

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 2nd December, 2008

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the table:-

Sessional Paper No.3 of 2008 on the Report of the Standing Orders Committee.

(By Mr. Imanyara)

Mr. Imanyara: Mr. Speaker, Sir, copies of this Report are available in Room No.8, in sufficient numbers, for each Member to collect, if they so wish.

NOTICE OF MOTION

ADOPTION OF SESSIONAL PAPER
NO.3 OF 2008: REPORT ON
NEW STANDING ORDERS

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

THAT, this House adopts Sessional Paper No.3 of 2008, on the Report of the Standing Orders Committee laid on the Table on 2nd December, 2008; and further resolves that the new Standing Orders contained in the Second Schedule of the Sessional Paper shall come into operation in the manner provided in Part 15 of that Schedule.

COMMUNICATION FROM THE CHAIR

WELCOME TO SIERRA LEONEAN
PARLIAMENTARY DELEGATION
IN SPEAKER'S ROW

Mr. Speaker: Hon. Members, I wish to introduce to you, and welcome this afternoon a delegation from the National Assembly of Sierra Leone, who are seated at the Speaker's Row.

They are:-

Hon. Nuru Deen Sankoh Yillah - All Peoples Congress and the leader of the delegation;

hon. Kande C. Bangura - All People's Congress; hon. Mathew S. Nyuma - Sierra Leone's People's Party; hon. Alice Foyah - Sierra Leone's People's Party; hon. Shiaka M. Sama - People's Movement for Democracy and Change and hon. Samba Bindi Hindowa - Paramount Chief. The delegation is accompanied by Mr. Abraham K. Sella, a Principal Clerk of Committees.

They have been in the country since yesterday, on a study tour, to learn and share experiences on establishing a Parliamentary Strategic Plan. The objectives of the plan, including the outcomes of a strategic management cycle within Parliament, the process for developing a plan and to extract lessons learnt during the visit. The study tour is being organised with support from the Inter-Parliamentary Union (IPU) and the National Assembly of Kenya.

The delegation leaves the country on Wednesday, 3rd December, 2008.

On behalf of the House, and on my own behalf, I wish the delegation a happy stay in Kenya.

QUESTION BY PRIVATE NOTICE

CONSTRUCTION OF GOLF CITY IN NAIROBI/KISUMU

Mr. Pesa: Mr. Speaker, Sir, I beg to ask the Minister for Transport the following Question by Private Notice.

(a) In view of the proposed project by the Kenya Railways Corporation (KRC) to construct the Kshs13 billion Golf City in Nairobi and Kisumu, could the Minister clarify whether the project was sanctioned by the full KRC Board and, if so, table the documents?

(b) What steps has the Minister taken to ensure that the project is feasible and that the public corporation does not lose land through irregular acquisition and further that the projects are viable and are completed on schedule?

(c) What other equity arrangements will be undertaken by the Corporation to ensure its future prosperity?

The Assistant Minister for Transport (Mr. Mwau): Mr. Speaker, Sir, I beg to reply.

(a) I wish to clarify that the Kshs13 billion Golf City project being promoted by the KRC is located in Nairobi and not in Kisumu. The KRC Board of Directors, at its 236th Meeting held on 4th September, 2008, sanctioned the project in line with the powers bestowed to it under Section 13(2)(h) of the Kenya Railways Corporation Act, Cap.397, Laws of Kenya. As requested, I hereby table a duly executed extract of the Board resolution that gave effect to this process.

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

(b) A feasibility study was undertaken by a group of independent consultants who were competitively procured by the KRC. The consultants included architects, building and land economists who submitted a report that confirmed the viability of the project.

May I also clarify that the land in question shall be leased through a competitive bidding process and not sold. The main reason for using this approach is to enable the Corporation to enforce stringent conditions of lease to ensure that the project is completed as envisaged.

(c) In view of the foregoing, I would like the House to rest assured that the KRC shall lease the land and not sell it or enter into any joint venture or any other form of partnership with potential investors. The issue of equity arrangement does not, therefore, arise.

Mr. Pesa: Mr. Speaker, Sir, while I accept the answer given by the Assistant Minister, I

would like him to tell this House what the KRC is planning to do with the vast land in Kisumu, now that he has stated that they will not put up this project in Kisumu.

Mr. Mwau: Mr. Speaker, Sir, I would like to confirm to hon. Pesa that the KRC is not only going to develop the land in Nairobi, but it has also earmarked the land in Kisumu for immediate development. Once this project takes off, and the feasibility study confirms its viability and potential, then we will decide which way to go; whether a twin programme will be set up for Kisumu or we will start a new programme all together.

Mr. Konchella: Mr. Speaker, Sir, we are reading fraud here. The Golf City in the KRC was started in 1921 and members have been paying joining fees to date. The value of the KRC land is over Kshs6 billion. The Rift Valley Railways is simply using its position to acquire that land, so that it can sell it and make money to sort out its problems elsewhere.

Could the Assistant Minister confirm to this House that he will ensure that public properties, which have been in the hands of Kenyans for the last many years, will not be transferred to businessmen who are planning to sell them to make money and pay their debts?

Mr. Mwau: Mr. Speaker, Sir, I would like to confirm to this House that the land that we are talking about belongs to the KRC. The KRC will not part with that land. It will only lease it for a development that is viable to benefit the majority of the Kenyans. Currently, as you have heard from the hon. Member, the land is only being used by a few privileged Kenyans, who play golf. We now want to develop this land, so that it can help majority of Kenyans.

Dr. Khalwale: Mr. Speaker, Sir, this is very unfortunate. The KRC was established to ferry cargo and people in this country. They have failed miserably! They are not doing any of the above! Instead of addressing their core business, they are busy trying to attract Kshs13 billion into an area which was not their core business.

Could the Assistant Minister reserve this adventure and make sure that railway lines re-open for passengers and cargo?

Mr. Mwau: Mr. Speaker, Sir, the core business of the KRC was to ferry goods and passengers as stated by the hon. Member. However, in 2006, this House amended the Kenya Railways Corporation Act to allow a concession procession to take place. This created room for the KRC core business to be concessioned to somebody else. This left the KRC Board only as an overseer and the custodian of the property of the KRC. Instead of this land remaining idle, the Board intends to use it for a purpose that will help the general public.

Mr. Imanyara: Mr. Speaker, Sir, you have heard the Assistant Minister say that this project will benefit the majority of Kenyans. Could he tell us who are these "majority of Kenyans"? Within that majority, does it include the former employees of the KRC who, up to this day, are asking for their terminal dues?

Mr. Mwau: Mr. Speaker, Sir, if the hon. Member is referring to pension, the former employees of the KRC were given the various properties of the KRC to use them for their terminal benefits. That includes the KRC Headquarters. Currently, the KRC is a tenant of the former employees. Further, the money that was paid to the retirees by the IFC, who were the lead consultants in the concession, is being transferred to the retirees who have not been paid their benefits. I want to assure this House that, maybe, before the end of the year, this problem will be solved.

Mr. Olago: Mr. Speaker, Sir, a project more or less similar to Golf City has been designed for Kisumu in the prime location of Milimani. Unfortunately, a lot of railway land in that part of Kisumu Town was given away to private developers. What is the Assistant Minister doing to recover public land that was allotted to private developers unlawfully?

Mr. Mwau: Mr. Speaker, Sir, in a case where land that belonged to the Kenya Railways was unlawfully allocated to any person - and it does not matter who it is - the Ministry will

endeavour to ensure that, that land is recovered. With the assistance of the Ministry of Lands, I can assure the hon. Member that if such land which was illegally allocated does exist, we shall make sure that we recover it.

Mr. Pesa: Mr. Speaker, Sir, you have heard the Assistant Minister tell us here that the land will be given out on lease. I think the main concern of Kenyans is about the lease of land in this country. We have had certain parcels of land which were leased to people even before Independence. These have proven to be very unfriendly to the majority of Kenyans, such that when we go to certain areas, we are not even allowed to pass through such parcels of land by the people that occupy it. Could the Assistant Minister assure this House that, in this particular case, the land that he will lease out both in Kisumu and Nairobi will be people-friendly when a person leasing it occupies it?

Mr. Mwau: Mr. Speaker, Sir, I would like to assure Mr. Pesa that the land and the developments that are intended to be carried out thereon will be activities of public utilities. It will not be a private thing where members of the public will not be allowed. Every Kenyan will have access to that facility. Further, it is true that the Kisumu project is on hold awaiting completion and to see how this one moves on.

ORAL ANSWERS TO QUESTIONS

Question No.426

NON-ISSUANCE OF TITLE DEEDS TO TURKANA RESIDENTS

Mr. Speaker: This Question is deferred to Thursday next week. Mr. Ethuro is away on parliamentary business in Kisumu.

(Question deferred)

Question No.477

STATUS OF LAND LEASED TO SOUTH NGARIAMA COOPERATIVE SOCIETY

Mr. Gitau asked the Minister for Lands:-

- (a) whether he could state the lease period in respect of LR No.13963 leased to South Ngariama Cooperative Society Limited within Mwea Constituency, and;
- (b) whether he could state the current status of the land in respect to ownership of LR. No.13963.

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, I beg to reply.

(a) The period of lease for LR. No.13963 is for 45 years from 1st March, 1968. That means that the lease is expiring in the next five years.

(b) The same land is owned by South Ngariama Ranching Cooperative Society Limited of P.O. Box 40090, Embu.

Mr. Gitau: Mr. Speaker, Sir, I want to thank the Minister for the correctness of the answer. There are circumstances that have arisen in relation to the said piece of land that I would like him to explain. There is a register which was opened for the same piece of land at the District Land Registry in Kirinyaga in favour of Kirinyaga County Council which is not signed. There are also no

boundary maps for the same land in the name of Lower Ngariama. Could the Minister explain the circumstances in which this register was opened?

Mr. Orengo: Mr. Speaker, Sir, the circumstances in which that register was opened are completely unlawful. I have a copy of the description of the property here and it shows that the property belongs to Kirinyaga County Council. The remark shows quite clearly that, that entry was not registered. All the ensuing entries in that proprietorship part of the green card is without a legal foundation.

I beg to add that Kirinyaga County Council has held the mistaken position that, that land is available for alienation. The truth of the matter is that, that particular piece of land was set apart more than 45 years ago by the Commissioner of Lands; on 8th January, 1968. It was set apart out of trustland. Having been set apart in 1968, it is not part of the trustland until that lease expires. Until the purpose for which that land was set apart lapses, that land continues to belong to the person in whose name it is registered.

I want to use this opportunity to inform Kirinyaga County Council that there is nothing they can do on that land until the expiry of that lease which was the subject matter of Gazette Notice No.100 which was published in January, 1968.

Mr. Gitau: Mr. Speaker, Sir, the Minister has conceded that the register was opened illegally. I would like to request him to ask the District Land Register to cancel the illegality.

Mr. Orengo: Mr. Speaker, Sir, I cannot cancel it because it was never registered. There is nothing to cancel. If you look at what the hon. Member is alleging to be the description of the title, there was no registered entry. So, there is nothing to cancel.

Question No.523

REHABILITATION OF KIBWEZI-
MUTOMO-KITUI ROAD

Mr. I.M. Muoki asked the Minister for Roads:-

(a) considering that Kibwezi-Mutomo-Kitui Road (B7) is dilapidated as a result of neglect and becomes impassable when it rains, if he could take urgent steps to repair it, and;

(b) what plans he has to tarmac it and finally extend the tarmac to the Kenya/Ethiopia border.

The Minister for Public Works (Mr. Obure): Mr. Speaker, Sir, on behalf of the Minister for Roads, I beg to reply.

(a) My Ministry has set aside Kshs19,685,000 this financial year to carry out maintenance of the Kibwezi-Mutomo-Kitui Road. The money will be released to the respective district roads engineers this month in order to enable them maintain the road to a satisfactory motorable condition.

(b) The important road corridor between Kibwezi and Moyale has been split into three sections and all the three sections are at various stages of the project cycle. The first section is between Isiolo and Merille River, a stretch covering 136 kilometres. This section is currently undergoing construction to bitumen standards with financing provided by our Government in conjunction with the African Development Bank. The project started in November, 2007, and is expected to be completed in May 2010.

The second section is between Merille River; all the way to Marsabit and Moyale. This section is currently undergoing an essential step in the project cycle namely detailed engineering design, preparation of accurate cost estimates and the necessary documentation. The design stage is

being funded by the African Development Bank and the process will be completed in March, 2009.

Thereafter, financing arrangements will be concluded with the European Union having committed to co-finance the Merille River-Marsabit section and the African Development Bank having indicated its intention to co-finance the Marsabit-Moyale section.

The Kibwezi-Isiolo section is currently undergoing detailed engineering design and preparation of all the accurate cost estimates and tender documents. The exercise commenced in June and is expected to end sometimes next year. Once the cost estimates are known and the tender documents are ready, the substantial financing necessary to undertake this project works will be negotiated with key development partners. It is not possible at this stage to give an accurate timeframe for commencement of construction. However, the Ministry will do everything possible to expedite the process.

Mr. I.M. Muoki: Mr. Speaker, Sir, this is a very important road which will connect our country with Ethiopia. This road becomes impassable when it rains. There are so many streams flowing across that road and the terrain is very poor. The Kshs19 million which the Minister has allocated is not enough to make this road to motorable standards. Could the Minister consider increasing this allocation and, also, instruct his engineers to urgently do this road?

Mr. Obure: Mr. Speaker, Sir, I have heard the hon. Member but this amount has been arrived at after very careful costing of the sections that require to be done. We are confident it will improve the road to motorable condition at this stage. Should there be a need to increase this amount, we will look at it again.

Mr. I.M. Muoki: Mr. Speaker, Sir, I would not like to argue with the Minister but I can assure him that I know this road very well and even better than he does. That money will not be sufficient.

Mr. Speaker, Sir, could he consider urgently tarmacking this road because that will be the permanent solution? Even if we do it to motorable standards, the road will still be impassable after it rains. Could he urgently look for funds to finance the tarmacking of this road so that this problem can be settled once and for all?

Mr. Obure: Mr. Speaker, Sir, we all agree that there is need to finance this road. It will be appreciated also that the costs involved are very huge. We cannot go alone on this project. That is why we are enlisting the services of our partners.

Mr. Speaker, Sir, the cycle has already started. We hope that once the current process is completed, namely doing the accurate costs and designs, we should be able, in conjunction with our partners, to embark on actual construction of the road to bitumen standards.

Question No.453

DESTRUCTION OF WATER PIPES BY
CONTRACTOR ON MERU/MIKINDURI ROAD

Mr. Ruteere asked the Minister for Roads:-

(a) whether he is aware that the contractor at the ongoing works on Meru-Mikinduri Road destroyed pipes belonging to Meru Water and Sewerage Company (MEWAS) and, as a result, residents living beyond Gakoromone have no access to clean water;

(b) whether he could explain why the contractor started the road construction a few kilometres from Meru Town instead of starting at the town, and;

(c) when he will ensure that the contractor promptly replaces the pipes and also finishes the neglected section of the road in town as work in other sections

continues.

The Minister for Public Works (Mr. Obure): Mr. Speaker, Sir, on behalf of the Minister for Roads, I beg to reply.

(a) It is not quite correct to say that the contractor of the ongoing works on Meru-Mikinduri Road destroyed pipes belonging to Meru Water and Sewerage Company. The correct position is that Meru Water and Sewerage Company was paid the sum of Kshs1.9 million for the relocation of the water pipes.

Mr. Speaker, Sir, on excavation, however, the pipes were found to have been vandalised. The matter was reported to Meru Police Station and investigations are currently underway.

(b) The construction started a kilometre from the town since there were underground services like the sewer lines which had to be relocated.

(c) The Ministry had already issued instructions to the contractor to carry out the works on the skipped section and the works are programmed to start in January, 2009.

Mr. Ruteere: Mr. Speaker, Sir, I do not have the written answer to my Question. I wonder why I was not supplied with it, so that I could interrogate the Minister.

Mr. Obure: Mr. Speaker, Sir, I am sorry. I was under the impression the written answer was sent to Parliament as it is the normal practice. I do not know why the hon. Member does not have a copy. However, I can lend him my copy.

*(Mr. Obure gave Mr. Ruteere
a written response)*

Mr. Ruteere: Mr. Speaker, Sir, since I now have a written answer, I would like to ask the Minister if the compensation the Ministry paid was enough to cater for the relocation of the pipes covering an area of six kilometres from Meru Town to Thimangiri Market. This includes schools that have been affected, for example, Murathankari Primary School and the social services centre. The cost has been estimated to be more than Kshs6 million.

Mr. Obure: Mr. Speaker, Sir, the estimates for the relocation works were given to the Ministry by the MEWAS. They were the ones to carry out the relocation works. The sum of Kshs1.9 million was agreed upon between MEWAS and the Ministry. They assured us that it would be enough to complete the work.

Mr. Imanyara: Mr. Speaker, Sir, this morning, I used this road while coming from my constituency. I can assure you that our people are suffering. If, indeed, the Minister has given instructions, why is the work not beginning now? Why is he postponing it to next year rather than yesterday or today?

Mr. Obure: Mr. Speaker, Sir, I explained earlier why the section was omitted. It was omitted because the underground lines had to be relocated. They have now been relocated. The contractor has been asked to reprogramme his work, so that he could commence his work as quickly as possible. The month of January is only three weeks away.

I am sure that the hon. Member and the people of Meru can hold on for another three weeks, so that this work can be undertaken and completed.

Mr. Ruteere: Mr. Speaker, Sir, I want to know whether the Minister could consider increasing the money allocated for the relocation of the pipes because the money they gave cannot be enough for the relocation and buying of the pipes.

Mr. Obure: Mr. Speaker, Sir, I have a schedule of the cost estimate carried out by MEWAS. They are the ones who proposed this figure. After negotiations, it was agreed. If, indeed, it is not adequate, MEWAS should be asked to contact the Ministry, so that they can find out what could be done to assist them to do the relocation work.

*Question No.303*UPGRADING OF EREGI TTC/
SIGALAGALA TTI TO MMUST
CONSTITUENT COLLEGES

Dr. Khalwale asked the Minister for Higher Education, Science and Technology when he would convert Eregi Teachers College and Sigalagala Technical Training Institute into constituent colleges of Masinde Muliro University of Science and Technology.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Mr. Speaker, Sir, I beg to reply. Eregi Teachers College is under the Ministry of Education. Therefore, it is not the responsibility of the Ministry of Higher Education, Science and Technology to take it over. Masinde Muliro University has to make a request to the Ministry of Education. The Ministry has to consider it and give consent for the upgrading before the Ministry of Higher Education, Science and Technology can come in. Masinde Muliro University has not made the request nor has the authorities of the Eregi Teachers Training College indicated that they would like to convert their institution into a constituent college. Once such a request has been made and consent is granted, then the process of upgrading will be started.

With regard to Sigalagala Technical Training Institute, the Ministry of Higher Education, Science and Technology has again not received any request nor has Masinde Muliro University asked that this becomes a constituent college. I would like to tell the hon. Member that once those stages are followed in terms of making requests and acceptance and the Commission for Higher Education checks if the institution can become a university, the process will start. However, the Ministry of Higher Education, Science and Technology cannot do anything until all those stages have been followed.

Dr. Khalwale: Mr. Speaker, Sir, the people on the ground, that is, the people of Shinyalu and Ikolomani, are eagerly waiting for the upgrading of these two colleges. Now that the Assistant Minister has assured me and given me a clear indication of what is supposed to be done, I will do exactly that. The people of Ikolomani and Shinyalu will make sure that the process is initiated. We will write to the university and do a follow-up to make sure that the university also writes to the Ministry. For that reason, I have no further questions.

Dr. Mwiria: Mr. Speaker, Sir, if you were not listening, he said he had no further questions!

Mr. Abdirahman: Thank you, Mr. Speaker, Sir. I do not think that the Assistant Minister's response is sufficient enough for us to say that we have no further questions. We have more questions. It is the responsibility of the Ministry of Higher Education, Science and Technology plan for this country in terms of expanding and advancing higher education.

Could he tell us which countrywide plans they have because there are regions which do not have constituency colleges? They should not just wait for the Ministry of Education, Science and Technology to make plans. These Ministries were created just to create jobs for people. Could he tell us what plans he has for the whole country with regard to education expansion in the university sector?

Dr. Mwiria: Mr. Speaker, Sir, this was in response to a specific Question. However, I would like to assure hon. Members that we have a masterplan regarding how we can move out of cities to the countryside to start more institutions. However, it has been easier to start with already existing facilities.

We would like to make it very clear that, aware that the expansion of the primary and secondary school education has put a lot of pressure on the need for more university opportunities, we are coming up with a plan that pinpoints areas that will open up more institutions. In fact, we will get to a point where we will have more day universities and start more programmes that make it possible for students to access university education without having to come to the cities through distant learning and so on. Eventually, the idea will be to have at least a university in every district of this country. So, that is our plan. We hope that between 2012 and 2020, we will have many more of our young people accessing university education as opposed to the current less than 20,000 who can access it now.

Mr. Were: Mr. Speaker, Sir, I would like to find out from the Assistant Minister if Masinde Muliro University has made any request to have other institutions converted into constituent colleges. If so, which ones are they?

Dr. Mwiria: Mr. Speaker, Sir, as far as I know, Masinde Muliro University has not made any such request. If I knew, I would have given the names to the hon. Member.

Mr. Olago: Mr. Speaker, Sir, from the reply given to Dr. Khalwale, it appears that part of the masterplan of the Ministry of Higher Education, Science and Technology is to convert colleges of middle level learning into universities. While doing that, is the Assistant Minister aware he is denying Kenyans who cannot access universities the chance to study in these colleges?

Dr. Mwiria: Mr. Speaker, Sir, the surprising thing about Parliament and the demands by Kenyans is that they want universities, but at the same time, they do not want institutions to be converted into universities. They ask questions regarding conversion and then, later on, they say it is not a good thing. I do agree with that. That is why we must reach a compromise. The compromise is such that even as we convert these institutions into constituent colleges we are hoping that the institutions will retain their unique character of training diploma and certificate students while we have a component of a university as part of the institutions.

So, I agree with the hon. Member that we cannot forget the hundreds and thousands of children who do not make it to the universities. Let us also give them an alternative. Let us give them that opportunity at institutions that can also offer degree programmes.

Dr. Khalwale: Mr. Speaker, Sir, I thank the Assistant Minister for the promise to upgrade the Eregi TTC and Sigalagala Technical Training Institute to university status.

Thank you!

Mr. Speaker: You have done well! Have you not?

Dr. Mwiria: Yes, Mr. Speaker, Sir.

Question No.533

REMUNERATION OF BEACHES
MANAGEMENT UNIT MEMBERS

Mr. Olago asked the Minister for Fisheries Development:-

(a) how many members of the Beach Management Unit Network in Kichinjio, Usoma, Ngege, Usare, Paga, Rare, Mawembe and Ogal beaches comprise;

(b) considering that they play a vital role in the Ministry's efforts to manage fishing in Lake Victoria, what plans he has to pay salaries to members of this Beaches Management Unit;

(c) what other plans he has to empower these members to reduce the pressure of fishing in Lake Victoria; and,

(d) what steps he has taken to waive taxes on fishing nets and other fishing gear for fishermen using these beaches.

The Minister for Fisheries Development (Mr. Otuoma): Mr. Speaker, Sir, I beg to reply.

Kichinjio, Usoma, Ngege, Usare, Paga/Jina and Rare are the main Beach Management Units (BMU) there. Kichinjio comprises of 75 members, Usoma, 49 members; Ngege, 48; Usare 99, Ngege 48, Paga 124, Ogal 24 and Rare 69 members. Considering that they play a vital role in the efforts of managing Lake Victoria region, the BMUs are community-based in collaboration with FAO, through the code of conduct for responsible fishing which Kenya has domesticated as agreed by the Council of Ministers on the Lake Victoria Organisation.

Some of the functions include provision of intelligence information on illegal fishing activities to the Government, vetting of fishers and recommending those who to be licensed so that those who are involved in illegalities are not allowed to fish and destroy the resources. They are also cooperating with the Government in policing the fisheries resources; that is, they form part of the monitoring control and surveillance units. They also collect data on fish catches alongside Government staff which enables to know the fisheries which are producing in those areas.

I wish to inform the hon. Member that just like community policing, the BMUs members are not Government employees. They are resource users who benefit from the resource and its sustainability is of utmost importance to them. They are expected to cooperate with the Government and other stakeholders in ensuring continued sustainable exploitation of the fisheries resources.

However, the BMUs have their own laws and action plans which allow the executive committee to levy some fees for services rendered in the beach provided for in the Fisheries Management Unit Regulations 2007 Part V. These revenues are used for the smooth running of the BMUs including payment of allowances to committee members.

My Ministry has also put in place several plans that are aimed at empowering the BMUs in order to reduce fishing pressure on Lake Victoria. These measures include:-

(i) The concept of reforming the BMUs to conform to harmonised standards in the riparian states that has greatly increased their sense of ownership of fisheries resources.

(ii) The Government has since legalised these BMUs through Gazette Notice No. 402 of 2007. The Fisheries Beach Management Regulations 2007 have enabled the units to be the entry point for development, training and resource mobilisation.

(iii) The Ministry has also continued to sensitize fishers in financial and fisheries management training so that they can diversify into other income-generating activities.

(iv) There is also provision of technical support to fish farming activities (aquaculture) and revitalization of Kabonyo Fish Farm to provide quality fish among other centres in the country. This will provide an alternative source of livelihoods as it is happening in Dunga BMU and in Kogonga in Bondo.

(v) My Ministry has also continued to collaborate with other Government Ministries such as Ministry of Agriculture, Ministry of Livestock Development and Ministry of Trade to target fishing community and sensitize them on capacity building to improve livelihoods in other areas such as horticulture, trade and livestock.

(vi) Fish landing sites have been constructed in Ogal, Usoma, Kichinjio and Usare to ensure that fish caught by these fishermen is landed in hygienically acceptable conditions. The Government is also in the process of extending electricity to other beaches and has already done this in Ogal Beach where the Ministry has since provided a deep freezer to help members store their fish to reduce spoilage. The Ministry is also in the process of upgrading the beach into internationally accepted standards at the cost of Kshs20 million. This is in addition to the other six that are being done countrywide.

The Ministry has provided ten out-board engines to the Beaches Management Units (BMUs) in strategic points of the lake including Dunga area.

(c) Following the agreed action by the Council of Ministers of Lake Victoria Fisheries Organisation (LVFO) in 2004, the Ministry requested the Treasury to zero-rate the taxes on all fishing gear which was partly effected through the Finance Act (No.10) of 2006 as per the attached schedule.

However, my Ministry has written to the Ministry of Finance to zero-rate all out-board engines and life jackets. The Ministry is requesting the Kenya Revenue Authority (KRA) through the Ministry of Finance to put in place surveillance mechanisms to curb smuggling of illegal nets, which are mono-filaments, into the country as agreed by the Council of Ministers in 2007.

Thank you, Mr. Speaker, Sir.

Mr. Olago: Mr. Speaker, Sir, Kenya is a signatory to the SAO code of conduct for responsible fishing and has domesticated that into a fishing law. From the Minister's answer, BMU members play a very vital role in the sustainable utilisation of the Lake Victoria fishing. They provide intelligence and a lot of other work that the Government should be doing. In those circumstances, what is the Minister doing to ensure that BMU members, who are performing such serious roles, are adequately compensated so that they are motivated to work even better?

Mr. Otuoma: Mr. Speaker, Sir, as I said, the BMU members are the beneficiaries of the resources that are being extracted from the lake. Currently, we are thinking of providing them with the basic inputs to carry out surveillance to ensure that nets are not stolen. Through improved security, we expect them to generate internal revenue to take care of part of the cost.

However, we believe that as we continue to perfect and improve on this concept, we will be looking at how we can be able to allow them earn some income that will be assured in collaboration between the Government and themselves. This also applies to other key stakeholders, especially the fish processors who are exporting fish. We are now telling them that, we just do not need to see them licensed; we want to see their investment plans. What are they giving back to the community? We believe that, through this, we are going to be able to generate revenue and plough back some resources to the areas they are generated from.

Ms. S. Abdalla: Mr. Speaker, Sir, the Minister has said that they have ten out-board engines. Could he tell this House where they are located and whether there are any for the Coast Province?

Mr. Otuoma: Mr. Speaker, Sir, I think I read out the various beaches where they are located strategically. I may not have the list now. However, in the Coast Province, we have around eight out-board engines. I think we visited all these sites with the hon. Member sometime back. I think it was three months ago.

If I remember well, we have some in Kizingitini, Lamu, Malindi, parts of Vanga and the Port of Mombasa. The ones in Lake Victoria are also strategically provided in various beaches. These include; Marenga in Budalang'i, Bondo, Lwanda K'Otieno and various other places. I do not have the full list but those are some of the few I can remember off-head and mention.

Mr. Olago: Mr. Speaker, Sir, from the Minister's answer, out of the eight beaches, only Ogal Beach has one deep freezer. That is totally insufficient for the catch from this area. What is the Minister doing to ensure that the other beaches are also adequately supplied with deep freezers?

Mr. Otuoma: Mr. Speaker, Sir, I think, as I said earlier, we are in the process of rationalising the beaches. So far, we have got around six beaches which we are building to international standards at the cost Kshs20 million each. We are also looking at how we are going to improve the others as time goes by.

I believe that with the resources being generated and us bringing in public-private partnerships through the fish processors and all that, we would expect that part of the revenue

being raised is going to be ploughed back to improve the facilities in those areas.

Mr. Speaker: Very Well!

Next Question by Mr. Mbau!

Question No.391

INCREASE IN CASES OF CHILD
LABOUR IN CENTRAL PROVINCE

Mr. Mbau asked the Minister for Labour:-

(a) whether he is aware that cases of child labour have risen drastically in parts of Central Province, leading to high rates of school drop-outs and poor performance in national examinations;

(b) whether he is further aware that culprits in the vice are easily set free by the children's courts, thus rendering the work of the chiefs and their assistants very difficult in their attempt to stem the menace; and,

(c) what measures he is taking to establish definite and clear guidelines on how the cases of child labour and exploitation are tamed effectively and permanently.

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Speaker, Sir, I beg to reply.

(a) I am aware of the existence of various forms of child labour spread over Central Province. However, child labour in Central Province has not risen drastically but has decreased from 244,544 cases in 1999 to 131,935 cases in 2008 according to the recently released Analytical Report on Child Labour from the Kenya National Bureau of Statistics in June 2008.

Due to free primary education, school enrolment has steadily risen from 595,762 in 2002 to 893,902 in 2008 in the Province.

(b) No child labour related case has been presented to court by the Ministry's officers in the province. Other Government departments and institutions have, however, taken children rights abuse cases to various children's courts. The culprits have been acquitted in most of the cases.

(c) The Ministry's strategy in combating child labour is through a multi-sectoral approach that involves other public servants and members of the public. The work of the Ministry is carried out through the following structures:-

(i) Inter-Ministerial Coordination Committee (IMCC).

(ii) National Steering Committee (NSC).

(iii) Child Labour Division (CLD).

(iv) District Child Labour Committees (DCLC) in all the districts.

(v) Local Child Labour Committees (LCLC) in all the divisions.

Prosecution, is therefore, a last resort.

Mr. Speaker, Sir, in addition, the recently enacted Employment Act (No.11) of 2007 now includes an entire section (Section 7) on the protection of children from child labour and gives clear measures on how to tackle child labour.

Mr. Speaker, Sir, the above is further strengthened through the National Child Labour Policy which outlines clear guidelines to be followed in the elimination of child labour.

Finally, my Ministry will intensify and increase the carrying out of the child labour related labour inspection so as to address the vice.

Mr. Mbau: Mr. Speaker, Sir, I thank the Assistant Minister for that answer. However, I would like him to tell this House where these child labour committees meet and whether they have minutes. I have never heard of these bodies where I come from.

Mr. Speaker, Sir, when the Assistant Minister tells us that they have never taken any culprit to court---

Mr. Speaker: Order, Mr. Mbau! This is Question Time and as I have heard you, you have already asked two questions! Will you allow the Assistant Minister to respond?

Mr. Assistant Minister, please, proceed!

Mr. Ojaamong: Mr. Speaker, Sir, as I had indicated earlier, our approach is multi-sectoral. The Child Labour Division, as I said, is in the district level. It is also at the divisional level, where you are supposed to be, as an hon. Member.

Mr. Speaker, Sir, if hon. Mbau does not know, and he might not know, we have the Children Department in our districts. There are even officers at the divisions. As I said earlier, we are approaching that issue through various Ministries. There is the Office of the President and many others. So, those divisions are there, even though they are not legally constituted. But they do exist.

Mr. Speaker: Last question, Mr. Mbau!

Mr. Mbau: Mr. Speaker, Sir, I put it to the Assistant Minister that, when I say that they do not exist, they do not exist! I would like to see minutes of those meetings! When you tell us that they are there and I am supposed to be a member, where are they? I have never attended their meetings! Mr. Assistant Minister, could I see a copy of any minutes when they ever held a meeting?

Mr. Ojaamong: Mr. Speaker, Sir, as an hon. Member, you are supposed to initiate some of those things. If they do not exist in your constituency, take it upon yourself and go to initiate. In my constituency, I know that cases of child abuse are reported, maybe, to the chiefs and school headmasters by various people. So, it is upon you to go and initiate them. That is because if you do not have a clear guideline on the committees that deal with those issues--- It is various Government departments which come together; various like-minded people who mind about the children's welfare who come together and constitute those committees. That way, the process takes its course.

Thank you, Mr. Speaker, Sir.

Mr. Mbau: On a point of order, Mr. Speaker, Sir. He has admitted that the committees do not exist and, as a Member of Parliament, I am supposed to initiate them! But he had confirmed initially that they exist! But now, he has confirmed that they are not there. That is why I had asked the question: Are you aware that there are no cases of child labour abuse that ever get prosecuted and convicted? The ones that come are simply dismissed because you have no efficient officers on the ground!

Mr. Speaker: Order! Order! Mr. Assistant Minister, is the claim by the hon. Member valid, according to your information? The hon. Member says that you have misled the House; that, those committees do not, in fact, exist, whereas you contended in the earlier part of your answer that they exist! But, later on, you contradicted that answer.

Mr. Ojaamong: Mr. Speaker, Sir, as I had indicated--- I think if I could just read my answer the way I did---

It reads:-

The Ministry's strategy in combating child labour is through a multi-sectoral approach.

So, Mr. Speaker, Sir, a number of ministries have come together. Those committees, although they are not legally constituted--- We can call them *ad hoc* committees. They exist to address issues related to child abuse! In my own constituency, we have them! In the case of the hon. Member, I have cases from Central Province. If we did not have those committees down there, how could we be getting those cases?

Mr. Speaker: Very well, Mr. Assistant Minister! I think you have done what is required.

Mr. Mbugu, those committees exist in other locations. So, if they are not in your constituency, please, cause them to be there!

Next Question!

Question No. 534

NON-COMPLETION OF CONSTRUCTION
OF EASTLEIGH SECOND AVENUE

Mr. Mbugua asked the Deputy Prime Minister and Minister for Local Government:-

(a) whether he is aware that the road construction on Eastleigh Second Avenue, which was tendered for five years ago, is yet to be completed

(b) what steps he has taken against the contractor in view of the shoddy and substandard work on the sections done so far; and,

(c) whether he could confirm that the contractor has already been paid and state when the works will be completed.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): Thank you, Mr. Speaker, Sir. I beg to reply.

(a) Yes, I am aware that the road construction on Eastleigh Second Avenue is yet to be completed.

(b) City Council engineers have been instructed to ensure that the necessary road engineering quality control measures are taken and supervision and standard laboratory testing in all stages of the construction have been done. Those measures are meant to guard against shoddy and substandard work by the contractor. Due to the delay in completion of the works, the contractor has been charged liquidated damages amounting to Kshs1,830,000.

(c) The contractor has been paid a total sum of Kshs78,703,721.10 based on the works completed to date. That represents 85 per cent of the contract sum.

However, Mr. Speaker, Sir, it may not be possible for me to confirm when the works will be fully completed before the outstanding contractual issues are concluded.

Thank you, Mr. Speaker, Sir.

Mr. Mbugua: Mr. Speaker, Sir, the answer which has been given, I believe, is not satisfactory because that particular contractor, in the first place, was given enough time. Five years are enough to finish the contract!

Mr. Speaker, Sir, is the Assistant Minister aware that the contractor was blacklisted? How did he find his way back and began getting contracts from the Nairobi City Council?

Mr. Speaker: Order, Mr. Mbugua! This is Question Time! You have asked a question already - whether or not the Assistant Minister is aware that the contractor was blacklisted! Period! Is it not?

Mr. Mbugua: Yes, Mr. Speaker, Sir.

Mr. Speaker: Mr. Assistant Minister, could you answer the question?

Mr. Githae: Mr. Speaker, Sir, regarding the first question, it is true that the contractor has really delayed the completion of that project. It is a shame that a contract that was supposed to take 36 weeks is still not yet completed! He has been requesting for extensions, some of which have been granted. But we are now saying that the time is up for him because he should have completed that work by now! But there were various reasons why the contractor has been unable to complete the works.

One of the reasons is that there were regular sewer blockages between 7th and 2nd streets.

There is also lack of adequate garbage disposal points within the neighbourhood. There is also hawking of goods on top of footpaths and partly completed carriageways. There is also the hazardous parking of vehicles, some of them even heavy commercial vehicles on the works. There is also blockage of the existing storm water drainage by the area residents.

Lastly, Mr. Speaker, Sir, I think the failure by the contractor is because he has been overtaken by events. The rates that he had quoted have been overtaken by events--

Mr. J.M. Kamau: On a point of order, Mr. Speaker, Sir. I think the Assistant Minister is not answering the question that he was asked! He was simply asked whether he knows the contractor was blacklisted, and he is giving us some other information which is unnecessary!

Mr. Speaker: Yes, hon. J.M. Kamau! That is quite valid! I want all Ministers to, please, co-operate! We lose a lot of time because Ministers do not answer the Questions as asked! I would have expected Mr. Githae to be among that class that is exceptional, and that answers Questions precisely. That is because his training gives him that capacity!

Mr. Githae: Indeed, Mr. Speaker, Sir, you are very right. But I was answering the first question. The answer to the second question is: I am not aware that he has been blacklisted.

Mrs. Shebesh: Mr. Speaker, Sir, now that we have the Ministry of Nairobi Metropolitan Development, I wonder whether the Assistant Minister will clarify for us if that is the Ministry that will be in charge of infrastructure development, so that we can have a concrete way forward on this perennial problem of roads being constructed in Nairobi, and which never get completed?

Mr. Githae: Mr. Speaker, Sir, the right Ministry and Minister is answering this Question. Until the Nairobi Metropolitan Act has been enacted by this House, all these listed issues must be referred to the Office of the Deputy Prime Minister and Ministry of Local Government.

Mr. Njuguna: Mr. Speaker, Sir, thank you for this opportunity to ask the Assistant Minister one question. It is clearly emerging from his statement that an extension has been given to that contractor. He has also been paid Kshs78 million, and he has gone back to the site to continue with the works. But the fruit of his work is shoddy and is causing a lot of problems to motorists in that area. Why can it not be possible, in this scenario, for the Assistant Minister to take drastic action by way of terminating that contract? The extension of the same will inconvenience further, the motorists in that area!

Mr. Githae: Mr. Speaker, Sir, the completed works are not shoddy. The main problem was that the contractor had failed to complete the works. In fact, even as a Ministry, we are embarrassed by the delay. We have already taken drastic action! We have charged him liquidated damages at the rate of Kshs15,000 per day up to a maximum of 5 per cent of the contractual work. The Ministry has now made a decision. We are going to terminate it and re-tender the works because we cannot keep on hoping that, that contractor is going to finish the work. Even if we want to help our African contractors, our patience has now come to an end.

Mr. Speaker: Last question, Mr. Mbugua!

*(Several hon. Members stood
up in their places)*

We have already given this Question a lot of time!

Mr. Mbugua: Mr. Speaker, Sir, it is quite a shame, as the Assistant Minister says, to allow a contractor to be on site for five years. I want to ask him whether he is aware that the contractor is on site. The fact is that the contractor has been paid Kshs78 million, yet he has not completed the works. He has not done anything on site!

We can go there with the Assistant Minister and he will see what the contractor has done. He will also see the sewerage that he talked about. The sewerage was destroyed by the same

contractor. Is he aware that the sewerage was destroyed by the same contractor?

Mr. Speaker: Order, Mr. Mbugua! After all those "ands" and several questions, which one do you want answered?

(Laughter)

Mr. Mbugua: All of them, Mr. Speaker, Sir.

Mr. Speaker: Mr. Assistant Minister, do the best you can!

Mr. Githae: Mr. Speaker, Sir, I have said that, even as a Ministry, we are embarrassed by the speed at which this contractor has worked. That is why we have been charging him liquidated damages of Kshs15,000 per day. Our patience is now over and we are going to cancel the contract and re-tender it.

However, I would like to assure this House that the City Council of Nairobi will not lose any money, because he has been paid only 85 per cent of the contract sum, but the works done on average constitute 90 per cent. So, we are not going to lose any money! Let this be a warning to all contractors that there is a new broom now in the Office of the Deputy Prime Minister and Ministry of Local Government: We are not going to accept shoddy works. We are not going to accept contractors who delay projects! A new broom is sweeping and results will be seen very soon!

(Laughter)

Question No.552

ELECTRIFICATION OF MARIGAT
DIVISIONAL HEADQUARTERS

Mr. Mwaita asked the Minister for Energy what plans he has to provide Marigat Divisional Headquarters with electricity.

The Assistant Minister for Energy (Mr. Keter): Mr. Speaker, Sir, I beg to reply.

Marigat Divisional Headquarters has power. It is only the District Officer's (DOs) office which does not have power but I want to assure the hon. Member that the DO's office will be considered among the other three projects; that is, Kapkawa Secondary School, Chepsonga and Kipsoit markets, which are going to cost Kshs18.4 million this financial year.

Mr. Mwaita: Mr. Speaker, Sir, I wish to thank the Assistant Minister for his clear answer. However, the DO's office, Marigat, has been without power for a very long time. He has just stated that it will be considered along the other projects in the next financial year. Could he clarify and confirm that it will be among the projects to be approved?

Mr. Keter: Mr. Speaker, Sir, I think my answer was precise. I said this financial year, and not next financial year. These are the projects that will be funded starting from December, 2008.

Mr. Speaker: Very well! That rests the matter!

Question No.509

NON-COMPLETION OF PRISON
OFFICERS' HOUSES BY BIC

Prof. Kamar asked the Vice-President and Minister for Home Affairs:-

(a) whether he could explain why Burrel International Company, which was

contracted by the Prisons Department on 13th September, 2006 to construct residential blocks for Prisons officers, has failed to complete the project after foundation trenches were excavated and foundation footing partially laid;

(b) what total amount was paid to the contractor; and,

(c) what measures the Government has put in place to ensure that the houses are completed.

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Speaker, Sir, I beg to request the indulgence of the House. The Vice-President is not here but he requested that we proceed with the answer to the Question. Could we proceed?

Mr. Speaker: Are you sure that you are able to answer this Question satisfactorily?

The Assistant Minister for Medical Services (Mr. Mungatana): Yes, Mr. Speaker, Sir.

Mr. Speaker: Very well! Proceed!

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Speaker, Sir, I hope you do not doubt my abilities!

Mr. Speaker: Proceed!

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

(a) The construction of three two-bedroomed, one-storey block and two-bedroomed bungalows that were to be done at the Eldoret Prison site work was to run parallel with Nakuru Prison site in a single contract for 52 weeks from 15th September, 2003 to 13th September, 2007. The contractor appears to have concentrated more on the Nakuru project as opposed to the works in Eldoret due to reasons he considers logistical. The reasons for failure to complete the construction in time have been given as follows:-

(i) unfavourable weather pattern, which hampered the works progress;

(ii) a delay occurred in the appointment of the projects' sub-contractors;

(iii) post-election disturbances;

(iv) the contractor gave a notice consequent to the post-election disturbances for suspension of works in May 2008 and eventually suspended the works in June 2008.

(b) The total amount paid to Burrel International Company at Eldoret Prison site was Kshs4,501,365.70 and the breakdown is as follows: builder's work, Kshs3.7 million, the materials on site, Kshs1.27 million, less retention by PS to be paid at the end of the contract, Kshs500,000. Net paid so far, Kshs4.5 million.

(c) The following measures have been put in place by the Government to ensure that the houses have been completed.

(1.) The Ministry will fast-track the processing of the remainder of the sub-structure claims that have been made by the contractor.

(2.) The question of the suspension of works has been addressed in consultation with the Ministry of Public Works, Office of the Vice-President and Ministry of Home Affairs and the contractor. It has been resolved that the sub-contractor should go back to the site as pending issues are resolved. This is the most viable solution as opposed to termination, because it may take long before another contractor is appointed. The building sub-contractor already appointed has demonstrated that he can deliver the project when promptly facilitated.

(3.) It has been agreed that the contractor should apply for extension of time, attaching a works programme for the remainder of the works for approval by the Ministry of Public Works, and ensuring performance bonds are valid up to the completion of the contract.

4. Immediately the work resumes, the project manager will be expected to undertake regular monitoring, jointly with officers of the Ministry to ensure that the project does not fall behind schedule.

5. Since the contract does not allow for fluctuation, it has been resolved that the contractor should lodge claims, if any, in accordance with contract provisions for evaluation by the Ministry of Public Works.

Prof. Kamar: Mr. Speaker, Sir, that is a very shocking answer. Could the Assistant Minister explain what certificates of completion were used, because when you go to the site, it is only trenches that have been dug? Could he also tell us when the contractor left the site, because he has told us that the contractor was disturbed by the post-election violence? This contract was supposed to end in September 2007 way before elections!

Mr. Mungatana: Mr. Speaker, Sir, as I have explained before, one of the reasons that have been given to the Ministry for the delay is that there was some unfavourable weather pattern. Also, there was a delay in the appointment of the project sub-contractor. It is true that it was supposed to have ended in September. But because of those reasons, previous to the post-election disturbance, there was a delay.

We have to accept that sometimes, these delays occur. What is crucial is that it has now been agreed that the works resume. We have agreed that we will not terminate the contract, because it will take longer. It is either we terminate the contract or the work resumes. The contractor has been ordered to go back to the site. So, the hon. Member should be happy that the Government has already taken steps to make sure that this work resumes, and no time and money is wasted on this matter.

Mr. Kapondi: Mr. Speaker, Sir, it is very unfortunate that this issue has been treated very casually. No wonder, we have serious housing problems in the prisons.

Mr. Speaker, Sir, in June this year, my Committee was in Eldoret Prison and we inspected the site. What the Assistant Minister is saying is a complete contradiction and mockery of this House. I seek your indulgence that you refer this Question to my Committee for further and thorough investigation, so that we get to the bottom of this matter, and a satisfactory answer is brought to the House, and not just playing about with the lives of the warders.

Mr. Speaker: Mr. Assistant Minister, that information comes from the Chair of the Parliamentary Committee on Administration, National Security and Local Authorities. They were, indeed, mandated to go to that location to investigate various matters. He is reporting back to say that during their visit, nothing had been done on this project, except in accordance with the contention by the Questioner. But because we must apply the rules of natural justice, rather than refer this Question to the Committee for investigation, I will defer it to Thursday next week.

Please, endeavour to verify the position on the ground and come back with information that will be complete.

(Question deferred)

The balance of the Questions on the Order Paper are deferred, because we are under pressure to proceed to the next business.

I will give seven minutes for requests for Ministerial Statements. So, you must ensure that you summarise whatever you are looking for.

Hon. Mbau!

Question No.324

SHORTAGE OF GIRLS' SECONDARY
SCHOOLS IN MARAKWET

(Question deferred)

Question No.528

NON-PAYMENT OF RETIREMENT BENEFITS
TO FORMER KCC EMPLOYEES

(Question deferred)

Question No.500

NON-EXISTENCE OF DEMARCATION
BETWEEN MT. ELGON FOREST
AND HUMAN SETTLEMENT

(Question deferred)

Question No.545

POSTING OF DOS TO DIVISIONS
IN THARAKA

(Question deferred)

POINTS OF ORDER

DEBT DISPUTE BETWEEN NAIROBI
CITY COUNCIL AND NWSC

Mr. Mbau: Thank you, Mr. Speaker, Sir. I rise to seek a Ministerial Statement from the Deputy Prime Minister and Minister for Local Government, on the tussle within the Nairobi City Council, due to the purported debt of Kshs9 billion allegedly not paid by the Nairobi Water Company. This matter had been highlighted in various fora and it is causing the workers of the various departments concern and anxiety. I would like the Minister in his Statement to clarify the following aspects:-

1. Who is owed this colossal amount of money and what is the actual status of the debt?
2. What services were rendered or goods that may have been supplied by the purported payee and when that was done?
3. Could he also comment on the apparent standoff between the Nairobi City Council and the company that supplies water, especially in view of the fact that five members of the board of directors of this company are also members of the Nairobi City Council?
4. Could he state what measures he has put in place since this matter came to the public limelight?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): Mr. Speaker, Sir, I think that we can endeavour to give this Ministerial Statement on Tuesday next week.

Mr. Speaker: It is so ordered! Tuesday next week!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local

Government (Mr. Githae): Much obliged!

SUSPENSION OF KENYAN DELEGATION
TO THE UN FORUM ON
CLIMATE CHANGE

Mrs. Shebesh: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Environment and Mineral Resources on the reasons for the suspension of the Kenyan delegation to the United Nations Forum on Climate Change in Poznan, Poland, that began on 1st December and is to end on 12th December, which was to include Government officials and experts to this crucial meeting with is setting the agenda for the review of the Kyoto Protocol due next year in Copenhagen.

The Minister for Environment and Mineral Resources (Mr. Michuki): Mr. Speaker, Sir, I will make the Statement, with your permission, on Thursday next week.

Mr. Speaker: Thursday this week?

The Minister for Environment and Mineral Resources (Mr. Michuki): Mr. Speaker, Sir, I made that decision this morning and I am the Minister for Environment and Mineral Resources.

Mr. Speaker: It is so ordered! Thursday this week!

CRISIS AT MERU
GENERAL HOSPITAL

Mr. Ruteere: Mr. Speaker, Sir, I sought a Ministerial Statement from the Minister for Medical Services on the crisis facing Meru General Hospital, which is turning off patients at present. The mortuary is also in a terrible condition and an imminent epidemic can occur. I was promised that a Ministerial Statement will be given this week. The situation is getting worse. I wonder when this Ministerial Statement will be given.

Mr. Speaker: Mr. Minister, that obviously, is a very urgent matter.

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Speaker, Sir, I undertake to give it tomorrow.

Mr. Speaker: Very well! Dr. Khalwale!

STATUS OF COCKAR
COMMISSION REPORT

Dr. Khalwale: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Vice-President and Minister for Home Affairs, in respect of the Commission of Inquiry into the Sale of Grand Regency Hotel also known as the Cocker Commission.

I wish to get the following clarifications:-

1. Why was the Report surrounded with secrecy during the handing over to the President?
2. Does the Government intend to release this Report, so as to allow Parliament to debate it?

3. Could the Vice-President re-assure Kenyans that the Report will not be covered up in the same way the Kiruki Commission Report into the raid by the Government on the Standard Newspaper premises and KTN Headquarters was covered up?

4. Could the Vice-President clarify the constitutional implications if an *ad hoc* committee like the Cockar Commission was to be at variance with the verdict of the supreme law-making

institution, that is Parliament?

Mr. Speaker: Very well, the Vice-President and Minister for Home Affairs!

*(Mr. Mungatana moved towards
the Dispatch Box)*

Mr. Danson Mungata, you are holding brief for him. Are you not?

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Speaker, Sir, this being a very grave matter, I would request for time, on behalf of the Vice-President and Minister for Home Affairs, who has been delayed, coming from a function from the Coast. We can do it on Tuesday, next week.

Mr. Speaker: It is so ordered!

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

What is it, Mr. Warugongo?

DELAYED REPLY TO QUESTION NO.222

Mr. Warugongo: Mr. Speaker, Sir, on 29th October, I asked Question No.222. The Minister promised to answer it three weeks later. It is now over one month, but the Question has not been answered.

Mr. Speaker: Mr. Warugongo, with respect, this should have come during Question Time. We moved from Question Time to Ministerial Statements. So, in my view, you are out of order. So, you will get no response. Try again tomorrow.

The Minister for Youth Affairs and Sports!

MINISTERIAL STATEMENT

INVITATION TO MEMBERS TO ATTEND RETREAT ON YOUTH ISSUES

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): Mr. Speaker, Sir, I rise to make a very special request and invitation to all Members of Parliament to attend a retreat to be held on Friday, 5th December, 2008, from 9.00 a.m. to Saturday 6th December, 2008, at 1.00 p.m. The retreat is intended to address youth issues in the country.

Mr. Speaker, Sir, in collaboration with UNICEF, the Ministry of Youth Affairs and Sports seeks to involve Members of Parliament and other stakeholders, to address issues of young people in this country.

The youth in Kenya, who are aged between 15 years and 30 years, are over 14 million. They account for over 38 per cent of the population. Those below 35 years of age are over 75 per cent of our population. Whereas the young people form the majority of our population, they are generally pushed to the periphery of the country's political and socio-economic development processes. Indeed, it is no wonder that most of our youth are faced with very serious challenges, including a high rate of unemployment, high poverty levels, lack of technical and vocational training skills. Some involve themselves in vices like crime and drug abuse.

Members of Parliament play a very key role in addressing issues of governance and, in this particular case, for the young people, who are the majority. It is because of this that this two-day

retreat to be held on Friday and Saturday at the Kenya Institute of Administration (KIA), has been called. This retreat is going to address very serious issues, including the youth polytechnics, which have elicited a lot of questions in this House; the youth farming centres, the constituency effects of the Youth Enterprise Development Fund (YEDF), the National Youth Policy and the National Youth Council, the Community Soccer and Sports Bill that is pending, and youth recruitment into the National Youth Service (NYS). Further information on this matter is to be found in the pigeon holes of all hon. Members.

I want to conclude with a reminder to all hon. Members that 60 per cent of the people who voted us to this House are the young people. They are the impatient, disfranchised and disadvantaged lot that needs to be encouraged and to be mainstreamed, so that they can have a greater confidence in the role of Members of Parliament. This is also a chance for Members of Parliament to participate in building consensus, so that we can make serious commitments that will put the youths in the centre-stage of the national development agenda.

Therefore, we urge all Members of Parliament to find time and attend the retreat. We appreciate that Mr. Speaker has consented to this two-day retreat. It is long overdue. Therefore, I would like to urge you, my colleagues, to find time on Friday and Saturday to attend this retreat. There can never be any better time to have a retreat for Members of Parliament to deal with issues affecting the youths in this country than this time. This time is right. We appreciate the consent by Chair. We hope that hon. Members will come in big numbers.

Thank you.

(Applause)

Mr. Speaker: Order, hon. Members! In view of what the Assistant Minister has had to say in his request, particularly giving appropriate emphasis to the stakeholders' interest in this matter, comprising the youth at 60 per cent of our population, I want to urge all hon. Members to respect that request and attend this retreat.

The Assistant Minister was very categorical that the venue of the retreat will be the KIA, Kabete.

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

Mr. Speaker: What is it, Mr. Koech?

Mr. Koech: Mr. Speaker, Sir, I would not wish to overrule your ruling, but I would like to seek your indulgence and request that in future, for important seminars like this one, we be given enough time, probably, two weeks to prepare.

Mr. Speaker: Very well! The Leader of Government Business should note that concern. These "ambushes" have become too many and too frequent. Can we change our ways of doing business, please?

Ms. Shabesh: On a point of order, Mr. Speaker, Sir. Could the Assistant Minister tell us whether, we really have a position, as a House? We have a document called "The National Youth Policy" that we are supposed to have gone through in this House. Is this going to be part of the debate in that retreat or is he saying that this is a document for debate on another day?

Mr. Speaker: Order, Ms. Shabesh! One of the expected outputs of this retreat would be for Parliament to come up with a position. So, you want to pre-empt it! Go to the retreat, deliberate and make sure that a position is taken. A position that takes care of everything else, including what you have just stated in this House. Please, I want this matter to rest there.

Next Order!

BILL*Second Reading*

THE BIO SAFETY BILL

*(The Assistant Minister for Higher
Education, Science and
Technology on 25.11.2008)*

*(Resumption of Debate interrupted
on 26.11.2008)*

Mr. Speaker: Dr. Mwiria, you were on the Floor! You have 20 minutes, if you choose to use all of it.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Mr. Speaker, Sir, I will not use all of it. I guess other hon. Members would like to contribute. I already had ten minutes on Thursday.

Mr. Speaker, Sir, just to reiterate the point that has been made severally here, this is a Bill on safety to safeguard Kenyans against the unintended use of genetically modified organisms (GMOs). In other words, it is to guard against the very same fears that a lot of us are expressing with regard to issues of biotechnology.

It is also to guard us against a situation which is already occurring in that we already have GMOs with us, because of the fact that we have porous borders, and the fact that there is a lot of traffic going in through this country. Also, there is a lot of international exchange, globally, that makes it impossible for us not to have experienced some of these products in one way or the other. So, once we have a law in place, again, it contributes to limiting the extent to which we may suffer from the negative consequences of this introduction.

Mr. Speaker, Sir, it is also important for us to appreciate that biotechnology is meant to assist us to do more using less resources. We cannot expand our land holding. The part of the country that is arable is slightly less than one-third. Given those limitations, it is important to find the extent to which we can intensify use of technology to expand the resources that are available.

[Mr. Speaker left the Chair]

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

Madam Temporary Deputy Speaker, Sir, we also have to take advantage of technology, generally. It has often been said that the real gap between the industrialised countries and the developing ones is the technological gap. Countries that are more advanced in technology also happen to be advanced economically and in all other sectors. So, until we bridge this gap by taking advantage of technology, we are going to always lag behind the countries that were the first to take advantage of technology.

In fact, we also cannot decide to only adopt certain technologies. We cannot say that once we adopt this technology selectively, then we cannot adopt other technologies. We are adopting technology everywhere; that is, in the area of IT, education, science, transportation and so on. Most

of the things we do these days, including the way we behave, dress and eat, are products of new changes. It sounds strange that we are only willing to accommodate certain changes and not others.

Madam Temporary Deputy Speaker, Sir, as we embrace technology in the context of a law that already prevents us from being exposed to the negative aspects of it, we, of course, will have to seek other alternatives in terms of how we can expand our food reserves like the Minister for Agriculture was saying the other day. We need to look at how we can take advantage of our traditional food crops and diversity, generally. We also need to explore other income-generating opportunities for young people so that we all do not depend on agriculture. We already know where this technology has been embraced, for example, in the area of banana tissue culture, we are able to have adequate bananas to eat and export. In fact, if you go to Imenti South, the farmers in that constituency are very much dependant on export of bananas that are products of this technology. This is also happening in other parts of Kenya, including Kisiiland.

Madam Temporary Deputy Speaker, a point has been made already about the soaring food prices. It has been said that a good proportion of the continent is dependent on imported grain and about 20 million Africans are dependent on food aid. It has also been said that another 200 million Africans do not have food security. We, therefore, need to come up with strategies to ensure that we reduce the negative consequences of this situation or, at least, reduce our begging culture. There is no way we are going to stop depending on developed countries unless we try to be self-sufficient. Self-sufficiency can be promoted through the use of technologies such as biotechnology.

Madam Temporary Deputy Speaker, as we legislate, we must also take other measures, including lobbying with our people. Members of Parliament will be very key in terms of spreading the gospel and explaining the benefits of this technology. In fact, Kenyans should not fear so much. Already, there is a law in place to ensure that some of those fears are not justified. This particular law is to ensure that some of those fears are not justified.

We should mind the way we package messages, say, in simple and technical languages, or in local languages over the radio, on television, or write articles in the newspapers in order to explain what it is we are talking about. That way, people will not have a phobia about something that is only a problem because they have not understood it well.

Let us also focus much more on the vulnerable. The people we should target the most are those who are food insecure, that is, the poor people who are in rural communities, people in the remote parts of the country, the youth and women who have to spend hours on end to eke out a living from small pieces of land. These kind of people will be quicker to accept the benefits of this technology because they are already vulnerable and they are looking for a solution to their continued misery.

Finally, Madam Temporary Deputy Speaker, we should not bring politics into this business. We cannot afford to just talk politics and bring politics into issues of food when there are people who are hungry. Just because we have fed well ourselves, we should not limit the opportunity of those who are suffering to get, at least, one decent meal. Biotechnology is going to provide us with that opportunity. If we look at this issue from the point of view of sympathising with those who are not so

lucky and who are the majority, I think we have a responsibility as Members of Parliament, to ensure that this Bill is passed so that we can take advantage of this technology for the benefit of the majority of Kenyans. It will benefit us in the areas of our economy, trade, health and environment. I urge our colleagues to support this Bill. If there are any issues, let us bring them to discussion during the Committee Stage so that we can make the relevant amendments. However, let us seize this opportunity to give Kenyans this Bill that has been discussed since 1995.

I beg to support.

The Minister for Agriculture (Mr. Samoei): Madam Temporary Deputy Speaker, I rise to

represent the Ministry that is going to be the biggest consumer of the services of this Bill.

Kenya is lagging behind in putting a legal framework in place to facilitate faster and co-ordinated research activities, especially in the various arms of agriculture and GMO-related fields. We are lagging behind the East African countries. Uganda and Tanzania have already enacted a Biosafety Bill. This provides this House with the opportunity to catch up with our East African partner states.

Madam Temporary Deputy Speaker, Africa has approximately 20 million people who depend on food aid from the countries of the west and other countries. It is good for this House to also know that one million of our own children are fed under the School Feeding Programme (SFP) by the World Food Programme (WFP), 40 years after Independence. It is important that we rise up to the occasion as a nation and do the right thing by enacting this Biosafety Bill.

The benefits arising from the enactment of this Bill are enormous. It gives this country the opportunity, in a comprehensive and co-ordinated manner, to benefit from research. I want to assure this House that this Biosafety Bill has been developed with the input of our human resource. All our universities and other research institutions have been involved. A great wealth of energy and knowledge has been put behind the preparation of this Biosafety Bill. It is time we trusted our fellow citizens that they mean well for our country and that the investment we have put in our scholars does not go to waste. It is important that we recognise that our universities and research institutions have developed the capacity to provide a safe, well-co-ordinated research framework that will enable us to get better varieties of what we want to achieve in terms of food security for our country.

Madam Temporary Deputy Speaker, 18 per cent of our country is arable land under rain-fed agriculture. We can only expand so much of that land and bring it under agricultural activities. For us to develop varieties that are drought resistant, use less water, have a higher yield and are disease-resistant, we need this Biosafety Bill to give us the framework for us to engage research and science so that we can better the lives of mankind.

Madam Temporary Deputy Speaker, many controversial things have been said about Genetically Modified Organisms (GMOs). But I want to assure this House that our research institutions have men and women who know what is good for our country. We have developed such a wealth of researchers, information and personnel that can help us steer this country towards the safe use of GMOs. Some of the opposition to GMOs is clearly based on incidences, and I will give an example - that is of BT cotton.

Two days ago, I appointed a new chief executive officer for our Cotton Development Authority. The cotton sector in this country is dead because we do not have the right seeds. We cannot compete with the rest of the world because we are using the old technology. The variety of cotton that we are using in this country, at the moment, requires ten times the amount of pesticides to survive, than what is used elsewhere in the world. We have the capacity to develop the correct varieties of our cotton seeds which use less pesticides and, therefore, enhance our production three to four times more, and engage our farmers to plant it as a cash crop, especially in marginal areas. We are unable to compete because there is no framework in the country that allows for development of BT cotton in our country.

Madam Temporary Deputy Speaker, there are forces outside there who want us to continue using very expensive pesticides, when we can develop cotton that is disease resistant and, therefore, we can use less pesticides and enhance earnings to farmers and expand our cotton industry. It is only too obvious that there are people who want to stop this country from making technological and scientific advancements for the benefits of Kenyans, so that they can continue selling pesticides to our farmers to the detriment of, not just our farmers, but our industry in general.

It is important that a businessman does not just buy one page of a newspaper because there is nothing in it for him. Those people who buy one page of a newspaper and spend Kshs1 million a day have something to protect - and that is their profit margin. This House should be wary of such businessmen.

Madam Temporary Deputy Speaker, I want to say that we have seen very clear incidences of the benefits of biotechnology. A very well renowned Kenyan lady has been awarded an award in the world because of the tissue culture banana, which has made a difference in this country. Tissue culture banana not only produces three times what ordinary bananas produce, but it also enhances income for our farmers. It also provides a safety net for their food requirement.

It is important that, in our own country, and in our own lifetime, we have a Kenyan who has excelled in the field of biotechnology. She is recognized worldwide. Against that background, we do not have a Biosafety Bill for our country. It is now, and not tomorrow or the day after, that we need to enact a Biosafety Bill because it will give us the framework to enable our country to make progress and tap the great talents of our researchers, universities and research institutions, and turn it into good and profitable use, so that we can solve the problems of humanity using the knowledge that we have developed over time.

Madam Temporary Deputy Speaker, there are very clear guidelines on the safe use of GMOs that are provided in this Bill. The framework that has been established under this Bill has a full-proof mechanism that no GMO will be introduced into this country unless it has been subjected to a thorough research and scientific analysis to ensure that it is not only safe in terms of health for human beings, but it is also safe for the environment. Already, the mechanisms that exist under the KEPHIS Act, provide for a minimum of two years analysis under what we call the National Performance Trials of any seed that is introduced into this country, and that was not there before. Already, safety mechanisms have been provided under the other regulator. But this Bill gives the overall oversight responsibility.

Madam Temporary Deputy Speaker, there are GMOs that are already passing through our country, through the Port of Mombasa. Countries such as Congo, Uganda and others import GMO materials through our country. Our country is already exposed. We need a mechanism. That mechanism is provided for in the Biosafety Bill. The Bill will give us the necessary instruments to ensure that there is safe passage or safe use of GMOs in our country. This framework gives us the latitude to ensure that there is not only safe passage of GMOs through our country if they are for export but, in the event that they make it into this country, there is a proper mechanism on how that is going to be handled so that it is not only safe for our country and human being, but also for our environment.

There are serious punitive measures for persons who are engaged, without permission, in GMO related organisms. This framework gives us the legal instruments to ensure that anybody who flouts and endangers this country by introducing GMOs without following the laid down procedure will have to be dealt with in accordance with the law.

Madam Temporary Deputy Speaker, Sir, the overall picture that is created by the Biosafety Bill, and the benefits that it will give to our country, and the criticisms that we have gone through in the promulgation of this Bill, my Ministry and that of Higher Education, Science and Technology have gone through three years of serious interrogation of this Bill, to make sure that it meets the best of standards of any such Bill anywhere in the world. At the moment, we are forced, as a country, to rely on the Cartagena Protocol, where the provision are not stringent and clear enough for us to enforce them in a way that meets the best safety standards of our country.

Madam Temporary Deputy Speaker, I want to conclude by saying that this country will help to deal with some of the very serious emerging problems of food safety, and deal more effectively with issues of poverty by making sure that we have correct varieties that can produce

more high yielders and early maturing varieties that not only enhance income for farmers, but also makes sure that our agro-processing plants have sufficient raw materials so that we can expand job opportunities in our country.

With those many remarks, I beg to support.

Mr. Ruteere: Madam Temporary Deputy Speaker, I am here to oppose the Bill. With all the reasons given, I am not convinced because I know contrary to what has been advocated for--- The countries that use Genetically Modified Organisms (GMOs) like maize or sorghum in the United States of America (USA) and Australia grow them for animals. They are fed to animals. We should not confuse GMOs and tissue culture in bananas. They are entirely different. The tissue culture in bananas is not going to be safeguarded by Biosafety Bill.

We want to introduce GMOs in this country but the mechanisms for issues to do with warehouses, proper control and for the lack of control of contamination of our conventional seeds that are there have not been provided for in the Bill. We must be sure that our farmers are protected and will not be at the mercy of multinationals for their seeds. This country is made of small-scale farmers and not the large-scale farmers that are able to buy seeds at whatever price that multinationals will say for the GMOs. We cannot store seeds from one season to the next because GMO seeds cannot be stored. You deal with them this season and for the next season you have to buy others. Our farmers are used to preserving the best seeds out of their crop.

Madam Temporary Deputy Speaker, there are controversies all over the world on GMOs because they have not been tested to the satisfaction of the nations that are using them or intending to use them. The health issues have not been guaranteed. People are said to have serious illness or allergies because of using GMOs.

So, we must be guaranteed that our health is not at risk. The Catergina Protocol demands that before you introduce GMOs, there should be public education, public consultation and everybody should participate in the enactment and drafting of the Bill. This country has left it to one section of the people; the academicians and scientists. What about the others? Their concerns are supposed to be put in the Bill. That is lacking in this particular Bill. This Bill is called Biosafety Bill and it is only handling GMO issue but it is not talking about environmental concerns. It will go beyond seeds and food. We are talking of food safety. We are having problems of food in this country not because we do not have GMOs. It is because of our improper planning. We do not have irrigation and water harvesting methods. Floods come and go.

Since we do not have water harvesting methods, all the water that we would have used in dry areas go away. We are destroying our own forests. So, in essence there are climatic changes. Food security is not guaranteed by GMOs. It might be the opposite. We may introduce GMOs and the country could face worse famine than we have ever seen.

Madam Temporary Deputy Speaker, if the Bill passes, it will put the entire country at a position where our own horticulture which fetches foreign exchange, will manage to get any market in Europe. This is the second or the first foreign exchange earner. Europe, UK and Germany are not advocating for GMOs. They are for organic foods, but the opposite is happening here because instead of us encouraging our people to have organic foods, we are telling them to go for GMOs.

We are not going to survive on GMOs. We must have other methods of farming. The present methods of farming must change so that people can have adequate food. Like now, those who planted on time are going to harvest maize, at my place, but those who had no fertiliser will harvest nothing. That has nothing to do with GMOs. It is about input and preparation of the *shambas*. So, I strongly oppose this Bill because it is putting our country at risk. All the dangers that are listed by the Catergina Protocol are not there and the precautions that are supposed to be taken have not been taken. In the Catergina Protocol, it is clear that several precautions must be

taken but the Bill has not done so.

The Assistant Minister for Education (Prof. Olweny): Madam Temporary Deputy Speaker, this is a Bill that is very dear to my heart, maybe because I am a scientist.

Mr. Ruteere: On a point of order, Madam Temporary Deputy Speaker, the hon. Member spoke, another day on this Bill.

The Temporary Deputy Speaker (Prof. Kamar): According to the list that I have, he has not spoken before.

The Assistant Minister for Education (Prof. Olweny): Madam Temporary Deputy Speaker, let us leave that alone. This Bill is very dear to my heart because once upon a time this was my business. All the hon. Members and Kenyans who are opposed to GMOs or any material developed using modern technology, because to me that is what genetic modification is all about; modern bio-technology, are they sure that they are now wearing cotton fabrics made from gene cotton? Those who are opposed to this Bill, are they sure that we do not have GMO material in this country already and there is no law to control it?

If today, I brought GMO material in this country, how will you take me to court? There is no law! Today, we are making the law. That is what this Bill is all about. If you read from Section 18 of the Bill, it tells you clearly that Prof. Olweny, who claims to be a scientist, will not be allowed to bring in any GMO material in this country without proper permission. If I do, I will be taken to court. One of the roles of Parliament is to make the legal environment and legal structure for use of GMO technology. We are developing the legal environment for containment, importation, handling and exportation. If anybody wants to pass with GMO material in this country, there is a law.

As Mr. Samoei said, a few minutes ago, so many people are criss-crossing our country with GMO materials and we cannot take them to court because there is no law. That is why I am requesting my colleagues to support the Minister for Higher Education, Science and Technology. Let us support this Bill so that we have a way of dealing with GMO material because today, we do not have a way of dealing with it. As far as I am concerned, this is very safe. The GMO materials are safe and I am proud to say that I have eaten GMO maize and I have not developed any complications in my life. If anything, I have become more brilliant. So, this Bill is going to ensure that handling of GMO materials is done ethically, safely and legally. Already, this country is 20 years behind the rest of the world in terms of modern technology because we are too slow to embrace modern technology and one of the most modern technology is GMO technology. I am surprised to see that some of the youngest Members of Parliament and people in the civil society are the ones blocking modern technology. It means that since we left the university, it has retrogressed a little; it is not teaching students modern things so that they can embrace modern things.

Madam Temporary Deputy Speaker, Sir, the history of modern biotechnology dates back to the 19th Century when there was this man called Mendel who was a monk and was in the church. When he came up with the idea of genetics, people really opposed him until his ideas were rediscovered in the 20th Century. That is what has been developed into plant breeding and all of us today grow hybrid maize. Hybrid maize is a development of breeding technology and GMO is an advancement of breeding. So, we are actually not going out of what Mendel developed. Any church goer who is opposed to the Biosafety Bill should actually be told what Gregor Mendel did, in fact, with the hand of God. That man used to work in the church.

Madam Temporary Deputy Speaker, we are complaining about GMOs which is modernised biotechnology and yet we use yeast to brew beer. How do you get the product for brewing? It is through biotechnology. All that is biotechnology. You are complaining that you are going to die and develop whatever diseases and yet you are drinking beer. Insulin is a drug from

bacteria using microbiosis noddles. I think almost 70 per cent of Members of Parliament here are university graduates. Please, bring in those ideas that you read in university into Parliament to help this country progress.

(Applause)

Do not listen to the civil society people. They have a different agenda. They are practising different politics from the role we have been given by our constituents; the electorate of this country, to do. Let us not listen to a few people on the streets who always complain about nothing.

Mr. Mututho: On a point of order, Madam Temporary Deputy Speaker, Sir. I respect hon. Members of Parliament particularly professors but the level of argument Prof. Olweny is advancing is not accurate. Six Members of Parliament were sponsored by this House to go to Bonn in Germany to look at people of like minds.

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

Mr. Mututho: Madam Temporary Deputy Speaker, Sir, is the hon. Member in order to mislead this House that some hon. Members here are not educated just because they are opposing the Bill? In essence, they are more educated because they have been trained by this Parliament.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Prof. Olweny, continue!

The Assistant Minister for Education (Prof. Olweny): Madam Temporary Deputy Speaker, Sir, I think most of us are educated. That is what I said. Is it not so? I can remember what I said a few minutes ago. In fact, almost everybody here is educated.

Madam Temporary Deputy Speaker, Sir, we remember what the Green Revolution did to the world in terms of food production. We have wheat, cereals and grain legumes because the Western World allowed the advancement of technology. They improved breeding technology and methods. That is what led to the Green Revolution.

Due to the increase of population across the world, what was developed at that time has been outstripped. We are too many across the world. So, we have to come up with better technology to improve on food production. That is why modern biotechnology has come in. So, let us give modern biotechnology a chance. Let us give our scientists a chance to help us sort out the problem of food insecurity.

Madam Temporary Deputy Speaker, a few people from western Kenya are with us here. When I say western Kenya, I mean west of Rift Valley where we have the striger weed. This is a terrible weed which affects maize, sorghum and sugar-cane. The only way to handle this weed today is genetic modification because scientists have tried all methods and they have been defeated. So, because of food insecurity in western Kenya, I am appealing to Kenyans, Members of Parliament and people in civil society to give science a chance.

I think there are other Members of Parliament who are also interested in supporting this Bill. I had a lot to say but I beg to support.

Dr. Otichilo: Thank you, Madam Temporary Deputy Speaker. I rise to support this Bill because of several reasons. First, I am a scientist and I know what I am talking about. First, it is important to know why this Bill has been introduced and why it is important for this country. Currently, we have no legal framework on how to deal with GMOs. So, unless we have a legal framework which this Bill is introducing, how shall we deal with GMOs?

As my friend, the professor has said, we have a lot of GMOs passing through this country but we have no legal framework on how to track them and regulate them. So, I think I want to appeal to hon. Members of Parliament to know that this Bill is not making GMOs legal in this country. It is introducing a legal framework that will be used to regulate and control any introduction of GMOs.

Madam Temporary Deputy Speaker, I want to let my fellow hon. Members of Parliament know that the issue of breeding has been there as long as man has been around. Farmers have been involved in breeding to come up with better seeds. They have been involved in animal breeding to come up with better animal breeds. So, this is a process that has gone on forever and it is for this reason that man has been able to improve food production. So, as it has been said, GMOs is an advancement of the well known plant breeding and animal breeding. So, it should not be seen as something that is alien and strange. This is a process that is ongoing.

Last week, all of us hon. Members, were talking about asking the Minister for Finance to bring in fertilizers and the right seeds for the next planting season. We know very well that farmers in this country are used to hybrid seeds. We have been buying hybrid seeds from the shops and the Kenya Seed Company. So, what is the worry that when you bring in Genetically Modified Organisms (GMOs) people will lose their traditional seeds? Let us be honest with ourselves. Let us not be driven out of facts. This country is notorious for resisting change, particularly in science and technology. I remember early in the 1970s when the computers were being introduced, the Government took a very strong position against computers. However, technology could not be held by the Government decisions. The computers came!

Madam Temporary Deputy Speaker, when it comes to Information Communication and Technology (ICT), this country has resisted for a long time. But again, ICT is with us. Now, we are struggling to bring ICT-related Bills in this House when we should have done it many years ago.

The GSM technology came in and this country resisted. Countries around us were able to buy mobile telephones but this country resisted. However, again, we have had to bow to pressure and GSM technology is here. It has created more jobs than we thought.

Madam Temporary Deputy Speaker, I want to tell hon. Members of this Parliament that this Bill is good for this country. It is putting the legal framework without which all our fears will be in vain. This is because we would not do anything even if anybody introduces a GM crop in this country without the legal framework. We have no legal basis. Therefore, let us not be carried by emotions. Let us go by reason. We are in the 21st Century where information is the in thing! Therefore, science and technology is what is going to drive us.

Madam Temporary Deputy Speaker, climate change is with us. The traditional crops we are sticking on will not survive in a climatic change we are already experiencing. Therefore, it is important that we embrace science and technology. GMOs are part of science and technology. This Bill is going to guard this country against anybody bringing in GMOs or any other crops that we deem unfit for this country.

Madam Temporary Deputy Speaker, I want to support this Bill very strongly. However, I have a few comments to make so that we can make the Bill stronger and let it fulfil what it is intended for.

Madam Temporary Deputy Speaker, the preamble of this Bill is too brief. It is too economical with information. We need the preamble to be amplified so that more information is given and people reading this Bill would know what it is about. I think the objective of the Bill should be well elaborated. The policies that the Government has already enacted like the Biotechnology Policy must be articulated in the preamble. A mention of the relationship of this Bill with the Cartagena Protocol must be covered so that we know we are working under international framework.

Madam Temporary Deputy Speaker, the issue of overriding principle of biodiversity regulation needs to be articulated. This is particularly the precautionary approach.

Madam Temporary Deputy Speaker, the other issue that I want to be amplified is the definition of biosafety. It is key and it should be very clear and be understood by all Kenyans. It needs to be recast so that it reflects the fact that in reality, it is the human safety and biodiversity

that are at great risk from unsafe transfer, handling and use of GMOs. So, these issues have to be addressed.

Madam Temporary Deputy Speaker, I would like to propose that in looking at the definition of biosafety, they should look at the definition given in the Environmental Management and Conservation Act. I think the definition there should be incorporated in this Bill.

Madam Temporary Deputy Speaker, I would like to make a number of proposals, particularly, on Sections 16 and 17. These Sections say that if there is any problem with the GMOs, the individuals involved will not be taken to task neither are the people who have introduced the GMOs or researchers and so on. However, it leaves the burden to the Government or the proposed National Biosafety Authority (NBA). I think this is not the right thing to do. We need to ensure that Kenyans are secure.

If somebody introduces GMO in this country and it causes problems, then that person must be held liable and not the proposed NBA. We need to look at that issue to make sure that we do not make the Government more liable rather than those who import the GMO, researchers and those marketing.

With those few comments, I wish to support this Bill very strongly.

The Assistant Minister for Livestock Development (Mr. Duale): Madam Temporary Deputy Speaker, I stand here to oppose this Bill. This is because I have a number of fundamental issues to raise. However, if these issues are covered well, I will have no problem with this Bill.

Madam Temporary Deputy Speaker, the fundamental question I want to ask and which I want everybody to hear is; if today you are the policy-maker in this country, could you allow a large scale-farmer to plant GMOs? If you are a policy-maker in this country, you need to ask yourself; if you were a consumer, will you eat such food? Those are two fundamental issues.

Madam Temporary Deputy Speaker, what happens in the world is that political processes surrounding the passing of Biosafety Bills--- I can quote as many countries as I can---

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): On a point of order, Madam Temporary Deputy Speaker. Is it in order for my good friend, who is the Assistant Minister for Livestock Development, to oppose this Bill while he is a member of the Cabinet? Is he in order? Is he not going against the principle of collective responsibility?

The Assistant Minister for Livestock Development (Mr. Duale): Madam Temporary Deputy Speaker, yes, I am in the Government but, first and foremost, I represent the people of Dujis. I represent many Kenyans and as far as the Biosafety Bill is concerned, I want to put the case of the people of Dujis and then see where this Bill will take us.

Madam Temporary Deputy Speaker, when it comes to Biosafety laws and policies, the trend the world over is that the masses or the populace are left out.

This particular Bill has not addressed the following: It is not very clear on the regulatory structure. This Bill mainly depends on experiences from other countries. This Bill lacks the public participation. Kenyans out there have not been consulted. It is more elitist and scientific driven. Research has shown that GMOs pose high risk in terms of---

The Assistant Minister Education (Prof. Olweny): On a point of order, Madam Temporary Deputy Speaker. Is the hon. Member in order to say that the people outside there have not been consulted and yet, he is the representative of the people who should consult his people and then come and give their views here? You are the one who represents the people here!

The Temporary Deputy Speaker (Prof. Kamar): Prof. Olweny, you are out of order!

Continue, hon. Duale!

The Assistant Minister for Livestock Development (Mr. Duale): Thank you, Madam Temporary Deputy Speaker. This is the problem. He is part of the researchers, scientists and professors that I am talking about.

It has been proven beyond reasonable doubt, and the Minister for Public Health and Sanitation is here, that Genetically Modified Organism (GMO) crops, and this country is endowed with agricultural potential, has immense high human health risk on the farms, animals - which I represent as the Assistant Minister for Livestock Development - on our wildlife and on the environment. The data is there. On the human health---

Dr. Monda: On a point of order, Madam Temporary Deputy Speaker. Is it in order for the hon. Member to tell this House that it has been proven that GMOs have adverse health risks for the population? Is he in order? Does he have evidence of the same?

The Temporary Deputy Speaker (Prof. Kamar): Hon. Duale, could you give examples when you are giving facts?

The Assistant Minister for Livestock Development (Mr. Duale): Madam Temporary Deputy Speaker, if they can hold their horses! Hon. Members, I am just going to that. If they can be patient and they do not get irritated, I will just do that!

Madam Temporary Deputy Speaker, it is known scientifically - and I can provide that evidence to this House - that the human health I am talking about will be affected by a very high risk of toxicity, allergenicity in terms of allergy, antibiotic resistance which is found in GMOs, human immune suppression and in cases---

The Temporary Deputy Speaker (Prof. Kamar): Hon. Duale, a very important question was raised here. Where is your evidence coming from? I think the hon. Member has a right to that substantiation!

(Applause)

Is that evidence in research? Where is the evidence so that the hon. Members can be helped?

The Assistant Minister for Livestock Development (Mr. Duale): Yes, Madam Temporary Deputy Speaker, that research was done in Brazil and Mexico in the year 2002. I can provide it to hon. Members.

Madam Temporary Deputy Speaker, in countries like South Africa and USA, where the Biosafety Bill has been passed--- That is where I have a problem with this country. The Biosafety Bill can be passed--

The Assistant Minister for Foreign Affairs (Mr. Onyonka): On a point of order, Madam Temporary Deputy Speaker. A serious issue has been raised in the House here, about providing scientific or proven evidence about any studies that have been done to disapprove GMOs. The hon. Member who is speaking has not given empirical evidence. He is simply telling us that things have been done in other countries! We are asking for your indulgence, Madam Temporary Deputy Speaker, that the hon. Member is bound by what he says. Let him provide empirical evidence!

The Temporary Deputy Speaker (Prof. Kamar): Hon. Duale, we are asking that, if you have any evidence--- Normally, when you prepare for a session, you bring the document so that you can lay it before the House and people are satisfied. That is because what they want is information.

The Assistant Minister for Livestock Development (Mr. Duale): Madam Temporary Deputy Speaker, I do not want to be ambushed! But I said that, at a later stage, I am ready to provide the information. But if the hon. Members cannot wait, then I am going to withdraw it!

The Assistant Minister Education (Prof. Olweny): On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Prof. Kamar): May I rule that you continue giving your contribution and then bring the evidence before the Minister rises to respond. That is because the

Minister will require it?

The Assistant Minister for Livestock Development (Mr. Duale): Yes, Madam Temporary Deputy Speaker.

Madam Temporary Deputy Speaker, on the environment---

The Assistant Minister Education (Prof. Olweny): On a point of order, Madam Temporary Deputy Speaker.

The Assistant Minister for Livestock Development (Mr. Duale): Madam Temporary Deputy Speaker, I need your protection!

The Temporary Deputy Speaker (Prof. Kamar): The Chair has ruled! Is your point of order on the same issue or on something else?

The Assistant Minister Education (Prof. Olweny): Actually, Madam Temporary Deputy Speaker, it is on the same issue!

The Temporary Deputy Speaker (Prof. Kamar): No, Prof. Olweny! I have already ruled that the Minister will also require the same evidence to prepare her answers--- So, we are hoping that we will receive it from him. I think he has given us that assurance. Hon. Duale, you have given us the assurance that you will give us those documents.

The Assistant Minister for Livestock Development (Mr. Duale): I have done that, Madam Temporary Deputy Speaker.

Madam Temporary Deputy Speaker, when you ask questions, it depends on which part of this country you come from.

Madam Temporary Deputy Speaker, USA and South Africa are two countries that have passed the Biosafety Bill. They have passed the Bill without taking into consideration the safety regulations of that Bill. What happened? There was laxity in regulations! That laxity in regulation, which I have a problem with in this Biosafety Bill of 2008, cost the country called the USA immense loss! In the year 2001, there was widespread contamination of rice supply in the USA! Kenya has an opportunity, as a country, to repeat or not to repeat the mistakes that were made by the USA and South Africa, when it comes to regulating!

Madam Temporary Deputy Speaker, there is the Cartagena Protocol of 2001--

Mr. Bett: On a point of order, Madam Temporary Deputy Speaker. We have a lot of respect for hon. Duale, but two hon. Members have raised a very pertinent issue. The hon. Member is continuing to give us information on documents that he has not given to us or to this House!

The Temporary Deputy Speaker (Prof. Kamar): Mr. Bett, I had ruled on that issue!

Mr. Bett: Yes, Madam Temporary Deputy Speaker, I know you had ruled on it, but I am seeking your indulgence.

The Temporary Deputy Speaker (Prof. Kamar): I have already ruled. So, I will not untie what I have ruled!

Continue, hon. Duale!

The Assistant Minister for Livestock Development (Mr. Duale): Madam Temporary Deputy Speaker, it depends on where somebody was when you made your ruling! Maybe, he was not in the House!

Madam Temporary Deputy Speaker, there is the so-called Cartagena Protocol signed in 2001, and it was hailed as a victory---

Mr. Chachu: On a point of order, Madam Temporary Deputy Speaker. The Assistant Minister stated that the USA and South Africa have lax environmental laws.

Madam Temporary Deputy Speaker, I studied environmental studies in the USA and I know they are a leader in terms of environmental regulations and laws. Could he substantiate?

The Assistant Minister for Livestock Development (Mr. Duale): Madam Temporary

Deputy Speaker, I did not say lax environmental law! I think, hon. Members, you need to listen to me! I said that the Biosafety Bill which was passed by the USA has a lax regulatory arm! I did not talk about the environment! I think we do not need to look at the physical structure of Duale! You need to listen to what he is saying! That is the problem that most hon. Members have here!

(Laughter)

Madam Temporary Deputy Speaker, the Cartagena Protocol that was signed on 29th January, 2000 was hailed as a victory for containing GMOs. It was aimed at checking GMOs. What happened? I know hon. Members will agree with me! Those who woke up at 5.00 o'clock and those who read-- If you have not read, then you will have to agree with me that the limitations-- The scientists who are sitting here will agree with me. The limitation gaps are still missing. The protocol itself is saying: "We need to put future biosafety work on a proper footing." There are minimum letdowns. More consultation must be done!

Madam Temporary Deputy Speaker, if you look at countries in Latin America--- I am thinking about Mexico and Brazil. There was what was called the "Monsanto Law"---

Mr. Ogindo: On a point of order, Madam Temporary Deputy Speaker. Is the hon. Member in order to take us through his book, instead of debating the Motion?

(Applause)

The Temporary Deputy Speaker (Prof. Kamar): I think he is making reference.

The Assistant Minister for Livestock Development (Mr. Duale): Madam Temporary Deputy Speaker, I can assure you that what I am saying here is what I have read. But because he wants to stand in this House and say what I have already said, then he is in the wrong place. You need to go and read! I picked on countries where even the Minister for Environment stood up and rejected the Biosafety law. That was in Brazil in 2002, but it was passed in Mexico. This country has a competitive advantage. Our competitiveness is not in IT, but it is in biodiversity and we must, at any cost, protect it. We sell our products on the basis of---

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): On point of information, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Prof. Kamar): If he wishes to have your information!

The Assistant Minister for Livestock Development (Mr. Duale): I do not want to have his information, Madam Temporary Deputy Speaker.

(Laughter)

I have enough information here, and I thank him.

We are selling the Kenyan products on the basis of brands and their organic nature, our biodiversity. The Minister for Agriculture was here, and was talking about food insecurity in this country. We have a food deficit because of our poor management. We have food deficits because we do not support our farmers. We have food crisis] because we do not want to invest in the agricultural sector. You have seen in the last three months what is happening in the milk industry. We have banned milk from China and South Africa. We are talking of a country where the environment must be protected. Human health must be protected! I have a problem with this Bill in terms of its enforcement. How do you enforce it? How do you regulate it?

Prof. Olweny talked about the civil society; we do not want to become victims of few scientists, who are propelled by the rich international organisations they stand for. The civil society

has a role to play in this country. They are part of the stakeholders and part of public participation we are talking about. This Biosafety law is a necessary prerequisite to promote biotechnology. When we put this law in place, we will say everything is over. But my question is: How do we use it in a safe and responsible environment? That is very important! I went through the law and it does not give us the best safeguard measures.

Madam Temporary Deputy Speaker, this Biosafety Bill needs adequate institutional capacity to ensure regulation.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): On a point of order, Madam Temporary Deputy Speaker. A few minutes ago, Mr. Kamama raised a very fundamental point of order and asked whether this Bill has been approved by the Cabinet; it is a Government-sponsored Bill, and the Minister is here. Is the Assistant Minister in order to totally oppose and dismiss the Bill? You did not give a ruling. Without first resigning, he has said that he is totalling opposed to it; he dismissed it and said that it has nothing to offer. I think you need to give a ruling!

The Temporary Deputy Speaker (Prof. Kamar): I have been investigating that!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): I think he needs to resign first, so that we can allow him to oppose and dismiss the Bill.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, I have been consulting on that. I had sent somebody to get the Constitution of Kenya, so that we are very clear. From Section 17(3):-

"The Cabinet shall be collectively responsible to the National Assembly for all things done by or under the authority of the President or the Vice-President or any other Minister in the execution of his Office."

I am sorry that it took long when we were consulting. The last consultation was just before Mr. Githae stood up. I was consulting on whether that can happen, because you can be the Member for Dujis and then become an Assistant Minister. So, it is true, and Mr. Duale, you have had the benefit of our consultation and so we will move to the next speaker!

Dr. Monda: Thank you, Madam Temporary Deputy Speaker. I stand to support the Bill. We are talking about the Biosafety Bill, we are putting in place safety and regulatory mechanisms so that we can, through an Act, regulate any GMOs that come into or exist in this.

We want to allay the fears that have been expressed by hon. Members that GMOs--- I think it is the name that has fuelled the fears. These are genetically modified organisms! That is simple and straightforward English: It is not science! However, genetics is science. We want to be very clear here that we do not create unnecessary fear in the public; that GMOs are coming in with complications, health problems or lack of food. We are not introducing GMOs now. They are already there!

It has been said in this House that GMOs from outside are coming into the country uncontrolled. We are also researching as a country. Our scientists are in business today, and are researching on how to improve our food production. What we are doing, through the research, is improving food genetically: Change the genetic formation of the foods so that we can have enough.

We are talking about starvation and I am surprised--- Where is the Assistant Minister? He is away! He is in charge of - I happen to be a veterinarian - the Ministry of Livestock where there are scientific researchers, who are working on how to improve our livestock. Each day people are breeding. There are breeders around, and we are improving the quality of our animals, be it poultry or livestock.

We are looking at changing the animals. We want animals that are disease resistant. We want to increase production, and speed up their growth rate. These are the issues we are addressing

here. We are saying that rather than having it done without regulation, let us have this Bill to put in place the regulatory mechanism. I think there is a misunderstanding here; some hon. Members want to express a lot of fears about the unknown. If we do not know what effects the GMOs will come with, why are you scared of the unknown?

Madam Temporary Deputy Speaker, we are talking of food scarcity in this country. As much as there may be some mismanagement in the Government side; strangely, it is a Minister who is telling us that there is mismanagement. Today, I think the Government should swap positions with the Backbenchers! Here, we are talking about food security. One, it may be mismanagement. Two, we want to improve on the disease resistance of our crops. We want also to improve on the maturity of crops. There are areas which are dry. We need those genetically-modified crops so that we are able to grow them within a short span of time when there is rain. They will mature within the period when we have enough rain. We are looking at those benefits that we get from the Genetically Modified Organisms (GMOs).

We want to put in place a law that will ensure that as we introduce these GMOs, we ensure that we have not introduced any other adverse effects into the country. Why are we trying to give the public an impression that there is an unknown coming into our country and we want to mystify the whole process of putting in place a law? We have depended for too long on food aid. The food that comes into this country--- The Assistant Minister who has just left comes from a region that is dependent on food aid that we get from those countries that he has mentioned here. It is foreign food that is genetically-modified, which comes in without our regulation. We are not controlling it.

We are now receiving food aid and saying: "So long as we survive today on that food, it is good for today." We do not know what other effects will come. Even if that food is aid, when it comes into our country, we must understand what it is, as much as we want aid. So, let us not mystify and confuse the public. We want to introduce the public here now as if they have been debating other Bills that we have debated before.

Madam Temporary Deputy Speaker, the Arid and Semi-Arid Lands (ASALs) need modified seeds for them to grow sufficient food and self-sufficient on food. Therefore, it is very important that we support this Bill, so that when we talk of producing enough food, we are able to do so because we have modified our seeds to be what we want. It is important to note that even in our horticultural industry, it is clear - and hon. Members need to know - that we have modified all the products. That is why we have those varieties, including the maize seed. All these seeds are modified. The only thing that we are doing here is making the hon. Members understand that they are feeding on GMOs. If they did not know this, I wish to tell them and the whole country, that we have all the time depended on GMOs, be it animal produce or crops.

Therefore, if there could have been an adverse effect then we should have had it by now. We should be getting examples highlighted here; that we fed on this particular substance and it had this effect. People are feeding on the same. We have variety maize seeds like 625, 614 and so on. We have varieties also in the horticultural industry and all these Members are feeding on it every other day everywhere. The tissue culture banana is in our market and houses. We should not confuse the public; we have GMOs and if that is the fear, they are already with us. Now, we are introducing a law so that we are able to regulate it. We need a framework to control and know what we have exactly and what it is that we are allowing into our country, so that we do not let any product that we do not understand, come into our country without regulation.

Madam Temporary Deputy Speaker, the health problems that are being highlighted here have no basis nor environmental problems. What is important is to keep pace with the rest of the world in changing and introducing this Bill, so that we are also able to regulate and monitor those who support us and come into our country with their products. We will be able to stop whatever is adverse and accept what we feel will not be affecting our population.

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

The Temporary Deputy Speaker (Prof. Kamar): It is now time for the Chairman of the Departmental Committee on Education, Research and Technology, hon. Koech, to make his remarks.

Mr. Koech: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to support this Bill.

If you had given my Committee, the Committee on Health, Housing, Labour and Social Welfare and the Committee on Agriculture, Lands and Natural Resources the first chance to contribute, we would have provided a very simple direction.

On Thursday 31st July, 2008, the Biosafety Bill (2008) was referred to the Committee on Education, Research and Technology after its First Reading. My Committee has deliberated on this Bill. In our deliberations, we invited experts, researchers and hon. Members to give us the insight and their input into this Bill. We consulted those who mattered most. Those are the experts, researchers, technocrats and our educationists.

Listening to my colleagues, at some point I get confused. This is because when computers were introduced to Kenya, which is a technology on its own, of what value could it have added if I consulted my neighbour in the village, who has never even heard and cannot even comprehend what a computer is all about? This is a very important Bill which touches on technology. Therefore, the experts are those who are expected to have been consulted. It is also in this view that we believe that the Ministry, together with the Cabinet must have also consulted widely with the same people.

Madam Temporary Deputy Speaker, we looked at the Bill as a Committee. This Bill is very important for this country. I would wish to request my colleagues, who have any contention, to bring in amendments at the Committee of the whole House Stage. I believe that in so doing, we shall be doing justice to this Bill and providing the leadership that is required by this country.

Having deliberated on this, my Committee was in agreement with all the contents and clauses of the Biosafety Bill (2008). In deliberating on this Bill, as a Committee, we took into consideration the fact that the lapsed Biosafety Bill (2007) was deliberated by the Committee on Education, Research and Technology during the Ninth Parliament and whose amendments have been incorporated in the current Biosafety Bill (2008). The Biosafety Bill (2008) seeks to provide a legal framework for the implementation of modern bio-technology development policies, which had been formulated by the Ministry of Higher Education, Science and Technology in 2006.

The Bill intends to provide a framework for regulating bio-technology, including GMOs. It is also to regulate the development and application of modern bio-technologies for economic development, poverty reduction and wealth creation.

It is my contention that the Departmental Committee on Education, Research and Technology agrees to all content and clauses of this Bill, so that we can pass it without amendments.

First of all, it is important that, we, as a House, ensure that the misinformation doing the rounds in Kenya today is demystified and corrected for the benefit of this country. It is important to note that the Biosafety Bill is a safety net for this country. We want to ensure, as my colleagues have already mentioned, that Genetically Modified Organisms (GOMs), much of which we are living with, is well regulated. This Bill will introduce the National Biosafety Authority which will regulate this technology.

More importantly, looking at the proposals regarding the Management Board, it is all-inclusive. All the interested people are already captured in the proposed board. I would like to mention a few of them. Apart from the Ministry representative, we have the Managing Director of the Kenya Plant Health Inspectorate Services (KEPHIS), the Secretary of the National Council for Science and Technology and six other persons appointed by the Minister, of whom three shall be

experts in biological, environmental and social sciences. This means the proposed board will have the correct experts.

It is also important to note that the board shall also have a representative of the interests of consumers. So, the consumers should not get worried. It will also have a representative of the biotechnology industry. So, the safety net provided by this Bill is intended at ensuring that everything that is done regarding GMOs shall be fully informed.

We, as a country, are torn between two things. One is to save our country in terms of production. Since this Bill came before this House, I have received a lot of information from the wider society, much which came to me through the current technology of SMS from the local people in our villages. All that they are telling me is that if it is true that we can die of GMOs, it is better to die of GMOs than die of hunger, which is biting this country. I do not believe that we are about to pass a Bill which will be detrimental to our health. Looking at the Bill keenly, it will save this country.

At the moment, we are talking about inflated prices of food commodities, high costs of living, *et cetera*. We are talking about wanting to improve our production and livestock.

Sometimes I get confused when a Minister in the Ministry of Livestock Development, where we are doing a lot of breeding in this country, can oppose such a Bill. It is true that through breeding, we are able to have a lot of animals and save this country. It is true that through the same science, we are now able to produce more milk than yesteryears.

All that we are saying regarding the proposals contained in this Bill is: Can we regulate, so that we do not move too fast? That is why we have the board.

We want to bring our cotton industry back to life. There is no way of doing this, other than through this technology. We, as a country, want to ensure that our youth get employment. The Ministry of Industrialization must ensure that we open up our industries.

Passing this Bill will provide for regulation to ensure that we assist in addressing the many problems and challenges we are facing.

Madam Temporary Deputy Speaker, looking at our industry, we, as a country, are sometimes accused of being slow. We have produced so many graduates, scholars and researchers. However, these experts cannot get employment in the field of research, because we have refused to embrace modern technology. As a result, we have a lot of brain drain to the countries that have embraced this technology. Can we tap the talents of our own people to ensure that we put everything in order?

The law that is proposed through this Bill will deal with what is within and without. When I talk about "without" I mean the GMOs on transit. Clause 22 of the Bill takes charge of this very well. It stipulates it in a very candid way. It says:-

"That any person transporting through Kenya, genetically modified organisms which are not destined for use in Kenya, shall apply for a written approval of such transportation from the authority."

Take note of the words "from the authority." From where are transporters of such materials getting authority to transport them through Kenya today, given that we do not have such an institution? We are seeking to establish that institution through this Bill. Secondly, such transporters are supposed to ensure that such GMO materials being transported are properly packaged and transported in accordance with such regulations as may be prescribed, and in accordance with any applicable international standards. We are a sovereign state. Uganda is a sovereign state. Rwanda is a sovereign state. The day they will want to introduce this technology, what law will we use to ensure that materials do not spill over to our own country?

Information on the Biosafety Bill has not gone down to the grassroots level in the correct manner. Therefore, I wish to recommend that, through the Ministry or the proposed authority, once

formed, the Kenyan population is fully sensitised on the resultant Act. I want to repeat that passing this Bill alone will not make Members of Parliament "sell" the country. I want to put it very clearly that the passage of this Bill will move our country from the current situation of depending on other countries in terms of food production.

With those remarks, I beg to support.

The Assistant Minister for Nairobi Metropolitan Development (Mrs. Ongoro): Thank you, Madam Temporary Deputy Speaker. I rise to support this Bill. However, I am of the opinion that the benefits of this Bill, and its possible negative effects, should be debated thoroughly, so that this House can arrive at an informed decision. It should be clear why we should adopt this Bill and implement its proposals.

It is also important to note that GMO agricultural materials form only a small component of biotechnology. When we talk of GMOs, we do not talk about the entire package of biotechnology, but only a small component of biotechnology. I have examined the Bill. I have examined the Bill and listened to the debate here and elsewhere. I have also critically looked at research findings on case studies and I have come to the informed conclusion that the benefits of implementing this technology far outweigh the perceived negative effects.

Madam Temporary Deputy Speaker, one of the benefits, which has been mentioned here, is that through this technology, we are going to have an effective tool for increased agricultural production. Kenya, being a largely agricultural economy, this is going to be really beneficial. Secondly, GMOs are going to help us deal with pests and diseases that affect our staple crops such as maize, cassavas and sweet potatoes. We will also be able to come up with more nutritional varieties. If we can do that, it means that we are going to handle yet another problem of malnutrition, especially in children. That will help us solve a health problem.

When we will have crop varieties that are resistant to diseases and suitable to almost every weather condition and soil varieties, we will turn this country into an agricultural nation. This is because much of our land mass could be described as Arid and Semi-Arid Land (ASAL). Right now, we are not doing anything meaningful. For example, 47 per cent of this country is lying idle. If we come up with crop varieties that can be planted anywhere because they can resist any harsh weather condition, then we will turn the ASAL areas into big agricultural regions. That will, indeed, be beneficial to us.

Madam Temporary Deputy Speaker, it is apparent, from what has been said here, that if we really implement this technology in the right way, we are going to deal conclusively with the issue of food security. We will be able to create jobs and by extension absorb most of our youth. We are also going to experience economic growth. If we consider this against the two pertinent issues--- Of course, with every technology, there are always a few negative effects. Just in the same way you take drugs, it does not mean that every drug that you take is totally beneficial to our bodies. We take drugs because when we are sick, we weigh the benefits against the negative effects. If the benefits outweigh the negative effects, you will definitely take the drugs.

I would like to draw your attention to the few negative effects that we need to pay critical attention to even as we implement this very wonderful and beneficial technology. One of the negative effects is the potential and possibility of seed control by multi-national companies. We do not want to plant one tree and uproot another. We want to deal with this thing so that we do not become enslaved or colonised by another foreign institution or country by way of being totally dependent on seeds that cannot be produced locally. We need to look at that *vis-a-vis* what is now being referred to scientifically as the "traitor/terminator technology" so that we do not become dependent on others.

Madam Temporary Deputy Speaker, we also need to consider the fact that GMO crops have the potential to terminate growth of other crops in the neighbouring farms. This potential

should be addressed by scientists who will be included in the Authority that is yet to be formed. This is because it will imply that we are forcing those who have not yet agreed to adopt this technology to do so. When you plant a GM crop in one farm, it has the capacity and potential to terminate growth of crops in the neighbouring farms.

Even as we accept the development of GMOs, we need to be very clear on the cost implications. We should consider that old woman in the village who has been totally relying on the traditional ways of preserving her seeds and replanting. What measures are we putting in place for the transitional period as we implement this? How are we going to cushion this poor woman so that she does not starve as we introduce this new technology?

We also have to know that the GMOs and, especially, LMOs, once introduced into an ecosystem cannot be removed. Once we decide, as a country, that we are going the way of implementing this technology, we must be fully prepared to cushion ourselves. Even when we realise that the LMOs are harmful to the environment and other living organisms, we cannot remove them from our ecosystem. I believe that if these measures are put in place and, especially if we include a clause that will compel the Authority to look at the Cartagena Protocol, which actually forms the basis of this Bill, we will have a cushioning effect so that we do not become victims of what I have mentioned.

Madam Temporary Deputy Speaker, before we formally implement this, could we relook at the clauses contained in the Bill that have to do with research and risk management of GMOs? Could we also relook at what we call "safer transfer, handling and use of GMOs"? We know that we are going to deal with a population that is largely illiterate from the rural areas. Could we also be very clear on the establishment of the Biosafety Authority, especially on the qualifications of the appointees to that Authority? It has been mentioned but when I look at the Bill, I do not get the impression that it is really specific on the qualifications of those who are going to be included in this Authority. This is because we want specialists and people who are thoroughly informed about this technology and know what exactly they are dealing with. They are really going to be the platform of implementation. They are going to carry this nation to the level of food safety that we are advocating for.

If we look at this Bill critically, I am still of the opinion that the advantages of implementing this relatively new technology far outweigh any perceived negative effects. I believe that I am speaking for Kenyans and specifically the people of Kasarani Constituency and for Nairobians. Of late, you have seen what has been happening. When people are hungry, everything else becomes irrelevant. So, we cannot start to look at perceived negative effects when our people are dying of hunger. What Kenyans need, even at this very critical moment, is to be able to feed themselves. We need to feed the nation. If we are not able to feed Kenyans, as leaders and legislators, we will lose the moral authority to sit in this House and call ourselves leaders. I beseech every hon. Member of Parliament to truly support this Bill and the implementation that will follow.

With those few remarks, I beg to support.

Mr. Midiwo: Thank you, Madam Temporary Deputy Speaker, for giving me the opportunity to support this Bill. I want to also thank the Minister responsible and her staff for taking the courage to bring back this Bill to Parliament. In the Ninth Parliament, this Bill was just about to make it. I want to thank the Departmental Committee on Agriculture, Lands and Natural Resources, which was then led by Mr. Bett, for having looked at the offending clauses. We imagined that we had reached a consensus and now the product is something that this country should live with so that we can feed our people.

It is very surprising that there is a lot of opposition to this Bill. There are a lot of insinuations that Members of Parliament are selling the country. The questions are: To whom are we selling the country? Who is paying for those civil society groups to question the moral authority

of hon. Members when they are supporting and are willing to feed their own people?

(Applause)

They do not have that moral authority. In fact, in many issues they raise, they do not have that morality. I think they are preaching water and drinking wine.

Madam Temporary Deputy Speaker, this country's GDP has only 4 per cent of its total coming from agriculture. Yet, we keep on saying that we are an agricultural country. The biggest thing we know is that Kenya is an agricultural country. But agriculture comprises only 4 per cent of our GDP. Why? We have never embraced science. Those countries where people are fed have embraced science.

I listened carefully when the Assistant Minister for Livestock Development was contributing and gave false information to this House. A country like America has 54 million hectares of land under GMO foods. That is how they produce their soya, maize, cotton, canulas, squash and paw paw. They do not import those crops because they want to feed their people. Yet, we have our own people saying it is okay not to feed our people.

I think we should not be debating for the sake of debate. This Bill has come here before. The Ministry has been very kind and it even met Members of Parliament in a Kamukunji and explained this Bill. Right now, we have a serious food crisis. This is one of the measures that we need to implement as we do the cosmetic ones like bringing down the cost of unga. We need to embrace science to feed our people. The bottom line is that we will perish if we refuse to embrace the brains of the world and our own scientists. We must know that all over the world, everybody is doing that.

Madam Temporary Deputy Speaker, I grow tissue culture bananas. I feed a lot of my people. I have many culture tissue bananas and I have never heard of my people dying. In fact, they are very happy after eating those bananas. Yesterday and even this morning, I ate bananas from my own farm. So, I know something which I could not do one year ago. I am able to do it because of biotechnology that was brought to my village by a mzungu. While we are saying that we are just importing it, all this Bill seeks to do is to introduce a regulatory framework so that we can know what we are eating, how we are eating it and who is importing that technology.

If you walk into a supermarket in England and America, you will find that the foodstuffs are labelled. That is a simple cosmetic thing. You do not even need research. You will see: "This is GMO tomato." They are big, nice and beautiful. I have eaten them for many years. That is what this Bill seeks to do and that is simple. You can go to Uchumi Supermarket and even an open air market at Kangemi and we can tell our people: "This has been grown this way. You have a choice." Nothing here stops people from growing traditional food crops.

Madam Temporary Deputy Speaker, what we ought to do is to simplify our approach to development. I think the issue of food security is a national security issue. As hon. Members of Parliament and leaders who have been elected, we have a role to play. This country has the Kenya Agricultural Research Institute (KARI), which this Parliament passes a budget for every year, and nothing comes out. That is because the scope of its research is limited to traditional ways.

Every where you go, you see half a quarter acre - KARI is doing experiments with maize. Stop that because it has failed! Import for us technology which is already working somewhere. We have to import technology. We do not even have to do research. There is no need of using a road of 100 kilometres to get to a point, when you can go one kilometre and get there. The bottom line is feeding the people of this country. In this region, Kenya can take the lead because many countries around here look up to us.

With regard to cotton, everybody in this Chamber has a cloth made of GMO cotton from

India. It is not killing us and it has not killed us. We need to be practical and accept that we are taking too long. If big countries such as Argentina, Mexico, America and Britain are all doing it, who are we? Why would we let our people die because some civil society somewhere wants to spend some money donated to them by some external countries? We are not experimental grounds. We need to shun the politics of retrogression. Those politics are meant to make sure that we, as Africans, do not progress in terms of supplying the world with anything. There is no country in Africa listed as practising in this. Therefore, we could be wrong.

Madam Temporary Deputy Speaker, I want to strongly disagree because Africa can feed itself. It can use the very formulae which are working in the West without doing anything that would cost us much.

I want to say one last thing. As we introduce this regulatory framework, nothing stops this Parliament from coming back here next year after six months - that is what the Standing Order calls for - to change anything which we may have done wrong. But fear of change is the one which retrogresses us. We cannot afford just to fear to pass a law because it may carry some bad elements with it. I think nothing stops this Parliament from coming back here tomorrow or ten years from today and say: "Let us do it this way." But we must begin and regulate GMOs which have proliferated our markets. They are here. It is not like we want to go and get them from anywhere. We just want our people to know that we care as Parliament. Let us give the people the authority and freedom to produce fast yielding food crops that are disease free and that take too little effort to produce and mature very quickly.

Thank you, Madam Temporary Deputy Speaker. I beg to support.

Mrs. Shebesh: Thank you, Madam Temporary Deputy Speaker. I will go straight into the issue of the civil society. I come from a background of civil society and I think there is a misconception that the civil society is against this Bill. We must realise that even within the civil society, there are civil societies that are conscious of the realities of the day. There are those who are there to promote the agendas of multinationals. Let us be very clear. We do not want to have a blanket condemnation of the civil society. I believe that there is a civil society that knows its place. This Bill has been in the public domain. It has gone through stages which civil societies are aware of. If they had any issues that they wanted to raise, they would have appeared before the Committee that is headed by hon. Koech and raised their issues there. But they did not. Therefore, let us not give a blanket condemnation on the civil society. I believe the civil society is the conscience of the people and we have a very responsible group of civil societies.

Madam Temporary Deputy Speaker, I must also speak about our role here as legislators. I see an attempt by some of my colleagues to become scientists. We do have a role, which is to enact law or to look at the laws that are already in place but have gaps and amend them. That is our role. We should leave the work of scientists to them. If the Government has brought a Bill here, a Government which we respect, we are all part of and we believe is responsible, we should be looking at our role as legislators, which is to enact a law that allows scientific data to become part and parcel of Kenyans' lives. Let us not criss-cross the divide too much, because then we shall lose the focus as to why we were elected, and why we represent Kenyans in this House.

To me, a vacuum allows corruption and we are now in a vacuum in terms of the law that deals with this issue. We have brought the Biosafety Bill here, because there was a vacuum in the law. As legislators, we cannot allow a vacuum in the law so long as we have enough breath. That is why we are here. Our role is to interrogate this Bill, and look at the gaps within the law. The gaps might allow corruption or negative impact on people's health and that is what we should be looking at. I think we are being unfair to the professionals in this country, who are really the most respected, not only in Africa but in the world. I have been to conferences where I found professors of Kenyan origin giving lectures on great issues; I wonder why, as Kenyans, we are the first to raise

doubts about our scientists when the rest of the world is embracing them. Let us be a bit sincere, and do the job that Kenyans have given us.

Even as we speak about the risks involved, let us also be sincere about the risks other technologies bring on board. Look at the mobile phones. Everybody says that they are risky but we continue using them. We have not stopped Kenyans from using them either. Look at the cosmetics that we women use. They are labelled as the riskiest, but we continue to ingest them so that we can be light-skinned, but no one arrests us for doing that. Now, you want a Kenyan woman to watch her child die because of a risk that is not even guaranteed. I think the most painful way to die is out of starvation. Do we want to do that to Kenyans? We do not want to create a legal framework in which to address these issues. I think we will be letting down Kenyans.

Madam Temporary Deputy Speaker, I want to look at what Kenyans are eating now. In Githurai, *sukuma wiki* is grown in sewage and it is sold on the street as the most green *sukuma wiki*. I am sure you have seen it, but it is grown in the sewage. In Githurai and Kasarani, we do not have sewage systems. So, that is how our young Kenyans, who have no jobs, have become so ingenious; they grow *sukuma wiki* and we are eating it. So, what is more risky? *Sukuma wiki* grown in sewage or a tomato that has been modified? I would rather eat the tomato. But for now, I have been eating the *sukuma wiki*.

I am saying that all the risks that we are talking about, we should be realistic about them. We have been talking about food crisis in this Parliament. We had a hot debate yesterday about food security, and today the same Members of Parliament are raising issues on how to bring on board the very issue that we were debating yesterday. We must speak in one voice. That is why I am asking for collective responsibility, not only in the Government but also in Parliament on issues that are of national interest.

Let us not play with issues of national interest like food and health. Science is going to impact even on our health, education and anything that we want to improve. If we start having problems with science now, when we want the next machine that can check whether I am about to have a heart attack, are we going to say that we do not want it, because it is too scientific and we do not understand where it came from? Science is not a curse. A curse is allowing your people to die because you are fearing to embrace change. I do not want to be part of a group of people who refuse to embrace change in exchange for hunger and suffering.

Madam Temporary Deputy Speaker, the other day, I was watching television, and I saw a woman in Baringo boiling some wild fruits for ten hours. The reporter said that it was boiled for ten hours because the fruit was poisonous. But since she was so hungry she knew that within the fruit there was something that she could eat. So, she boiled it for ten hours and removed the poisonous cover, and then fed her children with it. So, what I am saying is that in Baringo, ten hours to boil a fruit is what we would rather advocate for than advocate for a seed that she can use to grow food in three months for her children. To me, it is not even science; it is basic common sense and the realities of what we face today.

Let us not become scientists because many of us are not. Let us not also do the work of the civil society. I came from the civil society, but I do not do the work for them. What I do, as a responsible hon. Member is to guide the civil society. I tell them that if they have an issue bring it to this or that forum. There are Committees of Parliament, or they can even request a Member of Parliament to seek a Ministerial Statement. There are many issues in which the civil society can be involved. It is misleading to say that there is no way that we can involve the public. When I was coming to this House I thought the same thing that one of the hon. Members has said; we have been listening to many people lobbying. The truth of the matter is how the public will be involved. Clauses 19, 4 and 5 show how the public will be involved. I was also convinced that there was no way the public would be involved, because I had not looked at this document in totality. I am not

also a scientist to be able to digest it. So, let us do the job that Kenyans want us to do.

With those few remarks, I support the Bill.

The Assistant Minister, Office of the Deputy Prime Minister and Minister for Trade (Mr. Omingo): Madam Temporary Deputy Speaker, thank you for giving me a chance to contribute and support this Bill. The speaker who has just sat down can convince even the unconvinced ones. Today, I believe this Bill is going to be passed unanimously. We cannot bury our heads in the sand as the good lady has said, because GMOs are here. If they are here we must find ways of managing them scientifically. Let us test them and have them on board. Sometimes there are no guidelines; people will practise and enjoy without thinking about how it affects our people.

Where I come from is a land of honey and milk as it pertains to rain and fertility of the soil. We embraced GMO seeds without necessarily having to test whether they worked well for us or not. We never had something like this or scientists who could test the soil in Kisii. So, our people started starving. By the way, the maize that could grow to double my height became almost half my height and could not carry the "babies" on their "backs", because they were too short. That was because we assumed it was not and yet it was. So, it is important for all of us to stand up and be counted.

Again, when computers came to this country, people were running away. People feared that they were going to lose jobs. But can we do without them now? The issue is, please change and let us get going. The best we can do is to get involved and be educated and have others learn. If we fake ignorance, people are going to be misled and will start rejecting some tea-cutting machines, and the result will be that efficiency will go down; people will starve and we shall be helpless. The fact is that if we have to feed our people then we have to sign on the dotted lines to helplessness. So, we must embrace changes as they come.

Madam Temporary Deputy Speaker, Kenya is also part of the international organisation that signed the convention on biodiversity in 1992. So, we cannot pretend to run away from it, otherwise we will be left behind. So, the convention on biodiversity, which is aimed at promoting sustainable development is an issue which we need to embrace, in terms of creating the framework for trying to manage our food security.

Madam Temporary Deputy Speaker, Kenya being what it is and even an agricultural economy, I listened to the Minister for Agriculture speak and I was quite inspired that that is the route to go to feed our people. People have talked and agonized on how we need to feed our people. If we continue using cow dung as fertilizer today, we will not increase that yield. We might want to maintain originality, produce that food here and eat it here, but when you travel, for example, to the United States of America (USA), you eat GMOs. Would you carry your food to America? The world has become a global village.

Madam Temporary Deputy Speaker, Article 8 of the Convention I have just mentioned requires parties to that convention to regulate and manage or contain risks associated with the Genetically Modified foods. Kenya, in the Cartagena Protocol is part of it. Now, what I said earlier was that if we have those seeds around here, will they work for us? In fact, with regulation, we are not going to be used as guinea pigs.

What is happening today is that when it fails elsewhere and they cannot sell it, they dump it here. With this Biosafety Bill, I believe our scientists are going to be engaged and as the previous speaker said - I enjoyed her contribution - we have the best brains around town. Our papers in the shelf are the most brilliant papers that we can ever have, but do we use them?

Madam Temporary Deputy Speaker, on the area of trade, the World Trade Organisation (WTO) under the General Agreement on Trade and Tariffs (GATT), we are party to these international trade practices. For example, in some countries you cannot export a particular food unless it is of particular diameter size. Are you going to plant, weed, consume and not export?

What do you do with the surplus? We must embrace biodiversity. For example, if you went to Russia and engineered a long stemmed flower that those people who participate in opera shows keep throwing to the dias to impress and cheer up the participating artists, one stem costs US\$50.

A bouquet of flowers as we know them today is about US\$16. That is a whole bunch of flowers and we are targeting the rich market of this world. That is the way to go. Are you comfortable carrying a bulk of flowers in the European market for US\$15 when you can take a stem to Russia which is genetically modified and scientifically done with a stem of a bigger size for US\$50? We must think outside the box, otherwise we are going to be swallowed by modern times.

Madam Temporary Deputy Speaker, Kenya is part of the New Partnership for Development (NEPAD) programme where we have embraced agricultural reforms to achieve economic growth in terms of economic development. How are we doing it? We are a member of a community of nations and that is where we are supposed to go. Partly also, in terms of our policy framework, we have embraced the issue of Millennium Development Goals (MDGs). About 191 nations have embraced the attainment of MDGs by 2015. We are still keeping our long horned animals. They can hardly give you a glass of milk and yet they eat the same food. You employ one person to guard them and keep grumbling that the international community is managing their agricultural sector better to the extent that their agricultural production is higher. We must not keep on shielding ourselves. There is a time limit to international negotiation on trade practices; it is going to come to an end. We cannot pretend to sit here and guard ourselves against the international community for time on end. We must embrace this technology. The way to go is that way.

Madam Temporary Deputy Speaker, I agree that it comes with its side effects but we must look at the positives and the negatives. Even if the negatives weigh less than the positives, let us correct them. I think that is the way to go. We have a variety of crops here today some of which are not scientifically placed in the area they are supposed to be to the extent that we are leaving the very fabric of society. It is for this reason, that we want to be part of this programme of embracing biodiversity for purposes of increased food productivity.

Madam Temporary Deputy Speaker, if we had a well fed nation, our medical bills would go down by 70 per cent. I embrace grafted bananas. I think it is only that most of us like playing to the gallery. Let us own up. Sometimes let us say yes for what it is and grab it and run with it. If you look at the issue of the cost of medication, if we had a well fed nation as I said, medical bills would come down by a half. Even fighting HIV and AIDS, you are giving people drugs to swallow on an empty stomach. Some of them opt to sell the anti-retrovirals so that they can buy food. Now, it becomes counterproductive to lose a human being who would have entered in the productive sector.

Madam Temporary Deputy Speaker, I want only to make one or two comments on the opening paragraphs in Section 1 and I think Madam Minister will look into this. It has been a practice here and I am not talking about this Minister, but in the previous Parliament where we passed Bills here and implementation took a lot of time. We want to see this actualised and I will beseech Members of Parliament to bring an amendment that upon passing of this Bill, it must be law in six months. You should operationalise that. We must be able to give results to our taxpayers so that if it is passed today, within six months we have a law that is operationalised.

I remember the case of the Ministry of Finance last year. It took two and a half years to actually operationalise the Privatisation Bill and it took this House and the Speaker to push us to do our duty. If that is too much to do on the other side, parliamentarians need to do that in this House and tell our Minister that she needs to do a bit of ground work and see what it takes to operationalise this Bill. If it is a year, it should be operational within that one year.

Madam Temporary Deputy Speaker, Sir, most importantly as I conclude, it is important that we address the current economic times. Some of the biggest issues that arise in the negotiations by

WTO is agricultural products. Agricultural products have their standards in terms of international manufacture, standards and quality. The only way we are going to walk in that market without crying foul on subsidised crops out there is embracing the volume for quality of production in terms of scale and that we embrace the issue of modern times.

With those many remarks, I support.

Mr. Mututho: Thank you, Madam Temporary Deputy Speaker. Biotechnology is not new in this country. In fact, it has been part of our own customs. The *mursik*, that beautiful milk from Kipsigis land is based on the concept that if we introduce carbon to milk and ferment it, the pathogens will be attracted to the carbon and no *mursik* is known to cause any illness. That is biotechnology. Biotechnology has been used extensively even in Ukambani. We know the root systems in a lemon are much more advanced and so by cutting a shoot from a lemon and introducing an orange, that is biotechnology. You have a very stable plant which will be an orange and not a lemon.

Madam Temporary Deputy Speaker, biotechnology has been used extensively during the hybrid concept. The hybrid concept is taking those animals or plants which are said to be superior or have certain characteristics. For example, if you were to breed for milk production, those ones with good characteristics, good conversion ratio and so on and so forth. That cross-breeding or upgrading brings in hybrids, and the hybrid system has been used extensively again here particularly in maize and that is what has made Kenya Seed Company prosper. This is close to Obamaism. Mr. Obama is a cross breed of the very best from Africa. That is hybrid and it is a fact. It is S1 cross and a superior person. That is technology.

Madam Temporary Deputy Speaker, we cannot cover our heads against technology. Science has advanced very fast. This Bill would be useful to the extent that it controls excesses in science. These are excesses that can hurt people. I want to talk about cloning and the result of Dolly the sheep. I hope we remember Dolly the sheep. That was an excess in science.

Madam Temporary Deputy Speaker, Dolly the sheep is good. It is good if that sheep called Dolly disappeared when there was a big catastrophe and then the genes would be reintroduced. However, we must listen to other people too. We must listen to Christians! This is because they do not trust in science or politics. They have a reason not to. This is because we do not seem to understand our planet very well. For example, the latest we have heard is that we have sent an e-message to a planet which we think has inhabitants. That will take 20 light years. For us to get a feedback from this, we shall require 40 years. We shall be long dead before we get any response.

Madam Temporary Deputy Speaker, so, the Christians and civil activists must be listened to. They are saying something. We do not have a comprehensive answer towards this. I want to inform the Government that some of the most celebrated researchers, one being Prof. Suzuki--- Prof. Suzuki's Institute in Canada got six noble prizes in biology. He was my professor when I was at the university in Australia.

Madam Temporary Deputy Speaker, Prof. Suzuki was given a task to define to the Government what happens to a fruit fly and how it crosses over during winter. How does it resist the winter? They did everything. Using genetic engineering at its remote form then, they were able to have some feed coming from the mouth of the bloody insects--- The fruit flies just like a house fly were able to do it with 12 legs. They were able to do wonderful things. However, they did not understand why the fruit flies will always go through winter. We want to reduce the excesses. Why do we want to reduce excesses?

Madam Temporary Deputy Speaker, the Genetically Modified (GM) trees, when introduced mean nothing to an average person. We want to know whether this new variety of tree is extracting and forming compounds similar to tobacco which produces over 400 harmful products. Is this the product that we want to introduce to our grandmothers for firewood? Are we

trying to introduce a very dangerous product that will eventually kill us? That is why I am saying that in this Bill there must be adequate provision for a clearing house. This clearing house is not the Kenya Plant Health and Inspectorate Service (KEPHIS). This clearing house is a serious body corporate that will be in charge of anybody who wants to import anything. That was a provision in the Cartagena Protocol. It is not my provision. We agreed to that.

Secondly, we want to have comprehensive risk assessment. Our research institutes like Kenya Agricultural Research Institute (KARI) and Kenya Medical Research Institute (KEMRI) can do the risk assessment. We must also have a package on risk management. What happens if things do not work out right? Even rocket science, with all the advancements, sometimes things go wrong and we have a problem.

Eventually, Madam Temporary Deputy Speaker, we must have a provision in this Bill to create adequate public awareness. I have already explained the fears and worries of Christians when we try to introduce devil worship. Everybody should understand so that we can swing at the same strength. We cannot sit here, even when we are opposing the Bill, and say that genetic engineering technology is bad. It is not bad because to breed a new variety that can take as little as six months, whereas it would have taken about 20 years or thereabout! That is a good technology. But when we allow companies like those ones dealing with herbicides to breed a variety of maize that is resistant to a particular herbicide that is going to be used commercially, then people get concerned!

Madam Temporary Deputy Speaker, the breed in maize, and that is what is being used in the USA, targets herbicides and also targets insecticides. I do not want to imagine that insects have more brains than us, in rejecting that product. Insects reject it because they think it can kill them. We accept it because we think it will increase production because insects will not eat it. We must have the four factors embedded into this Bill.

Madam Temporary Deputy Speaker, I do not want to tire hon. Members with a lot of *maneno*, but---

The Assistant Minister for Energy (Mr. Keter): On a point of order, Madam Temporary Deputy Speaker. Would I be in order to request that the Mover be called upon to reply, because it seems that we are repeating ourselves?

(Applause)

Madam Temporary Deputy Speaker, we will still have the Committee Stage to ventilate on some of the issues which are still remaining. Some of the issues which hon. Mututho is raising can be incorporated during the Committee Stage.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Mututho, had you wound up? Did he interrupt you?

Mr. Mututho: Yes, Madam Temporary Deputy Speaker. Everybody is waiting. But I want to wind up by saying that, at Committee Stage, the Minister, a lady whom I respect immensely, should accommodate all these views. She should really study other things, including that study on mice that are not reproducing any more. That is because I want to see my great grandchildren benefit from maize studies.

Madam Temporary Deputy Speaker, with that basic understanding that all these fundamental changes will be incorporated in the Bill, then we can advance to another stage. But if the doors are locked, you should allow us to tell Kenyans - because that is what we are paid for - the dangers of abuse of science in GMOs.

Madam Temporary Deputy Speaker, I am saying that I will support this Bill only on condition and understanding that our good lady, who is the Minister; somebody who is not only learned and has a PhD, but a very, very wonderful listener, will open the doors for all those civil

society people.

With those few remarks, Madam Temporary Deputy Speaker, I beg to support.

(Applause)

The Temporary Deputy Speaker (Prof. Kamar): Thank you, hon. Members. The Chair of the Departmental Committee on Agriculture, Lands and Natural Resources--- You still wanted a minute?

Mr. Bett: Madam Temporary Deputy Speaker, I only wanted to stand and confirm one thing. This matter was before the Departmental Committee on Agriculture, Lands and Natural Resources in the Ninth Parliament. The issue which was of concern to us was risk assesment.

Madam Temporary Deputy Speaker, I see that, that issue has been taken care of by Clauses 7, 18 to 22, which are dealing conclusively with risk assesment.

Madam Temporary Deputy Speaker, Sir, I agree with my colleagues that, if they need to be strengthened, they should be strengthened. But the Committee's concern at that time was that risk assesment was not being spelt out very well in the Bill.

Madam Temporary Deputy Speaker, it was also on that basis that when we were in Bonn, we stood against the introduction of GE-trees because we knew there was no law in this country to protect us. Now, that law is coming and it will definitely protect us.

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

(Applause)

The Temporary Deputy Speaker (Prof. Kamar): Hon. Minister, unless you have unlimited time---

The Minister for Higher Education, Science and Technology (Dr. Kosgei): Thank you, Madam Temporary Deputy Speaker. I have very limited time, as you say. But I would like to give hon. Yinda one second, because he has passionately made that request. I will be very brief when I speak.

Mr. Yinda: Thank you very much, Madam Temporary Deputy Speaker. Thank you, Madam Minister, for giving me this opportunity.

I stand here to support the Bill. I will be very quick and I will not repeat myself. Basically, I am not a scientist but I have children who are learning science. Two of them are reading biotechnology, and I would like to see that when they come to Kenya, they will have work to do.

Madam Temporary Deputy Speaker, I would like to convince my colleagues, who are against the Bill, that, maybe, people like me who are afraid of change should embrace it. By bringing in the Biosafety Bill, we are only doing justice to this country. As has already been mentioned, it will protect and build our food reserves.

With those few remarks, I beg to support.

The Minister for Higher Education, Science and Technology (Dr. Kosgei): Madam Temporary Deputy Speaker, let me begin by thanking all of you, first of all, for being here this late. I

appreciate, I notice it and I do not take it for granted. I want to thank every one, who has attempted to support the Bill, and those who have had the opportunity to support or to air their views.

I specifically want to tell you this: At the Committee Stage we will look at all your contributions. I will be collecting everything from the HANSARD and the door is open for you to tell us what more you would like us to put in this Bill.

(Applause)

The reason is that we want a law that is going to serve all of us, and which the legislators in this House will be proud to support.

We should not be afraid of science or afraid to move forward. The country is struggling for food, and we want to get our scientists not to live in Geneva and elsewhere, but to have the protection of the law and be here in their own country.

I hear a lot about the dangers of GMO foods, but we should not be scare mongers. I am particularly embarrassed because the strongest opposition came from a Member of the Government. That, to me, is part of what we call unintended consequences, the comical part of what we do.

It raises the temperature of amusement, but hon. Members have given us the opportunity.

The Japanese live to over 100 years and they eat a lot of soya beans, which are produced in Brazil as GMOs. We should not worry! We want a law to protect our animals, our food and that is why we have come to this House. At the Committee Stage, we will incorporate everything. I give my undertaking to do all that at the Committee Stage.

(Applause)

(Question put and agreed to)

*(The Bill was read a Second
time and Committed to a
Committee of the Whole
House tomorrow)*

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday, 3rd December, 2008, at 9.00 a.m.

The House rose at 6.30 p.m.