

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 19th January, 2011

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTION BY PRIVATE NOTICE

VANDALISM OF TELECOMMUNICATION PLANTS/ELECTRICITY EQUIPMENT

Eng. Rege: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Information and Communications the following Question by Private Notice.

(a) Is the Minister aware that the crime of vandalism of telecommunication plants and electricity equipment is rampant, with Telkom Kenya having experienced 225 fibre cuts and 117 copper cuts in 2010 alone?

(b) Could the Minister confirm that the inadequacies in the Kenya Information and Communications Act and the Penal Code are contributing a great deal to commission of the crime and, if so, what legislative and other measures has the Ministry taken to curb the vice?

(c) Is the Minister planning to make the necessary amendments to the relevant statutes and introduce a new offence to address the economic sabotage?

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

(a) Yes, I am aware that the crime of vandalism of telecommunication plants and electricity equipment is rampant in Kenya. My Ministry and the Communications Commission of Kenya (CCK) have received several reports of vandalism not only from Telkom Kenya Limited but also from other telecommunication network operators. Accompanying these reports are sentiments that the ongoing vandalism appear to be deliberate since the actual Fibre Optic Cable does not have a resale value.

(b) Cable vandalism is a criminal offence punishable under the Kenya Communications Act, 1998. A person convicted of the offence is liable to a fine not exceeding Kshs100,000 or to a prison term not exceeding three years or both. These penalties are yet to make an impact on the ground and the criminal damage of the infrastructure remains on the increase. It is in this context that the Ministry recognizes that an urgent legislative intervention on this matter is critical in order to provide stiffer penalties for the offenders which will reflect the increased value of ICT infrastructure as well as serve as a deterrent.

My Ministry has taken several measures to curb this vice including working together with the relevant Government departments and agencies to deploy security

teams to protect key parts of the fibre network and has deployed agents to investigate the cuts. The ministry in conjunction with the CCK is spearheading a concerted effort by all stakeholders on the matter. In this regard, there is an already arranged meeting of the stakeholders including operators and law enforcement agencies which will be held on 21st January, 2011 to deliberate and identify the main reasons for the escalating cable cuts or vandalism and chart the way forward. The ultimate objective is to come up with comprehensive strategies dealing with this matter.

(c) The Ministry is consulting with the Attorney General and has sought an amendment to Section 32 of the Kenya Information Communications Act, 1998 through the Statute Law (Miscellaneous Amendment) Bill of 2010 which is awaiting publication. The amendment which will be introduced under Section 32 (1) will make cable vandalism an offence where offenders will face life imprisonment if convicted and/or a fine not exceeding Kshs10 million or both.

Eng. Rege: Thank you, Mr. Deputy Speaker, Sir. Indeed the crime of vandalism of telecommunications plants and electricity transmission equipment is on the rampant increase in Kenya. The incumbent national telecommunication operator; Telkom Kenya Limited, and the national power transmission company; Kenya Power and Lighting Company (KPLC), are seriously faced with this vice. They are both suffering a combined total loss of Kshs1.6 billion between 2004 and 2009. It is clear from the Minister's response that there are glaring inadequacies in the law dealing with vandalism and trading in scrap metals. Can the Minister tell this House whether the Government intends to impose a total ban on the export of scrap metal especially copper when it is obvious that Kenya does not mine even a single kilogramme of copper? Further, can the Minister also admit that the current cut throat competition being experienced in the telecommunication industry has led to the emergence of a crime of corporate sabotage exemplified in incidents where a cable communication fibre is vandalized immediately a new fibre belonging to a competitor is laid on the same route of the existing fibre? Not a single operator with---

(Loud consultations)

Mr. Deputy Speaker, Sir, there is so much noise.

Mr. Deputy Speaker: Order! Order, hon. Members! Can you ask a question? You are making a speech.

Eng. Rege: Mr. Deputy Speaker, Sir, I am asking the Minister to admit that all operators will not be exempted from the corporate sabotage if this vice continues. We also want to know what exactly he plans to do.

Mr. Poghio: Mr. Deputy Speaker, Sir, it was rather difficult to identify a question in that statement, but I will try to answer it.

I think the hon. Member wants to know if some of this crime is corporate crime because it could be sabotage from the competitors. If it is identified as corporate crime, then the corporate body or bodies will face the same penalties that individuals faces. I would like to remind him that this is the House that makes all the laws. This House needs to understand the investment in infrastructure, especially fibre optic cable. It does not seem to have any monetary value when vandalised, but it is so expensive to invest in. Therefore, we need to protect it just like we protect our electricity lines. We should give

the same penalty to those who steal fibre optics as those who destroy our electricity and other infrastructural facilities.

Mr. Deputy Speaker, Sir, if there are cases of sabotage, the institutions have been warned that the law will catch up with them. In fact, if theft of chicken or livestock is punished very heavily, I am inclined to think that even this can be applied to theft of fibre.

As for the banning of copper exports, the law is very clear. The export of copper wires is prohibited under the law. Nobody is exporting them unless they are doing so illegally. Fibre optic is not copper; it has no resale value. So, there might be an element of sabotage. However, we need to come up with stiffer punishment, so that people do not destroy our infrastructure.

Mr. Mututho: Mr. Deputy Speaker, Sir, in every civilised society people who block the highways, railway lines and cut communication lines are classified as doing very high crime bordering on espionage. Could Minister consider bringing a special amendment to the relevant Act, so that those people who are messing around with fibre optics, uprooting railway lines and blocking highways are treated as having committed capital offence?

Mr. Poghio: Mr. Deputy Speaker, Sir, the hon. Member did not hear what I said. We are already through the Miscellaneous (Amendment) Bill which will bring those changes. Life imprisonment or a fine of more than Kshs10 million is what has been proposed in the Bill.

Mr. Deputy Speaker: The last supplementary question, Eng. Rege! Are you satisfied?

Eng. Rege: Mr. Deputy Speaker, Sir, I am satisfied except that the Minister, in his supplementary answer, says the envisaged amendment under Section 32(1) will make cable vandalism an offence, where offenders could face life imprisonment. He should not just target the fibre optics vandalism, but also copper.

Mr. Poghio: Mr. Deputy Speaker, Sir, the Bill will be brought here and I hope the House will support it.

Mr. Speaker: Next Question.

ORAL ANSWERS TO QUESTIONS

Question No.399

NON-MAINTENANCE OF MADOGO-HOLA ROAD

Dr. Nuh asked the Minister for Roads:-

(a) whether he is aware that the road from Madogo Junction to Hola (D8) is dilapidated and immotorable;

(b) whether he could confirm that it is the Ministry's policy to give priority to maintenance of existing roads and state when the section of the road last underwent maintenance; and

(c) whether he could consider increasing the maintenance allocation for the road in the 2010/2011 Financial Year.

The Minister for Roads (Mr. Bett): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the road from Madogo to Hola (B8) is in need of repair, particularly after the last heavy rains, which destroyed several other roads in the country.

(b) Indeed, my Ministry's policy is to develop and maintain all road networks in the country. However, we are doing so while also having to cope with resource constraints. The section of the road was last maintained during the 2007/2008 Financial Year.

(c) I have already increased the maintenance allocation for the road from Kshs28 million to Kshs95 million in this Financial Year.

Dr. Nuh: Mr. Deputy Speaker, Sir, the Minister remembers that his predecessor visited this Road in August, 2008, in the company of three other Ministers, among them the Minister for Youth Affairs and Sports. Even then this road was in very poor condition and in dire need of repair. They have not done an inch of work since they promised that they would repair this road. Even now that they seem to have increased the allocation from Kshs28 million to Kshs95 million, this still turns into peanuts, when you see the condition of this road. Could he consider increasing the allocation from this Kshs95 million so that 131 kilometres of the road can be improved to a standard that is motorable?

Mr. Bett: Mr. Deputy Speaker, Sir, I have no objection to the request to further increase the amount, but I have indicated that there are so many other roads in the country, which were similarly destroyed during the rains. The increase to Kshs95 million is adequate knowing very well there are roads in some other parts of the country which need more funds. But that is not to say we will not increase when we find it necessary as we continue to maintain that road or any other road in the Republic.

Mr. Mbadi: Mr. Deputy Speaker, Sir, recently, I visited my friend the small man, the MP for Bura.

(Laughter)

I think the House should not have a problem with me calling my friend "a small man" because that is how we refer to each other. That is why he has not complained.

Mr. Deputy Speaker, Sir, I recently visited his constituency and we had to leave the main road for about a 100 kilometres to avoid the bad state of the road. It is insecure to move in those unofficial roads. I would request the Minister to consider visiting it again because 2008 is far off, to ascertain that Kshs95 million will not do any meaningful work on that road.

Mr. Bett: Mr. Deputy Speaker, Sir, I do not want to speak on the issue of being small; I was going to ask small in what way.

Yes, indeed, the amount is small, but that is not commensurate to the "smallness" of the hon. Member. It is in that connection that the road is so bad. At the beginning of the year, when we allocated it a sum of Kshs28 million we thought it was enough. However, when my officers visited the road, we realized it was a paltry amount of money to maintain that road. That caused us to increase the amount to Kshs95 million. I want to underline that availability of resources is the major constraint. However, that is not to say when we start the maintenance works we will not be able to increase that amount.

However, I will not visit the road now, but I seek the indulgence of the House to do so when I will be commissioning the maintenance exercise, so that it is seen that there is action on the road.

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. In the written answer, the Minister has categorized that road into two sections. That is because it traverses two constituencies. There is a section between Bura and Madogo and a section between Bura and Hola. A sum of Kshs80 million out of the Kshs95 million allocation has been allocated to 40 kilometres. That is a small section of the 131 kilometre section. Is he in order to still state that the road is motorable? When is he going to commission the maintenance work which is not even going to happen in the 91 kilometres of the road?

Mr. Bett: Mr. Deputy Speaker, Sir, as I have indicated in this House, we will maintain that road. We are looking at the whole road!

Mr. Deputy Speaker: Dr. Nuh, can you ask the last question on this one?

Dr. Nuh: Mr. Deputy Speaker, Sir, the Minister has stated that he is going to maintain the 40 kilometre stretch between Bura and Hola with some Kshs80 million. The condition of that road is such that even the tarmac is almost completely eroded. Could he tell this House whether the maintenance or the repair they want to carry out on that road is going to be to bitumen standard or they just want to go and lay gravel on the road? That is the 40 kilometre stretch!

Mr. Bett: Mr. Deputy Speaker, Sir, the road to be maintained is 131 kilometres and not 80 kilometres. We will maintain it as per what is on the ground and that is what is normally done. If it is gravel, we will maintain that gravel. If it is paved, we will maintain that pavement system.

Question No.599

POLICY GUIDELINES ON VEHICLE LEASING
FOR GOVERNMENT MINISTRIES

Mr. Deputy Speaker: Is Mr. Chachu here? Is he out of the country? We will go to the next Question!

Question No.614

PROGRESS REPORT ON ESP PROJECTS IN KONOIN

Mr. Koech: Mr. Deputy Speaker, Sir, the Minister has requested that this Question be deferred to tomorrow because of other commitments. He is in concurrence with Dr. Kones.

Mr. Deputy Speaker: Order, Mr. Koech! You are neither the Minister nor the Questioner! You cannot talk on behalf of the Government! Dr. Kones!

Mr. Koech: Mr. Deputy Speaker, Sir, I am standing on behalf of Dr. Kones.

Mr. Deputy Speaker: Ask the Question!

Mr. Koech, on behalf of **Dr. Kones,** asked the Minister for Education whether he could provide a progress report of all the projects undertaken by the Ministry through the “Economic Stimulus Programme” in Konoin Constituency.

Mr. Deputy Speaker: Did he delegate you to ask that Question on his behalf?

Mr. Koech: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Okay!

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Deputy Speaker, Sir, I stand on behalf of the Minister for Education who has been here and who has requested--- He is hosting a conference. Kenya is hosting UNESCO Conference and he is addressing it right now. His two Assistant Ministers are out of the country; one is in Geneva and the other one in Tanzania. He has requested that this Question be deferred.

Mr. Deputy Speaker: Fair enough! The Minister has, indeed, also informed the Chair of the same. Therefore, the Question is deferred to next week on Wednesday morning.

(Question deferred)

Question No.626

DISMISSAL OF THIKA MUNICIPAL COUNCIL EMPLOYEES

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

(a) whether he was aware that Thika Municipal Council unlawfully terminated the services of 250 workers in November 2008, all of whom had worked for over 5 years;

(b) why several orders from Thika Labour Office to reinstate the employees have been ignored; and,

(c) whether he could also explain why the council advertised the vacant posts on 11th November 2008 and immediately filled them with persons related to councillors.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I would like to seek the indulgence of the House because I am still gathering more data on this Question. What I have gathered is still inadequate and I will, therefore, not be able to respond effectively to this Question. So I seek the indulgence of the House that I be given more time to respond to this Question.

Mr. Deputy Speaker: How much more time?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I would be happy to deal with this Question by Tuesday next week.

Mr. Deputy Speaker: Mr. Kabogo, are you comfortable with Tuesday next week?

Mr. Kabogo: Mr. Deputy Speaker, Sir, it is an important matter; it is a matter that has to do with very many employees of the municipal council but in any event, it will serve no purpose having an answer that is not adequate. So, we may as well take it on Tuesday.

Mr. Deputy Speaker: It is so directed; the Question appears on the Order Paper next week on Tuesday.

(Question deferred)

Question No.630

DELAYED PAYMENT OF BENEFITS TO
FORMER EMPLOYEES OF ECK

Mr. Kioni asked the Minister of State for Public Service:-

(a) why the Government has not paid the former employees of the defunct Electoral Commission of Kenya (ECK) their pension and other benefits that were due to them; and,

(b) when they will be paid.

The Minister of State for Public Service (Mr. Otieno): Mr. Deputy Speaker, Sir, I beg to reply.

There were 486 employees of the former ECK; 138 retired and were paid Kshs94,866,117, while 348 opted to join the Civil Service and were due to be paid Kshs60,832,702. The Treasury promised the Ministry of Justice, National Cohesion and Constitutional Affairs that the funds would be released before July 2010, but it was not done because of the reform requirements that are putting a lot of pressure on the Treasury. But I trust they should release the funds as soon as possible. I would like to thank Mr. Kioni for raising this matter and drawing my attention to it and we will do our best to get them paid.

Mr. Kioni: Mr. Deputy Speaker, Sir, I would like to thank the Minister for that answer, but you will notice that there are two categories of the former employees of ECK. There are 323 who are in service and 25 who opted out after a second thought. I would like to ask the Minister what immediate mitigation measures he is likely to undertake especially for the 25 who cannot fend for their families right now?

Mr. Otieno: Mr. Deputy Speaker, Sir, as much as the Treasury is under so much pressure due to expenses arising out of the reforms we have been undertaking in the last one year, the delay of releasing the kshs60 million is, certainly, inordinate as of now and we would like the whole lot, including those still in the service, to be paid. So, we are looking for the entire Kshs60 million to pay the 25 who retired and the others who are still in service. The money is due to them and it is over two years now.

Mr. Imanyara: Mr. Deputy Speaker, Sir, when the Minister says “as soon as possible” could he give some indication on the timeframe? Could we know whether it is 90 days, three months or before the end of the financial year because we know the senior officials were paid? The lower category of former employees need to survive in these difficult times. Could he give a definite time line by which the Treasury will make available those funds?

Mr. Otieno: Mr. Deputy Speaker, Sir, other than the 25 who changed their minds and opted to retire, the other 323 are actually in service as of now. The reason I cannot give the exact time is that I am putting pressure so that if we can accommodate that expense in the Supplementary Revised Estimates, it should be done before the end of this financial year. If that is not possible, then we will target the next financial year starting 1st July. You will realize that even the revenue collections have gone down and the Treasury is under extreme pressure to finance the reforms, drought and other expenditure items.

Mr. Njuguna: Mr. Deputy Speaker, Sir, you will note from the response given by the Minister that those people are not likely to get their remuneration soon. You will also note that the families have their kids joining universities and secondary schools. What new commitment is the Minister going to give so that the kids of those families are not denied learning in our institutions of higher learning?

Mr. Otieno: Mr. Deputy Speaker, Sir, we are treating this matter as urgent. It is a matter of staff benefit; it was due to them two years ago but the Treasury is the one that has to give the undertaking as to when it will release the money. So, my undertaking without the concurrence of the Treasury making available the funds would not serve the purpose. But the Minister for Justice, National Cohesion and Constitutional Affairs and I are asking the Treasury to release those funds immediately and, if possible, within the next Revised Estimates.

Mr. Deputy Speaker: Last question on this matter, Mr. Kioni!

Mr. Kioni: Thank you, Mr. Deputy Speaker, Sir. Could the Minister give us a definite undertaking on humanitarian grounds that this will be factored in the Supplementary Budget which is being done in a couple of weeks because we are dealing with people who have been suffering for two years?

Mr. Otieno: Mr. Deputy Speaker, Sir, I will apply the best of my negotiating skills with the Treasury and hope that this matter will be settled.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to claim that the Government has difficulty in making sure that even 25 Kenyans feed, yet the same Government has a lot of money and is ready to pay legal fees for those who are supposed to go to the International Criminal Court (ICC) for trial?

Mr. Otieno: Mr. Deputy Speaker, Sir, I submit that the hon. Member is in the habit of making comparisons that do not apply.

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

Mr. Deputy Speaker: Order, hon. Mbadi!

Question No. 636 by hon. Gaichuhie!

Question No.636

EXCAVATION OF PANS IN SUBUKIA

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

(a) whether he is aware that there are over 20 water pans which were reserved in settlement schemes in Subukia Constituency but are now all silted; and,

(b) when the Ministry will excavate the pans and put them back to use to assist in irrigation.

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

(a) I am aware that there are over 20 water pans which were reserved in settlement schemes in Subukia Constituency that are now silted.

(b) My Ministry has already started the rehabilitation of these dams to restore them to their original capacity. Menengai Hill Water Pan in Ndundori Division was recently rehabilitated under the *Kazi Kwa Vijana* (KKV) Programme.

Mr. Deputy Speaker, Sir, we have also allocated Kshs5 million to the constituency for the hon. Member to prioritize on which dams he is going to start desilting. The remaining dams will be allocated money in the next financial year.

Mr. Gaichuhie: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister because he has actually provided a list of 34 silted dams. Out of the 34, only two are desilted. Can he tell me how much money he is going to allocate me during the next financial year to work on the 32 remaining silted dams?

Mr. Waititu: Mr. Deputy Speaker, Sir, as a policy change, we are going to write to every hon. Member so that they can form a Constituency Water Committee that will be constituted by some of the members from the Constituencies Development Fund (CDF) and a technical member from the Ministry of Water and Irrigation, which will be writing a report and a proposal of all the work that is supposed to be done in the constituency.

Therefore, in this case, during the next financial year, we expect a report from the Constituency Water Committee which will give us the priority of the dams to be desilted. I, therefore, think that through the communication of the Constituency Water Committee, we shall allocate money.

Mr. Ogindo: Mr. Deputy Speaker, Sir, the Assistant Minister wants to take us into the future, but we want to ask him what he has done. The Ministry has been allocated a lot of money because the water problem is perennial. Could the Assistant Minister tell us how many pans he did in Subukia and how many he did even in Rangwe Constituency, because I know there was money allocated under the KKV Programme and under the Recurrent Expenditure Budget?

Mr. Waititu: Mr. Deputy Speaker, Sir, from the list I have of 34 dams, two of them have been desilted in Subukia Constituency.

An hon. Member: Which ones?

Mr. Deputy Speaker: Order! The hon. Member understands which dams these are, as indicated and appreciated. Do not hijack somebody's Question! Mr. Gaichuhie, ask your final supplementary question on the same.

Mr. Gaichuhie: Thank you, Mr. Deputy Speaker, Sir. I had asked the Assistant Minister to tell me how much money he is planning to allocate my constituency during the next financial year, taking cognizance that there are 32 silted dams in Subukia and that is why we want them desilted. The reason is that there are so many youth who are idle and we are trying to stop them from taking alcohol. If we do not give them alternatives, for example, to desilt these dams for irrigation, then we do not know what to do.

Mr. Waititu: Mr. Deputy Speaker, Sir, what I can promise the hon. Member is that when we get the prioritized list of the dams that he would like to be done, I promise him that we can do five or ten of them depending on the estimated cost.

Mr. Deputy Speaker: Fair enough!

Question No. 661 by Sheikh Dor!

Question No.661

NON-PAYMENT OF SALARIES TO EMPLOYEES OF M/S
EASTERN INDUSTRIAL WORKS LIMITED

Mr. Yakub asked the Minister for Labour:-

(a) why M/S Eastern Industrial Works Limited has not paid salaries to their employees for six months; and,

(b) what action the Minister will take to ensure the employees of the company are promptly paid their salaries.

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Deputy Speaker, Sir, I want to seek the indulgence of the House to answer this Question, maybe, next week because the answer that I have is very inadequate.

Initially, I was given an answer where only around five employees have been paid fully but in consultation with the hon. Member, I found that we have over 22 employees. So, I need some time to go and verify what actually happened.

Mr. Deputy Speaker: Mr. Dor, are you in agreement with the Assistant Minister that he goes back and gets more information to enable him answer this Question comprehensively?

Mr. Yakub: I am, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Fair enough! The Chair directs that this Question appears on the Order Paper next week on Thursday.

Question No. 672 by hon. Letimalo!

EXPANSION OF MARALAL DISTRICT
HOSPITAL MORTUARY

Mr. Deputy Speaker: Is hon. Letimalo out of the country on any official parliamentary business or out of town for that matter?

We will leave this Question until the second round.

Next Question by hon. Chachu Ganya!

Question No.599

POLICY GUIDELINES ON VEHICLE LEASING
FOR GOVERNMENT MINISTRIES

Mr. Chachu is not here! Question dropped!

(Question dropped)

Question No. 672 by hon. Letimalo!

Question No.672

EXPANSION OF MARALAL DISTRICT
HOSPITAL MORTUARY

Mr. Letimalo is still not here! Question dropped!

(Question dropped)

Next Order!

POINTS OF ORDER

SAFETY OF PRIME MINISTER IN ABIDJAN

Mr. Keynan: On a point of Order, Mr. Deputy Speaker, Sir. I would like to seek a Ministerial Statement from the Minister for Foreign Affairs regarding the attempted forceful entry of supporters of President Laurent Gbagbo to the United Nations Headquarters in Abidjan, where the Prime Minister of the Republic of Kenya was to hold a mediation meeting. The Minister should assure the country. We know the Prime Minister is one of the principals of the Republic of Kenya. The Minister or the Government should assure the country of the safety of the Prime Minister in view of the unfortunate incident in Abidjan.

Two, what arrangements have been made by the Government to airlift the Prime Minister to safety from this nation that has been gripped by lawlessness, mayhem and anarchy? Three, in the light of the above unfortunate incident what is the next course of action for Kenya's mediation efforts?

Mr. Deputy Speaker: Mr. Assistant Minister, when will you give the Statement?

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Deputy Speaker, Sir, the Statement should be available on Tuesday, next week. In the meantime, the Prime Minister is very safe.

Mr. Deputy Speaker: Mr. Keynan, are you comfortable with the Statement being issued on Tuesday, next week?

Mr. Keynan: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: It is so directed.

MOTION FOR ADJOURNMENT UNDER S.O NO.23

STARVATION DUE TO DROUGHT

Mr. Keynan: On a point of Order, Mr. Deputy Speaker, Sir. Under Standing Order Number 23, I would like to seek the adjournment of the House to debate a matter of definite national importance, namely the current drought, hunger and starvation in different parts of the country.

As you might have seen, different parts of the country today are experiencing different climatic conditions. In the northern part of the Republic of Kenya, particularly where I come from, there is drought. The lives of many people are in danger. We have already lost many animals. The elderly, children and women are in danger. In the light of this, I would like to seek leave of the House under this Standing Order to be allowed to debate this issue as an urgent matter of definite national importance.

Thank you, Mr. Deputy Speaker, Sir.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Stand up!

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Mr. Ojode! You have been in this House long enough to understand the rules. You wait for the Chair to ask if the hon. Member has got the requisite support. Indeed, the hon. Members has approached the Chair on this matter, and the Chair is satisfied that the matter can be raised under this Standing Order; it is, indeed, urgent. Does the hon. Member have the requisite support?

(Several hon. Members stood up in their places)

Fair enough. The Chair is satisfied that the Motion, indeed, does have the requisite support. The Chair directs that the matter be debated forthwith. The time now is 9.45 a.m. The matter will be debated for one and a half hours. Proceed, Mr. Keynan.

Mr. Keynan: Mr. Deputy Speaker, I beg to move that the House do now adjourn.

From the outset, I would like to appreciate the Chair for allowing the debate on this Motion. I would also like to thank my colleagues for accepting to have this issue debated as a matter of definite national importance.

Mr. Deputy Speaker: Hon. Members, the rules are clear. The Mover will have ten minutes. Every other hon. Member will have five minutes and the Responder will have ten minutes.

Proceed, Mr. Keynan.

Mr. Keynan: Mr. Deputy Speaker, Sir, there are a number of issues that are happening in this country. The drought situation in this country has become a perennial issue. For those of us who come from northern Kenya, this time round the rainy season in October/November is yet to come. Therefore, we are experiencing the worst *La Nina* phenomenon in the northern parts of Kenya.

There is great contradiction. In some parts of the Republic of Kenya, there is continuing rainfall and plenty of food. Where we come from right now, there is completely no pasture. There is scarcity of water. There is no food. There are extreme bad weather conditions and there is a lot of heat because of this.

These are not things that have just happened overnight. These things happened because of a number of reasons. One is because of failure by the Government to prioritize food security in national planning. Two, there has been failure to sustain, improve and facilitate national food production methods and traditional methods. Three, there is demoralization of farmers. There is also the growing health problems as a result of HIV, Malaria and other water-borne diseases. There is also the issue of costly farm inputs. There is the issue of insecurity in some parts of the Republic of Kenya.

(Loud consultations)

Mr. Deputy Speaker: Order! Hon. Keynan deserves to be heard in silence. Let us have very low consultations.

Proceed, Mr. Keynan.

Mr. Keynan: Mr. Deputy Speaker, Sir, fluctuation of prices of fertilizers also affect these areas. The issue of fertilizer is a very important one in food production in the Republic of Kenya. There are also cheap food imports, which have had drastic effects on

the efforts of farmers to have our country attain food sufficiency. There is failure also on the Government side to find new and more innovative methods of food production. During the colonial times, we used to have the Livestock Marketing Division in northern Kenya. We used to have a functioning Kenya Meat Commission, and a functioning Ministry of Agriculture and Livestock. We used to have grazing zones and holding grounds. These things are no more. If you talk to nomadic farmers from my constituency, they will tell you that their lives were better during the colonial times than they are right now. These are issues we need to address.

Recently, this country adopted a new Constitution, which guarantees fundamental rights. Food is a basic necessity. If you look at the hierarchy of needs, from a psychological perspective, food is the most important requirement for human life. This is one thing that must be guaranteed. There is scarcity of this item now. We have heard different statements attributed to different officials of the Government. It is a reality that the drought situation in northern Kenya is not the creation of the media. I want to put this straight. Drought is real. People are dying. We have already lost thousands of livestock. Women, children and the elderly are in danger as a result of malnutrition and hunger-induced diseases. This is a reality that the Government must accept.

Mr. Deputy Speaker, Sir, we do appreciate that regions that have acted as the food basket of the Republic of Kenya have plenty of food. This is a reality. But is that being translated into something that can benefit the whole country? This is the question we are asking. I am not ashamed to tell hon. Members that 90 per cent of the residents in my constituency rely on relief food from the Government. If that relief food does not come for one month, then we have a disaster in that particular constituency.

Food security is very important. Food security brings about peace. Food security brings about good neighbourliness. Food security promotes our nationhood. Without food security, we cannot have wealth. In some countries, citizens have taken to the streets because of lack of food or general economic opportunities.

It is the high time that we asked the Government, as a matter of urgency, to first of all, adhere to the stated objective of the New Partnership for Africa's Development (NEPAD). The NEPAD policy requires that all governments allocate 10 per cent of their budgets to food production. In our case, shockingly, it was 3 per cent and recently, it was increased to 6 per cent. Kenya is a member of the NEPAD initiative and this issue must be realized. Therefore, it is the high time that in line with NEPAD recommendation, we accepted that we need to increase our agricultural input from 6 per cent to 10 per cent. We are asking the Government to declare the drought and famine situation in the country as a national disaster. I want to challenge the Ministers who have been to different parts of Kenya to accompany me to my constituency. That is when they will see what is happening on the ground because seeing is believing. People are dying and our livestock is perishing in large numbers.

Mr. Deputy Speaker, Sir, secondly, we are also asking the Government to exempt school going children in these drought ravaged parts of country from paying school fees. If you have no food and income, then you are not expected to pay school fees. This is the second thing we expect the Government to do.

Mr. Deputy Speaker, Sir, water trucking for both livestock and human beings is an urgent issue. This, in addition to the efforts being put by the concerned Ministry, should also be accelerated.

Mr. Deputy Speaker, Sir, the issue of provision of fodder grass to livestock is urgent. We are also asking the Government through the KMC and other Government agencies to buy livestock from farmers to help them because this is one of the essence of having a Government.

Mr. Deputy Speaker, Sir, we are also asking the Government in line with other donor agencies to provide nutritious food to the children, the elderly, sick and women in the drought ravaged part of the Republic of Kenya. The Government also must invest heavily in public agricultural institutions so that we can enhance our agricultural capacity.

Mr. Deputy Speaker, Sir, there is need also to enhance the policy of food for work. You provide food and also engage the residents in other development activities. There is also need for the Government to fund more agricultural-based research institutions. We still have Kenya Medical Research Institute (KEMRI) but I believe it is still underfunded. We also expect the Government to develop information on agriculture, so that farmers in different parts of the Republic of Kenya can share agricultural information. There is also need for our Government, because food is a necessity, to invest in agriculture. If countries like Egypt, Israel, Libya and Saudi Arabia, over the last few years, can transform from being desert countries to one of the food exporting countries, why not this country with plenty of land and, of course, the fluctuating rain season? The only thing we are lacking is a consistent agricultural policy. This must come; we can no longer complain about food insecurity every year.

Mr. Deputy Speaker, Sir, there is also need for the Government to invest in the use of empirical research methods. This is because as much as we do not accept some of the methods used in the developed countries, at our own level, we must be prepared to modernize our agricultural input. There is also need for the Government to set up a permanent and ample national food fund. We have the National Cereals and Produce Board which is not clear. That is why recently when we had the maize crisis, it was not clear who was in charge. Was it the Ministry of Finance, Ministry of State for Special Programmes or Ministry of Agriculture? It is the high time that we had a constitutionally recognized entity in charge of the issue of food, so that next time we do not find Kenyans in the streets rioting about the unavailability of bread, water and food in their houses, because this is a key component and issue that the Government must not take lightly.

Mr. Deputy Speaker, Sir, the Government must also put in place a reliable communication network so that it empowers farmers and they feel free and engage in agricultural production. The Government should also check on the issue of fluctuating fuel prices. Fuel prices are unpredictable and ever fluctuating. This has had an effect on our farmers. We appreciate the efforts by the Government recently to put a cap on the issue of fuel price fluctuation.

Mr. Deputy Speaker, Sir, these issues have affected us year in, year out, to the extent that the people of northern Kenya and other arid areas have been reduced to an ever complaining lot. I want to plead with the two principals that under the provisions of the current Constitution, every Kenyan is entitled to food security. It is no longer a privilege that we have to run to somebody's office to give us food. We want the Government to balance between the provision of relief food and development. I know that we have had a problem with our policy planners. Our policy planners at any given

time have never imagined that the people of northern Kenya have anything positive to contribute to the economy of this country.

Mr. Deputy Speaker, Sir, with those remarks, I beg to move and ask hon. Karua to second the Motion.

Ms. Karua: Mr. Deputy Speaker, Sir, I rise to second the Motion. It is sad that we are discussing this situation when the Government had sufficient prior warning by the Meteorological Department. I recall last year the Prime Minister issued a Statement on drought alert. This calls into question the state of preparedness by the Government. The Government ought to have been monitoring and readying itself to respond to the drought situation. We should not have to come and stand here when people are already starving and there is stress because of water and food.

Mr. Deputy Speaker, Sir, for the last couple of years or so, a lot of money has been allocated to both the Ministry of Water and Irrigation and the Ministry of Agriculture. We have not seen different responses in the way we mitigate failure of rainfall. It is not enough for the Government to allocate money without monitoring and ensuring that, that money is used for the intended purposes. We should not be suffering in the way Kenyans are suffering almost ten years after the water sector reforms started. It is time we saw the allocation of money per county with affirmative action on the counties that need water infrastructure more than others, so that we are able to take advantage of rainfall when it happens and mitigate effects of drought. I remember there was serious flooding in Turkana and most of the affected areas now, but we were not able to harness that water for use at this time.

Mr. Deputy Speaker, Sir, the last time we had this situation it resulted in a maize scandal, where some members of Government and their allies lined their pockets with money intended to help starving Kenyans. I am asking that this time round, in the first place, the Government must buy the grains from Kenyan farmers. It beats logic to refuse to increase the price for Kenyan farmers and later pay five or six times the amount the Kenyan farmers were demanding to import maize from foreign lands. We are calling upon the Government to take very quick action to buy all the excess grain in Rift Valley and other parts of Kenya. It should also extend the buying of grains not just to maize but also rice, sorghum and all the other grains, to mitigate the famine. The Government should also come up with a policy of cushioning Kenyan farmers, so that they are able to multiply their farming activities and invest more, so long as the Government guarantees them the market. This is because it should be bought for our silos and strategic grain reserves, so that it can be used at a time like this.

We are tired of being a hungry nation mainly because of poor planning. The Mover of the Motion has talked about a country like Egypt and the rest which hardly receive any rainfall, but have invested in water infrastructure and in efficient use of water. Kenya must embrace technology and more so, we must monitor the funds that are allocated so that they do not end up enriching few people.

The Ministry of Water and Irrigation has about Kshs24 billion for development while the Ministry of Agriculture has a big budget. We want to see co-ordination between these two Ministries and the Ministry of State for Special Programmes so that we do not always react in panic and manage by crisis when disaster strikes. The Government should take this Motion seriously and move with speed to alleviate any death of both human beings and livestock. The Government should move and buy livestock from the farmers

so that they can have the ability to restock when it is green again. Let us all support this Motion and call upon the Government to act immediately.

Mr. Deputy Speaker, Sir, I beg to second the Motion.

(Question proposed)

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I wish to support this Motion. In doing so, I wish to tell the Government that there is a saying somewhere that says: “You have eyes, you do not see and you have ears, you do not hear”. As we speak now, there is a revolution taking place in Tunisia. The cause of this revolution is all about food. Revolutions worldwide are all because of food.

Famine and drought in Kenya is not a new phenomenon. Weather patterns in this country have not changed over the last 50 years. What is strange and beats logic is the fact that Government after Government since Independence have failed to address the issue of famine. Is it because importation of food is big business in this country? One fails to understand why this is so. We know very well that there are areas in this country which will never have rain, but they are arable. Why has the Government failed to budget on irrigation? Why has the Government failed to allocate a reasonable amount of money to irrigation? Why would the Government factor Kshs7 billion in the Budget for relief food and Kshs100 million for irrigation? It beats logic.

Mr. Deputy Speaker, Sir, we would have liked to see a clear policy from the Government. We can still do serious farming if the Government is truly committed in investing in agriculture and livestock in Eastern and North Eastern provinces. Why would the Government fail to adopt new techniques? Why would it not encourage drip irrigation? We have the entire 100 kilometers stretch of Tana River flowing into the ocean. Why would the Government not provide farmers with money for irrigation? It should introduce a technology such as drip irrigation and provide farmers with money to buy greenhouses. The Government should provide farmers with new species of crops like what is being produced by the Kenya Agriculture Research Institute (KARI). They are now producing a species of cassava which is drought resistant. It is very difficult to understand why successive governments have failed to come up with clear policies to support farmers. Our farmers stand on their own. Farmers and livestock keepers in this country are very hard working, but they are the biggest losers. If you are a farmer in this country, you can never make money. Farmers do farming as a basis of life support.

What I want to know from this Government under the new Constitution is whether it will come up with policies or if it will give money to farmers to ensure that the problem of perennial famine and drought is dealt with once and for all. I fail to understand what the Cabinet does.

This Government was buying maize from South Africa and therefore promoting farmers in that country. It was buying maize at Kshs3,700 a bag while a farmer in my constituency was being paid barely Kshs1,500 per bag. What justification was there?

Mr. Deputy Speaker, Sir, with those few remarks, I support the Motion.

Mr. Chepkitony: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this Motion. It is very important to support this issue because it recurs after every two or three years or shorter than that. In 2009, this country had one of the worst droughts in its history. We ran short of food and we had to import a lot of it. A

year later, there was over production of food, mainly grains. Eastern Province led in the production of food. There were good rains there after the drought, but the Government was not prepared to buy that maize. Maize was also produced from Bura and Hola irrigation schemes because the Government had pumped money through the Economic Stimulus Programme (ESP) to revive irrigation. Farmers waited for the NCPB and the Ministry of State for Special Programmes to buy the maize, but that did not happen. The maize went bad and the farmers incurred heavy losses. One would wonder the reason for reviving this irrigation scheme without planning how the maize would be purchased. This is because the farmers in that irrigation scheme do not have the capacity to transport the maize all the way to the market in Nairobi. So, the grain market has to be supported if we have to make irrigation viable and sustainable.

The Government, through the Treasury, should consistently allocate funds, say, Kshs5 billion every year to purchase grains. We know that we have drought or food shortage after every two or three years. Like now we had famine in 2009. We, therefore, need consistency. Proper planning is the real thing. There is no way the Government can withdraw from supporting farmers because food security is very vital. The farmers must be supported with regard to livestock keeping, crop farming and all aspects of farming. After all, farming is still the backbone of this economy. Other sectors have been collapsing and we should not allow farming to collapse. We should always support it.

Mr. Deputy Speaker, Sir, with those few remarks, I support the Motion.

Mrs. Noor: Mr. Deputy Speaker, Sir, I would like to support this Motion. I am a very disturbed person as I support it because I just came from the region affected by famine. I have been going round and I saw the real situation on the ground. I saw a small child and a woman die in this drought. That gives me many problems. I am quite disturbed because disasters such as drought and floods are not new in this country and the world over. These are situations that everybody knows could face us. It is unfortunate that a whole Government which was told in advance that the country will face drought was not prepared. The Government did not even prepare its people.

Mr. Deputy Speaker, Sir, the pastoralist communities of this country were not prepared. They did not know anything because the situation caught many people by surprise. It was due to changing weather patterns. If the Government does not go round to educate its own masses and tell them about the situation, people will not prepare themselves. Information is power. Unfortunately, the Government has not prepared its people and yet, the disaster is here with us. It has been there. Several countries in the world have prepared themselves. They have even come up with school curriculums which teach school children how disasters affect the world. This is right from primary schools and secondary schools. People are learning about disasters all over the world. However, here in our country, leave alone the schools, our masses are not prepared. We have nothing to indicate disasters.

Water is a basic need and it is required by every individual in this country. However, when our people and their source of livelihood cannot access that basic right and end up losing their lives due to lack of water, that is unacceptable. It is a shame for our own people to die due to lack of water and food. The Ministry of Water and Irrigation must prioritize its use of resources. We will not allow the Ministry to use resources in a particular area because certain people come from those areas. Every Kenyan is a taxpayer

and they must use their resources properly. The resources must reach out to every region in this country.

Our secondary schools and university students are not able to go to school. All students are back at home. I want the Ministry of Education to hear me very well. The Ministry must waive school fees for all the children who are affected. There is very little that can be done in that situation. People have already suffered. I have seen Permanent Secretaries and Ministers going round in choppers saying that they are doing assessments. It is unfortunate for Permanent Secretaries and Ministers to go round at this time because they had this information well in advance. The Ministers accompanied by five Permanent Secretaries met me at a place called Shant-Abaq and I was there. They said they had come to do a drought assessment. That is wrong. They could have prepared themselves well in advance and put a strategy in place to address the issue of drought and other related activities. I urge the Ministry of Water and Irrigation to immediately carry out water trucking because people are suffering.

Food distribution is something that is required, not only for human beings but also we need fodder for the animals. People must be sensitive to this issue. The Government must be sensitive to this issue. The Mover of the Motion has talked about Egypt and Israel. Whenever I talk about these things, it is a challenge to our Government. That is because the source of water that Egypt uses is from our country. Egypt has adequately addressed the issues of hunger and food security among other things. It is high time that our Government became sensitive to our issues.

I support

The Assistant Minister for Energy (Eng. M.M. Mahamud): Mr. Deputy Speaker, Sir, I beg to support this Motion and thank the Mover for the eloquent manner in which he has moved the Motion. The drought is here with us. This is not the first time we have had drought in this country. There have been many successive droughts. We have been experiencing drought before and the Government has been aware of it. There has been no preparedness. It is unfortunate that today, we are talking about ways of dealing with the drought when the effects have already been felt. There is a serious food shortage in the country and especially in northern Kenya. There is also a problem of shortage of water and lack of pasture for animals in that region. Already, animals and some people have started suffering. Some animals have already died. People are suffering due to lack of water and food. The Government has not put in place proper structures to mitigate the drought. We have been talking about mitigating the drought for many years. It is unfortunate that since Independence to date, we have not come up with ways of dealing with serious natural calamities. We do not have any coherent and deliberate policies and if they are there, they are just on paper and have not been put in place.

It is time that we became serious and dealt with this natural disaster which is recurrent, and which will be with us for many years to come. Having said that, the issues at hand now is the emergency we must deal with. The drought is already there and we must now deal with the food issue. We must supply food to our people and ensure that no Kenyan dies out of hunger. I would like to challenge the Government and the Ministry concerned to come up with programmes and request the Treasury to fund them so that no Kenyan dies of hunger. It is a shame in the 21st Century for any Kenyan to die because of hunger. It is a shame in the 21st Century, for Kenyans to die due to lack of water. The shortage of water is serious. We have asked the Ministry of Water and Irrigation, in this

House, to start water trucking. This problem also occurred in 2009 and a lot of money was allocated to that project. However, nothing was done. We do not want the same thing to happen again. The money in that project must be used to truck water. Water trucking business can be very confusing but the Ministry of Water and Irrigation will know how to do it. We can also be partners so that it is done properly.

Our schools have not opened. With this kind of a problem, our children cannot pay their fees. Our animals have no market and all animal markets are not selling. We request, through this House, that teachers do not chase students away. But, how will they not chase them away if there is no money? We would like the Government to increase the subsidies they refer to as the Free Primary Education Funds and Free Secondary Education Funds to our region during this period when our people are suffering due to drought.

Mr. Deputy Speaker, Sir, we need serious drought efforts to be put in place. I know that my colleagues have put in place an inter-ministerial group even though, as my colleagues have said, it has come too late. But it is better late than never. We would like this to be taken seriously and holistically in terms of water, food, fodder and school fees for our children.

We have made people in our country dependant on relief food. We do not encourage our people to farm. That dependency is not sustainable. We have now reduced the food allocations that we used to give to our people. If you see the way food is given, it is very haphazard. We would like the Ministry of State for Special Programmes to look at the affected areas and address the food deficiency.

The Ministry of Agriculture and the Ministry of Livestock Development have officers in every region in this country. In every village, you will find an extension officer. However, whatever they do is questionable. We only hear about buying food. Buying food should not be in our culture. We should encourage our people to farm. We should buy maize from our people and not import. We are in a serious crisis and unless we act now, we will face a disaster. The Government should take this matter seriously. What we are saying here is not a talk show. We would like the Government to walk the talk.

I beg to support.

Mr. Linturi: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute and support this Motion. Sometimes, I am lost for words to express myself when it comes to matters that seem obvious, especially when we have a Government that is supposed to be planning for this country.

Famine is not a new phenomenon in this country. The Prime Minister gave a speech in this House on the looming disaster associated with the effects of *La Nina*. I would have expected the Government to have taken serious steps to prepare itself because this is a matter that was expected. It is very surprising to find that our Government does not have a serious clear policy, mechanisms and a clear structure on how to fight famine. I would like to take this chance to advise the Government to take this matter seriously. The money that is always set aside to buy relief food should be used to enact a long-term policy on who to mitigate this problem. We need to encourage our farmers and guarantee them good prices for the various food stuffs that are grown in this country. When farmers produce a lot of food which is not bought by the Government or it goes bad in their stores, they are very discouraged.

Last month, I visited Egypt and I was meant to understand that country has not had rain for the last three or four decades. That country depends on River Nile for irrigation and she is able to feed her people. Time has come when we must teach Kenyans how to fish and not just give them fish. Recognizing that we have just passed a new Constitution which gives Kenyans so much rights, I want to remind the Government that it must prepare for very serious litigation. Article 43(c) on Economic and Social Rights provides that every Kenyan has a right to access quality food and water. So, it is no longer a privilege, but a right for every Kenyan. So, those Kenyans who are facing serious hunger should not die. They can petition the courts to issue orders to the Government to provide them with food. This way, we will be in line in implementing the new Constitution, which must be implemented in both letter and spirit. This is the time that I believe that the Government must come alive to these facts and work towards realizing the dreams that came with the passage of the new Constitution.

It is also very discouraging to find that Government priorities are sometimes upside down. I cannot understand why a factory like the KMC is located in Nairobi when it should be either in North Eastern or another area where livestock is kept, so that the farmers can take their animals there. Such factories should be located in those areas. In the next Budget, the Government should set aside money to tap rain water and dig dams in areas where there are adequate rivers, so that we can store enough water and provide it to the farmers for irrigation. It should also set aside money to buy food from the farmers and store it, so that, every time, we do not have to respond to this matter as an emergency.

With those remarks, I support.

Mr. Bahari: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I want to thank the Mover of the Motion for bringing the Motion at the right time and the Members for supporting it very strongly and unanimously.

As much as possible, I want to avoid what the previous speakers have said and, perhaps, cover areas that have not been addressed. Like everybody else has said, drought is not new to us. It has happened before and has been very severe in the past. It is more severe every other time because of the climatic changes. This should not be an emergency in any way because it is something we are aware of. We ought to have planned how to mitigate this. The problem is that as soon as we are through with a drought, we tend to forget what has happened and go in a different direction until we are caught on the wrong footing again. This is due to lack of accountability.

Mr. Deputy Speaker, Sir, if you pick your constituency, since you are my neighbour, there are areas where water tankering have been done for now about five to six years. This has become routine. If you go and do water tankering again and another year you do the same, that is a very serious matter. There is somebody who is not doing his job. It is high time we started making people accountable. Human beings need a bit of pushing sometimes. There must be some sanctions for human beings to act. A lot of times we go to the Mosque or the Church because we are told that if you do not do this, there will be sanctions awaiting you thereafter. Therefore, move in to obey. It is time we started moving along those lines. This is very wrong. The relevant Departmental Committee must look at the areas where they have been doing water tankering for a long time and make the Ministry responsible. Why are you continuing to do water tankering in this area? It is, therefore, important that we hold all people accountable.

Under emergencies, a lot of resources have been allocated. Accountability needs to be enhanced during emergencies. Under emergencies, there has been a lot of misappropriations and misuse of public funds. Indeed, the Ministers responsible are here and I can see the Deputy Leader of Government Business. I know the Members of the Public Accounts Committee are also here. We need a special audit on all the emergencies. As soon as we are through, there is need for a special audit report by the Controller and Auditor-General, so that we can ensure that there is transparency and people are not out to enrich themselves out of some of these programmes.

Mr. Deputy Speaker, Sir, when you go to other countries and see how they cope with arid situations, you wonder why we are even given relief food. The only reason is that we have not applied ourselves to the issue properly. The one responsible and at the helm of mobilizing the population to feed themselves is the Government. That is why we are in leadership and in the positions that we have been appointed to by the public. You wonder where the aridity is in the first place. There is no place in this country that is arid if resources are put into use properly. We must get out of this.

I want to mention two issues. The desperate movements by the pastoralists, left, right and centre, cause a lot of insecurity. This aspect of insecurity must also be tackled. For example, in my constituency, we have recently had a few cases of insecurity. We are trying to talk to the people who are involved, but this aspect should be addressed together with the issue of livestock diseases. It comes from all those movements, and it undermines the ability of the pastoralists to cope with the drought. Right now, the Meteorological Department has projected---

Mr. Deputy Speaker: Time up, hon. Bahari!

Mr. Bahari: Mr. Deputy Speaker, Sir, with those remarks, I beg to support.

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Deputy Speaker, Sir, I thank you for giving me this opportunity.

I wish to support the Motion and say that drought is a phenomenon of climate change. Many people have not realised that climate change is with us. We have been told by scientists time and again that climate change is, indeed, with Kenya as it is with many other countries. It was only recently that we were in Mexico to talk about climate change. A year ago, we were in Copenhagen. Those of us who were in Copenhagen or Mexico heard horrifying stories about climate change.

Mr. Deputy Speaker, Sir, as Members of Parliament, we ought to educate our people that climate change is real, and we must do everything possible to mitigate its effects. So, it is not an issue of fire fighting. It is not an issue of Kenya having hunger. We must prepare ourselves during budgeting to ensure that we have mitigation programmes to deal with hunger. Last year, we had more rain than ever before. Where I come from, we had more than three times the amount of rainfall that we usually get. As a result of that rainfall, we had a lot of maize produced.

However, as a Government, we were not even prepared to receive the maize from farmers, or to enable the farmers to keep maize under cover. So, we had a lot of rot. Many farmers throughout the country have lost maize because of rot, not to mention the fact that there is no space within the NCPB to receive the maize that farmers have produced. I was in Kitale last week. I went to Moi's Bridge, where I saw a six-kilometre queue of lorries waiting to deliver maize to the NCPB depot. The maize we produced last year is---

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I am a bit at a loss. I am wondering whether the hon. Member is still a Minister of Government, because he is lamenting more than the rest of us. I thought his job should be to sit in the Cabinet and make all the right decisions in terms of ensuring that maize is delivered to NCPB stores.

Mr. Deputy Speaker: Hon. Minister, you are, indeed, part of the collective responsibility of the Government!

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Deputy Speaker, Sir, I want to tell my colleague that in the Cabinet, I have said the same things I am saying here today. I am saying that we, as a Government, must realise that climate change is with us, and that we should put measures in place to make sure that we mitigate the effects of climate change.

I was saying that the maize that was delivered to the NCPB depots at Moi's Bridge and Kitale last year has not been moved to any other place. We produce maize, which we expect to go to Lodwar and other places.

Mr. Deputy Speaker: Order, Minister! You are the Government!

The Minister for Forestry and Wildlife (Mr. Wekesa): Mr. Deputy Speaker, Sir, I am part of the Government. I am sharing this with my colleagues. We must be prepared. We cannot act as if we do not know.

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister, who is a Member of the Executive, to confuse his roles? The role of the Executive is to execute, and not to talk. If all of us are going to talk, who is going to do the execution?

Mr. Deputy Speaker: Dr. Wekesa, hon. Bahari has, indeed, raised a very valid issue. It is not for the Government to come here and lament. I think that is a practice which must stop. You, as part of the Government, can only stand there and say "the Government will do this and that" for others to see how you are executing or implementing Government policies. It is not for Members of the Government to come and lament on how things are not being done right. So, if you have to share any information, share it with your colleagues in Cabinet meetings and elsewhere, and not in Parliament.

Proceed.

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Deputy Speaker, Sir, I also want to share my sentiments as Minister for Forestry and Wildlife. Drought affects our forests and wildlife. We lose a lot of animals during drought. It is for that reason that I am supporting this Motion.

With those remarks, I beg to support.

Mr. Deputy Speaker: Minister, would you want to respond to debate now or would you want to wait for one more hon. Member to contribute?

The Minister of State for Special Programmes (Ms. Mathenge): Mr. Deputy Speaker, Sir, I will do so after one more hon. Member has contributed.

Mr. Deputy Speaker: Very well!

Yes, hon. Koech!

Mr. Koech: Mr. Deputy Speaker, Sir, I want to fully support this Motion.

What we are debating here is not something new. Very recently, we witnessed the death of so many livestock from North Eastern, Upper Rift Valley and Upper Eastern regions. At that time, you could not pass the Athi River area, where the KMC factory is

located, because of the smell that was coming from the livestock that had died, leave alone the livestock that had died on the way to the KMC.

Mr. Deputy Speaker, Sir, it was only last year when the Prime Minister of the Republic of Kenya came here to share with the rest of Kenyans how the Government was prepared for the *La Nina* phenomenon. It is unfortunate that it is very clear that, although the Government of the Republic of Kenya knew that the drought was coming, it is not prepared for it. I want to remind the Government that the Constitution that every Kenyan has celebrated has given some rights to the citizens of this country. With the indulgence of the Chair, just to remind the Government what the people of Kenya are entitled to, I will read Article 43(1)(c), which says:-

“Every person has the right to be free from hunger and to have adequate food of acceptable quality”.

I would like to remind the Government that it is going to be responsible for every single death of Kenyan due to lack of food, courtesy of the current Constitution. As we talk about drought, we should appreciate that we have children who are yet to go to school. Even though there are children who have already gone to school, there is no learning which will take place on empty stomachs. I want to remind the Government that it is high time that it woke up.

Mr. Deputy Speaker, Sir, I really sympathise and empathise with the Cabinet Minister who was lamenting. We always lament. We have Papers written, especially on climate change, stating how the Government can mitigate the adverse effects. The Government has all those Papers. The problem we have is implementation of the same.

It is very clear that parts of this country have a very high potential in terms of food production, while others have a very high potential in terms of livestock production. I want to indicate that there should be clear incentives to farmers to ensure that farmers produce, and that whatever they produce has ready market. We must open KMC branches in areas where livestock is reared.

We need to open up Kenya Meat Commission (KMC) branches in the areas where livestock is kept so that farmers can access the market.

In areas where we grow other food crops, we must provide warehouses and stores and ensure that we provide incentives in the form of fertilizer and other farm inputs.

Mr. Deputy Speaker, Sir, it pains as I speak today that in the north Rift, as indicated earlier on, we had excess rains. It pains to note the reluctance of the Government to buy the maize. If you look at the HANSARD last year, every other Question has been on how to buy maize and protect the farmers of this nation. As I speak today, December 2008 was the last time the National Cereals and Produce Board (NCPB) bought maize from my area; Mosoriot and Kipkaren. The reason being given is that the stores were full with maize.

I know that yesterday the Minister for Agriculture and the Minister of State for Special Programmes were in my constituency at Mosoriot depot, though they did not bother inviting me, so that I could take care of the hon. Minister in my constituency. All they had gone to do there was to look at how to remove the maize from the stores so that the Government can buy maize from the farmers. This is the end of January. What has happened? We have delayed buying the maize and farmers have sold it at a big loss in order to take their children to school, yet the Government is intending to buy maize. Is

this the way to go? We must be ready and prepared to take care of the farmer if we really mean well.

Mr. Deputy Speaker, Sir, the Government has set aside only Kshs500 million to mop up the same. How many bags of maize is that going to buy? Will that be enough? I believe that is going to be enough to distribute only one kilogram of maize to every person in the dry areas. Where are we going to get the rest of the maize from? The Government must set aside enough money to ensure that we have this.

With those few remarks, I want the Government to declare this drought a national disaster.

Mr. Deputy Speaker: Hon. Members, please, note that even after the Minister responds, the debate is timed. The debate on this Motion is going to end at 11.15 a.m. Therefore, there would still be Members who will be given a chance to contribute.

Minister, please, proceed!

The Minister of State for Special Programmes (Ms. Mathenge): Mr. Deputy Speaker, Sir, I deeply feel what hon. Members are saying regarding this drought.

I wish to announce that in October last year, my Ministry gave a notice about what was to be expected from the month of December. The line Ministries were given details of what they should do to ensure that minimum lives and livestock are lost and how to mop up the maize that was cultivated by the farmers.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. While I appreciate what the Minister is trying to tell us, did you hear that she gave instructions requesting line Ministries to ensure “minimum lives are lost”? I could understand, “minimum livestock” but minimum lives! Not a single life of a Kenyan should be lost.

(Applause)

The Minister of State for Special Programmes (Ms. Mathenge): Mr. Deputy Speaker, Sir, I think it was a slip of the tongue. I know people die every day from other sources apart from hunger. So, excuse me if I said the wrong thing.

As you know, we feed one million Kenyans under the Protracted Relief and Recovery Programme and 1.6 million Kenyans are fed through the World Food Programme (WFP). We expect that in the next two to three months, this number will rise to five million. I want to assure hon. Members that as we were doing the tour yesterday, we wanted to ascertain whether the farmers have the maize. We have noticed that they have the maize and, therefore, we do not need to declare the drought a national disaster right now. What we need to do and we are doing is to mop up all the maize the farmers have produced and to create logistics so that all this maize can reach the hunger prone areas.

Mr. Deputy Speaker, Sir, unfortunately, if you look at the map of Kenya, most of the areas that are hunger stricken also have very poor infrastructure. That is another handicap that the Ministry has. I can, however, assure you that as we go to meet with His Excellency the President in the next few minutes, one of the requirements we are going to make is that the armed forces leave the barracks and help us to ensure the food reaches the needy areas.

(Applause)

Unfortunately, one of the things we have realized is that although we have food and we are delivering food, in many areas there is no water. In Turkana where I was yesterday, we were assured that 28 dams and pans had been dug in 2008 but only 13 are functioning. We want to know through the Ministry of Water and Irrigation what happened to the other 15 dams and pans. I hope they are going to brief me.

Mr. Deputy Speaker, Sir, we also want to do mitigation on a short term basis. This is to make sure that we have feeding points in all the functional water points so that anybody who is hungry; the old and children, can have food ferried to where they have easy access.

We also want to recommend to the Ministry of Finance and the Ministry of Livestock that farmers who have ranches buy livestock so that conflict between human beings and livestock because of water can be reduced.

The other things we are doing is increasing the school feeding programmes. We are doing this both in primary and secondary schools to ensure that no student is absent from school because of lack of food.

Mr. Deputy Speaker, Sir, I believe that with these programmes that we have put in place, we are not going to lose any lives. I hope that the relevant Members of Parliament can also help us educate the pastoral communities so that we can reduce the number of livestock kept. As the climate change comes, we have to change our lifestyles. If we do not do this, this will be happening year in, year out. I want to assure hon. Members that we do not want to call this drought a national disaster as yet because if you go to the north Rift and even parts of the south Rift, there is a lot of maize. We just need to work out the logistics so as to ensure that everybody gets food on their table.

I want the Minister for the Development of Northern Kenya and other Arid Areas to add a little on what he is doing.

Thank you.

The Minister of State for Development of Northern Kenya and other Arid Lands (Mr. I.E. Mohamed): Mr. Deputy Speaker, Sir, I would like to add a few things that hon. Members can expect---

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for one Minister to grant an opportunity to another Minister to contribute without the Chair even agreeing? Why is she taking your job?

Mr. Deputy Speaker: Order, Mr. Ethuro! It is in order!

Proceed, Minister!

Mr. Ethuro: Which procedure is that?

Mr. Deputy Speaker: Order, Mr. Ethuro! The Chair has been approached by the Minister that these are two Ministries concerned with the issue at hand. As responders, they have decided to split the time between themselves.

Proceed, Minister!

The Minister of State for Development of Northern Kenya and other Arid Lands (Mr. I.E. Mohamed): Mr. Deputy Speaker, Sir, I would like to brief hon. Members that one of the key roles of the Ministry of Development of Northern Kenya and other Arid Lands in this case of drought will be coordination. There is the early warning system to ensure that at the district level we have BAGs functioning.

I want to promise hon. Members that we will direct all BAGs to furnish you once every two weeks with all the resources that come to the ground and where the camps are. We will also do a national update that we will give to you.

Mr. Deputy Speaker, Sir, I want it to be known that the coordination is wide from the Ministry of State for Special Programmes, the Ministry of Water and Irrigation, the Ministry of Public Health, the Ministry of Education, the Ministry of Livestock and the Office of the President.

I also want to assure Members of Parliament because a number of contributors wondered what we are doing in the long-term. We are in the process of setting up the National Drought Management Authority that in the future will be looking towards the long-term mitigation and planning. In the next one year, there will be abattoirs in North Eastern, Upper Eastern and Upper Rift Valley, so that in future livestock will not die. So I am asking the hon. Members and the pastoralists that as we do this emergency and bring our act together, we urge that we try to make sure that pastoralists keep peace.

We should allow communities to move freely to where pasture is and to use their age old coping mechanisms. We should allow livestock movement where there is pasture so that things can be properly done. I want to inform hon. Members that when there is drought, conflicts do arise. We need to be able to sort them out quite quickly. Therefore, they should quite quickly approach the Ministry if they have a feeling that there might be conflicts as a result of drought.

With those few remarks, I want to assure hon. Members that they will be getting updates of what is happening.

Mr. Yakub: Thank you, Mr. Deputy Speaker, Sir. I wish to support the Motion. The issue of famine and drought actually concerns the Ministry of Water and Irrigation, the Ministry of Agriculture and the Ministry of Lands. This is the area whereby Kenyans are concerned especially the pastoralists on the issue of health, education and economy. We hope the Government will make sure, through its mechanisms, that not even a single human life will be lost. It is in the media almost every week that livestock are dying. The side effects---

(Dr. Nuh stood up in his place)

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. Even as I understand that the Minister of State for Special Programmes has a meeting with His Excellency the President, I think we ought to have even the Assistant Minister taking notes of what we are saying here. We are not contributing to this debate just to appease Kenyans out there. We want substantive things to be done. I think we expect the least should have been the Assistant Minister to be here.

Mr. Deputy Speaker: Order, Dr. Nuh! The Deputy Leader of the Government Business is here on the Floor of the House. The presumption is that he is there on behalf of the Government.

Proceed!

(Mr. Ethuro stood up in his place)

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. While I appreciate your ruling but for the Government side to demonstrate that this is an important matter, Assistant Ministers do not sit in the cabinet. If Cabinet Ministers have walked out for a meeting, we understand but the Assistant Ministers for all the Ministries relevant; Water and Irrigation, Northern Kenya and other Arid Areas and Agriculture, they must all be here---

An hon. Member: The Office of the President is here!

Mr. Ethuro: Given the rate at which the Deputy Leaders of Government Business are resigning, you never know whether this one can sustain the pressure again.

(Laughter)

Dr. Nuh: Thank you, Mr. Deputy Speaker, Sir. I have even been very observant and the Deputy Leader of Government Business has not been taking notes. He does not even have a pen. So trying to convince us that he is taking notes is just for convenience. We think that we are in the news for no good business.

Mr. Yakub: Mr. Deputy Speaker, Sir, the issue of famine and drought is not a new agenda in this country. In our area, we have two rivers; the Athi River and the Tana River. I think it is high time the Government utilized the water from the two rivers on irrigation so that it can reduce the dangers that we are suffering right now. Among the solutions, I think it is high time the Government came up with a solution on the issue of water harvesting, creating a special task force and expanding food storage throughout the country. It is also high time that the Government admitted that Kenyans are suffering. We are going to witness cases of child labour and migration to slum areas. We are also going to have a problem of power. We all know that our country depends on hydro-electric power. With the drought, we are going to have a lot of power shortages. This will also affect our industries. I hope the Government will take note of all these things.

With those few remarks I beg to support.

Mr. Chanzu: Thank you, Mr. Deputy Speaker, Sir. I rise to support the Motion. What we have heard this morning from the contributions of hon. Members and even the responses from the two Ministers is that we all know what to do but we do not know when to do it. I think the biggest problem is that there is no planning and now, the Government is reacting. What the Ministers have told us today, and I wish they were here, they are trying to tell us what they have got to do and the situation is already grave. So I think when people take jobs, they should be prepared to serve Kenyans. There is no point of going around with a flag that you are a Minister if you cannot do the job, as shown by the statement that was given here, which was actually written. It cannot be said to be a slip of the tongue because we are watching a certain number of people to die.

When a Minister talks of “minimum loss of human lives”, that shows that the statement is something that was prepared. Then they are saying that they are going to brief the President. They are not even listening to the comments that we are making here so that they can go and brief the President. We cannot run this country from the ivory tower. Even if you look at the issue of IDPs, a small thing, the Government has been unable to deal with this issue up to date. I think the Government created the Ministry to please the people of North Eastern or Northern Kenya. We have been having cases of flooding in Budalangi, are we going to create a Ministry in every place? We are saying

that all the related Ministries must come together and then give solutions to the problem rather than deal with the problems on piecemeal basis to please your own ego. We cannot have this. Right now, when you approach Nairobi by air, it appears to have a lot of drought. When you go to a place like Kisumu right now, sometimes it is difficult to land in the evening which means that there are water variables like what the Minister for Forestry and Wildlife was trying to allude to. We must be prepared for this because these changes can occur anywhere. So we cannot say that we are going to do this, we are going to do this in the next five months.

The other critical thing that I have seen here is this matter of politicizing unfortunate situations. The Minister said that they are going to give food rations so that they can be seen on TV that they are giving donations. We do not want to see that kind of thing on TV. We cannot wait for people to die and then we go there to give food rations. She is being seen in one place. She is not covering the whole country. We do not want the Ministers to tell us that we saw them on TV. I was even imagining something I have seen in America. America has got 14 Ministries and they are all specific.

We want the Ministries to be proactive. For instance, in America, we have 14 Ministries which have specific tasks. I think it is the high time we had Ministries with specific tasks. There are many Cabinet Papers which have been prepared on the issue of North Eastern Province. But what happened to their implementation? The Government here has failed. We should implement the transitional clauses of the new Constitution, so that we have Parliament working on its own to serve Kenyans properly.

With those few remarks, I beg to support.

The Minister of State for Defence (Mr. Haji): Mr. Deputy Speaker, Sir, I wish to support the Motion and, at the same time, concur with the two Ministers who spoke about this issue. It is true that the Government is seized of this issue. It was only last week when we had a special Cabinet meeting discussing no other agenda other than the drought. This morning, the President himself, because of his concern over the drought issue, is chairing a meeting of various concerned Ministers.

Mr. Deputy Speaker, Sir, I also want to concur with the sentiments expressed by Members of Parliament that we, as a country, should not be acting in panic year in, year out. The frequency of drought in this country has been more prevalent in recent times. We need to come up with a marshal plan when handling the issue of drought so that we deal with it in a manner which can mitigate the suffering of both human beings and livestock.

Mr. Deputy Speaker, Sir, I also concur with Mr. Yakub's sentiments that we have Tana River, Athi River and Dawa River, which drain their water into the sea without being utilised to benefit the people and livestock. I thought the defunct Interim Independence Boundaries Review Commission (IIBRC) would look into the issue of placing Northern Kenya three kilometres from Tana River because people do not do farming on the eastern side of the river. They only farm on the western side of it. We need to irrigate that area so that people from the Coast and those from Northern Kenya can benefit from the irrigation.

With those few remarks, I beg to support.

Dr. Nuh: Mr. Deputy Speaker, Sir, with all due respect to the Minister of State for Defence, we heard the response from the Minister for Special Programmes that they have been requesting the armed forces to play a key role in trying to distribute food to the

affected areas. Is he in order not even to mention what the role of the armed forces will be in this issue?

The Minister of State for Defence (Mr. Haji): Mr. Deputy Speaker, Sir, I actually stood up to talk about the role the army will play in this issue.

I have told the Committee which is meeting today under the chairmanship of His Excellency the President that we will avail 60 lorries to ferry food anywhere in the country. We will also provide carrier aeroplanes to take food to Marsabit, Moyale, Wajir, Turkana and other places where food is required.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I want to support this Motion. In supporting this Motion, I want to say in the strongest terms possible that we, as Members of Parliament from drought affected areas, cannot be reduced to Members who just lament about the food situation. We run from insecurity. We suffer drought and famine year in, year out and what we do is to lament. I want to accuse the Government. This Government needs to be sent packing. They need to go home. First and foremost, it is the responsibility of a Government to feed its citizens. The failure of food production in this country by farmers or pastoralists cannot be blamed for this situation. It is inability by the policies of the Government to put in place a framework that will ensure a continuous supply of food. It is really sad that the Ministers have left here. These Ministers go to the National and Cereals and Produce Boards (NCPB) stores to look at the maize and say there is no disaster. *Wanapeleka gorogoro ya mahindi* and then they say they are feeding Kenyans.

Mr. Deputy Speaker: Order! You cannot combine the two languages at the same time.

Mr. Ethuro: Mr. Deputy Speaker, Sir, even the great English Language allows a bit of Latin words.

What the Ministers have said is nothing new. These are stories you can read from anywhere. "We will do this and that. We will scale up school feeding programmes. We will increase food ration". The question we are asking as House is: Where was the Government all this time? Why did they allow drought and famine to reach such a crisis? We have attended international conferences on climate change. We have listened to statements made here by none other than the Prime Minister himself on the situation of *La Nina* and the state of preparedness by the State on how to respond to drought. The Ministry of State for Development Northern Kenya and Other Arid Lands has drought monitoring officers who issue bulletins known as Drought Early Warning Systems (DEWS). The Government has the information on the status of drought situation on monthly basis. What is the response to those warnings? That is why I can say without fear of contradiction that the Executive has gone to sleep. They are mismanaging the drought the way they are mismanaging the IDPs. Where is the Minister of State for Special Programmes? We have a very insensitive Minister. When decisions are made at the DSG level on the lead agencies to distribute relief food, the Minister and her staff sit in Nairobi and decide which organizations are good for us. We just got a new Constitution the other day. Section 43 of the new Constitution is very clear on social and economic rights. That food cannot only be provided, but must be provided in adequate quantities. For a Government to issue directives that you minimize livestock herds---! Who do you minimize? Which ones do you lose and which ones do you retain? We have maize farmers in the bread basket of this country such as Uasin Gishu and Trans Nzoia

suffering, including the Minister for Forestry and Wildlife, coming here to take over our jobs, when he should be telling us what to do. This is impunity.

Mr. Deputy Speaker, Sir, the other day, an hon. Member tabled a letter in this House where the American Ambassador was telling our own Government to accept maize being imported at a price of Kshs3,200 per bag and yet, we cannot pay our farmers even Kshs2,000 per bag. We are used to our Ministers shedding crocodile tears. I am happy hon. Kajwang is here. I want him to report me to the Prime Minister.

In 2007, Mr. Haji brought a Motion urging the Government to use the most recent statistics on poverty on the Constituencies Development Fund (CDF). That Motion was seconded by none other than Mr. Raila, the Prime Minister of the Republic now. As we speak now, they have challenged the CDF Poverty Indices in court. We are hearing; we are listening; our people will get to know which of these presidential candidates of 2012 is playing politics with our lives.

(Applause)

It could have been the Prime Minister then, it could be the President – fortunately the President is retiring – but for these others, we are going to take them to account on the basis of what they did to our people when they were hungry and thirsty.

Mr. Deputy Speaker, Sir, when John the Baptist was preaching to the Israelites and the children of Israel were bragging that they were the children of God, John the Baptist told them: “You brood of vipers! Even from these stones I will get my own children!”

With those few remarks, I beg to support.

[Mr. Deputy Speaker left the Chair]

[Mr. Speaker took the Chair]

Mr. Farah: Mr. Speaker, Sir, thank you. I want to join my colleagues in the House here who have gone to very great lengths to tell this country and the Government how serious the situation is. I have just come from a section in my own constituency and I have also had an opportunity to travel through two other constituencies that are affected by the drought. The situation is very bad. It has become a tradition for our Government to respond to situations and not to plan ahead. For two months now, we have been telling the Government how serious the situation is. Animals are dying now and we will expect people to die if adequate measures are not undertaken.

I do not see this Government taking adequate measures in time to alleviate the problem because of the history of droughts, disasters and calamities in this country. That is because the people in the Government system have always played corruption with the lives of Kenyans.

(Applause)

All the maize we have right now in North Rift should be purchased immediately. History has shown us that they will not purchase that maize. Instead, they will go and look for

maize that is infected with aflatoxins from South Africa and other parts of the world, to try and make money out of it. We are telling the Government that this time is different. This time is different! Kenyans will not accept it; hon. Members will not accept it and the Minister had better watch out. We need the Government immediately, as a matter of urgency, to declare that there is a national disaster. There is no prevarication or procrastination on that because the situation is widespread.

Secondly, students are not able to go secondary schools and the Government must, as a matter of urgency, immediately announce that all students should remain in schools. Headmasters or principals should not send away students because of lack of fees. When I was going to school in the early 1970s myself, we had a similar disaster in 1971. The late President Kenyatta said that no student from the affected areas should be chased away from school because of lack of fees. We expect the Government to do that now, in the very least.

Mr. Speaker, Sir, the Livestock Department has not come out with an off-take programme even now. They are waiting for the animals to die. Why can the Government not say immediately how much money is available for the off-take programme, so that livestock owners can sell their livestock before they die and slaughter it for the people themselves? We expect that in the course of a few days or the next hours - whichever is possible – for that to be done. We do not want the World Food Programme (WFP) aid that comes from outside. That food contains Genetically Modified Organisms (GMO). We have our own food! The food must start moving, as a matter of urgency, from the silos and stores in the North Rift now. We have to see the Government moving in the next couple of hours. There should be mobilization. There should be statements by the President and the Prime Minister. All the Government Ministries should start mobilizing and move out there to pick the food and take it to the people.

(Applause)

Last time, the Armed Forces did some work. But what did they do? We had only two vehicles for a whole district and a constituency and each one of them was only a five-tonner. We want the Government to act collectively and show us real determination, concern and action and not Passats.

Finally, farmers who have produced excess grains must be motivated. Experience has shown us that we tend to buy much more expensive cereals – twice as much expensive – from outside, where the quality is the worst. We buy GMOs. The GMOs are not good for our people. Give the right prices to those farmers in the North Rift!

(Applause)

With those few remarks, I beg to support.

Mr. Speaker: Hon. Members, we have actually run out of time for this Motion but, because of apparent interest, we will take a few more but not more than five.

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Mr. Speaker, Sir, I would like to support this Motion and express my sympathies with Kenyans who are suffering today. I come from a food zone and we have no stores

for our food. It is very sad! I would like to support what the Minister has said. It is time the Armed Forces were mobilized to do what they must do.

It has always been known that Kenya is 20 per cent productive and 80 per cent arid and semi-arid. The question has always been: Why are we rushing at the very last minute when we should have been planning? I would like to support those who have said that we must plan. We must plan with food security in mind because there is need for us to take care of the whole chain from the producers to the consumers. I only came from Eldoret three days ago and as I left, there was one kilometre of vehicles trying to queue or fight to access the gate of the National Cereals and Produce Board (NCPB) depot to sell their maize. We also have the same problem with wheat. Our wheat has not been bought, and the question you ask yourself when you see on TV that there are people who are suffering is: Why is there no connection between them and us? In fact, at one point, I remember somebody calling and saying: "Can we talk to the counties directly and sell our produce to them directly?" This is so because there seems to be no systematic way in which we can collect this food and make it reach Kenyans. It is a pity that Kenyans who pay taxes--- They are not on duty free or tax free status within this country. So, they pay for the very taxes that we are using to subsidize fertilizers. Those are the taxes that they should be enjoying.

There is also something that is bothering the farmers. They have started to feel dissatisfied. If you watched Citizen TV yesterday, farmers are changing from producing food crops to other crops. In my own constituency, one third of the farms that were under maize have been converted to passion fruit, which is being sold in Uganda. That is because our marketing is still very bad. Also, in the Citizen TV, there was a crop called Artemisia which is taking over the maize zone and if we do not watch out, we are going to lose our farming area to export crops or any other crops that can be consumed. That is because 20 per cent of the farmland is being diminished either by buildings and towns that are growing or by export crops. It is the same area that is now exporting flowers and so, unless we plan so that we secure that area and ensure that we produce food for this nation, it is going to be a disaster.

Mr. Speaker, Sir, when the Budget was read in June 2010, some of us raised the issue of behaving like Malawi and we insisted that this country must have one single agenda. The first agenda was to feed our people. But it is very sad that every year when the drought comes, we are still worrying about the population that cannot exist. It is a population that we know what it requires and yet, it cannot receive food. I am glad that the Minister of State for Special Programmes has raised an issue that seems to have been ignored for a very long time. The fact that the infrastructure in the same area is a disaster-- Even if we had to have linkages between the counties that produce and the ones that would like to have food, there is no way you can go to some of these areas and sell the food. So, there is no businessman who will be interested in transporting any crop from Trans Nzoia to Turkana because of infrastructure. So, this must be 100 per cent the role of the Government. I really believe that it is something that is doable. We should do it! This 80 per cent land that is productive in this country should be used to produce enough for all of us. It is possible to do that.

I think our weakest link is in the planning, and the responsible Ministers must take this, including the statements that were made by the Ministers very seriously and ensure that there is clear planning. We must plan with the farmer in mind so that the

farmer can produce, because right now, that area is being diminished. There is no way I can convince my farmers in Uasin Gishu to switch back to maize from passion fruit, because they are getting better returns. There is no way you will convince the farmer in Trans Nzoia to come back to the food crops unless there is a very clear plan. When they have the crop, like we have right now, if we have them in our stores, which are not well aerated, we are even losing more of the crop that has been produced, which is another area that needs planning.

The Government and the responsible Ministers, as they have confessed today, must really ensure that whatever has been produced is preserved and protected from destruction so that we do not lose what is produced from the less than 16 per cent of the land area which was originally 20 per cent. We are seriously losing our productive land! This is not an area that we can debate about more than act. We really need to act and I would like to support that the army be mobilized and this announcement be made so that the farmers who still have their crops in their stores may surrender them to the National Cereals and Produce Board (NCPB) at the earliest tomorrow, so that they can be useful to Kenyans. What will be the use when we have food in the stores and others are dying? We will only be talking of weevils having enjoyed our food crops while other people are suffering.

I beg to support.

Dr. Nuh: Mr. Speaker, Sir, as I support this Motion, I am a bit at a loss when the Government says that it cannot still declare this a national disaster. We get worried and we ask; when does the Government declare a national disaster? Kenyans have already started dying and I do not know whether they want to count the deaths of Kenyans in millions before this Government can consider the drought situation to be a disaster indeed.

Mr. Speaker, Sir, it has become apparent that this Government is very good at talking of programs and projects that they want to avail to Kenyans, but very poor when it comes to implementation. More than a month ago, the Prime Minister himself stood in this House and said that because of the *La Nina* effect, a drought was expected and that this Government was geared towards ensuring that it is mitigated and no life is lost.

Mr. Speaker, Sir, just a week ago, you heard Permanent Secretaries and Ministers joy-riding in the northern region in choppers, purportedly trying to assess the situation of the drought. They even came back again and misled his Excellency the President that the drought situation is not at a stage so critical that this Government should declare it a national disaster. It is pathetic!

Mr. Speaker, Sir, given the efforts of a disgruntled Cabinet; a Cabinet that is not so well co-ordinated, we are even afraid that we will continue losing lives. Even when they say that the line Ministries are co-ordinated; that they are going to share responsibility, it seems to us the Back Benchers that they want to share blame. That when one life is lost and when cattle are dying, you hear the Minister for Livestock blaming the Treasury; and then you hear the Minister of State for Special Programs blaming the Treasury and the Ministry of Agriculture. Then the Ministry of Agriculture will blame the Ministry of Water and Irrigation that they were unable to provide. This Government is not serious! Even now, presently, the key Ministries have been absent for the better part of this debate and they want us to believe that the Government is doing something.

Mr. Speaker, Sir, we are told that the granaries are full and that maize is abundant in the Rift Valley. A bag of maize in the Rift Valley is not feeding the poor peasant in Bura who is suffering! We are told that because there is maize in the Rift Valley, we should not expect people in Bura to die! Even the Minister comes here and laments that the infrastructure is so pathetic that they are unable to deliver the maize and that they have not set the logistics well to distribute this food. It is now that they are crying to the armed forces and the other agencies to come in and help, and yet one month ago, they knew that there would be a drought and they did not do anything about it.

Mr. Speaker, Sir, the Ministry of Water and Irrigation called us a week ago to ask us of our priorities. The Ministry has been transporting water in tankers to more than 17 villages in Bura Constituency year in, year out, for the last 20 years, and they come here to ask me again what my priorities are when they well know and they have officials on the ground! They promised to avail a vehicle in every constituency and, currently, the water boozier that was in the larger Tana River District has no tyres for the last six months. They are talking of procuring a new vehicle when the vehicle we have in place is lacking tyres. It just needs Kshs200, 000 and it will be up and running and providing water to the people who are suffering.

Mr. Speaker, Sir, it is about a Government that is not serious; it is not about resources! They should not complain that there is no money in the Treasury. They have money abundantly! It is only that they do not want to co-ordinate their efforts. May be, because the anti-graft war is so much geared in the linings, then the only place to dine and eat is when there is haphazard co-ordination and you have Kenyans suffering. Then, they would say that we put a shilling here and a shilling there, so that even the audit becomes very difficult in the after effects of what has happened.

If this Government is waiting to cash in on the disaster and extend the monies to the corrupt so that even it becomes very difficult to assess how much money was spent, then they should be very serious and they should know that we are watching.

Mr. Speaker, Sir, this Government should do something and, in fact, I would even urge the Ministry of Forestry and Wildlife that because of the drought situation, they should be in a position to afford some substantial parts of the reserves and parks to livestock, otherwise you will have a disaster because we will go for the elephant if we have nothing to eat. So, they have to make sure that our livestock are well so that we do not feed on the antelopes.

Thank you.

Mr. Speaker: The hon. Member for Kathiani!

Mr. Shakeel: On a point of order, Mr. Speaker, Sir. Bearing in mind the interest that this Motion is generating and the fact that you said that you will give time to four speakers, I would like to urge you to kindly consider reducing the time so that more of us could contribute.

Mr. Speaker: Very well! The hon. Member for Kathiani has heard you!

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): Thank you, Mr. Speaker, Sir. I will try to be as brief as possible. I stand to support this Motion.

Mr. Speaker, Sir, people fail to plan; you do not plan to fail. If we had planned properly, this would not have happened. We know that 80 per cent of this country is semi-arid. The Government has given the resources. There are those people who are supposed to be implementing Government policies. What they should be looking at is:

Are these policies being implemented the way they should be implemented by those people? Again, as a country, we should also get our priorities right. We know what is happening to our country; we are busy running all over the country doing politics instead of thinking of how to feed our people. It is high time that we all concentrated on ensuring that our people are well fed.

Mr. Speaker, Sir, it is a bit sad; in Ukambani, we harvested a lot of maize, but a lot of it got wasted with aflatoxins. We asked the Government to buy our maize. Our maize was being bought at either Kshs1, 500 and a price was set at Kshs1, 500 when most of the food had already been destroyed. What I would like to ask the Government - I am also part of the Government— we should be able to ensure that whatever we produce in this country is taken and is well taken care of. Like in Ukambani, we do not have enough food storage facilities. If we had places to store the food, our food would not have gotten spoilt. It is sad that our people are now going to die of hunger because our food got spoilt.

Mr. Speaker, Sir, we are talking about north eastern. As much as I support the Motion that the people of north eastern should be helped, we should also look at Ukambani in a month's time. The drought has already started and people in Ukambani will soon be dying of hunger. Therefore, we should be able to plan properly to ensure, first of all, that as a priority, people are fed. I do not see why people are saying that now we are running around trying to make sure that our people are fed. We should not be seeing people in Turkana dying! The first people to die are children. You know, these men – I am sorry to say so – they can go around and find a way of feeding themselves. They can eat nyama choma and all that.

Mr. Speaker, Sir, if there are any lorries that are supposed to get out, let them get out now and take food to the women and children of north eastern and also eastern regions. Now it is the dry season. The Government should concentrate on doing dams now so that when the rains come, these dams are filled with water.

(Applause)

I want to say that as a country, let us get our priorities right and let us plan. If we do not plan properly, we will continue year in, year out, talking about drought. A nation should be able to feed its people. How is the nation going to be able to feed its people? A nation will be able to feed its people by ensuring that these people have the right tools and mechanisms to produce the food to feed themselves. The Government cannot come and give you food in a plate, but it can give you the proper way to ensure that you are able to produce food. Let us plan as Kenyans and not fail to plan.

Thank you, Mr. Speaker, Sir.

Mr. Shakeel: Thank you, Mr. Speaker, Sir. I am very grateful. I do not want to repeat what has been said, but I was in Kisumu over the weekend and it was raining very heavily in western Kenya. When we are there we forget that, perhaps, there are other places that have drought. That is the typical problem that we have. As long as it is raining in one area we forget that North Eastern Province and other areas are experiencing drought.

Mr. Speaker, Sir, this country is talking about putting together Kshs4.7 billion to provide defence for our Kenyans who are going to the ICC, yet I have not heard of

putting aside even Kshs1 billion for strategic food reserves. We were told by the Right hon. Prime Minister that we were increasing our strategic stocks. I have heard nothing since about our strategic stocks increasing by 50 or 20 per cent or whatever.

People are starving in northern Kenya. I saw some people the other day eating water lilies, yet we have the Nile Treaty and we are talking about building dams. We cannot build dams because some people have not been doing their work to make sure that we have money with which to build dams.

Mr. Speaker, Sir, even the pharaoh, at the time of Moses, was able to plan for famine, yet several centuries later we are in an even worse situation than the pharaoh of Egypt, who had granaries of food. I am just wondering where we are going. We may have lorries, but the cost of petrol is excessive. Lorries are not available. Then there are the bulk grain handling people, who are making a lot of profits when they bring grain into this country. I think that is why they want us to use their systems. Why can we not put aside Kshs1 billion tomorrow and make sure that every single bag of maize that is produced in this country is purchased and stored.

Thank you, Mr. Speaker, Sir.

The Minister for Nairobi Metropolitan Development (Mr. Githae): Thank you, Mr. Speaker, Sir, for giving me this opportunity. I support the Motion.

It is sad that yet again we are here talking about drought, starvation and death of livestock. The curse of Kenya is maize. Maize is grown in areas that are not suitable for growing the crop. In Kenya, there are only two areas where maize should be grown, namely in Kitale and Trans Nzoia. Those are the maize growing zones. No wonder that they have got so much maize that they do not even know what to do with it.

The Minister for Forestry and Wildlife, Dr. Wekesa, has more than 20,000 bags in his store. The issue is not lack of food. It is more of a distribution problem, and that is what we should be tackling. There are areas with so much maize. There are areas where it is still raining, as Mr. Shakeel has just informed us here. What we need to tackle is distribution. The National Cereals and Produce Board should purchase all the maize that is in Trans Nzoia and Kitale. This should be done immediately so that this food can be distributed to the areas that do not have food.

Mr. Speaker, Sir, the curse of this country is maize because we stopped growing our traditional foods. We used to grow cassava but we no longer do that. We used to grow millet, cow peas, sweet potatoes and *ndengu*, which is my favourite food. When you start growing---

Mr. Speaker: Order, Member for Ndia! I thought in the Ninth Parliament you said your favourite food was rats.

(Laughter)

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Speaker, Sir, I was completely misunderstood. What I said was that we should go back to our traditional foods; that is the solution. Nutritional foods include other kinds of meat. We should also partake of the same.

Mr. Speaker, Sir, what I am saying is that we need, as a matter of urgency, to tell our peasant farmers the right crop to plant. For example, last year we had a bumper harvest in Ukambani after a period of 10 years. Going by history it means they will get

another bumper harvest after 10 years. So, for nine years, whatever the plans, it will be a total loss. We know that place is suitable for growing cassava, millet, cowpeas and other traditional food crops. That is the solution.

Mr. Speaker, Sir, we also need, as a country, to make a decision. Spain is drier than Kenya, yet they have got more water than they need. This is because they made a policy that ensures that not a single drop of water enters the Mediterranean Sea, and they have succeeded in that. They only have two rivers in the whole country. After every five kilometers, there is a dam. Therefore, after four years all the dams were full. They have got so much water they do not know what to do with it.

Here we are building dams that cost Kshs1 billion. We do not require dams that cost Kshs1 billion to build. If you go to Mr. Ndambuki's place, in Kaiti, and you will see that he has built a dam at a cost of Kshs7 million, which is bigger than the dams we are building for Kshs1 billion. If you divide Kshs1 billion by about Kshs7 million you can get 1,000 small dams. That is the solution and not these mega dams we are talking about. The solution is with us.

Mr. Speaker, Sir, coming to the arid and semi-arid areas, we should copy the policy of the colonial government. They used to set a maximum number of livestock for a given location, so that you could only keep 10,000 cows or 20,000 goats in a certain location. If there was excess, they would order the sale of the excess livestock, because that was the solution. The livestock we have cannot be sustained by the area that produces grass. That is the solution.

Mr. Speaker: Mr. Githae, your time is up.

The Minister for Nairobi Metropolitan Development (Mr. Githae): Thank you, Mr. Speaker, Sir.

Mr. Wamalwa: Thank you, Mr. Speaker, Sir. I rise to support the Motion. It is a matter of supreme irony that in the constituency of the Mover of this Motion, my good friend, hon. Keynan, people are starving because there is no food and in my constituency, as hon. Githae said, there is more food that we know what to do with. It is a matter of great irony, yet I would not agree with my friends who have argued that we should declare this a national disaster now. This is because this will give an excuse to those who are already prepared to import food. They are only waiting for the words "national disaster" and they will be off importing food. Kenya is a land of plenty. We have plenty of food enough to feed this nation and even export. But when we are told that at Moi's Bridge, the silos are full and farmers cannot bring in their crop, yet a few kilometres away, in Muyanga (Bumula), there are silos that are empty and have not been operational for a while and the Minister for Agriculture had been asked to operationalize these silos and has not done so to date. It is absurd that this cannot be done. The crop is still in the fields and all they need to do is to put the right logistics in place to ensure that we empty the silos in Moi's Bridge, Kitale and Eldoret and transport this food up north to hon. Keynan's and other constituencies where people are starving. This will create room for other farmers in Kitale, like Dr. Wekesa, to bring in his 20,000 bags.

Mr. Speaker, Sir, it is a very serious matter and if only the Government moved with speed--- I am happy that the Minister of State for Defence has said that the military is moving in. We cannot be told that there are no trucks to transport this maize to Ukambani and North Eastern, when we have many trucks in barracks that are lying idle and carrier aircraft that can actually lift tonnes and tonnes of food. We should not be told

that they are thinking about this or they are going to have a meeting today to decide. This should have been done like yesterday for this food to be transported to those Kenyans who are starving. We know that as we speak we are not planning for the next planting season. In Kitale, as we speak today, the fertilizer prices have started skyrocketing when the Government had assured us that we would get fertilizer at Kshs2,000. Today, if you to go to a shop, fertilizer is already going for Kshs4,000. Last year before the intervention of the Government a bag of fertilizer was going for Kshs6,000. Unless the Government does something about that today, we will see the prices of fertilizer going back to Kshs6,000. Unless we intervene now and start giving farmers the opportunity to get inputs at affordable prices, then we will be again planning to fail next year. We will be told that there is hunger and we have not produced enough, when the farmers have the capacity to do so. So, those who have delivered must be paid. We should have a policy of cash-on-delivery to give an incentive to farmers, so that when they bring their crop they are paid the same day. That crop should be transferred out of those silos as we speak today.

Mr. Speaker, Sir, I am urging that the necessary logistics be put in place so that after exhausting the cereals that are available locally in this country, only then, if Kenyans are still starving, should we declare a national disaster.

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

Mr. Speaker: Order, hon. Members! That then brings us to the close of this Motion. Those of you who are left, I have noticed are seasoned Members of Parliament and you can still speak to that matter in the next business on the Order Paper.

Hon. Members, before we move to the next Order, I have the following Communication to make.

COMMUNICATION FROM THE CHAIR

WORKSHOP FOR MPs ON HIV/AIDS

Mr. Speaker: I wish to announce to the whole House that there will be a workshop for Members of Parliament on HIV/AIDS which has been organized by the National AIDS Control Council (NACC) at Mombasa North Coast, beginning from 28th January, 2011. Members are expected to leave for Mombasa on Thursday 27th January, 2011 and return to Nairobi on 29th January, 2011. In case Members prefer specific schedules for their flights to and from Mombasa, they should submit the same to the Office of the Clerk by midday Thursday 27th January, 2011. The earlier the better since we are going to, perhaps, go on a short recess. Those of you who can should submit your preferred schedules to the Clerk before you depart from Nairobi.

I would like to urge all Members to attend this very important workshop since the HIV/AIDS scourge has adversely affected the whole country. I am aware that all Members are gravely concerned about this matter. Moreover, Members are patrons of their respective constituency AIDS control committees (CACCs). The importance of your participation and attendance at this workshop cannot, therefore, be overemphasized.

Thank you.

We will now take the next Order!

MOTION FOR ADJOURNMENT

ADJOURNMENT TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I beg to move the following Motion.

THAT, this House do adjourn until Tuesday, 1st February, 2011.

Mr. Speaker, Sir, let me start by wishing the Members of this House and yourself a happy new year, this being my first time to take the Floor. I also wish to thank the Members for having interrupted their recess upon being called to come and do some national duty of passing or discussing some very critical constitutional implementation Bills which we all expected to be available for discussion. However, as Members will remember, the Minister for Justice, National Cohesion and Constitutional Affairs pleaded with the House for permission to withdraw those Bills yesterday. He explained the circumstances under which we have had to withdraw those Bills; because of the consultation that is required between the Commission that has been formed by this House and the various Committees and the Ministry, so that we have the Bills coming in the proper sequence.

Mr. Speaker, Sir, as Members will also be aware, according to our Standing Orders, when a special session is called, it can only discuss the special matters for which it has been called. This was mainly the constitutional bills and other matters related to the implementation of the Constitution. That being the case, even when we met in the House Business Committee yesterday, it was very difficult to allocate any other business except the special business for which the special session had been called. We are now faced with this situation; that we need to get that special business to mature before it can then be brought on the Floor of this House. It is a blessing in disguise that Members will now have an opportunity to get back to their constituencies and finish some of the matters that were pending, including the special matter that was the subject of discussion this morning; how we can at the constituency level sort out the issues related to the drought affecting our constituencies. Members will also prepare for the dams that require desilting, the Constituencies Development Fund (CDF) meetings that require to do those programmes and monitoring the feeding of our people.

Mr. Speaker, Sir, we were all prepared and thought that we would have the constitutional Bills in place. We set up the Constitution Implementation Committee (CIC) which also needs to have time. We do not want to have any Bill being challenged in future; that it came to the House before the CIC had an opportunity to look at it. We believe that between now and 1st February, 2011, all that will have been done. The Bills will have been published and by the time we come to this House, Parliament will not be seen to be legislating in vain, because whatever will be legislated will be within the legal and logical sequence of things.

Mr. Speaker, Sir, I do not need to belabor this point because I would like to give hon. Members an opportunity to discuss this matter. You had indicated that those who had not contributed should take advantage of this and contribute on the drought situation.

With those few remarks, I beg to move and ask Dr. Khalwale, who was very passionate about this matter in the House Business Committee (HBC) to second this Motion.

Dr. Khalwale: Mr. Speaker, Sir, I would like to thank the Deputy Leader of Government Business for recognizing that there is need for us to join hands as the Back Bench and the Front Bench in addressing the issue of the law. You have demonstrated in the last three years that you are a stickler for parliamentary procedure. Therefore, much as I am personally very disappointed for having been recalled and now I am being asked to go back, which has interfered with my plans, I must support the Government and the Speaker because the provision of the law under our Standing Orders is very clear. We can only transact special business. That is why we were recalled prematurely. Because that special business was about the constitutional Bills and we all know what happened yesterday, it is only sensible that we do not sit in this House and start playing to the gallery, trying to transact irrelevant business, important as it may be, when we know that, that is not provided for in the Standing Orders. It is for this reason that I not only support this Motion, but also choose to second this Motion and request my fellow Back-benchers that we allow this period so that the Government can put its house in order. Then we will come back and transact that special business.

However, because I have this opportunity, allow me to appeal to my colleagues, Members of Parliament. The one week-and-a-half that we will be at home will give us opportunity to not only listen to our constituents, but also the rest of Kenyans. Whereas particular constituencies have unique positions that they take on various national issues, Kenyans as a whole are the ones we are supposed to serve with utmost respect. I have in mind the issue of the drought that has just been discussed this morning. Kenyans are wondering how the Government can lack money to buy maize from our farmers so that we can deal with the issue of hunger and yet the same Government is prepared to shamelessly spend Kshs4.7 billion in defending the people who are suspected to have perpetrated the post-election violence. Kenyans are saying that that money should be put to good use and not to foot the bills for the defence of those six Kenyans. This does not in any way mean that we do not like our colleagues who are faced with this threat of the International Criminal Court (ICC). However, when the Budget was presented in this House, there was no single Vote which this Parliament passed that provided that this money is put aside to serve that role.

Secondly, Kenyans have been watching as we, Members of Parliament, bash the Kenya Anti-Corruption Commission (KACC) led by Prof. Lumumba. Hon. Members, let us think about it. Kenyans think that Prof. Lumumba is moving in the right direction. We should all be behind him so that we reinforce the fight against corruption. You are aware that the Ministry of Education has gone out of its way to ensure that children from poor families are assisted to access national schools. Kenyans must also have an opportunity of hearing Members of Parliament not only supporting Prof. Ongeru on this move, but also telling him the truth. The children in private schools who are now being left in limbo are also Kenyans. They passed their exams---

Mr. Speaker: Your time is up, Member for Ikolomani!

Dr. Khalwale: Thank you, Mr. Speaker, Sir. I second the Motion.

(Question proposed)

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Thank you, Mr. Speaker, Sir. I wish to support the Motion on the Adjournment. It fits in very well with the programmes that some of us had because we feel that there was a bit of interruption. You know we normally come back in March or February. I hope that when we come back we will focus on preparing legislation that will support the process of elections. This is because time is running out and there is a number of legislation that requires to be passed to put in place, particularly, devolved governments.

I hope that hon. Members will spend this recess to continue asking the country to reconcile. It will be encouraging to see a number of meetings taking place and people talking about reconciliation. Let me also say that this break will give us an opportunity to continue pushing the Government to take action on drought. The time to act is now and the time to lament is over. The plight of our people is very serious and particularly the people living in pastoralist areas. They are very much affected by this drought.

In the area of education, in my constituency, which has less stress, I am accommodating very many children. A number of children have run away from Samburu East Constituency and we have serious congestion in our schools. A school in Maralal that normally accommodates 1,200 children now accommodates 3,000 children. We need to consider providing facilities for the pastoralist children. This is a very urgent matter that should be considered within the context of a national disaster. A number of children will miss opportunities in secondary schools because they are unable to pay school fees. I urge the team that will deal with drought to consider providing some resources to enable the waiving of school fees in secondary schools. That team should also supply food to the secondary schools.

Mr. Speaker, Sir, with regard to the movement of pastoralists to areas that have plenty of grass, there is need to provide mobile clinics to deal with the health and sanitation issues. I am saying this because it is very important to take care of the health of people since they come from all directions.

Mr. Speaker, Sir, it is also critical to provide resources. The Treasury should release resources immediately to deal with repairs of boreholes where there is plenty of grass. I have in mind a place like Laikipia where people are moving in from Samburu, Baringo and Isiolo. The supply of water tanks is extremely necessary. I know we will always talk about lack of resources. However, the other day, we were encouraged to know that the Ministry of Water and Irrigation has prepared a budget of Kshs1.4 billion in that respect. Surely, that is a very small percentage of our national budget. What is required right now is action because all the information is available. We hope to take advantage of this recess to push the bureaucracy into action.

Finally, I would like to thank the people of Kirinyaga, Nyandarua and Laikipia for hosting pastoralists in their districts at this moment of hardship. I would also like to thank President Museveni of Uganda for allowing Kenyan pastoralists to move there to graze their animals.

With those remarks, I beg to support.

Mr. Mwathi: Thank you, Mr. Speaker, Sir. I stand to support this Motion, though with a heavy heart. For us to have come to this House yesterday and to have a Motion of Adjournment today is a clear indication of disorganization in some quarters. We have all

left our work because we were not just sitting at home. We had taken off to do business in our constituencies only to be called back for a few minutes. To spend public money for the sitting allowances and not transact much business is regrettable at this time when we are talking about the drought. We ask for organization from the side of the Government and call upon my good friend, the Minister for Justice, National Cohesion and Constitutional Affairs, Mr. M. Kilonzo, who is not here, to advise the Government properly next time. I am not sure but I take it that on 1st February, up to which we will adjourn, the business will be sorted out. If it is not, we will bash the same side of the Government as we are doing today. Probably, we will do it much more.

Having said that, I want to talk about two issues which are very pertinent. The first issue is about the drought. I wanted to contribute to this earlier but I could not get time. I can now contribute to the issue since I have the time. I was looking at a country like Egypt. I had a chance to go there recently and saw the lifeline of Egypt. It is the River Nile which comes from East Africa. I think we have a share of River Nile because we contribute water to Lake Victoria. The country is perpetually in drought, if we consider drought to be dryness. However, as we talk, the people of Egypt have enough to put on their plates and even to export. If we compare that with the situation of the Government of Kenya, you will see that it is disorganized. Do not be disorganized. This time when you called us, you had no business to transact. Organize your house so that the floods in Budalangi are not going to ask for our reaction. We must be proactive this time. What will we do? What will the Government do to contain the floods in a positive way? That water, instead of destroying the lives of innocent people, should be planned for well in advance to produce food or any other activity that can address the issue of drought. The same applies to Tana River. The waters of Tana River are always flowing into the Indian Ocean as we watch. There is not much we are doing at the Tana River. Later on, we will start crying about the drought. What are we doing with the water that we receive by virtue of our location, being near the equator - free of charge - and yet, we are letting it go?

Finally, it is time for the Government and, especially, the Ministry of Water and Irrigation and related Ministries to put in place strategies and plans at the forefront. Let us not react. Let us be proactive.

Allow me to address one issue. I hope that the Attorney-General is listening because he was consulting loudly. Allow me to ask the Attorney-General and the relevant arms of the Government to operationalize and actualize the Copy Right Act. We have so many artists and many musicians who come from Limuru and other parts of Kenya.

Mr. Speaker: Order! Member for Limuru, could you resume your seat for a minute? This is, perhaps, for the benefit of all other Members.

If you look at your Order Paper, it says that we will have a Motion of Adjournment as at Order No.8. Members must speak strictly to that business. If you deviate and begin to talk about the Copy Right Act without relating it to the Motion of Adjournment, then you are in breach of the relevant rules. I want to refer you to Standing Order No.27 which governs us in the conduct of this Business. In Paragraph 3, it says:-

“The debate on a Motion under the Standing Order shall be confined to the matter of the Motion.”

This is mandatory. As I had said earlier, you are seasoned Members of Parliament and you can still speak on other matters. However, tie the matter in and make it relevant.

Hon. Member for Limuru, I am afraid you are irrelevant. So, you cannot address the matter of Copy Right because you have not related it to the Motion of Adjournment.

Proceed!

Mr. Mwathi: Much obliged, Mr. Speaker, Sir. I was hoping that the recess period for which we will proceed will be used to address those issues.

Mr. Speaker: Order! Member for Limuru, then you should have done that very easily. You should have said that you hope during this recess, the Attorney-General would use the break to do whatever; which you did not.

Mr. Mwathi: Mr. Speaker, Sir, I take your guidance. My next statement after what I said would have been exactly what you have said.

(Laughter)

Thank you. I support.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaissey): Thank you, Mr. Speaker, Sir, for giving me this opportunity. I stand to support this important Motion. We convened yesterday for a very important job of this House; to get the Constitution of this country running. So, we came to withdraw the two Bills so that they can follow the constitutional process. We are 24-hour workers of this country and the Government did not do anything wrong by putting that as one of the agenda. We are though with that and prepared to go back and tackle the issues that are affecting this country. They are very critical issues. One of the issues is about drought. It is unfortunate that I was not here this morning. I was attending a meeting organized by the Committee for the Implementation of the Constitution.

Mr. Speaker, Sir, drought is biting. We would like all the relevant Government Ministries to put in all the resources, taking into consideration the factors that will alleviate this problem. The 2009 drought wiped out about 80 per cent of the livestock in my constituency. We are still waiting for the promise by the Government to restock our animals, which has not yet been fulfilled. The drought is now biting in North Eastern and Eastern provinces. It is high time the Government looked into this issue and waived the Agricultural Finance Corporation (AFC) loans owed by these farmers.

Secondly, the issue of insecurity is prevalent in the country. The Government needs to address this issue. It is very important that the hon. Members go back to their constituencies to make sure that this issue is properly addressed and articulated.

I support the quota system that has been introduced by the Minister for Education. The ASAL areas have been marginalized and our children could not be admitted to national schools. The Minister has solved this imbalance. I support that and I want the Minister not to worry. We will support him and we want him to stand by his decision.

I also want to support the Kenya Anti-Corruption Commission (KACC), which is doing a very good job. Dr. Lumumba is doing a remarkable job for this country and he needs to be supported. Those who fear the KACC do so because they are guilty. We have to save the resources of this country which have been plundered by thieves. Corruption and impunity---

Mr. Speaker: Order, Member for Kajiado Central! How is that connected to the Motion?

Mr. C. Kilonzo: On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Member for Kajiado Central, do you want to be informed by the Member for Yatta?

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Yes, Mr. Speaker, Sir.

Mr. C. Kilonzo: Mr. Speaker, Sir, I am very happy that the Assistant Minister has said that he supports KACC, in particular, Dr. Patrick Lumumba. I wish to inform him that, indeed, corruption is a big problem in this country and in particular, in his Ministry. That is where we have the biggest problem. So, as he addresses us, I hope he is aware that he has a problem in his own house.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Speaker, Sir, I will take that information very positively. It is the responsibility of Dr. Lumumba to find out if there are any corrupt practices in the Ministry of State for Defence. Everybody who is concerned should carry his own cross. We will not condone corruption even if it is in the Ministry of State for Defence. So, if Dr. Lumumba thinks that there is corruption in the Ministry of State for Defence, he is free to investigate.

Mrs. Noor: On a point of order, Mr. Speaker, Sir. Is hon. Nkaisserry in order to talk about issues which are not relevant to the Motion of Adjournment?

Mr. Speaker: That is valid!

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Speaker, Sir, we are adjourning so that we can go to address these issues and bring them to the House.

The other issue which I want the Members to address is the issue of the Internally Displaced Persons (IDPs). Before we adjourned, some money was set aside to deal with the issues of these unfortunate citizens. It is the right time for the concerned hon. Members to go to their constituencies and see to it that these citizens return to where they belong. Finally, I want to say something about the Constitution. There are several laws which need to be brought to the House, so that the implementation of this Constitution can be firm.

With those few remarks, I support.

Mr. Ogindo: Mr. Speaker, Sir, I rise to support the Motion with a heavy heart. I must say that the Government Business leadership has not assisted this House. We expect serious business at the Government leadership level. On many occasions when we come here to transact business, there is hobbling and mumbling about it. We were called here to pass Bills that will see full implementation of the new Constitution. However, we find an unprepared Government. The Government Business leadership should be reprimanded and refined. It is interesting to watch none other than the Leader of Government Business outside there going around preaching how this country should pull out of the International Criminal Court (ICC). This country just recently promulgated a new Constitution which seeks to bring to an end the era of impunity.

This recess needs to be used by the Members to calm themselves down. The single biggest job ahead of us is the implementation of the new Constitution. The new constitutional dispensation seeks to ensure that there is food security in this country. Each and every Government organ needs to look into these issues seriously.

The other thing is education. I want the Minister for Education to take this recess and go and reflect on the Ministry's policies. I want to disagree with the Members who have supported the quota system. We are seeing an administration---

Mr. Speaker: Order, Member for Rangwe! Your time is up!

The Minister for Public Health and Sanitation (Mrs. Mugo): Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Motion. I rise to support it. I want to thank the Members and also to wish them a very happy new year. I want to thank them for the spirit which we have displayed in our responsibility to implement this Constitution. Indeed, that is why we came when we were called. Now that we have withdrawn the Bills---

Mr. Ogindo: On a point of order, Mr. Speaker, Sir. I have reliably learnt that the Chair has denied me the rest of my time. I know it is in the light of the fact that the time for the debate is up. I wish you could consider refunding me my minutes.

Mr. Speaker: Order, Member for Rangwe! Mr. Speaker does not compute time or press the bell. When I see a red light, I know your time is up. I did see a red light. So, please, stick with it as it is. Accept it and please, remain in peace.

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Speaker, Sir, I commend the Members for the spirit to implement the Constitution; a responsibility we undertook to perform and I believe we are doing it. I also commend the Executive for getting us here quickly, so that we could withdraw those Bills and move the process forward.

I want to urge the Members that during this recess, we can deal with those very important issues which are affecting our country and, of course, one of them is drought. We, as leaders, must lead from the front. It is not just a responsibility of the Government or somebody else, but it is our responsibility to lead from the front and make sure that our communities do not perish because of lack of food. Indeed, we need to talk and also take some action.

Mr. Speaker, Sir, I would like to urge hon. Members that when they are on recess, especially this time, with this drought, we are going to have cases of cholera, because of lack of adequate water, or not knowing where the water emanates from. So, I want to ask hon. Members that as they are out there, they should work closely with our health facilities and health officers to educate our communities on how the incidents of cholera can be reduced. This can be done by asking them to boil their drinking water, or have the water treated by the public health officers who are on the ground.

I also want to inform my colleagues in the Government that we have a lot of aflatoxin affected maize filling all our silos all over the country. My Ministry has been to court and we have acquired destruction permits for this maize, especially in Embu, where we are holding over 31,000 bags of maize. If all this aflatoxin affected maize is destroyed in accordance with the court order as soon as possible, the Ministry of Agriculture and the Ministry of State for Special Programmes will be able to buy food from farmers and store it. We know that the Government has released enough money for purchase of maize.

We have seen that farmers have the maize. We do not need to bring in maize from outside the country. We have enough maize, but we also have to clear our silos and buy maize from farmers. I want to urge the National Cereals and Produce Board (NCPB) to act, because we have taken over four years to destroy some of this maize.

Mr. Speaker, Sir, I want to add my voice to that of other hon. Members in inviting hon. Members to attend the HIV/AIDS workshop in Mombasa, so that we can all be at the forefront in fighting this disease. After all, hon. Members are part of the Committees

that deal with HIV/AIDS on the ground. That way, we can all be reading from the same script.

With those remarks, I beg to support.

Mr. Speaker: Hon. Members, the time for this Motion is up but there have been many issues raised around the Ministry of Justice, National Cohesion and Constitutional Affairs. So, I will give the floor to the Minister for two minutes.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. M. Kilonzo): Mr. Speaker, Sir, I want to thank you and the House very much.

I want to inform the House that I have now received a 12-page dossier on the two Bills that the House very kindly allowed me to withdraw yesterday. I also want to inform the House, and the country, that in view of this material from the Commission on Implementation of the Constitution (CIC), I will be re-publishing the Bills, latest tomorrow. If I can, I will do it today. I am working on it. That is why I could not get to the House earlier. If I cannot finish today, I will be doing it tomorrow.

Mr. Speaker, Sir, following upon that, it is also fair that I inform the House that the Commission has also met this morning with Parliament's Constitution Implementation Oversight Committee. I have also spoken with the Chairman, and I am happy to say that we are now working unanimously. We are working with consensus.

With those remarks, I beg to support the Motion.

(Question put and agreed to)

ADJOURNMENT

Mr. Speaker: Hon. Members, given that there is no other business to transact this afternoon, the House will stand adjourned until Tuesday, 1st February, 2011 at 2.30 p.m.

The House rose at 12.25 p.m.