a) Is the Minister aware that on 14th September, 2010 police officers from Wamba Police Station assaulted one Mr. Leakono at Nkaroni village, locked him up and released him after three days without leveling any charges against him and that on 19th September, 2010 two Administration Police officers based at Lodungokwa Administration Post assaulted one Mr. Taata Lekooro who was later admitted to Wamba Mission Hospital?

(b) Why did the police, led by the Isiolo OCPD, also cross over to Samburu East and harass residents of Ntilal near Archer's Post and make away with Kshs.30, 000 on 21st September, 2010?

(c) Why did the police harass innocent wananchi in Samburu East and what action is the Ministry taking against the police officers responsible for the assault?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Speaker, Sir, again on this Question, it was mutually agreed that it be deferred until next week.

Mr. Speaker: Is that the position, Mr. Letimalo?

Mr. Letimalo: That is the position, Mr. Speaker, Sir.

Mr. Speaker, Sir, the condition of one of the persons who has been admitted to Wamba Mission Hospital due to brutalities committed against him by the Administration Police officers is actually deteriorating. I request that the Minister should visit this patient and see how his condition is and if there is a possibility of referring him for further medical examination.

Mr. Speaker: Mr. Lesrima, any response to that?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Speaker, Sir, yes, indeed this is a very serious

matter. We have had discussions with hon. Letimalo and we shall take necessary action to visit the patient and see what we can do.

Mr. Speaker: Very well, I will defer the Question to next week on Wednesday afternoon.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Questions No.367

BENEFICIARIES OF MOTOR VEHICLES PURCHASED BY MINISTRY

Mr. Kiilu asked the Minister of State for Provincial Administration and Internal Security: –

- (a) to indicate the total number of motor vehicles bought and allocated for field services to the Provincial Administration, the Kenya Police and the Administration Police in the last three years; and,
- (b) if he could also provide the details of the beneficiaries of the motor vehicles, their constituencies and the criteria used in selecting the beneficiaries.

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

- (a) The total number of vehicles bought in the last three years is 752.
- (b) Details of the beneficiaries are as follows; and since this is a question about the entire country, I have summarized province by province. For the last three years, for the Provincial Administration, 183 vehicles, the Kenya Police, 156, the Administration Police 97, the balance--- if the figure does not add up to 752 the vehicles distributed to police headquarters and the terrorist unit, the training college and the provincial administration headquarters - The criteria is to do with operational needs and hardship areas, border security, the vastness of the area, Provincial Administration headquarters for supervision and population levels.

Mr. Speaker, Sir, I wish to table the list of the vehicles bought for each of these departments over the last three years and the distribution locations. We do not distribute as per constituencies but we distribute according to districts.

(Mr. Lesrima laid the document on the Table)

Mr. Kiilu: Mr. Speaker, Sir, I would like to thank the Assistant Minister for the answer that he has provided. But under part (b), I requested specific information. Instead of dealing with that information, he has used a broad answer to hide some information. My constituency has three districts and eleven divisions. Could he tell us which particular units have benefited from this allocation in the last three years?

Mr. Lesrima: Mr. Speaker, Sir, I have a list for the vehicles supplied to the larger Makueni. It includes Mbitini, which I believe is in his area; Kathonzweni--- I do not know whether you want me to read the whole list.

Mr. Speaker: You can furnish the Member with the list.

Mr. Lesrima: I will furnish you with the list.

Dr. Kones: Could the Assistant Minister confirm if they have sent vehicles to all the district headquarters, I mean to all the DCs who were recently posted in the last two years?

Mr. Lesrima: Yes, indeed, we have been able to send to all the district commissioners who did not have vehicles, the 42 of them.

Mr. Speaker: The Member for Kisumu Town West, incorporate your point of order in your question now that you caught my eye.

Mr. Olago: On a point of order, Mr. Speaker, Sir. The Assistant Minister has said that the new districts have all been allocated motor vehicles. Is he in order to say so when as a matter of fact, the DC, Kisumu North District, has no vehicle at all? The Assistant Minister said that 754 vehicles were purchased, my Mathematics show that out of the 754 motor vehicles, 436 were given out to the Provincial Administration, police and AP. What criteria was used to distribute the balance of these motor vehicles?

Mr. Speaker: Mr. Assistant Minister, you have two things to do there; first, deal with the point of order and then answer the question.

Mr. Lesrima: Mr. Speaker, Sir, I have to check again the districts the hon. Member is referring to but as far as I am informed and I am willing to come back again to confirm that, I was told that all DCs do now have vehicles. With regard to the second part of the question, the hon. Member wanted to know which criteria was used for distributing these vehicles. These are specialized units like the Flying Squad, the police headquarters, the Provincial Administration and the Administration Police who may be called upon to move from area to area depending on what operation is taking place. So I am not able to specifically detail as to what was the logic in giving so many vehicles to a particular formation.

Mr. Gunda: Thank you, Mr. Speaker, Sir. I was asked by the Assistant Minister to make a request in writing to the Ministry about a vehicle which a district officer in my constituency has not had for the last five years. That letter went, I have been promised a vehicle and up to now the vehicle has not been delivered. Could the Assistant Minister maybe confirm to the House when that vehicle will be made available to my constituency for use by that district officer?

Mr. Lesrima: Mr. Speaker, Sir, I do not recall which Assistant Minister he is referring to but if that commitment is there, I will follow up. But I can also say that we are not able at the moment to provide vehicles to almost 700 divisional headquarters. We simply do not have enough vehicles for all the divisions but I will try to follow up on that particular promise, if it is in writing.

Mr. Wambugu: Could the Assistant Minister tell this House what action he is taking to provide especially the DOs in various divisional headquarters with transport because an area like Mathioya District which has four divisions does not even have a single vehicle to be used by the DOs? Could he also indicate whether he is ready to provide an allowance so that they can hire vehicles to do patrols within the district?

Mr. Lesrima: Mr. Speaker, Sir, we are currently discussing with Treasury the possibility of acquiring more vehicles and when that happens, we will look into the case of Mathioya. With regard to the movement, there is a vote for travelling which the DC can utilize to support the movement of the DOs.

Mr. Mwiru: Mr. Speaker, Sir, I wanted to know from the Assistant Minister whether it is the Government policy to post OCPDs in the police divisions in the newly created districts where the DCs are? If it is true, why has it been impossible to post one in Tharaka North District?

Mr. Lesrima: Mr. Speaker, Sir, indeed, the hon. Member is right but this is a different question. I would have to check and find out what happened to Tharaka because they have security challenges there.

Mr. Speaker: Mr. Mwiru, you may want to follow that matter with the Assistant Minister!

Mr. Mwathi: Thank you, Mr. Speaker, Sir. The Assistant Minister said that he is short of 700 vehicles so that he is able to provide for all those needy areas. But, generally, every Member of Parliament who stands here will tell you that they are lacking a vehicle here or there. That is what is happening. Could he tell the House what they are doing to address security concerns by way of providing for these vehicles countrywide? We do not want everybody to stand here, asking for a vehicle and then he promises us that he will provide them and, three months later, we do not get them.

Mr. Lesrima: Mr. Speaker, Sir, this is a very big challenge but as I said earlier, we are discussing with the Treasury because there was no adequate budgetary provision in this particular year. We were only given Kshs198 million to buy vehicles. If we were to buy Land Rovers, we can only have 62 Land Rovers. So, we are engaging the Treasury to ensure that we get the necessary support in this area. But, in the meantime, we will continue sharing resources with the mother districts.

Mr. Kiilu: Mr. Speaker, Sir, looking at the list of vehicles that have been distributed countrywide and considering my situation, I have said that I have eleven administrative divisions and eleven district officers and none of them has a vehicle. The three district APs, none of them has a vehicle. Could the Assistant Minister confirm that he is going to provide vehicles for use by the district officers and the APs in the three districts, if we are going to combat crime? He has said that is one of the criteria for allocating vehicles.

Mr. Lesrima: Mr. Speaker, Sir, I will revisit that area although looking at the hon. Member's constituency I notice that the DO, Mbitini has two vehicles; GKA958C and GKA655H. So, he is actually better taken care of than the rest of us but I will look at the situation.

Mr. Mungatana: On a point of order, Mr. Speaker, Sir. The point of order I want to raise is in relation to the statement that the Government is having a shortfall of about 700 vehicles to fulfill all the needs of hon. Members in the House. Is the Assistant Minister in order to say that the Government does not have the resources and that the Kshs118 million was not enough? In fact, he has asserted that, that amount can buy 52 Land Rovers only. Is he in order to say that when we know that the Government and the Treasury have started a new system of leasing vehicles therefore cutting the bill by almost 75 per cent and making more vehicles available? Is he in order to assert that he does not have vehicles and yet, the resources are there? Is he in order?

Mr. Lesrima: Mr. Speaker, Sir, I am very much in order! Indeed, when I talk about the shortfall, overall, the required establishment for the Ministry is 9,499 vehicles. The shortfall is, therefore, 6,900. I am aware of the policy which is being developed to go into leasing. But I did not want to go into that because it has not yet matured. They are

discussing the possibilities of leasing and I do not want to make promises because in the area of security, I am not very sure how far you can lease security vehicles. So, that is not my area and, therefore, I am in order. But you are also right to talk about the policy which is being discussed at the moment at the Treasury. But it is not yet out.

Question No.301

DELAYED CONSTRUCTION OF NZEU BRIDGE

Mr. K. Kilonzo asked the Minister for Roads:-

(a) whether he is aware that the construction works of Nzeu bridge along Kitui-Kibwezi Road, whose contract was advertised and awarded over 5 years ago, has not commenced; and,

(b) what measures the Ministry is taking to ensure that the construction begins.

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Speaker, Sir, I have talked with the hon. Member. We have looked at the answer given and we feel that we might require more time to get more information. Therefore, I beg the indulgence of the House to answer this Question next week so that I can furnish the hon. Member with the information that he requires.

Mr. Speaker: Is that so, Mr. K. Kilonzo?

Mr. K. Kilonzo: Mr. Speaker, Sir, indeed, we have had consultations with the Assistant Minister, and like he has said, his officers have misled him. So, he is yet to go and verify those facts and come back to me with a position which I am okay with.

Mr. Speaker: Very well! The Question is deferred to Thursday afternoon next week.

(Question deferred)

Question No.359

CAMPAIGN BY ICT BOARD ON FEMALE
DIGITAL CONTENT DEVELOPERS

Mr. Pesa asked the Minister for Information and Communications:-

(a) whether he is aware that the campaign by the Information and Communication Technology (ICT) Board to put up more female digital content developers under Government funding has failed with only 8 percent of the applicants being women;

(b) whether he could explain the reports of preliminary data from the submissions received from the first round of the 3 million grant from the ICT Board of Kenya which reveals that applications from male digital content developers stood at 1,217 while female digital content developers constituted only 159; and,

(c) if he could explain how the Government plans to increase the number of women who participate in the grant and how far-flung regions like Migori Constituency will benefit from the program.

The Assistant Minister for Information and Communications (Mr. Khaniri):
Mr. Speaker, Sir, I beg to reply.

(a) I wish to clarify that the campaign referred to; the digital content development grant contest was, indeed, successful. However, it was open to all digital content developers and it was in no way gender targeted. A survey done by the Kenya ICT Board three months ago showed that ICT stakeholders are 85 per cent male and 15 per cent female. This is a reflection of the industry demographics revealing a male dominated sector. It was, therefore, expected that the participation of women in this competition would be significantly lower than that of men.

(b) With this in mind, the Government will come up with programmes to encourage women to take up ICT as there are limitless opportunities for them. Secondly, figures obtained from the Kenya ICT Board grants statistics puts the total number of submissions for the grant at 2,154 applicants. Out of those, 1,062 proposals were received from firms while 1,091 came from individuals. The total number of applicants that indicated their gender was 1,375. Of those, the number of completed proposals was 667. Those are the ones that will be considered for grants approval. The table below shows the gender percentage for individual applicants and the firms. In the individual category, 609 men applied which represents 92 per cent of the applicants and 56 female applied which represents 8 per cent of the applicants. On the firms, 607 applied which represents 85 per cent male and 103 which is 15 per cent female.

(c) All applicants are reviewed by merit and not by gender or constituency. The grant applicants were Kenyan citizens of 18 years and above and Kenyan registered firms. The Kenya ICT board intends to engage in fora to sensitize the female to join the ICT sector, both at the education institution level and general ICT sector forums across the country. The role of the grant is not to provide free money in perpetuity but to stimulate the ICT sector by providing seed money for entrepreneurs all over Kenya to enable them to successfully take their products to the market, grow their business and contribute to the GDP.

Thank you.

Mr. Pesa: Mr. Speaker, Sir, I want to thank the Assistant Minister for giving me that very elaborate answer to this Question. However, first of all, I want the Assistant Minister to note that 1,091 plus 1,062 does not add up to 2,154, on a light touch.

My question to the Assistant Minister is, what specific plans or strategies, in line with the current Constitution, does the Government intend to use to encourage many more women in the rural areas like Migori to join the ICT field? Does the Government have any conducive policy framework to achieve this?

Mr. Khaniri: Mr. Speaker, Sir, as I stated in my answer, this survey was just done a couple of months ago. We got these statistics just about one and a half months ago. Therefore, the ICT Board is now in the process of formulating strategies that we will use to encourage women to participate in the ICT sector.

Ms. Karua: Mr. Speaker, Sir, looking at the answer the Assistant Minister has given, that close to 2,000 applicants will be considered, it appears that this is a grant that is large enough for equity to be applied and a certain number goes to each constituency,

and to further indicate that one third of the grantees must be women. Is the Assistant Minister considering reformatting this, so that a certain number is given to each constituency and also a certain quota is reserved for women?

Mr. Khaniri: Mr. Speaker, Sir, maybe it will be important to inform the House, and the nation at large, that this is just the first phase of the three phases that we will undergo. Therefore, it is a learning process; we learned from the mistakes that we made in the first phase. I believe we will incorporate the suggestions that hon. Members are proposing from the Floor of the House.

Mr. Speaker, Sir, I would also wish to inform the House that this was an open and competitive bidding. Therefore, it is very difficult to say that we want this number of applicants from this constituency or this gender. It is very difficult. Therefore, it is important for Members to note that it was an open tender, and was open to all genders.

Mr. Mungatana: Mr. Speaker, Sir, since the grant has not been disbursed, from what the Assistant Minister is saying, and the new Constitution is in place--- The promulgation of the Constitution made it a requirement that resources in this country would be distributed with the regions in mind. This being a Government resource into which all of us put contributions, we would want to get a firm undertaking from the Assistant Minister that he will revise it and make sure that even in the rural constituencies, such as Garsen, there will be a beneficiary of this grant. If you go by this open competition thing, we will have just Nairobi centrism; the whole thing will be a Nairobi affair and then the rest of us will be excluded from it. Could we have a firm undertaking that the Assistant Minister will comply with the spirit and letter of the new Constitution?

Mr. Khaniri: Mr. Speaker, Sir, the answer to his question, in short, is “yes”. I would just wish to inform the House that this is an elaborate project being funded by the World Bank. It encompasses about five aspects. The first aspect of this project will be digital inclusion project. This is to get all citizens included in the digital economy by providing bandwidth at subsidized rates.

Mr. Speaker, Sir, the second phase is the public sector shared services---

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. Does the Assistant Minister want the country to believe that whatever regulations and rules have been put in place by the World Bank supersede the provisions of the Constitution of Kenya?

Mr. Khaniri: Mr. Speaker, Sir, I did not in any way suggest that. If the hon. Member was keen enough when I stood up to answer Mr. Mungatana’s question, I was for affirmative action. I said yes, his suggestion will be considered. So, I am just going further to enlighten the House on what else the World Bank is doing with my Ministry for this country. I think this is very important information that I would want to share with the Members of this House.

Mr. Speaker, Sir, under the Digital Inclusion Project, we will also provide a subsidy to university students to buy laptops. We will issue 16,000 vouchers to 16,000 university students to be able to acquire laptops. These will be spread amongst all the universities depending on the number of students in the universities. It will be given on quota basis.

Mr. Speaker, Sir, under the Digital Inclusion Project we have what we call the Digital Villages Project, which will cost about US\$3 million. We have already done this in four constituencies, that is; Kangundo, Malindi, Karachuonyo and Langata as pilot

projects. We intend to do the remaining constituencies by the end of the year. The money will be channeled through Family Bank, and we have identified about 290 villages. That is to say that each constituency will have at least one digital village.

The third project is the Public Sector Digitization. This is where the World Bank is helping our Government to convert the paper records that we have into digital records. The pilot project in this was the Ministry of Lands, the Judiciary and the Registrar of Companies. I am glad to report to the House that the one with the Registrar of Companies is complete and has been very successful.

The fourth project is now what the hon. Member is asking about. This is the Local Digital Content, where we want to stimulate IT industries in Kenya by giving grants to entrepreneurs who have good ideas that can be commercially exploited.

Mr. Pesa: Mr. Speaker, Sir, taking it from the Assistant Minister's answer, could he commit in this House that he will consider gender so that women are put on board when this exercise starts because he has not given the money out?

Mr. Khaniri: Mr. Speaker, Sir, if he heard me clearly, I think I already made that particular commitment. However, the ICT sector is still very young in our country. We are doing all we can to develop it to international standards. On this score, while I was discussing the answer to this Question with my officers from the ICT Board, we have decided that my Ministry, through the ICT Board will facilitate a Parliamentary exposure to ICT to Members of Parliament, where we will organize a trip to the Silicone Valley in the United States of America.

Mr. Speaker, Sir, we will liaise with your officers to get some names of Members of Parliament who will go on this exposure trip to the Silicon Valley in the United States. This is the home of google and cisco; it is the nerve centre of ICT in the world. We intend to do this by the end of this year or very early next year.

Mr. Speaker: Very well, Mr. Assistant Minister, as long as your Ministry will respect the doctrine of complementarity or cost sharing.

Very well, Member for Turkana Central.

Question No.375

LIST OF ALL PRIMARY/SECONDARY
SCHOOLS IN TURKANA

Mr. Ethuro asked the Minister for Education:-

(a) whether he could provide a list of all primary and secondary schools in Turkana Central Constituency in particular and the larger Turkana region in general, indicating their boarding enrolment, streams and staffing levels;

(b) what kind of resources the Government provides to public schools to support boarding facilities, what exact resources were received by each school and what amount of food the Government is distributing through the School Feeding Programme per school, per term in the larger Turkana; and

(c) why the 30 schools approved by the District Education Board (DEB) in Turkana Central in 2008 were not included in the low cost boarding school programme.

Mr. Speaker: Member for Turkana Central, it will seem that the same directions that I issued in respect of Question No.1 by Private Notice will apply to your Question. So, be guided accordingly. I will defer the Question to Tuesday, next week when I expect that the Minister will comply with the guidance as I gave.

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. Just in order to benefit from your guidance, I was not there when the guidance was given.

Mr. Speaker: You will get the benefit of that by perusing the HANSARD. I have no reason as to why you were not here either. You will be as guilty as the Minister if I endeavour to go that route.

Member for Githunguri! Question dropped.

Question No.377

APPEAL AGAINST AWARD TO VICTIMS
OF NYAYO HOUSE TORTURE CHAMBER

(Question dropped)

Question No.352

REPORT ON RECYCLING FROM
E-WASTE TO RESOURCES

Ms. Chepchumba asked the Minister for Environment and Mineral Resources:-

(a) to what extent the Government is prepared to curb the potential harmful effect of electronic waste in the country, given the lack of collection and recycling policies on electronic waste mostly resulting from dumping from the West;

(b) whether he is aware that the move by the Government to impose a 25 per cent excise duty on imported refurbished computers and zero rate new computers 2 years ago has not helped the situation, and, if so, what measures he is taking to reverse the situation; and,

(c) whether he could table the recent report by the United Nations on “*Recycling from E-waste to Resources*” and explain how the report will be implemented.

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Mr. Speaker, Sir, I beg to reply.

(a) Kenya is party to the Brussels Convention. This is an international convention on the control of the trans-boundary movement of hazardous wastes and their disposal, which was domesticated through gazettelement of the Environmental

Management and Co-ordination Act, also known as the Waste Management Regulation, 2006.

Mr. Speaker, Sir, E-waste is an emerging environmental concern considered as hazardous due to harmful effects of the contents of electrical and electronic equipment. The Waste Management Regulations, 2006 apply to various hazardous substances and my Ministry further collaborated with other stakeholders and has developed an E-Waste guideline that will cater for collection, transportation, storage, dismantling, recycling and establishment of a treatment facility for the E-waste.

Mr. Speaker, Sir, on the issue of dumping, dumping is mainly as a result of donations that we receive from the West, which our institutions have been receiving continuously since the dawn of the era of computers. Currently, there is only one NGO in Kenya called Computers for Schools Programme that takes in all computers to refurbish them for use in schools. The obsolete components, however, are re-exported back. There are several European countries that accept obsolete components. In particular, components are re-exported to Belgium, Norway, Netherlands and China, where they recover some of the metals for their own use. This is mainly due to lack of requisite technology in our country to do the same.

(b) I am aware that the duty charged on imported refurbished computers has not helped the situation and this is because, as I mentioned earlier, the kind of electronic equipment we receive are donations and being donations they are valued very low. So, even if you ask them to pay 25 per cent that is absolutely low. So, this has not reduced significantly the amount that we receive. The draft E-Waste guidelines, however, proposed also that there should be a take back scheme which would enable the public to return all electrical and electronic equipment for collection by producers, manufacturers, distributors and even the service providers so that if you import anything that is electronic you take it back. The collection centers will be established by the same institutions because that will be their own garbage and should be operated by themselves, so that people can only dump whatever has gone obsolete.

The same manufacturers and producers would be encouraged to have the option of setting up treatment facilities to refurbish and recycle for themselves whatever has been rendered useless, or reshipe them to countries that have the technology; I have mentioned about four of them in my earlier answer.

Mr. Speaker, Sir, the development process of the guidelines has involved both the Kenya Revenue Authority and the Kenya Bureau of Standard, among others, for purposes of excise duty, which was introduced earlier. It is also expected that the situation will greatly improve when other countries in the region adopt the same environmental standards to cut infiltration from other countries, specifically the East African Community, where there is going to be free movement of goods, apart from free movement of people.

(c) I have a written report which I will table; a report by the UN on the recycling of E-Waste; from E-Waste to resources. That is the report that I have here.

The Report indicates that some countries have been identified for application of UNEP technology Transfer Network. In Africa, the only country that has been identified is South Africa. But Kenya has been classified among a Group A set of countries, which include Uganda, Senegal and Peru, which are the promising countries for the introduction of preprocessing technology. Class B, South Africa being one of them, consists of

countries where we have innovation hubs and centres of excellence for recycling. Kenya is one among four, where there will be introduction of preprocessing technology. There will be a lot of support for that, including capacity building. Kenya is in that class because of the smaller volumes of e-waste for the formation of formal or informal recycling activities as revealed by the study that was done in 2008.

Establishment of collection centres for us through our own guidelines will, therefore, ascertain that sufficient volumes that are required before you move to Group B exist. It is possible that we have a lot of waste that is not being collected. So, when we talk of insufficient volumes, it is because most of the waste could be lying in the laboratories or they could be dead computers in schools which have not been accounted for. The guidelines will assist in the creation of awareness to our people. They will know that “dead” cellphones or computers should be collected and sent to a particular place.

Ms. Chepchumba: Mr. Speaker, Sir, I would like to thank the Assistant Minister for that elaborate answer. However, I would like her to tell this House the effective incentives the manufacturers give consumers with regard to the re-use or recycling of these products.

Prof. Kamar: Mr. Speaker, Sir, we have not reached a stage where we expect the consumers to be given incentives. Those incentives will come during the collection, most likely in the first stage. Centres will be set up and they will belong to the manufacturers or providers of these services. In the guidelines that we have, the only incentive that they will give will be as a result of them returning the goods. The incentive is not given upon the sale of the new items.

Mr. Mututho: Mr. Speaker, Sir, could the Assistant Minister explain the specific measures she has undertaken with regard to the mobile phones because there are over 20 million pieces which are being disposed off as common waste at the rate of 6 million pieces per year?

Prof. Kamar: Mr. Speaker, Sir, may I assure the hon. Member that the guidelines that we have currently will be effected. Of course, they may have to come to this House for enactment also into law as soon as possible. Once these guidelines are in place, the collection centres will be set up. We know that there are people who have these gadgets in their houses and they are a problem. We advise Kenyans not to destroy these gadgets on their own because they contain hazardous elements or toxic materials. The collection centres of these gadgets will be set up as soon as possible.

Mr. Mungatana: Mr. Speaker, Sir, the bottom line is that Kenyans expect the Assistant Minister to tell us where we will take this hazardous waste. We are happy with the elaborate answer, but we want a practical solution. Apart from the mobile phones, we have a new technology with regard to televisions. There are many of these old boxes in our houses. Where do we take them? What should we tell Kenyans now? Where should they take their old mobile phones? Where should they also take their old television sets or radios and any other electronic device? What is the Government telling Kenyans? We need a specific answer to a specific question.

Mr. Speaker: Madam Assistant Minister, please, restrict yourself to the question. Where do Kenyans take the electronic waste?

Prof. Kamar: Mr. Speaker, Sir, as I mentioned, the regulations were only finalized in 2006 and the effective date of implementation is yet to be set up. We will actually post an advertisement. I said in my answer to the last question that once this is

done, we will do a lot of publicity. Kenyans will know where to take their old electronic gadgets. It is important for Kenyans to know that this will come. We will have centres for collection of their old television sets, radios, telephones and other electronic gadgets so that they do not destroy them. The danger we are in at the moment is that some of the telephones are being used by small kids who break them. There are very many dangerous things in those gadgets. Some of them contain lead and mercury. We will advertise where the collection centres will be set up very soon. Negotiations are going on now between the Ministry, the manufacturers and the suppliers of these gadgets. The hon. Member will be hearing from us on that aspect.

Ms. Chepchumba: Mr. Speaker, Sir, has the Government documented the annual domestic e-waste in the country particularly in urban areas like Eldoret, Nakuru, Kisumu, Nairobi and Mombasa?

Prof. Kamar: Mr. Speaker, Sir, it is true that the documentation has not been done properly. During the study carried out in 2008, even as documentation was being done under a project pioneered by the UNEP, it was not possible to classify Kenya among the Category B where recycling can be done. The truth is that we still have many gadgets in our houses. The setting up of the centres is going on and it is only the schools computerization programme that has a centre although we do not have the data. Very soon, we will set up those centres which will enable us publicise where the dangerous gadgets are supposed to be surrendered. It is then that our data base will improve.

Mr. Speaker: Let us move on to the Member for Kitui West's Question!

Mr. Nyamai: Mr. Speaker, Sir, I would like to ask Question No.419 even though I have not received a copy of the written answer.

Question No.419

LIST OF DAMS DONE BY TANATHI/NWCPC IN KITUI

Mr. Nyamai asked the Minister for Water and Irrigation:-

(a) to provide a list of all earth dams/sub surface dams which were done in Kitui West Constituency by Tanathi Water Services Board and National Water Conservation & Pipeline Corporation (NWCPC) by name, district, division, location, sub-location and capacity; and,

(b) to state how much funds have been allocated to construct new earth dams/sub-surface dams and desilt existing ones in Kitui West Constituency in the 2010/2011 Financial Year.

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Speaker, Sir, I beg to reply. I apologise that the hon. Member does not have a copy of the written answer, but I will table it in a moment.

Mr. Speaker: Do you have an extra copy, Madam Minister?

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Speaker, Sir, I thought he had already received. So, I do not have any extra copy.

Mr. Speaker: Very well. Mr. Nyamai, please, listen to the answer and see if you are able to proceed.

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

Mr. Speaker: Order, Mr. Nyamai! My direction is: Listen to the answer and see if you are able to proceed.

Continue, Madam Minister.

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Speaker, Sir, I can give the reply fairly slowly. He is sharp and he will be able to understand it.

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

Mr. Speaker: Order, Mr. Linturi! Sometimes when directions are given, you wait and let the process continue.

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Speaker, Sir, I beg to reply.

(a) My Ministry, through the National Water Conservation and Pipeline Corporation (NWCPC) and Tanathi Water Services Board, has constructed six dams and eleven sub-surface dams in Kitui West Constituency with the dams' total capacity being about 47 cubic metres of water. That is about 47 million litres of water. I have the list here, which I will table.

(b) My Ministry in this financial year has allocated a total of Kshs6,999,467 for construction of new earthdams and sub-surface dams and desilting of existing ones in Kitui West Constituency.

Mr. Speaker: Mr. Nyamai, are you able to proceed?

Mr. Nyamai: Mr. Speaker, Sir, with all due respect to the ruling you gave, I thought in the first place, it was not really fair for me to proceed.

Mr. Speaker: Order, Mr. Nyamai!

Mr. Nyamai: Under the circumstances, personally, I am not able to proceed.

Mr. Speaker: If you are unable to proceed, I will accommodate you. That is why I gave the direction in that form.

Mr. Nyamai: Fair enough, Mr. Speaker, Sir. I cannot proceed without a written answer.

Mr. Speaker: Madam Minister, will you, please, supply a copy of that answer to the hon. Member?

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Speaker, Sir, can it be done right away?

Mr. Speaker: Yes, you may just put it at the Table and it will be passed on to the hon. Member.

(Mrs. Ngilu laid the document on the Table)

I will defer this Question to tomorrow afternoon. Is that fine with you, Mr. Nyamai?

Mr. Nyamai: Yes, Mr. Speaker, Sir.

(Question deferred)

POINTS OF ORDER

UTILIZATION OF PRIME MINISTER'S TIME

Mr. Linturi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise on a point of order to seek your guidance and direction especially with regard to the provisions of Standing Order No.40. Today being a Wednesday, the Statement that the Prime Minister is likely to be making in this House is one that has raised some excitement among the hon. Members. He wants to talk about a looming *La Nina*, and that means hunger for this country. We are really waiting to hear what the Prime Minister has to tell this House. I wonder, if we proceed that way whether we will not have taken the Prime Minister's Time which he would have taken to brief the House.

Mr. Speaker: Member for Igembe South, you can be certain that I am very conscious of that fact and that is why you will see that we have utilized our time fairly well. If we are at 3.30 p.m. and we more or less have completed Questions on the Order Paper, then we have done very well. I will need your input on how to deal with the various provisions in the Standing Orders with respect to the Prime Minister's Time vis-à-vis Questions, Motions and other business in the House. So, I will be putting this to you very soon and I expect that you will be prolific as always in a manner that is productive and adds value.

UNATTENDED HANDBAG IN THE CHAMBER

Mr. Outa: On a point of order, Mr. Speaker, Sir. For the security of the hon. Members in this House, next to us here is an unattended bag. I am wondering why this bag is left near us unattended.

Mr. Speaker: Order, hon. Members! Could the Serjeant-At-Arms ascertain if there is baggage that is unattended and has no ownership? Is that baggage unattended and without an owner? Then I am afraid, it will have to be removed from the House immediately. Remove it as we endeavour to find out the ownership thereof.

(The Serjeant-At-Arms removed the bag from the Chamber)

The Minister for Water and Irrigation (Mrs. Ngilu): On a point of order, Mr. Speaker, Sir. Is it in order really for somebody just to raise that point of order when we know that, that bag belongs to hon. Chepchumba who was just sitting next to them there? I think this is a way of belittling what we are doing in this House. Really, we must be protected. We know that some hon. Members do not want us to come with our bags into the Chamber. Let it be taken back!

Mr. Speaker: Order! Minister for Water and Irrigation, I have no way, as the Speaker, or any other person who may be in the Chair for that matter, of knowing who a given bag, suitcase or handbag belongs to in the absence of a human being. Given that, that bag does not have hon. Chepchumba around it, there is no way I can associate it with the Member for Eldoret South. So, that being the position, I am afraid it must be removed from the House until such a time that hon. Chepchumba is available to claim ownership.

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Speaker, Sir, we are each other's keeper. I am sure even the gentleman sitting next to that bag knows the owner very well and he should have stood up to say that he knows the owner and protect it, because we are each other's keeper, instead of raising that frivolous point of order.

(Laughter as hon. Chepchumba walked into the Chamber)

Mr. Speaker: Order, hon. Members! I will want to guide the hon. Members who carry handbags. Please, try as much as possible to have it in your possession all the time. If you have reason to leave your seat, please, persuade another hon. Member to keep watch over your bag. That would be the best way to do it.

We will now go back to the Question by the Member for Emuhaya!

(Hon. Chepchumba stood up in her place)

Order, Member for Eldoret South!

QUESTION BY PRIVATE NOTICE

DISPLACEMENT OF FAMILIES BY FLOODING OF SABWANI RIVER

Dr. Otichilo: Mr. Speaker, Sir, once more I beg to ask the Minister of State for Special Programme the following Question by Private Notice.

(a) Is the Minister aware that recent flooding of Sabwani River in Kwanza Constituency has led to the displacement of hundreds of families from their homes, who are currently residing at market centres and with relatives?

(b) What urgent action will the Minister take to help the displaced families and what short and long-term plans does the Government have to permanently control the annual flooding of Sabwani River?

Mr. Speaker: The Minister of State for Special Programmes is still not here? Hon. Members, while the House was sitting, at 3.00 p.m., a letter was received in my office from the Minister of State for Special Programmes indicating that she is indisposed. That is a good reason that is acceptable to the House. So, we will defer this Question to Thursday next week. Is that fine with you, the Member for Emuhaya?

Dr. Otichilo: Mr. Speaker, Sir, I asked this Question under Private Notice and it is very urgent. Therefore, I would like to receive the answer if possible on Tuesday next week.

Mr. Speaker: Your colleague is unwell and we cannot predict how long it will take for her to recover.

Dr. Otichilo: Mr. Speaker, Sir, I agree.

Mr. Speaker: Very well! Thank you!

(Question deferred)

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. I appreciate that the Minister maybe indisposed, but I am also aware that, that same Ministry has an Assistant Minister. Is he also indisposed for him not to come to the House and answer such a Question by Private Notice which must be very urgent?

Mr. Speaker: Order, Member for Turkana Central! The indication I have is that the Minister had personally taken charge of this matter. So, it would not have been anticipated that she would become unwell.

Hon. Members, that brings us to the end of Questions.
Next Order!

PRIME MINISTER'S TIME

STATEMENT

NATIONAL PREPAREDNESS FOR THE LOOMING *LA NINA* PHENOMENON

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Thank you Mr. Speaker, Sir.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. I am sorry to interrupt the Deputy Prime Minister and Minister for Local Government. But the Constitution of Kenya provides that the official languages of this country are Kiswahili and English. I notice that the Statement is written partly in English and partly in *Latino*. Whereas some Members of the House might be seized of the meaning of *La Nina*, what about the members of public who are following debate in this House? Are we sure that Kenyans know the meaning of *La Nina*?

Mr. Speaker: Order! That is a genuine concern. Hon. Deputy Prime Minister and Minister for Local Government, can you give a synonym that matches "*La Nina*"?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I will try and do so when I get to it. However, with the little Kiswahili that I know, it is *hali ya ukame ama hali ya kutokuwa na mvua ya kutosha*. I think I am reasonably up to it.

(Laughter)

Mr. Speaker: Order, Deputy Prime Minister! The word "*La Nina*" is Latin. What is the English equivalent of "*La Nina*"?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I am sure that even in this House, we have used the word *sub judice*. It has never been ruled to be out of order. Is that an English word or Latin word?

Mr. Speaker: Yes, we are just asking you, and, indeed, I am directing you from the Chair, with the authority of the Speaker, that you give the English equivalent of "*La Nina*".

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, there are some words that may not necessarily have an English word equivalent. "*La Nina*" is just a phenomenon and, therefore, there may not be a single English word that can easily match that.

Mr. Speaker: Give us as many words as you can!

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I will use as many words as possible to make many Kenyan people who do not understand Latin to be able to do so. I just want to make it clear that this House has adopted other words in this House, which are even in our Standing Orders that are not English. They are Latin words.

Mr. Speaker: I have not excluded it as unparliamentary language, Mr. Deputy Prime Minister. So, proceed!

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I would like to make a Statement on the national preparedness for the looming *La Nina* Phenomena.

The country has, in the recent past, experienced several crises including protracted droughts, floods and landslides. Of particular concern is the cyclic nature that the crisis has taken. As you may recall, the country experienced prolonged drought in 2009 as a result of four successive seasons of depressed rains. The last drought in particular hit pastoral communities hard. Many of the communities who lost their livestock in the last drought are yet to recover and are only just embarking on restocking. After the devastation caused by that drought, we received good amounts of rainfall leading to a bumper harvest in most parts of the country.

The *El Nino* season that brought so much rain earlier this year in the country is giving way to *La Nina*, which ushers in a dry season. The Kenya Meteorological Department has alerted us that the occurrence of *La Nina* for the remainder of 2010 will present reduced rainfall and its maximum effects will be in the month of December, which will impact on about 5 million people. They are warning that the pattern building up is similar to what was witnessed in the country in 1973 with most parts of the country receiving below normal rainfall. We are being told that the short rains that are expected from the third week of this month will not be much and will be over by the third to fourth week of December.

Further, whereas the food situation in the country has so far been good, this is steadily changing with the onset of *La Nina*. The situation is expected to deteriorate further if this phenomenon persists and affects the onset and distribution of 2011 long rains. Given our experience in the last drought, the Government is taking this alert from the Meteorological Department very seriously. We are determined to plan an aggressive adaptation and mitigation response to the *La Nina* phenomenon. I want to draw your attention to Government responses to the drought and *El Nino* crisis.

His Excellency the President declared the 2009 drought a national disaster in August, 2009. Subsequently, the National Drought Response Steering Committee was established with a Crisis Response Center as its secretariat. The same center worked directly with affected districts to ensure timely coordination of multi-faceted comprehensive and rapid response to the crisis. The responses were provided by various sectors and they included the provision of food, vaccines, water, water tanks, livestock off-take, relief seed, drugs and food supplements among others. We may not have performed optimally but the interventions achieved some positive response. We, however, acknowledge that a lot more could have been done.

While the response to last year's drought was acknowledged to have been good, it was largely a fire-fighting exercise. We were largely caught flat-footed. For instance, the Kenya Veterinary Vaccine Production Institute (KEVEVAPI) lacked the capacity to

produce certain vaccines in good time to save livestock, while the Kenya Meat Commission (KMC) was unable to absorb all the animals that the drought suddenly made available for slaughter. Early preparation is going to be critical not only during the approaching drought season, but in tackling problems in future.

The Government will not be caught unprepared this time round. I have, in this regard, directed the Ministry of State for Special Programmes, Ministry of Agriculture, Ministry of Medical Services, Ministry of Water and Irrigation, Ministry of Education, Ministry of State for Provincial Administration and Internal Security, Ministry of Livestock Development, Ministry of State for Development of Northern Kenya and other Semi Arid Lands and Ministry of Forestry and Wildlife to start making all the necessary arrangements to ensure that our citizens are cushioned. We have directed all responsible sectors to develop contingency plans, or to revise their existing plans to prioritize and focus on areas where Government investment would create greatest positive impact. They must begin mobilizing available resources to target priority *La Nina* interventions.

Further, we have directed all the sectors to adopt good past practices that would help to mitigate against the *La Nina* effects. We have further instructed the Ministry of Livestock Development to start working with pastoral communities to preempt deaths of animals. The pastoral communities lost their livelihoods in the last drought and they are yet to recover. The Ministry must focus on building the capacity of critical institutions like KEVEVAPI so that they can carry out effective and timely responses to *La Nina* related cases.

We have also learnt vital lessons from the past drought and those lessons will continue to shape how we move on to the future. After the bumper harvest in most parts of the country last year, word spread soon that the grains were going to waste due to aflatoxin. To respond to the fears intoxication of grains, the Government provided testing kits to various parts of the country. The tests have so far shown that the extent of the problem may have been exaggerated. While testing may have saved lives, it did not solve the problem of what farmers had to do with the grains once they had been certified fit for human consumption.

We learnt the hard way that, while good rains bring bumper harvest, our farmers lack the facilities to store the produce in a health environment free from the intoxicating elements until the next harvest. It is for this reason that we have asked the Ministry of Agriculture to come up with proposals on how to help our farmers to store their produce. We have also asked the Ministry to come up with a programme for constant education to our farmers on the best practices of drying produce. The Ministry of Agriculture has assured us that we have enough maize at the Kenya National Cereals and Produce Board. We will achieve full capacity if the Board moves fast and locks up that maize before it is sold across our borders.

We have also asked the National Cereals and Produce Board (NCPB) to buy and stock the maize in readiness for the drought ahead. We do not want to run around looking for maize like we did last time.

Mr. Speaker, Sir, during the last drought, the Ministry of Water and Irrigation drilled 158 boreholes and also developed several water pans and dams in addition to over 2,000 tanks distributed across the country. We have asked the Ministry to review the state of all these initiatives and prepare a report on the state of our water preparedness as a country.

Also, at the height of the drought in October 2009 up to 5.8 million people were relying on relief food. Of these, 1.7 million school children were covered under the School Feeding Programme while some 3.8 million were targeted under the Government of Kenya (GoK) and World Food Programme (WFP) protracted relief and recovery operation. We have asked the Ministry of State for Special Programmes to come up with a water-tight plan for distributing food to affected populations working closely with the Red Cross and other agencies to ensure food reaches everyone who needs it.

Mr. Speaker, Sir, to ensure continuity and to benefit from experience, we have extended the mandate of the Crisis Response Committee (CRC) by another one year, to continue dealing with the coming *La Nina* effects. I also appeal to the Ministry of Agriculture to move with speed and provide relevant seeds and other farm inputs for our farmers to take advantage of the short rains.

I want to conclude by emphasizing to hon. Members that to make a mistake is human, but to repeat a mistake is criminal. When we faced the drought last year, we embarked on massive fire fighting and we largely did a good job at it. However, fire fighting cannot be our policy for responding to crisis. I do not want this country to go through what we did last year. I want us to prepare. We cannot hope to realize Vision 2030 when natural disasters like floods and droughts still kill our people who also have to line up for food handouts. We, therefore, shall not only concentrate on the short term mitigation measures but also include long term interventions that will address underlying issues which cause food, water and energy crisis.

As a Government and leaders, we must strive to give our people the dignity and pride they deserve. We know what we expect. Let us all do our part to ensure the past does not recur.

Thank you.

Mr. Oyongo Nyamweya: Mr. Speaker, Sir, I am just wondering whether the Deputy Prime Minister and Minister for Local Government is looking for the long term solution, I did not hear any mention of tree planting, water harvesting and water storage. Surely, if we are aware of our previous mistakes, it would have been important for him to include the long term solutions. Could he clarify that?

Mr. Speaker: Deputy Prime Minister, will you please take notes?

Member for Turkana Central, please, proceed!

Mr. Ethuro: Mr. Speaker, Sir, I wish to thank the Deputy Prime Minister and Minister for Local Government for this Statement on preparedness for the looming *La Nina* phenomena.

I would, however, like to ask for a few clarifications. One, the Deputy Prime Minister indicated that the Kenya Meat Commission (KMC) was unable to take all the stock that had been delivered. Has he considered in their state of preparedness that an abattoir can be built in Lokichoggio? This only requires Kshs50 million to be operational.

Secondly, he mentioned about livestock off-take by the Ministry of Livestock Development, is he aware that the programme flopped? I think the work of the office of the Prime Minister is to direct, as the supervisor and coordinator of Ministry affairs, rather than asking them to work with pastoralists. Could he ensure that the directives are implemented?

Mr. Speaker, Sir, finally, it seems the World Food Programme (WFP) has an upper hand and disregards all the organs of decision making starting at the District

Steering Group (DSG), the Kenya Food Security Group meeting in Nairobi where the Government is involved and they go ahead to choose their own lead agencies irrespective of the outcomes of those organs. Is the Deputy Prime Minister satisfied that that procedure is the right way to be prepared for handling famine?

Mr. Linturi: Mr. Speaker, Sir, I want to congratulate the Deputy Prime Minister for having brought out very clearly the measures that the Government is putting in place to control this phenomenon. However, in my understanding of *La Nina*, this long dry spell means the water levels in Kindaruma, Kiambere and all the major power producing stations are going down, and this means the cost of power is likely to rise because there would not be enough water to produce electricity. With the high cost of power, the cost of essential commodities would go up. I would like to hear the specific measures the Deputy Prime Minister has put in place to control the prices of essential commodities that are likely to rise because of this problem.

Mr. Njuguna: Mr. Speaker, Sir, as we acknowledge the lengthy and clear Statement given by the Deputy Prime Minister and Minister for Local Government, could he explain or indicate to this House the extra-ordinary measures the Government is taking to enhance the volume of the National Strategic Grain Reserve (NSGR) so that Kenyans will not in future suffer from malnutrition, hunger and desperation?

Mr. Wamalwa: Mr. Speaker, Sir, we are expecting a bumper harvest in the north Rift which is the grain basket of Kenya. During this year's Budget, there was an indication that funds had been set aside for purchase of mobile driers that will be used in the event of bumper harvest in certain areas, to help farmers dry their grain in good time. Could the Deputy Prime Minister and Minister for Local Government give a confirmation to the House that with the expected bumper harvest, particularly in the grain basket of Kenya, these mobile driers will be used to help farmers dry their grains and early maize buying centres will be opened to allow farmers bring in their maize?

Could he also direct the Ministry of Agriculture to set a price for maize? Farmers are ready with their maize but they do not know what the Government is offering this year. Will they be directed to give a good price for the maize to boost our strategic reserve ahead of the expected *La Nina*?

Mr. Speaker: Deputy Prime Minister, will you please respond to those then we will do another round?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, if I start with the issues raised by Mr. Nyamweya, they are valid. In the Statement, of course, I could not cover every detail. I want to acknowledge that the issues he raised are important. Indeed, the long and short of it is that I have also indicated in this Statement that the Ministry of Water and Irrigation is going to review the state of all its initiatives regarding water harvesting and so forth, and be able to present a report on the status that we are in and what measures they are putting in place to ensure that water is available for all Kenyans at all times.

I also want to take up the issue by Mr. Ethuro and state that I think that "asking" and "directing" mean the same thing. The only thing is that we are trying to be civil in this process because the Ministry of Livestock Development will have to lay out strategies and we expect them to improve the livestock off-take this period we are entering.

I also want to acknowledge that there are issues, from time to time, with the WFP in terms of how they collaborate with Ministries that deal with them like the Ministry of State for Special Programmes. Co-ordination is an issue we have to deal with constantly so that the working relationship between the WFP and the Ministry of State for Special Programmes can improve on some of the concerns that you have raised. It is important that whatever programmes that we are doing with our development partners are done in a co-ordinated manner so that there is no wastage as much as possible.

I also want to acknowledge that what Mr. Linturi has raised is very important and it is a matter of serious concern because when there is a shortage of water and we do not have enough hydro power then there is need to get the expensive power from the generators. The generators are installed to try and bridge the gap. This, indeed, is an issue that would have to be addressed comprehensively by the Ministry of Energy. I know they have been trying to do so by increasing exploration of power that is generated through geo-thermal power to diversify and move away from the traditional hydro power. We want to encourage them to accelerate these programmes because those are the long-terms projects that can help us deal with the high power costs that affect people in terms of production. This causes inflationary problems.

Mr. Speaker, Sir, I also want to state, in respect to the hon. Member for Lari that as it turns now, we expect that the Ministry of State for Special Programmes which is charged with the Strategic Grain Reserves--- It is the responsibility of the Ministry of State for Special Programmes to ensure that the National Cereals and Produce Board (NCPB) will have the appropriate resources in a timely manner to be able to take the grain from the farmers and pay them promptly. The problem we have had over the years is that farmers tend to deliver maize but their payments are delayed. That has been a source of discouragement. One of the issues that has come out clearly is that the Ministry of State for Special Programmes must make the resources available in a timely manner.

That also goes further to touch on the question raised by Mr. Wamalwa. The issue of driers is the function that is handled by the NCPB because they are the ones who normally take the grains. This point will be emphasized so that farmers do not get the frustrations that they have been getting when they are told to go back with their maize because of the moisture content and at the same time no service is provided to them. So, that aspect is key to the issue of our preparedness in this regard.

Mr. Lessonet: Mr. Speaker, Sir, I want the Deputy Prime Minister and Minister for Local Government to tell us if it is possible to lay the scientific method which they used to reach the conclusion that there will be *La Nina*. Otherwise, we do not want this Government to be a prophet of doom. I would also like the Deputy Prime Minister and Minister for Local Government to inform this House, now that the Government is very sure that there will be *La Nina*, that we will not see the scenario of last year, where they were buying cows which were about to die. If they are sure about *La Nina*, could they commence the purchase of healthy cows now and not wait until they are too weak waiting to die somewhere near Athi River?

Mr. Kioni: Mr. Speaker, Sir, as I thank the Deputy Prime Minister and Minister for Local Government for forewarning the nation, I would like to know from him how much they have set aside to make sure that we do not experience what we went through last year. We have a bumper harvest in most parts of Rift Valley but right now, one bag

of maize is being bought at Kshs600 and yet previously, we were buying it at over Kshs3,000. How much money has the Government set aside for tomorrow's drought?

Mr. Chachu: Mr. Speaker, Sir, the Deputy Prime Minister and Minister for Local Government has mentioned that about four million Kenyans depend on relief food every year. This is a problem that has persisted in this nation for too long. Does the Kenyan Government have any long-term solution to the issue of relief?

Ms. Karua: Mr. Speaker, Sir, I want to thank the Deputy Prime Minister and Minister for Local Government for the Statement which is focusing on what we need to do in order to avert a national catastrophe but we have unfinished business. When there was famine last year, there was the matter of the subsidized maize and a report was done. In order to avoid the same scenario when funds are set aside to avert the coming *La Nina* and the crisis that it might pose, what is he, as the co-ordinator and the supervisor of the functions of Government doing to ensure that the culprits identified in the PriceWaterHouse Report are punished? Could he table that report in this Parliament?

Mr. Jirongo: Mr. Speaker, Sir, while thanking the Deputy Prime Minister and Minister for Local Government for the Statement that he has issued, when we had this situation last time, I remember the Minister for Agriculture travelled to Israel to look at means of producing food using irrigation instead of depending on rain-fed agriculture. We also have a number of irrigation schemes in this country such as Weiwei. I remember the Minister for Regional Development Authorities has been looking for money to make sure that this scheme produces food. What has the Government done to ensure that we use the irrigation schemes that we have right now to produce enough? What other measures has it taken to ensure that in future this country does not depend on rain alone?

Dr. Nuh: Mr. Speaker, Sir, while thanking the Deputy Prime Minister and Minister for Local Government, I wish to remind him that Kenyans will not gauge the speech they are giving about the looming *La Nina* but how the Government is able to handle and deliver Kenyans in the supposedly looming *La Nina*. Apart from that, the Deputy Prime Minister and Minister for Local Government said that there was an alarm after the bumper harvest of maize. *La Nina* means low rainfall or no rainfall at all and this would put this country and food production under the mercy of irrigation schemes. After they gave the false alarm that there was poisoned maize in the irrigation scheme, they promised that they would purchase the maize. To date, the maize has not been purchased from the farmers and if he is not aware, I would like to bring to his attention that farmers in the irrigation schemes of Bura and Hola are now disappointed and have even refused to plant for the next season. What does he intend to do to make sure that, at least, if rain fails then we are secure in terms of food production in the irrigation schemes? That will depend on how they handle the maize that farmers have taken to the stores but is not being bought.

Mr. Speaker, Sir, secondly and lastly, if there is no rainfall or if there is little rainfall that means people from northern Kenya and semi-arid areas will have to suffer a lot in terms of provision of water. There have been complaints in this House that the provision of water holes and dams has not been done in a balanced manner. That is, putting areas, for example Tana River and northern Kenya in a very big problem when it comes to *La Nina* effects. What is he doing as the supervisor of Government to ensure that funds in the Ministry of Water and Irrigation are decentralized just like the funds in

Ministries of education, roads and many other funds in other Ministries, to ensure that we do not have these problems recurring?

Mr. Kigen: Mr. Speaker, Sir, can the Deputy Prime Minister and Minister for Local Government confirm to us how much funds have been made available now that he is sure that we are going to face *La Nina* not too far from now, so that we can buy all the available grain? There is going to be enough grain stock just before the end of the year.

Secondly, could he also tell us what he is doing to ensure that there will be enough energy supply even after the *La Nina* phenomenon, particularly from the geothermal sources?

Mr. Speaker: Order, hon. Members! I will accommodate a few more, but this indulgence will allow only one clarification per hon. Member.

Proceed, hon. Member for Kiharu!

Mr. Mwangi: Thank you, Mr. Speaker, Sir. While we appreciate the answer given by the Deputy Prime Minister and Minister for Local Government, there are bumper harvests in some parts of this country, especially in the Rift Valley. It is also surprising that in the same area, Subukia, the Internally Displaced Persons (IDP) in camps are getting rotten maize. This scenario does not augur very well for us. If we can give our people infected maize and then we have a bumper maize harvest, there is something wrong in the policy and management of our food resources.

Again, I would have wished if the Deputy Prime Minister and Minister for Local Government would have told us what action the Government is taking in realizing the growing of drought resistant crops like cowpeas and cassava. Uganda is always ahead of us in growing cassava for food security. Could he spell out specifically, other than storing food, what action the Government is taking in growing crops and food crops that would get us out of the problems that we have been encountering every other year.

Mr. M.H. Ali: Mr. Speaker, Sir, while appreciating the answer by the Deputy Prime Minister and Minister for Local Government, I would like to bring to his attention that after the census of last year, there were eight constituencies whose census results were cancelled. Figures, as per the population are about resource allocation. Could he assure this House that the figures, as per the census, will be used for resource allocation for the eight large constituencies in this country?

Mr. Mututho: Mr. Speaker, Sir, I am seeking a clarification from the Deputy Prime Minister and Minister for Local Government that, indeed, this is not the annual ratio we have seen over the last three years, where we start with people dying, then people are eating seeds, now they are eating dogs and after that there is a special committee from the Cabinet and there is a massive import of maize in a very irregular manner. Could he assure this House that, indeed, this year, we are talking about buying the bumper harvest from the farmers?

(Applause)

Mr. Speaker: Very well, Mr. Deputy Prime Minister! You may want to respond to that. We will take the lingering ones since it is not yet 4.30 p.m.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Thank you, Mr. Speaker, Sir. I would like to start by telling the House that I have no scientific formula or model, as a person, to be able to tell you what the weather

will be like. That is why we rely on the professionals in this area, and that is the Meteorological Department, who are trained to be able to look at these issues. So, I cannot provide a scientific model in this regard.

However, indeed, I have touched on some of the issues. But let me try again to re-emphasize one or two aspects of it. One, I want to state that the issue of the census as raised by the hon. Member, is indeed, a different factor and I know that numbers or population will have an input on how resources will be allocated. But I would like us to de-segregate, at this particular point in time, the issue of the drought and the issue that relates to the census because that is really a completely different aspect which I would suggest can be dealt with by the appropriate Ministry as a specific issue.

Mr. Speaker, Sir, I also want to state that on the issue of the long term solutions, one of the Ministries that is very well funded – this House did approve their budget – is the Ministry of Water and Irrigation. That Ministry has got a lot of resources that have been made available for them to undertake major irrigation schemes, construction of dams, boreholes and so forth. Indeed, in the Statement, I did emphasize that we expect them to also produce a report which they can make available to this House on how they are utilizing those resources and what their long term plan is, to be able to allay or answer some of the queries that have been raised particularly by the hon. Member for Bura. In fact, I am aware that the Ministry is planning, for instance, in the Bura area, to invest a lot of resources jointly with foreign assistance as well, in the modernization of the water reticulation and supply in the Bura area.

Mr. Speaker, Sir, I also want to state that, that in a way, is one of the strategies to deal with the long term solutions, as hon. Ganya did raise, because drought is something that, from time to time, as we anticipate, we should be prepared to know that long term solutions in investing in water is the way to go, just the way the honorable Member of Parliament for Lugari, hon. Jirongo has said. It is a fact that our dependence on rain-fed agriculture has been a hindrance and we need to continuously, over a long period of time, sustain adequate funding for water programmes so that we can systematically move away from dependency on rain-fed agriculture.

There are also very many programmes under the Ministry of Agriculture which deal with promoting and encouraging drought-resistant crops. I know that for a long time, the Ministry of Agriculture has had programmes that encourage people to move away from maize and wheat as the only crop, particularly when you are dealing with cereals, to really diversify and deal with other commodities. It has to be a continuous exercise because you must also be able to make sure that the farmer is convinced that he is going to get a return from whatever enterprise he is entering into. So, this is something that is important and I am confident the Ministry of Agriculture will continue to do that.

Mr. Speaker, Sir, I would also like to say that is one of the positive aspects of the new Constitution and this, again, is a question of the effectiveness to which resources would be decentralized. We have to bear in mind that this House and this country has adopted a new Constitution where resource allocation is going to be very specific to various counties and in that process, we should be able to have a more structured approach to how these resources can actually reach out from the centre to the respective rural areas that most of us come from.

Mr. Speaker, Sir, the Member for Rongai wanted to know the actual figures but I would require a little more time on this matter because the reality is that we have had the

initial meetings bringing together the Ministries that deal with food and drought related problems in this country and we are asking them to put specific focus. It may call even for reallocation within their Votes and, therefore, for the actual figure I would like to be able to say that this is an issue that I am prepared to avail to the House a little later once the Ministries have tied up specific numbers which we can put across.

The other issue that I just want to touch on is the issue raised by hon. Mututho and Ms. Karua. Ms. Karua raised the issue of the PricewaterHouseCoopers Audit Report. At this stage, I can only say that I would like to seek your indulgence so that I can come back on this specific issue, if need be, next Wednesday. I will issue PricewaterHouseCoopers report on the maize problem.

Mr. Speaker: Do you want to deal with that as a separate subject? Order, Mr. Deputy Prime Minister and Minister for Local Government! Do you want to deal with that as a separate subject?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I think that would be better off handled as a separate subject so that there is a substantive communication on that particular aspect.

Mr. Speaker: Very well! We will accommodate that. As soon as you are ready, please say so.

Mr. Lessonet: On a point of order, Mr. Speaker, Sir. I sought two clarifications from the Deputy Prime Minister and Minister for Local Government but he only responded to one. He did not respond to the second one in terms of what he intends to do with the animals we are holding now, they are very fat. I had asked him whether he can buy them now rather than waiting to buy them when they are about to die. He did not respond to that.

Mr. Speaker: Yes, Mr. Deputy Prime Minister and Minister for Local Government, would you like to respond to that? Yes, the Member raised that issue.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I would like to say that we have raised this issue - in the Statement I said so - with the Ministry of Livestock Development so that they have an appropriate outlay and at the same time be able to deal with it so that we do not have the problem of delivering emaciated animals to the Kenya Meat Commission. So we are taking up this issue with the Ministry of Livestock Development.

Mr. Wamalwa: I raised the issue of maize prices and the Deputy Prime Minister and Minister for Local Government has not referred to it. Any country which is threatened with a catastrophe of this nature, the first line of defense would be to ensure that the farmers are able to give out the crop and all the food is secured by the Government. What price will the Government be offering to ensure that we secure the grains presently in the hands of the farmers?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I think this needs further consultations because it involves quite a bit of discussion with the Ministry of Agriculture, Treasury and indeed, the Ministry of State for Special Programmes. Normally, it has very serious implications when we give figures which at the end of the day you are unable to give to the farmer and we create a crisis. This has been a major problem particularly in the grain sector for a long time. Therefore, I would really want to seek the indulgence of the House that this is a policy decision that would require serious consultation so that the commitment that is

made by the relevant Ministry is a commitment that shall be honoured. I do not want to make a pronouncement at this point in time. But clearly, I share the concerns of the Member that the prices must reflect the sweat of the farmer at any one time and at the same, the resources must be made available so that they are out there in a timely manner rather than giving blank cheques to farmers.

Mr. Oyongo Nyamweya: On a point of order, Mr. Speaker, Sir. I have heard the Deputy Prime Minister and Minister for Local Government reply but he has not stated whether there is a Cabinet subcommittee responsible for the preparedness of *La Nina*. He has not stated whether there are funds set aside by the Ministry concerned. He has talked about the Ministry of livestock Development and Ministry of Agriculture, but he has not addressed the issue of the drought which is going to affect the nation. He needs to come clear and tell us that the Government, and the Ministries, have formed a Cabinet subcommittee to handle these issues and that funds have been set aside and that this is what we want to do to help our Kenyans.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I want to state that as I speak here and as I make this Statement, I am making it on behalf of the Government. There are various subcommittees of the Cabinet. There are those that will deal with matters that relate to agriculture, food supply and so forth. There are standing committees of the Cabinet. I want to tell the House that when I made reference to this, you will notice I was picking out very specifically Ministries that caucus under a Standing Committee of the Cabinet to be able to deal with all these matters in a holistic manner. So that I hope clarifies the point that is being raised by the hon. Member.

Mr. Jirongo: Mr. Speaker, Sir, when I was seeking clarification, I said that this Government has irrigation schemes where Government resources have been invested. All we need is allocation of resources for them to be operationalised. I mentioned Tana River and Wei Wei. I have seen the Minister for Regional Development Authorities, hon. Fred Gumo, on very many occasions asking for funds so that he can operationalise some of these irrigation schemes. I wanted the Deputy Prime Minister and Minister for Local Government to clarify why we would be thinking of running away from rain-fed agriculture by creating new irrigation schemes when we are not utilizing what we have now.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): On this particular point, I can only say that the Member is making a very valid point about rationalization of the resources that we have so that those existing irrigation schemes ought to be maintained properly so that they serve the people they do but that should not stop us from investing in new areas. Clearly, there is a point here that some of the resources have been allocated to the Ministry of Water and Irrigation. If there is proper co-ordination between the Ministry of Water and Irrigation and the Ministry of Regional Development Authorities, I am sure some of these irrigation schemes can be activated so that they serve the public.

Mr. Mututho: On a point of order, Mr. Speaker, Sir. Is the Deputy Prime Minister and Minister for Local Government in order to constantly mislead this House that funds put in the Ministry of Water and Irrigation are going to solve this problem while we know as a fact that out of the whole investment, they had 500,000 bags which they could not even buy? Is he in order to continue misleading this House that funds with

the Ministry of Water and Irrigation which are going to irrigation and other places are going to solve the problem of food security in this country whereas we know from last year that out of the billions that we invested into that Ministry and many dams and canals, they produced 500,000 bags at Bura Irrigation Scheme which they could not even buy or arrange for the purchase? Is he in order to continue misleading the House? I will seek indulgence. Would I be in order to request that the US dollars 100 million that this House approved be given to the Ministry of Agriculture and let see them do it.

Mr. Speaker: Order, Mr. Mututho! The last part is unlawful; the first part can be responded to!

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I am sure the Minister for Agriculture would not have minded to get some additional support from the House. However, I just want to say that I am not misleading the House. The point I was talking about when I said that the Ministry of Water and Irrigation has been given resources--- The resources they have been given are to provide water to enable the people to farm. But the issue of the off-take remains the issue of the Ministry of State for Special Programmes. Indeed, in my opening remarks, I said that sufficient resources must be set aside to make sure that the off-take from the farmer will be much better and more improved this year.

Mr. Koech: On a point of order, Mr. Speaker, Sir. I come from the north Rift and, as we speak, farmers have started harvesting maize and the Deputy Prime Minister and Minister for Local Government was asked a very simple question: When is the National Cereals and Produce Board (NCPB) going to open up the buying centres to mop up that produce and at what price?

Mr. Speaker: Mr. Mudavadi, indeed, that clarification was sought and you do not seem to have responded to it.

Mr. Lessonet: On a point or order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Lessonet!

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, what I will say is that we will communicate with the Ministry of State for Special Programmes to make sure that NCPB goes on the ground at the earliest opportunity. That means that the resources that will be required for the purchase of maize from the farmers must be disbursed immediately to enable the Ministry to operate. I undertake to make sure that, that communication is very clear not only within the context of the committee that was working, but also in writing to the relevant Treasury Department and to the Ministry of State for Special Programmes.

(Dr. Khalwale stood up in his place)

Mr. Speaker: What is it, Dr. Khalwale? Is it a point of order?

Dr. Khalwale: It is a clarification!

Mr. Speaker: No! The matter, as I had I indicated, must come to an end at 4.30 p.m.

Ms. Karua: On a point of order, Mr. Speaker, Sir. Would it be in order for the Minister to give a firm date when he will answer the issue I raised and that of Mr. Mututho?

Mr. Speaker: Mr. Mudavadi, the matter pertaining to PricewaterHouseCoopers, when do you want it on the Order Paper?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I would say that next week on Wednesday would be appropriate.

Mr. Speaker: If you are comfortable, that is fine. It is so ordered! That Statement will be listed next week!

Mr. Ruto: On a point of order, Mr. Speaker, Sir. Is the Minister in order to tell us a lot about purported preparedness for the *La Nina* without, for example, telling us whether he has raised the Strategic Grain Reserve (SGR) because that has been a major scapegoat for the Government? Whenever we get into problems, they tell us that the SGR has been too low for the last 40 years. It has never been increased and, therefore, that is why they do not have enough stock. Now, he has not told us anything about increasing that SGR.

Mr. Speaker: Order! That clarification was not sought. But I think what was covered, Mr. Mudavadi, and which you may not have responded to, is whether or not you have, in fact, filled the capacity of SGR as it is provided today.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I would like to start by saying that the SGR ceiling was, indeed, raised. A decision was made at the Cabinet and this figure was raised to 8 million bags from the figure that used to be there of 3 million bags of SGR. The idea is that the SGR is supposed to give you, at least, a lead time of about three months in any given country before you are able to receive imports. With the increased population, this figure was hiked to eight million bags. As to whether they have hit the 8 million bags, I want to say not yet. That figure has not yet been reached.

(Several hon. Members stood up in their places)

Mr. Speaker: Hon. Members, we must now bring that to an end and we want to do other business under Statements, if there is.

POINTS OF ORDER

SENDING OF ALARMING MESSAGES ACROSS THE COUNTRY

Dr. Nuh: On a point of order, Mr. Speaker, Sir. I sought for a Ministerial Statement from the Ministry of Information and Communications before the House went on recess.

Mr. Speaker: On what subject?

Dr. Nuh: Mr. Speaker, Sir, on the alarming messages that were being sent across the country and the security risks they posed. The Minister undertook that he would answer.

Mr. Speaker: Yes, that is so! Is there anybody from the Ministry of Information and Communications? The Deputy Leader of Government Business!

The Minister for Agriculture (Dr. Kosgei): Mr. Speaker, Sir, we shall ensure that they issue that Statement.

Mr. Speaker: Wednesday next week at 9.00 a.m.

FUNDING OF CELEBRATORY PARTIES FOLLOWING PROMULGATION OF NEW CONSTITUTION

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. Before we went on recess, I sought a Ministerial Statement from the Leader of Government Business about the propriety of the funding of the cocktail parties that followed the promulgation of the new Constitution. With your indulgence, if you may allow me to set the record straight---

Mr. Speaker: To do what?

Dr. Khalwale: To set the record straight, Mr. Speaker, Sir, about the meaning of *El Nino* because it is now on the HANSARD.

Mr. Speaker: That is done! That matter is spent! Maybe, you can follow up next Wednesday because there will be a related matter. Deputy Leader of Government Business, when will this Statement come on the funding of the various celebratory parties that took place?

The Minister for Agriculture (Dr. Kosgei): Mr. Speaker, Sir, as this has been pending for quite a while, I think next Wednesday is good enough.

Mr. Speaker: If it has been pending and you are treating it seriously, then it has to be earlier than Wednesday! Tuesday?

The Minister for Agriculture (Dr. Kosgei): Mr. Speaker, Sir, I acknowledge but, if I was to say tomorrow, I would need to find---

Mr. Speaker: Tuesday next week!

The Minister for Agriculture (Dr. Kosgei): Mr. Speaker, Sir, I accept!

Mr. Speaker: Very well!

PRIVATIZATION OF THE CONSOLIDATED BANK OF KENYA

Mr. Langat: On a point of order, Mr. Speaker, Sir. Also before we went on recess, I sought for a Ministerial Statement from the Office of the Deputy Prime Minister and Minister for Finance regarding the privatization of the Consolidated Bank of Kenya Ltd and it has not been delivered.

Mr. Speaker: Dr. Oburu!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Speaker, Sir, I beg indulgence that we bring that Statement on Thursday next week.

Mr. Speaker: Is that fine for you Mr. Langat?

Mr. Langat: Yes!

Mr. Speaker: Very well; it is so directed!

STATUS OF CURRENT PARLIAMENT

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir. Before recess, I had sought your direction on whether we are Tenth Parliament, Fourth Session or

whether we are First Session of the Second Republic or the Eleventh Parliament. You had indicated that because it is a constitutional matter, you would give your interpretation when we resume.

Mr. Speaker: I did that?

Mrs. Odhiambo-Mabona: Yes, Mr. Speaker, Sir.

Mr. Speaker: Very well!

FATE OF COUNTER-TRAFFICKING IN PERSONS BILL

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, secondly, the Attorney-General had said that he would issue an indication as to what has happened to the Counter-Trafficking in Persons Bill. There were six Bills that Dr. Khalwale sought to know their fate and he gave directions in relation to five. He said nothing in relation to the Counter-Trafficking in Persons Bill that is awaiting Presidential Assent. Could I, please, get direction in relation to the same?

Mr. Speaker: Very well! With respect to Communication by Mr. Speaker, that will be done as early as Thursday next week. With respect to the Attorney-General's Statement, unfortunately, he does not have an assistant, so, it has to be him. The Attorney-General is travelling out of the country to attend to a very urgent matter and I know he will be away for the next two weeks. So, that Statement has to be two weeks hereafter.

Mr. Mututho: Mr. Speaker, Sir, I am seeking direction because two and a half months ago, before the last time we went on recess, you directed the Deputy Prime Minister and Minister for Finance to avail the whole document on PriceWaterHouseCoopers to the House following my request for a Ministerial Statement. That time lapsed just when we were going on recess. Now that there is a further direction that the Deputy Prime Minister and Minister for Finance comes here on Wednesday, could I seek a further direction that they combine and we have the whole dossier on PriceWaterHouseCoopers now that time has gone far beyond four months from the last time we had this matter before the House?

Mr. Speaker: Fair enough. I will have to revisit the HANSARD to be sure what is on record *vis-a-vis* your contention. I will then give directions on the same afternoon as the Deputy Prime Minister will issue the Statement. If it is clear, then maybe, the Deputy Prime Minister and Minister for Local Government will come with the report in his possession, so that, if need be, you can table it. I am not certain as to what directions were made with respect to that report.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, as I said, I will need some time on this. So, I would really wish to seek the indulgence of the House, so that I am better placed to respond on Wednesday.

Mr. Speaker: Which you have. You will then seek further directions if need be, on the points raised by the Member for Naivasha.

Mr. Ruto: Mr. Speaker, Sir, I seek your guidance on certain actions by Ministers who do not separate their official functions from party functions. Allow me to raise this issue because it affects my party; since the Deputy Prime Minister and Minister for Local Government is here today, I hope he will also be able to help us.

We keep receiving instructions from Permanent Secretaries on matters that are essentially party issues. Sometimes, we find it difficult to see where the line is drawn. This borders on misuse of public resources as we expect a PS to stick to his job and be completely apolitical. While we can use the party machinery to communicate to hon. Members, I have an instance over which I have continued to receive communication from the PS in the Office of the Prime Minister, Mr. Isahakia, asking us to do certain party matters. So, I do not know whether such communication is over a party issue or is a Government one.

Mr. Speaker, Sir, I think we need guidance from you on these issues. Maybe, we can ask the Government to strictly stick to Government matters. I am willing to lay on the Table the letter I got for your interpretation.

Mr. Speaker: You may lay the letter on the Table, because the Speaker does not deal with abstracts.

(Dr. Khalwale laid a document on the Table)

Mr. Speaker: Fair enough. I see that the letter is admissible because it has a date, a signature and it is addressed to the Member for Chepalungu as a Member of Parliament. So, maybe, both the Deputy Leader of Government Business and Deputy Prime Minister can peruse the letter.

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

Mr. Speaker: Order, Member for Ikolomani! Allow the Deputy Prime Minister and Minister for Local Government and Deputy Leader of Government Business to acquaint themselves with the letter first and you may then supplement that point of order.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I have---

Mr. Speaker: Order, Deputy Prime Minister and Minister for Local Government. Maybe, you will resume your seat and let us hear what the Member for Ikolomani has to say in relation to the matter.

Dr. Khalwale: Mr. Speaker, Sir, since the point of order was seeking direction from the Chair, I was just wondering if you would use that opportunity to also capture the wisdom of the new Constitution, which realised that there was this possibility and provided that appointed office holders should also not be political party leaders. Could you give us direction on how this House should deal with that provision of the Constitution?

Mr. Speaker: Order, Member for Ikolomani. That would be a different matter.

Deputy Leader of Government Business, I believe that is more within your province rather than in the province of the Deputy Prime Minister and Minister for Local Government. It is a matter as to whether or not, in fact, a Permanent Secretary should invite a Member of Parliament to a political party meeting. That is what you need to address.

The Minister for Agriculture (Dr. Kosgei): Mr. Speaker, Sir, once upon a time, I was a Permanent Secretary. I never wrote a letter that contained what is contained in the second paragraph of this letter. I would like to seek your indulgence to check with this office what they had in mind; indeed, the hon. Member is right in saying that perhaps, a

civil servant should not write to a party Member to ask him to convene a meeting of party people.

The first paragraph is quite in order, because he is notifying him of a meeting in his constituency and that is always done. That is correct. It is this other paragraph which I think offends the Member of Parliament, when he is asked to convene a meeting of party officials. From my point of view, and that of the Leader of Government Business, we will ensure that it is not done again. To ask for more than that---

Mr. Speaker: Do you want more time or do you want to give an exhaustive response now? If you say that you will ensure that it is not repeated, then it is as if you are owning up and saying it is wrong, and that you will make sure it stops.

The Minister for Agriculture (Dr. Kosgei): Mr. Speaker, Sir, I was trying to say that it is not done. The reason I went to that second paragraph is because I find it to be out of order. I undertake, together with the Chair of the House Business Committee, to get that message across to the Government that you cannot write as Government officers to MPs to tell them to convene party meetings, unless there is another office---

Mr. Speaker: Madam Minister, what I want you to do is simple. In your capacity as Deputy Leader of Government Business, if you confirm that it is wrongful, then say it is wrongful and that you will make sure that it does not recur. Then it will be done, and we will not have to defer this matter.

The Minister for Agriculture (Dr. Kosgei): I am sorry, Mr. Speaker, Sir. Maybe, I was not clear. I have already said that the second paragraph of this letter is not lawful, to use your words. I, therefore, undertake to, in collaboration with the Leader of Government Business, let the Government know that this is not done; therefore, it will not be done again.

Mr. Speaker: That then must rest the matter.

(Mr. Ethuro stood up in his place)

Mr. Speaker: Is it on the same matter?

Mr. Ethuro: Yes, Mr. Speaker, Sir.

Mr. Speaker: No; that matter is dealt with. We have an undertaking from the Deputy Leader of Government business that this conduct will not recur. So, it is addressed to my satisfaction. I want to persuade the House to accept that my satisfaction applies to the rest of us.

(Mr. Ruto stood up in his place)

Order, Member for Chepalungu. That matter must rest.
Next Order.

BILL

Second Reading

THE TEA (AMENDMENT) BILL

(The Minister for Agriculture (Dr. Kosgei) on 5.10.2010)

(Resumption of Debate interrupted on 5.10.2010)

Mr. Speaker: The Member for Alego Usonga was on the Floor. You still had a balance of four minutes?

Mr. Yinda: I had a balance of 17 minutes, Mr. Speaker, Sir.

Mr. Speaker: Very well!

Proceed!

Mr. Yinda: Mr. Speaker, Sir, last time before the House adjourned, I was on my feet contributing to the Tea (Amendment) Bill. I was talking about the KTDA and its formation and who are the owners of KTDA. As I said, it is the small scale farmers who are the owners of KTDA.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, as KTDA stands now, it has also created a lot of other companies on behalf of the small scale tea farmers. We have the KTDA power generation companies, tea trading and warehousing, insurance brokerage, microfinance resources, tea cultivation, processing and marketing and the tea packers limited. Once upon a time, there was a company which was known as Brook Bond that was largely running the tea packers in this country. That has since been taken over by KTDA on behalf of the small scale tea farmers.

My point is that KTDA has done a lot of good. It is prudent for this House to look at issues with a clear vision. Instead of breaking up what is already working, we should look at ways and means of restructuring it. As the Americans say, why fix it, if it is not broken. I agree that there is need for some restructuring in KTDA. There is a lot that can be done. For example, reducing the number of directors, bringing in factors like who qualifies to be a director of KTDA. In the same breadth, we could also look at the composition of directorships at the Tea Board of Kenya.

I totally agree with the Members who contributed to this Bill asking that there should be increased participation by the small scale farmers on the Tea Board directorship. On the same breadth, I also think that the formation of the Tea Board cannot be complete without including other tea players. Tea industry in this country is not only made up by KTDA. KTDA controls about 60 per cent of the tea grown in this country. Forty per cent is grown by private local producers and foreign producers. So, any Bill that is being introduced should also have that factor in consideration that it is not only KTDA that grows tea. Tea industry in Kenya also involves the regional countries. We have Uganda, Rwanda, Burundi, Tanzania and DRC. All these countries are selling their tea at Mombasa auction. The reason is that the Mombasa tea auction is one of the best auction centres in the world. It is working, producing and giving results. Therefore, when we talk about restructuring the industry, we should not lose sight that we also have our neighbours who are also bringing their teas to this country to access overseas markets.

Mr. Temporary Deputy Speaker, Sir, previous speakers talked about tea brokerage in Mombasa. Brokers in Mombasa are professionals and they add value to the tea trade. I want to educate the Members that the work of brokers is not simply selling tea at the auction. When tea is sold in the auction and there are price variations, especially when there is a mark which is doing very well and all of a sudden there is a reduction on the interest or the prices being offered are low; it is up to the brokers to get to the factory and find out what is the problem. When they are there, they produce tea together with the factory managers. That is why they are in the position that they are in. It is up to them to make sure that the corrections and productions are done in line with what the market is demanding. Once that is done, the tea is tasted and comparisons are made. Then you look at what prices you now obtain in the auction after those corrections. So, it is wrong to just assume that brokers are sitting there and doing nothing. They are doing a lot of positive work. At the moment, it is the small scale tea farmers, the owners of the small factories, who are deciding on who are their brokers. They prepare contracts with them for periods ranging between two to four years. Within that time, of course, if one does not perform, they do not give you the opportunity to continue selling their tea.

Mr. Temporary Deputy Speaker, Sir, many people talk about, direct tea sales. Sell it direct to whom? The buyers who you sell to are already represented at the auctions. Even for those buyers, prices are determined, not only on basis of the Kenyan tea, but on what else is selling in other countries. What is the Indian tea selling at? What is the Sri Lankan tea selling at? What is the Vietnamese tea selling at? How much of Kenyan tea do we want? How much of a mixture of all the tea do we want? So, it is misleading to think that it is simply, let us go out and sell tea.

At the moment, the tea factories are allowed to sell tea privately. The law allows them. But they cannot successfully because when you make deals with private buyers, those are the areas where corruption creeps in. When you are making a deal between two people, I would give you this price, give me your tea. Nobody else is really there to determine whether that price you are being given is the correct market price. But when you go to the auction, everybody is looking for the tea. Everybody will get that tea at the price they want if they want it. That is why the benchmark for tea in the world is through the auction system. That is a practice in the whole world. Therefore, I do not think Kenya can function alone in the tea market. We are not the only country producing or selling tea in the world.

Mr. Temporary Deputy Speaker, Sir, going back to the KTDA and the quality of tea it produces, at the moment, we have many international companies based in Kenya that also produce tea. I will only mention a few: Unilever, George Williamson, James Finlay, Nandi Teas and Eastern Produce. All these firms sell tea through the auction but the KTDA tea still fetches better prices than tea from foreign countries. We also have local private companies that sell tea in the auction. They include Karirana Tea Factory, Maramba Tea Factory, Kiptagich Tea Factory and Kaisugu Tea Factory. These factories are run independently and privately.

However, if you look at the prices of tea in the auction every week, you will find that the KTDA still comes at the top because its products are still better than any other product that others produce. This is because of their strict restrictions in their picking system. They have a system of picking a leaf and a bud. When this type of tea is processed, you get very good quality tea. This is unlike the foreign producers who even

use machines to harvest tea. By doing so, they pick all the “rubbish”. Of course, you do not expect that to make good tea. So, we may have problems with the KTDA but let us deal with the problems and the issue of restructuring rather than looking at ways of killing what is actually working.

Incidentally, there are many foreign countries such as Sri Lanka, India, Nigeria and South Africa which send their people to Kenya to study the operations of the KTDA. They ask: “What is this magic that you have?” This is because they have failed in their countries to have the small-scale farmers do as well as ours in Kenya. We cannot just overlook that fact. All these things are happening because KTDA’s success story..

We have had many Government institutions, for example, the Pyrethrum Board of Kenya, the Kenya Co-operative Creameries (KCC), the Kenya Farmers Association (KFA) and the Kenya Planters Co-operative Union (KPCU) which have been destroyed because of mismanagement and application of wrong policies. The only sub-sector that is working is that of tea and it is because there is discipline in the tea business. Why? It is because of what was started by the Government in the name of the KTDA which has worked well. I, therefore, totally disagree that we should look at ways of destroying what is actually working.

I am also told that there are feelings that we should have more marketing companies to market tea. When you talk about marketing tea, 40 per cent of the tea is from the private sector where the Government has no control. They already have their managers. The rest of the tea is sent to the auction to be sold. So, when we talk of liberalizing the market, what are we talking about? Are we talking about liberalizing the marketing which the KTDA does? If that is the case, why should a farmer destroy his own company? The KTDA belongs to the small-scale farmers. It is neither a private company nor an individual’s company. So, why should they allow foreigners or other private companies to sell their products and yet they have the capacity to do it themselves? If they have a problem, why do we not sort it out? Why do we not restructure the KTDA so that it becomes effective and more productive to farmers?

Mr. Temporary Deputy Speaker, Sir, I support the Minister fully for introducing this Bill. I am very sure that if we pass this Bill, the tea trade in Kenya will grow even bigger than it is currently. Tea in Kenya is a success story because we produce good tea. However, let us not be misled that we are the only producers of tea. If the conditions are not conducive to the buyers, they will go somewhere else to buy tea. So, when we have everybody looking at Kenya as a leader in the production of tea, let us welcome that with good rules that will embrace the brotherhood within the region and our partners who are buyers of the Kenyan tea.

We have functions here every year. There was one held last week when we had a dinner hosted for the tea producers and buyers. There were representatives from countries that buy our tea. Up to now, the story is: “We want to emulate what is going on in Kenya because it is a sweet story.”

With regard to control of the cess money as presented in the Bill, I support it with minor amendment. It will be good if the Minister specified exactly what out of that money will do what. For example, on roads, how much will we use out of that cess to maintain the roads within the tea farms? How much will we use on research? It is because of research that Kenyan tea shot up. It used to work, but right now it does not

because of lack of enough funds. We need more research so that we can bring in tea that takes shorter time to produce. At the moment, tea takes much longer to produce.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support the Bill.

Mr. Langat: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to talk about this Bill.

Tea is a very important resource to millions of Kenyans, especially where I come from, eastern and central parts of Kenya. It has been said that tea is the number two foreign exchange earner in the country. That ranking also shows the importance of tea nationally. This is the industry that has somehow survived the ravages of economic problems that faced this country in the past. Coffee, maize and other crops went down in the past, but tea has somehow survived those difficult times up to now.

Although tea is the second foreign exchange earner, I think tea can still do better. It can still improve the lives of millions of people in this country. Therefore, reforms in this sub-sector are long overdue. In fact, the Minister has brought this Bill in time, but the reforms are long overdue.

If you look at the specific reforms that the Minister is trying to introduce, you will find that they look good. This Bill is a bit one-sided. It tends to lean on the side of regulations. It looks like somehow, very little has been addressed in terms of the interest of farmers. I remember there was another Bill in this House which was introduced by Dr. Kones. I would have appreciated if the Minister had kind of arranged with Dr. Kones and harmonized the two Bills, so that we can look at this Bill in its improved manner and pass it, so that reforms in this sector are undertaken.

Mr. Temporary Deputy Speaker, Sir, I have just said that the Bill is one-sided in the sense that it strengthens the Kenya Tea Board so much without really addressing the other interests of the farmers. There are so many challenges that the farmers are facing. When you look at the reforms in the Kenya Tea Board, I accept that registration should be done by the Board itself. This, therefore, means that the farmers will now be free to deliver their tea to the Kenya Tea Development Authority (KTDA) factories and even the other factories because they are registered under one body. I think that is a very good point because farmers will not be tied, of course, subject to regulations, to one factory. They can move their tea from one factory to another. I have talked to many KTDA directors and they are very concerned that they have given out loans and already spent some money to build factories and, therefore, if we introduce blanket liberalization, those loans will not be paid. But I wish we introduced regulations, that if you want to move and your loan is still outstanding, we should be able to see how the other factories can ensure that farmers pay the outstanding loans. I believe that if we introduced those kinds of regulations, then the KTDA and the other factories will work harmoniously.

Mr. Temporary Deputy Speaker, Sir, with regard to the proposed *ad valorem* levy by the Minister, I am happy to the extent that research has been given some 50 per cent. But we also need to look at tea development generally. This is because if we do research and do not develop our infrastructure where tea comes from, then that research will not help much. As the hon. Member who spoke before me said, I think it would be better to go further and specify the 50 per cent with the Kenya Tea Board--- Of course, there are salaries and other things but it is important to state the percentage that will go to tea development directly in terms of infrastructure. For example, in the current system, each

factory is allocated some amount which is used to do the feeder roads where tea is purchased. This is a worry which many directors of KTDA talked about.

Mr. Temporary Deputy Speaker, Sir, the talk in the country now is about devolution. Therefore, there is fear that this new Bill will again start centralizing funds that are meant for the development of infrastructure. I think it would have been important for the Minister to clearly state which percentage will go to infrastructure development and how it is going to be shared amongst the factories, so that the infrastructure in areas where tea is grown is also developed.

Mr. Temporary Deputy Speaker, Sir, the marketing of tea is a very crucial matter. The hon. Member who spoke before me understood very well how tea sales are done. Before I came to this House, I worked for KTDA briefly. Other than the auction, there is need for the Government to assist the tea industry by seeking for markets where our tea can be sold directly in addition to the auction itself so that we create some kind of competition between the tea which is auctioned and the one which is sold directly. So, we would expect some kind of fund which can tap markets for this tea. Since there is a lot of work going on in the coffee industry, the same should also be undertaken in the tea industry in terms of marketing.

Mr. Temporary Deputy Speaker, Sir, there is also talk of value addition in terms of increasing the competition and revenue for this country from tea. I think we should move from the bulk selling and do a bit of value addition and the Government should be a champion in that side, so that we are able to sell part of our tea when it has already been value added and, therefore, we can generate higher revenues.

Mr. Temporary Deputy Speaker, Sir, there is a lot of talk about KTDA. Although there are challenges which the KTDA needs to address--- I have just said that I used to work for KTDA and also come from an area where many farmers deliver their tea leaves to KTDA. I also come from an area where we have multinationals which buy tea from farmers directly. But I cannot say that, let us kill KTDA now because we have multinationals. This is because the multinationals are profiteers. They only take tea for as long as they want. It reaches a time when they refuse tea leaves. Therefore, we should defend what has brought the farmers from that very long time to date. The KTDA has brought the farmers from very difficult times and it is not time to say it has to die. I agree that there are challenges that the KTDA needs to address. I have always taken the opportunity whenever I meet the KTDA management to tell them that they need to address the issues of management. I agree that in terms of production and marketing, the KTDA should assist. But I disagree when KTDA engages itself in ferrying tea leaves from tea buying centres. I believe our farmers are able to organize themselves and purchase vehicles and deliver their tea leaves on time. But the problem is that the KTDA has involved itself too much and in the process made enemies with the same farmers it is trying to assist. It would be advisable for KTDA to really look at those things that require assistance, but in terms of the collection logistics of tea leaves, farmers can get a pick-up in their buying centres and deliver their tea leaves many times in a day. The KTDA can also do their quality checks at the factory. I believe we can reduce some of the challenges because sometimes, farmers wait in the tea buying centres for two days. When the tea leaves are delivered, despite the fact that they are the ones who caused the problem, they say that the tea leaves are burnt and, therefore, they cannot accept them. I think it is time farmers organized themselves and delivered their tea and get value for it.

The Kenya Tea Development Agency (KTDA) is a tea farmers' organization. The Board of the KTDA is from farmers themselves. As members, we need to talk to our farmers so that we set a criteria to show the qualifications of those who can be elected to be directors of KTDA. If we do not set the criteria, then everyone and even those who may not be qualified to be directors can be picked to be the directors. When they are picked at the factory level, then they will also elect one director to represent them at the KTDA Board. So, I think we should come up with a criterion on how to elect people who are capable of running those factories, so that we do not keep on blaming others for mistakes which may be of our own making. It would have been better if the Bill would have been harmonized by the Committee on Agriculture, Livestock and Co-operatives so that we can pass it as one Bill. I do not know what the Ministry has to say about that. However, thank you very much.

The Minister for Public Works (Mr. Obure): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make some remarks on this important Bill. The tea sector is very important to this nation. I am talking about something I know because I represent farmers who are involved in tea production at very small farm level. That crop is important because it enables farmers to support their families. It gives them income which gives them a livelihood at that level. The crop is important because it has created employment opportunities for a large number of our people. It is important because it has helped this nation in earning foreign exchange and in so doing; it helps us in respect of our balance of payments as a nation.

If you look around, you will see that a large segment of our people depend on that crop. The economy of Meru, Nyeri, Kericho, Murang'a, Kirinyaga and even Kisii is dominated by that crop. It has been a source of income and livelihood for many of our people. Although that sector is largely liberalized and is supposed to be managed by farmers themselves, the truth of the matter is that the Government should continue to strengthen its oversight on the sector. If something went wrong in that sector, the economy of this nation will be in complete disarray. The sector cannot be ignored because of the serious ramifications that it has on the economy at large. I am also aware that the sector can make a greater impact than it does to this economy. For example, only a small portion of the tea that we produce is given value addition. The bulk of it, a very huge percentage that would be beyond 90 per cent of what we produce, is exported in bulk form. That means that our farmers are not able to derive the maximum benefits from that cash crop.

That is where I believe those who are mandated to steer the sector have failed us. I am talking about Tea Board of Kenya and KTDA. I am talking about the large estates that export their tea in bulk and, thereby, fetching a small amount of money out of the potential that exists. If you look at some countries, for example, Sri Lanka, a large portion of their tea is value-added. Therefore, the farmers in that country are able to earn much more than we do in this country. India has also taken the same direction. Vietnam, which is a latecomer in this industry, is also following those footsteps. I, therefore, feel that time has come when we should focus our attention more on value-addition as a nation.

I am aware that the industry faces huge challenges. However, I must agree with the previous speaker who said that the KTDA, as it is today, is largely a success story. Look at what has happened to the management of other sectors like the cotton, coffee and

the pyrethrum sectors? All those have collapsed. The fact that tea continues to succeed today is, in itself, a testimony of effectiveness of the management of that sector. Therefore, we must congratulate those who have been responsible for sustaining that sector. I am aware that the sector faces many challenges such as high production costs at the factory level. Those responsible for the management must continue to strive to reduce production costs. If they do so, they will effectively be enhancing earnings to farmers.

High collection costs – and the hon. Member for Ainamoi has made a reference to that a few minutes ago – are giving farmers a lot of difficulties. He is quite right. I believe that KTDA should have, by now, moved away from collecting leaf directly from farmers. The farmers should be asked to deliver their own tea to various factories. What is happening is that you will find one farmer is next to the factory. But other farmers are very far from the factory. However, they are all charged the same amount in terms of transportation. That should not be the case. Farmers who are closer to the factory should have an advantage of close proximity to the factory. In my view, that is something that KTDA should look into. It should hand over that function to the farmers themselves. Therefore, I support the sentiments expressed by the Member for Ainamoi in that respect.

The other area where there is a challenge is the quality of directors elected to serve tea farmers in the tea factories. I think the level we are as a country; we are capable of producing better quality people who have the knowledge and who understand management. We have people who understand the operations of the factories. Those are the kind of people we should target to be at the helm of those organizations. We have people who are capable of steering the organizations to higher levels of performance.

Fertilizer is a very expensive commodity to tea farmers. Many of them can hardly afford fertilizer. I really hope that some way will be found to obtain cheaper fertilizer for farmers. If we did so, we will be enhancing earnings to farmers.

The Tea Board of Kenya (TBK) has particularly failed tea farmers. They have the mandate to market Kenyan tea but we do not seem to know what they are doing. We do not seem to see any significant achievement in respect to tea marketing. At this stage, however, as Kenyans, we should all be involved. Even our diplomacy should now be geared towards enhancing exports like tea which come from this country. Therefore, all of us including our diplomats abroad and everybody else, should now be focused in promoting our main export products.

Mr. Temporary Deputy Speaker, Sir, we have relied very heavily to selling our tea to certain traditional markets; Pakistan, Egypt and the European Union (EU). No attempts seem to have been made to diversify our export destinations. Personally, I fear that by relying too heavily on exporting to our traditional markets only, we end up being blackmailed. We end up not deriving the maximum benefit from the crop. Therefore, marketing is important. We should diversify. Go out there and make serious efforts to reach new markets.

Let me also mention some very serious challenge. I am aware that this is likely to be controversial but I will make my point. This is in respect to the role of the multi-nationals. I know the Member for Ainamoi mentioned this. Multi-nationals offer a parallel arrangement to the one conducted by the Kenya Tea Development Authority (KTDA). The KTDA concentrates on small scale farmers but multi-nationals are huge operators. I also want to agree that the main motivation from the multi-nationals is profits. They want to maximize their profits. They are not interested in the small scale

Kenyan farmers. Therefore, from that perspective, their interests are different from the interests of the Kenyan people.

Mr. Temporary Deputy Speaker, Sir, recently we experienced cases of people hawking tea; going out to tea farms and buying green leaves from the tea farmers. They offer reasonable prices and, therefore, the general tendency is for the small scale farmers who need cash for the day to sell their green leaf to the multi-nationals. The multi-nationals use the KTDA tea to blend so that the grades for their tea can improve. I want to oppose this system. I feel we should protect the small scale farmers. It is exploitation and as a people, we should not allow our small scale tea farmers to be exploited by those who have the money and those who can pay cash on the spot.

This is dangerous. What is going to happen is that the moment they kill the small factories owned by small scale farmers, we will be forced into a situation where the multi-nationals take over. We will then have a monopoly and we will be doing very badly to ourselves and to the poor farmers. I think this is something that should be discouraged at any cost.

Mr. Temporary Deputy Speaker, Sir, the issue of research is important because no development can take place without research. I am glad that in this Bill, the Minister for Agriculture is focusing rightly on the importance of research. This is something we must encourage more and more. We should find more ways of finding market out there. This way, we will derive the maximum benefits out of this very important crop.

I want to mention that at the time when the reforms in the tea sector were being carried out, I was the Minister for Agriculture. At that time, the cry from the farmers was that they wanted less and less of Government involvement in the management of the crop. They were given their way. I must say that over the last ten years, since the last major reforms were carried out, a lot of success has been achieved. Therefore, the farmers were right in what they wanted to do at that time. I think they have managed the industry in the right direction. Now, we need to strengthen the KTDA system. We need to ensure that everything is done to maximize on the advantages that we already have. Consolidate what we have already gained and we move forward.

With those few remarks, I support.

Mr. Muthama: Mr. Temporary Deputy Speaker, Sir, I also rise to support this Bill which is very important.

In this country, the Ministry of Agriculture and the agricultural activities matter a lot to our people, more so, tea which generates the much needed foreign currency. Jobs are created through tea farming and it is a very important crop.

A lot has been said here and I totally agree with those who say that it is important to make sure that the market is streamlined in such a way that farmers in this country can benefit from their sweat. We know there are small scale farmers who are being squeezed. After harvesting their tea, they have to depend on the big markets. The markets determine the prices. Before even looking at what the brokers are doing, it would be very important for the Minister to make sure that a funds kitty is created to deal with small scale farmers so that when the big companies squeeze them, the Ministry can have a plan to purchase their produce. It can then be marketed through the efforts of the Ministry, probably to the big companies or the auction markets. With that, the small scale farmers will be fully protected. You cannot imagine a farmer harvesting 20 kilogrammes, 50 kilogrammes, 200 kilogrammes or 300 kilogrammes in the small farms in central Mt. Kenya. I have

seen them in Meru and Mathira. That person has no capacity to generate the right income. It is important for the Minister to make sure that the fund is created. The fund should not just be for tea alone. It should extend even to coffee.

Mr. Temporary Deputy Speaker, Sir, the constituency I represent grows coffee. It is however, bought at a very low price. We now have cartels who are opening shops and advertising that people should sell their coffee there. They cheat with the weighing machines. They also cheat with the calculations. The old women who sell are cheated with the calculations and at the end of the day, the person pays the price he or she wants.

Mr. J. Nyagah has come up with a plan through his Ministry of trying to introduce a market where coffee will be marketed by the Ministry. I also want to ask the Minister for Agriculture to ensure that there are some structures in place to make sure that the small scale farmers get their produce bought by the Ministry which then markets it.

Mr. Temporary Deputy Speaker, Sir, it has reached a point where the small-scale farmers cannot access loans to manage their crops in the farms. If the Minister wants to help farmers in this country, she should not look at the large-scale farmers. The multitude of people who are common *wananchi* have small farms. Those people should be funded so that they can buy agricultural inputs like chemicals so that they can grow crops. Sometimes, they go to shylocks and borrow money from them. Although the amount of money these farmers get from shylocks is very little, they pay very high interest. By the time a farmer finishes the payment, the amount is three times and he or she gets absolutely nothing.

Technology is very important today and more so, to the farmers. So, it is important for the Minister to make sure that people work round the clock to make sure that the right technology is introduced to our farmers. There is change in everything, including weather and chemicals that make the plants drought resistant. All this comes through technology. So, it is up to the Minister to make sure that technology is introduced to the farmers so that they have the capacity. The Minister has done a lot and we wish her all the best to make sure that the farmers get what they want.

With those few remarks, I beg to support this Bill.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, since there is no further hon. Member who is interested in contributing to the Bill, I call upon the Minister to respond.

(Mr. Githae stood up in his place)

Order, Mr. Githae! You are time barred.

The Minister for Agriculture (Dr. Kosgei): Mr. Temporary Deputy Speaker, Sir, I thank you for giving me this opportunity to reply.

I have listened very carefully to what the hon. Members have said. This Bill was drafted because there is need for this industry to be reformed and to move forward. We put down what we thought was important. The way I look at the contributions from hon. Members is that they have thought about what they are saying. Their sentiments, especially on research and how we need to enhance it are extremely important. Countries like Vietnam have benefitted from the research that Kenya has done. I have listened very carefully to the various hon. Members. The criticisms or what looks like criticisms of the Kenya Tea Development Authority (KTDA) are things that are very well known by

everyone. It is my intention to work with those hon. Members through the Departmental Committee on Agriculture, Livestock and Co-operatives to include what would suit our farmers. Our intention here is to make sure that the Kenyan farmer benefits. Many points have been made and I want to assure hon. Members that I have taken them seriously. There is the question of what are we doing with the cess? We are saying that we want 50 per cent of this and that. We left it that way so that we have an opportunity as a House so that we collectively write down what we need for the infrastructure and research because that cannot be left to the Headquarters of the KTDA to determine what goes to what factory.

Our experience at the moment is that the KTDA which started the small-holder tea agriculture and took it to this level is not doing it now all the time for the benefit of the small-scale farmer. It is our collective responsibility to make sure that we reduce poverty in those areas by making sure that the farmers realise proper earnings from what they do.

Mr. Temporary Deputy Speaker, Sir, other things have been suggested. Many hon. Members who have spoken think that we can get rid of the KTDA and let tea float. We will not do that because the KTDA essentially came up almost as a co-operative for small-scale tea farmers. We are already trying to get a situation where there is value addition. Just two weeks ago, I went through the markets of Europe trying to see how we can sell our tea directly. A few weeks ago on the outskirts of the CPA, I had a meeting with my colleague from Sri Lanka and I have a pending visit with them to go there with some of our farmers, brokers and practitioners to see how they have managed to add value to the extent that nowhere in the world do I go and miss Silon Tea which comes from Sri Lanka. From the quality point of view, we have better quality tea which must not be allowed to slip. If we allow “hawking” of tea, it means that anyone can go around, pick any tea and sell to the multinationals. It is not a secret at all that small-holder tea growers, who produce 68 per cent of the tea, have the quality that nobody all over the world can beat. This is from the small-holders through the KTDA. It is in the interest of Kenya to make sure that this is maintained. It is my interest, as the Minister for Agriculture, to see that we have the right infrastructure to make sure that our tea does not fall just because people have to wait for the KTDA for the whole day and pay the price.

In a nutshell, my aim is to go to the Committee together with the views of the hon. Members. I will ensure that many hon. Members who are not Members of that Committee are notified and can still attend those meetings with us because they need to listen and be able to give us in a note form, what they think we might have forgotten. I am confident that when we come back to this House for the Third Reading, we shall have a Bill that we will all be able to sell and work towards assisting our farmers and our economy in general.

Let me once more, thank all those hon. Members who have done research. Some of them come from these areas and some do not but it is very clear that people have spent a lot of time trying to work out this. Let me also use the opportunity to thank Dr. Kones. He had a Bill and I tried to meet him and discuss it but it really did not work out but once I brought this to the Floor of the House, he was the second person to speak and his views were very good. We met afterwards and we have resolved to meet again. He had suggested that we hold a Kamukunji but when I went to the House Business Committee, I was informed quite correctly that it is now the property of the House and I cannot emerge

from somewhere and scuttle it again. So, we have agree that we will work together to try and marry the two sides so that we have a Bill that we can all be happy about and be confident that it will help the industry to grow.

(Question put and agreed to)

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

The Temporary Deputy Speaker (Mr. Ethuro): Next Order!

THE FINANCE BILL

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, I wish to ask that this Bill be deferred for two weeks. This is because there are ongoing consultations between the Ministry and the Committee on Finance, Planning and Trade. We have discussed this and agreed that in two weeks time, we shall be prepared to table this Bill before the House.

The Temporary Deputy Speaker (Mr. Ethuro): Fair enough, Mr. Assistant Minister! The Chair is aware of that. So, this Bill will be deferred for the next two weeks.

(Bill deferred)

Next Order!

THE RETIREMENT BENEFITS (AMENDMENT) BILL

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Wamalwa is not here?
Proceed, Mr. Assistant Minister!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, once again, I wish to ask for the indulgence of the House that this Bill be deferred because we discussed with the mover of this Bill and agreed that we take administrative action to actualize all these concerns that he raised on this Bill. Because of this, I want to table here the notice which we have given to the Government Printer to publish this in the Kenya Gazette Notice and we have been assured that it will appear on Friday this week. Therefore, there might be no need to bring another Bill because the Ministry has agreed to take action in terms of regulation to take care of the concerns of the hon. Member.

Thank you.

(Dr. Oburu laid the documents on the Table)

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! The Chair is informed of the consultations between the hon. Member and the Minister and, so, that matter will also be put in abeyance, pending publication of the regulations in the Kenya Gazette this Friday.

(Bill deferred)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! Since we have no further Business to deliberate upon as per the Order Paper, the House now stands adjourned until tomorrow, Thursday, 7th October, 2010, at 2.30 p.m.

The House rose at 5.53 pm.