

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 15th October, 2008

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### QUESTION BY PRIVATE NOTICE

#### MEASURES TO AVERT OUTBREAK OF RVF IN TURKANA NORTH/CENTRAL

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Livestock Development the following Question by Private Notice:-

(a) Is the Minister aware of an imminent outbreak of Rift Valley Fever in Turkana North and Turkana South districts and that the same has been reported in Southern Sudan?

(b) Considering the lack of basic veterinary services and personnel in the region, what urgent measures is the Minister instituting in order to protect the country from the disease, which could wipe out all the surviving livestock in the pastoralist districts of Kenya?

**Mr. Deputy Speaker:** Hon. Minister for Livestock Development? Let us go to ordinary Questions.

### ORAL ANSWERS TO QUESTIONS

**Mr. Deputy Speaker:** Question by Ms. Pheris Chechumba!

*Question No.172*

SCIENCE LABORATORY FOR NDUNGULU  
SECONDARY SCHOOL

**An hon. Member:** She is out of the country!

**Mr. Deputy Speaker:** She is out of the country? Question deferred until she comes back to the country.

*(Question deferred)*

**Mr. Deputy Speaker:** Next Question by Ms. S. Abdalla!

*Question No.209*

SUPPLY OF ELECTRICITY TO

## LAMU EAST

**Mr. Deputy Speaker:** She is not here? We will leave her Question until the end. Let us move on to the next Question by Mr. Chachu!

*Question No.272*GAS/OIL EXPLORATION IN  
NORTHERN KENYA

**Mr. Chachu** asked the Minister for Energy:-

- (a) how many exploration blocks of gas and oil northern Kenya has been divided into;
- (b) who the concessionaires are and whether he could table the concession agreements; and,
- (c) what steps the Government is taking to ensure that the local communities in northern Kenya are brought on board in terms of environmental protection, preservation of livelihoods and resources sharing thereof.

**The Assistant Minister for Energy** (Mr. M.M Mahamud): Mr. Deputy Speaker, Sir, I beg to reply:-

- (a) Currently, northern Kenya is divided into 15 exploration blocks for oil and gas as indicated in the Petroleum Exploration Blocks Map of October, 2008, a copy of which I, herewith, table.

*(Mr. M.M. Mahamud laid the document on the Table)*

Eight blocks situated in North Eastern Province are designated as Nos.1, 2A, 2B, 3A, 3B, LIA and LIB and L3. There are two blocks situated in the northern part of Eastern Province. They are designated as Blocks Nos.9 and 10A. Five blocks are situated in the North Rift and are designated as Nos.11A, 11B, 11BA, 13T and 10BB.

- (b) There are five concessionaires who have signed Production Sharing Contracts (PSC) with the Government for the said 15 blocks as follows:-

Vangold Resources as operators for Blocks No.3A and No.3B; China National Offshore Oil Corporation (CNOOC) as operator for Block No.9; Lundin Kenya BV as an operator for Block No.10A, Central African Mining and Exploration Company as operator for Blocks Nos.11A and 11B, and Turkana Drilling Consortium as operator for Block No.10BB.

Mr. Deputy Speaker, Sir, I now table a sample copy of the concession agreement, or PSC, that is normally signed between the Government and an oil exploration company for a block where the company wants to explore for oil or gas.

*(Mr. M.M. Mahamud laid the document on the Table)*

- (c) For environment protection, preservation of livelihoods and resource sharing, the Government has taken steps as follows:-

- (i) It will ensure that the exploration companies carry out environmental impact assessment (EIA) covering the areas that they are licensed for, before proceeding with the exploration work.

That is for environmental protection and in line with the requirements of the Environment Management and Co-ordination Act, 1999. The EIA is supervised by the National Environment Management Authority (NEMA).

(ii) To ensure the preservation of livelihoods of the local communities through the EIA process which is open, consultative and all-encompassing so as to minimize any negative effects that any exploration work may have on the peoples' livelihoods like livestock production, water resources and so on, while providing for ways of enhancing positive aspects of the projects on the peoples lives.

(iii) In addition, the Government normally asks companies to carry out corporate social responsibility projects to support local communities to meet some of their needs and aspirations. Where applicable, exploration companies provide jobs for local people. The PSC contracts signed with the companies have provisions favouring use of Kenyan goods and services by the exploration companies.

(iv) As regards resource sharing between the Government and the exploration companies, should the exploration companies discover commercial deposits of oil and/or gas, the portion for the local communities is provided for within the share that is administered by the Government. But I must say that, we, as a Government and a country, must now prepare ourselves should oil be discovered, so that proper sharing of resources and the development needs of the areas are taken into account.

Mr. Deputy Speaker, Sir, I beg to submit.

**Mr. Chachu:** Thank you, Mr. Deputy Speaker, Sir. I appreciate the Assistant Minister's informative response. I have a lot of interest in this particular issue of oil exploration in northern Kenya.

Mr. Deputy Speaker, Sir, Ludin Kenya BV, which is a Swiss company, is exploring for oil in Block 10A within my constituency. That is happening in many parts of northern Kenya by different international oil companies. They are all exploring for oil. It is our fear that, instead of being a blessing, if oil is discovered, it may be a curse for the people of northern Kenya. The examples in Nigeria and other parts of the world are really frightening. We are afraid that our people may lose their livelihood, land and, maybe, left poorer than before. I want to know from the Assistant Minister what modalities are there to ensure that if the oil is found - and I pray that we find it - we share that resource with the local communities I know you have modalities for cost recovery. I know you have modalities for profit sharing with those multinational companies. But what modalities are there for the local community that I represent in this Parliament?

**Mr. M.M. Mahamud:** Mr. Deputy Speaker, Sir, the points raised by the hon. Member are pertinent. As of today, there is very little information that we have shared with the local Members of Parliament. In the Ministry of Energy, we are now preparing to have a meeting with all MPs from the area so that we can actually go through what we have agreed upon with the companies. Everything should be understood by everybody so that we know what obligations both the contractors and the Government have. Should there be oil discovery, it is up to us, as leaders, to sit down and work out plans and programmes that can be put in place. In fact, as the hon. Member put it, we must prepare for a success story. We are busy exploring for oil and we might actually discover it. Very soon, we will have a meeting with all the MPs from the area so that we can chart the way forward.

**Mr. Abdirahman:** Mr. Deputy Speaker, Sir, part "(c)" of the Question is very important. What we heard from the Assistant Minister is purely what they will do after they get oil. Issues on environmental management, sharing of resources and exploration in general, have to be handled prior to all other things that the Ministry of Energy does with the oil exploration firms. The Assistant Minister has to demystify that notion. This is because we have a notion that these people

are only bringing in toxic waste. Could the Assistant Minister explicitly tell us what he intends to do ahead of all those negotiations?

**Mr. M.M. Mahamud:** Mr. Deputy Speaker, Sir, as I mentioned earlier, the current exploration agreement is just for exploration. We have not prepared ourselves with regard to what will happen if the oil is discovered. That is why I said that we need to get Members of Parliament and leaders from that area together so that we can come up with a programme which we will put in place should oil be discovered.

Mr. Deputy Speaker, Sir, currently, the environment assessment that has been done is to ensure that when they are drilling, they do not spoil the environment. We are sure that there is a lot of misinformation and mystery about this thing and it needs to be demystified. That is why we have taken the initiative to call hon. Members together so that we go through the whole thing together in the course of this month.

**Mr. Kioni:** Mr. Deputy Speaker, Sir, we know that there are many African countries which are still in turmoil and the genesis of it is the discovery of oil in those countries. What measures are being taken by the Government, at this early stage, so that in the event that we discover oil, and I hope we do, this country is not faced with clashes that are sponsored mostly by those who have an interest in the discovered resource?

**Mr. M.M. Mahamud:** Mr. Deputy Speaker, Sir, honestly, nothing has been put in place now. However, it is now time that we, as leaders, put our heads together and see what we can do.

**Mr. Letimalo:** Mr. Deputy Speaker, Sir, it is quite a long time now since exploration of gas and oil began in Kenya without us getting any positive results. Could the Assistant Minister tell this House whether they are making any progress at all or they are just causing destruction to the environment?

**Mr. M.M. Mahamud:** Mr. Deputy Speaker, Sir, I must say that we are actually making progress. There are a lot investigations that have not been done. For example, with regard to the results for exploration Block 3B, the national seismic survey they are doing today indicates that we are going to discover oil. In fact, in Block 9 and Block 10B, by the first quarter of next year, we might have the first well drilled. So, there is a lot of optimism that we will discover oil.

**Mr. K. Kilonzo:** Mr. Deputy Speaker, Sir, this Ministry is notorious for working in isolation from the local community. This situation is not only unique in northern Kenya. In my constituency, Mutito in Mwingi District, we have got deposits of coal and gas which the Ministry is trying to explore. However, the Ministry does not involve the local community or leaders from that area. What measures is the Ministry taking to ensure that it brings the local people and their leaders on board as far as exploration for those resources is concerned?

**Mr. M.M. Mahamud:** Mr. Deputy Speaker, Sir, as I said before, we have discovered that shortcoming. In fact, where there is oil exploration, even Members of Parliament may not be aware of what is going on. We will get together, as far as the exploration for coal and gas in Kitui and Mwingi districts respectively is concerned, so that we can work as a team.

**Mr. Chachu:** Mr. Deputy Speaker, Sir, from the response given by the Assistant Minister, it is clear that we will have to depend on the goodwill of the Government to agree on the issue of cost-sharing if the commercial deposits of oil and gas are found in northern Kenya. While the goodwill and the gentleman's agreement maybe something that we are used to, it might not work if it is not embedded in the law and existing policies. What kind of policies or necessary laws does the Ministry intend to come up with to ensure that the local communities benefit from the exploration of oil in northern Kenya?

**Mr. M.M. Mahamud:** Mr. Deputy Speaker, Sir, I take the advice from the hon. Member with a lot of enthusiasm. We will come up with policies that will be all-inclusive. We will have to work together and participate in coming up with those policies.

*Question No.279*

## CLASSIFICATION OF ROADS IN OL KALOU

**Mr. Mureithi** asked the Minister for Roads:-

- (a) whether he is aware that more than 70 per cent of the roads in Ol Kalou Constituency are unclassified;
- (b) what action he is taking to have these roads classified so as to attract funding from Government and development partners; and,
- (c) if he could table the list of Government- owned road construction, repair and maintenance machines in the constituency and indicate their condition.

**The Minister for Public Works** (Mr. Obure): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that there are about 786 kilometres of unclassified road network in Ol Kalou Constituency. This, in my calculation, amounts to about 57 per cent of the total network of roads in Ol Kalou and not 70 per cent as indicated by the hon. Member.

(b) The Ministry of Roads is in the process of carrying out an inventory of all unclassified roads in the country in order to qualify and have them properly classified. Currently, the classified network will also be reclassified to meet current needs and challenges. We have already engaged the services of consultants. They are already undertaking this assignment. As I speak here, I am almost sure that they have now completed the exercise; only that they have not given us their report. Therefore, all unclassified roads in Ol Kalou and elsewhere in the country have now been classified for purposes of future planning.

(c) The Ministry of Roads does not allocate specific equipment or vehicles to constituencies in the districts, but facilitates the District Roads Engineers through budget allocations for road maintenance each year to hire these services from the Chief Mechanical Engineer and the Transport Engineer in the Ministry of Roads. That is what happens. So, we do not have any specific maintenance equipment in any specific constituency. However, it is available in various centres within the country.

**Mr. Mureithi:** Mr. Deputy Speaker, Sir, as you are aware, Ol Kalou Constituency is a highly productive area and, since Independence, the roads there have not been classified. In actual fact, we have only two classified roads C69 and C83. The rest of the roads are not classified. As the Minister tells us, that they are going ahead to classify them, the farmers' produce continues rotting in the farms because they cannot reach the markets. People continue to suffer because they cannot reach hospitals. Could the Minister give us the exact timeframe, so that these roads are classified and we are able to get funding considering that the road engineers get the money to hire the workforce since they do not have enough money to go round and grade the roads to the standards of delivering our produce to the market?

**Mr. Obure:** Mr. Deputy Speaker, Sir, I am aware that Ol' Kalou Constituency and other constituencies, especially those in what we refer to as settlement schemes, have been disadvantaged all along. In order to assist them, and this is basically the reason why we have undertaken to do a classification of all roads in the country, I want to inform the hon. Member that this exercise has now been completed. This will now enable the Ministry to do proper planning for funding of maintenance work in these areas. I want to assure the hon. Member for Ol Kalou Constituency that the experience they have had in the past where they were disadvantaged and where the road network in their areas was not targeted for maintenance, would be a thing of the past.

I believe that, from the next financial year, all roads that have now been classified will be eligible for funding and maintenance through the Ministry.

**Mr. Kioni:** Mr. Deputy Speaker, Sir, Ndaragwa Constituency neighbours Ol Kalou Constituency and as such I have a lot of interest in the answers that are being given to this Question. Could the Assistant Minister inform this House what criteria or factors are going to be used to determine how the funds will be used once the classification is done?

[**Mr. Kioni**]

Secondly, once the roads are improved, could the Minister inform the House what factors are going to influence or inform the Ministry so that priority is given to areas like Ol Kalou, Ndaragwa and especially Nyandarua which has been left out and yet it is a very useful district in terms of agricultural produce in this country?

**Mr. Obure:** Mr. Deputy Speaker, Sir, as I said earlier, we have engaged the services of consultants. These are specialists in this field. We are doing this assignment jointly with the NORDIC Development Fund. The consultants who have been going around the country doing the classification will have taken account of the various factors including population, economic activities in any specific area and the traffic volumes involved on the various roads. Once this classification is given to us and adopted, we will then decide on the modalities and levels of funding for each category of roads. This is really the essence of the whole exercise, so that it can be put into the Ministry's plans and become eligible for funding. This is to ensure that all roads are classified appropriately and then funding is sought and allocated appropriately.

**Mr. Ngugi:** Mr. Deputy Speaker, Sir, Ol Kalou Constituency is one of the constituencies in Nyandarua District just like Kinangop. I am glad the Minister has accepted and admitted that we have been marginalised and he is going to classify the roads so that we can be at the level of the other classified roads in the country. However, that is not enough.

Could he give us an assurance that, after classification, there will be an affirmative action to bring us to the same level with other areas where roads have been classified and have enjoyed the support and funding from the Government?

**Mr. Obure:** Mr. Deputy Speaker, Sir, I acknowledge that Ol Kalou Constituency and the constituencies in former settlement areas or areas that were classified as such, were disadvantaged in that most of the roads in those areas were not classified and, therefore, were not eligible for funding. I do not know whether that makes Ol Kalou Constituency a marginalised area but in terms of the road network, I think, to a certain extent, I agree with what the hon. Member has said.

However, roads in Ol Kalou and similar areas will now be put at the same level with the rest of the roads in the country and, therefore, they now qualify and will no longer be disadvantaged.

**Mr. Mureithi:** Mr. Deputy Speaker, Sir, I am glad that my friend, the Minister who I have worked under as my former Minister when I was in the bank, is able. However, I would like him to answer the issue of affirmative action. Whereas I hear many people say that roads in their regions are tarmacked, I want to inform the hon. Minister that Ol Kalou, and Nyandarua District in general, does not have any single tarmac road.

Could he give us a timeframe on his affirmative action such that when money comes, he will now bring it to the settlement areas starting with Nyandarua so that we could take the rotting vegetables and carrots to the areas that are experiencing hunger right now? The farmers cannot come out of the farms just because of lack of roads.

**Mr. Obure:** Mr. Deputy Speaker, Sir, it is very difficult at the present moment to give the kind of assurance the hon. Member is looking for. However, I want to say that we will be receiving this report on the classifications. All I know is that, once we receive the classification on the Ol Kalou roads and areas which have been disadvantaged before, they will qualify for funding. Roads in those areas will be improved and regularly maintained through regular funding from the

Ministry. Therefore, to a certain extent, all I am able to say now is that they will come to the same level with the rest of the country and the people living in those areas will see an improvement, overall, in the condition of roads in their areas.

**Mr. Deputy Speaker:** Next Question by Mr. Sirma!

*Question No.281*

LIST OF CEOs/CHAIRPERSONS OF  
WATER SERVICES BOARDS

**Mr. Sirma** asked the Minister for Water and Irrigation:-

- (a) whether she could table a list of CEOs and Chairmen/Persons of all the Water Services Boards in Kenya, indicating their respective areas of origin; and,
- (b) what steps she will take to ensure regional balance of the various appointments.

**The Assistant for Water and Irrigation** (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I do hereby table the list of all the CEOs and the Chairmen/Persons of all the Water Services Boards in Kenya.

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

(b) From the above list, it is very clear that regional balance was considered during the appointments.

**Mr. Sirma:** Mr. Deputy Speaker, Sir, when I asked this Question earlier, this regional balance had not been done since, one Eng. Mutahi was demoted after I asked this Question. Could the Assistant Minister confirm that there are certain communities which cannot qualify to be Chairmen or CEOs in these Water Services Boards so that we may know that we have to be represented otherwise?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, did you hear what the hon. Member, Mr. Sirma, said? He is asking whether some communities cannot qualify and yet he is not telling us why they cannot qualify to be appointed!

**Mr. Deputy Speaker:** Hon. Assistant Minister, you cannot answer a Question with a Question! Answer the Question and if you want to say all Kenyans qualify, then proceed!

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, the hon. Member is asking me whether I am aware that there are some communities in this country who do not qualify to be CEOs of water companies and I am wondering whether there are any because all of them qualify.

**Mr. Sirma:** Mr. Deputy Speaker, Sir, from the Assistant Minister's list, it is very clear that we, in the Rift Valley Province, have to be represented by people from other communities.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, from the list which I have tabled, the Rift Valley Province is represented by Eng. Mutai, who comes from the Rift Valley and Mr. Geoffrey Asanyo, who is a resident of Nakuru. That is the true position.

**Mr. K. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister for Water and Irrigation to tell this august House that people qualify to sit in Water Boards merely by virtue of their communities or is it meritocracy that takes place in appointing these people?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I have tabled a list here. I was provoked by the hon. Questioner to state whether there are some communities who do not qualify to be appointed to

Water Boards. I have answered in the affirmative; that members of all communities in this country qualify to be appointed. You have the advantage of going through the list that I have tabled to see that the country is fully represented. I want to confirm that members of all communities in this country, be they Ogiek, Luo or Kikuyu, qualify to be appointed in any position in this land.

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, while appreciating the good answer from the Assistant Minister, I want to say that there is a tendency to appoint people on the basis of their political affiliations and where they come from. I would like the Assistant Minister to assure this House that people will be appointed to these Boards on the basis of their expertise in the various sectors. For instance, in January when the first half of the Cabinet was announced, his predecessor removed a person from the Rift Valley from office. The second person who was appointed in the April Cabinet appointments, removed the one who had remained. These people require a tenure of office to provide services to Kenyans. They should not serve at the whims of the respective Ministers.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I believe that qualified Kenyans should get jobs anywhere in the country. I agree with him that appointments are nowadays made according to the regions. The other day, Mr. Ethuro brought a Question here asking why some drivers had been taken out of Turkana to be employed elsewhere. We must, as Members of Parliament, come up with a decision to appoint the best qualified Kenyans. From the Ministry of Education to every level of this Government, we should remove the quota system so that the best qualified Kenyans can be employed anywhere in the country.

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I do not wish to contradict the Assistant Minister, but I think he is missing the point. The low cadre personnel is recognised internationally. Even Kenya as a country does not send drivers to foreign missions. These people should be sourced locally. We are talking about the people who are appointed to serve in the national water boards. You cannot deny a Turkana the opportunity to drive around the roads without tarmac in Turkana. They can drive better than the people who drive on tarmac only.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I agree with the hon. Member that drivers are of low cadre, but teachers are not of a low cadre, whatsoever. We need to look at these levels from the Chief Executive to a particular level and agree, as a House, from which level we should encourage competitiveness. But at the level of the drivers, I agree that we should have an affirmative action. However, we should embrace the spirit of competing for jobs across the country, so that our offices are occupied by qualified people.

**Mr. Letimalo:** Mr. Deputy Speaker, Sir, there is a perception or a notion in the Government, although it is a wrong one, that certain communities cannot produce some professionals. One of the Ministries which hold this perception is the Ministry of Water and Irrigation. I know of a case where a certain organisation was looking for somebody with a Masters Degree in Water Engineering. I have a constituent with such qualifications; the only Samburu with such qualifications and he was not even called for the interview.

What arrangements does the Assistant Minister have to make sure that when vacancies arise, advertisements reach all parts of the country, so that nobody is disadvantaged on the basis of where he comes from?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, in the list that I have tabled of about 24 people, there are two people from North Eastern Province. However, I agree with the hon. Member that there are some communities with very few people who are qualified for these jobs and they should be considered and given a chance.

**Mr. Letimalo:** On a point of order, Mr. Deputy Speaker, Sir. Does it mean that even the few qualified Samburus cannot be called for interviews?

**Mr. Deputy Speaker:** Hon. Assistant Minister, why are you not calling Samburus who are



qualified for interviews?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I had not finished. I agree that there are some communities with very few qualified people, and they should be considered, especially when they are very qualified. We can even send them back home to work there because they have the interest of the community at heart. I want to inform the hon. Member that we advertise for these jobs and we pick the most qualified people. For the last three weeks, we have been advertising for Chief Executives in the newspapers. In case there are areas which we have not complied with, I want to assure the House that we will try to comply.

**Mr. Sirma:** Mr. Deputy Speaker, Sir, this Ministry has a history of skewed resource allocation. As we take our money to the Water Services Board, what guarantee to do we have, as a community, that we will be taken care of by other people who do not know about us?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, you will agree with me that I have answered the Question comprehensively. Mr. Sirma is contented that the appointments are balanced. If the other Question is asked rightly, I can then come with the correct information. It is a different Question.

*Question No.339*

CLOSURE OF IDP CAMP IN MUMIAS TOWN

**Mr. Washiali:** Mr. Deputy Speaker, Sir, I had directed Question No.339 to the Minister of State for Special Programmes. No sooner had the Question reached the Ministry than they moved into action. I hereby confirm that the IDP Camp that was in Mumias Town has been disbanded. I, therefore, wish to withdraw the Question.

*(Question withdrawn)*

*Question No.348*

AMOUNT OF MONEY LOST BY PBK  
FROM 2003 TO DATE

**Mr. Kioni** asked the Minister for Agriculture:-

- (a) how much money has been lost by the Pyrethrum Board of Kenya (PBK) from 2003 to date; and,
- (b) considering the adverse effects on farmers, what action he has taken against the persons responsible for the losses.

**Mr. Deputy Speaker:** Minister for Agriculture! We will come back to the Question. Next Question!

*Question No.363*

SECURITY CHECKS AT TANA  
RIVER BRIDGE

**Mr. Abdirahman** asked the Minister of State for Provincial Administration and Internal Security:-

- (a) whether he is aware that passengers travelling from Mandera, Wajir and Garissa districts to Nairobi are regularly subjected to security checks at the Tana River

Bridge; and,

(b) what measures he will take to ensure that this practice, which is not applied at all other border towns, does not continue.

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

(a) Yes, I am aware that passengers

travelling from Mandera, Wajir and Garissa to Nairobi are regularly subjected to security checks at the Tana River Bridge.

(b) The laying of roadblocks form part of the police strategy in combating crime and are, therefore, not permanent features on our roads. This is done when the need arises to deal with any emerging crime. Roadblocks are, therefore, found across the country and at all entry points along our borders. They are, therefore, not confined to Tana River alone. They are primarily erected for purposes of security and the maintenance of order on the roads. Their presence is subject to regular reviews to ensure that the overall aim for which they have been placed is achieved. They are supplemented by highway patrols across the entire country. However, if the Tana River Bridge does not meet this criteria, we will be forced to do away with it.

**Mr. Abdirahman:** Mr. Deputy Speaker, Sir, I have got the response even in writing. There are two very quick conclusions that I could make from his statement. The first one is that these roadblocks are not permanent features. They are also subject to a review all the time or anytime when the need arises. I want to confirm to the Assistant Minister that the Tana River Bridge security check is a permanent feature on that road. It is done on a daily basis and it has been there for the last ten years. It is not because there are no other options.

I want him to tell us why they cannot use other border points. North Eastern Province has three districts. Mandera has a border point at BB1, Wajir has one at DIF and Garissa has one at Liboi. All those are officially gazetted Customs and Immigration border points. Since the Tana River Bridge does not meet the criteria which he has talked about, could he tell us whether it can be done away with immediately; and if possible, tomorrow morning?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I have clearly stated that, among other things, if the roadblock at the Tana River Bridge does not fall under the criteria which I have just read, then it must be done away with. Because of the porous borders which we have, we are also considering mounting roadblocks within the border points at Wajir, Mandera and Garissa. However, we will not have permanent roadblocks.

**Mr. Deputy Speaker:** Hon. Assistant Minister, for your information, much as I would have wished to be participating in this not from the Chair, Garissa does not have a border point. Garissa District is not a border district. The border districts are Fafi, Lagdera and Ijara.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, you are right. I am talking about the porous borders which we have with Somalia and Ethiopia.

**Ms. A. Abdalla:** Mr. Deputy Speaker, Sir, given that the Emergency Rules were repealed in 1992 and one of the excuses for that roadblock at Garissa was to stop the proliferation of small arms into the rest of Kenya, does it mean that the whole of North Eastern Province should wallow in small arms, while the rest of the country is secured through that border point? Why does he not have a more thorough check-in, for example, Border Point 1 in Mandera, Liboi or the rest of the province?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, that is true. That is why I said we will not allow permanent roadblocks. We will scatter roadblocks from one place to the other. We do not need to have permanent roadblocks, not only in Garissa and Tana River, but the whole country.

**Mrs. Noor:** Mr. Deputy Speaker, Sir, we, as leaders from the region, are confirming to the

Assistant Minister that the Tana River Bridge does not fall under the criteria that he has talked about. Since we know that he is a person of action, could he confirm to us when he will implement the

actions that he has talked about? Could he give us a timeframe within which he will close that roadblock? That roadblock has really harassed many people in North Eastern Province, particularly women. Women are off-loaded at that bridge, harassed and checked. Even their private parts are touched, which is not right!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, as I have said - and I repeat - there will be no permanent roadblocks mounted within Kenya. If we will have permanent roadblocks, I would want any of my colleagues to come and complain to my office. The Government will not accept any permanent roadblock anywhere in this country.

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. The security of this nation is paramount. We cannot have an Assistant Minister contradicting himself on the Floor of the House. On the one hand, he sets the criteria under which roadblocks are established, while on the other hand, he says, "if it is determined---" I would imagine that when this Question went to the Ministry, there was adequate notice for him to establish whether or not there is need for the roadblock at Tana River Bridge, so that he could come to this House with a considered opinion. He is engaging in semantics and bully tactics. Is he in order?

**Mr. Deputy Speaker:** Hon. Assistant Minister, the sentiments in the House and facts on the ground are that Tana River is not a border district. You have given a criteria. Could you be definitive about the action you will take on this roadblock which is not on the border? It is about 150 kilometres from the border!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I was not talking about the roadblocks which are within the border points. I am talking about roadblocks which are erected permanently. I have said that it is not a must that we have a permanent roadblock. Roadblocks will be moved from one place to another.

**Mr. Deputy Speaker:** But the substantive information which we have here, that even the Chair is witness to, is that there has been a permanent roadblock at Tana River for over ten years. So, give the position of the Government on that!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, we will remove that roadblock.

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, just like all permanent or temporary roadblocks in Kenya, the Tana River roadblock is a haven for corruption by police officers. What action has the Assistant Minister taken to ensure that all temporary roadblocks that he has approved do not allow police officers to harass and extort money from the public?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I do accept what the hon. Member has said. However, if there is any evidence that the police officers are extorting money from people, I will take action immediately.

**Mr. Deputy Speaker:** Last Question, Mr. Abdirahman!

**Mr. Abdirahman:** Mr. Deputy Speaker, Sir, our friend the Assistant Minister, historically, is a bit more responsive than quite a number of other Ministers and Assistant Ministers. I want to thank him if he has confirmed that, that roadblock at the Tana River Bridge will be removed. I hope that, that will be done tomorrow morning. I have no further questions. Let them just do that. After all, as I speak, the border between Kenya and Somalia is closed. This was unnecessary as it has hurt Kenyans who live in that part of the country.

**Mr. Deputy Speaker:** Hon. Member, are you happy with the Assistant Minister's answer? You should not ask any other question!

**Mr. Abdirahman:** Mr. Deputy Speaker, Sir, I will be there over the weekend; if I do not

see it, I will be very happy!

*Question No.368*

DISTRICT OFFICER FOR BAMBURI DIVISION

**Mr. Joho** asked the Minister of State for Provincial Administration and Internal Security what steps he has taken to deploy a District Officer (DO) and other divisional administrative personnel following the creation of Bamburi Division.

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

Bamburi Division has a District Officer who was deployed there as from 4th August, 2008. Other divisional administrative personnel are also being posted to Bamburi by their respective Ministries.

**Mr. Joho:** Mr. Deputy Speaker, Sir, I do not know if the Assistant Minister is aware that the DO has been posted there as an individual, with no logistical support from the Ministry. That he is supposed to co-ordinate, as the Assistant Minister, to ensure that the services of a DO are availed to the locals.

**Mr. Lesrima:** Yes, Mr. Deputy Speaker, Sir, I am aware that the DO does not have facilities, and we will make arrangements as soon as possible.

**Mr. Joho:** Mr. Deputy Speaker, Sir, the Assistant Minister has not come out decisively, because we have a serious insecurity problem within that area--- Having a DO with no vehicle or support officers or armoury for Administration Police (AP) posted there does not serve the purpose. Because of the magnitude of the issue, the Assistant Minister ought to come out clear on when exactly we are going to have officers, the APs, and other support officers deployed and vehicles to serve the purpose of having Bamburi Division.

**Mr. Lesrima:** Mr. Deputy Speaker, Sir, we have 600 DOs in the country, and not all of them have vehicles. But in this particular case, we will provide a vehicle and APs.

**Mr. Joho:** Mr. Deputy Speaker, Sir, he did not give a decisive answer. What is the timeframe?

**Mr. Deputy Speaker:** Will you give a timeframe, Mr. Assistant Minister?

**Mr. Lesrima:** Mr. Deputy Speaker, Sir, I believe our Vote is coming next week and we will provide the details.

**Mr. Deputy Speaker:** Mr. Joho, the Assistant Minister has given an undertaking connected to the Vote. That is in the substance of his answer. I hope you are satisfied with it.

*(Mr. Mung'aro stood up in his place)*

Mr. Mungaro, you should ask the last one, because I think the Assistant Minister has answered the Question. In any case, the content of the Question shows that at the time it was filed, the DO had not been posted there. So, the supplementary questions you are asking are as a result of the leeway the Chair is giving you. In any case, the Question itself was on the deployment of a DO and he has already been deployed. So, can we have the last one?

**Mr. Mung'aro:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to tell this House that only when an hon. Member intervenes here does he get support staff? I also have a new division in Malindi called "Lango Baya". He is telling us that we have 600 DOs in the country but we are only provided with support staff when we come to this House and ask a Question.

**Mr. Lesrima:** Mr. Deputy Speaker, Sir, I have just said that we have 600 divisions and not all of them have the same facilities. But in this particular case, the division, I feel, is a deserving case. It is the one I undertake to deal with immediately. However, we will look into all the others when we finalise our budget.

Thank you.

*Question No.386*

REQUIREMENTS FOR GRANT OF CITY  
STATUS CHARTER TO KISUMU

**Mr. Deputy Speaker:** Is Mr. Olago in the country or outside on Parliamentary business? He is not here; therefore, the Question is dropped!

*(Question dropped)*

We will go back to Mr. Ethuro's Question by Private Notice.

**QUESTION BY PRIVATE NOTICE**

MEASURES TO AVERT OUTBREAK OF  
RVF IN TURKANA NORTH/CENTRAL

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Livestock Development the following Question by Private Notice.

(a) Is the Minister aware of an imminent outbreak of Rift Valley Fever (RVF) in Turkana North and Turkana Central Districts and that the same has been reported in South Sudan?

(b) Considering the lack of basic veterinary services and personnel in the region, what urgent measures is the Minister instituting in order to protect the country from the disease which could wipe out all the surviving livestock in the pastoralist districts in Kenya?

Mr. Deputy Speaker, Sir, the Minister owes us an apology because I am asking this Question for the second time.

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

(a) Yes, I am aware that there is the RVF outbreak in Kenya, including north and central Turkana. Prediction of the imminent outbreak of the RVF in this country was made through satellite remote sensing, which was published by the World Health Organisation (WHO), the Food and Agriculture Organisation (FAO), the African Union (AU) and Fusenet, among others. I am also aware of confirmed clinical RVF in Southern Sudan between January and June, 2008, as reported to the WHO, animal section, known as the World Organisation for Animal Health (OIE). It is important to note that the RVF mostly occurs in areas where there has been an outbreak previously as a result of heavy flooding. We are expecting, according to reports, to receive heavy rainfall and subsequent flooding in the major arid and semi arid lands (ASAL) regions.

(b) I would like to clarify that my Ministry provides veterinary services in North and Central Turkana Districts, as well as in other parts of the country. It is important to note that there are five veterinary officers and 11 animal health assistants in the said two districts. In addition, there are three veterinary surgeons, three diploma holders and nine animal health technicians in private practice in these two districts. However, I would like to clarify to this House that the

number of personnel in our Ministry is not adequate, but we are in the process of doing a major recruitment this year.

As regards measures taken to avert the imminent RVF outbreak, after receiving the alert, we have put in place the following measures.

(i) To date, 1.2 million doses of RVF vaccine are available in the country at our main Kenya Veterinary Vaccine Production Institute (KEVEVAPI), and are being procured for further urgent distribution. This 1.2 million doses of vaccine will be disbursed to the high risk areas of North Eastern, Coast, Rift Valley, Eastern and Central Provinces, with a target protection of six million animals.

(ii) The multi-sectoral RVF working group, comprising of the Ministry of Livestock Development, Ministry of Public Health and Sanitation and the Ministry of Medical Services, has been re-activated and has met twice to monitor the early preparedness and response initiative.

(iii) Liaison has already been established at the regional level with the FAO and the AU in collaboration with the neighbouring countries under Inter-Governmental Authority on Development (IGAD) and the East Africa Community (EAC). Further, the Ministry is getting an additional amount of Kshs346,033,000 from the Treasury for capacity building, surveillance and early preparedness response plans against the RVF.

(iv) Finally, the Ministry, through the Public Service Commission (PSC), is in the process of recruiting 100 veterinary surgeons and 145 animal health technicians to increase the capacity for fast-tracking the process of eradicating the RVF and other major trade-related diseases like Avian Influenza, Foot and Mouth disease and *Peste Des Petits Ruminants* (PPR).

Thank you.

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister very profusely for answering this Question. It is very rare in this House to get Ministers who can give such a considered comprehensive answer.

Mr. Deputy Speaker, Sir, you remember that just before we went on recess, I raised an issue about an imminent attack on pastoralists who had migrated to Uganda, and it came to pass. The Rift Valley Fever had been eradicated during the colonial government. It was not an issue until 1998/1999 during the *El-Nino* rains, when it resurfaced. But because the Ministry has been under-funded, including having only five veterinary officers in Turkana District; a district---

Mr. Deputy Speaker, Sir, my question is: Recognising that the personnel in the larger Turkana District is only limited to five veterinary officers and 11 health assistants--- We know that the establishment should be one veterinary officer per division. There are 17 divisions. Animal health assistants should be per location. There are 58 locations. When is he going to give us the numbers, given now that he is recruiting, especially the local people who can work in the local circumstances? The problem, sometimes, is that when you post people from outside the region, they tend to look for external transfers immediately.

**Mr. Duale:** Yes, Mr. Deputy Speaker, Sir, it is very rare to get that kind of credit from hon. Ethuro. Thank you very much.

Mr. Deputy Speaker, Sir, I know and I want to bow for the support of hon. Members of this House and, more precisely, members of the Pastoral Parliamentary Group. Together, we can address the many challenges facing the livestock sector and the Ministry of Livestock. I am telling you here that we have issues to do with funding and staff. But I want to tell this House that, this year, we are going to recruit up to about 800 new staff mainly in the cadre of veterinary surgeons, livestock production officers and animal health technicians. Next year, we will do the same. At the same time, we are going to harmonise our systems where more veterinary officers, animal health technicians and livestock production officers will be posted to Arid and Semi-Arid Lands (ASALs) where they have a business. They do not need to be more in the highlands and less in ASALs.

**Mr. Kioni:** On a point of order, Mr. Deputy Speaker, Sir. If I heard it right, the Assistant Minister has said that the Government may not post veterinary officers to the highlands because they are not doing anything. If that is the Government position, could we be told so that we can know what to do? That is a very disturbing position because we also have livestock within those regions. There is a lot of dairy farming that is going on and it also requires the same attention. It is important that Ministers cease answering Questions on regional basis! That is not healthy!

**Mr. Deputy Speaker:** Order, hon. Kioni! You have made your point!

**Mr. Duale:** Mr. Deputy Speaker, Sir, yes, what I have said is that, we do not want to have a situation where there are more veterinary officers serving 3.5 million dairy cows against less officers serving the 15 million beef cows we have in ASALs.

*(Applause)*

Basically, what I am saying is that we will re-distribute our staff. We will take care of the dairy animals in the highlands. But we do not want to have a situation where we have more veterinary officers in the dairy sector with 3.5 million cows against the 15 million beef cattle in this country!

*(Applause)*

**Mr. Bahari:** Mr. Deputy Speaker, Sir, there is an upsurge of livestock diseases in this country from Turkana, all the way to Ijara and across the other side. In spite of all that, the funding from the Treasury has been so low to the extent that it has incapacitated this Ministry. In most instances, even agriculture has more funding in predominantly livestock districts than the livestock. What is the Ministry doing to engage the Ministry of Finance to stop the bias against the Ministry of Livestock so that it can get more funding?

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Duale:** Mr. Deputy Speaker, Sir, yes, today is a happy day for the Ministry of Livestock! The interventions are coming from the pastoralists! Where we have a situation, as the hon. Member has said--- In Mandera, Ijara and Turkana, for instance, where there are no crops, the District Agricultural Officer has more allocation than the District Veterinary Officer and the District Livestock Production Officer. That is the inequitable distribution of resources within Government that, as a Ministry, we are addressing. We are going to call all hon. Members of Parliament and put that issue on the table. We are expecting that, in the next Budget, the Ministry of Finance and the Government will correct those imbalances.

Thank you, Mr. Deputy Speaker, Sir.

**Dr. Monda:** Mr. Deputy Speaker, Sir, some time back - three or so months in this House - the Ministry was on record that it will employ staff to counter the then disease in the same northern part of the country; PPR. Today here, we are talking about the imminent outbreak of the Rift Valley Fever and the same story is continuing: "We are in the process of employing". My question here is: When shall we employ? When shall we be through with the employment and have staff in place to counter the diseases?

*(Applause)*

**Mr. Ethuro:** And that is a veterinary doctor speaking!

**Mr. Duale:** Mr. Deputy Speaker, Sir, yes, we are employing, as a Ministry. The Public Service Commission (PSC) is doing that. I think all hon. Members know the process and procedure

that go with the recruitment and employment by the PSC. But I want to tell the hon. Member that, yes, there was the PPR and, as we speak here today, both the private sector, public sector, Kenya Veterinary Association, Kenya Veterinary Board, private veterinarians as well as the Government's veterinarians are in the field in the eight blocks in this country and, so far, we have vaccinated about 5 million goats and sheep. I want to assure this House that it is not going to be the old story. Already, we have the report of imminent heavy rains and flooding. We are more prepared than ever before to fight the Rift Valley Fever. So, I can tell the hon. Member that he should not be worried this time round.

**Dr. Monda:** On a point of order, Mr. Deputy Speaker, Sir. This is an era of strategic planning for all Ministries. There is also performance contracting. We cannot say, in a mystified situation, where the Assistant Minister is only telling us: "We are prepared". We are asking for specific time-frames when the employment will be complete and save the population of this country from losing their livestock and their economic backbone!

*(Applause)*

**Mr. Duale:** Mr. Deputy Speaker, Sir, yes, we have a time-frame. The shortlisting is being done by the PSC, which is outside our Ministry. I will tell the hon. Member that, yes, very soon, within the next one month, you will see new staff at our Ministry. As for the Rift Valley Fever, I think I have outlined, strategically, the steps that we are taking. I did that initially when I started to answer this Question.

**Mr. Abdirahman:** Thank you, Mr. Deputy Speaker, Sir. You heard the Assistant Minister admit that they do not have enough funding. Looking at the history, this Ministry was created in 2006; many months after the Budget. Today, they cannot respond to emergencies adequately. He told us that they will call Members of Parliament. Members of Parliament do not have the solution. The solution is with the Ministry of Finance. The Ministry and the Government will keep on allocating this Ministry very minimal resources. Could he tell us what steps they have taken? Have they written to the Ministry? Even in the long-term, how can that problem be addressed? Could he tell us a little more on what they are doing with the Ministry of Finance?

**Mr. Duale:** Mr. Deputy Speaker, Sir, I want to disagree with the hon. Member. If you are a Member of Parliament, and you are from a livestock breeding area, you have business with the Ministry of Livestock Development. He is a leader who is at the policy-making level. He sits in this House. The Budget and the National Livestock Policy will be tabled. Having said that, I would like to inform the hon. Member that all our correspondence with the Ministry of Finance, in terms of raising our Budget ceiling, has already been done.

**Mr. Deputy Speaker:** Last question, Mr. Ethuro!

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I only want to thank the Assistant Minister. However, I would like to give him notice that if there is an outbreak in Turkana District, and it is not handled, I will come back to this House and demonstrate that he did not tell us the whole truth. But I want to believe him.

*(Resumption of Oral Answers to Questions)*

*Question No.172*

SCIENCE LABORATORY FOR NDUNGULU  
SECONDARY SCHOOL



**Mr. Deputy Speaker:** Hon. Members, Ms. Peris Chepchumba is out of the country on Parliamentary business. So, I will defer the Question to a date when she will be around with us.

*(Question deferred)*

*Question No.209*

SUPPLY OF ELECTRICITY TO LAMU EAST

**Ms. S. Abdalla** asked the Minister for Energy:-

(a) what he is doing to put to use the four generators purchased by the Lamu East Constituency Development Fund (CDF) in an electrification project, but which are now lying idle without even being tested; and,

(b) what other measures he is taking to provide electricity to Lamu East Constituency under the Rural Electrification Programme (REP).

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

(a) Lamu East CDF purchased four generators to be used within Pate Island, within Lamu East Constituency. They made a request to the Ministry to provide a network. We installed the network to Faza, Swuda, Bwajumali and Kizingitini areas at a cost of Kshs36 million. The work was completed in December, 2007. We then informed Lamu East CDF on the pending implementation. We told them that the Ministry could not take over the project because it was an off-grid system. We made a request as to who will own the line, and we are still waiting for that. We are also waiting for the wiring to be done in the affected places, so that we can test the generators. So, unless we are informed, because this is a community-based project, the Ministry will not take it over.

(b) On the measures the Ministry is taking to ensure that the constituency is adequately provided with electricity, we made a request in April, 2008, to all Members of Parliament. I now wish to report that to-date, Lamu East Constituency has not made any proposal on the five priority projects, which we are still awaiting. However, Lamu East is not the only constituency which has not submitted a proposal. There are other constituencies, which include the following:-

Kikuyu, Gatundu North, Tetu, Mathira, Changanwe, Wundanyi, Lamu West, Lamu East, Kangundo, Mbooni, Saku, North Horr, Dujis, Fafi, Kitutu Chache, Turkana North, Nakuru Town and Narok South constituencies. I wish to ask the respective Members of Parliament to forward to us their five priority projects, so that we can implement them alongside others.

Mr. Deputy Speaker, Sir, I also wish to inform those who have forwarded their proposals to us that, by next week, they will have letters informing them which projects the Ministry will start implementing by next month.

**Mr. Kioni:** Mr. Deputy Speaker, Sir, I wish to seek clarification from the Assistant Minister. Certainly, the REP is helping in some areas, but what is the Ministry doing to avoid quotations being given to those who apply individually? We have situations where people are being given exorbitant quotations, because the engineers have not moved to the ground to do proper design, so that they can come with appropriate quotations.

**Mr. Keter:** Mr. Deputy Speaker, Sir, I agree with the hon. Member that there are incidents where the Kenya Power and Lighting Company (KPLC) gives "scaring" quotations to the public, so that they do not pay. I have an incident of a person who applied for electricity in an area where transformers were available, in which case he was supposed to pay Kshs32,000, but he was given a quotation of Kshs1 million. That is pathetic. We, as a Ministry, are addressing that issue by coming up with a work plan whereby wherever a transformer and power line is nearby, we give guidelines to the public, so that when one makes an application, he is already aware of the chargeable fee. We

have also empowered the design and survey work by the KPLC by empowering their offices.

**Ms. S. Abdalla:** Mr. Deputy Speaker, Sir, while I appreciate the answers given by the Assistant Minister, the survey was done after the generators were bought. It was, subsequently, realised that the project was not viable, because it is very expensive to run four generators in different villages. What I wonder is why the Government would spend Kshs36 million to do wiring when they had not even done the research to see whether the project was viable. The project was not even approved by the REP. Why would the Government spend that sum of money?

**Mr. Keter:** Mr. Deputy Speaker, Sir, I agree with the hon. Member that Lamu East CDF Committee bought the four generators and then made the request to the Ministry for provision of the network. I said clearly that we provided the low voltage network at a cost of Kshs36 million. At this point, the issue of whether the project is viable or not does not arise. The project is viable, because we want to provide electricity. The issue is who will own the project. That is what we have written to the area CDF Committee to explain.

**Ms. A. Abdalla:** Mr. Deputy Speaker, the generators do not have the capacity to run for 24 hours. What we need is rural electrification. We do not need a four-hour electricity.

**Mr. Keter:** Mr. Deputy Speaker, Sir, to be honest, even looking at the Question, the hon. Member said that the generators are lying idle without even being tested. So, at what point does the hon. Member want to say that the generators are unable to run for 24 hours? We have not tested them, because we are still waiting for the modality of ownership of the project to be established. So, I am answering on the basis of the Question before the House.

**Ms. S. Abdalla:** Mr. Deputy Speaker, Sir, the capacity of the generators are not---

**Mr. Deputy Speaker:** Order! Order, Ms. S. Abdalla! You should catch the Chair's eye and then you contribute.

Nonetheless, proceed.

**Ms. S. Abdalla:** Thank you, Mr. Deputy Speaker, Sir.

The capacities of the generators are not viable for a 24-hour electricity generation. What we need is one big generator to cater for the whole of Pate Island in Lamu East Constituency. So, could the Assistant Minister confirm whether we will be covered by the REP in Lamu East Constituency, and when?

**Mr. Keter:** Mr. Deputy Speaker, Sir, it is our responsibility as a Ministry to provide electricity. I have said clearly that at this point, I am not able to say that the four generators are unable to run. If we establish that they are unable to run, as a Ministry, we will take over and provide electricity using the four generators or solar energy, because we have already provided the network. So, it will not be a big problem. I believe that before the CDF Committee bought the generators, they did research.

**Eng. Rege:** Mr. Deputy Speaker, Sir, currently, the transformers are supposed to supply electricity to community centres or schools, but they are not being installed to also serve the communities. Please, make sure that transformers are installed in a 500-metre radius, so that the communities are also served. Secondly, could the Ministry supply the communities with small transformers that are affordable? Transformers are too expensive for the communities to buy separately.

**Mr. Keter:** Mr. Deputy Speaker, Sir, the first issue is design work. We have given authority to them to design it in such a way that the transformer will not only cover market centres and public institutions but also domestic households within that area.

Mr. Deputy Speaker, Sir, the second issue is that of transformers. As a Ministry, we have given guidelines on the companies from which we can buy the transformers. This can make it possible for individuals to also buy their transformers. As a Ministry, through the Kenya Power and Lighting Company (KPLC) and Rural Electrification Authority (REA) we can instal the

transformers. This will bring down the cost of transformers.

**Dr. Munyaka:** Mr. Deputy Speaker, Sir, considering that, currently, Kenyans are paying too much for electricity bills, could it be wise to request that since KPLC is in business and making a lot of money, it should invest so that Kenyans are not required to pay any money for connection? KPLC should only gain from the amounts paid for power consumption.

**Mr. Keter:** Mr. Deputy Speaker, Sir, I cannot say that the KPLC is making a lot of money. You saw in this year's Budget that the Ministry has provided a transmission company such that expansion will be done by the Government and funded 100 per cent by the Exchequer. This will lower the cost because the transmission lines will be owned by the Government.

**Mr. Deputy Speaker:** Last question, Ms. S. Abdalla!

**Ms. S. Abdalla:** Mr. Deputy Speaker, Sir, now that the Assistant Minister has thrown the blame to the Constituencies Development Fund Committees (CDFCs), could he comment on the standards of the work done on the wiring that cost Kshs35 million? It has been done very poorly such that the poles are in the middle of the narrow roads in the villages which cause accidents. The wires are under coconut trees and near *makuti* roofs in the villages. Every season these roofs have to be thatched. I wonder what will happen to the wires. They are actually touching the *makuti* roofs. Could he tell us what safety measures the Ministry is taking as far as the wiring is concerned?

Could he also tell this House who the contractors of the rural electrification in Lamu East Constituency are?

**Mr. Keter:** Mr. Deputy Speaker, Sir, I will start with the last question. We are still waiting for your project proposal. You cannot be asking for contractors yet we are expecting you to give us the project proposal. We have written to the area Member of Parliament. Apparently Ms. S. Abdalla also comes from the constituency but in this case we wrote to the elected Member of Parliament.

On the second issue, I wish to state that I have not blamed the Lamu CDFC. We have not tested the generators, therefore, at this point I cannot say they have erred or not done a good job or did something bad. No! I cannot say this until we test the generators.

Mr. Deputy Speaker, Sir, there are guidelines and standards to be followed when constructing low voltage networks. In all areas, whether there are trees, we have to have a power line. In that area, I think the standards were achieved because the work was done by the KPLC themselves.

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

*Question No.348*

AMOUNT OF MONEY LOST BY PBK  
FROM 2003 TO DATE

**Mr. Kioni** asked the Minister for Agriculture:-

(a) how much money has been lost by the Pyrethrum Board of Kenya (PBK) from year 2003 to date; and,

(b) what action he has taken against the persons responsible for the losses considering the adverse effects on the farmers.

**The Assistant Minister for Agriculture** (Mr. Mbiuki): Mr. Deputy Speaker, Sir, I beg to reply.

(a) A total of Kshs2.3 billion has been lost by the Pyrethrum Board of Kenya (PBK) since 2003 to date.

(b) I have taken the following actions against persons responsible for the losses:-

(i) We have reported the cases to the police.

(ii) We have also reported the cases to the Kenya Anti-Corruption Commission to investigate the persons suspected to be involved.

Subsequently, seven senior officers implicated have been sacked and are arraigned in a court of law.

(iii) We have dissolved the entire management board and appointed a new one to run the PBK, in April 2007.

**Mr. Kioni:** Mr. Deputy Speaker, Sir, I appreciate that the Assistant Minister comes from a coffee growing area while I come from a pyrethrum growing area. I do not know whether you have heard that the amount of money that the PBK lost is Kshs2.3 billion. It will be important for this House to be told how much money was paid to the farmers during that time. When did this theft go on and who were the people in charge?

**Mr. Mbiuki:** Mr. Deputy Speaker, Sir, from 2003 to date, the amount of money in arrears is to the tune of Kshs64 million only. The following officers have been---

**Mr. Kioni:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is answering his own question. The question is: How much money was paid to the farmers during the time this Kshs2.3 billion was stolen and who stole the money?

**Mr. Mbiuki:** Mr. Deputy Speaker, Sir, in that particular period in time, a total of over Kshs1 billion was paid to the farmers. According to our statistics and report, the amount owed to farmers is Kshs64 million. The people who have been charged in court of law are the former officers in the farm. They are as follows:-

- (i) Mr. James Gichana - former Factory Manager
- (ii) Mr. Cliopas Ochieng' - former Chief Chemist and Logistics Manager
- (iii) Mr. Ongengi Osinde - former Finance Manager
- (iv) Mr. Kevin Paka - former Corporate Secretary
- (v) Mr. Silvester Kamau - former Refinery Manager, Extraction
- (vi) Mr. Vincent Mecha - former Acting Extraction, Branch Manager
- (viii) Mr. Gilbert Omori - former Chief Supervisor.

The contracts for the following two officers were never renewed:-

- (i) Mr. Peter Waweru - former Audit Manager
- (ii) Mr. Robert Tiampati - former Crop Production and Research Manager

We dissolved the previous Board and appointed a new one in April 2007.

**Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. The Kshs2.3 billion in Kshs1,000 notes is the equivalent of three tonnes. That is a lot of money!

Mr. Deputy Speaker, Sir, this amount of money attracted the interest of Parliament to the extent that the Committee on Agriculture, Lands and Natural Resources went to the Board three times. They wrote two reports. However, up to this time, this Committee led by Mr. Bett has never tabled any one of those reports. Could the Chair direct that the Chairman of the Committee - knowing the weight of this matter - tables the report so that we are well prepared to tackle the Assistant Minister?

**Mr. K. Kilonzo:** Mr. Deputy Speaker, Sir. A Kshs2.3 billion loss is bigger than the loss in Goldenberg and Grand Regency, because in Grand Regency Hotel, there is something that we can see. Kshs2.3 billion, which was stolen by a few people, as the Assistant Minister has confirmed, is a big shame. My question to the Assistant Minister is: Given that this amount of money has been stolen, what happened to the Chief Executive Officer (CEO)? He has not told us what happened to the CEO. He has only told us about the lower cadre of managers, who were fired and some taken to court. What about the CEO, with whom the buck stops?

**Mr. Mbiuki:** Mr. Deputy Speaker, Sir, I will confirm about the CEO later, because I do not have any information on what really happened. The people who were implicated were arraigned in

court, and I beg this House to allow the due process of law to take its course.

**Mr. K. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. My question is very clear and precise. This shows that the Assistant Minister is not taking this matter very seriously. In a loss of Kshs2.3 billion, there is no way the CEO would not be involved. The Assistant Minister is telling us that he does not know what happened to the CEO and that he will confirm it later. Since he has said that, would it be in order for me to request you to direct the Assistant Minister to go back and come with an answer about what happened to the CEO? Was the CEO in cahoots with the Assistant Minister and that is why he has been left out? Would it be in order for you to direct the Assistant Minister to go back and come back with the right answer?

**Mr. Mututho:** Mr. Deputy Speaker, Sir, when the Grand Regency Hotel issue came here, because it affected a few urbanites, everybody rose up, but when the poor farmers' money, Kshs2.3 billion, is confirmed stolen, the Assistant Minister treats the issue very casually. Let me put it to him that, there is a scam by that same Ministry to have another factory and to "kill" all those farmers; it is an organised death. Could he confirm that the Ministry is not aware of another factory that is part of the scheme about stealing this money and also killing the pyrethrum industry?

**Mr. Mbiuki:** Mr. Deputy Speaker, Sir, investigations are still going on. The Departmental Committee on Agriculture, Lands and Natural Resources visited the Pyrethrum Board of Kenya and was given all the necessary information. The CEO was not implicated in any wrong doing and that is why he was not charged in a court of law.

**Mr. Deputy Speaker:** Order, Mr. Assistant Minister! The matter is of very grave magnitude. A huge sum of money is involved. In your own admission, the money went missing in a mysterious manner. Under the circumstances, the Chair is ruling that you go back to your Ministry and come back with an appropriate answer, because the House has a mandate to protect the interests of Kenyans, including the pyrethrum farmers. When are you going to have that answer?

**Mr. Bett:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister cannot wish away the loss of Kshs2.3 billion by saying that the Committee on Agriculture, Lands and Natural Resources went to the Pyrethrum Board of Kenya. He must tell the nation where the Kshs2.3 billion is. Secondly, the Management Board, which was appointed illegally by the Ministry, and without reference to the farmers, cannot be said to be managing the affairs of the Pyrethrum Board of Kenya without the authority of the farmers, who have been fleeced of their money!

**Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. This matter is very important. If Parliament is to get to the bottom of it, then the Committee on Agriculture, Lands and Natural Resources should table the two reports that they prepared when they visited the Board three times. Since we are seeing signs of political interference, political protection, tribal interests and nepotism--- There is a chain and the former Minister, Hon. Kirwa, presided over this mess when Ms. Yego, whom he was protecting, was from his community. The current Minister---

**Mr. Deputy Speaker:** Order! Hon. Member, you are on a point of order. You better confine yourself to the substance of the matter in question. You have already asked for the indulgence of the Chair to direct the appropriate Committee to table reports. So, for you to go into the details of what you presume to be in the reports is wrong. You have made your point; allow the Chair to make a ruling.

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

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

**Mr. Deputy Speaker:** Mr. Bett, you have taken over the point of order; proceed, nonetheless.

**Mr. Bett:** On a point of order, Mr. Deputy Speaker, Sir. I am the Chair of the Committee on Agriculture, Lands and Natural Resources, which is writing its report. I want Dr. Khalwale to relax. We want the report to be properly prepared, so that there will be no doubt as to its recommendations and findings.

**Mr. Mureithi:** On a point of order, Mr. Deputy Speaker, Sir. Whereas I appreciate the answer from the Assistant Minister, I have just looked at what he has given us as an answer. What I would like to request is that, as we now look at the aspects of the Kshs2.3 billion, which the Ministry of Agriculture is aware of, I would also like to--- Farmers have been making deliveries of pyrethrum since 2003 without being paid. What has happened subsequent to 2003 is the loss of all the money for which the farmers have been delivering pyrethrum to the Board. The Ministry of Agriculture must be held accountable. The poor farmers worked very hard and under very difficult circumstances; they have been left without any income.

**Dr. Monda:** On a point of order, Mr. Deputy Speaker, Sir. Pyrethrum is also the backbone of the country's economy. The Assistant Minister seems to be touching on the surface of the issue. Who are the new CEOs and the officers below him?

**Mr. K. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, Mr. K. Kilonzo! As far as the Question is concerned, it has been disposed of, because a ruling has been given on it. The Assistant Minister is going to come back to the House with an appropriate answer. As for the Chairman of the relevant Committee, when can you have that report tabled on the Floor of the House?

**Mr. Bett:** Mr. Deputy Speaker, Sir, that report will be tabled next week.

**Mr. Deputy Speaker:** It is so ordered! Mr. Bett, who is the Chairman of the relevant Committee, shall table the report next week. Will it be okay on Wednesday next week?

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

**Mr. Deputy Speaker:** In the meantime, Mr. Assistant Minister, go back to the Ministry and come here with an appropriate answer. You cannot deal with this matter, as grave as it is, casually, yet the interests of Kenyans are at stake. Come with an appropriate answer on Thursday next week.

*(Mr. Ojode stood up on his feet)*

Order, Mr. Assistant Minister! You will give the Ministerial Statement today in the afternoon, after Question time.

**Mr. Letimalo:** On a point of order, Mr. Deputy Speaker, Sir. I wish the Assistant Minister was ready to issue the Ministerial Statement now---

**Mr. Deputy Speaker:** Order! He will issue the Ministerial Statement in the afternoon. We will now go to the next Order because it is a Private Members day; we will proceed with the private Member's Motion by Mr. Namwamba.

## MOTION

### COMPENSATION FOR FLOOD VICTIMS/LAND OWNERS IN BUDALANGI

**Mr. Namwamba:** Mr. Deputy Speaker, Sir, I beg to move the following Motion:- THAT, acknowledging that the series of devastating floods that have perennially hit Budalangi over the years and especially since the year 2000 were largely as a result

of negligence by the Government manifested in delayed poor flood control measures and lack of an early warning system; noting that land-owners whose land was taken by the Government during the construction of the southern and northern dykes in Budalangi Constituency were not compensated; this House resolves that the Government compensates all victims of the Budalangi floods from the year 2000, as well as land owners who lost their land during the construction of the above mentioned dykes in Budalangi.

Mr. Deputy Speaker, Sir, before I proceed to move this Motion, perhaps, I need to acknowledge that the action I am seeking through this Motion is unprecedented. I would like to tell this House that nothing new is to be feared. It is only to be understood. It is from that premise that I seek this House to understand the premises under which this Motion is moved. This Motion is moved on the premises of two fundamental questions. The first question is whether the Government has a duty of care to all citizens equally and without exception, and whether that duty of care extends to the taxpaying citizens residing in Budalangi Constituency.

Mr. Deputy Speaker, Sir, my submission is that yes, indeed, the Government owes every single citizen of this land a duty of care. Number two is the question as to whether the acquisition of the land that lies within the 32 kilometre long southern and northern dykes within Budalangi was acquired by the Government in accordance with requirements of Section 75 of the Constitution that protects every citizen of this land against deprivation of property. Again, my submission is that the acquisition of the land that today lies within the flood plain was not acquired in accordance with Section 75 of the Constitution.

Mr. Deputy Speaker, Sir, over the years, the name Budalangi has become synonymous with floods. It has become synonymous with unimaginable human suffering to such an extent that you cannot term the flooding in Budalangi as emergency. You cannot term the flooding in Budalangi an act of God. That is because even an act of God is that which is not anticipated. It is that which occurs within the realm of surprise or ambush.

While it must be appreciated here that the flooding problem in Budalangi is not new, indeed, documented evidence shows that it has flooded in Budalangi since 1940, 1945, 1948, 1951, 1961, 1962, 1975, 1977, 1978, 1997, 2001, 2002, 2003, 2006 and 2007. But it should be noted that I have deliberately ignored that whole period and sought compensation for the victims of that flooding from the year 2000. I have a good reason for that.

Mr. Deputy Speaker, Sir, the problem of flooding in that constituency has become particularly grave after the 1997 *El-Nino* effects, with the floods coming basically every year since that time. The effect has been quite devastating. Actually, more devastating with each succeeding year. For instance, in the year 2000, over 20,000 people were displaced and 52 people lost their lives. Of course, very high level property was also destroyed. In the year 2002/2003, about 26,000 people were displaced with several deaths also occurring as a result. The last flooding which occurred in the last quarter of 2007, again, over 20,000 people were displaced, resulting in 11 deaths. Out of those 11 deaths, six of them were children. About 4,800 pupils were also displaced and it led to the closure of five schools over that period. During that period too, basically all water points, including boreholes and wells, were contaminated and could not be used. Many roads were washed way and many settlement areas were basically marooned!

Mr. Deputy Speaker, Sir, the reason for this devastation--- The reason that problem seems to get worse with every year is very simple. The number one reason has been the casual, almost cavalier attitude by successive Governments. The blame does not just lie on the current Government. The blame lies on successive Governments over the years. Flood control in Budalangi has largely depended on dykes since 1961, when the first dyke system was constructed in the constituency. Incidentally, that first dyke of 1961 was not constructed to protect human lives.

It was constructed to protect the newly created Bunyala Irrigation Schemes, which was one of the irrigation schemes created at the dawn of Independence across the country. The ordinary lifespan of what constitutes a dyke is not more than 25 years. That means that the dykes constructed in 1961 outlived their lifespan in 1986, which is exactly 22 years. That means that, ideally, the dykes should have been overhauled 22 years ago. Those dykes are supposed to undergo periodic rehabilitation to avoid breaching. Until 1997, no notable rehabilitation works had happened to those dykes since their construction period. The result is that when the *El-Nino* deluge hit this country in 1997, the waters of the Nzoia swept through both the southern and northern dykes in the constituency like a hot night flight. That brings to me to the reason I selected the period 2000 - 2007 as the period when the Government in this country manifestly failed in its duty of care to the people of Budalangi.

Mr. Deputy Speaker, Sir, after the 1997 *El-Nino* effect, the Government formed an emergency programme called at the time, the *El-Nino* Emergency Programme. The purpose of that Project was to reach out to all the areas in this country that had been devastated by the *El-Nino* effect with funding both from the Government and the international development partners like the World Bank. In the case of Budalangi, the World Bank gave financing for rehabilitation and reconstruction of the dykes that had been destroyed by the *El-Nino* effects.

Indeed, the Government went ahead to advertise a tender for the rehabilitation of dykes in Budalangi, and I have a copy of that tender here. It is a tender that was advertised on 23rd August, 1999. In this tender document, it was clearly indicated what was expected of the contractor; that is, the kind of earthworks, embarkment and technical competence that had to be fulfilled by the contractor. This contract was awarded by the Government to one Salama Construction Company of Kisumu, headed by one Habijan Singh. The work was supposed to start in the year 2000 and it took off.

*[Mr. Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, the people of Budalangi have lived on this land since time immemorial. They know, understand and appreciate the magnitude of the flooding problem better than anybody else. On observing the work the contractor was doing, the community immediately raised alarm. They noted that the contractor was merely scooping soil and heaping it along the dykes. They quickly wrote a letter to the Government, a copy of which I have here with me. The letter is dated 11th July, 2000. The complaint to the Government was that the contractor was breaching specifications of this tender document. They also wrote to the World Bank; the financing international development partner. At that time, the World Bank was headed in this country by Mr. Harold Whackman. I have a letter here from Mr. Harold Whackman, then World Bank country director in Kenya, acknowledging receipt of the letter from the community and acknowledging the concerns the community had raised that the contractor was not living up to the expected standards. Surprisingly, a response came in from the Government engineer responsible for the *El-Nino* Emergency Project, one Eng. Daniel Baraza. He said that the work the contractor was doing was exceptional, it was within the tendering requirements and that it met all the standards expected by the Government. Basically, he gave the contractor a clean bill of health. In fact, to quote some of the words that Eng. Baraza used, he said: "The Government is totally satisfied with the work done by Salama Construction Company". He went on to dismiss the local community as being laymen that knew nothing about



dyke construction.

Mr. Temporary Deputy Speaker, Sir, within a period of six months, even before the lapse of the 12 month grace period that every dyke contractor must guarantee the Government and the community, those dykes were swept away at the slightest touch of the overflow from River Nzoia when the floods came. All the fears that the community had raised with the Government, the contractor and the World Bank came to be. The question I must now ask is: Did the Government fulfil its ultimate duty of care in reaching out to repair the dykes and ensure that the work had been done not only according to the expectations of the local people, but also according to the expectations of the Government itself in the tender notice that it gave that contractor? Did the community benefit from the Kshs29 million that was paid to the contractor? Did we get every worth of the Kshs29 million paid to the contractor? My submission is that the Government failed the people of Budalangi and other factors came into play. I am talking about factors such as favouritism and possible collusion between the contractor and Government officers that were running the *El Nino* Emergency Project that was responsible for this particular project.

After the devastation of floods that swept away the shoddy work done by Salama Construction Company, the Government made another tender. This time, it hired another contractor called Victory Contractors. They were contracted in 2002. I have the tender advertisement here with me which also clearly specifies the requirements that had to be met. Again, those requirements were not met and the Government went ahead to spend Kshs14 million on nothing other than scooping soil and heaping it in a place and calling it an embarkment. When the rains came in the year 2000, those mounds of soil were swept away once again.

Mr. Temporary Deputy Speaker, Sir, the point I am making is that the Government has repeatedly failed in its duty of care to ensure that this problem is handled with the seriousness it deserves. The question that we must ask is: By reason of the casual manner by which the Government has handled this problem--- Of course, this problem can be extrapolated elsewhere in the country, but the casual manner by which this Government has handled these processes, that is, contracting and supervision, who must take responsibility for the loss of life in Budalangi? Who must take responsibility for the loss of property in this constituency? Who must take responsibility for the displacement? Who must take responsibility for the trauma and distress caused to the people in this constituency every single year? Who must take responsibility for the disruption of life? Who must take responsibility for the stunted development level in this constituency because of the perpetual fear of flooding? My submission is that this responsibility can only lie fairly and squarely at the feet of the Government.

Among the things that the Government is supposed to do besides ensuring that this water is contained is that it must have an accurate early warning system so that long before disaster strikes, the people are adequately warned and can take measures to limit suffering. The Government has never instituted a reliable early warning system for a national catastrophe that has repeatedly hit this country since the 1940s. Is there any explanation why the Government could not institute an early warning system?

Mr. Temporary Deputy Speaker, Sir, it would have been prudent that this region would be a beneficiary by now of a disaster management centre. Can the Government give reasons why there is no single attempt to establish a disaster management centre either in Budalangi or within the vicinity of this constituency? The Government cannot explain why any time there is this disaster, relief is never available and people are reduced to living a life of destitution.

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

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

Madam Temporary Deputy Speaker, to paraphrase Prophet Isaiah, justice has been lying prostrate in the flood plains of Budalangi for the 45 years that this country has been independent. This cannot be allowed to continue. Martin Luther King loved to say that the arc of history is long, but that arc always bends towards justice.

I want to have faith that the Government is not going to oppose this Motion and that it is going to see that it has contributed to the perpetuation of the flooding problem in Budalangi Constituency. It has contributed to lowering the esteem and the capacity of the people in this constituency to take charge of their lives. I want to urge the Government to demonstrate goodwill and accept to compensate the people in this constituency.

Madam Temporary Deputy Speaker, the people of Budalangi are reasonable and hard working. They do not expect free things. Indeed, the people of Budalangi have no time for relief food. They want a permanent solution to this problem so that they can work hard and eke out a living from their sweat. I want to urge the Government that we have already started the process of computation. I have data here dating all the way back to the year 2000. This data has details of the number of farmlands that have been devastated, goats, houses and lives that have been destroyed. We have the information. Any time the Government is ready, it is here and it can be used as a basis for this conservation.

I beg to move.

**Dr. Khalwale:** Madam Temporary Deputy Speaker, I rise to second this Motion. Let me commence by acknowledging the 67 per cent rating that this Parliament was given by members of the public for the good work they think Members of Parliament are doing. I want to assure the public that we are not going to disappoint them. Let me also compliment hon. Namwamba for this Motion and more importantly, for the commitment that he has put to parliamentary democracy in the short period that he has been in Parliament, this being in spite of threats from some political party bigwigs.

People in Budalangi have lost lives and property. It is, therefore, incumbent upon me to pass my condolences to all of them, including their families and friends who are affected, not forgetting that they are my in-laws since my wife is from Bunyala.

Madam Temporary Deputy Speaker, Sir, it is very painful to see that a Government that has been in existence for over 45 years continues to call the Budalangi problem an emergency. It can only mean that we have a Government that is not sensitive and responsive because it is not just in Budalangi alone that we are having this kind of recurrence. We have these experiences elsewhere in the world. We have them in places like Cuba and North America where normally serious hurricanes occur but because of good governance, the American and Cuban governments are prepared. They are prepared to the extent that when hurricanes come into Havana, you do not see these kind of damages resulting into loss of property and lives.

Madam Temporary Deputy Speaker, what hon. Namwamba is trying to do is the modern way of approaching national problems. The modern way of doing things is to institute legislation when a disaster strikes, like the case that we are dealing with. Let me remind the House that it is only the other day when there was an economic disaster in America where the New York Stock Exchange was almost collapsing and both the House of Representatives and the Congress responded very quickly and brought in legislation that addressed the problem. So, this Government of ours should be brave enough just like the US Government was and accept legislation to address a national disaster. I am, therefore, begging this Government to accept this legislation in the same spirit that modern way of solving problems is done by the use of legislation.

Madam Temporary Deputy Speaker, the floods that occur in Budalangi have serious consequences and even if they do not result into loss of property and lives, there are other undercurrents. These include increased levels of poverty, illiteracy and disease. When hon. Namwamba decries and says that no one should think the people of Budalangi are looking for goodies from the Government, I could not support him even more because the people of Budalangi know how to combat poverty. They know it so well that if you go there, in the absence of these floods, they are very good fishermen.

The people of Budalangi are very good farmers in that they have got one of the most successful rice growing project; the Bunyala Rice Growing Project, Maslita, which if these dykes were in place, would allow the people of Budalangi to go ahead and earn their own living without relying on relief from the Government.

Madam Temporary Deputy Speaker, when floods strike, it becomes completely impossible in Budalangi for children to go to school. When this happens, children drop out of school and unfortunately, most of them, especially the girls start family life early. In the process, they contribute to levels of illiteracy that we the people of Western Province and Kenya in general would wish to do without.

The floods in Budalangi carry with them very many killers in the name of waterborne diseases. Besides this, we also have malaria. Also the people of National Aids Control Council (NACC) must not forget that whenever the floods strike and the victims go to those camps, then the social fabric is interfered with to the extent that the prevalence of HIV and AIDS becomes a fresh challenge.

Madam Temporary Deputy Speaker, I say all the above without any apologies in submitting that this is the failure of the Government. It is the Government that should have known these issues better than hon. Namwamba and myself who are today articulating the problem. It is important that the Government realises that playing affirmative action is not a favour; neither to the people of Budalangi nor those from the Arid and Semi- Arid Lands (ASALs) in this country.

When I was chairing last week's session of the Public Accounts Committee (PAC), I talked to senior accounting officers from the Ministry of Water and Irrigation and I asked them about Budalangi. Anyway, so that I am not seen to be promoting the interests of my community, let me tell you what I stumbled on in Garissa. A new borehole that the Government voted Kshs1.3 million for and on which the Government was able to spend up to Kshs770,000, required the civil servants who live in Garissa and who know the importance of water to contribute from their own Savings and Co-operative and Credit Organisation (SACCO) in order to fund this Government project of Kshs1.3 million for the people of Garissa to be given a borehole.

Madam Temporary Deputy Speaker, when I look at the Ministry of Water and Irrigation, I realise that in 2005 when they did it, the same Ministry besides giving only Kshs1.3 million to Garissa, gave over Kshs400 million to Meru District which has got far much more rain water than this ASAL areas. I wonder whether we really have a Government that has got a head on its shoulders.

Madam Temporary Deputy Speaker, it is the issue of inequality which results to the example of Garissa being given Kshs1.3 million to do a borehole and a district which receives enough rainfall to be given Kshs400 million. It is the kind of leadership in this country, that is partly, if not wholly, to blame for the post-election violence that we had in this country. It is, therefore, important that as we look forward to a new Constitution, we interrogate the theory of Government. I know that some people want us to have the Presidential system of governance while others want us to have the Parliamentary system. As we decide which system to use, for the sake of the children of Garissa who died because the Government could not budget for Kshs1.3 million for

water, let us think about a theory of Government that will provide for equal distribution of national resources to the people of this country.

I can see some people shouting: "We want a Parliamentary system". Please, if we adopt the Parliamentary system, then the head of the Government should be subjected to an election that is determined by the 35 million Kenyans. To allow the head of Government who will come from that Parliamentary system to be elected by 210 Members will create a parliamentary dictatorship that will be enjoyed by the person who is best fitted to buy support.

With those few remarks, I second this Motion.

*(Question proposed)*

**Mr. Outa:** Madam Temporary Deputy Speaker, I rise to support the Motion by my brother, hon. Namwamba. As we speak about Budalangi, I want the House to understand that Budalangi Constituency is a sister to Nyando Constituency. What happens in Budalangi every year happens also in Nyando Constituency.

All the victims of floods in Budalangi must be compensated by the Government; so should the people of Nyando. Over the years, the Government has given a deaf year to the problems that the people of Budalangi and Nyando face each year. The poor people try very hard to have food on their tables. The Government is not concerned about the raging floods that come at any moment and wipe away the people's crops and properties.

This Government is not serious about taming the floods in both Budalangi and Nyando. For many years, the Government has done a lot of research and has stated that it wants to come up with a good strategy to tame the floods in the two constituencies. Each year, the Government sets aside a lot of money for this purpose. I want this House to understand that billions of shillings have been spent on this research. At the end of that research, everything will be taken to the archives and will be forgotten.

Madam Temporary Deputy Speaker, every now and then, the people of Budalangi and Nyando suffer the consequence of the floods. I do not know how the Government will rate both Budalangi and Nyando in terms of the poverty indexes. I do not know whether the constituencies will be rated as having a minus or a plus poverty index. The consequences of the floods are very severe and they leave the people with no property and even cause loss of lives.

The Government has not put in place serious measures, like the ones that I have seen in America, to be up to date with technics of getting early warnings to the people of Budalangi and Nyando. The Government has failed to put measures in place to stop the floods and that is why we are asking it to compensate the victims of the floods in Budalangi for all the years that they have been affected by the floods. This Government must be serious. The Government should implement all its research findings in order to control the floods in Budalangi and Nyando Constituencies. I have realised that there is a conspiracy in this research. The researchers will come, for example, from Japan, collude with the Ministry officials and spend huge sums of money. At the end, they take all the findings to the archives and everything is forgotten.

Madam Temporary Deputy Speaker, this Government will not be able to convince us that more research is needed to control the floods in both Budalangi and Nyando. The Government must now come out clean and take the necessary measures to stop the floods menace in Budalangi and Nyando, once and for all. If the Government will not put the appropriate measures in place, then it should put Budalangi and Nyando on a special programme, so that each time there are floods in the area, it compensates all the victims.

With those few remarks, I support the Motion.

**The Assistant Minister for Medical Services (Mr. Mungatana):** Thank you, Madam

Temporary Deputy Speaker, for giving me this opportunity to make a brief contribution to this Motion. May I also thank hon. Namwamba for moving this Motion that deals with the real issues that affect our people. I also want to thank Dr. Khalwale for the support in seconding this Motion.

I honestly support the spirit of this Motion because I know what it means. However, I am not sure that everything, especially the legal aspect of it, is possible in terms of riparian reserves, what it means when we go into compensating all victims who occupy riparian reserves and what the law says about that. So, there may be an issue about the whole legal aspect, and I do not need to explain that to hon. Namwamba. However, I support the spirit of this Motion. So, there may be an issue about the whole legal aspect and I do not need to explain this to the hon. Namwamba. But the spirit of this Motion is what I support. There is need for the Government, particularly the Ministry of Water and Irrigation, to take charge of flooding zones in this country. We have been told what happens when there is flooding in Budalangi. We also know that it is the poorest of the poor that are affected when we have flooding in the countryside. It is the poor people who cannot afford to stay on higher grounds. It is also the poor Kenyans who have to live in an area that they know when the river floods, they are going to be affected. This is because they do not have an option. When the floods come, the little that they have, including the chicken, goats and crops, are destroyed. They cannot even invest in proper housing because when the waters come raging, those homes will be no more.

To my recollection, there has been some effort on the side of the Government, but I do not know what has happened. We were told of a huge project that was to be launched during the last Parliament. We were certain that the problem of flooding in Budalangi would be a thing of the past. However, it has continued to date. While acknowledging that some effort has been done there, I think that enough has not been done to control the flooding in Budalangi. In fact, I would take one step ahead and say that this Ministry of Water and Irrigation has not even come up with a policy paper before this House to discuss and plan what we shall do when we have flooding not only in Budalangi, but also in other places where flooding is a perennial problem.

Madam Temporary Deputy Speaker, I speak on behalf of the Tana Delta districts. If you look at the kind of problems that we experience there, they are not very dissimilar to the problems that the people of Budalangi experience. Yet, to date, there has not been a single effort by the Government to try and control the flooding in the Tana Delta. When you look at the ordinary mwanachi who is there, and the devastating effects these waters have and then you see there is even no policy--- In fact, the people who come to assist, like it has now become almost like a normal thing to do--- The Red Cross and Ministry that is in charge of disaster management appear. At that time, the Ministry of Water and Irrigation disappears. There are no policy guidelines or directions. They are not telling us, "next year when floods come, we are putting this and that in place."

Madam Temporary Deputy Speaker, I have argued before this House before and I do repeat that argument, that there is a seriously skewed policy in terms of distribution and management of resources that are available in this country. I am sure that if the problem was affecting some other areas, money would have been found and allocated overnight. Also, engineers would have been sent there, day and night. Yet, if it is coming from Budalangi or the Tana Delta, it is like we are not part of this Republic. Likewise, if we have flush floods in Garissa and there is a terrible waste of the little resources that people have been saving, again, we do not see a similar response as when it would have happened in some other parts of this country. Unfortunately, the bureaucrats who sit in this Ministry are people who are bred in a system. They continue to replicate the same policies. They do not seem to think that the rest of the country matters. It is just certain areas. This has to change. When we write a new Constitution, one of the things that we must give to any new Government Minister or the Head of State who come into office, is the ability to sack bureaucrats from some senior level. This will ensure that the people who take up responsibilities in

Government are able to truly effect the changes that we require.

For example, hon. Kiunjuri who is in charge of this Ministry now and he is going to reply to this Motion, has just been appointed to that Ministry. The rest of the bureaucrats are the same people who will not give him the policy that will address the problems in Tana Delta. They will advise him differently. They would tell him: The money should go to Nairobi, Mombasa, Kisumu and Eldoret towns. These are places where the revenue comes from. So, let us give the rest of Kenya one or two projects or forget about them all together. I would support this Motion and urge this Ministry that, let us have a change. Let them go back to their Ministry and come up with a floods control policy. They should allocate resources to this kind of work, because up to now, when we have these problems, we do not know what to do. In the Tana Delta, we have sued the KenGen because they are the ones who are holding water upstream. We have requested that the Board of Directors in that company be balanced. If we have a generating company, it should have directors from the lower stream areas. We should allow input from people who are affected to serve as directors in such companies. We should have a change of attitude. If we are going to solve this problem in this country, there is need for us to come up with a proper floods policy. According to me, it is non-existent as of now. In fact, right now, what there is, is an haphazard response to issues. For example, if you have a problem of drought, they just go and sink water wells. We have never seen a policy from this Ministry to even check the spread of wells. We even find places where wells are being sunk and, yet they have never even checked the water levels or done mapping. They just go and sink the boreholes haphazardly. There is no water policy.

I think that this motion should be supported by this House because the spirit of it is a wake-up call to the Ministry to look at what we are saying on behalf of the people of Kenya. The Ministry should not be bound too much in the legalities. We would want to see them respond to this Motion by looking at what can be done. This is because when the hon. Members are saying these things, they are not saying so, because it is nice to do so. They are saying these things because we need to bring to the attention of the Government that something needs to be done. My prayer is that the Minister will take these concerns, do a flood policy and concentrate, not only in Budalangi, but the Tana Delta as well.

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

**Mr. Kaino:** Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity. I rise to support this Motion. The name "Budalangi" is known by all hon. Members in this House as a place prone to flooding, and where many people have suffered. I wish to thank my brothers, Mr. Namwamba and Dr. Khalwale, who seconded the Motion, because Kenyans are suffering and the nation seems not to take it seriously. People are suffering! Many people are dying and property is lost, but very little is being done by the Government. It is time this nation woke up and saw that Kenyans do not suffer again.

Madam Temporary Deputy Speaker, we have the most educated people in the region. We have the most educated engineers, hydrologists and environmentalists. We generally have the most qualified people to tackle this problem, but there is no facilitation and the Government does little to support them to find a solution, once and for all. Year in, year out, the people of Budalangi cry out for help, but very little is done. When are these people going to be assisted? What is the problem, yet there is a lot of money in this nation? Just now, we have talked of a colossal amount of money, over Kshs2 billion, going to the pockets of individuals, while Kenyans are suffering everywhere.

*(Applause)*

Why did we not recover that money, punish the criminals who took the money, and save Kenyans from catastrophes like the Budalangi one and others in other flooding areas?

It is time Government allocated money to the flood-prone areas, so that Kenyans can be saved. We cannot afford to say that we have no solution to this problem. How can you be sick for many years without seeking treatment? There is very little the Government has done about this. This is the truth about it! There is no serious measure that the Government has put in place to help Kenyans who have been suffering for a long time. I am saying this because there is so much money and engineers. The people of Budalangi are still crying 40 years after Independence, yet the Government is still quiet. So, I am suggesting that this time round, the Government should see that the areas with a flooding problem are taken care of and Kenyans rescued from this problem once and for all.

Madam Temporary Deputy Speaker, the compensation issue is also a very important one. Those Kenyans have been depending on animals and crops. They have used fertilizers and other inputs on their land, yet at the end of the day, it all goes to waste. Where are they going to get other inputs if every year, they have to go through the same thing? Those Kenyans have to pay school fees and take care of other needs. They not only need to feed themselves, but their children expect to be taken to school. The Government is saying that there is some little money being paid to them. It is high time that this Government woke up! We have Ministers and Permanent Secretaries in Ministries. We also have directors of water. These are educated people; the Government has employed the most educated people in the Ministries, but they just do not care. They do not care about the suffering of other Kenyans. As long as they are okay - those directors come from different areas where this problem does not exist - they do not care. They do not think others are human beings, because the problem does not affect them or their relatives--- This attitude goes against the oath that they took to serve all Kenyans equally.

So, I just want to support this Motion; I wish most hon. Members were here to support it and come out strongly to bring this problem in Budalangi and other areas to an end. It is not the first time such a Motion has come here. This may even be the fifth time, because hon. Members come here after every five years and every constituency has its own problems. The people who come from flood-prone areas have this problem. It has removed many hon. Members from this House, because the Government does not take it seriously. So, people have been sent home, not due to their own problems, but because people back at home think that their problems are not seriously considered. Hon. Members have come here, and raised Questions regarding Budalangi and other areas, but the Government does not take this issue seriously. How many times shall we bring those Questions here? How many times shall we also bring Motions of this kind here when the Government is not listening to the voices of the people?

Madam Temporary Deputy Speaker, I just want to say that in Kenya, we have the most educated people, as I have said, in the region. We have people who can diagnose this problem, know what to do about it and even fix it. They know how long it will take to fix it, and when the fixing will start? Where are the resources? These people only need to be facilitated!

With those few remarks, I beg to support.

**Mr. Kombo:** Thank you, Madam Temporary Deputy Speaker, for the opportunity to contribute to this Motion. Firstly, I want to thank Mr. Namwamba for bringing a Motion that is really pro-people. I think that is what hon. Members should be doing to ensure that Motions that benefit their own people are brought to the House.

As other hon. Members have said, the problem of Budalangi is not yesterday's: It has been with us year in, year out, yet no solutions have been found to make sure that the people of Budalangi do not keep on suffering. If anyone has gone to Budalangi during flooding, that is where you find people displaced from their homes. So, internally displaced persons (IDPs) did not only arise from the crisis we had in January. The people of Budalangi have been perpetual IDPs; they are displaced by floods. When they are displaced, they go hungry. When they are displaced, their

children do not go to school. When they are displaced, or during the floods, their schools are swept away. Therefore, even if a parent wanted to take a child to school, there would be no school to take that child to. That is why this Motion is targeting people who have suffered since 2000.

How do we help them to stand on their own feet? I honestly do not see a problem, whether legally or technically, in identifying people who have suffered since 2000 and giving them support so that they can stand on their own feet again. That is what this Motion is all about! I do not think there are millions of people in Budalangi. I am sure we can identify them. If the Government is unable to do so, the hon. Member, Mr. Namwamba, can take you to the families that have suffered, and which we need to bring back to their feet. That is what the Motion is all about! I do not think it is too difficult to do what it seeks.

Madam Temporary Deputy Speaker, but as we talk about floods, I think long-term solutions to them have to be found. Long-term solutions can only be found if the Government and the Ministry involved come up with a lasting policy. The question of damming the rivers that drain into Nzoia River, so that by the time it reaches Budalangi it is a gentle river, has been talked about by many people. We can tame those rivers that flood Budalangi, if we dam them upstream. When you construct a dam, you obviously can also produce electricity. You can have irrigation schemes going on in other areas and, therefore, produce more food. So, those are some of the solutions that the Ministry has not been thinking about. It should do that.

Madam Temporary Deputy Speaker, the rivers can be tamed further by proper afforestation. Today, those rivers flood because people have cultivated along the river banks. Those are some of the practices that we need the Government to look into, and make sure that there is proper afforestation upstream and also, people are not cultivating on river banks. So, the crisis is cross-cutting. It is not just the Ministry of Water and Irrigation. I think the Office of the President and the Ministry of Forestry and Wildlife should come in so that, together, they can work together to ensure that the river is tamed as it reaches Budalangi.

Madam Temporary Deputy Speaker, in all that, I think the issue of fair distribution of wealth has been touched upon by the Mover and the Seconder. Indeed, it is true that if the floods in Budalangi occurred elsewhere, solutions would have been found because people would be worrying about their own areas!

*(Applause)*

Madam Temporary Deputy Speaker, the solution will be found in a system of Government that is responsive to the wishes of the people. That is why those of us who have been advocating for a parliamentary system, like Dr. Khalwale, will want the Chief Executive of this Government to come to this Parliament and answer to hon. Members!

*(Applause)*

That is the system we are looking for! But, today, ultimately, the buck stops with the President! But, today, you cannot bring the President of Kenya into this Parliament and tell him: "Answer these Questions". That is why we want a parliamentary system in which the Chief Executive comes to the House and answers to the people.

Madam Temporary Deputy Speaker, I think people are misunderstanding those of us who are talking about parliamentary systems. When hon. Ruto said that the President should be elected by Parliament, it is nothing new! All the major democracies of the world do it that way. In Germany, the President is elected by Parliament. But the Chief Executive is the Prime Minister, who is answerable to the people. The largest democracy in the world, India, does the same. The



Chief Executive is the Prime Minister, who is answerable to the people. I think that, if we had a Chief Executive sitting in this House and listening to the cries of hon. Ababu Namwamba, the solution in Budalangi could be found very easily.

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

*(Applause)*

**Mrs. Shabesh:** Madam Temporary Deputy Speaker, I want to thank you. I want to support this Motion and, of course, congratulate the Member of Parliament for Budalangi, Ababu Namwamba, for bringing this Motion that, definitely, touches at the core of his constituency.

Madam Temporary Deputy Speaker, I want to agree with many of the speakers who have said that Budalangi is not only known in Kenya because of the disasters that it has gone through, but it is actually known internationally! I know I have watched Cable News Network (CNN) many times and I have seen Budalangi being shown there. That is when the international community wants to show examples of where flooding is devastating the lives of people. Therefore, I think this is not an issue that should even really elicit a lot of questioning because it is, obviously, straightforward. It is something that should have been done yesterday, and not even today, for the sake of the people of Budalangi who have gone through that disaster.

Madam Temporary Deputy Speaker, for me, compensation for somebody who has gone through some kind of disaster or a victim should never be a favour. To me, it is their right! To me, it is important for Kenyans to understand that when something happens to us in terms of a disaster in this country that is not of the making of the Kenyans themselves, the Government does have moral responsibility to compensate its people and to ensure that their lives can continue; their livelihoods can continue and that they can engage in some kind of meaningful productive life. Therefore, for me, compensation should never be an issue of legalities. I want to agree with the previous speaker that legalities have a way of always blocking good intentions. I want the Ministry of Water and Irrigation to look above the legalities and see the moral obligations of the Government to its citizenry. That is because, at the end of the day, that, to me, is what is more important than legal issues which, I know, can be overcome once there is total commitment to help the people!

But, Madam Temporary Deputy Speaker, I want to pick up from what I have heard today, when hon. Namwamba was moving his Motion. That has really saddened me! Corruption is going to kill this country! Corruption is going to kill us! That is because we always think that corruption is in big issues like Grand Regency and Anglo Leasing. But, today, we have discovered that corruption is in flooding in Budalangi! Really, if a Government should resign *en masse*, it is any Government that has abetted corruption and allowed the people in Budalangi to die, simply because some people must line their pockets in terms of the construction of the dykes, or any kind of corruption that went through the system that ensured that year after year--- The Government ensured that the people of Budalangi were displaced, lost their lives and homes because it knew that there was corruption in the manner in which those dykes were being constructed. For me, that, definitely, calls for really--- You know, to me, it is criminal for any Government to know that its people, at a certain time when the rains come, will die or go through some kind of crisis and yet, it knows the underlying problem is corruption! That is why, for me, this Grand Coalition Government must take the bull by the horns!

Madam Temporary Deputy Speaker, we came together as two parties, PNU and ODM, and our manifestos were quite clear! The ODM manifesto was really socialist; it was really about people; caring for the people and the citizenry. That was where we were going to concentrate. Right now, I am not sure whether that is the concentration of this Government any more. I do not

know the manifesto of PNU very well. But what I do know is that, if Kenyans could allow two competing parties to change the Constitution so that they could share positions and power, then they owe it to the Kenyans to look critically at the issues that have bedeviled them over the years when we were competing--- That is because we are now supposed to be in a marriage of convenience where there should be a honeymoon period even for Kenyans! If this is the time we can say two sides are sitting together on the same table, then this is also the time that Kenyans must breathe! This is the time that Kenyans must benefit!

Madam Temporary Deputy Speaker, for me, the people of Budalangi must be the example that we set. It is unfair that a Government cannot listen to its people! Hon. Ababu has said clearly that when the people of Budalangi raised the issue of the construction and the corruption they were seeing, the response from the then Government officials was: "These are laymen who do not know what they are saying". I want to highlight that when, recently, I saw the community from Tana River expressing a lot of discomfort about something that was going to happen there, again, I was afraid that the Government will not listen to its people! The other day, we saw farmers uprooting their tea. Is the Government listening to why farmers are uprooting their tea? Is the Government listening to the residents of Embakasi about the Dandora Dumping Site, which is killing children? There is evidence that children who live around Embakasi and in Dandora are sick because of the Dandora Dumping Site! Whenever those people take those issues to the Government, the Government does not listen! How long will the Government refuse to listen to its people? For how long, as Members of Parliament, are we going to allow the Government not to listen to its people?

More specifically, Madam Temporary Deputy Speaker, we have a Ministry of Special Programmes now. I have never understood what are the Ministry's policies, guidelines or mandate. We can have disasters even when we have a Ministry of Special Programmes!

Madam Temporary Deputy Speaker, I wonder whether in this Ministry there is a department for disaster management, which should be responsible for the issue of flooding, in which case its first responsibility would be Budalangi. Does it have the mandate of compensation? I would want to know how the amount of Kshs10,000 compensation for the Internally Displaced Persons (IDPs) was arrived at. With all due respect, I have no idea what a person who has lost a home is supposed to do with Kshs10,000. Was this decision made at Cabinet-level? Was it a Ministerial position? Is it the Government policy? How is compensation arrived at? Is it under the Ministry of State for Special Programmes? Is it under the Cabinet? Is it under the President? We have no idea.

We are working in a Government where, even we, as Members of Parliament, cannot give clarity as to where issues are being addressed. That is a disaster. It is actually a warning sign that we, definitely, need to get our act together in terms of delivery of service to our people. If we are looking at the management of disaster as a national issue--- Budalangi is in Kenya. Not in Uganda. Why is it that we can rush to compensate people in other areas of this country, when we have problems? We rushed the other day to give farmers free fertilizers, and other things, because of the political instability. I agree that it is important to do so, but is it not just as important to compensate the people of Budalangi, who have been IDPs for so many years? I cannot even tell for how many years they have been IDPs.

Madam Temporary Deputy Speaker, what we are saying is that politics of regionalism must end in this country. If you are the President of this country, at no time, should you look like you only act when there is a disaster in the areas that affect you politically. We want to see commitment from this Government. This Motion is a good chance for the Grand Coalition Government to show us that they care for every region in this country. Budalangi will be the first. We will then go to the North Eastern Province, where drought is about to hit pastoralists. We know that livestock will die. We only talked about livestock insurance. Where is the livestock insurance for these people? We

need to start listening to people. We need to know the disasters that are in this country. Let us not do management by crisis. That is not the way for a Government to work. A government is supposed to be organised. It is supposed to have a work plan and know what it is doing.

As I said, let us look at the Ministries critically, and see what is overlapping where. We do not want blame to be shifted from one Ministry to another. I am sure the Minister in charge will stand to respond, but I cannot see her here. She might even shift this problem to the Ministry of State for Special Projects or to the Ministry of Public Works, because of buildings. We want the Government to take responsibility. I support this issue. To me, it must be the beginning.

Madam Temporary Deputy Speaker, it must be the door that is opening towards making sure that disasters happening to Kenyans for no fault of their own, but due to natural occurrences or lack of commitment by the Government, must be compensated. People's livelihoods must be restored and faith in the system of Government that we have, as well as faith in the leadership that we have in this country, must be restored. Let us start with the people of Budalangi.

I beg to support.

**The Temporary Deputy Speaker** (Prof. Kamar): Maj-Gen. Nkaiserry!

**Dr. Khalwale:** On a point of order, Madam Temporary Deputy Speaker. You notice that 20 minutes of this debate has gone on when neither the Minister nor the Assistant Minister in charge of water and irrigation is here. Could you direct from the Chair---

**The Temporary Deputy Speaker** (Prof. Kamar): Dr. Khalwale, you are out of order? The Minister who will respond is here.

**Dr. Khalwale:** He has just arrived!

**The Temporary Deputy Speaker** (Prof. Kamar): He has been here.

**Dr. Khalwale:** Madam Temporary Deputy Speaker, could I make my point? This is very important for parliamentary practice. The reason as to why the Minister should be here all the time is because issues are raised by hon. Members, which require that he responds. If he takes the problem of Budalangi seriously, he should have been here to listen to each and everyone of us. Is he in order?

**The Temporary Deputy Speaker** (Prof. Kamar): Dr. Khalwale, we would have continued with or without the Minister. Our Standing Orders allow the debate to continue.

Continue, Maj-Gen. Nkaiserry!

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaiserry): Thank you, Madam Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion. The spirit of this Motion is very important. However, its drafting which was done by my colleague, who is a legal expert, leaves a lot to be desired. There is no way you can condemn a government for natural disasters.

There is no way you can say a government is negligent for natural disasters. What we need to say is that we must leave politics out of serious issues like floods and earthquakes. We must address issues as nationalists. We should not isolate areas. We should come up with an appropriate policy to address natural disasters, because that is very important. For example, the issue of Budalangi has always been there. It is a national disaster, to which the Government should have responded a long time ago if a policy was in place.

It is not only the people of Budalangi who are suffering. As I speak, the people of Mandera are suffering. There is no way the Government can compensate anybody for losses incurred as a result of a natural disaster. We can only compensate anybody after the Government fails to deliver services to *wananchi*. We must talk as nationalists. We should leave politics---

**Dr. Khalwale:** On a point of order, Madam Temporary Deputy Speaker. Is the Assistant Minister in order to say that the Government cannot compensate people when we know that he led a group of Maasai women who were compensated?

**The Temporary Deputy Speaker** (Prof. Kamar): Dr. Khalwale, you are talking out of context. I will ask Maj-Gen. Nkaisserry to repeat what he said. I do not think you heard him properly.

**Mr. Namwamba:** On a point of order, Madam Temporary Deputy Speaker. Is the Assistant Minister really in order to walk in after I had already made my case and purport to respond to issues he never listened to? When I moved this Motion, I made a case that demonstrated repeated Government failure and even alluded to corruption in contracting that has led to the inability of the dykes to be---

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Namwamba, which Minister are you referring to?

**Mr. Namwamba:** Madam Temporary Deputy Speaker, I am referring to the Assistant Minister who is contributing right now, Maj-Gen. Nkaisserry.

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Namwamba, you are out of order! The Assistant Minister who is currently contributing to debate was here when you were moving the Motion.

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): Madam Temporary Deputy Speaker, I was listening to Mr. Namwamba moving the Motion. I was in the pigeon hole area. I heard exactly what he has said. What I am saying is very simple - that this is a serious issue.

We, as a Government, need to have a policy in place to address natural disasters seriously. We have to speak here as nationalists. We should not speak here as populist Members of Parliament. We are here to defend the country as a whole. We are here to talk about Manderu and Tana Delta districts. We know Budalangi. In the last Parliament, the Member of Parliament for Budalangi was appointed Assistant Minister for Water and Irrigation. He should have, first and foremost, developed a policy to dyke River Nzoia for the people of Budalangi to benefit. So, we cannot come here and condemn the Government by saying that it is negligent. We are not negligent. We are coming up with a policy to ensure that such a natural disaster is addressed.

**Dr. Khalwale:** On a point of order, Madam Temporary Deputy Speaker.

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): Madam Temporary Deputy Speaker, could I be allowed to contribute to debate?

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

**Dr. Khalwale:** Madam Temporary Deputy Speaker, is the Assistant Minister in order to mislead the House that Mr. Wanjala, who was appointed Assistant Minister, had in his job description, the latitude to originate Government policy that would have addressed the issue of flooding in Budalangi? Is he in order?

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

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): Madam Temporary Deputy Speaker, unfortunately, some of my colleagues have to learn to listen. They have to be patient. In communication, listening is better than talking. It is very important that they listen to what I want to say. What I am trying to say is that the Government has to create a policy. I am supporting this Motion, but I am not supporting the Motion for Budalangi. I am supporting the Motion in terms of how the Government can address natural disasters. Budalangi is one of the pilot areas which, as a Government, we should take up. We should dyke the Nzoia River. We should build dams to be used to produce electricity. But let us not narrow ourselves. Let us not de-link ourselves and leave behind the Tana Delta and Kajiado people.

Madam Temporary Deputy Speaker, take an example of the Maasai Mara, it is the most beautiful soil that God ever gave the people of this world. However, look at the levels of encroachment! I agree with my colleagues when they talk about corruption. It is not the

Government which is corrupt. Corruption is part and parcel of the population. It is in-built in the Kenyan society. If you are not corrupt then I cannot be corrupt. If you do not give, I will not take. But if you give, I will take! We are both corrupt. So, how do we deal with this situation? We should not come out and condemn the Government as if it has done nothing. There is a policy which the Ministry of Water and Irrigation is putting in place.

I agree that we need to have a disaster management team to address all these issues. It should address the issues of earth quakes and floods.

I disagree with this Motion on the issue of legal drafting. The Government is not negligent. You should have said that the Government needed to have put in place a plan or policy to address natural disasters. I would like to ask the mover of this Motion to prove that the Government is negligent in the case of floods in Budalangi or Mandera. This is a natural disaster. Rains come this morning and blow everything in Nairobi. In such a case, how is the Government negligent? You cannot pin the Government down on a natural disaster. It is an act of God! You cannot control God's action. We need to build capacity for any department that is in charge of natural disasters. I do not believe the Ministry of State for Special Programmes has the capacity to address issues of natural disasters. I think we need to have a specific department. We must have a fund to address the plight of natural disaster victims. That is when we can say whether the Government is negligent or the natural disasters were unforeseen. The Government will have funds to compensate for loss of property and life. However, we cannot come up and condemn the Government for negligence. This cannot be accepted and will not be accepted.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Ochieng, please, proceed!

Unfortunately, you only have five minutes before the Minister is called upon to respond. So, please, use your time well.

**Mr. Ochieng:** Madam Temporary Deputy Speaker, I will be very brief. I want to thank Mr. Namwamba and Dr. Khalwale for bringing this Motion to Parliament. Floods have been a very serious disaster in this country. Although the Assistant Minister is stopping us from blaming the Government, I want to say that the Government is wholly to blame for all these menace we are experiencing in this country, especially with regard to floods.

Madam Temporary Deputy Speaker, in my constituency, floods are known to be taking place in the month of April when we experience heavy rains. I do not understand why the Government has not been able to tame these floods year in, year out. I think the floods menace is has come of age in this country and it is important that this House addresses the issue very seriously and avails finances to the Ministry in charge to make sure that floods are tamed before they wreck havoc on the citizens of this country.

Flood waters can be converted into good use. I do not understand why the Government is not able to copy what happens in China and India where serious floods take place. The floods we experience here are not as serious as the ones we see taking place outside there. I believe the Government is able to take care of floods that wreck havoc, killing people and destroying crops.

Madam Temporary Deputy Speaker, compensation is a must. If we have already set a precedence of compensating victims of other injustices, why can we not also compensate those displaced by floods? It is important that funds are set aside for that because we suffer the same consequences. Suffering is the same in every area. I want the Government to move in seriously and make sure that funds are set aside to compensate those affected by floods.

Like Mr. Mungatana said, when disasters occur, the Ministry in charge which is the Ministry of Water and Irrigation normally disappears very fast. They only leave the Ministry of Health and the Ministry of State for Special Programmes to provide food. For how long are we going to do this? We should have proper plans, which I believe the Government has in its shelves.

They are rotting there and nobody is waking up to fish them out and make sure that they are implemented so as to save people from suffering.

I would not want to go on more than this. I think I have utilised my minutes very well.

I beg to support.

**The Temporary Deputy Speaker** (Prof. Kamar): It is time for the Minister to respond! However, he has donated two minutes to Mr. Kioni!

Mr. Kioni, please, proceed!

**Mr. Kioni:** Madam Temporary Deputy Speaker, I want to thank the Minister for that generous donation.

Madam Temporary Deputy Speaker, I have two things to contribute on this. One is that the drafter may have mixed two issues. There is the issue of compensation to victims because of floods and compensation to victims because of having lost land. I would have no problem if the Government is asked to compensate for land that is lost. However, if we go to the issue of compensating individuals in this country for natural disasters, then we will get ourselves into situations we cannot manage.

Madam Temporary Deputy Speaker, it is good to know that in a short while, although I am not anticipating debate, we will have an Implementation Committee that will require the Government to implement the decisions of this House. We must be practical enough to make sure that the things we arrive at, as a House, are issues that can be implemented. I do not see which Government will be able to compensate its people when they suffer natural disasters.

We had the *Tsunami* and Hurricane *Katrina* in other countries. It would be good to know whether individuals in those countries were compensated. I think we should emphasize the issue of disaster management as opposed to getting to situations which are not real. In so doing, we would be helpful to this nation and help in situations that come our way naturally.

Thanks.

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Madam Temporary Deputy Speaker, we have noted the content of this Motion and I have the following to say.

First of all, I agree with the hon. Member that the Government owes its citizens a duty of care. The citizens of Budalangi are citizens of this country. I also sympathise with them because we have been reading and have witnessed the floods taking place in Budalangi. Much as floods are all over the country, we appreciate that the magnitude at Budalangi is high compared to the other areas in the country. At the same time, the Government has tried its level best. However, there are some issues which have not been addressed even to date.

I want to assure the House that the Government is doing everything possible to make sure that we control these floods. It has taken long, but the Government is still on course.

Madam Temporary Deputy Speaker, we have problems with the rehabilitation of dykes. Much as we would like to say the Government is doing its work, we also know that there have been failures in some contractors. The Government is making sure that any work given out will be properly supervised to make sure that the contractors do not rip off Government coffers and end up filling their pockets without doing quality work. We are going to take the required action to make sure that in future such things do not happen again.

Madam Temporary Deputy Speaker, as it has been said, it is true that some of these dykes have already outlived their usefulness; their lifespan has expired. What is required to be done is being done. We are putting in more money and making sure that we do a proper construction of the dykes. It should be noted that it is about 32 kilometres and, therefore, we require a lot of money. We require billions. We should be able not only to put up dykes, but also make proper use of those waters. We need to tap those waters for proper use. That is why I am agreeing that we should have a policy on floods. It is already under way, and we are doing a lot to make sure that this disaster is

mitigated across the country.

Madam Temporary Deputy Speaker, in this Motion, the hon. Member is asking us to do two things; first, he wants this House to resolve that the Government compensates all victims of the Budalangi floods from the year 2000. Secondly, he wants us to compensate land owners who lost their land. I have the following to say about compensation. Much as we sympathise with those people, and as much as we agree that the Government should be humane enough, and should, on humanitarian grounds, support people across the country where there are disasters, this cannot be legislated for. We cannot have legislation, or pass a Motion here, to compel the Government to do that. We have reports that yesterday in North Eastern Province, floods washed away dams and killed people. Tomorrow there will be floods in Mathare or Kiserian, and property and lives will be lost. If it does what this Motion wants, the Government will set a very dangerous precedent, where when any natural disaster occurs, then it will be forced to pay compensation. So, the only measure that the Government can take--- This cannot be argued against, because it is going to happen. The other day, there was a natural disaster and livestock was cleared. Today, pastoralists do not have cattle or goats. Are we going to compensate them? The Government can only step in and do mitigation. I will be very particular on the flood victims; the Government can only be asked, on humanitarian grounds, what it can do to support those families.

Madam Temporary Deputy Speaker, on the issue of compensation for the owners of the lost land, it is their right. If anybody has lost his or her property, for example through forced acquisition by the Government, then the Government must be compelled to compensate such a victim. That can only be done through proof. You produce your title deed and prove that your land has been taken away, and then you will be compensated. Those people who are complaining should have documentation and the Government should be compelled to compensate them. We shall then look for the relevant Ministry like that of Finance or that of State for Special Programmes. I do not think there is any hon. Member who would be opposed to the Government compensating individuals who have lost their land to the same Government, nor can we support individuals acquiring by force land that belongs to other Kenyans. Therefore, on this Motion, as it is right now, the Government position is very clear, that it owes them a duty of care, and that is to compensate them if there has been any loss of land.

The Government is aware of the perennial problem of floods, but since the year 2002 funds have been allocated for flood control measures like rehabilitating the northern and southern dykes. The rehabilitation work undertaken on dykes has cost about Kshs1 billion so far. I think this is not enough. It is just like a drop in the ocean. Since the year 2002, with the participation of the local community, and without affecting their land, the dykes have been constructed on riparian land reserves on both sides of River Nzoia. Therefore, no land owner has so far lost his or her land. Therefore, compensation to the same cannot arise. I have clearly indicated that, if there is any proof to the contrary, then we are responsible.

Further, the Government has also initiated the Western Kenya Community-Driven Development and the Flood Mitigation Project which are being implemented by the Ministry of State for Special Programmes, and are financed by the World Bank. They carry a component of an early warning system that will assist in the mitigation of the flood problem. Besides the early warning system, the Government will construct check dams along River Nzoia to control flooding, and also be used in irrigation. What I want to tell the hon. Member is that he should be able to come in and know exactly what is going on. If he is aware, then he should be one of the members of the community that is participating. We cannot continue blaming each other. We cannot live in the past. We must come out of the past and look at the future. The only way we can do that is to ensure that we have competent people in those committees.

Madam Temporary Deputy Speaker, whenever money is coming in and the community is

involved, let us get the right people, so that at the end of the day, they will be able to question the project as it goes on, rather than wait until the last minute when the work has been done and Kshs 1 billion is lost. If this question was put early about Victory Contractor, and other contractors we have heard about, and seriously discussed by this House, we would not have lost the billions of shillings that we have lost. Therefore, it is important for us, as young people in this country, to take the initiative and work overtime. That way, we will be able to prove to Kenyans who elected us that we do their work according to the laid down procedure.

I also believe that the hon. Members in the areas affected by floods should be able to take responsibility. If you look at those dykes, you will realise that there is also failure on their part; there are undesirable things like clearing the bushes along the river, cultivation, grazing and so on. These activities hasten erosion and degradation of the dykes. We should also take responsibility. We should make sure that we do what we are supposed to do. Bush clearing and farming along the river banks should be controlled.

Madam Temporary Deputy Speaker, I would like the hon. Member to have his time to reply, and I will take another two minutes, so that he can respond and we listen to him. The purpose of bringing a Motion here is not a contest between the hon. Member and the Government. It is about listening and seeing whether there are issues being advanced. Days are gone when the Government would just say "no". We should listen to you. You also have an opportunity to go and correct your position, and then come back to this House. You can request a Ministerial Statement to respond further to your issue or ask a Question. Furthermore, you still have six months after which you can bring in another Motion. I believe that it would be more important if we addressed this issue from a humanitarian point of view. Let us look at the facts on the ground. Let us not whip up any emotions; if it is true that there is any citizen who is suffering, we shall look at it. But on the issue of compensation, let us approach it differently. Let us look at what the Government can do for its suffering citizens.

With those few remarks, I beg not to support the Motion.

**The Temporary Deputy Speaker** (Prof. Kamar): Hon. Namwamba, you have the right to reply now and you have seven minutes. You may proceed with the three minutes after clarifications. Do you want to donate some minutes? How many minutes are you donating?

**Mr. Namwamba:** Thank you, Madam Temporary Deputy Speaker. I wish to donate two minutes to Mr. Ethuro and I will take exactly three minutes to respond.

Thank you.

**Mr. Ethuro:** Madam Temporary Deputy Speaker, I want to thank Mr. Namwamba for bringing this Motion. I also wish to thank the Minister for the proper attitude that Ministers do not have the monopoly of wisdom or issues. Definitely, sometimes, they are wanting in facts. The Floor of this House provides them with an opportunity to be informed.

Madam Temporary Deputy Speaker, I do not know why Members of Parliament bring issues here, and the Government says that they should not be emotional. How can you not be emotional when your people are dying every year since 2000? We always talk about floods in Budalangi and Kano as if there is no Government in place. This Motion is about accountability. It is about the state of preparedness and compensation. For how long shall a country keep on crying and burying its people because they die due to a situation that is so perennial, annual and seasonal?

Madam Temporary Deputy Speaker, intelligence and wisdom dictates that, for the first time when you are stuck in a problem, that problem should not cause the same havoc in subsequent years. That is because you must have learnt from the very first episode. This House is urging this Government that is formed by the people of the Republic of Kenya that there are certain areas in this country, particularly Budalangi and Kano--- We cannot talk about other areas including Turkana but, for now, the Kenyan people of Budalangi are bonafide citizens. The Government



operates everywhere. Now, they are talking about the riparian vegetation along the river. Those are our lands. You cannot just argue that, because you are a few metres away from the river, you cannot grow your crops. It is not the responsibility of Members of Parliament to do that. The Government has officers on the ground. There is a water engineer there. The Government has a responsibility to organise and co-ordinate development activities. Definitely, the Member of Parliament will be more than willing to assist. But we are not going to take the responsibility of the Executive. We will give them ideas and will be available for meetings. The first responsibility should be provided by the Government.

Madam Temporary Deputy Speaker, we have a nation like the Netherlands---

With those few remarks, I beg to support.

**Mr. Namwamba:** Madam Temporary Deputy Speaker, I brought this Motion with a lot of pain. So, for the Minister to say that we should not be emotional, I do not know what can cause greater emotion than seeing your people die, lose property and live in destitution year in, year out! If that cannot make the Assistant Minister emotional, then you and me might have been created by different Gods.

*(Laughter)*

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

**Mr. Namwamba:** Madam Temporary Deputy Speaker, my time is so limited!

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): You know, Madam Temporary Deputy Speaker, the Opposition cannot be allowed to always have their time because, by the end of the day, I have argued my case. If you look at the HANSARD, I have said that, much as **[The Assistant Minister for Water and Irrigation]** those people are affected, I sympathise with them. But when we come to address the issue, we should look at it without emotions, so that we can work on it.

**An hon. Member:** What is your point of order?

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): My point of order is: Is he in order to insinuate that I have no emotions at all, while those people and the people of Kenya--  
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**Mr. Namwamba:** Madam Temporary Deputy Speaker, Harry S. Truman, the 33rd President of the USA, had a famous desk on which he advertised one sublime reality of leadership and it was only four words: "The buck stops here". This Government cannot run away from the responsibility that, indeed, they have owned the people of Budalangi the responsibility to ensure that the work, be it dyking or damming, to protect them from floods is good and can sustain the pressure.

Madam Temporary Deputy Speaker, I am not asking the Government to compensate the people of Budalangi because of a disaster. No! I am asking the Government to compensate the people of Budalangi for failing in its duty to protect the people from the disaster.

Finally, what we are asking for is very minimal. This House voted the other day to compensate Mau Mau veterans who lost their land. They were to be compensated an amount of money running into millions of Kenya shillings. We are only asking for an estimated amount of about Kshs800 million. According to our initial estimate, Kshs800 million is a drop in the sea. I urge this Government to look at the issue and let this be a lesson that in future, it must take its duty of care to the people of Kenya seriously.

*(Question put and agreed)*

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Prof. Kamar): It is now time for the interruption of business. The House is, therefore, adjourned until 2.30 p.m. this afternoon.

The House rose at 12.30 p.m.