

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 3rd December, 2008

The House met at 9.00 a.m.

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

PRAYERS

### ORAL ANSWERS TO QUESTIONS

*Question No.528*

NON-PAYMENT OF RETIREMENT BENEFITS  
TO FORMER KCC EMPLOYEES

**The Temporary Deputy Speaker** (Prof. Kamar): Is Mr. Gaichuhie not here?  
Let us move on to Question No.500 by Mr. Kapondi!

*Question No.500*

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

**Mr. Kapondi** asked the Minister for Forestry and Wildlife:-

(a) whether he is aware that lack of a clear demarcation of Mt. Elgon Forest and settlements for residents is causing a serious conflict between conservation and human interests; and,

(b) what steps he is taking to correct the above situation and to ensure that the local community is involved in the management of the forest.

**The Temporary Deputy Speaker** (Prof. Kamar): Where is the Minister for Forestry and Wildlife? He is not here? Let us move on to Question No.545 by Mr. Mwiru!

*Question No.545*

POSTING OF DOS TO DIVISIONS  
IN THARAKA

**The Temporary Deputy Speaker** (Prof. Kamar): Is Mr. Mwiru also not here? Let us move on to Question No.428 by Mr. Ethuro!

*Question No.428*

EXTENSIVE DAMMING  
OF RIVER OMO

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Ethuro communicated yesterday that he will be on an official trip outside. So, we will defer the Question. It will reappear on the Order Paper again.

*(Question deferred)*

Let us move on to Question No.360 by Mr. Washiali!

*Question No.360*

IMPOSITION OF CURFEW ON MUMIAS  
TOWN BY POLICE

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Washiali also not here? Let us move on to Question No.088 by Mr. Mututho!

*Question No.088*

TOXICATION OF LAKE NAIVASHA  
BY AGROCHEMICALS

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Mututho too not here? Let us move on to Question No.583 by Mr. Kombo!

*Question No.583*

ANCHORING OF KENYA'S TRADE  
POLICY IN CONSTITUTION

**The Temporary Deputy Speaker** (Prof. Kamar): Is Mr. Kombo not here? Let us move on to Question No.406 by Mr. Anyanga!

*Question No.406*

TARMACKING OF MIGORI-MIHURU ROAD

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

(a) whether he is aware that the Migori-Mihuru Road (C13) is in a pathetic state; and,

(b) what steps he is taking to ensure that the road is tarmacked.

**The Assistant Minister for Roads** (Dr. Machage): Madam Temporary Deputy Speaker, I

beg to reply.

(a) I am aware that some sections of the Migori-Mihuru Road are not in good condition. However, the road is still motorable.

(b) My Ministry, in conjunction with the World Bank, has appointed a consultant to design the road under the Northern Corridor Programme. Once the design is completed, my Ministry will be in a position to source for funding for that project.

Thank you, Madam Temporary Deputy Speaker.

**Mr. Anyanga:** Thank you, Madam Temporary Deputy Speaker. That is a very, very important road for us. This road connects Mihuru beaches to an international road; Road A1. Could the Assistant Minister confirm to this House when the said consultant is scheduled to complete the design work for that particular road?

Thank you, Madam Temporary Deputy Speaker.

**Dr. Machage:** Madam Temporary Deputy Speaker, the importance of that road cannot be under-estimated. It is actually a continuation of C13 Road, which is from Ngorengore, through Narok to Mihuru Bay. The consultancy was contracted in June this year, and we expect the results by October, next year. I have allocated Kshs78 million for preliminary design, environmental impact assessment study and even suggestions from the contractors to carry out the construction.

Thank you, Madam Temporary Deputy Speaker.

**Mr. Pesa:** Thank you, Madam Temporary Deputy Speaker. As the Assistant Minister has just said, that is a very important road for the people of lower South Nyanza, including Kuria. The same Assistant Minister gave me an answer here on 11th November, 2008, that the amount that they had earmarked to grade that road should have been used from that time. Actually, he ordered the road engineer to start grading that road. Up to now, people travelling from the lower part of Migori cannot access Migori, especially the fishermen who actually sell their fish in Migori. That is, of course, part of Rodi Kopany.

Madam Temporary Deputy Speaker, is the Assistant Minister aware of what he is talking about because if the assurance has not taken place--- It is almost one month since he ordered the engineer to start grading that road. He had assured this House that the money - Kshs1 million - was in Migori.

Thank you, Madam Temporary Deputy Speaker.

**Dr. Machage:** Madam Temporary Deputy Speaker, I am very much aware of the instructions that I gave on the Floor of this House to the engineer responsible for the maintenance of that road. Actually, I earmarked Kshs1 million for the emergency repair of the sections that had been washed away by the rains on that road. If, up to now, work has not been done, that is information I am getting from the hon. Members from the area. I also have a very big interest in that road. In fact, work has not been done. That is the information that I am getting from the hon. Members from that area. I have a very big interest in this road. I will look into it and make sure that the work is completed.

**Mr. Konchella:** Thank you, Madam Temporary Deputy Speaker. This road is very important to the people of Trans Mara and Narok South districts. However, it has been on the drawing board since Independence. Could the Assistant Minister ensure that consultations are done with the community before this road is designed? The original road passes through the Mara Game Reserve. This will destroy the wildlife in that part of the park, which is, indeed, a tourist attraction, and also the forest. According to the design, part of the road is supposed to pass through the forest. I want a word from the Assistant Minister because this road will be useful to those people who live in the highly densely populated areas of Kilgoris all the way to Kehancha and Mihuru Bay. Could he consult all the stakeholders properly before the final design is done?

**Dr. Machage:** Madam Temporary Deputy Speaker, indeed, I have taken cognisance of the

fact that this road traverses through very important areas of economic production in this country, and more so, the Maasai Mara National Park as the road approaches the Mara River. Among other things, my Ministry is doing a feasibility study on the best route from Lake Victoria to Narok. The interests of the communities living along this road will certainly be taken into consideration in trying to maintain and harmonise the road users *viz-a-viz* the national park.

**Mr. Anyanga:** Thank you, Madam Temporary Speaker. I am not asking about gravelling of this road. I am asking about the tarmacking of this Road C13. Could the Assistant Minister confirm the possibility of using the emergency funds to tarmac the said road during this financial year?

**Dr. Machage:** Madam Temporary Deputy Speaker, my intention on this road is actually bitumitization. It is not possible for me to do that during this financial year. As I have just said, the studies commenced in June this year will be finished in October next year. This is a road where I am sourcing for financing from the World Bank. This road will be co-financed by the World Bank and our Government. The work will not only be done between Narok and Mihuru Bay, but the whole section of C13, from Borebore in Narok District through Lanet, Trans Mara, and Kuria District down to Nyatike Constituency.

*Question No.443*

IMMINENT COLLAPSE OF KIMININI BRIDGE

**The Temporary Deputy Speaker** (Prof. Kamar): Where is Mr. Wamalwa? We will come to his Question later.

Let us move on to the next Question by Mr. Chanzu.

**The Assistant Minister for Roads** (Dr. Machage): On a point of order, Madam Temporary Deputy Speaker. You will realise that all, but one Question has been asked in this House. Is it in order that all these Questions have not been dropped in view of the fact that hon. Members have ignored their responsibility to come and ask while all the relevant Ministers are here with the answers?

**The Temporary Deputy Speaker** (Prof. Kamar): That is a good concern, Mr. Assistant Minister. However, for the first Question, the Minister was also absent and I skipped it.

*(Applause)*

We have created a tradition where we do not drop the Questions during the first round.

*Question No.443*

IMMINENT COLLAPSE OF KIMININI BRIDGE

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

(a) whether he is aware that the main bridge linking Trans Nzoia District and Western Province at Kiminini is in danger of collapsing and many accidents have occurred due to the bridge cutting off on one side; and,

(b) what urgent remedial measures the Government is taking to avoid imminent disaster.

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Wamalwa, could you apologise to

the House for coming late!

**Mr. Wamalwa:** Madam Temporary Deputy Speaker, I apologise for coming late.

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

I am not aware that the main bridge linking Trans Nzoia and Western Province at Kiminini on Road A1 is in danger of collapsing. The bridge is intact and has no signs of failure by collapsing. However, I am aware that heavy rains had eroded the shoulders and part of the carriageway on the approaches of the bridge creating a deep gully.

(b) My Ministry filled up the gully on 12th November, 2008 making the road wide enough for traffic passage. In addition, the Provincial Roads Engineer, North Rift, has been instructed to patch up potholes, desilt ditches and road shoulders and carry out any necessary maintenance work on the approaches of this bridge, including the bridge itself. I have allocated Kshs7,256,000 for this purpose from the Road Maintenance Levy Fund (RMLF) during this financial year for the maintenance of sections of Road A1. This road traverses through the boundary of Bungoma to West Pokot District.

**Mr. Wamalwa:** Madam Temporary Deputy Speaker, I would like to thank the Assistant Minister for the wonderful answer. Indeed, I can confirm that action has already been taken. However, do I it have to take a Question like this for the Ministry to respond?

**Dr. Machage:** Madam Temporary Deputy Speaker, the truth is that it is part of the hon. Member's duty to ask Questions when there is a necessity. However, it does not have to take a Question for me to respond. I had already noticed this problem. I had already allocated funds even before he asked the Question.

*Question No.269*

CURRENT OWNERS OF DEFUNCT  
KNAC ASSETS

**Mr. Chanzu** asked the Minister for Finance if he could state the fate of the assets of the defunct Kenya National Assurance Company Limited and indicate the current owners of all the major fixed assets previously owned by the company, including Corner House, Bima House and Protection House.

**The Assistant Minister for Finance (Dr. Oburu):** Madam Temporary Deputy Speaker, I beg to reply.

The following is the schedule of the fixed assets and current owners.

- (i) Corner House Nairobi, is owned by Carrington Estates Limited.
- (ii) Bima House, Nairobi is owned by the Ministry of Finance.
- (iii) Bima Tower, Mombasa is owned by Ministry of Housing.
- (iv) KNAC House, Kisumu, is owned by the Maseno University.
- (v) Protection House, Nairobi, is owned by the Ministry of Housing.
- (vi) Town House, Nairobi, is owned by Gatma Holdings Limited.
- (vii) Salama House, Nairobi is owned by Soroya Investments.
- (viii) Bamburi Plot, Mombasa, LR.No.MN1/397/MN is owned by Kencent Holdings Limited.
- (ix) Eldoret Complex in Eldoret is owned by Diocese of Eldoret Trustees.
- (x) Tiwi Plot, Kwale, is owned by Savannah Gold Limited.
- (xi) Manager's House, Mombasa is owned by, LR. No.1324/1/MN is owned by George Ngugi Waireri.

(xii) Managers's House, Kisumu; Joseph Otuma.

(xiii) Manager's House, Nyeri; Dr. Paul Machai Mbugua.

Manager's House, Nakuru is owned by, Jane Wambui Ndung'u.

Kisumu Ex-Ohawa Plot, is owned by Mayfair Hodings Limited.

**Mr. Chanzu:** Madam Temporary Speaker, I do not have a written answer to this Question.

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Assistant Minister, was the written answer supplied?

**The Assistant Minister for Finance** (Dr. Oburu): Madam Temporary Speaker, we normally dispatch the written answers to Parliament, and I do not know why he has not received it.

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Chanzu, it is possible that the written answer is still coming to you because you were a bit late. Do you have any supplementary question?

**Mr. Chanzu:** Madam Temporary Deputy Speaker, I would like the Assistant Minister to outline the process through which these assets were disposed of.

**Dr. Oburu:** Madam Temporary Deputy Speaker, the Government procurement procedures were followed. The houses were advertised and there were bids which were given to the highest bidders, except for the properties that were sold to the Government at the value given by the Government Valuer.

**Mr. K. Kilonzo:** Madam Temporary Deputy Speaker, could the Assistant Minister confirm or deny that Corner House was sold to well-connected politicians, some of them in this House and others outside? Could he name them? Could he also confirm or deny that he did not follow the Government procedures?

**Dr. Oburu:** Madam Temporary Deputy Speaker, Corner House, Nairobi, was sold to Carrington Estates Limited. There were ten bids, and Government procedures were followed fully and Carrington Estates Limited bid at Kshs700.7 million, yet the reserve price, which was based on the valuation by the Government Valuer was Kshs620 million. So, this property was sold over and above the valuation given by the Government Valuer, which was the reserve price. I am not aware that it was sold to any politically-connected people, some of them in the House. If the hon. Member has any evidence, let him table it before the House.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government** (Mr. Githae): On a point of order, Madam Temporary Deputy Speaker. The hon. Member has just made very serious allegations against hon. Members of this House. He has said that it was sold to connected parties, who are in this House. Would I be in order to ask him to substantiate or withdraw and apologise for besmirching the good names of humble hon. Members?

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. K. Kilonzo, do you wish to bring a document as evidence to this House?

**Mr. K. Kilonzo:** Madam Temporary Deputy Speaker, my good friend, Mr. Githae, did not get the question. Maybe he was thinking about his usual things!

I asked the Assistant Minister to either confirm or deny and he has denied. I did not name anyone!

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

*Question No.296*

NON-COMPLETION OF LAND DEMARCATION  
IN MUTITO CONSTITUENCY

**Mr. K. Kilonzo** asked the Minister for Lands:-

(a) whether is aware that the land surveying (demarcation) in Kyamatu, Endau and Malalani locations has not been undertaken and that surveying in Mutito, Nzombe, Kaliku, Thua and Mwitika locations has been done only partially; and,

(b) whether he could explain when the survey work will be completed to enable the residents to have their title deeds.

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Minister? He is not here? We will move to the next Question.

*Question No.448*

ASSISTANCE TO PINEAPPLE FARMERS  
IN RORET DIVISION

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

(a) what plans he has to alleviate the situation of pineapple farmers in Roret Division, who grow the crop and are forced to sell it at uneconomical prices or leave it to go to waste; and,

(b) what became of the Kshs200 million pineapple-processing plant promised by the Ministry to the Roret farmers in 2007.

**The Assistant Minister for Agriculture** (Mr. Ndambuki): Madam Temporary Deputy Speaker, I beg to reply.

(a) My Ministry will contract a fruit-processing plant in Bureti District as soon as a suitable partner is identified.

(b) The Ministry has submitted, through the Ministry of Foreign Affairs, a project proposal to the Government of India seeking to partner in the construction of a fruit-processing plant in Bureti District as promised to the Roret farmers in 2007.

**Mr. Bett:** Madam Temporary Deputy Speaker, I call that sweet news for the people of Bureti, because four locations are at the moment involved in growing pineapples in that constituency and most of them go to waste. What steps, since the Assistant Minister is saying progress is being made in locating a partner, are being taken amongst the people so that they are properly sensitised and prepared for the good news that a factory is coming?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, currently we have about 2,280 farmers. Just last month, we injected Kshs1 million into a programme of putting the farmers together in groups, training them, doing rural access roads and physical market improvement. We are preparing them just in case we identify the partner, so that these people can grow the crop. Currently, Bureti Division is earning over Kshs300 million per year through pineapples.

**Mr. Midiwo:** Madam Temporary Deputy Speaker, since Bureti is just across the border from Kasipul Kabondo where more pineapples are grown, of even better quality, could the Assistant Minister consider, as he gets a partner to invest in Bureti, to make sure that the size of the factory is big enough to accommodate pineapples from Kasipul Kabondo and those parts of Southern Nyanza which grow better quality of pineapples and the logistics to go with it?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, I can assure the hon. Member that the factory which we are going to construct there will cater for the entire area, not only Bureti.

**Mr. Bett:** Madam Temporary Deputy Speaker, the current sales as given by the Assistant Minister amount to Kshs300 million per year. I am sure that when that factory is in place, those people will benefit, sell more and there will be a lot of employment for our people. When were

these project proposals sent to the Government of India and when do we expect them? Are there any indications that they are about to come on board?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, the proposal was sent this year. There are indications that people are being put together; they are trying to select somebody who will partner with us. We are waiting for the information, and that is why we have already allocated money to put these people into groups so that they can grow the crop in large quantities.

**The Temporary Deputy Speaker** (Prof. Kamar): Next Question, Mr. Kamau!

**Mr. J.M. Kamau:** Madam Temporary Deputy Speaker, before I ask the Question, I wanted to contribute briefly to the issue of pineapples. I would like to ask the Assistant Minister what they are doing to---

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. J.M. Kamau, are you back on the last Question? Go to your Question!

*Question No.308*

COMPENSATION FOR DESTRUCTION OF  
CROPS BY HIPPOS IN MATHURI VILLAGE

**Mr. J.M. Kamau** asked the Minister for Forestry and Wildlife:-

(a) whether he is aware that a herd of hippos in Shiranga Dam has been terrorizing residents of Mathuri Village in Kandara, resulting in the destruction of crops, and the death of a man on 15th July, 2008; and,

(b) what steps he will take to stem the menace and to compensate the farmers for loss of crops as well as the family of the deceased.

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Madam Temporary Deputy Speaker, I beg to reply.

(a) Yes, I am aware that hippos in Shiranga Dam are terrorising residents of Mathuri Village, in Kandara, resulting in the destruction of crops and the death of a Mr. Francis Nduati Muchiri, aged 65 years, on 15th July, 2008, at around 5.00 p.m.

(b) My Ministry, through the Kenya Wildlife Service (KWS) is taking the following steps to address the conflict.

The Kenya Wildlife Service has already initiated the compensation process for the next of kin to the late Francis Nduati Muchiri, through the Warden, Oldonyo Sabuk National Park, who is the secretary to the Thika District Wildlife Compensation Committee that is chaired by the DC, Thika.

Under the current Wildlife Conservation and Management Act, Cap.376, there is no compensation for crops and property damaged or destroyed by wildlife. However, my Ministry has initiated review of Cap.376 with a view to exploring sustainable options for compensation. As the law stands now, the only compensation under the Wildlife Conservation and Management Act, Cap.376, is for injury and death caused by wildlife.

The terms of reference of the Warden, Oldonyo Sabuk National Park, include carrying out awareness creation meetings, *barazas* and workshops for communities on wildlife conservation and wildlife conservation and management issues in their areas of jurisdiction.

The warden is convening a stakeholders workshop to chart the way forward on hippos inhabiting several water dams found in Thika and to create awareness to the community.

Farmers have been advised to plant crops leaving a buffer zone in between the crops and the dam, conducting regular patrols and promptly attending to any cases reported on human wildlife conflict. The KWS has also created databases for all human-wildlife conflicts in the



country which are updated on a daily basis and which assist in deployment of resources and development of strategic mitigation measures for the conflicts.

**Mr. J.M. Kamau:** Madam Temporary Deputy Speaker, I would like the Assistant Minister to tell this House what the Ministry is doing about this issue because these beasts are terrorising people in that area. That area is not a gazetted wild animal farm. What are they doing to ensure that these beasts are relocated from that area?

You will notice that this gentleman was killed by hippos on 15th July. That is about four months ago. He happened to be the sole breadwinner of the family. Why has the Ministry taken so long to get in touch with that family regarding compensation? Could the Assistant Minister give us a timeframe within which they will compensate the family of this poor gentleman?

**Mr. Nanok:** Madam Temporary Deputy Speaker, I did not hear the question from the hon. Member. Could he repeat it?

*(Loud consultations)*

**The Temporary Deputy Speaker** (Prof. Kamar): Order! Order, hon. Members! Please, consult quietly! We cannot hear the hon. Member because of loud consultations going on around him.

**Mr. J.M. Kamau:** I agree, Madam Temporary Deputy Speaker. Hon. Members are consulting loudly. I do not know whether---

**The Temporary Deputy Speaker** (Prof. Kamar): Ask your question!

**Mr. J.M. Kamau:** Madam Temporary Deputy Speaker, I am telling the Assistant Minister that this area is not a gazetted wildlife park. What is he doing to make sure that these animals are relocated because they are reproducing in a very big way? At the same time, I was saying that this gentleman who was killed on 5th July happened to be the sole breadwinner of his family. Why has the Ministry taken four months to contact the family? Could he give us a timeline as to when they will pay compensation to the family of this gentleman?

**Mr. Nanok:** Madam Temporary Deputy Speaker, as I had mentioned much earlier in this House, the relocation of wildlife is a new issue to the KWS. We have managed to successfully relocate elephants and other problematic animals to other areas. This has helped to reduce the human-wildlife conflict. This particular case is a challenge but we want to attempt it. The hon. Member and I will look at possibilities of how we can assist him.

**Mr. Lekuton:** Thank you, Madam Temporary Deputy Speaker. The issue of wildlife menace has become a horrible incident in this country. Yesterday, there was a High Court case whereby a Briton who was injured by an elephant in Misi Ranch was paid a whopping Kshs64.5 million as compensation. I think we have a horrible issue here. What does it take for the Ministry of Forestry and Wildlife to understand that Kenyans' lives are so important and precious that when you get killed by an elephant in your own home you should not be paid only Kshs30,000? What is happening in this Ministry? What do we need to do to make sure that our feelings are respected and that we are given our dues?

**Mr. Nanok:** Madam Temporary Deputy Speaker, I do not know where the hon. Member has got his report from. As far as the current Wildlife Bill is concerned, the compensation is a maximum of Kshs200,000. In the new Bill that will be tabled in this House, that amount will be revised upwards.

**Mr. Mureithi:** Madam Temporary Deputy Speaker, I would like to agree with hon. Members that this issue of wildlife menace is not confined to one place. In my area around Lake Ol Bolosat, we have had so much destruction of food crops and quite a number of people have been killed by hippos. What does the Assistant Minister intend to do in those areas that are not gazetted

as conservation areas? Could he relocate these hippos so that people can live quietly without being affected or losing their lives?

**Mr. Nanok:** Madam Temporary Deputy Speaker, I thank the hon. Member for bringing this issue to my attention. We have to acknowledge the fact that human settlements have encroached on animals' migratory routes and habitats. I do not know what we should be addressing. Is it humans who have encroached on the hippos' land or is it the other way round? We really need to look into this issue. I would urge hon. Members to report all these cases to the nearest KWS office. If they do not take action, please inform me. I have an office in NHIF Building, on 12th Floor, come and discuss with me. We will make sure that the officers at KWS do their job.

**Mr. Kioni:** Madam Temporary Deputy Speaker, my question is on the same issue of hippos. My constituency, Ndaragwa, borders Lake Ol Bolosat. Recently, a Mr. Koech lost his leg because he was attacked by these hippos. We have lost a lot of crops around the same lake. What does the Minister intend to do? His answers have been very jumpy. We need a concrete way forward on what we will do about these issues around Lake Ol Bolosat because they are menace.

**Mr. Nanok:** Madam Temporary Deputy Speaker, as I have said, hon. Members should report to the nearest office so that we can be able to help. Secondly, the office will create awareness. Given that hippos have encroached---

**Mr. Kioni:** On a point of order, Madam Temporary Deputy Speaker. The Assistant Minister should have been aware by now. We started reporting to the same---

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

**Mr. Kioni:** Madam Temporary Deputy Speaker, my point of order is that the Assistant Minister is misinforming this House. This is because we have been reporting this menace since the beginning of this year. If the office has not informed him, that is not our business on this Floor.

**The Temporary Deputy Speaker** (Prof. Kamar): Hon. Assistant Minister, do you not have the information?

**Mr. Nanok:** Madam Temporary Deputy Speaker, I am not aware about his report. Indeed, since we are together with him in this House, he should have also advised me. Now that he has reported, I will follow up with the relevant offices.

**Mr. Ethuro:** Madam Temporary Deputy Speaker, hon. Lekuton raised a fundamental question about the compensation between a European and a Kenyan. Only yesterday, a European was compensated and paid Kshs64.5 million for injury. The Assistant Minister has told us that the maximum compensation for a Kenyan is Kshs200,000. We would like him to tell this House what criteria they use to determine that the life of a Kenyan is less valuable than that of a European.

**Mr. Nanok:** Madam Temporary Deputy Speaker, I think that what the hon. Member is referring to is what was reported in the Press. The issue was in a court of law. The law, as it stands now, is as I had mentioned. Until we review it in this House--- I hope that when we bring the new Bill, you will help us fast-track it so that the compensation can be increased from what the law allows now.

**The Temporary Deputy Speaker** (Prof. Kamar): Last question, Mr. Kamau!

**Mr. J.M. Kamau:** Madam Temporary Deputy Speaker, I would like to thank the Assistant Minister for attempting to answer that Question. But then, it is shocking to hear him say that human beings have encroached on animal routes. Regarding the case that I am talking about here, we do not have a game park anywhere near there. So, why should he say that human beings are encroaching on the game parks? At the same time---

**The Temporary Deputy Speaker** (Prof. Kamar): Is that your question?

**Mr. J.M. Kamau:** Madam Temporary Deputy Speaker, that is the question, but I have

another one.

What is the Assistant Minister doing to make sure that those dams are controlled, because those are breeding grounds for hippos?

**Mr. Nanok:** Madam Temporary Deputy Speaker, let me be a bit clear. I said that human beings have encroached on the hippos' habitat, which is actually affecting their ecology. You know what happens when you encroach on somebody's habitat. They will look elsewhere to go and graze.

*Question No.561*

ERECTION OF ELECTRIC FENCE  
AROUND MT. KENYA/ABERDARE RANGES

**Mr. Warugongo** asked the Minister for Forestry and Wildlife:-

(a) whether he could explain why the construction of the electric fence around the Mount Kenya and Aberdares ranges was halted, hence putting the people living around these areas to risk of attacks by wild animals and destruction of their crops; and,

(b) what steps he is taking to ensure urgent completion of the fence.

**The Assistant Minister, Ministry of Forestry and Wildlife** (Mr. Nanok): Madam Temporary Deputy Speaker, although we provided an answer to this Question, I do not have it because I was not prepared to answer it. If it is possible, could you defer this Question to tomorrow afternoon?

**The Temporary Deputy Speaker** (Prof. Kamar): That is okay. That Question is deferred!

*(Question deferred)*

Next Question by hon. Ombui!

**Mr. Ombui:** Madam Temporary Deputy Speaker, although I am ready to ask the Question, I have not received a written answer to it.

**The Temporary Deputy Speaker** (Prof. Kamar): Mr. Assistant Minister, where is the written answer?

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government** (Mr. Githae): Madam Temporary Deputy Speaker, I will table the answer if he does not have his own copy.

**The Temporary Deputy Speaker** (Prof. Kamar): He needs that answer to be able to ask his Question.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government** (Mr. Githae): Madam Temporary Deputy Speaker, let him ask his Question and I will give him---

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

**The Temporary Deputy Speaker** (Prof. Kamar): I will come back to the Question later. I will go back to the first Question on the Order Paper by the Member for Subukia.

**Mr. Gaichuhie:** Madam Temporary Deputy Speaker, Sir, before I ask my Question, I would like to apologise for coming in late.

*Question No.528*NON-PAYMENT OF RETIREMENT  
BENEFITS TO FORMER KCC EMPLOYEES

**Mr. Gaichuhie** asked the Minister for Co-operative Development:-

(a) whether he is aware that employees of Kenya Co-operative Creameries (KCC), which was wound up on 30th January, 2003, have not been paid their retirement benefits;

(b) whether he is further aware that the same employees who were members of Maziwa Saving and Credit Society Limited have not been refunded their savings; and,

(c) whether he could state what urgent action he will take regarding part (a) and (b) above and provide the time frame.

**The Assistant Minister for Cooperative Development** (Mrs. Kilimo): Madam Temporary Deputy Speaker, first of all, I would like to ask the Clerk to amend my answer to read "528". It was erroneously written "258".

I beg to reply.

(a) As you might be aware, the assets of KCC Limited were placed under receivership in 1999 and no lease assets and liabilities were taken over by the Official Receiver, Mr. Graham Shirlock of PriceWaterhouse Coopers. The affected staff should, therefore, pursue their outstanding dues from the Official Receiver.

(b) I am aware that the former employees, who were members of Maziwa SACCO were not refunded their dues amounting to Kshs92.8 million, as the same had not been remitted by the employer, KCC Limited, by the time the company was put under receivership. This is one of the liabilities that the receiver should have paid off after the sale of KCC Limited to the New KCC Limited.

(c) I would like to advise the hon. Member that he should advise the staff concerned to pursue the matter of retirement benefits with the Official Receiver for consideration along with other creditors.

On the issue of unremitted SACCO shares, my Ministry will take it up with receiver managers as per the Act.

**Mr. Gaichuhie:** Madam Temporary Deputy Speaker, while I would like to thank the Assistant Minister for the answer, I would like to know if KCC Limited was sold net of liabilities.

**Mrs. Kilimo:** Madam Temporary Deputy Speaker, when the hon. Member talks about KCC Limited, it is something which is not known. What is known currently is the New KCC. The New KCC which is under the Ministry of Cooperative Development is now being asked to answer questions on behalf of KCC Limited. It bought everything through the buy-off system, worth Kshs547 million. We will be talking about something that does not exist any more.

**Mr. Mututho:** Madam Temporary Deputy Speaker, I would like to ask the Assistant Minister to tell us why she ignored the people component in the whole transaction. This is because at the centre of it, it is for the benefit of Kenyans that we interfered with the KCC, to an extent that these very poor people are now being advised to go to court, yet they do not know where to begin or end. Why can we not take that burden, as a Government, so that we protect the people and their savings?

**Mrs. Kilimo:** Madam Temporary Deputy Speaker, the Cooperative Societies Act which is there now, which mandates the Ministry to take an employer to court, was not there in 1999. However, I would like my colleague, maybe, to take a pen and write down how the KCC came

about.

In 1999, the KCC Limited was placed under a receiver. The Official Receiver, Mr. Graham Shirlock of PriceWaterhouse Coopers took it over on 5th August, 1999. In the year 2000, KCC (2000) Limited was formed and bought KCC Limited from the receiver, or the receiver sold KCC Limited which we all knew. It was named KCC (2000) Limited and KCC Holdings Limited. Now, when there was a new political dispensation in this country in 2003, the NARC Government then decided to buy KCC 2000 and KCC Holdings Limited as a buy-back and paid Kshs547 million, in fact, more than what the official receiver sold it to New KCC. The KCC Limited was bought by KCC 2000 Limited for Kshs400 million.

The New KCC, which is 100 per cent Government, bought it at Kshs547 million. It was at that point that, now, the Official Receiver and the KCC 2000, should have paid off the employees who were there.

**Mr. Chepkitony:** Madam Temporary Deputy Speaker, the Assistant Minister says the KCC, which was under receivership was bought by the Government. If it was bought by the Government 100 per cent, then it is the responsibility of the Government to pay all its liabilities, including the employees retirement benefits and their SACCO contributions.

**Mrs. Kilimo:** Madam Temporary Deputy Speaker, the Government, in 2003, was not negotiating with the employees. It was negotiating with the second person, who was the KCC 2000 and the KCC Holdings. It was expected that as we paid, then the KCC Holdings Limited should have paid off. We paid everything. So, they should have paid off their debts.

**Mr. Kioni:** Madam Temporary Deputy Speaker, this is a judgement that was given to 6,000 members of the KCC, who were owed Kshs218 million. The Assistant Minister says the Government is now fully in charge of the KCC. Is it in order for her to tell this House that the Government is fully in charge of the KCC while it has totally ignored the plight of these 6,000 employees, who are awarded a total of Kshs218 million by the court? These are the same employees who rang the bell that the KCC was being mismanaged.

**Mrs. Kilimo:** Madam Temporary Deputy Speaker, if I heard correctly, the hon. Member has talked about the KCC Limited. I am talking about a totally different entity called the New KCC, which was taken over by the Government in 2003 and the Government bought everything from the KCC 2000.

**Mr. Kioni:** On a point of order, Madam Temporary Deputy Speaker. I talked of the KCC. We all know the history of the KCC. We all know how the KCC got into trouble because of mismanagement. It was bought in a dubious way. Eventually, the Government stepped in to help the Kenyan farmer and the employees.

**The Temporary Deputy Speaker** Prof. Kamar): Ask your question!

**Mr. Kioni:** Madam Temporary Deputy Speaker, the court judgement shows that Kshs218 million was owed to 6,000 Kenyans by the New KCC, which is now owned by the Government. The Government would not have been so heartless to avoid noting that it owes Kshs218 million to 6,000 poor Kenyans. That is all I am saying. Let us not run away from liabilities.

**The Temporary Deputy Speaker** (Prof. Kamar): Are you asking a question or you are giving an answer?

**Mr. Kioni:** Madam Temporary Deputy Speaker, would the Government have been so heartless to fail to notice the liability of Kshs218 million which is owed to 6,000 poor Kenyans?

**Mrs. Kilimo:** Madam Temporary Deputy Speaker, I empathise with the Kenyans who are owed Kshs218 million by the KCC Limited. I would like the hon. Member to state the judgement. Was it against the New KCC or the KCC 2000? I began by saying that we had the KCC, which we all of us knew from the beginning. In 1999, it went under receivership. Mr. Shylock of the

PriceWaterHouseCoopers was appointed as the Receiver Manager. In 2000, the receiver sold it to a new company called the KCC 2000 Limited and the KCC Holdings Limited. With the new political dispensation in 2003, the Government bought the KCC from the KCC 2000 and the KCC Holdings. They paid everything. I think the judgement stated that the KCC 2000 Limited and the KCC Holdings Limited should pay the employees. This is quite unfortunate. I can follow up the issue of remittances because there is a new Act. As far as the New KCC Limited is concerned, the Government paid all the liabilities and the KCC 2000 Limited and the KCC Holdings Limited should have paid the employees.

**Mr. K. Kilonzo:** On a point of order, Madam Temporary Deputy Speaker, I am lost. Could the Assistant Minister tell us what is the policy of the Government on matters of business? We have seen the Government getting away from the Safaricom Limited and saying that it has to concentrate more on regulations rather than doing business. What was the need of the Government to get involved in the KCC in the first place?

**The Temporary Deputy Speaker** (Prof. Kamar): Hon. Members, we have spent so much time on this Question. If the hon. Questioner is not satisfied with the answer, then we can pursue other avenues. I have allowed it double the normal time because of the interest in the House.

**Mr. Gaichuhie:** Madam Temporary Deputy Speaker, as you can hear from the hon. Members, I am also not satisfied with the answer. So, I would like the House to defer this Question to another date.

**The Temporary Deputy Speaker** (Prof. Kamar): Hon. Member, your Question has actually been answered. It is the supplementary questions that have not been answered adequately. Madam Assistant Minister, we needed to have a clarification on the responsibility of the Government on even the original KCC. So, we will advise you on how you should answer it, not necessarily on the dissatisfaction. It is not the whole Question that was not answered properly. We will advise you, Mr. Gaichuhie, on that.

*Question No.500*

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

**Mr. Kapondi** asked the Minister for Forestry and Wildlife:-

(a) whether he is aware that lack of a clear demarcation of Mt. Elgon Forest and settlements for residents is causing a serious conflict between conservation and human interests; and,

(b) what steps he is taking to correct the above situation and to ensure that the local community is involved in the management of the forest.

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Madam Temporary Deputy Speaker, I beg to apologise for coming slightly late.

Madam Temporary Deputy Speaker, I beg to reply.

(a) I am not aware that lack of a clear demarcation of Mt. Elgon Forest and settlements for residents is causing a serious conflict between conservation and human interests.

The boundaries of Mt. Elgon are known and are clearly beacons and demarcated on the ground even though in some areas, the beacons have been deliberately interfered with. Therefore, there is no cause of serious conflict between conservation and human interest arising from lack of clear demarcation of the area between Mt. Elgon Forest boundary and the settlements.

(b) My Ministry has put in place the necessary legislation to support community

involvement in forest management. The Ministry also recognises that the communities neighbouring the forests like Mt. Kenya and Mt. Elgon are the immediate major stakeholders and potential beneficiaries from a well-conserved forest. By design, therefore, through the Forest Act, 2005, 4(46-49), provisions have been made for community involvement in forest management.

As the first step to implement this legal provision, my Ministry through the Kenya Forest Service has embarked on establishing community forest associations that are legally permitted to participate in the management of the forest reserves.

In Mt. Elgon, four community forest associations have been established. These associations will soon benefit from capacity building initiatives, income generating activities, training and direct involvement in conservation work. Further, the associations will be empowered to participate in decision-making processes at the conservancy level, where they will have four representatives as members of the forest conservation committees. The exercise of establishing community forest associations shall be undertaken countrywide.

**Mr. Kapondi:** Madam Temporary Deputy Speaker, the Assistant Minister has ably captured part "b" of the Question. However, he has given a confused and contradictory answer to part "a". Bearing in mind the seriousness---

**The Temporary Deputy Speaker** (Prof. Kamar): Would you ask your supplementary question?

**Mr. Kapondi:** Madam Temporary Deputy Speaker, that is what I want to do. Bearing in mind what has been happening in Mt. Elgon in the last three years, for example, in 2005, there was a serious conflict between wildlife and the residents of Chebwek and in 2004, there was a serious wildlife/human conflict in Emia.

**The Temporary deputy Speaker** (Prof. Kamar): Mr. Kapondi, it is Question Time! Please, ask a question!

**Mr. Kapondi:** Madam Temporary Deputy Speaker, given the fact that the Assistant Minister has admitted very clearly that in some areas, the boundaries are not very clear, what is he doing about it?

**Mr. Nanok:** Madam Temporary Deputy Speaker, Sir, we are doing this exercise for all forests in the country. We will be making efforts to ensure that all the demarcated boundaries, including the ones that have been interfered with, are clearly marked.

**Mr. Wamalwa:** Madam Temporary Deputy Speaker, the Assistant Minister has indicated, in his response to part "a" of the Question, that he is not aware of any conflict. I would like to inform him that there was a serious conflict on the Mount Elgon side of Trans Nzoia. There was a serious fight between the community settling there, and the people in DA4 in Trans Nzoia. As I speak, there are Internally Displaced Persons (IDPs) at Teldet, resulting from that conflict. What is he doing to resolve that conflict?

**Mr. Nanok:** Madam Temporary Deputy Speaker, what I know is that about 3,700 hectares of forest land were officially excised for settlement of people within Mount Elgon District. I believe the hon. Member is referring to people who had encroached into the forest, and who were being moved out. This exercise is not specific to one forest conservancy area, but the Government will be looking at all the forest conservancy areas in the country and ensure that all Government forests are secured. All those people who are living in forests illegally, will be moved out.

**The Temporary Deputy Speaker** (Prof. Kamar): Last Question, Mr. Kapondi!

**Mr. Kapondi:** Madam Temporary Deputy Speaker, I would like to get confirmation from the Assistant Minister, because I do not want my community to go through what they went through in the recent past. How soon is he going to ensure that where beckons were removed, they are put back in place?

**Mr. Nanok:** Madam Temporary Deputy Speaker, we will do so, as soon as possible.

**Mr. Temporary Deputy Speaker** (Prof. Kamar): Next Question, Mr. Alex Mwiru!

*Question No.545*

POSTING OF DOS TO DIVISIONS  
IN THARAKA

**The Temporary Deputy Speaker** (Prof. Kamar): Is Mr. Mwiru not here? The Question is dropped!

*(Question dropped)*

Next Question, Mr. Benjamin Washiali!

*Question No.360*

IMPOSITION OF CURFEW ON  
MUMIAS TOWN BY POLICE

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

(a) whether he is aware that police in Mumias Town have effectively placed the town under curfew from 11.00 p.m.;

(b) whether he is also aware that a suspect who was presented to the Mumias Police Station on fraudulent handling of Mumias Constituency Development Fund (CDF) was set free after 8.00 p.m.;

(c) whether he is further aware that 12 and 13 year old boys were arrested and kept in the cells together with adult male suspects at the same police station; and,

(d) what steps he has taken to correct the above anomalies.

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

(a) It is not true that police in Mumias Town have placed the town under curfew from 11.00 p.m. What is true is that the security agents have been put in place for security measures to take place, which include patrols, beats and raids to control insecurity which had started to rise in the town and its environs. The security measures have proved effective, and the crime rate has drastically reduced from 60 registered incidents in the month of June to 45 and below currently.

(b) During a CDF committee meeting called by an hon. Member at the constituency office, the Accounts Manager, Mr. James Owuor Okondo, could not account for Kshs1,165,000. The matter was reported to the police, who arrested the suspect for further investigation.

Unfortunately, none of the CDF officials went to the police station to record statements and avail any supporting documents. This, in effect, prompted the Officer Commanding Station (OCS), Mumias, to release the suspect on bond to avoid overstaying in the police cells. However, the police have now completed investigations and the suspect will be arraigned in court.

(c) I am not aware that 12 and 13-year old boys were arrested and kept in the same cells with adult male suspects. Mumias Police Station has separate cells for adult male, females, juvenile and under-age prisoners.

**Mr. Washiali:** Madam Temporary Deputy Speaker, I would like to thank the Assistant



Minister for that answer. However, I am the one who stays in Mumias. The aspect of curfew having been imposed on Mumias town from 11.00 p.m. is true. The curfew is such that even church members who go for *kesha* are not allowed to move around after 11.00 p.m. Bars in the town have to close at around 10.00 p.m. to allow patrons to walk home before 11.00 p.m. Even if you arrive in Mumias Town by bus today from Nairobi---

**The Temporary Deputy Speaker** (Prof. Kamar): Could you, please, ask your supplementary question?

**Mr. Washiali:** Madam Temporary Deputy Speaker, I have to give some background information before I ask my question.

**The Temporary Deputy Speaker** (Prof. Kamar): This is Question Time! Could you, please, ask a supplementary question that will explain what you want?

**Mr. Washiali:** Madam Temporary Deputy Speaker, the Assistant Minister does not stay in Mumias. I am the one who stays there. I confirm there is a curfew in that town. Nobody is allowed to move around in town after 11.00 p.m. So, could he correct that anomaly? On the issue of the CDF Fund Manager, he was released at 8.00 p.m., instead of the legal time of 6.00 p.m. Why was it necessary to release him by 8.00 p.m.?

**Mr. Ojode:** Madam Temporary Deputy Speaker, as far as I am concerned, there is no curfew in Mumias Town. If it is, indeed true that there is a curfew in that town, ordered by anybody else, I will investigate and lift it. There is no curfew in Mumias. So, people in Mumias town are advised to move freely. What we are doing is beefing up security through enhancement of police patrols within the town and its environs.

The CDF Manager will be taken to court in the course of this week. So, I do not think we should have any problem with that. We will arraign him in court. The only thing we were waiting for was one of the CDF members to lodge a complaint with the police in order for us to take him to court.

Thank you.

**The Temporary Deputy Speaker** (Prof. Kamar): Madam Temporary Deputy Speaker, while appreciating what the Assistant Minister has promised to do, I would also want to request to order the release of the under-age boys who were arrested for being in a video hall whose licence was not properly issued.

**Mr. Ojode:** Madam Temporary Deputy Speaker, you know, the law covers every Kenyan. If you engage in any criminal activity, the law will catch up with you. You will be arrested, whether you are under-age or not. However, if you are an under-age, you will not be put in the same cell with adults. There is a cell for juvenile prisoners. So, the hon. Member, who is a very good friend of mine, should advise his constituents to avoid engaging in criminal activities in Mumias Town. Otherwise, the law will catch up with anybody who is doing anything contrary to the law.

**The Temporary Deputy Speaker** (Prof. Kamar): Next Question, Mr. John Mututho!

*Question No.088*

TOXICATION OF LAKE NAIVASHA  
BY AGROCHEMICALS

**Mr. Mututho:** Madam Temporary Deputy Speaker, I rise to ask the Question, but I have had a conversation with the Assistant Minister, and we agreed that although this Question is the "grandfather" of all other Questions, it being a very old Question, he still needs one more week to bring a comprehensive answer.

**The Temporary Deputy Speaker** (Prof. Kamar): Can we have the Assistant Minister to

say his part?

**Mr. Kajembe:** Madam Temporary Deputy Speaker, I request for more time to enable me bring a comprehensive answer to this House preferably Wednesday next week.

**The Temporary Deputy Speaker** (Prof. Kamar): Thank you. The Question is deferred.

*(Question deferred)*

Next Question by Mr. Kombo!

**Mr. Kombo:** Madam Temporary Deputy Speaker----

**The Temporary Deputy Speaker** (Prof. Kamar): Apologise for coming late to the House.

**Mr. Kombo:** I am sorry, Madam Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Prof. Kamar): Okay, go ahead!

*Question No.583*

ANCHORING OF KENYA'S TRADE  
POLICY IN CONSTITUTION

**Mr. Kombo** asked the Deputy Prime Minister and Minister for Trade:-

(a) considering the International Trade and Economic Co-operations are conducted within defined legal frameworks, if he could explain why there is no trade policy that is anchored in the national Constitution; and,

(b) when he will lay on the Table Kenya's trade policy for adoption.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Trade** (Mr. Omingo): Madam Temporary Speaker, I beg to reply.

(a) Current policies on trade in Kenya are scattered in various policy documents, legislation and institutions. Some of the policies include import and export, management, taxation, trade facilitation and promotion, licensing and registration, production and productivity, skills development and labour laws impacting on trade, investment and privatization incentives, Government procurement, intellectual property rights, competition and consumer protection, financial services, ICT, trading services, governance, arbitration and so on.

The Acts, which operationalise these policies include, the Local Government Act By-laws, the Companies Act, Customs and Excise Act, East African Community Customs Management Act, Weights and Measures Act, Trade Instructions Act, Hotels and Restaurants Licensing Act, Investment Act, Standards Act, Environment Act, Industrial Property Act, Liquor Licensing Act, Consumer Protection Act and so on.

Madam Temporary Deputy Speaker, I would like to lay on the Table a list of the various legislations that help in managing trade issues.

*(Mr. Omingo laid the list on the Table)*

There is no institutional framework to co-ordinate these policies. As a result, the implementation has resulted into unco-ordinated and unpredictable trade development processes. This has led to conflicting rules, regulations and practices affecting trade. An effective trade policy, therefore, leads to a systematic and consistent approach in the implementation and use of trade policies in order to achieve the broad objectives of enhanced productivity, competitiveness in goods and services, trade and economic growth.

The Office of the Deputy Prime Ministry and Ministry of Trade is in the process of

finalising the National Trade Policy. A draft has been prepared and the Ministry intends to subject it to stakeholders before the end of November, 2008. This has been done! A multi-sectoral taskforce to finalise the legal framework for the National Trade Policy has been formed. The legal framework will define how trade negotiations will be conducted.

(b) Once the trade policy has been finalised, it will be introduced in Parliament as a Sessional Paper for consideration and adoption by March, 2009. The National Trade Policy seeks to consolidate existing policies and development of coherent trade policies. It seeks to identify the policy environment that is necessary for trade to tourists drawing upon experiences in successful economies. It analyses trade challenges and constraints in various sectors within the context of existing trade policies. It prescribes future policies and programs to sustain the economy within the tenets of Vision 2030.

Further, the National Trade Policy establishes linkages between domestic trade and external trade policies and competitiveness of the economy.

**Mr. Kombo:** Madam Temporary Deputy Speaker, the long answer given is just as confused as the trade policy in existence today. We have been independent for 45 years now. Trade is the most important thing for this country if we are going to develop and yet the Assistant Minister is telling us that there is no framework for a trade policy. In the answer, he says that the stakeholders meeting will be held before the end of November, 2008. We are now in December, 2008 and that has not yet happened. Could the Assistant Minister explain why that has not happened? They need to show us that they are serious in whatever they are doing.

**Mr. Omingo:** Madam Temporary Deputy Speaker, I want to agree that after the formation of the Grand Coalition Government, there was restructuring, realignment and establishment of the chemistry of works within Ministries. We need not be judged by what we said we will be doing. Indeed, this Question was supposed to come last week when the hon. Member was away. I appreciate the fact that it is long overdue that we have a policy that governs trade. I believe and reliably

informed that this has actually been done as I stated. I want this House to gauge us by what we have undertaken to do by March, 2009. I appreciate that we need to bring hon. Members up to speed on issues to do with international trade negotiations. So, I appreciate that it has taken us long to have a policy in place. Since we formed the Grand Coalition Government, this Ministry was split and their was formation of the Ministry of Industrialization. We are trying to get our own levels. I believe that by March, 2009 we will have a trade policy, so that we can harmonise our trade negotiations and implement policies that we will come by.

**Mr. Okemo:** Madam Temporary Deputy Speaker, I think this is one Ministry in the Government that takes Parliament for granted. We need to be assured that the many treaties and agreements that are being signed between the Government of Kenya and other authorities or Governments are, first, vetted by Parliament before they are entered into. A good example is the Economic Partnership Agreement (EPA), which has been initialised and is due for signing in July, next year. It is between the European Union and the Government of Kenya. Any economic partnership agreement between the Government of Kenya and any other body must also be binding on the World Trade Organisation (WTO). This has far-reaching implications. Could the Assistant Minister assure this House that before they enter into any binding agreements, they will ensure that the authority and approval of Parliament is sought in advance?

**Mr. Omingo:** Madam Temporary Deputy Speaker, I agree that this is a very important Ministry. I, however, do not agree that we are taking Parliament for granted. Immediately we took over, in terms of getting our chemistry and re-alignment right, we have taken initiative to engage Parliament. The only thing that we have not actualised, but there is a program of action--- My Ministry has written to the Departmental Committee on Finance, Trade and Planning seeking

appropriate time to engage Parliament so that it is not used just as a rubber stamp. For example, we presented something to the Chairman of the Departmental Committee on Finance, Trade and Planning. I was given a soft landing because, essentially, it is the Minister who is supposed to present the Cabinet proposal. However, this was kindly accepted by the Committee. That is one of the things that we have done and it is just a starting point. I agree that it is wrong to take Parliament for granted and turn it into a rubber stamp. For that reason, we want to engage Parliamentarians, especially through the Departmental Committee on Finance, Trade and Planning in order to be up to speed with our negotiations.

Trade negotiation is not an issue we can take for granted. We are starting to engage Parliament. I believe that it is the role of the relevant Departmental Committee to bring Parliament up to speed, particularly on EPA, which is a very critical agreement that we signed. It was for the purpose of protecting Kenyan exports to Europe. This is an issue that we must handle collectively as a Government. I believe my Ministry will be up to speed with this. Come March, 2009, we should be having that policy in place. We shall have engaged parliamentarians to remove the cobwebs that block our understanding of trade negotiations.

**Mr. Kombo:** Madam Temporary Deputy Speaker, EPA were rejected throughout the world and even within the African, Caribbean and Pacific (ACP) countries and yet, Kenya initialled it. Now, the Assistant Minister has said that he is not taking Parliament for granted and they have already initialled it. What will he be bringing to Parliament? Could the Assistant Minister assure us that, in future, before signing or initialling of any document, Parliament is actually involved? They do those things and then make us look very hopeless around the world; signing documents which our neighbours have rejected.

**Mr. Omingo:** Madam Temporary Deputy Speaker, if the Ministry has been taking parliamentarians for granted, it is not under my stewardship. That is why we have taken the initiative--- I just want to mention that we have not actually signed a comprehensive EPAs agreement. It was a stop-gap measure that was almost freezing the export of our flowers - particularly to European markets--- We did a stop-gap measure so that we could hold comprehensive bi-lateral discussions with the European Union to continue selling our goods there. Otherwise, they would have frozen the export of our flowers to Europe. But that is a different matter. I want to undertake and promise Parliament that nothing will be done without involving Parliament. That is an undertaking from my Ministry and you need to hold me by that word.

**The Temporary Deputy Speaker** (Prof. Kamar): Hon. Members, Question No. 428 has been deferred until tomorrow. Question No.088 has been deferred until Wednesday next week in the morning. Question No.269 will appear tomorrow as the first Question. The last Question will be back on Tuesday.

Next Order!

*Question No.428*

EXTENSIVE DAMMING OF RIVER OMO

*(Question deferred)*

*Question No.088*

TOXICATION OF LAKE NAIVASHA  
BY AGROCHEMICALS

*(Question deferred)*

*Question No.269*

CURRENT OWNERS OF DEFUNCT  
KNAC ASSETS

*(Question deferred)*

*Question No. 262*

UTILIZATION OF FUNDS GRANTED TO  
NYANSIONGO TOWN COUNCIL

*(Question deferred)*

### **POINT OF ORDER**

#### **BANDIT ATTACKS IN TURKANA CENTRAL**

**Mr. Ethuro:** Madam Temporary Deputy Speaker, I rise on a point of order to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security.

Madam Temporary Deputy Speaker, on Monday morning, bandits attacked a village in my constituency called Lorengiti, killed a number of people and took away many livestock. On Friday, raiders also attacked Lokori and Loriu and took away many livestock. I would wish to ask the Minister to confirm the number of people dead and number of livestock lost. Only three weeks ago, we were aware of that situation. Apparently, the Government did not act on its intelligence reports. What is the status of intelligence reports as far information gathering in the larger Turkana is concerned?

Madam Temporary Deputy Speaker, I expect the Minister to consider that, in August this year, after another massacre in Lokori, the Ministry organized a stakeholders conference in Naivasha and we made an accord. To what extent has that Accord been implemented so that the animals that have been taken away could be recovered. Finally, what measures have been put in place to ensure that another imminent attack, that is suspected to occur at a place called Kotaro, is stopped.

Thank you, Madam Temporary Deputy Speaker.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, given the gravity of the matter, allow me to issue a Ministerial Statement next week on Thursday afternoon.

**Mr. Ethuro:** On a point of order, Madam Temporary Deputy Speaker. In his own words, the Assistant Minister has admitted the gravity of the matter. Today is Wednesday and he wants to issue a Ministerial Statement next Thursday. Those are how many days? Given the gravity of the matter, he should issue the Statement immediately!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, I believe that I need to get what is actually happening on the ground, and then come back with an elaborate statement. I will do a disservice to this House if I give a Statement which is shoddy. So, let me---

**The Temporary Deputy Speaker** (Prof. Kamar): Agreed! Let it be issued next week on Thursday. There was one or two other Ministerial Statements. We defer them to the afternoon because we are getting late for the other business.

Next Order!

## MOTION

### INTRODUCTION OF ANIMAL TECHNICIANS BILL

*(Mr. Lekuton on 26.11.2008)*

*(Resumption of Debate interrupted  
on 26.11.2008)*

**The Assistant Minister for Regional Development Authorities** (Mr. ole Metito): Madam Temporary Deputy Speaker, thank you very much for giving me the opportunity to contribute in full support of this Motion. First, let me thank the Mover of this Motion, hon. Lekuton, the Member for Laisamis, for bringing this Motion whose time has come.

Madam Temporary Deputy Speaker, I will specifically talk about three issues on the Motion; that is training, licensing and regulation of the practice of animal technicians and surveillance and control of emerging diseases. As clearly stated in the Motion, the importance of the livestock sub-sector cannot be ignored in this country. As it is said, it constitutes about 30 per cent of agriculturally marketed goods. Above all, it injects 10 per cent of the total GDP to our economy. But many issues have been left unresolved for the well being of that sub-sector.

First, there is the issue of training. Recently, the Minister for Livestock Development admitted in this House that they have not employed any veterinary officer for the last 20 years. It is totally unbelievable that, for the last 20 years, no veterinary officer has been employed in the Ministry. That is because of the embargo on employment that was imposed by the World Bank and International Monetary Fund (IMF). That embargo was imposed in 1988. That is about 20 years ago. That tells you that no research has been carried out. No census on livestock has been conducted. There has not been any technological transfer of skills in this Ministry. So, on the issue of training, research and training has been done by institutions that are not really under the Ministry. Training and research has always been done by Kenya Agricultural Research Institute (KARI) and Kenya Trypanosomiasis Research Institute (KETRI). Both institutions are not under the Ministry of Livestock Development. They are under a different Ministry. That has resulted in very weak linkages on research extension. That has adversely affected livestock production and productivity. I think there is a need to pass this Motion, so that we can introduce the proposed Animals Technicians Bill, 2008, so that we can correct that anomaly. That anomaly has caused declining trends both in efficiency and effectiveness of extension services. Those institutions are supposed to conduct research on livestock and other animal products.

When we come to the issue of licensing, I think this is the most misplaced Ministry. Licensing and regulation of animal technicians. The Department of Veterinary Services has no control over institutions that are charged with licensing and regulation of animal products.

Madam Temporary Deputy Speaker, these institutions are supposed to enforce animal health and quality standards of products, but they have been weakened by some of the legal anomalies that we see in the Ministry. For instance, we have the Public Health Act, Cap.242, and the Meat Control Act, Cap.356. We also have the Department of Veterinary Services that inspects meat. These bodies are responsible for control of veterinary drugs and pesticides are under the

Ministry of Health or the Ministry of Agriculture. If you look at Pharmacy and Poisons Act, Cap.244, and Pests Control Products Act, Cap.346, they are under different Ministries. So, these Ministries cannot have control over licensing and regulation of animal technicians. I think that the important Department of Veterinary Services has no control over these conflicting statutes, especially those on drugs and pesticides with respect to animal products. Therefore, there is need to harmonize these conflicting mandates in order to achieve proper animal health and product quality standards. This proposed Bill, if passed, will really help in harmonizing those conflicting statutes.

Madam Temporary Deputy Speaker, there has also been a lot of unpredictable Government reorganization and restructuring, which has, at times, been putting this department under the Ministry of Agriculture and at other times, elevating it to full Ministry. So, these frequent splits and mergers have put the right institutions under the wrong Ministries; some of these institutions are Kenya Trypanosomiasis Research Institute (KETRI), Kenya Veterinary Vaccine Protection and Immunization (KEVEVAPI), Kenya Agricultural Research Institute (KARI), Agricultural Finance Corporation (AFC) and Agricultural Development Corporation (ADC). All these organizations have been placed under different Ministries at different times. There is need to bring all of them together through a legal framework for better quality of animal products and animal health.

Finally, it is the other part of the Motion which talks about surveillance and animal diseases. This is very complicated because of the trans-boundary nature of livestock diseases. It has also been increasingly recognised that the livestock sub-sector has potential for earning substantial foreign exchange if we control diseases that affect the livestock subsector. For full access to our external markets, and to realise its full potential, it is essential that we curtail animal health standards and quality parameters that are currently not being achieved by some of the local producers. This can only be done if we create disease free zones, and secure the Livestock Marketing Division (LMD) that is used to control diseases. I want to support this Bill and urge hon. Members to pass it, so that we can bring sanity and consistency into this Ministry, which is very important because it serves over 90 per cent of our land mass, namely the Arid and Semi-Arid Lands (ASALs).

With those few remarks, I beg to support.

**The Assistant Minister, Office of the Deputy Prime Minister and Minister for Local Government** (Mr. Githae): Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to make my contribution to this very important Motion. First of all, I wish to thank the Mover for having come up with this very important Motion.

The importance of livestock as an industry cannot be over-emphasized. The majority of Kenyans depend on livestock for their livelihood. When I talk about livestock, we must make it very clear that livestock is not only found in ASAL areas. There is livestock in other areas. I also rear livestock. I have a few grade cows. Therefore, we must take cognisance of the fact that livestock is found everywhere in this country. I am saying that this Motion could not have come at a better time, considering the way livestock industry has not been given prominence and adequate funding by the Government. Many people depend on livestock for their livelihood, to educate their children and also for income purposes. So, we need to come up with a system of licensing livestock attendants.

It is a shame that for the last 15 years, the Government has not employed veterinary doctors. The people who have been taking care of our livestock are traditional livestock attendants. These are people who have learnt animal diseases and how to control them over time. In this proposed Bill, we must take cognisance of the traditional attendants. They are the people who have been maintaining livestock, in view of the fact that the Government has not employed veterinary doctors for the last 15 years. So, I am suggesting that this Bill must give recognition to the traditional livestock attendants.

Madam Temporary Deputy Speaker, we used to have livestock officers, who would move around and advise farmers on how to look after their cattle but these days, we do not see them. They used to be in smartly-cut uniform. I do not know what happened---

*(Interruption due to power black out)*

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

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

Mr. Temporary Deputy Speaker, Sir, I understand that this is important so that we can improve our livestock. It amazes me that in countries like Israel and Denmark, one cow can produce 70 kilograms of milk per day. In this country, the average is two kilos per day per cow. What a shame! I think one of the reasons for this is lack of livestock attendants. Therefore, this Motion which will enable the Mover to come up with a Bill is very important.

Mr. Temporary Deputy Speaker, Sir, we have a problem with meat inspection. The meat inspectors are neglected by the Ministry of Health under the Public Health Act. I do not know how that came about. Meat inspection should be done by veterinary doctors or attendants and I think we must rectify this. Due to that confused state, these days whenever people slaughter goats they do not request for meat inspectors to inspect the meat because they are so few and unreliable. Again, I am told that if they inspect meat, the payment for them is a kilogramme of meat. If you do not they will not inspect the meat or they can even condemn your carcass as unfit for consumption. This is because of the confused state of affairs. It is not clear who is in charge. Is it the veterinary attendants, the Ministry of Health or Ministry of Livestock Development and, therefore, I think when this Bill comes into effect---

**Mr. Mututho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to demonise those technicians to an extent that for them to carry out meat inspection, they need a kilogramme of meat without substantial evidence?

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae):** Mr. Temporary Deputy Speaker, Sir, I said it is in the African tradition to give a kilogramme of meat to the meat inspectors when they are inspecting meat. It is normal. We do that. We give them a kilogramme of meat.

Mr. Temporary Deputy Speaker, Sir, I am saying that we need to revive the livestock industry. We need disease-free zones so that we can start exporting our livestock to Mauritius and the European Union (EU) because that is where the future of the livestock industry is. If we do not have disease-free zones, then we are going to lose our export markets.

Mr. Temporary Deputy Speaker, Sir, we had the Kenya Meat Commission (KMC) which used to export meat to various countries but once our livestock was condemned as not being disease-free, this has not happened. We used to even have canned meat and it was so good. So, I am saying that there is need to revive the livestock industry so that it can achieve its importance so that Kenyans can start living on livestock. We also need to educate our livestock owners. There is no point having 500 head of cattle. They should be selling some of them like now when there is plenty of rain so that come drought time, then they can be able to restock and use the money that they had sold as deposit in banks for their livelihood. However, if we do not give them guidance to do this, every time there is drought, they will lose so many of their livestock such that it is no longer profitable.



Mr. Temporary Deputy Speaker, Sir, lastly, we must put cattle rustling to an end, once and for all. Right now, it is an industry. This is one of the causes of the under-development of the livestock industry because when we continue having cattle rustling in this country, people are not in a position to stock livestock and, therefore, it affects the industry as a whole.

With those few remarks, I support this Motion.

**Mr. Mututho:** Thank you, Mr. Temporary Deputy Speaker, Sir. I want to thank hon. Lekuton so sincerely for bringing this very timely Motion. The issue of animal technicians has been ignored for quite a while now. It even appears that now the universities are looting the very institutions that were supposed to produce these technicians. For instance, we have had cases where the universities have gone on the rampage buying all these small colleges and converting them to universities. It is wrong. Technicians deal with ecotypes - a small ecosystem that has definite parameters and they use certain techniques. These techniques are the ones that make the whole economy tick.

Mr. Temporary Deputy Speaker, Sir, I want to define these technicians into three categories as defined by the Minister for Livestock Development and persuade the Mover of this Motion to carefully look at them in that order. There are range management technicians. These are people who deal with the ecology of the grazing land particularly and focusing on such factors as grazing and fire management, wild fires, noxious weeds and so forth and so on. Then we have animal husbandry technicians. These are people who introduce modern techniques into animal breeding and what-have-you. These people deal with more of economic of it and practise it. They deal with good practices in livestock husbandry.

Then we have the animal health technicians or veterinary doctors. These are very close to the farmers. Looking at the Animal Health Act, you realise that in its current form, it misses certain very serious diseases. These are diseases which have come up many years after that Act was drafted. We need also to have our technicians retrained a bit so that they can address that. Particularly in the area of zoonotic diseases. These are diseases that are transferred from animals to man and *vice-versa*. They can cut across.

Mr. Temporary Deputy Speaker, Sir, I do not know whether it has ever struck you; what happens when along the busy Naivasha Highway, which does not have any public toilets - I am glad the acting Minister for Roads is around so that he can in future design roads that have toilets - somebody goes to the bush and I do not want to imagine it is a lady at that particular time of the month when things are very bad and there are baboons which come around and consume that waste. That is a very unhealthy situation. We are going to introduce diseases from man to wildlife and animals, which is going to be terrible. People who can sort out this problem are animal technicians. We need them.

Mr. Temporary Deputy Speaker, Sir, there is a new area now which is more serious called biodiversity. We need a new category of technicians called biodiversity technicians or ecological technicians who will definitely be addressing issues to do with biodiversity. Biodiversity affects livestock, man and crops. These breed of technicians will be able to detect when scrupulous traders introduce genetically modified products that have not been screened and they will have the capability to detect what is genetically modified and what is not. No one has that skill now. I believe those technicians will have it. I propose to call them biodiversity technicians. We cannot operate without technicians even in very advanced stages like in the computing world and e-commerce. We do not rely on engineers but on technicians for our daily life.

Mr. Temporary Deputy Speaker, Sir, we, in this Parliament, sat and agreed with those World Bank half-baked technicians who said that we should not recruit our people again. I say they are "half-trained" because they do not understand our systems. They did not look at the plight of our livestock all around. They did not look at the plight of our agriculture. They did not even look

at our soil conservation measures so that we could have the agricultural technical assistance. They just looked at the books, as presented to them, at the Treasury. They are now working on our economy like a shop, a *dukawalla*, for that matter. They are focusing mainly on how much revenue we are collecting and how much we should not spend. Those things messed up the livestock industry. Now that we are sober and see clearly that we messed and goffered, we should go full throttle and recruit all those technicians who were trained earlier. We should also open new institutions.

Mr. Temporary Deputy Speaker, Sir, we cannot stand here to debate without remembering Dr. I. Mann. This is the founder of Animal Health and Industry Training Institute (AHITI) in Kabete. He is a man who devoted all his life discussing hydatidosis. This is a condition in which worms accumulate and form a big ball that makes a man look nine months pregnant. You have seen it, particularly in arid areas. He worked and trained technicians on that.

Dr. I. Mann is somewhere in Heaven. I am sure he is not smiling when he looks at AHITI which was even hosting FAO conferences. Today, it looks like a shell of his original plan.

Mr. Temporary Deputy Speaker, Sir, the same applies to Lord Egerton who built the then Egerton College which is now Egerton University. We are ignoring the fact that this country was built by technicians. Their bosses are called technical officers in the Ministerial language. Those technicians are the ones who walk around with bicycles and *pikipikis*. Now, with the very many districts that have been created and so many locations, these people can be very effective because they have smaller distances to cover. They may not require such a huge transport like we used to have. Technicians are required more than graduates.

Mr. Temporary Deputy Speaker, sir, at graduation, graduates get the power to read and do all that appertains to that degree. Technicians get the power to do that. They do it! They come and take on the animals. Graduates are good. I am a post-graduate, name it! However, I went to school and I was given the power to read. When I was trained as a technician in Egerton College, I was shown how to detect an animal that is likely to attack, study the mood and psychology and how to restrain the animal. I can still do it although we are on the Floor of the House. Those are the technics. From the mucous membrane, you will tell if the mouth looks pink enough. That is the technicians who we are looking for. They will not be earning those huge amounts of money that people are imagining. They will earn a humble salary but bring this economy to its feet again.

Mr. Temporary Deputy Speaker, Sir, people talk, argue and divert ideas. We blocked all the livestock routes from North Eastern Province all the way. These routes were used and are still being used by wildlife. Since now we have built estates on these routes, when wild animals try to move through the routes, we have a human-wildlife conflict. Wildlife, in their nature, are very organised if you keep off their normal traditional migratory routes. If you do not like the pastrolists, then you should like the wildlife. Once you keep the corridors clear, you will not have that conflict.

Mr. Temporary Deputy Speaker, Sir, I am talking about that conflict again. You will find that when the Maasais try to reach grazing land from Kajiado and Narok to Laikipia, they pass through Naivasha and other places. Then you hear things called land clashes. These are not land clashes! We have a Government that has for once stopped to plan and think properly considering everybody's need. The Maasais cannot sit there and watch their animals starve to death when their brothers and cousins in Laikipia have grass. They have to pass through Nairobi. However, that ritual causes a lot of disharmony yet it could have been resolved so easily. This can be done by creating a livestock route from Kajiado through Longonot area and to Nyahururu and Laikipia without going through Nakuru.

Mr. Temporary Deputy Speaker, Sir, I support this Motion very strongly and hope that this Government will have the decency to apologise to Kenyans as we debate on *unga* and other things. They have killed an industry through lack of proper planning and information. There is a farmer in

Embu who is doing what requires 300 acres on a small piece of land. It is not that he is a magician but he has been trained by the Ministry of Livestock Development. He has access to the technics and technicians. He is selling his milk directly to Karen because the people in animal husbandry have told them that they can have a contract with people there.

Mr. Temporary Deputy Speaker, Sir, I support this Motion and once again congratulate Mr. Lekuton and ask him to cover all these areas that are being proposed by hon. Members.

I beg to support.

**The Minister for Labour** (Mr. Munyes): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. This Motion seeks leave of the House to introduce a Bill that would want to change the way we look at training and provide service to the livestock keeper.

Mr. Temporary Deputy Speaker, Sir, I come from the Arid and Semi-Arid Lands (ASAL) areas of this country. The Mover has already indicated that 30 per cent of the agricultural production in this country come from livestock and 90 per cent is beef production. This country must put a lot of effort in ASALs to achieve that potential. As a country, we need to get change of mindset that requires the recognition of what should be done in the ASALs to improve livestock production.

Mr. Temporary Deputy Speaker, Sir, there is need for fundamental change in resource allocation. As we have seen, many times this sector does not get enough allocation. As we discuss this Motion, I look at a situation where in this country we look at performers as those who have acquired degrees and higher level education. However, in terms of service provision, what this country needs are the technicians. I can give a very good example. In the last one year, we have been struggling to reduce the effects of the Peste des Petits Ruminants (PPR) infection on Turkana sheep and goats. The whole of ASAL was affected by this disease. This disease also covered the whole country and killed so many livestock. We have lost more than three quarters of our flock of mainly sheep and goats. I look at this and say that doctors, who are not enough, would not have helped us. However, if we had trained enough technicians, then I know we would have covered the areas and vaccinated the livestock against this disease. We need to bring all the subjects and broaden them not only to improve our performance and expand institutions like AHITI Ndomba, but also look at the local training in the Arid and Semi-Arid Lands (ASALs).

Mr. Temporary Deputy Speaker, Sir, in the past, in the 1980s, and I was part of that - I was in the Non-Governmental Organisation (NGO) world - we started the paravet training. In some places, we used to call it herders training, where we imparted skills to the locals themselves. It was a very popular idea in the 1980s and 1990s. That idea is now dwindling. I think donors are not providing more support. That training, which was imparted to the herders, themselves, ensured that livestock were treated.

Mr. Temporary Deputy Speaker, Sir, as the Government talks about improving training and elevating institutions like AHITI Ndomba as campuses under Egerton University, we should start thinking of what is happening in our vision. The vision that we all talk about - Vision 2030 - will not be achieved if we do not critically look at this Bill. I look at this Bill as a solution to the problems affecting ASALs. We, in Kenya, think that we need to influence other countries and take our ideas to other countries. A good example is when we started the idea of AHITI Ndomba in Rwanda, Burundi and other countries where we emphasized the passing of those skills to other people. I was in Rwanda yesterday and one of the things they told our delegation was that AHITI was starting in Rwanda, while our AHITI here is dying! We are not taking on board so many students. We are not giving them enough facilities. We are not encouraging them! The way about it is to decentralise those institutions. Let us not follow what the donors have told us; to cut down on training! Let us decentralise those institutions, especially in the ASALs, where those demands are

made.

Mr. Temporary Deputy Speaker, Sir, disease surveillance in this country is another issue which we need to look into. As we discuss disease surveillance, diseases affecting this country are from other foreign countries, especially Sudan, Uganda and Ethiopia, where their livestock are not vaccinated. Again, to undertake all that, we need enough technicians. We do not need doctors! Let us justify that because it is the technicians who cover all those areas and not doctors!

Mr. Temporary Deputy Speaker, Sir, on this subject, I also want to digress a bit. I have always talked about this Ministry as a very critical Ministry, which requires a lot of support. We need to undertake new measures in the Ministry of Livestock Development. In our place, where there is increased livestock conflict; where people engage in cattle rustling--- This morning, you heard what happened in Turkana. We have lost over 15 people. This morning, I have also been called and informed about another raid in Lokichoggio, where so many people have also died.

Mr. Temporary Deputy Speaker, Sir, I think, as a country, we need to protect our borders, prevent diseases and protect ourselves against those who come to kill our people and take away our livestock. I have always talked about a livestock census! We do not know what numbers we have in this country. To stop people from stealing from others, we have always talked about livestock branding. That is an issue which, I think, with enough technicians, we can solve and, in a way, help our societies which are now facing those problems.

Mr. Temporary Deputy Speaker, Sir, livestock diseases are affecting our livestock marketing. I want to volunteer this information to Kenyans. As we speak now, our markets in Southern Sudan, where sheep and goats are going for Kshs6,000, is a plus for this country! We need to open up to those countries. To do that, again, we need to have enough technicians to provide a service that will ensure that we have healthy livestock in this country, which will enable us to prosper.

Mr. Temporary Deputy Speaker, Sir, the Animal Health Act has a lot of shortcomings. It is a very protective Act. I can only see solutions from this new Bill that we are trying to discuss today. What I am saying is that we should compare that to what is happening in the health sector. In the health sector, hon. Members have gone out of their way to construct dispensaries all over the country. As a matter of record, I have about 20 dispensaries which have been constructed in my constituency. But we do not have enough officers to serve in those dispensaries. That is as a result of the way we look at things. We must have trained people - nurses and doctors - to serve in those dispensaries. We cannot achieve the proper healthcare that we need. The same applies with this Bill. If we do not put emphasis on training and providing technicians--- Even below that, we will have the same problem of not having enough technicians. That is because it is the same in the health sector - all those dispensaries are just without officers! Yet, we can have technicians with some basic knowledge to enable him to provide essential services.

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

**Mr. Ethuro:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. This is a very, very important Motion and I would like to sincerely thank my good friend, Mr. Lekuton, for bringing this Motion. I also thank the Assistant Minister for being here to listen. In fact, a while ago, I was wondering where the Minister and his Deputy were, but I am happy that he is here.

Mr. Temporary Deputy Speaker, Sir, why do we consider this Motion important? On the basis that there are not enough extension officers in the Ministry of Livestock Development. The Government, in the Sessional Paper that is before this House, has admitted--- I can confirm to you that, for a very, very long time, the Government could not make up its mind on the importance of this Ministry. You realize there were moments when it would be a Ministry by itself. Many a times, it would be combined with the Ministry of Agriculture. In the process, the issue of the livestock

sub-sector became completely inferior to the greater issues of maize and other cereals production in this country. As important as they are, definitely, we need to address the issue of extension services in the livestock sector!

Mr. Temporary Deputy Speaker, Sir, the other reason why this Motion is necessary is because the Ministry of Livestock Development engaged in the privatisation programme. That was limited to the dairy farmers, especially in areas that were already rich in agricultural potential. The extension services--- Those were the recommendations by the World Bank. A developing country like Kenya needs to put its foot down and confirm that, as our country, there are moments in our state of development where you have to make sure that there is public intervention in order to improve the basic infrastructure - not just roads, but also extension services and transactions!

Mr. Temporary Deputy Speaker, Sir, you know that most of the meat we eat comes from our part of the country in northern Kenya. You will find that, when we are working with NGOs, we are trying to fill a gap or void by virtue of limited extension services. We did a lot of training of animal health workers and technicians. Every time we brought them to Government officers, there was always a big rift by the Government officers who said: "You cannot bring quacks to prescribe medicines!" They said you cannot bring in quacks to inject cows and goats. In this situation where there were no enough extension services, what were we to do? Many Non-Governmental Organizations (NGOs) had done a lot of work in terms of making interventions in this particular sector. All those interventions could not be put to good use because the Ministry and the veterinary officers treated the rest of the well qualified personnel as quacks in the profession.

Mr. Temporary Deputy Speaker, Sir, I am very sure that a Bill like this one will ensure that those people who have been trained by NGOs because of insufficient training capacity by the Ministry will be absorbed into the mainstream extension services and provide those vital services to our livestock farmers.

There is a book entitled "Where there is no Veterinary Doctor What Happens?" This book has been the basis on which we have provided training to animal health workers. In Turkana Central, there is only one veterinary doctor. The same doctor acts as the District Veterinary Officer (DVO). We have about 17 divisions in Turkana District. These are supposed to be manned, at the very least, by the Animal Health Officers who have attained diploma level. These officers are not there.

We have 58 locations. We are supposed to have people who have been trained up to certificate level. These officers are not there. At the sub-location level, of course, they are absent. When we have that kind of scenario and we still say that our country is not productive and that we want to realise Vision 2030, it is not achievable. It cannot be done. In accepting this Motion, which I believe he will because if he does not, I will wonder what business he is doing in representing the people of the greater Garissa--- Indeed, this will be a Christmas gift that the Government of Kenya would give. The Minister will look into these areas that had been forgotten for a long time and support this initiative that my good, friend, Mr. Lekuton, has brought to the Floor of the House.

Mr. Temporary Deputy Speaker, even after legislating a Bill that would enlighten and train these people, there is still the element of disease surveillance and vaccine production. I am grateful that Kenya Veterinary Vaccine Production Institute (KEVEVAPI) is now under the control of the Ministry. It has no capacity to produce the vaccines that are needed for our livestock in this country. Epidemiology is a very critical subject in livestock management. Therefore, it is important that KEVEVAPI is given sufficient funding to produce enough vaccines, especially for a disease we call *Lomoo* which is wiping out livestock in the greater parts of northern Kenya. The Minister has done something. However, this is not sufficient enough like starting good arguments from the safer zones. However, we need to move very fast, so that those areas which are already affected, can have the vaccine, so that we save our livestock. The Government has done good work in terms

of reducing food prices. I commend the Minister for Agriculture and the Prime Minister for making specific interventions. I am a trained economist. The moment world market dynamics fail, it is only important that at that point, the Government makes specific sporadic interventions in order to ensure that the public good is realised. Even great economists realised that and appreciated it. The problem with our country is that when we get economists from the World Bank and maybe you are a pseudo economist or anthropologist, then we start taking all the prescriptions that the World Bank has prescribed to this country. In the 1980s when the World Bank was talking about Structural Adjustment Programmes (SAPs), no country benefited from those programmes. Which country benefited from SAPs? The SAPs failed in providing extension services to our farmers, our livestock herders and in any kind of form because they said that we should pay for those services. How could we have paid for it when the availability of drugs was in question? While this Bill will increase the number of personnel available by bringing on board the kind of people they call quacks, the Minister will also make sure that extension services are available. I also did some work with some NGOs where we made sure that drug stores were available in all the corners of districts like Wajir, Samburu, Marsabit and Turkana. Those drug stores should be managed and supplied by the Government.

Your Ministry, Mr. Minister, needs to borrow from the Ministry of Medical Services where every dispensary has a kit, straight from the headquarters of the Kenya Medical Supplies Agency (KEMSA). The Minister should also do the same. He needs to identify drug stores in all these communities which will help our livestock herders access the necessary drugs and vaccines in order to enhance the condition of the animals. If you look at some of the animals, you will see that they cannot fetch any money. They cannot because they have been left to freelance, so already nutritive value of the pasture is limited. We cannot get a healthier animal which will fetch premium prices because of the diseases. The Minister owes it to this country that extension services in livestock are prioritised.

The other aspect I need to mention is that the Minister needs to seek affirmative action in the Cabinet. I did a study on how dairy took over from beef research stations. That is a fact. By the time we attained Independence, most of the livestock research centres were for beef production. What did the independent Government do? We converted most of the beef research stations into dairy research stations, including the one in Naivasha.

Mr. Temporary Deputy Speaker, Sir, we need to revive that. With those few remarks, I wish to support.

**The Minister for Livestock and Development** (Mr. Duale); Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion. First and foremost, I want to thank my good friend, hon. Lekuton, for bringing this Motion which is very important and significant to both the livestock sub-sector in this country and to the greater pastoral community in Kenya. We are talking about animal health technicians. We are not talking about quacks or people who do not know what they are doing. These are the same people who we train under a regular and certified curriculum. We train them in Government institutions like the AHITI, Egerton University and the Dairy Training Institute in Naivasha. The role and the importance of animal health technicians is very crucial. However, it is coming very late when this country should have seen it a long time ago. It is animal health technicians who do a lot of work on the ground at the grassroots level more than the Veterinary Surgeons. If we talk about a vibrant livestock sector in this country, a sector that can contribute to a bigger percentage to the GDP, a sector that is the basic economic livelihoods of the pastoral communities, then we have no choice as a Government and as a Ministry, and a country to invest in the human resource cadre of animal health technicians in this country.

Mr. Temporary Deputy Speaker, Sir, 70 per cent of the livestock breeds are found ASAL areas. If you look at that scenario, the livestock ratio on this country is close to 20,000 head, mainly

in the ASAL areas, where we do not have para-professionals and veterinary surgeons. It is known in this country that the few advantaged veterinary surgeons from the highlands of this country do not want to work in the ASAL areas. They do not want to work in Turkana or Marsabit. That is why we feel, as a country---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Duale! It is now 11.20 a.m. and we have to ask the Government side to respond to the Motion. Since, I believe, you are here to respond, then do so, on behalf of the Government.

**The Assistant Minister for Livestock Development** (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, I was responding on behalf of the Government.

Along the line, there was an Animals Technicians Bill, 2008, which was still in the pipeline, but there was bureaucracy in the Government in terms of Cabinet approval, but our good friend, Mr. Lekuton, has brought a proposal for it. What do we do? We need to harmonise in the Bill a number of issues.

When we talk of animal health technicians, we need to re-look at the Act, Cap. 366, that empowers the Director of Veterinary Services and the department in regulating, looking at ethical challenges, looking at professionalism and animal health welfare in terms of bringing on board the animal health technicians. I can assure you that when this Bill is harmonised with the Bill from the Government, the body that regulates animal health practitioners, known as the Kenya Veterinary Board, will have a specific slot for para-veterinarians. That is why we have seen that there is no way you can delink the veterinary surgeons and para-veterinarians, as stipulated in Mr. Lekuton's Motion.

We are talking of a country that has Vision 2030. In Vision 2030, the flagship project of the Ministry of Livestock Development is for the creation of disease free zones. We have realised that if we want a vibrant livestock marketing, both locally and internationally, then we must invest in the control and surveillance of animal diseases, specifically diseases that are trade-related. We are talking of the Rift Valley Fever (RVF), the PPR, Rinderpest and the Foot and Mouth Disease. These diseases that can make this country lose its international market share in the Middle East and in the European Union.

If we talk of disease free zones, then we need to talk about the human resource aspect of controlling animal diseases. That is why my Ministry has gone ahead--- This year alone, we are employing over 150 animal health technicians; that will happen in the coming month. We have seen the need and importance. We have also realised that we must double the number of animal health extension officers each year in order to come together and see the importance of what my colleague raised. Unless and until we improve on the extension aspect of the animal health section, then as a country we are not heading anywhere.

Mr. Temporary Deputy Speaker, Sir, we are talking about regaining our international market. We are talking about accessing the Kenyan meat market in the Middle East and the European Union. Therefore, we need to invest in the control and eradication of trade-related diseases.

I want to talk about the element of regularising, making the animal health technicians, who are trained at the certificate and diploma levels, to work within the set international standards set by the World Animal Health Organisation known as the OIE, based in Paris. As we put into the law the animal health technicians, we need to walk out of the box. We need to get recognition for this same group in international fora. That is why we are more concerned about the para-professionals. We are more concerned about the curriculum that these animal health technicians are going through.

This Ministry is the nerve centre of the pastoral community. This is the Ministry that needs to provide the economic livelihood of the pastoral communities. I can assure this House that this

Ministry is on the right track. Apart from supporting this particular Bill, which is proposed by a member of a pastoral community, I want to assure this House, the nation, and pastoral hon. Members that the Ministry of Livestock Development is not the old department in the Ministry of Agriculture. It is a very vibrant Ministry! It is a Ministry that is already on the slate. We are employing the same animal health technicians, setting up more extension services and re-drawing the livestock infrastructure in terms of the local stocking. We are re-drawing the livestock pasture system and trying to manage the rangelands. We are trying to look at a system where this Ministry invests in the control of animal health. We are talking of trans-boundary diseases and being a neighbour to countries where the veterinary systems have collapsed. We are talking of Somalia and Southern Sudan, a young nation that is coming up. I want to assure hon. Members that recently there was the PPR, and His Excellency the President - I want to thank him here in this House - availed funds for the buying of vaccines in all the 18 districts that PPR has affected. Today, close to 11 million goats and sheep in this country have been vaccinated against PPR.

Mr. Temporary Deputy Speaker, Sir, with those many remarks, I want to assure this House that the Ministry of Livestock Development was in the process of bringing to the House the Animal Technicians Bill, 2008, and Mr. Lekuton's Bill is more or less the same as ours. I want to assure this House that we are going to re-look at it, harmonise it with Lekuton's one and bring it here; I support Mr. Lekuton's Bill to become law.

Thank you, Sir.

*(Applause)*

**The Temporary Deputy Speaker** (Prof. Kaloki): We still have about ten minutes, but if there is nobody else to contribute, I am going to ask the Mover to reply.

**Mr. Lekuton:** Mr. Temporary Deputy Speaker, Sir, I would also like to thank the Assistant Minister and Mr. Ethuro, who spoke before him. The Assistant Minister has been eloquent, articulate and to the point. I really believe that being in that Ministry, as a pastoralist himself, he has realised that there is an issue that we need, as a society, to tackle.

Mr. Temporary Deputy Speaker, Sir, the issue of the Animal Technicians Bill has now become original. We must remember that as a country, we are not isolated any more. We are now a nation within nations. The East African Community has, in Article 108 of the Treaty establishing the EAC, called for the co-operation and prevention of animal and human disease. Article 105(24) provides for joint programmes for control of animal and plant diseases and pests. This cannot be achieved without capacity building of our animal technicians and control of animal diseases. The Minister is dead right on the answer that we need a change. I would like to thank him for accepting that there is an issue and a problem.

Mr. Temporary Deputy Speaker, Sir, the Director of Livestock Services has in the past made allegations that animal technicians are not qualified to diagnose and treat the animals. Well, I beg to differ. The objective of training these young men and women of Kenya is to make sure they have the capability and ability to diagnose and treat animals. The statement is totally unacceptable.

In the ongoing vaccination around the country, the surgeons charge between Kshs200 and Kshs500 while the standard rate is Kshs50. Farmers are paying ten times the price. In other words, it is fleecing of the poor farmer in Kenya.

Mr. Temporary Deputy Speaker, Sir, I do understand that the Minister has these issues in his heart. The fact is that many times the Government policy and legal framework are changed from time to time, and the fact that there was a legal framework by the Ministry of Livestock in 1999 and it stalled in 2003--- This is an important industry. Starting and stalling of policies and legal frameworks cannot be accepted any more. We need to take this Motion very seriously and



make sure that our country production, which is going down, goes back to where it was before the advent of the Structural Adjustment Programmes which were introduced by the World Bank and IMF.

Today, butchers are increasing Kshs40 per kilogramme of meat. Again, I would like to tie this to the Animal Technician Bill because we do not have enough production or quality meat because we do not have enough people to take care of that livestock in Turkana, Laisamis, Marsabit, Dujis and everywhere. We need these people to make sure that when we have this livestock, we have enough production. If Kenyans, today, pay close to Kshs100 for a 2 kilogramme bag of maize and tomorrow they pay over Kshs100 for a kilogram of meat, we are heading to dangerous situations.

Just to highlight a few points, we have over 6,000 unemployed youth who are trained by the Government and NGOs who are totally competent. They are staying at home and doing things they are not supposed to do because they have not been licensed. We need to give these people employment.

I appreciate what the Minister said that 150 people were employed this year. We have 6,000 unemployed youths and the Ministry is employing 150. I appreciate the small number employed. I think it is a positive step.

I would like to call upon this House to look at these issues: First, on the issue of unemployment, we should give these people the power of free enterprise so that they can start their own businesses because they are qualified. We should not deny Kenyans a chance to start their own private businesses when they have been trained. Kenya is known within the East African Community as a nation that excels in private enterprise. Let us give them that chance to make sure it happens.

Mr. Temporary Deputy Speaker, Sir, let us not lose our livestock because of diseases which could be easily detected by animal technicians who are spread across this country. Livestock should be taken more seriously as a mode of production and a main contributor of GDP in this country.

I call upon this House to rise to the occasion and be part of the solution. This Motion is long overdue. We keep losing livestock and businesses when we have unemployment. Let us be part of the solution instead of creating a time bomb of youth unemployment. This is the time for this House to rise to occasion and leave a legacy of having contribute towards containing unemployment in this country.

With those few remarks, I thank you for giving me the chance to contribute.

I beg to move.

*(Question put and agreed to)*

REGULATION OF ESSENTIAL  
COMMODITY PRICES

**Eng. Maina:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion---

**The Assistant Minister for Finance** (Dr. Oburu): On a point of order, Mr. Temporary Deputy Speaker, Sir. While this Motion has been brought in very good faith, I would like to seek the guidance of the Chair on whether it is appropriate for the House to discuss a Motion which is asking the Government to introduce regulations against the law which actually repealed price controls. I just want your guidance because of the urgency and emergency of the present situation. It is a very good Motion in terms of the spirit of it. I am just wondering about the technicality of the Motion and not the spirit.

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you, Mr. Assistant Minister, for

those remarks. We have food crisis in this country. We know about the law on price controls but we already know the difficulties the common mwananchi is going through at the moment. This Motion seeks to debate about the difficulties pertaining to the food prices and commodities. The Government will be able to respond to this Motion. This Motion seeks to address the issue of whether the Government will come up with a better solution to increase food production.

So, Eng. Maina, please, proceed!

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, thank you for that very good ruling. But I am just wondering whether the Assistant Minister has even read the Motion. The Motion does not ask the Government to introduce price controls. It is asking the Government to do something to regulate - of course that is the business of the Government - the prices of these commodities. It is just a Motion where we are going to ventilate and introduce ideas. If the Assistant Minister wishes to regulate, so be it, as asked by the Motion. If he has contrary ideas, he will have an opportunity, as the Government responder, to tell us otherwise. But I am sure that he may not convince us.

**The Temporary Deputy Speaker** (Prof. Kaloki): Proceed, hon. Maina!

**Eng. Maina:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the escalation of prices of essential food commodities such as maize flour, sugar, rice, cooking fat, milk, *et cetera*; considering the high poverty level of most Kenyans, further considering that to most Kenyans, three meals a day is a luxury; cognizant that the recent scrapping of VAT on basic commodities by the Minister for Finance is a temporary measure; this House urges the Government to urgently step in and regulate the prices of these commodities in order to save the common mwananchi from unscrupulous traders.

Mr. Temporary Deputy Speaker, Sir, our country right now is in a very trying and dangerous position. The trend of food prices in this country is not sustainable any more. Unless we put measures in place, we are going to endanger this country.

We are aware of what food prices in the world have forced people to do. We have had riots in Egypt and the Government there moved in and put in place measures, which to this day, ensure ordinary Egyptians can have a meal. We have had riots in Bangladesh. It is a serious matter and their country's greatest threat is lack of food. I said that the other day.

Mr. Temporary Deputy Speaker, Sir, even when prices of commodities go down in the world market on things like fuel, this country never witnesses any benefit. The country is being strained day after day. Today, the ordinary mwananchi earns Kshs100 per day in this country. In a week, if he has to go and pray to the Almighty God on Sunday or whichever day, he ends up with Kshs2,400. That will only be enough for him to buy a maize meal for his family for only 24 days. What does he do for the other six days?

We are aware that Kenya is not the first country to face this situation. My Motion seeks to actually ask the Government to act. The Government has acted, as I have stated in the Motion. Recently, it scrapped the Value Added Tax (VAT) on imported wheat and maize. However, prices have continued to go up. So, the action by the Government does not seem to strike the cause of this problem.

Mr. Temporary Deputy Speaker, Sir, I want to draw the attention of this House to an incident that occurred in America, before I cite an incident in this country. In 1933 America was in recession and there were so many crimes that cost them at night. There had to be courts at night to try people, because of the many petty crimes. A man who was arrested for stealing a loaf of bread went to court and the judge there did an honourable thing. He fined him a dollar and, consequently, everybody in that court room 10 cents. There was enough money for that man to buy a loaf of bread and end up with some money. That was a judge who was taking care of the citizens of America. That is what my Motion intends to do today.

We had people in this country going to the extent--- Because of lack of food, insecurity is very high. Some people have resorted to eating even poisonous food. So, we cannot continue the way we are. Recently, on top of scrapping VAT on some commodities including imported wheat and maize, the Government has come up with a policy, which I want to say is not going to work. They even said that it will be implemented after ten days. How do you expect ordinary Kenyans to survive for those ten days? It is not going to work.

Mr. Temporary Deputy Speaker, Sir, looking at the trend in this country, the prices have been rising exponentially. For example, *unga* was costing Kshs48 in December, 2007. By July, 2008, it went to Kshs75. Today, it is over Kshs100. There is no justification for this. The Government and country cannot sit back and allow this trend to continue. I beg everyone to take this matter very seriously. The security of the country cannot be guaranteed with this trend.

We are even facing another phenomenon right now. This House has been demonized regarding how we are earning impossible salaries. This message is being given to Kenyans who cannot feed themselves. It is high time the Government moved and did something. That something is what I am asking for. A country cannot leave security and the major national instruments like provision of food to anybody else than itself. But in this country, we have a situation where things can move unchecked, and finally, we are where we are. That is the purpose of my Motion.

Mr. Temporary Deputy Speaker, Sir, a person who earns Kshs100 a day, cannot feed himself for a whole month. I have indicated that he has no other way of survival. So, we have created a situation whereby we are opening this country for people either to steal or be ready to kill.

Before I come to the control of food prices, this Government needs to relook into its policies. When there is a food crisis, we wake up as if we did not know that it existed and import foodstuffs worth Kshs10 billion. People make billions of shillings out of that situation. Why could the Kshs10 billion not have been used in the previous year to provide farmers with fertilizer and proper seed? Malawi is a much smaller country than Kenya. Today, we are importing maize from Malawi. This is because some years back, Malawi took a bold step and provided her farmers with fertilizer and seed. Malawi is regarded as a poor country. It is smaller than Kenya. However, today, we are importing maize from her. I want to ask the Government to wake up, take courage and save this country from the critical situation that we are in. We have no excuse at all to be in the position we are in today. We have left agriculture to the weakest group of people in this land. It has been left to the citizens of this country, who do not have the strength to save the country from the situation it is in. It is high time that we revived the agricultural sector. During the colonial days, Kenya was surviving on agriculture. We should go back to those days. It does not take nuclear physics to understand this. It will take courage, common sense and love for our country. We have neglected our farmers. Nobody who has the resources or education, is ready to go into agriculture because it is a loss-making business. The reason essential commodities are scarce is because we have neglected the agricultural sector. The production is not guaranteed and it is unprofitable. The managers of this sector, whether in the importation of fuel or in milling, are people who are ready to take a flight out of this country when there is a riot out there. We need to put such sectors in the hands of people who are ready to be in this country and who believe in its destiny. The Government needs to put the resources of this country where they matter most. The other day, the Biosafety Bill was before the House. It is high time our research was geared towards food production.

Mr. Temporary Deputy Speaker, Sir, I am mourning. I gave notice of this Motion over a month ago and I did not know that Kenya would be where it is today. We have suggested different prices of maize flour for different groups of people. This is another half measure in dealing with the problem. When we talk about price controls, we should have serious policies in terms of production, management and monitoring. We should be able to move in when need be and not to

wake up one morning because Kenyans are carrying placards in the streets and say that some people will be buying a packet of maize meal at Kshs50 and others are Kshs70. We want to have affordable maize meal for everybody. This is casting further suspicions to our people as to where the maize meal that is worth Kshs50 per 2-kilogramme packet is coming from and of what standard it is against the one that is worth Kshs70 per 2-kilogramme packet.

This matter touches on the food security of our country. Kenya can develop and it will develop, when we will have the courage to make decisions irrespective of others in the world. I have just quoted Malawi. It took Malawi a lot of courage to tell somebody from somewhere that the issue of a free market economy does not arise. It took Malawi, a very poor country, courage to tell somebody: "Thank you very much, I have heard you, but I am going to subsidize agriculture". It took Egypt courage to tell somebody that: "Thank you very much, the price of a loaf of bread will never rise beyond a certain price". These countries are now on their way forward.

Mr. Temporary Deputy Speaker, Sir, the prices of petroleum products, for example, kerosene and diesel, hinders development. When the price of crude oil per barrel has been falling in the world market, fuel prices in Kenya remain high. It took the Government's threat to regulate the fuel prices for them to come down. So, it is obvious that the Government should move in. Otherwise, we are straining the citizens of this country from every angle. I beseech that that this House takes this matter seriously. We are being demonised out there regarding the high salaries that we earn. We stand a chance if people are fed, but we do not stand a chance if they are not fed.

I want to focus on the Ministry of Agriculture and the Ministry of Water and Irrigation. These Ministries should sit down together and come up with policies on the provision of water and the necessary inputs to the citizens of this country, so that Kenya can become self-sufficient in food production.

Mr. Temporary Deputy Speaker, Sir, I would like this Government to relook into the issue that, recently, brought about the escalation of food prices. We cannot say that we are not going to act when the matter we are dealing with needs action today. We have known this country to previously have regulations by the Government.

With those remarks, I beg to move and call upon Mr. Mututho to second this Motion.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, I want to thank Eng. Maina most sincerely for moving this Motion at this appropriate time. The Bill that will arise from this Motion should not worry the Government. It will just be telling the Government to do its job. The Government must do what it has been elected to do. The writing is on the wall: "This House is for the welfare of society and just Government of men."

This Government is doing some winchy-winchy economics. They wake up one morning and decide to increase the price of maize from Kshs1,300 per bag to Kshs1,700 per bag. That is 33 per cent increment. They do not follow any known rules relating to supply and demand. They just woke up one morning and did that, triggering a spiral effect that led to all this confusion.

This Government is in charge of the strategic grain reserves. Managing 300-400 million bags is just like managing an armoury. It is controlled by four Permanent Secretaries. There are trustees. They do not tell us whether they were sleeping or they were not seeing the stocks dwindling, until we had a shortage of maize.

This Government now tells the public that they are importing maize at Kshs3,000 per bag, which it wants to sell to the National Cereals and Produce Board (NC&PB) at Kshs1,300 per bag. That is a subsidy in itself, which is calculated to hurt the economy even more.

This Government has the audacity to announce that it will flood the market again, in order to stabilise the price, by introducing 5 million bags of maize. They need to go back to school or resign! All these measures will hurt the common man. Even at very remote levels, anybody can see.

Kenyans are talking. They are saying, they can only afford maize meal at Kshs40 per two-kilogram packet. What the Government needs to do to enable the millers to produce maize flour at Kshs40 per kilogramme is to enable them buy maize at an almost impossible price of Kshs900-1,200 per bag. That is where we are now. What is the inflated price?

Mismanagement by the Government led to this escalation of maize prices to between Kshs2,200-2,400 per bag, which is now stabilizing at Kshs2,200 per bag. This Government should take a pen and a calculator. Instead of importing 5 million bags of maize and spending Kshs15 billion of hard earned money, it should compensate the millers on the difference between Kshs950 per bag and Kshs1,200 per bag.

That way, they will be able to import another 12 million bags, instead of buying 5 million bags and stocking them with the NC&PB. That is the money which they have. That way, we will have *unga* in the shelves at Kshs40 per two-kilogramme packet. That is the money they have. You will then have *unga* on the shelves at Kshs40. This is not rocket science! We are saying that when the maize was selling at Kshs2,400 a bag, a packet of *unga* was going for Kshs120. It is the Government's mistake! We are here to check you out! We are here to tell you that you are wrong and that you are mortgaging us by allowing cartels in the energy sector to continue enjoying those high prices.

Mr. Temporary Deputy Speaker, Sir, the Government has allowed cartels to run their operations at the Port of Mombasa. They have now forced the prices of cereals and fertilizers to escalate. A bag of fertiliser is now going for about Kshs6,500 per bag. The farmers have been forced to produce at a high cost. That is why we cannot support the Government to import five million bags of maize that will end up flooding our market. We cannot allow that to happen when the farmers have bought fertilizer at Kshs6,500 per bag. We need to be rational on this aspect. To be rational is simply to take a calculator and work out what the miller needs to be compensated directly. If the Government cannot do that, then it has no business talking about regulations.

When the USA economy was bursting because of the events in the Wall Street, the Government moved in. That is the regulatory function of the Government. Any government should be in charge. This Government should have come in yesterday. It has made us go without three meals. This means that most Kenyan workers, today, are moving around with their stomachs half-empty and yet they are expected to run heavy machinery. They are now moving around with their families who are yearning for food just because the Government cannot do simple economics! This is a matter this House needs to address very fast. We need to make this Government function.

Mr. Temporary Deputy Speaker, Sir, if the banking sector is experiencing some trouble, the CBK must step in. If insecurity is getting into the nerves of Kenyans, the Government must step in to save Kenyans. If we do not have *unga* on our shelves, this Government has the instruments and mechanisms to control the situation. Price control is just one of the measures at their disposal. Other measures include checking movement of commodities; arranging suitable financing and removing bottlenecks that we have in the area of transport. We have thousands and thousands of police officers who man road blocks on our highways. They delay the delivery of vegetables from Kinangop to Nairobi. One has to go through 40 or 50 road blocks.

Mr. Temporary Deputy Speaker, Sir, you heard it yesterday, when an hon. Member stood up and, with complete lack of decency, admitted that the vegetables we eat come from a sewer line somewhere. It was said in this House yesterday. Why? This is because this same Government has put police officers to patrol our highways so that Kinangop farmers who are producing good quality vegetables cannot get their produce to the market. These are the regulatory measures that this Government must afford our people. The Government must put people at the centre of everything and not bloated cartels.

Even if we allowed the millers to import the maize, there are a handful people who can

afford to do the importation. They will come again and control the net price and the price of a packet of maize flour will not be below Kshs40. In fact, ideally, it should be Kshs35. That way, even a watchman will be in a position to have *uji* in the morning and a bit of *ugali* in the evening. We should think about that worker who walks from Kibera to Industrial Area on an empty stomach. We worsen the situation by stating here that even *sukumawiki* will have to come from the sewage. What kind of Government is this? We must have serious people in the Government. That is why they are paid. That is why they have offices and officers working under them. They have technicians working for them. They must take control and regulate this mess.

Mr. Temporary Deputy Speaker, Sir, another problem is sugar. The commodity is now handled by sugar barons. The people of Mumias who have been growing sugar-cane have been forgotten. It is as if life only matters to the cartels created by sugar lords. These problems can be addressed.

On the story about irrigation, the Government knows there is plenty of land in North Eastern Province. An hon. Member rose and asked a Question as to whether the Government could consider putting one million acres in North Eastern Province under production. Of course, the Government does not want to do that. That is a regulatory measure. You need to ensure that products get into our kitchens, and then life goes on. You have a bloated bill in the Ministry of Health because sick people require very good food. If you cannot feed your nation, then you have to pay the price. You have to pay the price by way of medical bills or very many bright Kenyans dying. Even HIV/AIDS, with good feeding, can be controlled. That is the nerve centre of this Government.

If this Government cannot feed its people, then it has no business governing. It is supposed to just step aside and allow the people to elect another Government. People are saying that they are hungry.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Mututho could you stick to the Motion?

**Mr. Mututho:** I am on the Motion, Mr. Temporary Deputy Speaker, Sir. I am saying that this Government cannot regulate, and I stand corrected. It cannot regulate and put in place measures to reduce prices in our supermarkets. It cannot regulate the sugar cartels. It cannot regulate the maize millers. It cannot regulate the policemen who stop our Kinangop farmers from delivering vegetables. So, Kenyans feed on vegetables from sewer lines.

Mr. Temporary Deputy Speaker, Sir, I am seconding this Motion with a bleeding heart. I am seconding this Motion believing that this Government will wake up from its slumber, regulate and introduce measures that will make food available to Kenyans.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. Lekuton:** Thank you, Mr. Temporary Deputy Speaker, Sir. I appreciate hon. Ephraim Maina's Motion. This has become a song in the country and this House. We have talked about food prices from the beginning, and we are still talking about food prices now.

Mr. Temporary Deputy Speaker, Sir, this is a serious issue and has posed a serious challenge. The Prime Minister and the Minister for Agriculture told Kenyans in a public rally that the price of maize flour will come down. They even gave the numbers. As a nation of private businesses, entrepreneurship and capitalism, the markets are supposed to correct themselves. In the case where they cannot correct themselves, then the Government comes in and dictates prices. We failed as a country in that case. Our people are being exploited. Maybe, the Government cannot control the cartels. It has failed to say the prices of maize should be this and that. It has also failed

to state the price of rice as well. We are now operating a very efficient capitalism system here. We fail to understand that the issue of food prices is not facing Kenya alone. It is actually a worldwide problem. We lack focus for many reasons. One, we have never appreciated the fact that we have an increasing population in the world. If you allow me to quote: "The increased Indian and Chinese consumption is sucking the world dry of grain at the time when supply cartels are seeking biofuel substitution". We have a world that is trying to get away from fuel - diesel and petrol. They are going for biofuel consumption to make sure that their cars are run on ethanol and other sources of fuel.

Mr. Temporary Deputy Speaker, Sir, a country like United States of America (USA) has fed Kenya on corn for many years, but they are now using that corn to produce ethanol which is used to run their vehicles. They believe that in 20 years from now, 50 per cent of their vehicles will be running on ethanol, thus depending less on fuel. That by itself is a serious worry. That a country that we were depending on for corn is not there anymore. Also the USA has continued to subsidise its biofuel production at a staggering US\$5.5 billion per year. That means that they are encouraging their farmers to grow biofuel products for the production of diesel. They have encouraged their farmers to go outside USA to grow crops in arid areas, so that they can produce ethanol and biodiesel fuel. We have some serious problems with oil prices, and although the price of crude oil has come down by half our prices are still high, because we have not been able to control our own oil industry.

Mr. Temporary Deputy Speaker, Sir, climate change is another reason why we are having problems. Rains do not come as much as they used to, so we end up producing less maize, rice and other products. All these issues have led to shortage of food all over the world. That one cannot be denied, and I cannot blame the Ministry of Finance or Ministry of Agriculture for it. Those are world-wide issues that we need to understand, as a nation. The problem is that we have never found homegrown solutions.

If the USA can grow corn to produce ethanol, and now 30 per cent of its agricultural land is used for growing of corn for production of ethanol, then Kenya can do that. In Europe soya beans are used to produce gasoline for vehicles. Since we understand that we will not get food from outside Kenya in the next twenty years, what will happen to our country? Have we, as nation, sat down and decided that we shall increase our food production using this or that method? We have always said that we will import from other countries. We have never taken that issue seriously. Bangladesh and Egypt experienced riots because of food shortages and food prices that were high.

Mr. Temporary Deputy Speaker, Sir, I know that this issue was directed to the Ministry of Finance, but why are we not developing Arid and Semi-Arid Lands (ASALs) to produce food while the rest of the world is doing it. Israel decided that they would not get food from any other country in the world. Why would Israel, with a horrible soil, be able to produce food and we cannot? What is it that we are doing wrongly, as a nation, so that we cannot produce food?

The other issue concerns the livestock industry. It has failed. The failure has been a culmination of many issues. There are thousands of acres of idle land; it is not used for production. We have a lot of issues that we have to be addressed. I wish that this House was full when we are debating this Motion, because it is extremely important to everybody.

I would like to conclude by saying that we need to diversify our food production. Let us use the barren land in Ukambani, Marsabit, Laisamis and other places for production of food. Let us do some serious research on what kinds of food can be produced in those dry areas. Our land is lying idle while the rest of the world is producing food. So, we are in danger. This issue is serious. So, we need to do something about it.

Mr. Temporary Deputy Speaker, Sir, I would like to conclude by saying that the very essence of capitalism depends on the forces of demand and supply and the market forces. However,

when we have forces that do not obey the forces of demand and supply, there tends to be corruption and artificial shortages that are created by men and maybe supported by other forces.

Mr. Temporary Deputy Speaker, Sir, I would like to say this to the Minister for Finance and the Minister for Agriculture: If the supply and demand of the Kenyan market system is not efficient enough to help our country and our poor people to be able to buy food, then the Government should intervene. I am sorry to say that the markets will fail because of systems that cannot be contained.

Thank you very much.

**Mr. Chanzu:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to support the Motion because this issue is a crisis in this country. I want to say that as my colleagues said earlier, a government which cannot feed its own people has got no business being in power. This crisis is caused not because we do not have very hard working Kenyans. We have got a lot of land in this country. This problem has been caused by poor management by the Government because for food prices just to go up overnight and yet the Government is in place, I think it raises a lot of questions. I am happy that the Assistant Minister for Finance is here but it would have been desirable that the other Ministers who have related duties pertaining to this issue were also around to hear what is going on.

Mr. Temporary Deputy Speaker, Sir, small countries like Israel are able to feed their people. We have got water in this country from Lake Victoria down to the Coast. We also have rivers but there is nothing the Government is doing. Until there is an outcry is when somebody starts talking about reducing or subsidising prices. The Government has subsidised a packet of maize to Kshs72 per packet. How many Kenyans can afford that? This issue should not have come up had we managed our schemes very well.

Mr. Temporary Deputy Speaker, Sir, the main cause of food shortage is corruption. I remember a time when some people bought maize from Uganda at Kshs400 and they influenced the Government to control the release of the same from the stores. These fellows bought maize at Kshs400 per bag and sold it at Kshs1,200 and yet the real price was Kshs600 per bag. This price of Ksh1,200 was created by artificial shortages. This is the same thing that is happening even today. I remember a situation whereby somebody at Mumias Sugar Company called upon *Wahindis* in town here to hoard the supply of sugar just for a day. When people went to the supermarkets they found there was no sugar. Panic followed and within that same day, these people made a lot of money out of that. So, I think we are lacking proper management, control and supervision. Everybody wants to sit in big offices and they do not want to go out to know what is happening to the ordinary mwananchi.

Mr. Temporary Deputy Speaker, Sir, during the colonial times and immediately after Independence, there was large-scale farming. Today we have demarcated land into small pieces because of leaders wanting to settle their own families, tribes and clans. This has led to subsistence farming whereby they plant maize and beans and eat green maize. Imagine if we had this large-scale farming and the Government got involved and it was properly controlled, we would be net exporters of all these foodstuffs. Many people are holding land which they are not even utilizing for farming. I know of some people who, if you ask them: "where do you generate your income and wealth from?", they say that, "you know I have 1,000 acres of land". However, in reality, the land is not tilled. I think it is high time we had a policy where all these unutilized land is given to people who can till it. That way, we can produce enough food for our country.

Mr. Temporary Deputy Speaker, Sir, the other thing I think the Government should consider is the earnings of the ordinary Kenyans. When you drive towards town, along Langata Road, in the morning, very many people walk from Kibera to Industrial Area. I am sure in terms of productivity, these people produce a lot. However, the Government policy on earnings for these



people is very poor. This is why they cannot afford maize flour even if you reduced the price to Kshs50 per 2 kg packet.

Mr. Temporary Deputy Speaker, Sir, this morning, I raised an issue about the sale of Government assets. The Minister was here. However, I still maintain that the answer he gave was not adequate because there are a few people who get Government assets at throwaway prices. This is on record because somebody goes and fixes--- Who fixes the reserve price? We fix the reserve price ourselves and then we go buy the assets at that price or slightly higher than that. I think we should allow competition. It should be proper competition.

Mr. Temporary Deputy Speaker, Sir, I did not get the written answer to the Question but I would really want to know the owners of some of some of these companies involved in the cartels.

Mr. Temporary Deputy Speaker, Sir, fuel cost which is the cause of all these problems---

**The Assistant Minister for Finance** (Dr. Oburu): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Member to introduce a matter which was disposed of in his presence and he failed to ask supplementary questions on? He is now re-introducing it as if it also a matter under discussion.

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I am talking about cartels. Cartels cut across all sectors, be it maize, petrol or property. All these affect the ordinary *mwananchi*.

**Mr. Midiwo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister needs to come and address this House on the issue that is being raised. These are cartels and we know in the last few months, the Treasury has single-handedly sold Government assets to people. Corner House has just gone to people Kenyans know. Kenyans are aware about their rights now! Could he tell us who bought Corner House at peanuts?

**The Assistant Minister for Finance** (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, I explained that matter in detail this morning and gave the names of those who bought Corner House and at what price, which is the reserve price. The hon. Member was not in the House, therefore, I cannot help him.

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you, Mr. Assistant Minister. Mr. Chanzu, I want you to proceed with your debate. The time is ticking! Do you have anything else to contribute?

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, what I am saying is that we must all be sincere when we are given responsibilities. We are elected by Kenyans to serve them and their interests. If the Government cannot be sincere and tell Kenyans the truth, there is no way we are going to assist to reduce prices of essential commodities. This is what I am trying to stress.

Mr. Temporary Deputy Speaker, Sir, some petrol companies are now saying that they have to exhaust the stock they had before they can reduce prices. However, when the Minister announces price increase, it is effected the same day on stock that was bought at very low prices. This is why I am saying that Kenyans need to be served by the Government. Just like somebody said one time, if the Government cannot protect its citizens against these unscrupulous traders, then it has no business being in Government! I insist that Kenyans must be protected by the Government---

I beg to support.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, Wednesday 3rd, December, 2008 at 2.30 p.m.

The House rose at 12.30 p.m.