

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 16th October, 2002

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.279*

### GOVERNMENT EXPENDITURE ON RISK ADVISORY GROUP

**Mr. Deputy Speaker:** Hon. Members, Mr. Gatabaki is unable to attend this sitting because he has to attend to a matter in court. So, I will defer his Question to tomorrow afternoon.

*(Question deferred)*

Let us proceed to Dr. Murungaru's Question.

*Question No.325*

### SEVERANCE DUES FOR RETRENCHED CIVIL SERVANTS

**Mr. Deputy Speaker:** Is Dr. Murungaru not here? We will come back to the Question later. Mr. Katuku's Question!

*Question No.518*

### HARASSMENT OF TRADITIONAL LIQUOR BREWERS

**Mr. Katuku** asked the Minister of State, Office of the President:-

(a) whether he is aware that the District Officer, Yathui Division, Mwala Constituency, and Administration Police officers attached to his office and that of the chief, harass brewers of traditional brew popularly known as *Kaluvu*;

(b) whether he could table the names of those arrested and charged for brewing *Kaluvu* and their respective sentences in June, 2002; and,

(c) whether he could consider reviewing the Government policy on traditional brews.

**Mr. Deputy Speaker:** Any Minister of State here?

**The Minister of State, Office of the President** (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, with your permission, I would like to go and telephone my colleague who is responsible for this Question to come and answer it.

**Mr. Deputy Speaker:** Very well. We will come back to the Question.

Let us proceed to Eng. Muriuki's Question.

*Question No.363*

### DISBURSEMENT OF BURSARIES TO SECONDARY SCHOOL STUDENTS

**Eng. Muriuki** asked the Minister for Education:-

- (a) how much money has been set aside for bursary assistance to secondary school students throughout the country during this financial year;
- (b) how much has been set aside for Nyandarua District; and,
- (c) how much has been disbursed to date.

**Mr. Deputy Speaker:** Is the Minister for Education here? We will come back to this Question. Let us go to Mr. Otula's Question.

*Question No.411*

CONSTRUCTION OF AWACH KIBUON BRIDGE

**Mr. Otula** asked the Minister for Roads and Public Works:-

- (a) whether he is aware that the proposed Awach Kibuon Bridge on Oyugis-Akwakra Road, E1034, in Rachwonyo District, has not been built to date; and,
- (b) what happened to the money which was allocated for its construction in the year 1998.

**The Assistant Minister for Roads and Public Works** (Mr. Mokku): Mr. Deputy Speaker, Sir, I beg to reply.

- (a) I am aware that Awach Kibuon Bridge on Oyugis-Akwakra Road, E1034, in Rachwonyo District, has not been built.
- (b) The funds that were allocated for its construction in the year 1998 were frozen before its actual expenditure.

**Mr. Otula:** Mr. Deputy Speaker, Sir, it is now four years since the proposed bridge was allocated the said funds. The Assistant Minister now says that the funds were frozen. How much money has now been set aside for the construction of the bridge?

**Mr. Mokku:** Mr. Deputy Speaker, Sir, I once again confirm that the funds were frozen after they were allocated. The Roads Department had promised to construct the bridge before the District Roads Committee took charge of this road. During the 1997/98 financial year, Kshs1 million was issued towards the commencement of the construction of the bridge. However, the funds were received towards the end of the financial year, and hence were frozen by the District Treasury before they were committed. In the 2001/2002 financial year, Kshs1 million was issued for the purchase of materials for the project. In the current financial year, another Kshs1 million has been set aside for the bridging programme under the Ministry's Development Vote.

**Mr. E. Morogo:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. Otula, who is a KANU Member, to address the House from the Opposition side?

**Mr. Deputy Speaker:** Order! Order! Mr. Speaker has ruled many times that hon. Members are free to sit wherever they please except on Mr. Speaker's Chair.

**Mr. Otula:** Mr. Deputy Speaker, Sir, the Assistant Minister said that Kshs2 million has been provided for this project. However, no work is ongoing on site. So, could he assure the House that work will start before the end of this month since the money has been given to the Ministry?

**Mr. Mokku:** Mr. Deputy Speaker, Sir, I concur with the hon. Member that work on site has not yet started. However, materials worth Kshs1 million are on site. As I said, another Kshs1 million has been set aside for the project. So, I would like to assure the hon. Member that work will soon be started on site.

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, is the Assistant Minister aware that most of the money allocated for specific road projects, and even Constituency Roads Committees' funds, are being disbursed by district treasuries, in contravention of the Roads Board Act?

**Mr. Mokku:** Mr. Deputy Speaker, Sir, I am not aware of that.

**Eng. Muriuki:** Mr. Deputy Speaker, Sir, since the Kenya Roads Board Act was enacted, District Roads Committees were empowered to maintain roads within their jurisdiction. The Ministry should have carried forward the money that was with district treasuries after the Act was enacted. The Act provides that money released for certain projects should not be frozen at the end of the financial year. We are now being bombarded by earlier commitments, and we have been told by the Ministry that the 24 per cent of the Fuel Levy Fund, which is supposed to go to the districts, cannot be released.

Could the Assistant Minister now confirm that the money that was allocated in 1998, reallocated in 1999 and the year 2000, will now be available to finish the construction of the bridge?

**Mr. Mokku:** Mr. Deputy Speaker, Sir, only the money for the 1997/98 financial year was frozen; the rest of the money that was allocated to this project was not frozen. Sometimes, even if money is sent to the district late in a financial year, it is the responsibility of the District Roads Committee, of which the hon. Member is a member, to

commit the money instead of it being returned to the Treasury. The Committee should commit the money so that it is not returned to the Treasury.

**Mr. Kamolleh:** Jambo la nidhamu, Bw. Naibu Spika. Waziri Msaidizi ameulizwa na mwenzangu ni kwa nini pesa ambazo zilitolewa kutengeneza daraja, hazikutumiwa. Pesa hizo zilitakikana zitolewe bila kupitia kwa Hazina ya Wilaya. Zilitakikana kutolewa kwa Kamati ya Wilaya ya Barabara. Waziri Msaidizi amesema kwamba hajui pesa hizo zilipitia wapi. Kama hajui, atafanya nini kuona kwamba pesa hizi hazitapitia kwa Hazina ya Wilaya?

**Mr. Mokku:** Mr. Deputy Speaker, Sir, I have answered that question. I have said that every district has a District Roads Committee, of which the hon. Member of that particular area is a member. The distribution of that money is done by the DRC and not by the district treasury as alleged.

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, the Assistant Minister has said that the money was frozen in 1998. Could he explain to the House what he means by saying that the money was frozen? Why can the money not be unfrozen and transferred to the DRC? If the money was frozen in 1998, what happened after it was frozen?

**Mr. Mokku:** Mr. Deputy Speaker, Sir, the money was frozen in 1998 because the DRC failed to commit it. So, the money had to be reallocated during the following year.

**Mr. Deputy Speaker:** Were there DRCs in 1998?

**Mr. Mokku:** Mr. Deputy Speaker, Sir, I said that as we approached the year 1998, all the projects that were supposed to be undertaken by District Roads Department were transferred to the DRCs. So, in 1999, when the DRCs took over the responsibility for roads, the money was reallocated to it.

**Mr. Otula:** Mr. Deputy Speaker, Sir, the Assistant Minister has said that the construction work will soon start. Could he give the exact time when the work will start?

**Mr. Mokku:** Mr. Deputy Speaker, Sir, we released the authority to incur expenditure (AIE) to the District Roads Engineer last Friday. I am sure every district has the AIE by now. I want to tell the hon. Member that by next week, construction work on that bridge will start.

#### *Question No.520*

#### ALLOCATION OF PLOTS IN NYERI MUNICIPALITY

**Mr. Kihoro** asked the Minister for Local Government:-

- (a) under what circumstances 82 plots in Mumbi Estate Site and Service Scheme were allocated;
  - (b) whether he could provide a list of the allottees and explain the criteria used in the allocation;
- and,
- (c) whether he could nullify the allocations and ensure the plots are fairly allocated to the more than 1,500 applicants who had paid Kshs4,000 as at 21st August, 2000.

**The Assistant Minister for Local Government** (Mr. Kiangoi): Mr. Deputy Speaker, Sir, I beg to reply.

- (a) The plots in Mumbi Estate Site and Service Scheme were advertised and allocated through balloting.
- (b) The criterion used was balloting under the supervision of the Nyeri Municipal Plot Allocation Committee, and the list of the allottees is herewith attached together with the list of the names of the applicants.
- (c) In view of my answers to parts "a" and "b" above, there is no justification for nullification of the allocation.

**Mr. Kihoro:** Mr. Deputy Speaker, Sir, I have an answer which was given by Mr. Kamotho, the former Minister for Local Government, dated 5th April, 2001. The Question has been put on the Order Paper again because in answer to part "b" of the Question, the former Minister stated that there was a Plot Allocation Committee in Nyeri Municipality. I would like the Assistant Minister to provide us with the list of the names of the members of that Committee.

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, the Nyeri Municipal Plot Allocation Committee is a legally constituted body, pursuant to a Government circular letter Ref.CONIN/A15/21VOI.V of 2nd November, 1993, from the Ministry of Lands and Settlement and circular No.29 of 25th November, 1993 from the Ministry of Local Government. I do not have the list of the names of the members of the Committee, but the body is constituted and is operating within Nyeri Municipality.

**Mr. Muchiri:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not answered the hon. Member's question. He has been asked to give the list of the names of the members of the Nyeri Municipal Plot Allocation Committee and the positions they hold in the society. Is the Assistant Minister in order to avoid answering the question?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, I do not have the list of the names of the members of the Committee.

But all big municipalities have plot allocation committees.

**Mr. Deputy Speaker:** But, Mr. Assistant Minister, if this Question was answered in April, 2001 as indicated in the reply, surely from April last year to now, even if these people were being sought from the slums of Nyeri Municipality, they would have been found. You really must have the names. I cannot accept your statement that you do not have the names.

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, there was a contention that the Committee did not exist.

**Mr. Deputy Speaker:** But the hon. Member then asked you to provide the list of the names of the members, if the Committee did exist. A Committee cannot exist legally, as you have said, if it has no members.

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, without even giving the names of the members of the committee, I can say that the mayor of that municipality, the Town Clerk and the District Commissioner are automatic members of that Committee. These are matters that are known.

**Mr. Deputy Speaker:** Mr. Assistant Minister, the Mayor, District Commissioner and the Town Clerk have names. If they are on that committee by virtue of their official capacities, then say so.

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, normally it is by virtue of their offices. It is not the individuals because the District Commissioner can be transferred tomorrow and the incoming District Commissioner would become a member of that committee.

**Eng. Muriuki:** Mr. Deputy Speaker, Sir, I think the Assistant Minister is taking us round in circles. What we are asking for is the list of the allottees. Is the Assistant Minister telling us that he has no way of getting the list of allottees from Nyeri Municipality?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, indeed, that is the question and I thank the hon. Member for that. I have the list of the applicants and the list of the allottees.

**Mr. Deputy Speaker:** Table them!

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, I beg to lay the documents on the Table.

*(Mr. Kiangoi laid the documents on the Table)*

Mr. Deputy Speaker, Sir, let me say that they contain all the particulars which include the identity card numbers, addresses, receipt numbers, form numbers and type of houses they applied for. They were quite a number; approximately over 1,200 and only 82 were successful.

**Mr. Kihoro:** Mr. Deputy Speaker, Sir, the former Minister for Local Government did provide the list of the allottees last year in April and I do have the list here. The Question has come back two years later because this Assistant Minister who has got a name could not be able to name the members of the Nyeri Municipality Plot Allocation Committee and that is contained in the answer that he has read. We want the names of the members of that committee. I already have the list of the allottees. Give us the names of the members of that committee and the Question will have been answered.

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, you are inclined to agree with me and thank you very much. It is the offices of the District Commissioner, Mayor and the Town Clerk.

**Mr. Katuku:** On a point of order, Mr. Deputy Speaker, Sir. Mr. Kihoro is asking a Question which the Assistant Minister is avoiding to answer which is that: Who allocated the plots at that given time? Who was this District Commissioner, Clerk or Mayor?

**Mr. Deputy Speaker:** The Assistant Minister has told you that it was the Mayor, the District Commissioner and the Town Clerk. I am going to believe that it was a committee of three persons.

**Mr. Muchiri:** Mr. Deputy Speaker, Sir, when this Question was asked in this House last time, I remember there was a dispute and the Provincial Commissioner intervened. He was the presiding officer of the Plot Allocation Committee and I asked in this House under what authority was the Provincial Commissioner acting. The Minister said that the Provincial Commissioner acted in his capacity as a councillor. Would I be in order to ask the same question? Can you confirm or deny that, in fact, the Provincial Commissioner of Central Province by then did intervene and he was the only allocating officer having removed the rest of the members of the Plot Allocation Committee and the majority of allottees are civil servants?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, the Provincial Commissioner in the first place is not a councillor except the Provincial Commissioner for Nairobi. In other areas like Nyeri, it is the District Commissioner who is the nominated councillor. So, the Provincial Commissioner could not have come in to intervene in this matter which fell strictly under the jurisdiction of the Plot Allocation Committee.

**Mr. Kihoro:** Mr. Deputy Speaker, Sir, my Question is not being answered and that is why it has come back for the Assistant Minister to provide the names of the members of that Plot Allocation Committee that allocated 82

plots in Mumbi Estate bearing in mind that there were 1,500 applicants. Each one of them was defrauded Kshs4,000 bringing the total defrauded money to Kshs6 million. If what was done by the Nyeri Municipality could have been done by any individual in this country, it would have been a criminal offence and that is why the Assistant Minister is hiding the names of the Plot Allocation Committee members.

Mr. Deputy Speaker, Sir, my Question has not been answered and could you ask the Assistant Minister to provide us with particular names like Ombasa Kiangoi?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, this allocation was done very transparently. There was an application fee of Kshs1,000 which was non-refundable and a further payment of Kshs3,000 upon submission of the application forms. However, if one was not successful then the Kshs3,000 was refundable and it was, indeed, refunded. The date on which this plot allocation was done is known and it was on 20th September, 2000. The hon. Member knows who was the District Commissioner, Mayor and the Town Clerk at that time.

**Mr. Deputy Speaker:** Order! Mr. Assistant Minister, you must provide those names. In the alternative, produce the minutes so that we can see who was present at that meeting and I give you until Tuesday next week to do that.

Next Question, Mr. Wambua!

**Mr. Wambua:** Mr. Deputy Speaker, Sir, before I ask Question No.402, I would like to make a correction. In the second sentence of my Question, it is "Kyua" and not "Kiua".

*Question No.402*

ISSUANCE OF TITLE DEEDS IN YATTA

**Mr. Wambua** asked the Minister for Lands and Settlement:-

- (a) whether he is aware that Ikombe "B" was demarcated ten years ago while Kyua and Katangi locations were demarcated later; and,
- (b) what action he will take to ensure that title deeds for these areas are issued.

**The Minister for Lands and Settlement** (Mr. Ngala): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Ikombe "B" and Kyua were declared adjudication sections in 1989 and 1991 respectively. Adjudication work has been finalised in Ikombe "B" while work in Kyua will be finalised during the current financial year.

(b) The title deeds for Ikombe "B" and Kyua adjudication sections will be ready for collection by the land owners within the current financial year.

**Mr. Wambua:** Mr. Deputy Speaker, Sir, I appreciate that the Minister is aware that it has taken too long for the people of Ikombe "B" to be provided with title deeds. My Question includes Kyua and Katangi but the Minister did not tell me anything about Katangi. The fact that this has taken long and the work for Ikombe "B" has been completed, could he tell us the month and date when title deeds for Ikombe "B" will be issued to the land owners? Secondly, during which financial year are his officers going to complete the remaining work in Kyua and Katangi?

**Mr. Ngala:** Mr. Deputy Speaker, Sir, I would like to say that the process of getting the title deeds is expected to be started and given to the land owners. When I say this current financial year, I am referring to the period between now and June, 2003.

**Mr. Sambu:** Mr. Deputy Speaker, Sir, could the Minister tell us whether adjudication officers have powers to interfere with forest boundaries, or to allocate forests when they are doing land adjudication for purposes of titles? In Nandi District, an adjudication officer has been pushing in the forest boundary. Does the Adjudication Act override the Forest Act, or are all boundaries respected by the Constitution?

**Mr. Ngala:** Mr. Deputy Speaker, Sir, I did not get the hon. Member. Could he repeat his question?

**Mr. Deputy Speaker:** Mr. Sambu, could you repeat your question?

**Mr. Sambu:** Mr. Deputy Speaker, Sir, does the Adjudication Act allow the adjudication officers to interfere with the forest boundaries, or any other registered land? Do they have the powers to alter forest boundaries and allocate forest land?

**Mr. Ngala:** Mr. Deputy Speaker, Sir, I think the job of the adjudication officer is not to interfere with boundaries. His job is to deal within the areas where the boundaries have been already demarcated, but I do not think he is allowed to interfere with forest boundaries.

**Mr. Sambu:** On a point of order, Mr. Deputy Speaker, Sir. The Minister has just said that he does not think the adjudication officer is allowed to interfere with forest boundaries. He is the Minister in charge. Could he be specific and tell us whether they are allowed to interfere with forest boundaries?

**Mr. Ngala:** Mr. Deputy Speaker, Sir, they are not allowed.

**Mr. Mwalulu:** Mr. Deputy Speaker, Sir, the Minister for Lands and Settlement comes from Coast Province where the issue of land problems is very critical---

**Mr. Deputy Speaker:** We cannot hear you!

**Mr. Mwalulu:** Mr. Deputy Speaker, Sir, the Minister for Lands and Settlement comes from Coast Province where the issue of land problem is most critical in this country. What is he doing to eradicate the issue of squatters in Coast Province, especially in Taita-Taveta?

**Mr. Ngala:** Mr. Deputy Speaker, Sir, you will probably agree with me that it is a very detailed question, about the process that we are undertaking. But if he puts a Question, we will try to tell him what we are doing in the Coast Province.

**Mr. Mwalulu:** On a point of order, Mr. Deputy Speaker, Sir. It is a matter of policy, and, as the Minister for Lands and Settlement, he must be having these facts at his finger-tips. Does it mean that he is not taking any action to resolve the issue of squatters in the Coast Province?

**Mr. Deputy Speaker:** That is not a point of order.

**Mr. Katuku:** Mr. Deputy Speaker, Sir, the issue of title deeds in Ukambani is a major problem. The demarcation started over 30 years ago and it has never been completed. The Minister has told the House that he is through with Ikombe "B". What is holding him from releasing those title deeds to the owners who have been waiting for the last 20 years? What is he doing, generally, in Ukambani because they have got many problems? Our people cannot access credit because they do not have title deeds. What is he doing to finalise this exercise in Ukambani?

**Mr. Ngala:** Mr. Deputy Speaker, Sir, there are problems which sometimes do delay the issuance of title deeds. For example, there are times when we run short of title deeds and we have got to prepare and get the necessary papers to print the title deeds. So, such reasons do delay the process of issuing the title deeds within the shortest time possible. It is very difficult to specify, generally, what we are doing in Ukambani. We have got to be given specific areas to be able to tell the august House what we are doing; if it is land adjudication or settlement. We cannot talk generally, but I am aware that we are doing something in Ukambani to try and give wananchi in those areas land ownership.

**Mr. Wambua:** Mr. Deputy Speaker, Sir, the Minister has just said that the work in Ikombe "B" has been finalised. Could he tell this House when that was done? When is he going to start issuing the title deeds because by saying that they will be issued during this financial year, he does not give a specific timeframe? If the work was completed, when will he start issuing the title deeds?

**Mr. Ngala:** Mr. Deputy Speaker, Sir, I wish could give an exact date, but let it suffice that we are aware and we are doing everything possible within this financial year, to give wananchi of Ikombe "B" their title deeds. That is what I can say at the moment.

**Mr. Wambua:** On a point of order, Mr. Deputy Speaker, Sir. The Minister has avoided answering one part of my question. I asked him to tell the House when the work was completed.

**Mr. Ngala:** Mr. Deputy Speaker, Sir, the adjudication register was published and completed on 12th May, 1998.

**Mr. Nderitu:** Mr. Deputy Speaker, Sir, the failure by the Government to issue title deeds to a majority of our farmers is something which is very painful. In 1992, the out-going President issued more than 100 title deeds to rice farmers in Mwea. In 1997, the same President issued more than 300 title deeds to rice farmers in Mwea. I have reason to believe that those title deeds are ready and they are waiting in the Minister's office. When is he going to issue them to the rice farmers in Mwea?

**Mr. Ngala:** Mr. Deputy Speaker, Sir, I am not quite sure whether I got the hon. Member correctly because he was talking about His Excellency the President having issued the title deeds and he gave different numbers of title deeds on different years. If they were issued, I do not think there is any case for me to issue because they were issued.

**Mr. Nderitu:** On a point of order, Mr. Deputy Speaker, Sir. There are more than 4,000 farmers who are waiting to receive their title deeds. It is only a section of them who were given and those title deeds are lying somewhere in a corner in the Minister's office. When are they going to be issued?

**Mr. Ngala:** Mr. Deputy Speaker, Sir, I am not aware, but I will check. If they are there, definitely, the process will be started.

**Mr. Wambua:** On a point of order, Mr. Deputy Speaker, Sir. From 1998 to date, when the adjudication register was published and completed, it is more than four years. Is he in order to tell us that he has never been able to issue title deeds for Ikombe "B"?

**Mr. Ngala:** Mr. Deputy Speaker, Sir, I have already said that it will just take a bit of time to prepare the process and, definitely, there are other details within the process which sometimes do delay the issuance of title deeds.

So, I want to assure the House and the hon. Member that land matters are not as fast as probably hon. Members would like to believe. They take a bit of a process and I want to assure them that we are going to issue title deeds to those wananchi.

**Mr. Kathangu:** Bw. Naibu Spika, kulingana na ujuzi ambao tumepata sasa, hati za kumiliki mashamba hutolewa wakati wa kampeini. Je, Waziri anaweza kutueleza kama hati za kumiliki mashamba za Mwea zinaweza kutolewa wakati huu kwa sababu kampeini tayari zimeanza?

**Mr. Ngala:** Bw. Naibu Spika, mimi sijazua mambo kuhusu hati za kumiliki mashamba ya Mwea hapa. Ni mhe. Mbunge wa eneo hilo aliyeliza swali hilo na mimi nilimjibu vile ninavyoona ni sawa. Shughuli za Serikali zinaendelea wakati wowote na hazingoji mpaka wakati wa kampeini. Kwa hivyo, mhe. Mbunge asituwekee maneno midomoni.

*Question No.325*

SEVERANCE DUES FOR RETRENCHED  
CIVIL SERVANTS

**Mr. Deputy Speaker:** Dr. Murungu still not in? The Question is dropped!

*(Question dropped)*

Mr. Katuku's Question, for the second time!

*Question No.518*

HARASSMENT OF TRADITIONAL LIQUOR BREWERS

**Mr. Katuku** asked the Minister for of State, Office of the President:-

(a) whether he is aware that the District Officer, Yathui Division, Mwala Constituency and administration police attached to his office and that of the chief, harass brewers of traditional brew popularly known as *Kaluvu*;

(b) whether he could table the names of those arrested and charged for brewing *Kaluvu* and their respective sentences in June, 2002; and,

(c) if he could consider reviewing Government policy on traditional brews.

**The Assistant Minister, Office of the President** (Dr. Anangwe): Mr. Deputy Speaker, Sir, I would like to apologise profusely for coming in late, because I was still pursuing more facts on the same this morning.

I beg to reply.

(a) I am not aware. However, District Officers, chiefs and all administrative officers are obliged to discourage the brewing and consumption of illegal brews including *Kaluvu*, which are not licensed by the Traditional Liquor Licensing Court.

(b) I am not aware of any arrests, and or prosecution of brewers of *Kaluvu* from Yathui in the month of June, 2002.

(c) The Government has no immediate plans to review its policy on traditional brews.

**Mr. Katuku:** Mr. Deputy Speaker, Sir, the fact of the matter is that the DO in that area has licensed these brewers and, every week, he collects Kshs1,000. That is why in the month of June nobody was arrested and taken to court. It has become legal business in that area. Could the Assistant Minister consider taking action to stop this illegal activity in my constituency, because it is destroying education and everything else?

**Dr. Anangwe:** Mr. Deputy Speaker, Sir, I thank the hon. Member for sharing a similar concern, that this is an illegal brew, and I will undertake to take the necessary action if he can produce to me proof that, indeed, the District Officer had licensed the brewing of these illicit drinks.

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, I am surprised at the Assistant Minister's answer. It is common in my constituency, and in many other constituencies, that the administration and the police regularly collect money from illegal brewers, and that is why the brewers are not arrested, and people are dying of *Kumi Kumi* and other illicit drinks. The Assistant Minister should not keep on asking for proof. What is the Government doing to arrest the culprits, because they know that this is happening? Could the Assistant Minister give us a better answer as a responsible Assistant Minister in a responsible Government?

**Dr. Anangwe:** Mr. Deputy Speaker, Sir, I have given the assurance that I am willing to take action against any officer who seems to be encouraging the brewing of such illicit drinks. Given that most of the brewers come from various constituencies, I would really feel assisted if Mrs. Mugo could provide me with the list and location of these brewers, so that I could be able to investigate.

**Mr. Munyasia:** Mr. Deputy Speaker, Sir, the Assistant Minister said that there is a court that licences these brews. Could the Assistant Minister tell us under which Act this court is established? To the best of my knowledge, under the Traditional Liquor Licensing Act, there is established a district board and not a court. He has talked of a court, which gives the impression that he is talking about something else.

**Dr. Anangwe:** Mr. Deputy Speaker, Sir, all I know is that when the District Liquor Licensing Court sits, it is known by that name. It is known as the District Traditional Liquor Licensing Court.

**Mr. Deputy Speaker:** Order! There are two bodies; a court which deals with spirituous liquor and a board which deals with non-spirituous liquor in the same district.

**Dr. Anangwe:** Mr. Deputy Speaker, Sir, I apologise. It is known as a board.

**Mr. Kaindi:** Mr. Deputy Speaker, Sir, the traditional brew known as *Kaluvu*, is as traditional as the Kamba culture. It is important for the Assistant Minister to review Government policy on traditional brews, because when the ban was imposed, it totally ignored the traditional rights of the Kambas. For example, when Kambas want to marry they need a bit of this drink. Could the Assistant Minister review this Act, so that our people can take some during marriage ceremonies?

**Dr. Anangwe:** Mr. Deputy Speaker, Sir, indeed, it is true that in traditional Kamba culture brews of this nature were part and parcel of ceremonies, but it is no longer the case. The drinkers have gone overboard, there are no traditional ceremonies like the one you are saying. They are just consuming to the detriment of their own health. The Government is under obligation to ensure that, in so far as it is no longer a traditional or cultural matter, people should be dealt with according to the law.

**Mr. Kamolleh:** Bw. Naibu Spika, ningependa kuuliza hili swali kwa dhati ya moyo wangu. Wananchi wengi wanaoishi katika sehemu za mashambani hawana uwezo wa kununua pombe zinazotengenezwa na kampuni kubwa, ilhali wao pia hutaka kujiburudisha na vyombo vyao. Sisi wengine hatunywi pombe, lakini wale watu walioko kule mashambani ambao si Waislamu na wengine ambao wako katika dini ambazo hazipingi unywaji wa pombe wanastahili kupewa ruhusa. Mbona Serikali inawafungia, ilhali uwezo wao ni pombe za kienyeji? Mbona Serikali isiwasaidie watu wa mashambani kuendelea na mambo yao? Ni lini Serikali itafutilia mbali sheria ya kupinga pombe za kienyeji ili watu waburudike?

**Dr. Anangwe:** Mr. Deputy Speaker, Sir, the drinking and brewing of illicit brews or brews of this nature has to be controlled in order to ensure that wananchi have the energy and the time to go and engage in nation building. Indeed, there is the Traditional Liquor Licensing Board whose main purpose is to look at the needs of the various areas. When they reach at a decision of this nature; to say that they can only license this few, it is in public interest that they should remain limited to the number that the Traditional Liquor Licensing Board has authorised.

**Mr. Katuku:** Mr. Deputy Speaker, Sir, I am very concerned about the aspect of the DO allowing liquor brewing in homes. Children in those homes do not go to school. If it is Government policy to allow that to go on, why should the DO not be allowed - if he has those powers - to give licences in clubs and not in the homes? Children in those homes are not going to school, it is a total mess. The DO is very notorious. He was chased from Ntonyiri because of the same issue, and now he is in my constituency. Could the Assistant Minister take him to his constituency if he thinks the DO is doing well?

**Dr. Anangwe:** Mr. Deputy Speaker, Sir, let me assure Mr. Katuku that, indeed, action is being taken. On 8th July, 2002, security personnel from Machakos Police Station conducted a raid in Wamunyu, Katangi, Kia and Yathui Locations. The following persons were arrested and charged for being drunk and disorderly by drinking the said brews: Peter Maingi, Mutiso Mate, Kilonzo Mwanga, David Ndungi and Kimeu Wali. Each of them was convicted and fined Kshs500 or one month imprisonment in default. So, action is being taken.

**Mr. Katuku:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister not contradicting his earlier statement where he said nobody was taken to court? Part "b" of the Question is asking who was arrested and charged in connection with the sale of this brew. In his earlier answer he said that nobody was arrested and now he has come up with a list of names of those arrested. My concern has not been addressed. Could the Assistant Minister be serious and address the problem? He should forget about getting figures which date 20 years back and tell us what he is doing to stop that illicit brewing. Alternatively, the Government should review its position concerning these brews and licence them.

**Dr. Anangwe:** Mr. Deputy Speaker, Sir, my response to part "b" of the Question was in respect to brewers



because he had asked how many brewers were arrested. I have indicated in my supplementary information that some drinkers and not brewers, were arrested.

**Mr. Deputy Speaker:** Eng. Muriuki's Question for the second time?

*Question No.363*

DISBURSEMENT OF BURSARIES TO  
SECONDARY SCHOOL STUDENTS

**Eng. Muriuki** asked the Minister for Education:-

- (a) how much money has been set aside for bursary assistance to secondary school students throughout the country during this financial year,
- (b) how much has been set aside for Nyandarua District; and,
- (c) how much has been disbursed to date.

**The Assistant Minister for Education, Science and Technology** (Mr. Poghisio): Mr. Deputy Speaker, Sir, I wish to apologise for being late.

I beg to reply.

(a) Kshs536 million has been set aside for bursaries assistance to secondary school students throughout the country in the financial year 2001/2002.

(b) Kshs6,572,704 has been set aside for Nyandarua District in the same financial year.

(c) All the money allocated as bursaries for Nyandarua District in the financial year 2001/2002 was disbursed by 30th June, 2002.

*(Members of the Rainbow Alliance were cheered  
as they entered the Chamber)*

**Eng. Muriuki:** Mr. Deputy Speaker, Sir, it is unfortunate that children in public schools are at home due to the teachers' strike. Nonetheless, even before the strike, a lot of very poor children were at home because of lack of school fees. The answer which I have got from the Assistant Minister is talking about the financial year 2001/2002. The education calendar starts in January and ends somewhere in November. According to the records I have, no money for bursaries has reached any of the 37 secondary schools in my Ol Kalou Constituency this financial year. Could the Assistant Minister table a list of the schools that benefited from this Kshs6.5 million which went to Nyandarua District so that I can follow up the matter on behalf of the poor children in my constituency?

**Mr. Poghisio:** Mr. Deputy Speaker, Sir, Nyandarua District has been allocated Kshs6,572,704 for this financial year. An amount of Kshs3,607,055 was disbursed in November 2001. The balance of Kshs2,965,649 was released in June, 2002.

**Mr. Muniyasia:** On a point of order, Mr. Deputy Speaker, Sir. Eng. Muriuki asked for a list of schools that have benefited from that bursary funds. Nowadays, the Ministry of Education, Science and Technology sends bursary funds straight to schools and not to the districts. Is the Assistant Minister in order to avoid laying the list on the Table as asked by Eng. Muriuki and instead just giving us the figures and when they were released? Could he lay that list on the Table so that we can see how much money went to each secondary school?

**Mr. Poghisio:** Mr. Deputy Speaker, Sir, I have not breached any Standing Orders. I was basically asked whether this money has been disbursed. For every cheque that goes to the district, a list of the schools is attached. So, when you go to the districts, you will find the list there.

**Mr. Achola:** Could the Assistant Minister explain to the House what criteria the Government uses in disbursing the said bursary funds?

**Mr. Poghisio:** The criteria is based on students' performance. It is also based on the enrolment of the schools, the number of students and the size of the schools. As the money gets to the school, the criteria is based on students' performance and poverty levels. The student has also to apply for consideration by filling a specific form provided by the Ministry for this particular scheme. As requested, I can prove to you that the monies did go to the schools and I have the list.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, in this year's Budget the Government allocated about Kshs600 million to the Bursary Fund which is a substantial amount of money. When contributing to the Budget Speech, all hon. Members agreed that the money should be disbursed equally to each constituency. Why did the Ministry not consider disbursing this money equally to every constituency so that the leaders in the constituency would sit down and give

money to the needy students?

**Mr. Poghiso:** Mr. Deputy Speaker, Sir, you realise my colleague there is asking about money being given to him so that he can go and disburse it. I do not think we can do that.

**Mr. Wanjala:** During this financial year the Government allocated Kshs600 million for bursaries. All hon. Members agreed during their contributions to the Budget Speech that each constituency should be given an equal amount of money which should be given to the headmasters and not the MPs. The headmasters were required to sit down and distribute this money to the needy students. Why could the Ministry not consider the exact criteria to be used for disbursement of these funds?

**Mr. Poghiso:** That is precisely why I am saying that I cannot give the money to Mr. Wanjala to disburse.

**Mr. Nderitu:** Mr. Deputy Speaker, Sir, the House will agree with me that this issue about how this Kshs600 million is being spent on bursaries is very touchy. It is the concern of all of us here. Could the Assistant Minister at least produce and table the list which shows how much money was disbursed so that we can check to see which districts received the funds and then put him to task on why some districts are receiving more funds than others?

**Mr. Poghiso:** Mr. Deputy Speaker, Sir, for purposes of the Question asked, I have with me the list for Nyandarua District bursary payment, first and second allocations.

**Dr. Kulundu:** On a point of order, Mr. Deputy Speaker, Sir. Mr. Nderitu is asking whether the Ministry can avail to this House the list of bursary allocations for each district. Is it possible for the Ministry to avail that list?

**Mr. Poghiso:** Mr. Deputy Speaker, Sir, I have said that for purposes of this Question, I have the list for Nyandarua District only. I can get the list for any district. Just come and get it if you are concerned.

**Eng. Muriuki:** Mr. Deputy Speaker, Sir, the criteria used is of crucial importance because, in some constituencies, much as the Assistant Minister may wish to avoid asking the Member of the area, the fact is that, that money is not given to leaders of a particular area. As a result, very poor children remain at home and others, who are not poor, are given the bursaries. I think the Assistant Minister - I thank him for the list - should consider bringing that money to a forum where leaders are involved because they know the needy cases and are answerable to the people. That way, they can be able to take care of the real needy cases in each constituency.

**Mr. Poghiso:** Mr. Deputy Speaker, Sir, that was a statement. However, I believe that leaders participate in the boards of their schools. That money goes to the schools and the boards disburse it. The leaders are represented in those boards. I do not see any reason why poor children who are doing well in schools, should not be assisted through the leaders, when the money arrives in those schools. I think the challenge is really upon the leaders.

### QUESTIONS BY PRIVATE NOTICE

#### NUMBER OF BURSARIES AWARDED BY VOI NGO

**Mr. Mbela:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Home Affairs the following Question by Private Notice:-

- (a) Is the Minister aware that a Non-Governmental Organisation (NGO) - Youth Crisis Intervention Organisation - operating from Voi Town charges a bursary application fee of Kshs500 for needy children?
- (b) What is the total number of applications received and how many bursaries have they awarded?
- (c) What is the value of the bursaries awarded?

**Mr. Deputy Speaker:** Is anyone here from the Ministry of Home Affairs? I hope somebody will transmit the message to the Ministry. But, out of courtesy, if not anything else, if they are not going to be here, they should get another Minister to come and indicate so.

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. I thought I understood that you had given very wise advice, that Mr. Samoei should inspect prisons and detention homes! As the end approaches, he has to pay attention to that! How do you expect him to be here instead of checking how prisons look like?

*(Laughter)*

**Mr. Deputy Speaker:** Order! Mr. Samoei is, first and foremost, a Member of this House! That, he looks at prisons and others, it is incidental to the fact that he is a Member here! I expect him to take his work in the House seriously. Did you want to say something, Mr. Ngala!

**The Minister for Lands and Settlement** (Mr. Ngala): Mr. Deputy Speaker, Sir, I wanted to rise on a point of order with reference to what Dr. Kituyi has said! But you have handled that matter.

**Mr. Mbela:** Mr. Deputy Speaker, Sir, I am getting very frustrated because this is the third time this Question

is appearing on the Order Paper. Will it ever be answered? Does that not reflect on the efficiency of some of the Government Ministers?

**Mr. Deputy Speaker:** Well, the times have not changed since your time! This Question is deferred until tomorrow afternoon.

*(Question deferred)*

Let us move on to the next Question by Private Notice.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, may I, first of all, correct some typographical error in line number one. It is "mission hospitals and health units". With that correction, I beg to ask the Question.

#### COLLAPSE OF MISSION HOSPITALS

Mr. Deputy Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) Is the Minister aware that mission hospitals and health units are on the verge of collapse due to lack of adequate funds?

(b) Is he further aware that those health units provide 50 per cent of all the services in the country?

(c) What urgent steps is he taking to ensure that those health units do not collapse to the detriment of people, especially in the marginalised areas?

**The Minister for Medical Services** (Mr. Mohammed): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that mission hospitals and health units are on the verge of collapse due to lack of funds.

(b) I am aware that mission hospitals and other health care providers account for 42 per cent of the health services in the country.

(c) Mission hospitals are privately managed by various religious organisations and I can only appeal to them to improve their operations to save themselves from collapse.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, as I said last week, the answer by the Ministry smacks of arrogance and lacks in compassion. Mission hospitals are private hospitals, but they are private hospitals with a difference. They are non-profit making and supplement Government efforts in providing health services.

Mr. Deputy Speaker, Sir, up to 1995, the Government used to provide subsidies to mission hospitals in appreciation of their complimentary services. The subsidies were stopped suddenly without any explanation to the mission hospitals. So, is it too much to ask of this Government that, in the next two months, they provide some kind of subsidies to mission hospitals which are supplementing Government efforts to reach people in marginalised areas such as the constituency of the Minister?

**Mr. Mohammed:** Mr. Deputy Speaker, Sir, I would like to disagree with my honourable friend that the answer from the Ministry is arrogant. That is not true. The answer is simple and there is no arrogance in it.

Mr. Deputy Speaker, Sir, the Ministry of Health appreciates the services given by the mission hospitals. We are grateful to them but, unfortunately, the Ministry does not have any money in its budget to give to the mission hospitals.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, the good Minister who has said that they have given a very simple answer - and yes, it is a very simple answer - admits that the Government withdrew its subsidy in 1995, without any publicly declared policy change. The economic situation in Kenya was not any worse in 1995 than in the year 2002. What made it necessary for the Government to withdraw the subsidy, if it still appreciates the value of mission hospitals? We have Lugulu and Misikhu mission hospitals in Bungoma which are grinding to a halt and they account for nearly 50 per cent of the health services in the district. What has made it necessary for you to turn your backs from them, at a time when you are collecting user fees?

**Mr. Mohammed:** Mr. Deputy Speaker, Sir, I think there was no subsidy as such. But the Ministry used to give a token to the mission hospitals. But because of the economic situation and difficulties that the Government is facing, we are unable to provide the token. But I would like to assure hon. Members that once the situation improves, the Government will budget some money for the mission hospitals in the next financial year.

**Mr. O.K. Mwangi:** Mr. Deputy Speaker, Sir, you would appreciate that mission hospitals are suffering a great deal, despite the fact that they want to keep on providing services to our people. The reason for that is that the Government has allowed this country to subside into an economic limbo. I would like to ask the Minister - because he said that he was not aware that mission hospitals are on the verge of collapse--- Now that he is aware, because he has said that the mission hospitals provide 42 per cent of the health services---

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

**Mr. Deputy Speaker:** Order, over there! Mr. Mwalulu!

**Mr. O.K. Mwangi:** Sorry, Mr. Deputy Speaker, Sir. Now that the Minister is aware that the hospitals are on the verge of collapse--- He is definitely aware of that because I know he has gone to the ground and seen some of the mission hospitals like St. Lukes at Mariakani, Chogoria in Meru, Tumu Tumu in Nyeri and others. What will the Government do to reverse the situation, so that we can maintain those hospitals to continue providing the 42 per cent and even more?

**Mr. Mohammed:** Mr. Deputy Speaker, Sir, it is not true that all mission hospitals are collapsing. There are very few mission hospitals which are facing some problems. But most of them are doing very well. They have been well managed. I would like to appeal to the sponsors and religious organisations to continue supporting the mission hospitals until the time Government would have money to subsidize them. I have been to some other African countries, and it is true that some governments subsidize mission hospitals 100 per cent. But we have not been doing so, because of the problems that I have mentioned. But the Government is appreciating the work done by the mission hospitals. I have been on record praising the mission hospitals and challenging the Government hospitals to give the service the way the mission hospitals do. I would like to give that assurance; that, the Government would look into this matter.

**Mr. Muchiri:** Mr. Deputy Speaker, Sir, I do not think the Minister is going to visit these hospitals, if he visits them. Last Saturday, we went to Kaloleni in Coast Province. There is a hospital there called Rabai Mission Hospital. That hospital needs urgent attention from the Government. It is collapsing; it is almost closing down. Could the Minister take urgent action in relation to that hospital, at least, to save it because it is about 30 kilometres away from Mombasa Island?

**Mr. Mohammed:** Mr. Deputy Speaker, Sir, I think I have said that some few mission hospitals have problems. But it is not true to say that I do not visit hospitals; I visit the mission hospitals. In fact, I am planning to visit one of the mission hospitals this coming weekend to conduct a Harambee for it.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, Kenya's application for assistance from the Global Fund for such programmes as HIV/AIDS, tuberculosis and malaria was rejected because of the Government's failure to involve stakeholders such as mission hospitals in the drawing up of the Budget. I think this is an example of the hostility that exists between the Ministry and other stakeholders in health care delivery. Could the Minister tell us why his Ministry failed to involve these other very serious stakeholders such as mission hospitals which provide 42 per cent of the health care services in this country?

**Mr. Mohammed:** Mr. Deputy Speaker, Sir, there is no hostility between the private health care services, mission hospitals and other stakeholders. The Ministry has a very good working relationship with the stakeholders, and we will continue to work closely with them.

With regard to the rejection by the Global Fund Against HIV/AIDS, it has nothing to do with that one. Maybe, it is due to some other reasons which are best known to everyone of us here.

**Mr. Deputy Speaker:** Next Order! Yes, Mrs. Mugo!

## POINTS OF ORDER

### POSTING OF MEDICAL DOCTORS

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, I request for a Ministerial Statement from the Minister for Medical Services. About 140 doctors from Nairobi and Moi universities, schools of medicine, who finished their studies at the end of July, 2002, have not yet been posted to practise as interns despite having been licensed by the Medical Practitioners and Dentists Board. The doctors are now tarmacking because they cannot be allowed to engage in private practice before completing the mandatory one-year practice as medical interns.

*(Loud consultations)*

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

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, I request for a Ministerial Statement on why these doctors have not been posted for over two months while the normal practice in the past has been to post them immediately upon completion of their courses. When shall they be posted to public hospitals as we know that there is shortage of doctors in the public hospitals and the licences for these doctors will lapse after one year?

**Mr. Deputy Speaker:** Order, Mrs. Mugo! You should not be reading out a statement!

**The Minister for Medical Services** (Mr. Mohammed): Mr. Deputy Speaker, Sir, I have noted the point. I am going to issue a Ministerial Statement tomorrow afternoon.

#### DEATH OF FOUR KENYANS AT KAKAMEGA MEETING

**Mr. Munyao:** Mr. Deputy Speaker, Sir, this is the second week since I requested for a Ministerial Statement from the Minister of State, Office of the President in charge of Internal Security concerning deaths at the Kakamega meeting where we were told that four Kenyans died and 40 others were injured and taken to hospitals. The person who is charged with the affairs of this country and who took the oath to take care of this country was in fact attending this meeting. This is the second week since I requested for this Ministerial Statement. Who is in charge of this Ministry? Because the Minister was supposed to come and issue a Ministerial Statement, who is in charge in this Government?

**The Assistant Minister, Office of the President** (Dr. Anangwe): Mr. Deputy Speaker, Sir, I would beg that he repeats the point of order.

**Mr. Deputy Speaker:** I cannot allow that! You are supposed to listen to hon. Members on the Floor and not hon. Members from your side!

**The Minister for Medical Services** (Mr. Mohammed): Mr. Deputy Speaker, Sir, could I reply as a matter of collective responsibility? The Government is fully in charge of security and the situation in the country. The Ministerial Statement is going to be made in the House. I will convey the message to the Minister.

**Mr. Munyao:** On a point of order, Mr. Deputy Speaker, Sir. I am saying this is the second week. This is a matter concerning life, individuals and Kenyans; taxpayers who have died. This Government is taking this matter casually. There is even a more senior gentleman opposite me. Why can he not say something and I thought that he is the one ruling in this Government?

**Mr. Deputy Speaker:** Order!

**The Minister for Medical Services** (Mr. Mohammed): Mr. Deputy Speaker, Sir, the sentiment has been noted and appreciated. The Government is concerned about the lives of Kenyans, and it will issue a Ministerial Statement.

**Mr. Deputy Speaker:** When will that Ministerial Statement be made?

**The Minister for Medical Services** (Mr. Mohammed): Mr. Deputy Speaker, Sir, it will be issued as soon as possible.

**Mr. Deputy Speaker:** Order! Mr. Minister, this matter has been lying in the Office of the President for the last two weeks. If you say "as soon as possible," that is not enough. So, I want you to issue that Ministerial Statement tomorrow afternoon.

**The Minister for Medical Services** (Mr. Mohammed): Mr. Deputy Speaker, Sir, I will convey the message and the Ministerial Statement will be issued.

#### OUTBREAK OF BRUCELLOSIS IN NDARAGWA

**Mr. Thirikwa:** Mr. Deputy Speaker, Sir, last time, before we went on recess, and you were the person in the Chair, you did direct the Minister for Public Health to issue a Ministerial Statement regarding an issue I raised; an outbreak of brucellosis in my constituency. We have been in constant consultation with the Assistant Minister. But it seems as if either the Assistant Minister does not take the matter seriously or he does not want to give a reply. So, I want the Chair to ask the Minister for Medical Services to tell this House what they are going to do about the situation.

**The Minister for Medical Services** (Mr. Mohammed): Mr. Deputy Speaker, Sir, that matter came to the House in the form of a Question, and the Ministry did reply to that Question. I would like to assure the hon. Member that the Ministry has sent a microscope to the health centre in question. I think the situation is now under control. I think the matter is now being handled properly. So, the hon. Member should not worry because we have already taken action. I do not think that we need to make another Ministerial Statement.

**Mr. Thirikwa:** Mr. Deputy Speaker, Sir, I agree, and I am grateful that a microscope has been sent to Kaheho Dispensary. But the Chair knows that a microscope alone cannot diagnose anything. Could the Minister make sure that we have a small operational laboratory within the dispensary? What can a microscope on its own do? We need other equipment.

**The Minister for Medical Services** (Mr. Mohammed): Mr. Deputy Speaker, Sir, the microscope has been sent to that dispensary and laboratory technicians have been posted to that dispensary. We will provide whatever else is needed from the cost-sharing money. The hon. Member should assure his constituents that the situation is under control.

ATROCITIES INFLICTED ON THE  
NANDI BY THE BRITISH GOVERNMENT

**Mr. Sambu:** On a point of order, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Office of the President concerning the atrocities and the killings inflicted upon the Nandi people by the British Government between 1895 and 1906. This is a period during which over 3,000 people - males, females, young and old - were killed, over 3,000 houses were burnt down and people were moved from the whole of the southern Nandi and over 130,000 acres of land were evacuated. Could the Office of the President tell the House as to whether this Government, since Independence, has sought any reparations or compensation on behalf of the Nandi people? If it has, who was paid or where is the money?

Mr. Deputy Speaker, Sir, finally, we would like to know what has happened to the land because our people did not move from it voluntarily. They were evicted from the land by force and, as I have said, over 3,000 people were killed. There are records in the Kenya National Archives which attest to this fact. So, this is not an imagination. There are records in the Kenya National Archives which were written by the British Government and this Government. So, I would like to seek a Ministerial Statement from the Office of the President as soon as possible, and, at least, before the House is dissolved.

Thank you, Mr. Deputy Speaker, Sir.

**The Assistant Minister, Office of the President (Dr. Anangwe):** Mr. Deputy Speaker, Sir, I undertake to issue a Ministerial Statement. As you have all heard this is an historical case and we will have to go and dig out information from the Kenya National Archives, which will take time. Therefore, I anticipate to give a proper Ministerial Statement in two weeks' time.

**Mr. Deputy Speaker:** Thank you. Let us move on to the next Order!

**MOTIONS**

ABOLITION OF COST SHARING  
FOR OUT-PATIENT SERVICES

THAT, considering that despite Government commitment to fight poverty since 1963, it remains a serious challenge affecting more than 65 per cent of the total population of Kenya, which is unable to fully participate in cost sharing in public medical institutions, this House urges the Government to abolish cost sharing for out-patient treatment in all district and sub-district hospitals, health centres and dispensaries.

*(Mr. Mbela on 2.10.2002)*

*(Resumption of Debate interrupted on 9.10.2002)*

**The Assistant Minister for Transport and Communications (Mr. Keah):** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. This Motion has got all the good intentions and aspirations of our people.

**Mr. Deputy Speaker:** Mr. Keah, you have only one minute to contribute to this Motion. Is it worth you saying your piece?

*(An hon. Member murmured something)*

He has no such authority! You have one minute to contribute to this Motion!

**The Assistant Minister for Transport and Communications (Mr. Keah):** Thank you, Mr. Deputy Speaker, Sir, for giving me one minute to contribute to this Motion. Something is better than nothing.

While I support this Motion, as hon. Members of Parliament, when we talk about expenditure, we should take into account the aspect of revenue. While I support this Motion, it is absolutely imperative that all the time we think of how we can assist the Government to raise more revenue. This is because our thinking which happens to be right, is always focused on expenditure. I totally agree that our people are impoverished and it is desirable for them not to pay some money when they visit public hospitals. In this case, I support this Motion. But we should also think about how we can assist the Government to raise more revenue to meet the ever-increasing expenditure.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Mr. Minister, it is now time for you to respond!

**The Assistant Minister for Health** (Dr. Wako): Mr. Deputy Speaker, Sir, although I appreciate the Government's commitment to fight poverty, it still remains a challenge affecting a large percentage of the Kenyan population. The Government is committed to the provision of quality and affordable health care to all Kenyans. In achieving this goal, the Ministry has been hampered by lack of adequate resources; the Government intends to provide free health care services to all Kenyans. It was as a result of dwindling resources and the Government's inability to bear the financial burden of the universal free health care service that the cost-sharing programme was mooted in the 1984-1988 National Development Plan. The Government endorsed this approach in Sessional Paper No.1 of 1986; on the Economic Management for Renewed Growth, resulting in the introduction of the National Cost-Sharing Programme in the public hospitals and health centres. The main objectives of the policy were to generate additional revenue to augment financing of the underfunded non-wage recurrent expenditure item of the Ministry which has been shrinking due to fiscal pressure on the overall Budget, discourage over-utilisation of free public service and access the poor health service by charging those who are most able to pay and channelling the subsidy to those least able to pay; the poor of the poorest.

*[Mr. Deputy Speaker left the Chair]*

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

Since the introduction of the cost-sharing programme, revenue generation has grown enormously over the last ten years, from Kshs33 million in 1991/92 Financial Year to Kshs876 million in the 2001/2002 Financial Year. Due to inadequate funding on the Recurrent Vote, public health facilities are increasingly relying on cost-sharing revenue to provide services to the public. In order to ensure that the funds are managed prudently, the Ministry has established District Health Management Boards, whose membership includes community representatives. The cost-sharing funds collected have so far been utilised to improve purchase of drugs, maintenance of hospital buildings, purchase of medical equipment, purchase of vehicles like ambulances, for example, for Thika, Nyeri and Murang'a Districts, purchase of laboratory equipment---

### QUORUM

**Mr. Kiunjuri:** On a point of order, Mr. Temporary Deputy Speaker, Sir. If you look at this Order Paper, already there is notice during the Committee of Supply for the application of the *Guillotine* procedure. Now, you can see that there are not enough hon. Members, which means that the business on the Order Paper---

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

**Mr. Kiunjuri:** There is no quorum in the House, Mr. Temporary Deputy Speaker, Sir. Hon. Members have already gone to campaign! It seems that, by tomorrow, there will be no business to be transacted in this House!

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Mr. Kiunjuri, you have already raised your point! Yes, it appears that we do not have a quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order, hon. Members! We now have the requisite number. You may continue, Dr. Wako.

**The Assistant Minister for Health** (Dr. Wako): Mr. Temporary Deputy Speaker, Sir, as I was saying, in order to ensure that the funds are managed prudently, my Ministry has established the District Health Management Board (DHMB) and the Health Management Boards (HMB), whose membership includes community representatives. The cost-sharing funds collected so far, have been utilised to improve the following services in our hospitals: the purchase of drugs, maintenance of hospital buildings, purchase of medical equipment, purchase of vehicles and ambulances in Thika, Kisumu, Nyeri and Murang'a. The purchase of laboratory reagents, X-Rays equipment, oxygen, dressing materials and non-pharmaceutical items.

Against the above background, and in order to protect the poor, my Ministry has put in place a two-step discriminatory waiver system that allows patients to be relieved of payments. Arising from safety net provision, the waiver system accounts for 3 per cent of the total revenue collected during the 1997/98 financial year, in which Kshs8.3 million was exempted. However, due to rising poverty levels, the waiver system continues to account for 17

per cent of the total revenue collected in the 2000/2001 financial year; in which hospitals we waived up to Kshs150 million. This trend will be rising in the coming years, as more and more people will be protected.

In addition to the waiver system, hospitals and health centres have automatic exemptions for children under five years, prisoners, people under police custody, people from destitute homes; HIV/AIDS, tuberculosis and leprosy patients. The exemptions will be extended to malaria patients in times of serious malaria out-breaks. This has been happening during the Kisii and Rift Valley malaria out-breaks this year and last year. It has happened in the Coast Province and other areas, in order to actually help the people.

Mr. Temporary Deputy Speaker, Sir, in view of the above, the Government intends to protect the poor and help them access medical services, given the continuing economic decline. The Ministry would like to strengthen the administration of the waiver and exemption. We would also like to strengthen the pricing and setting of fees so that we can enable the poor to have greater access to health care and public hospitals. We would like to encourage a more effective and equitable utilization of the referral health care systems at higher tertiary levels and lower levels at primary health units.

The Government would like also to speed up the proposal of mandatory social health insurance in order to protect and minimise the adverse effect of cost-sharing on vulnerable groups. We would also like to strengthen the accountability and transparency in the management and utilisation of health services.

Mr. Temporary Deputy Speaker, Sir, with the foregoing, therefore, I would like to appeal to all hon. Members to make sure that we do not totally abolish cost-sharing in our hospitals because it has strengthened the provision of health services to our people. It is the policy of the Ministry to provide free health services to our people through the medical insurance scheme, like in many developing countries. As we move towards that goal, we would like to ensure that the points we have explored are taken into account and we do not abolish totally the cost-sharing programme in our hospitals.

Mr. Temporary Deputy Speaker, Sir, the provincial hospitals have continued to ensure that money collected from the cost-sharing programme is utilised well in the provision of maternity services and drugs. We have utilised a total of Kshs55 million in the provision of drugs in this period.

Mr. Temporary Deputy Speaker, Sir, the maintenance of hospitals is a very important aspect. Through cost-sharing, the Ministry has utilized Kshs30 to provide medical services to poor people in our hospitals. The purchase of the most important items in the hospitals, like oxygen and dressing has taken up to Kshs17.9 million. Therefore, cost-sharing has helped in most cases. As I said, the Ministry has utilised these funds from cost-sharing to provide ambulances to Nyanza General Hospital, Thika District Hospital, Murang'a District Hospital and Nyeri Provincial Hospital. Ambulances are a very effective means of communication in hospitals.

Mr. Temporary Deputy Speaker, Sir, therefore, I would like to appeal to all hon. Members to ensure that the cost-sharing programme, although a burden to our people, is safeguarded. I know it is not impossible for some people to pay. Since the inception of this programme we have actually collected Kshs876 million. Therefore, I would like to appeal to all hon. Members to ensure that the cost-sharing stays because it is a very good policy and it has helped many of our people. Cost-sharing has actually removed dependence from our people and ensured that hospitals are run effectively.

Mr. Temporary Deputy Speaker, Sir, it has also reduced the mushrooming of private clinics which are very costly to our people. Those private clinics have hurt our people because they are run by quacks. When there are no services in our hospitals, our people tend to go to those private clinics. They are highly exploited. The Government has the overall responsibility to ensure that money collected from this programme is well utilised. We have posted registrars to district and provincial hospitals to ensure that money collected is well utilised and our people get quality services that are worth the money they have paid. This money is regularly audited to ensure that our people access medical services in most hospitals.

The cost-sharing programme has also ensured that hospitals are run more effectively than before. It has also reduced the mushrooming of private clinics and maternity homes. These private maternity homes had cropped up in our major towns. The cost-sharing has made the rural people benefit much more than ever before.

Mr. Temporary Deputy Speaker, Sir, to sum up, I would like to say the health management board and the district health board are manned by people of high calibre. They make sure that this money is well utilised to benefit our people. This programme has brought a lot of benefits to this country. It has also attracted donors to assist in the provision of health services. The cost-sharing programme is very effective in this country.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I would like to oppose the total abolition of the cost-sharing programme in our hospitals. It is the policy of the Government to provide free medical service through the National Health Insurance Scheme. The Government is looking forward to establishing a medical scheme to provide health services to its people.

I beg to oppose.



**Mr. Mbela:** Mr. Temporary Deputy Speaker, Sir, I would like to give three of my minutes to Mr. Ethuro, and two minutes to Mr. Kihoro.

**The Assistant Minister for Labour and Human Resource Development** (Mr. Ethuro): Mr. Temporary Deputy Speaker, Sir, I would like to thank Mr. Mbela for giving me this opportunity to support this very important Motion.

This Motion urges the Government to think seriously about the poverty affecting our people. In fact, Kenyans are getting poorer by the day. The only way to ensure that poverty is tackled - and we have written many policy proposals to that effect - is to abolish some of these unnecessary issues because they are more of bottlenecks to the access of medical services in this country.

I have to start from the premise that when we attained Independence in 1963, as a country, we said we were going to be committed on some three key areas. Those areas are eradication of poverty, disease and illiteracy. Medical services are considered a right. Access to food is a basic right of our people. Literacy should be considered a right. It is high time this country put its money where its mouth is. I say so because the Minister has just told us how this has improved. The Ministry has realised only Kshs800 million. Even if we round off this figure to Kshs1 billion, still that is too little money, considering that it was raised over a period of about 20 years. Kenya can raise about Kshs200 billion in revenue in a year. That money is of no use. I come from Turkana District, where the people have resorted to herbal medicine because they cannot raise the cost-sharing money.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Ethuro, your time is up.

Let us now have Mr. Kihoro.

**Mr. Kihoro:** Mr. Temporary Deputy Speaker, Sir, I would like to thank Mr. Mbela for giving me two minutes of his time to make a very brief contribution to this very timely Motion seeking the abolition of cost-sharing in public hospitals.

Mr. Temporary Deputy Speaker, Sir, I have heard Dr. Wako reject the Motion, which is so appropriate for this country. He comes from a poor constituency, where his own people cannot raise the cost-sharing money they are required pay at hospitals. Some of them die because they cannot raise very little money. This very little money which the Government raises through the cost-sharing programme seems to tell the common person not to fall sick. The Government raises very little money from the programme. Indeed, this is just an avenue for corruption, or an avenue for promoting certain people who support the Minister in his own constituency. There is no monetary value in introducing levies which stop the sick from accessing medical services.

I agree with Mr. Ethuro in what he said, that the policy of this Government from 1963 has been to eradicate the three enemies of mankind, namely, ignorance, disease and poverty. When you introduce a "sickness tax", you are telling people to die in their homes. People will not stop dying; they will continue dying in their own homes. The money one is supposed to pay is so little that it is not worth the Government bothering about.

Last year, Nyeri Provincial General Hospital destroyed a lot of expired medical supplies. The supplies expired in the stores because the people who were supposed to use them could not access them because of the cost-sharing policy.

With those remarks, I support the Motion.

**Mr. Mbela:** Mr. Temporary Deputy Speaker, Sir, I would like to thank all the 13 hon. Members who have contributed to this Motion. All of them, except the Assistant Minister for Health, supported the Motion; they felt that this Motion was long overdue.

It was felt that the health budget is inadequate because we seem to have got our priorities wrong. We put money where it is not absolutely necessary at the expense of the lives of our people. One of the examples highlighted is the more than Kshs7 billion budgetary allocation to the Department of Defence (DOD) at a time when we are neither at war nor anticipating any war. If a portion of the DOD budget could be reallocated to the Vote of the Ministry of Health, it could save many lives.

The poverty level in this country is so high. We sometimes contradict ourselves. The Government supplies some communities with famine relief food and expects the same people to meet part of their cost of medical services at public hospitals. The sad thing with the cost-sharing programme at our medical institutions is that the money collected hardly reaches the Government. The bigger portion of these funds is pocketed by senior staff of the Ministry, or of the medical facilities. Whenever you try to find out how the money is spent, you do not get very far.

We have been told about the District Health Management Boards (DHMBs). Some time back, when the Taita Taveta DHMB took the Medical Officer of Health (MOH) to task over the cost-sharing money, and demanded that he accounts for it, the hospital staff who complained about the money not being available were transferred from the hospital and eventually sacked. The said doctor was promoted and posted to the North Eastern Provincial Hospital, Garissa, the home district of the Minister for Medical Services, as the Provincial Medical Officer (PMO). The doctor went ahead and "ate" the money at that hospital, and was subsequently transferred to Afya House. The sick people,

who are poor, continue to die in their houses because they cannot afford the cost-sharing money.

Mr. Temporary Deputy Speaker, Sir, I am talking about simple diseases which can be treated. For instance, today, malaria is killing more people than HIV/AIDS. The Ministry practises double standards. When there was an outbreak of malaria in the highland areas of this country in the recent past, the Minister for Public Health suspended the cost-sharing programme. He forgot that malaria has almost wiped out the entire population in the Coast Province, and in the arid and semi-arid lands (ASAL) areas. If a poor country like Zanzibar can offer not only free education, but also free medical services, why can Kenya not afford the same? At one time, medical supplies in Taita Taveta District were so inadequate that people had to rely on medical facilities in Moshi, Tanzania. This country is not on the same economic level with Tanzania, but some Kenyans had to rely on that country in terms of medical services.

We should, therefore, find a lasting solution to the cost-sharing problem at our public health institutions. Just as we feel that it is urgent for us to revive the country's economy, poverty must be attended to, and the cost-sharing programme must be abolished. However, before doing so, all the money that was collected through the cost-sharing programme must be accounted for. Also, medical supplies purchased by the Ministry should actually reach the district hospitals.

With those few remarks, I beg to move.

*(Question put and agreed to)*

BILL TO HARMONISE LAWS GOVERNING  
CEREALS SECTOR

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

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled "The Agriculture (Amendment) Bill", to harmonise all laws governing the cereals sector in the wake of a liberalised market economy.

Mr. Temporary Deputy Speaker, Sir, in moving this Motion, I have a number of considerations in mind. First, for the last 20 years, the agricultural sector has not got due attention from the Government, given the fact that the total Government revenue collection from this particular sector is 45 per cent of the total revenue the Government rakes in from taxes. We spend less than 9 per cent in terms of budgetary provisions in trying to support the agricultural sector. Most of the money that is budgeted for by the Ministry of Agriculture and Rural Development does not go to provide front line services to the sector in order to improve growth and stability. Instead, the money goes to pay salaries for workers in the Ministry without considering that we need to reinvest in the sector for it to grow.

I do not have to over-emphasise the fact that over 80 per cent of all Kenyans depend on the agricultural sector for their daily livelihood. As we speak today, the sector has had problems, the major one being fluctuations in prices to the extent that in one year, a bag of maize costs Kshs1,200. The following season, due to a bumper harvest, the price plummets to Kshs400 for a 90-kilogramme bag of maize. This is a situation that cannot be reasonably sustained if we have to improve our economic growth.

The situation is worsened by the fact that there are so many other vagaries of weather that affect the farmers before they can harvest their maize. As far as wheat is concerned, we have a similar picture. But worse still, for the last 20 years, statistics show that this particular sector has been importing wheat. Eighty per cent of the national consumption of wheat comes from other countries. It used to be 50 per cent, but it has increased. If we want to reverse and retain some of the money that goes out of this country, we need to harmonise the relevant laws, so as to encourage growth in the agricultural sector.

Mr. Temporary Deputy Speaker, Sir, when other crops such as sugar-cane, coffee and tea seem to enjoy some stability occasioned by the fact that they have independent Acts dealing with each one of them, it has not been possible, for reasons best known to the Government, to have an Act that deals specifically with the cereals sector. I have in mind a situation where we should have an Act of Parliament providing that a fund should be set aside for the purposes of stabilising prices of maize and wheat. The other purpose of that particular fund would be to take care of farmers during periods of adverse weather conditions, and during periods of bumper harvests when there is so much and the buyers are few.

The other suggestion I wish to make is that we should reintroduce the guaranteed minimum returns scheme. The scheme was doing so well in assisting the farmers until it was misused. Instead of the Government saying that we cannot have guaranteed minimum returns to the farmers, we need to improve the management of that particular scheme, so as to allow the farmers to get what is due to them.

Once I have said that, it is also good to look into the seed sector. For the last ten years, farmers have had a major problem with the quality of seeds. This has occasioned a serious drop in the quality and quantity of maize,

particularly in areas such as Trans Nzoia District. This is a situation that we need to look into, and the best thing is for us to have laws that will allow competition with the Kenya Seed Company and set standards on the processing of seeds and their quality. It is important that we focus on this issue because at the end of the day, when the seed quality is low, the farmers will not get what is due to them even though they will have invested a lot of money.

The other Act that needs to be looked into is the National Cereals and Produce Board Act. We should allow farmers to have a better say in terms of control of the National Cereals and Produce Board, so that after every harvest, farmers can store their grains as they look for alternative market outlets. If we do not allow farmers to have that particular freedom, the middlemen will take advantage of the farmers and we will have serious fluctuations in prices. Price fluctuation engenders a very dangerous trend where we, as a country, will not have food security, a necessity for any serious Government to govern. This has been seen in the past, where in one year, we had a bumper harvest and two years later, we were crying over a disaster that befell the society because of food shortage. If proper measures were in place to govern the National Cereals and Produce Board, through the intervention of the farmer and the Government, we would have had stability as far as food production was concerned.

I want to talk about the Agricultural Finance Corporation (AFC). For a number of years, we have had deliberations on the need to have the AFC as a farmers' bank. This would enable farmers to borrow money at negotiable rates, and the money would be invested in the agricultural sector. Why this has not been possible for a number of years is a story which the Government, particularly the Ministry of Agriculture and Rural Development, ought to tell the public.

Farming, just like any other business, needs heavy investment. Farming, unlike other businesses, has got so many risks that are beyond the control of the farmers. For the farmer to make realistic returns on his investment, he needs to be cushioned against unfavourable conditions, rather than be subjected to the market interest rates. Otherwise, even 5 or 10 per cent interest rates are not realistic because many of the farmers we have in this country make losses instead of breaking even. So, a more realistic picture for farmers would actually be to enjoy some concessionary interest rates in order for them to borrow money and invest it in the agricultural sector.

Mr. Temporary Deputy Speaker, Sir, once I have said that, we do appreciate the Government's effort in trying to give duty-free facilities for fertiliser and also tractors. However, we do know that any serious farmer will buy a tractor probably once in five or ten years. In-between, there is what it takes to do actual production as far as farming is concerned. This is the fuel, fertiliser, seed and also the spare parts that every farmer will have to buy every year to run his services. While the tractors come in duty-free, the spares for various tractor components are rated on the basis of the usual prices and the tax incorporated has got the duty component, which means the cost of production is not in terms of the tractor itself that you purchase. What it takes you to produce is the amount of fuel, fertiliser and seed, and also the money that you are going to use in purchasing various components for tractors.

Mr. Temporary Deputy Speaker, Sir, my humble solution is that spares for tractors that are used in the farm should have some VAT rebate for the farmer to be able to produce at meaningful rates. Some will say that not all farmers have tractors. Yes, but if that component is taken care of, the trickle-down effect will assist even the rates of ploughing for those who do not own tractors. In that case, it will be better to farmers to get that particular relief. We will not be asking much because even the component that you get from spares is less than 10 per cent of the total national revenue.

Mr. Temporary Deputy Speaker, Sir, so, we will not be asking too much as a House if we were to make that simple request to the Government. I am saying this for the very reason that the moment we improve the agricultural sector, we will have improved the amount of revenue that we are going to collect. As you know, and I have stated it before, 45 per cent of the total national revenue that we rake in the Treasury comes from this particular sector. Therefore, if there is serious growth in this sector, it will improve the amount of revenue that the Government is going to get at the end of the day, apart from the fact that it is going to provide employment opportunities and also increase food security and stability in prices of farm inputs.

Mr. Temporary Deputy Speaker, Sir, we cannot really pretend that we are going to get into a world of technology and industrialisation as a country if we do not pass the first step of having enough food for Kenyans. I know that the Government policy is that by the year 2020, this country is going to be industrialised. Some of the people who do not understand the basic component of the economy of this country pretend that industrialisation will be able to provide enough revenue for the Government to run its services and ignore the agricultural sector. Some have even gone to the extent of thinking that we can actually make do with importation of food. Let me remind this outgoing Government that in the long run, any Government that does not have enough food is not going to have any serious programmes that are

sustainable. An example is the Russian situation, that it is actually wheat that brought it down because they did not have enough food for their people. So, this outgoing Government should better understand that there is need for it to ensure this particular agricultural sector is stable for the farmers to be able to provide enough food for themselves and

for the country.

With those remarks, I beg to move and request hon. Munyasia to second the Motion.

**Mr. Munyasia:** Mr. Temporary Deputy Speaker, Sir, in seconding this Motion, I wish to pay tribute to the Eighth Parliament for what it has done. I think the Eighth Parliament, as it comes to its close, will go down in history as having done very well, debating and passing legislations to regulate farming in a number of sectors like tea, coffee, and the latest which was sugar-cane. It should take the challenge to also go to the cereal crop sector. I think the cereal crop sector is the one that suffers most and appears to have been ignored by this Parliament, but that is the sector on which the nation depends for its food production. So, it is surprising that we have given so little attention to the sector on which the nation should be surviving.

Mr. Temporary Deputy Speaker, Sir, when it comes to the hard times in certain parts of the country which are going to suffer from drought and poor harvests, those areas of the country that do not suffer from those hazards should be able to benefit. So, that is the time when we expect prices to shoot up and those people will benefit. That is what happens to the coffee sector. When Brazil has problems and there is frost, those other areas benefit and prices usually shoot up. In this country, there are those who are always on the alert predicting that there may be poor harvest somewhere and when areas from this country are targeting those particular periods, the tycoons here have already started importing maize, beans and so on from other areas.

Mr. Temporary Deputy Speaker, Sir, that is why we urge this Government to ensure that this cereal sector is also protected so that we also benefit. When the time for harvest comes in places like Bungoma, sometimes we have to sell our maize at about Kshs10 for a *korokoro*. A *korokoro* is a two-kilogramme tin of maize. It is sold for Kshs10 and that means that a bag of maize will go at about Kshs400. It will have cost the farmer something like Kshs1,000 to produce that bag and so in the end, we are merely growing crops to feed ourselves and not to help even other areas where the farmer will be suffering. That is why we would urge that importation of cereals should only be on when this cannot be found within the country. We could also say that, maybe, we should also impose conditions on say the World Food Programme (WFP), that if they want to assist areas of this country either for school feeding or whatever, they first explore the sources within the country. If maize can be found within the country, those bodies that supply food to areas like Turkana should be compelled to buy from the country as a priority before they can go elsewhere to do that.

Mr. Temporary Deputy Speaker, Sir, to allow farmers to grow maize, and nowadays, we are faced with many problems in this particular sector--- Mr. Kirwa has talked of competition in seed production, and fair enough, it might improve the varieties of seeds. But we would also like to urge the Government to allow the genetically modified maize seeds. If these are already grown in America and Britain, why should we not be allowed to grow them? There are two advantages. One, you will increase the quantity very easily. So, you will produce more per acre than we are doing currently. But secondly, we are told that many of them are resistant to disease; the stalk borer or the weevil. So, when it comes to storage, you can be sure that you will save a bigger crop than we are doing at the moment. Currently, the Actellic Super that we have been using to safe the maize from the weevil is no longer effective. So, almost half the crop that we store goes to waste. That is why it would be encouraging, and it should be regarded as an urgent matter, that we be allowed to grow the genetically modified maize seeds in this country. I do not think that there will be a lot of politics about whether we can consume it or not, because it has been tested elsewhere. It is good for human consumption.

Mr. Temporary Deputy Speaker, Sir, we should also encourage diversification in cereal crop farming. Many times, when we talk of the cereals, people are thinking only of maize. They are not thinking of beans, soyabeans, sorghum and millet. Traditional crops like millet are the best that we can plant in many areas, particularly in my constituency. So, if those growing these seeds could also have access to the loans that we proposed the farmers bank could have, the growing of that particular crop would improve. It is easier to store. Weevils cannot attack the millet and so, we will be able to safe our food for long periods.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to say that when a farmer has sold his crop at throw-away prices, it is very difficult for him in the following year to grow as much as he grew the year before. Many times this Government feels shy to talk about subsidising farmers. I think it is a courageous policy and the Government should tell the donors, who have been imposing this particular condition on us, that we must never think of subsidising the farmer, but it is the only realistic policy. It is happening in Britain and America. They subsidise their farmers. Sometimes, they even go out of their way to buy their crop if they have produced too much, so that they will sell it. Here in this country, when you ask the Government to subsidise the farmers when they are in such a situation, they think you are talking something that will deny them donor funds. I think it is important that this Government gets the courage and subsidises the farmers.

With those few remarks, I beg to second.

*(Question proposed)*

**Eng. Muriuki:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Motion. Kenya is being described as a developing country, and those who call us a developing country have now stopped calling us a developing country. They called us a Third World country. When I look around to see where the "second world" is, I do not see any second world anywhere. It means we are seriously demeaned by the so-called industrialized world. When I look at the reasons why, I think it is because we cannot feed ourselves. Every so often, we have to go to the so-called developed countries to beg for food, and so long as you keep on begging for food, even as an individual; if you go to your neighbour for food, nobody is going to respect you. The so-called developed countries have got very clear policies which enable them to produce enough food through helping their farming communities. If you go to Europe and other developed countries, you will find that the farmers are very heavily subsidised. Here, we are in the so-called "Third World" listening to the IMF, the World Bank and the so-called advisers, telling us that it is immoral to subsidise farmers. If you try to sell some of the food which we are producing in this country to Europe and other places, you cannot because the prices which the farmers are given are so heavily subsidised that there is no way you can compete with them. Subsidising may not be the only way, perhaps, to encourage our farmers to produce enough food. Nonetheless, we do require a national policy through which we can be able to encourage our farmers to produce enough food.

Mr. Temporary Deputy Speaker, Sir, we have made several attempts to come out of poverty, but one thing every Kenyan should know is that nobody, whether the Government or the donors, or anyone at all, will eradicate this poverty by, maybe, dishing out money to us so that we stop being poor. The same people who are doing agriculture, which is over 80 per cent of us, are going to sort out their poverty on their own. We need to help them through a policy which will help the farmers to produce food for this country. The policy is not just marketing. It also includes infrastructure and that is why this House, in its wisdom, also did pass the Kenya Roads Board Motion to cater for roads where cereals and other farm produce come from, so that the areas which have been forgotten in the allocation of funds for maintenance of roads are able to get something. I am aware that some people have been trying to frustrate that policy, but I do not think they are getting far, and the roads committees are doing very well.

Mr. Temporary Deputy Speaker, Sir, perhaps, the only comment I would like to make to Mr. Kirwa is that, maybe, the problem we are having is not just in the cereals sector. Where I come from in OI Kalou Constituency and Nyandarua District as a whole, maybe, maize and wheat is a small component of the farming activities which we are doing. The same problems which we are seeing in the cereals sectors, be they maize or wheat, also affect the other agricultural produce sectors like potatoes, cabbages and onions. I would suggest that, perhaps, if the harmonization of laws is done, because I am sure this House will no doubt pass this Motion, we shall be able to cover the whole of the agricultural sector. The way it has been going up until now, the Government does not seem to take interest in what individual farmers are doing. As a result, the farmers are left on their own. The Motion is calling on both the Government and Parliament to take interest in what is happening in the agricultural sector. We have had, for example, the Agricultural Finance Corporation (AFC) loans. We only hear about them when the big fish who took them are unable to repay, and they are asking the Government to write them off. We hear about seeds only when we are complaining when we get the bad seeds. But I think all the laws which pertain to the agricultural sector, be they the soft loans or the seed sector, should be harmonised as per this Motion.

The other issue we should not forget is the importation of foodstuff into the country. We have a serious problem where this country, because of bad laws and bad policies by the Government -luckily, it is outgoing and, maybe, we shall have a better Government with NAK - we have no food to eat. We go back to the IMF and other donors to loan us money to buy food. We must encourage our farmers by making sure that we have a law that prevents anyone from importing foodstuff that is locally available.

Mr. Temporary Deputy Speaker, Sir, we must encourage the people in the agricultural sector to come out of subsistence production. At the moment, everybody is in subsistence farming, and agriculture is not commercialised. You cannot pay school fees by taking a bag of maize or a goat to school; you have to turn it into money. Part of the harmonization of the laws is to encourage the people in the agricultural sector to ensure that everybody is working in a market economy where we are able to enhance the family income. Economists tell us that the per capita income of this country is about US\$300. If you look back 25 to 30 years, you will find that the same income per capita was pertaining. This means we have not moved up at all. Considering that more than three-quarters of our people are in the agricultural sector, it means that three-quarters of the population have not moved at all despite what may appear like an active Ministry of Agriculture. There is a budget which is read here every year, yet we have the same low per capita income which keeps our people poor.

The first step which we can take is to make sure that the laws which are going to help our farmers are fully harmonized. If it is the marketing sector, a bag of potatoes could be 100 killogrammes to 130 killogrammes with no

law whatsoever to state what exactly it should be. I think this Motion is timely and will be able to cover the whole agricultural sector, where farmers are guided. The relevant Ministry should be able to guide the marketing systems so that they are able to get benefits out of their sweat and develop the agricultural sector.

Mr. Temporary Deputy Speaker, Sir, most of the non-cereal produce in Kenya ends up in Wakulima Market, where traders are up in arms because they are being told to move away from where they have traditionally worked and where they do their marketing every morning. I would like to ask the Central Government and the Ministry of Local Government to reconsider the issue of attempting to shift those traders from Wakulima Market. My people from Ol Kalou Constituency will be victims of the movement of that market without proper arrangements being put in place for the farming community who benefit out of that marketing system which has been there for 40 to 50 years.

I beg to support.

**Dr. Omamo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to support this Motion and congratulate the Mover for bringing this Motion, although a bit late, in the life of the Eighth Parliament. But better late than never.

Mr. Temporary Deputy Speaker, Sir, the cereals that we are talking about include the native, indigenous cereals which are exotic; the whole lot of them from maize, wheat, rice, sorghum and millet. We may go wrong as a nation if we do not take care of both the indigenous cereals and the exotic ones. If you take the example of millet; *elucin kurakana*, you will see that this is a cereal that is nutritious and has made the East African sub-continent survive for a long time. It is very well preserved and many insect pests do not touch it. They escape the weevil because of the size. Then we have sorghum, which is also indigenous to the East African sub-continent. These are the cereals that made people like ourselves grow strong right from childhood. We were very well fed with this nutritious food. Then the maize from South America and wheat was brought.

I remember very vividly that some of the original maize that was from the East African sub-continent disappeared slowly. When I was young, I remember chewing maize which was multicolored; a little red, white and blue. That was very good maize. It has nothing to do with Rainbow. We never eat Rainbow at all. This was multi-coloured maize. Then in 1963, researchers from the United States of America came over, looked at the maize, and apparently somebody told them that white maize was better. They encouraged production of white maize in this country to the detriment of our nutritious multi-coloured maize. When you talk of the hybrid 600 and 500 series, they are all white.

We would like to have an amendment to the Agricultural Act so that we protect our indigenous maize and then strengthen the research. In my opinion, cereals will only survive if there is research all the time. If we want to improve or mix the qualities of indigenous maize, millet and *wimbi* with anything from another country, we should use our original gene so that while doing research, we first have to Africanise that particular characteristic. After Africanising it, you Kenyanize it, then localize it, and then finally indigenous it. That way, you lose nothing. All the qualities you may want will all be there. This Act of Parliament would even harmonize research, extension services in the cereals sector, production, and processing. It will harmonise processing and marketing. As a nation, we must learn to survive and be independent.

For that reason, I fully support the Motion; the sooner, the better in the next Parliament.

**Mr. Kihoro:** Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support the Motion. I also agree a lot with what Dr. Omamo says, that we have always had very traditional grains in this country that have been very useful, nutritious and have consistently disappeared. We have exotic maize today which might be there in terms of quantity, but of less value in terms of nutrition. Agriculture in this country has to be restored to what it was during the colonial period. During the colonial period, agriculture was a formal industry that employed 270,000 Kenyans in a population of 9 million. Today, you will find all that employment in the agricultural sector has totally disappeared. You will find that a lot of our young people who could be very useful are not. Even the National Youth Service which used to be very well endowed and productive in the agriculture field has become moribund today.

Agriculture has to be restored to what it was during the colonial period. There were 4,000 settlers in this country during the colonial period. I am not yearning for colonialism; I am very patriotic. I am saying that in respect of how we use our land resources, we have got a lot to learn from what happened during the colonial period. We have to restore agriculture to a productive industry that employs Kenyans, produces enough food for our people and for export. Eighty per cent of Kenyans are involved in the agricultural sector and it is a pity that close to 24 million Kenyans dependent on agriculture today are suffering. The need for a farmers' bank is the implication of what could be done to modify agriculture and make the farmer more dependent on credit facilities that are more farmer-friendly.

What has been happening over time is that there has been commercialisation of agriculture in this country, particularly the offering of credit facilities, especially by the Co-operative Bank. You will find farmers being lent money at an interest rate of 60 per cent on the overdraft account. Some of it has gone to as high as 80 per cent. Even I, as a responsible person, people in employment or those who are out there to make a living, would never borrow money

at an interest rate of 60 per cent. How come the farmer who is paid once a year is the one who is expected to borrow money at an interest rate of 60 per cent? We want a farmer-friendly banking system in this country. That is what was happening during the colonial period. How come that this is not the case any more, and yet the money is still there? The country has become richer theoretically, but in terms of impoverishment of our people, we have done everything to destroy agriculture. When I talk about agriculture I am thinking about coffee, the meat industry for the pastoralists, milk, tea, wheat industries and the rest. Each one of them today is in crisis. So, it is important that as we think of the year 2003, we also think about farmer-friendly credit. We should think about the fact that 80 per cent of Kenyans are dependent on the agriculture sector and they have been left devastated, in want and without any income at all. As a result, this has increased illiteracy, poverty and disease.

Last year, in October/November, we had an incident whereby the maize farmers in Trans Nzoia overproduced maize. During that time, a 90-kilogramme bag of maize was selling at Kshs400. The Government came up with another one of their promises that they are used to delivering every other time they are in trouble. They said that they would offer the farmers Kshs900 per a 90-kilogramme bag. This money was still not sufficient enough to meet the production---

*(Mr. Nyenze made a gesture)*

I can see the Minister is raising his one-finger salute. That is a provocation in my eyes. A 90-kilogramme bag selling at Kshs900! A lot of farmers delivered their maize from January, February and March. Come March, when they were supposed to be paid upon delivery, they could not be paid. The Government said that since they could not pay the farmers, they could deliver petrol and diesel to them as if farmers can live on diesel. Farmers also wanted to buy implements, pesticides, seeds and chemicals but they were unable to do so. They had been defrauded of their sweat as they are used to. They had been given a promise that could not be kept, and yet it was important. By the time the matter was being sorted out in April and May, the rains had come, but many of the farmers could not plant any crops. That is why they are running short of business.

We must have strategic reserves in this country in terms of maize. We cannot depend on the vagaries of the weather to feed our people. If the rains do not come, there is a crisis three months later. We should be able to have strategic reserves that can feed our people for a period of three years. We have got the silos, if they have not been sold. Maybe, that is the secret meeting you have come from. The silos in this country should be full of maize and grain because it can be stored for up to three years. How come that when we have got surplus maize, we do not accumulate enough and we consume in the year 2005 what we are producing today? We should be thinking about looking ahead, and we will also be able to help other African countries that might be in trouble because tomorrow they will help us.

We have failed in an area that is so important. Despite the fact that our people are hard working, so much water is wasted in Ukambani. Fourteen rivers in Ukambani all run to waste into the Indian Ocean. So, it is important that we have enough strategic stores of grain in this country to last us for three years. If you can do it for four years, we will thank you. The Government should ensure that our people do not die of famine or hunger by producing enough maize and storing it. You will find that irrigation is minimal in this country such that if we do not receive the April and May rains, you can be sure that it will be one year of crisis because we have not managed our water resources properly.

Let me talk about subsidies in agriculture. The other day, when we had a Motion on Coffee, we went through the motions of how much agriculture in America and the European countries is subsidised, and how 35 per cent of the European budget of nearly 100 billion Euros is allocated to the

**[Mr. Kihoro]**

agricultural sector which only employs 5 per cent of the European population. The Europeans and Americans will come to this country and tell us that we cannot have subsidies for the coffee and maize farmers. It is tragic that we dance to the white man's tune.

At the turn of the century our people were very militant. They fought in Ukambani, and also in 1951, the Pokots fought in the Kolowa incident. These were our people fighting. You will also find militant people in Nandi and Meru. Today, we have become the most docile and sycophantic people, who do not want to use their brains to put this country where it belongs; that is, among the rich nations in the region which are productive in agriculture and whose people are better fed. Despite the fact that health should be a primary concern for any government, this Government will tell us about cost-sharing. It is important that we re-shape our agricultural sector and modify our laws in respect of agriculture and our marketing. In future we do not want to think about auctioning of coffee. You take things that you do not want, and which you must dispose of, to the auction where you are declaring that you are a desperate person, and that you must sell them without a reserve price. No Indian or European will take his things to an auction! You can only do so for Africans!

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

**Mr. Thirikwa:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. Last year, Kenya was fortunate to produce in excess of 2 million bags of maize. But as we speak here today, we are almost heading towards a shortage of what we over-produced last year. Four months down the line, that is April and May, one bale of maize flour was costing about Kshs250. Today, we are talking of Kshs400 to Kshs500! Why? That is because the Government was not able to keep the surplus that we produced, so that we could be able to stabilise food prices in this country. As we over-produced, what happened later was that, for reasons that the Government knows better than we do, it exported the maize. I can understand that one of the reasons why we had to export the maize was because the Government did not have the funds to pay the farmers. The other reason, which nobody wants to talk about, was about the storage. The method which we use to store our cereals is wrong! What happened was that when we over-produced our maize and the Government came in to buy the surplus, all the maize - dried and wet - was taken to the National Cereals and Produce Board (NCPB) and stored. When you store wet maize, the result is that the maize will rot within a very short time. Therefore, I believe the Government had to export that maize.

Unfortunately, when the Government was exporting maize to South Africa and other countries, other ships were coming in with maize at Mombasa Port. The truth of the matter is that--- I do not think we have to blame our millers. Our millers simply import maize into this country because they cannot get good quality maize locally. Therefore, I would suggest that as we put in place laws governing the maize sector, the Government should be compelled to provide dryers. That way, whenever farmers harvest their maize, they can get drying facilities, so that when they take it to the silos, it is dry enough for proper storage. Otherwise, if we do not improve on our storage, our maize and other cereals will continue rotting in our silos. Therefore, the so-called millers would not be willing to buy our maize. We need to come up with certain laws that will make sure that we do not have a surplus production to sell to other countries.

Mr. Temporary Deputy Speaker, Sir, personally, I also believe that there were other reasons attached to that. If you look at what we call the World Food Programme (WFP), it is countries that get together and buy all the surplus production in certain countries, like America, where they provide subsidies to farmers. Therefore, Africa has become a surplus production market. I so much believe that those countries will never allow us to have enough in our reserves. That is because we have become a market of surplus of what has been produced in other countries. That is because the WFP cannot claim that we get the food free. What they do is that they mobilise resources from different countries to buy surplus production in certain countries like America. Therefore, Africa will always continue to have less. I believe that certain people and certain countries would like to remain the surplus market. Therefore, the issue of subsidy should be seen in that perspective. Nobody wants to give subsidy to our farmers, so that they can continue sustaining production in other countries.

The Government should come up with a policy - and the Minister for Agriculture is here - where we do not depend on the WFP. Last year, when we had drought in North Eastern Province and other parts of this country, what happened was that we were getting food supplies from the WFP. But, nevertheless, the WFP was not willing to buy our surplus maize. Surely, how can we have a Government that allows people to import maize from elsewhere, in the guise of helping us, but when we produce our maize, they cannot buy from us to take to North Eastern Province? How much more would it cost the WFP importing maize from America or other countries than buying maize from Trans Nzoia and Uasin Gishu and taking it to North Eastern Province? I believe that we need to provide our farmers with subsidies.

Mr. Temporary Deputy Speaker, Sir, in the late 70s, we used to have what we called the Guaranteed Minimum Returns (GMR). But today, as we speak, no farmer is sure whether he will plant maize next year because last year, when they produced, they sold their maize at Kshs400. The Government came in a little bit too late when the farmers had already sold their maize. Therefore, what happened was that farmers decreased their acreage for maize planting. Therefore, I foresee a situation whereby farmers are going to produce less and less because there are no incentives to encourage farmers to produce enough. Therefore, it would be important to revive the GMR, so that the farmers would always be sure that when they produce, they will have a return. The other thing is that the Government - and I think laws must be put in place - should become the buyer of the last resort, so that whenever farmers produce cereals and other crops, the Government should buy them. The law should force the Government to buy from the farmers, so that when the farmers are producing, they know that they have a ready market. But the way things are now, the farmers are not sure whether they will have a market after producing.

Mr. Temporary Deputy Speaker, Sir, I do understand that we are now in a liberalised economy market. But that does not mean that the Government does not have a responsibility. It has a responsibility even on private businesses. It is the Government which is supposed to provide an enabling environment to do whatever business, whether in the private or public sectors. The Government should accept to be the buyer of the last resort of our cereals.

Mr. Temporary Deputy Speaker, Sir, finally, we should have an allocation in the Budget for the purchase of our cereals. Last year, if we had allocated money to purchase our cereals, the farmers would not have sold their maize



at Kshs400, even Kshs300 and sometimes at Kshs200! Therefore, I strongly suggest that, at all times, we should allocate a certain amount in our Budget to enable the Government to buy cereals from the farmers. That should be a budgetary consideration.

Mr. Temporary Deputy Speaker, Sir, finally, it is about the extension services. Despite having extension officers on the ground, certain farmers do not even differentiate between types of fertilizers that they use. You would get a farmer who tries to use a fertilizer like NPK-2020-O where he could have used another fertilizer like DAP and so on. Therefore, when we harmonize these laws, we should consider the extension services provided by the Government so that the farmer would at all time have information as to what kind of inputs he is supposed to use to increase his or her production. But as it is now, every farmer would use fertilizer simply because it is to fertilize and simply because it is the fertilizer that is available and, maybe, it is not the right fertilizer for what he is trying to produce.

With those few remarks, I beg to support.

**Mr. Kathangu:** Asante sana, Bw. Naibu Spika wa Muda. Kwanza, ningelitaka kumrudishia shukurani kubwa mhe. Kirwa kwa kuwaza na kufikiria juu ya Hoja hii ambayo inaomba Mswada uletwe Bungeni ili kuunganisha na kuambatanisha sheria zote zinazohusu ukulima wa vyakula mbali mbali hasa mahindi. Lakini pia ningelitaka kumuuliza mhe. Kirwa kama anaweza kutufikiria zaidi tukiwa nchi, ili badala ya nafaka, tuweke vyakula vyote. Kuna watu katika nchi hii ambao hawajaona mmea wa mahindi au mmea wa ngano. Kwa hivyo, wanategemea vyakula vingine ambavyo siyo mahindi au ngano. Hawa watu pia wanatakiwa shida zao zifirikiwe, na vyakula ambavyo havijatajwa katika sheria zetu pia vinahitajika vitajwe katika sheria hizo ili watu wetu waweze kufaidika zaidi.

Jambo kubwa, nafikiri, ambalo watu wanafikiria hapa ni kwamba usalama wa nchi unianza kwa tumbo. Usalama wa nchi ni kwamba hakuna mwanadamu yeyote ambaye anaweza kupigana kwa njia yoyote ikiwa tumbo liko wazi. La pili, katika nchi kama Kenya ambayo iko na jeshi kubwa, jeshi ambalo liko na vijana kama 75,000, wakikosa chakula, hilo jeshi ni bure. Tunajua ya kwamba katika jeshi letu, wamekuwa wanapata chakula kingi sana kutoka nchi za nje kwa mkebe. Ukiwauliza mara nyingi hawajui kama kinatoka nje kwa sababu kazi yao ni kwenda kuchukua na kwenda kupika ama kula.

Katika Bunge hili, tunajua ya kwamba Waziri wa Kilimo, na sijui ameenda wapi - tunaambiwa kila siku - alikuwa mwanafunzi mwerevu zaidi katika siku zake shuleni. Yeye ni wakili mwerevu. Yeye pia husema ya kwamba yeye ni mwerevu zaidi katika mawakili wote nchini. Kwa hivyo, fikira zetu ni kwamba yeye ndiye Waziri mwerevu zaidi katika Baraza la Mawaziri katika Kenya, pamoja na mkuu wao. Lakini kwa nini hawa viongozi wetu ambao ni werevu zaidi hawafikiri mambo ya chakula? Jambo ambalo ni kubwa ni kwamba vyakula vyetu ama mimea ambayo inaleta fedha ni mimea inayokuzwa katika sehemu ndogo sana nchini.

Katika Mkoa wa Kaskazini Mashariki, sehemu zingine katika Mikoa ya Mashariki, Rift Valley Western na Pwani, utaona ya kwamba hawa watu wengine wote pengine hula nyama ama kunywa maziwa; ama hula asali na kutegemea mara nyingi pombe, aidha ya kienyeji ama chang'aa. Kwa sababu ikiwa hawana chakula, basi ni kusema ya kwamba ufukara unakuwa mwingi pamoja na hayo, ili wategeme pombe ili kutafuta usingizi.

Au wakati mwingine wanalazimika kuvuta bangi ili mambo mengine yasahaulike. Na sheria ambazo tumeona zinafanya kazi zaidi ni sheria ambazo zinapiga wale ambao ni maskini katika nchi kwa sababu ya hizo bangi ambazo wanavuta ili waweze kupata ule usingizi; ama hawa hutafuna miraa ama wanakunywa pombe kwa wingi. Tunajua ya kwamba ufukara na umaskini mkubwa katika nchi hurudisha watu nyuma katika pombe, na hawa watu huwa na shida kubwa sana.

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether I heard it right, but is he in order to talk about bhang when we are talking about cereals here? Is he saying that there are people in this country encouraging the growing of bhang? Is that what we want to encourage? Is he in order to say that when we are talking about cereals?

**Mr. Kathangu:** Bw. Naibu Spika wa Muda, kama vile nilianza kwa kusema, nilimuomba mhe. Kirwa ajaribu sana aone kwamba mimea yote ya vyakula na vingine yanaingizwa katika Hoja hii. Mmea wa kwanza ambao unajulikana sana ni mmea unaokuzwa katika msitu wa Kenya. Labda hata wewe unajua ya kwamba katikati ya msitu wa Kenya, mmea ambao umejulikana zaidi ni mmea wa bangi, ambao wakati mmea huu umekua na uko tayari, huwekwa kwa mapaketi na kuchukuliwa na mahelikopta aidha kutoka kwa jeshi ama polisi. Wanakuja na wanachukua na kwenda nao. Hii bangi ndio nasema inapelekewa wale ambao ni walala hoi, watu ambao hawajakula, ili wakipiga moshi mmoja, wanasahau kwamba hawakuwa na chakula. Hayo ndiyo mambo ninayozungumzia.

Nafikiri mhe. Munyasia anajua ya kwamba katika sehemu zake, badala ya kupelekewa bangi, wanapelekewa chang'aa, ndio hiyo kazi iweze ku---

**Mr. Kirwa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. While I do appreciate the contribution of the hon. colleague, he has made very serious allegations to the extent that some Government helicopters are used to airlift certain crops, which are not in any case cereals, from Mt. Kenya Forest to a certain destination for those who have not fed enough to be given so that they get intoxicated. It would be important for the hon. Member either to

substantiate that particular remark, or withdraw it because I think that it is dangerous to the national health and also to the security of this country.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! I rule that Mr. Kathangu is irrelevant! We are discussing serious issues.

**Mr. Kathangu:** That is right, Mr. Temporary Deputy Speaker, Sir. Nafikiri pamoja na hayo, nataka kusema ya kwamba mwaka uliopita, mimi na mhe. Ndwiga tulipigana sana ili tuende tukatembelee msitu wa mlima Kenya na polisi wa Kenya kule Mkoa wa Mashariki. Nafikiri mhe. Kirwa anakumbuka. Lakini hata hivyo, vile tunasema ni kuwa ikiwa kule kunakuzwa bangi kungekuzwa mahindi, labda ingekuwa afadhali kidogo, na mhe. Kirwa angefurahia zaidi.

Vile ninasema ni kwamba nchi zote zingeweza kutayarishwa ili ziweze kukuza mimea tunayozungumzia, kama vile Kitale kuna mahindi mengi, na kama tungaliweza, tuwe na mahindi vile vile.

*(Mr. Murathe entered the Chamber and sat on the Government Front Bench)*

Tunampigia makofi Bw. Murathe kwa kuungana pia na upande ule mwingine.

**Mr. Murathe:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought that the Speaker ruled that hon. Members can be seated anywhere. Why should he make this sort of insinuation?

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! He did not say that you should not sit on the KANU side.

**Mr. N. Nyagah:** Mr. Temporary Deputy Speaker, Sir, but Mr. Murathe cannot talk from the Front Bench of KANU!

**The Temporary Deputy Speaker** (Mr. Imanyara): Proceed, Mr. N. Nyagah!

**Mr. Kathangu:** Bw. Naibu Spika wa Muda, nafikiri ni roho ya mhe. Murathe ambayo inamparara.

*(Laughter)*

*(Mr. Murathe stood up to speak from the Front Bench)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Murathe, go to the Back Bench and raise your point of order from there!

*(Mr. Murathe went to the Back Bench)*

**Mr. Murathe:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ningependa utoe uamuzi sasa hivi. Bw. Spika alisema jana kwamba Mbunge anaweza kukaa upande wowote katika Bunge hili. Sifahamu ni kitu gani Bw. Kathangu anamaanisha anaposema kwamba ninapararwa na kukaa katika upande wa KANU. Nimekuja hapa kushauriana na rafiki yangu, Waziri Mdogo wa Kilimo, Bw. Lotodo.

**The Temporary Deputy Speaker** (Mr. Imanyara): Bw. Spika alisema kwamba unaweza kukaa upande wowote isipokuwa katika Viti vya Mbebe ambavyo vimetengewa Mawaziri.

**Mr. Murathe:** Bw. Naibu Spika wa Muda, na ikiwa Waziri amekaa katika Kiti cha Mbebe?

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Murathe, now!

Continue, Mr. Kathangu!

**Mr. Kathangu:** Ahsante sana, Bw. Naibu Spika wa Muda. Tunagundua kwamba ukubwa na uongozi humpenya mtu pole pole, na bahati ikikuangukia kama Bw. Murathe, basi inakuwa hivyo.

## QUORUM

**Mr. Murathe:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We do not have a quorum.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Indeed, there is no quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order! We now have a quorum!  
Continue, Mr. Kathangu!

**Mr. Kathangu:** Bw. Naibu Spika wa Muda, ninakushukuru sana. Nilikuwa ninasema kwamba ukulima wa mahindi unaweza kusambazwa zaidi ikiwa Serikali ya nchi hii inaweza kutambua umuhimu wa kunyunyizia mashamba maji. Tukifanya hivi, tunaweza kuongea juu ya kilimo cha mahindi katika Meru, Ukambani na kila pahali hapa nchini. Ni bora sheria ambazo tungependa zihalalishwe ziweze kufaidisha watu kutoka sehemu mbali mbali.

Kuhifadhi vyakula vyetu ni jambo la maana sana, na ninakumbuka siku moja Waziri wa Kilimo aliniambia kwamba alikuwa anafikiria vile vyakula mbali mbali vinaweza kuhifadhiwa. Sifahamu ni kwa nini hafanyi hivyo, kwa sababu ana fikira hizi zote. Vile nilivyosema hapo awali, Waziri ni mwerevu sana na tunamtambua sana. Werevu wake unatafikana uandikwe katika karatasi ili maandishi hayo yatambuliwe kisheria. Chakula au vyakula ambavyo tunakuza katika nchi hii vinaweza kuhifadhiwa kwa muda mrefu.

Ninakushukuru, Bw. Naibu Spika wa Muda.

**Mr. Kibicho:** Mr. Temporary Deputy Speaker, Sir, there is no country which can afford to do without strategic food reserves. There is no country which can liberalise its basic food market. If you go to developed countries, you will find that the state knows the amount of basic food which has been produced. You will also find that the farmers are encouraged to grow basic food crops. I would like to point out that cereals like maize, rice, beans and wheat are very important in this country. These crops are very important for our livelihood to the extent that we cannot liberalise their market. Therefore, it is important that we should have an Act of Parliament which provides for and controls production, storage and marketing of those food crops.

This country agreed to liberalise its economy without first of all taking into account the situation on the ground. We know that the World Trade Organisation (WTO) rules demand that countries which are party to its treaties liberalise their economies. But even countries like the United States of America (USA), Germany and Great Britain do control the market for some of their basic foodstuffs.

I attended one summit on sustainable development and I noticed that there was a heated argument between those friends of ours as far as subsidies were concerned. They are party to the WTO rules, but they give subsidies to some of their farmers. This country should, without any further delay, come up with an Act of Parliament which will provide that in a given year, the country should have so many tonnes of maize and wheat. Besides that, we should give subsidy to the farmers so that they can be encouraged to grow those crops. Once the crops are harvested, they should be stored for five to ten years so that if there is no rain, we cannot import wheat, maize, beans or rice from any country.

Mr. Temporary Deputy Speaker, Sir, due to the prevailing situation, we are pretending that market forces can govern our rights. We have come to a situation where we are importing goods which we never used to before. Nowadays, we are importing wheat, while we were self-sufficient in the early part of our Independence. We are also importing rice, and if we are not careful, we will be importing all the rice which this country will be consuming because there is no regulation or guidance. This can only come from an Act of Parliament.

Mr. Temporary Deputy Speaker, Sir, even if we were to say that Kenya continues allowing the forces of supply and demand to determine the market price, as far as these crops are concerned, we will continue to have deficits. About two-thirds of this country is arid and semi-arid land, and it can never be used to grow maize, wheat or any cereal crops. Therefore, until and unless farmers are encouraged to grow these crops cheaply, and at the same time, get fully rewarded for their efforts, we would not be able to feed Kenyans with the little available arable land.

Mr. Temporary Deputy Speaker, Sir, the Act which we have in mind must provide for storage and marketing of the agricultural produce. Due to lack of known laws, products produced locally and sold in the local market are below standard. If there was a law with provisions of banning, we would not have a situation where people grow maize, colour it up and call it "hybrid maize" and sell it to farmers. So, there is need to have a law which governs production and distribution of cereals. Because of lack of laws governing the production and distribution of cereals in this country, we have had a situation where a whole crop in some area fails simply because of sub-standard seeds which had been supplied by the traders. This happens because there is no law which tells you that: "If you do this, it is wrong"; or "if you do that, you will be punished." You cannot be allowed to play about with the lives of our people!

Mr. Temporary Deputy Speaker, Sir, there is a situation which is so dangerous, where there is no law which makes it mandatory for a Government to say: "In a given time, you must have so much food in your store"; and, "in a given area, you can only plant or sell a given type of seeds." We have had a situation where farmers have incurred total loss due to lack of knowledge on the technique of production and marketing. It is that law which we must enact, in order to provide for fertilizers which must be sold in a given area.

Mr. Temporary Deputy Speaker, Sir, at Mwea Irrigation Scheme, because there is no law, that particular scheme is completely going to waste. Because there are no laws governing that scheme, people are fighting over water; they have produced a lot of rice but they cannot market it.

Mr. Temporary Deputy Speaker, Sir, you cannot have a situation where there are no laws. We have a situation where people produce barley, but they cannot sell it in this country. They export it simply because they do not want their competitor to have access to it. As a result, one of our best industries in Thika closed down. This company produced very good beer. Instead of stopping other beer from being imported from South Africa, we are now importing the same beer from South Africa, simply because that company could not access barley produced by Kenya Breweries. If there was a law which governs a situation like that one, our people would not have lost jobs. This happened because ours is a "free-for-all" situation, which allows people to do what they want to do. It does not matter whether the company closes down or people lose job opportunities. All what we need to do is to make money without necessarily taking into account national interest. So, the law we are talking about here is one which can take national interest into account. National interest will guarantee jobs as opposed to the greed to make quick money for the sake of it.

If you go to the Rift Valley Province, you will find that they are now growing a lot of maize. There is no law saying in a given year you have to grow maize in so many acres. This maize will flood the market and it will be sold at Kshs200 per bag of 90 killogrammes. The farmers will be discouraged and the following year they will not grow maize. You cannot have a situation whereby your citizens are not guided. You cannot guide them without an Act of Parliament.

It is now the right time for this Government to have an Act of Parliament to harmonise laws dealing with production of cereals. If that law is enacted and well implemented, it will be economical to farm these crops because there will be also control right from the time of planting, so that a farmer can get maximum returns for whatever he has planted. Now we are growing crops in a given area without information about the market in other areas simply because nobody is charged with that responsibility. That responsibility cannot come from the blues. It can only come if there was an Act of Parliament.

Mr. Temporary Deputy Speaker, Sir, we have other crops, like groundnuts which have not been fully exploited.

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Mr. Kibicho, your time is up. I think it is a convenient time to interrupt our business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.