

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 22nd May, 2013

The House met at 2.30 p.m.

[Hon. Speaker (Mr. Muturi) in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

The Budget Implementation Review Report for the quarter 2011/2012 from the Office of the Controller of Budget.

The Annual Report and Accounts of Kenyatta National Hospital for the year ending 30th June, 2010.

The Annual Report and Accounts of the Kenya National Commission on Human Rights for the year ending 30th June, 2011.

The Annual Report and Accounts of the Kenya Ports Authority for the year ending 30th June, 2011.

Report of the Auditor-General on the Financial Statement of Kenya Maritime and Fisheries Research Institute for the year ending 30th June, 2011 and the certificate of the Auditor-General thereon.

The Annual Report and Accounts of the National Council for Science and Technology for the year ending 30th June, 2011.

Report of the Auditor-General on the Financial Statement of Kenya Power and Lighting Company Ltd. Rural Electrification Scheme for the year ending 30th June, 2006 and the certificate of the Auditor-General thereon.

Report of the Auditor-General on the Financial Statement of Kenya Power and Lighting Company Ltd. Rural Electrification Scheme for the year ending 30th June, 2004 and the certificate of the Auditor-General thereon.

Report of the Auditor-General on the Financial Statement of Kenya Railways Corporation for the year ending 30th June, 2011 and the certificate of the Auditor-General thereon.

The Annual Report and Accounts of the National Social Security Fund for the year ending 30th June, 2011.

(By hon. A.B. Duale)

STATEMENTS

HIRING OF JET FOR DEPUTY PRESIDENT'S VISIT

Hon. A.B.Duale: Thank you, Hon. Speaker, Sir. I want to make a Statement sought by Hon. David Ouma, the Member for Parliament for Ugenya, on the trip made by His Excellency the Deputy President from 16th May, 2013 to 19th May, 2013 to four African countries. I assure this House that I will make a very comprehensive Statement. I seek your indulgence that I am given the time to make the Statement.

Hon. Speaker, Sir, during the speech of His Excellency Uhuru Kenyatta, he laid emphasis on the direction and the priority of Kenyan foreign policy towards accelerating inter-Africa trade, the security and the stability of the African Continent. Thus the Head of State committed his Government to a policy that promotes inter-African trade, contributing to regional stability, peace, security and economic well-being among the nations of this continent.

The President has received a number of invitations from various African Heads of State to visit their countries with the aim of strengthening inter-African trade among other bilateral interests and in preparation for the African Union Summit scheduled to take place between 23rd and 27th of this month.

To advance this agenda, and in accordance with Article 147(1)(2) of the Constitution, the President instructed the Deputy President to travel and meet the Heads of State of four key African nations namely, Congo Brazaville, Gabon, Nigeria, Ghana and Algeria. However, the Algerian President was undergoing treatment, hence there was no visit to that country.

The Deputy President undertook the trip, as I have stated from 16th May to 19th May. The list of the delegation comprised of 14 persons who included the Deputy President and his Chief of Staff, four Members of Parliament nominated by the Majority Leaders of both the Senate and the National Assembly, a Protocol Officer from the Ministry of Foreign Affairs, three security officers, the Personal Assistant to the Deputy President, two Communication Officers, an accountant and a financial analyst from the Office of the Deputy President. I will table the full list of the delegation, which is in this folder, among other documents.

Hon. Speaker, Sir, noting that the trade between the East and West Africa is currently very low, and taking into account that Kenya is host to tens of thousands of refugees from Somalia, the purpose of the visit by the Deputy President to the four African nations was follows: One was to address the enormous economic and security challenges Somalia has posed to Kenya; it was necessary for Kenya to solicit support and influence of the African Union (AU) position in as far as the management of the Somali crisis is concerned. Specifically, the management and the mandate of AMISOM was to be enhanced and more resources made available to assist the Somali Government to set up a local administrative and governance structure under the IGAD framework.

Secondly, there are currently more than 600,000 refugees who have been residing in Kenya for more than a decade. Kenya will be pursuing the matter at the AU Summit that will be held in Addis Ababa between the 23rd and the 27th of this month. That is the coming weekend.

Third, the purpose of the visit of the Deputy President was to urge African nations to establish a rapid deployment force to firmly deal with the *Al Qaeda*, *Al Shabaab* and other terrorist networks within the horn of Africa and East Africa.

Fourth, was to enhance the capacity of AMISOM and form a local unit to stop the inflow of goods and arms mainly through the Port of Kismayo that were causing a lot of security instability to the northern part of Kenya.

Fifth, was effective security checks and an enhancement of the capacity of AMISOM to stop *Al Qaeda* elements from crossing into Kenya and affecting the economic growth of our country and hindering the implementation of the Jubilee Manifesto.

Sixth, His Excellency the President, hon. Uhuru Kenyatta, was in South Africa to consult with President Zuma and canvass for a regional position at the AU Summit in bringing stability to Somalia, to the East and the whole of African region. The President subsequently dispatched the Deputy President to further pursue the same agenda with other key members of the AU such as Nigeria and Ghana.

Seventh, was to establish a mechanism of African countries in enhancing inter-African trade and collaboration.

Eighth, was to work on the instruments of promoting regional investments and the growth of the private sector.

Hon. Speaker, the hon. Member for Ugenya wanted to know the benefits of the trip to the country. The visit by His Excellency the Deputy President from the outset was very successful in strengthening Kenya's bilateral relations with the visited African countries and advancing Kenya's trade interests in the West African region; in particular, and more specifically, the Deputy President was able to do the following, which are beneficial to this country: One, he secured the support of Kenya's position with respect to establishing a rapid deployment force to assist AMISOM in taming the terror networks within Somalia and at our borders.

Two, the Deputy President secured support for Kenya's position for AMISOM to set up a local governance structure within the southern part of Somalia, so as to eliminate the flow of arms and goods to southern Somalia, where the Kenya Defence Forces are based.

Three, the Deputy President's trip secured support for the Government of Kenya's proposed timetable for the repatriation of over one million refugees back to their country, and remove the strain and stress they have on the economy and security. That was a clear agenda that His Excellency the President was to table at the weekend's AU Summit.

Four, the Deputy President confirmed a meeting between President Kenyatta and Heads of State of Nigeria and Ghana within this year to fast track our bilateral business and investment agreement.

(Applause)

Five, the Deputy President and his team, which was composed of our economic counselors in Nigeria and Ghana, had enough information that was relevant for the Kenyan private sector – soon the Deputy President will be chairing the famous private sector round table meeting. In specific countries, for example in Nigeria, the Deputy

President with His Excellency the President of Nigeria, commissioned the joint economic co-operation agreement that would facilitate Kenyan products to access the Nigerian market, mainly horticulture, the dairy products and flowers that are in high demand in Abuja.

(Applause)

In Ghana, the Deputy President concluded, with His Excellency John Dramani Mahama, the President of the Republic of Ghana, the setting up of a Kenyan embassy in Accra, which has been outstanding for the last sixteen years.

In Congo Brazzaville, the Deputy President initiated a framework with His Excellency Dennis Nguesso of Congo Brazzaville, which is a home to the second largest forest in the world to establish an environment and climate change secretariat that was initially a project of the late Nobel Laureate Prof. Wangari Maathai and the Government of Congo. In Congo Brazzaville, there is a project that the late famous environmentalist, Wangari Maathai left and it is incumbent on the Government of Kenya to honour that brilliant environmentalist.

Let me come to the question of procurement of the means of transport. The documents I have here include letters from the Deputy President to the Clerk, the Speaker, the Leader of Majority Party, the Leader of Majority Party, Senate, seeking the approval of the four Members who were part of the delegation.

On procurement, the Government does not hide what it does. The Deputy President travelled to the four African nations in an aircraft Challenger 850, Bombardier, provided by the Vistajet, a private company based in Switzerland and has African partners all over the continent, including Nairobi. It is one of the biggest private jet companies in the world.

On the tendering process, the air travel service was sourced and procured competitively in accordance with Section 74 of the Public Procurement and Disposal Act of 2005 and the regulations of 2006. The procurement was conducted as follows - We want the country and Parliament to hear this.

One, the quotation was sourced from three service providers, who were pre-qualified by the Deputy President's Office. I will provide the list of the pre-qualified companies. One was ADC Development Corporation, which is the African partner of M/s Vistajet, and whose quotation for the entire trip was Kshs18,864,000 equivalent of US\$221,000, inclusive of all taxes, fees and charges. ,

Two, was a local company, Lady Lori Kenya Ltd, based at Wilson Airport, whose quote for the entire trip was Kshs19,728,744, equivalent to US\$234,866, excluding VAT and other fees.

Three was ABM Aviation, whose quote for the entire trip was Kshs28,440,720, equivalent to US\$338,308 for an 18-seater aircraft, and a similar quote of Kshs19,213,670, equivalent of US\$231,490 for a 12-seater aircraft, excluding VAT.

Hon. Speaker, Sir, a comparative quotation was provided by a local travel agency, indicating that the cost of the trip to the four African destinations using regular commercial flights would be Kshs21,060,270, equivalent to US\$247,767. Using this option, it would have taken more than six days to complete the same trip.

Therefore, the procurement committee recommended Vistajet East Africa, who won the tender, and to whom Local Service Order (LSO) No.0855010, dated 16th May, 2013 was issued.

Hon. Speaker, Sir, I want to make it very clear that until this moment no payment has been made, because under the procurement law, the Government has 30 days to pay. Sources out there, including the Nation Media Group, have reported that money has been wired to the service provider. They better tell the country whether the Nation Media Group has paid on behalf of the Deputy President, because as of today, no payment has been made.

I hereby table copies of the quotations from the three suppliers and the LSO, which is a legal document that was used to engage the service provider.

(Hon. A.B. Duale laid the documents on the Table)

Hon. Speaker, Sir, the hon. Member sought justification for the choice of means of travel. He asked why the Deputy President did not use commercial flights or the President's jet. The organising committee had considered the following matters, which informed the decision to settle for a hired aircraft for the tour of the Deputy President to the four African nations:

One, the trip to the four African nations was very urgent as the President felt that it was necessary to make contact with the African leaders ahead of the African Union Summit scheduled to take place from Thursday, 23rd May, 2013 to Monday, 27th May, 2013, where Kenya's agenda on Somalia had been prioritised.

Two, the Deputy President could not use the Presidential Jet as presidential State instruments are not transferable. You can also confirm that nobody can sit on the Chair of State in this Chamber. Even when Joe Biden goes round African countries, he cannot use Air Force One, because presidential instruments are not transferrable. Therefore, "Air Force One" of President Uhuru Kenyatta cannot be used by anybody else.

Three, the Government took into account the Deputy President's safety, security, timelines and convenience in accordance with office structure as per the Constitution. Article 147(1)(2) defines the structure of the Office of the Deputy President. So, his safety, comfort, time and convenience are matters provided for by the Constitution. We do not have the luxury of using a commercial airline and keeping the Deputy President in Gabon and Nigeria for 14 days, when he can do his work in three days.

Four, for the record, there are no direct flights from Kenya to Congo. Further, there are no direct flights from Congo to Gabon or from Gabon to Nigeria.

Six, if the Deputy President used commercial flights, he would have had to travel back and forth, from each destination, to Nairobi, Dubai, Paris. This would have cost the taxpayer more money and taken close to 14 days.

Seven, it was necessary to have a flexible air travel solution as the trips of the Deputy President were made based on the diaries of the four Heads of State. He had no choice. He was not meeting ordinary Ministers or businessmen, he was meeting Heads of State and, therefore, he had to fit into their diaries.

Hon. Speaker, Sir, the Deputy President was hosted by the respective presidents. He was their State guest. Therefore, no taxpayers' money was used in the entire trip,

apart from meeting transport costs by the Government. No money was used on accommodation and subsistence on account of the Deputy President and the Members of Parliament who were on that trip.

I also want to confirm that there is no one year service contract between the Office of the Deputy President, representing the Government of Kenya, and Vistajet International's Zurich Office and their African partners. The aeroplane was hired on a one-off basis at a cost of Kshs18.5 million, and not Kshs25 million as alleged.

Hon. Speaker, Sir, I am going to table a one-year agreement between Vistajet International, Zurich, and their African partners. The Government of Kenya does not appear anywhere on that agreement. I will also table the invoice for Kshs18.5 million in respect of the hired jet, which is going to be paid by the Government of Kenya. Therefore, the document circulating in the media must be from the back streets. No wonder the Nation Media Group's sister station was closed down in Uganda. It was because of publishing fake documents.

I would like to emphasise that the visit by the Deputy President was undertaken in the best interests of our country. The choice of hiring the private aircraft was based on the fact that this was the most effective means of travel for the Deputy President on the particular trip. I hereby table a letter---

Hon. Mirenga: On a point of order, hon. Speaker, Sir. You have just heard the Leader of the Majority Party say that the document that is circulating is, of course, within the possession of Nation Media Group. Further to that, he alluded to the fact that he supports the closure of Nation Media Group's sister station in Uganda.

(Loud consultations)

Hon. Speaker, Sir, he actually said expressly that "no wonder the sister---" Is he in order?

An hon. Member: On a point of order, Hon. Speaker, Sir.

Hon. Speaker: No! No! Resume your seat! That is a point of argument, hon. Mirenga.

Leader of the Majority Party, continue.

Hon. A.B. Duale: Hon. Speaker, Sir, I want to read to the nation the letter from EADC Limited, the African partners of Vistajet. We must say the truth. This letter is written and copied to the Nation Media Group CEO. It reads:

"This is to clarify that the official invoice sent to the Office of the Deputy President of the amount of US\$221,000 equivalent of Kshs18,500,000--- We are not aware of any other invoice of a higher amount. This should not be regarded as an official invoice from EADC Limited. We confirm that there is no contract worth US\$1.2 million with the Office of the Deputy President or any other Government office in Kenya."

I want the Nation Media CEO and its Board of Directors to look at me in the eyes from the Floor and tell me that---

Hon. Speaker: Order, Leader of the Majority Party! Just address the House.

(Laughter)

Hon. A.B. Duale: Hon. Speaker, Sir, I wish to emphasize categorically that the visit by the Deputy President was undertaken in the best interests of our country. The choice of hiring a private jet for the trip was the most cost effective, timely and efficient means available under the circumstances. The procurement method used was procedural and above board. I hereby table a letter sent to the Nation Media Group from EADC Vitstajet, confirming that there was no contract worth Kshs.100 million between the company and the Kenya Government as the headlines stated on Sunday.

The letter further confirms that only the invoice for US\$221,000 was submitted to the Deputy President, and is yet to be paid. The Nation Media Group has chosen to ignore the letter and, indeed, decided to pursue a narrow, parochial, selfish, sectarian, warped and partisan agenda by peddling documents from the back streets.

I want the nation to know that the issue at hand is not just about the Deputy President. For comparison purposes, the former office of the Prime Minister travelled to various destinations around the world in the interests of Kenyans. A sample of a few of the destinations is hereby tabled. Between 8th April, 2011 and 22nd April, 2011 the Prime Minister led a delegation of Government officials to the USA and France. It cost the taxpayer Kshs32,122,620. On 3rd May, 2011 and---

Hon. Speaker: Leader of the Majority Party, there is a point of order. The hon. Member who is standing, that system is gone! You just press the button and I will see you. Resume your seat.

(Laughter)

Hon. Members: Analogue! Analogue!

Hon. Simba: On a point of order, hon. Speaker, Sir. I want to tell my colleagues that I am more digital than most of them.

Hon. Speaker: Go straight to your point of order. No side shows here! We must be serious in the House.

Hon. Simba: Hon. Speaker, Sir, will I be in order to ask the Leader of the Majority Party to table in the House the invitation to the four countries that were visited?

Hon. Speaker: There will be an opportunity for you to seek clarifications. That would have come in very well if you were seeking clarification.

Hon. A.B. Duale: Hon. Speaker, Sir, I was given questions by the hon. Member for Ugenya. I was not asked to bring the invitation letters. If given ten minutes, we have direct access to State House, I will bring them.

(Laughter)

Hon. Speaker, Sir, in May, 2011---

Hon. Mirenga: On a point of information, hon. Speaker, Sir. I wanted to let the Leader of the Majority Party know through you that we are aware that he is an errand boy on the other side. So, definitely he must have access to State House.

(Laughter)

Hon. A.B. Duale: Hon. Speaker, Sir, I want to repeat that it is good to be an errand boy of a sitting President and not an errand boy of a loser, who is on the streets.

(Laughter)

Hon. Outa: On a point of order, hon. Speaker, Sir. Would I be in order to ask the Leader of the Majority Party, who has been trying to present a lot of documents about the trip of the Deputy President, whom I love so much--- He skipped what he was asked, and instead went ahead to table a document that he was not asked to present. Would I be in order to ask him to give this House what he was asked for instead of diverting attention and trying to cover up issues concerning the trip by the Deputy President?

Hon. A.B. Duale: Hon. Speaker, Sir, the comparison I want to give many people do not want to hear it, but I have no choice. I am in the august House.

On 8th April, 2011, the former Prime Minister took a Government delegation to the USA and France. It cost the country Kshs32,122,620. On 6th May, 2011, the former Prime Minister took a delegation of Government officials for three days, it cost the taxpayers Kshs10,573,000. This was to Cape Town. Between 6th August, 2012 and 13th August, 2012 he took a delegation to the UK that cost the Government Kshs26,936,000. Finally, in November, 2012 from 15th to 21st he led a delegation to Malaysia and Korea. This cost the Government Kshs18 million.

Thank you, hon. Speaker, Sir. I am through with my Statement.

Hon. Ng'ongo: Hon. Speaker, Sir, I have listened to the Leader of the Majority Party make a presentation. However, I was wondering whether, in terms of relevance to the question before us--- He has been trying to justify some figures and even forgetting that the former Prime Minister he was talking about actually was a Prime Minister from 2008 to 2013; we have had a Deputy President for hardly two months and he has spent Kshs18 million on only one flight. I am even told that the Members of Parliament he went with are looking for their per diem from Parliament. Could the Leader of the Majority Party, if he wants to be fair to the question at hand, be kind enough to explain? When he talks about cost of visit, he needs to tell us what that cost is; what was the nature of that trip, so that we compare apples with apples? It is wrong for the Leader of the Majority Party to just talk of a visit to the USA or France. We need to know what was done there, so that we can see if the former Prime Minister misused the funds or he did not.

Hon. Speaker: What is your point of order? It looks like you are seeking clarification, which is okay. You can seek clarification because that is what essentially you are doing.

Hon. Ng'ongo: Hon. Speaker, Sir, I am not seeking clarification. My point of order is: When you make comments in this House, they should be relevant to the question at hand. As to the relevance, I thought the Leader of the Majority Party was economical with the functions of the two offices. You cannot do that unless you tell us the nature of the visits of both. He has explained the nature of the visit of the Deputy President, but he has not told us what the former Prime Minister went to do. Could he please compare apples with apples?

Hon. A.B. Duale: Hon. Speaker, Sir, my good friend, Hon. Ng'ongo is testing me. I have presented a very comprehensive Statement as sought by the Member for Ugenya. For the benefit of the country, I went through the last five years and I only picked three visits. This is only for comparison. Supplementary information is known to all hon. Members; if it is about cost, we have over Kshs32 million to the USA by the former Government. If he wants me to go to the breakdown, or the nitty gritty, of this I am at any time ready to present information if he seeks a Statement on the cost of travel by the former Prime Minister and Vice-President; unfortunately, I am not happy with the situation in which they are now because they lost their elections; I am ready to present that information.

Hon. Ochieng: Hon. Speaker, Sir, I want to start by thanking the Leader of the Majority Party for the information he has given us. To be fair, he has tried but he is mistaken in what he is trying to do because the questions we asked were so specific. I am surprised that he has gone round in circles talking about things that are not relevant. I have a few things to talk about based on what he has given us a few minutes ago, because I sought specific answers.

Hon. Speaker: This is another session for question and answer; you should seek clarification. I am sure you may have been an admirer of the former system, but I am sorry, it is gone. This is the current system. Please seek clarifications.

Hon. Ochieng: Hon. Speaker, Sir, I am well advised. I would like to know from the Leader of the Majority Party whether it was necessary for the Deputy President to travel to Nigeria to just fix a meeting between the President of Kenya and the President of Nigeria. I would like to know whether it was not possible for the President of this country to travel to Addis Ababa this week and have side meetings with his counterparts as it is done by other presidents when these kinds of meetings happen. It is normal when you are in meetings of this nature, like the one that took place in the week in Addis Ababa, for presidents to normally have meetings with their counterparts on the sidelines. I wonder what was so difficult for the Government to arrange this kind of meeting instead of having someone travelling out of the country, spending so much money from taxpayers to go and discuss things that could have been discussed within two to four minutes on the sidelines of the AU Summit in Addis Ababa. I have not got information because I was very specific and asked for the bids given; but I have only been told what they were. I have not got the bids; I wanted to know how this was procured. Can we get the document relating to the procurement; we want the three bids that we have been told about. Where are they? Can we be shown?

Hon. Speaker: Hon. Ochieng, the documents which he was reading have subsequently been tabled. That is the procedure used here. You may now resume your seat so that other people can seek further clarifications.

Hon. Linturi: Hon. Speaker, Sir, first let me thank the Leader of the Majority Party for that extensive report to the House with regard to the Deputy President's visit to the various African countries. Not having to dwell so much on what the trip achieved for this country, I want to take this opportunity as I seek clarification to also take serious exception to the behaviour of the Nation Media Group. Even though I respect the freedom of expression, I must also tell the NMG that freedom of expression does not

amount to propaganda or incitement. When I look at the history, these are the same people who were covering a demonstration live to incite this country against this House.

(Applause)

The front page headline of the newspaper compared to what the Leader of the Majority Party has taken the House through, in my view, amounts to inciting the Kenyan people against the Office of the Deputy President. The story has a lot of untruths.

I would like to seek a clarification from the Leader of the Majority Party. In view of this conduct, and in view of the fact that this House has an immense duty to make law that protects the rights of everyone, can the Leader of the Minority Party---

Hon. Members: No; it is the Leader of the Majority Party!

Hon. Linturi: I am used to being in the Opposition; I just feel very comfortable. Going by the Constitution, one of the Bills that we must be considering as a House is on the freedom of the media I want to know if he is bringing this law? We must make these people to account for whatever information they give to the public; it must be correct. At the end of the day, these people must be accountable. When are you bringing this law so that we can regulate them?

Hon. Speaker: Hon. Ganya, it is your chance.

Hon. Ganya: Thank you, hon. Speaker, Sir. I want to appreciate the Leader of the Majority Party for a very solid response that he has given. Being in the Opposition, I will get him into a meaningful engagement, and will not just oppose for the sake of it. I think that is cost effective.

This Jubilee Government, a coalition Government with two principals, do you not think it will be in order and cost effective to actually buy a private jet for the Deputy President?

Hon. Speaker: Hon. Joyce Emanikor.

Hon. (Ms.) Emanikor: Thank you, hon. Speaker, Sir. I would like to appreciate the elaborate Statement given by the Leader of the Majority Party and extend my appreciation to the Deputy President for the extensive work he did for this country.

The clarification I am seeking is whether it is permissible for this House to use inaccurate data, lack of knowledge and improper analysis disguise so as to micro-manage the Executive.

Hon. Speaker: Hon. Shidiye.

Hon. Shidiye: Thank you, hon. Speaker, Sir. The Deputy President did not go for a picnic. The Deputy President did not go for adventure. The Deputy President did not go for merrymaking. The Deputy President did not go for a cruise. The Deputy President was not a tourist. The Deputy President was on a State visit.

Hon. Speaker, Sir, we must appreciate that this is a new regime in which we have two new kids on the block, who are vibrant, very active and who need to bond with the global community. We are a global village and when we have a new President and a new Deputy President, we need to foster ties. This country is facing global threats, namely security and economic threats. Therefore, we need to touch base with other countries. We need to work on one on one. We must understand that we are not in the Opposition; being in the Government entails enjoying trappings of power. One of them is having that

private jet and you must appreciate that when you are in the Opposition the best you can do is, maybe, to use a bus or to go by other means. The good thing with trappings of power is that one month in power is better than five years in the Opposition. That we must appreciate.

Hon. Speaker, Sir, having said that, I want to seek clarification because time is of essence. I remember when the former President, hon. Daniel arap Moi, was bought a new jet by the Government, the whole country was in uproar, but today look at the advantages our President is enjoying. We have cut down costs. I want to seek a clarification. What would the Government through the Leader of the Majority do to buy a new jet? How much will it cost? How much of the taxpayers' money will be saved? These are the things we want to know from the Leader of the Majority Party.

Thank you, Hon. Speaker, Sir.

Hon. Speaker: Hon. Nkaissery.

Hon. (Maj-Gen.) Nkaissery: Thank you very much, hon. Speaker, Sir. I am very happy the Deputy President represented our country in what the Leader of the Majority Party has mentioned. That was a wonderful opportunity for this Government to really undertake official business, but you cannot go and look for support from West Africa for a rapid deployment force. You cannot do that and I will explain why. First, Nigeria itself is facing a problem with *Boko Haram* and there is no way they can send their troops here. Similarly, small countries like Gabon or Congo cannot and will not manage to do this.

However, let me say this. I want the Leader of Majority Party to tell Kenya the truth. You are the face of the Government and it will be very important for you to stand here, be specific and defend the Government. We are not criticising the Deputy President. In fact, we are very happy we are doing this; so, let me say this. You are quoting instruments of power, but you should not quote instruments of power if you do not understand them. Instruments of power include the command sword and the presidential seal. A jet is not an instrument of power. It is a simple vessel for transport and the Constitution is very clear.

Hon. Speaker: Hon. Nkaissery, you may resume your seat because you have started debating. Leader of the Majority Party respond to those five. I will have another five and then I will end that matter.

Hon. A.B. Duale: Hon. Speaker, Sir, I want to start with the hon. Member for Ugenya. One, as hon. Shidiye said, the Deputy President was in Nigeria and I want to confirm to you that this was part of the Statement I read. I will repeat that in Nigeria the Deputy President commissioned, with His Excellency Jonathan Goodluck of Nigeria, the Joint Economic Cooperation Agreement that will facilitate trade. That agreement was signed.

Two, I want the hon. Member for Ugenya to know that on the sidelines of conferences - I had the privilege of being in this Parliament last time and serving on a committee - Heads of State discuss what is not on their substantive agenda. The Kenyan agenda was substantive agenda; in the diplomatic circles you clearly lobby with powerful, small and medium size countries of the membership. So, when President Uhuru went to South Africa to visit President Zuma, and when we went to Arusha and met hon. Kikwete, the President of Tanzania, President Museveni of Uganda, President Goodluck

of Nigeria, President Mahama of Ghana, we were not ready to have a sideline discussions. We wanted support for the Kenyan agenda, which was substantive.

Hon. Linturi, thank you very much; I can assure you that I have written to the Speaker, the Attorney-General and the Government and said that all the Bills that have a constitutional timeline of August 27th this year, including the Freedom of the Media Bill, should be in this House in the next two weeks. I will undertake that.

I also want to tell the country that even M/s Vistajet the media was showing on television is not the one that the Deputy President used. What was shown was picked from an internet source. Shame on them! We, as a country, believe in the freedom of the Press, but we will not allow the media to violate the Bill of Rights in the Constitution. I am not talking of “in the media” but of Nation Media Group (NMG). They term hon. Members “greedy”. We cannot allow that.

Hon. Ganya, thank you very much. You said that the Opposition must make constructive criticism; where there is criticism we are ready; you asked whether we can buy a jet for the Deputy President. That is not for the Government to decide. It is for Parliament to decide. Parliament is the centre nerve of the Budget making process. If in your respective committees you reallocate money and give it to the Government, I can tell you that within three months the Deputy President will have a jet. It is not for him, but for the Government to decide.

Hon. Emanikor, thank you very much. You talked about the conflicting data. Hon. Shidiye, I agree with you. The Jubilee Government does not go on picnics. We do not travel as tourists. We will do that in our private capacities. We have families and we believe in family life. So, the President, the Deputy President and all of us will go on holidays only when they are available; when it is the Government, I think the President and the Deputy President have all the energy to really actualise the Jubilee manifesto.

Hon. Nkaissey should be in the House. I am sure the people of Kajiado Central must be seeing that he is seeking clarification and he does not want to listen. The people of Kajiado Central can listen on his behalf and he can get it from the HANSARD. It is within the AMISOM mandate for the Kenya Government to seek a rapid deployment force. The President of Nigeria---

Hon. Aluoch: On a point of order, hon. Speaker, Sir. I hate to have to interrupt the Leader of the Majority Party, but we have had occasion to caution him this afternoon that whatever he says, he should say it to the House. He keeps on repeating himself as if he is addressing an audience outside the House. Is that proper?

Hon. Speaker: Please repeat yourself!

Hon. Aluoch: Hon. Speaker, Sir, we have had occasion this afternoon to caution the Leader of the Majority that these are very serious issues and in addressing them, he should address the House and not an audience outside the House. He keeps on repeating himself. A few minutes ago, he was addressing the people of Kajiado Central. Is he proper?

Hon. Speaker: You are right, hon. Aluoch. Once a clarification has been sought, it becomes a property of the House. But, of course, the people of Kajiado Central and the rest of the country are at liberty to listen to what is being discussed.

Hon. A.B. Duale: Hon. Speaker, Sir, I said the people of Kajiado Central are watching like many other constituents, including the good people of Garissa Township,

Juja, Gatundu North and North Horr. Maj-Gen. Nkaissery said that the President and the Deputy President should not seek the support of the President of Nigeria. Nigeria contributes the highest number of forces to ECOWAS, who did a successful job in Sierra Leone, Liberia and Ivory Coast. We are seeking his support, so that at the AU Summit, the AMISOM forces can be expanded. You can be a general, doctor, lawyer, farmer or pastoralist like me, but when you come to the august House, you do not carry your career. You cannot use your career to intimidate other Members. Tomorrow, the lawyers will tell us that they are prominent lawyers and lead counsel. The doctors will say that they are the only ones who can contribute on health matters.

Members of this House, regardless of their professional backgrounds, can contribute on any issue and I am sure, AMISOM, IGAD, ECOWAS, SADC and the whole of the African Union when they meet this weekend--- We pray that they will support the substantive agenda that the President of the Republic of Kenya, the Leader of the Jubilee Coalition, will put on the table.

Hon. Speaker: I will allow five more and then the matter will end there.

Hon. (Ms.) Nyasuna: Hon. Speaker, Sir, I rise to seek clarification on a matter that is fundamental and worrying. Freedom of Press is an integral part of our democracy, and that is why we fought for many years to achieve freedom of the Press that we enjoy in this country today. While we demand accountability from the media - this House has also not been spared what has happened - this House cannot be seen as celebrating the impunity of the nature that we have seen in the closure of media houses in our neighbouring countries. Closure of media houses reminds us of the dark past that we have come from. This House must dissociate itself from any closure of media houses, or any acts that are seen as impeding freedom of Press. In all fairness, we must denounce the closure of media houses. We must stand up for the freedom of Press, even as we demand accountability from these media houses.

I hope that the sentiments expressed on the Floor of this House by the Majority Leader are not a reflection of what the Jubilee Government is thinking regarding freedom of the Press.

Hon. Ichung'wah: Thank you, hon. Speaker, Sir. I have two clarifications to seek from the Leader of the Majority Party. The genesis of the Statement sought by the Member for Ugenya was a newspaper article by the *Daily Nation* Newspaper and he has clearly told this House that what the newspaper reported was not accurate. Had the *Daily Nation* sought any kind of clarification from the Office of the Deputy President before they printed that article a few days ago? Secondly, yesterday when the Member for Ugenya was asking why the Deputy President could not use the Presidential Jet, he asked the Leader of the Majority Party to clarify to this House whether there are two governments in the Jubilee Government, one led by the President and the other led by the Deputy President.

It is important for the Leader of the Majority Party to make it very clear to this House, and, probably, to the Member for Ugenya and the nation at large that the Jubilee Government is one, led by His Excellency the President and deputized by hon. William Ruto, and that there are no two governments in Kenya. The era of the *nusu mkate* government is long gone.

Lastly, the Member for Ugenya, while addressing this House again this afternoon, has alluded to the fact that he may be desirous of being the one to be fixing the President's diary. The Leader of the Majority Party should also clarify to him that there are people who are employed by the Jubilee Government to fix appointments for the President and he does not need help from the Member for Ugenya.

Hon. Abass: Hon. Speaker, Sir, I want to thank the Leader of the Majority Party. For me, that was a comprehensive Statement. However, I have two clarifications to seek. One, among the countries that the Deputy President was to visit was Algeria. In his answer, the Leader of the Majority Party said that, that did not happen because the President of Algeria was not available. I am wondering whether these appointments were fixed mid-air. Were they not confirmed at the other end?

Secondly, yesterday, we asked about the roles of a Member of Parliament. In the delegation that accompanied the Deputy President were four Members of Parliament. Could the Leader of the Majority Party tell this House what their roles were? Were they to give company to the Deputy President or give him good stories?

Hon. Shill: Hon. Speaker, Sir, before I seek clarifications, I want this House to know that the issues that we are discussing about AMISOM and refugees are very critical. We have already 5,000 KDF officers who have reverted to AMISOM, and who are in the frontline. When the Deputy President asked for support from other African Union members, if you think that is not very important, then I am very sorry for you. We have half a million refugees in the Dadaab area and a total of 1 million refugees in this country.

Hon. Speaker: What do you want clarified?

Hon. Shill: Hon. Speaker, Sir, I am building up.

Hon. Speaker: But you cannot seek clarification like you are giving a lecture.

Hon. Shill: Hon. Speaker, Sir, after that visit, is there hope that these refugees will be relocated? We feel that they are too much on us.

Hon. Simba: Thank you, hon. Speaker, Sir. The Leader of the Majority Party should tell us whether there is any invitation letter from the four countries that the Deputy President visited. I would also like to know from the Leader of the Majority Party whether he has set his own examination, marked it for himself and failed it.

(Applause)

We need that clarification.

Hon. Speaker: Certainly, he may not clarify that he set the examination, marked and failed. Anyhow, let us get the next hon. Member.

Hon. (Ms.) Mbarire: Thank you, hon. Speaker, Sir. As the Leader of the Majority Party clarifies the role of the Members of Parliament who accompanied the Deputy President, I think it is important that this House knows that this is not the first time Members of Parliament have accompanied the Head of State or the Vice-President and Minister for Home Affairs; it has happened in the past, and now the Deputy President has done it. This has been happening unless we are saying that this House cannot participate in international matters, and that our role is just here. I think it is important that we allow the Executive to always choose whom they want to accompany them,

especially the Chairmen of Committees when they know that certain matters of their Committees will be discussed.

I want to go further. I do not know whether anyone of us saw the cartoon that was published today in one of the leading newspapers. We know very well that certain female Members of Parliament accompanied the Deputy President. That cartoon was in very bad taste. As a woman Member of Parliament, I feel thoroughly offended by that cartoon. That cartoon was showing ladies busy massaging the Deputy President. I am sorry to say this.

(Laughter)

I want a clarification from the Leader of the Majority Party. Do lady Members of Parliament have a right to participate in national matters, including accompanying the Head of State, the Deputy President or any other Cabinet Secretary whether of the opposite gender or not? Does our accompanying them mean other things? This could also mean that we will be sidelined from matters of national importance, because male Members will be scared of inviting us.

(Applause)

I demand an apology to all the female Members of Parliament because we are here in our own right. We did not come here to massage anybody; we are here as Members of Parliament. I demand that the Leader of the Majority Party seeks an apology from that media house. We want a gender-sensitive media and not people who look at us from the waist downwards instead of looking at us from the neck upwards. We are here in our own right as Members of Parliament.

Hon. Speaker: Hon. Members, the matter raised by Hon. Mbarire should be brought to the House properly, so that the House can express itself on it. This is because if we go the route of requiring the Leader of the Majority Party to seek an apology, yet female Members of Parliament are equal to their male counterparts--- I think the matter is not properly before the House, and so, it may not be appropriate for me to rule on it. Unfortunately, I have not in the recent past been reading cartoons. Therefore, I do not want to be misquoted.

Hon. Nuh: Hon. Speaker, Sir, I would like to seek a clarification but before that I really condemn what that cartoon was trying to portray. The Hon. Members who travelled can tell us better what happened.

(Laughter)

Hon. A.B. Duale: On a point of order, hon. Speaker, Sir. This House has rules; this is a House of hon. Members who have been elected by thousands of Kenyans. You really talked about the seriousness of the matter that was raised by Hon. Mbarire. Is it in order for a Member of Parliament to rise in this House and impute very bad motive on his own colleagues and support that? This Hon. Member must be named! It is very shameful and the Speaker should do that.

Hon. Nuh: Thank you, hon. Speaker, Sir. I take exception to the words of the Majority Leader. I was not imputing improper motive on anybody. I just condemned what the cartoon showed. I was only seeking clarification, so that the hon. Members can be exonerated, or they can tell us exactly what happened. Did the massaging take place or not? I just sought that clarification. I did not come up with any story.

(Several hon. Members stood up in their places)

Hon. Speaker: Hon. Members desiring to rise on points of order should make their request, so that we can see them.

Hon. Members: We have done that!

Hon. Speaker: But they are not showing!

Hon. Members: On a point of order, hon. Speaker, Sir.

Hon. (Ms.) Odhiambo-Mabona: On a point of order, hon. Speaker, Sir. Thank you for the opportunity. I have been pressing for a point of order for a while but I am glad you have said that it has not been showing.

Hon. Mbarire has raised a very important issue as she is concerned that a cartoon on the Nation media is depicting female Members massaging the Deputy President, hon. William Ruto. What I would like to know is that I have actually seen that cartoon and I am not too sure whether there is anything there that seems to suggest that those are female Members who were massaging. More fundamentally, hon. Cecily Mbarire is raising a concern of equality in this House. So, my concern is, if indeed they put female Members massaging Ruto, then I would want to demand from the Nation media that they put a photo of me being massaged by male members of Parliament, for equality purposes.

Hon. Speaker: Surely, hon. Millie Odhiambo---

(Loud Consultation)

Hon. Aden: Thank you very much hon. Speaker for the time. I rise to seek three clarifications.

Hon. Speaker: Please, we must now leave the issue of massaging. Surely, let us now go to the most serious business.

Hon. Aden: I must say thank you the Leader of Majority Party for the very elaborate and comprehensive statement he has made within the short period of time between yesterday and today.

The first clarification I have from the Leader of Majority Party is:-

Looking at the points in terms of the issues for the travel of the Deputy President, it is very clear that the Deputy President went to seek support for the war that Kenya is having with Somalia. I know this is a war that the President and the Deputy President have actually inherited. We had disturbances or elements of militia attacking us in different parts of the country and that necessitated the war.

Hon. Speaker, Sir, the town that my good brother, the Leader of Majority Party and myself come from have actually become battle zones since that war began in Somalia. Was it not wise for the two new principals who have come into office, first of

all, to take account of the effects or impact of the war on our local security before seeking to enhance the war in Somalia?

I think there are very many questions that people in Garissa and in many parts of Kenya are now asking themselves, are we any safer now than we were before the war in Somalia? So, we need to know before going to Nigeria, West Africa and Gabon where the able General has told us there may not be such capacity in terms of military to help us in any way in that war. First he should have understood the impact of this war.

Secondly, the Leader of Majority Party has passionately mentioned the issue of the Nation Media Group and to some extent he was almost justifying that what happened in our neighbouring countries is actually acceptable. I wanted to know whether we should tell our brothers in Nation Media to put away their servers before a raid happens on them any time in the near future.

I am seeking a clarification. I want to ensure that media freedom can never be compromised in this country and we should never try and head in that direction.

Finally, in Nigeria---

Hon. Speaker: No! No! You are now taking too long. This matter must come to an end in the next two minutes.

Hon. Aden: Hon. Speaker, I am seeking the last clarification, if you may allow me.

Hon. Speaker: No. You cannot give us a lecture. You have given us a long lecture.

Hon. Aden: My final clarification is about what the Leader of Majority Party mentioned that, the Deputy President went to sign an agreement in Nigeria. We know that agreements, once signed as stipulated in Article 26 of our Constitution, they actually become part of the laws that we use in this country. What was the nature of this agreement and was there any forum held in this country to justify its signing?

Thank you very much.

Hon. Speaker: Hon. Leader of Majority Party, you can now make your response.

Hon. A.B. Duale: Thank you, hon. Speaker. I want to start with my good friend, hon. Wangamati because there are some issues that the whole country needs to know. I want to say here very clearly that Article 33 is on freedom of expression and Article 34 is on freedom of the media. The Kenyan people in their wisdom, in 2010, passed these under the chapter on Bill of Rights and we as the Jubilee Government will respect that.

Secondly, I want to assure Kenyans and this House that – HANSARD will bear me out - the Nation Media will go all the way, that what has happened in Uganda, I did not say that. We respect the media and the Bill of Rights. But everybody including this august House must live within the confines of this.

I want to assure the nation that the documents displayed by the Nation Media are not authentic and they are not from the Government. That is what I have said and that is what I am going to tell this House.

Hon. Kimani sought a clarification on what happened to the Nation Media. When the story appeared in the Nation, the 100 million, I am sure the nation watched. The Permanent Secretary for Information made a clarification on behalf of the Government. The Nation Media decided to use their own documents and not the factual statements

given by the spokes persons of the Government, who is none other than the PS, Information.

I want to tell those who anticipate and those who are used to coalition; those who dream that one day the Jubilee Coalition will disintegrate, you have many years to see that. The coalition is solid under President Uhuru Kenyatta and, from the Floor of the House and as the Leader of Majority Party, the Jubilee is here to stay as a coalition both on the Floor of the House and out in Government to make sure that what they promised the people of Kenya is delivered.

Whether the hon. Member for Ugenya can fix an appointment, that is for the President. First he has to resign as a Member of Parliament and then apply and see whether his qualification can fit that of State House Comptroller. So, it is a long process.

With regard to what hon. Abass asked, yes, before the Deputy President was in Ghana, we were told of the condition of the President of Algeria and that is why the Deputy President did not meet him. So, communication was made from Ministry of Foreign Affairs and embassies. That is the agenda that the President will take to the African Union Summit of Heads of State, and we can only discuss it once it is disposed of by the Summit.

On the matter raised by my good friend from Dagoretti, I would like to state that I do not set exams. In all my life, I have done exams set by reputable institutions. I went to a school called Moi Forces Academy. I do not know which school he went to.

Hon. Speaker, Sir, I totally agree with what hon. Mbarire said. Women Members of Parliament must be respected within the confines of the Constitution. Whether one is a cartoonist or a spin master or a media person or a politician, the Bill of Rights also limits an individual's rights, especially when enjoyment of those rights infringes the rights of other people. So, the Bill of Rights protects each and every one of us. There are many committees of this House, including the Joint Committee on Parliamentary Broadcasting and Library, which can take up the matter and bring a Report to this House.

I think we should forgive hon. Junet because he is new in the House. In this House, we respect our colleagues. Our female colleagues in this House are our sisters. They represent our mothers and daughters. They represent the villages of this country. So, we respect them.

The matter raised by hon. Millie Odhiambo was for the other Members of Parliament. So, I cannot answer that one. That was an offer, and including myself---

Hon. Nuh: On a point of order, hon. Speaker, Sir. Is it in order for the Leader of the Majority Party to purport to forgive me for no mistake that I have committed? I have only condemned the cartoonist. I was saying that the hon. Members who travelled can give us more information as to what happened there.

Hon. Speaker: Hon. Junet, you are new to this House. I do not know what other job you may have done before you came here. Do not continue on that line. You are ridiculing the entire membership of the House by purporting to say that the female hon. Members who accompanied the Deputy President should explain. Of course, you know what you mean.

(Laughter)

So, honestly, do not go that route. It is not fair. It is demeaning to the House and to your colleague Members of Parliament of the opposite gender.

Leader of Majority Party, complete your responses.

Hon. A.B. Duale: Hon. Speaker, Sir, next is response to the matter raised by hon. Abdikadir, the Member for Mbalambala, whose people I had the privilege of representing in the Tenth Parliament. If you indulge me, I will be happy to say that they have elected a man of stature, who can do better work than I did. He asked about homeland security. I am sure that he knows what the Jubilee Government has done in Garissa. Today Garissa is a safe town. The problem of northern Kenya, comprising of Garissa, Mandera and Wajir counties; is interrelated with the situation in southern Somalia. That is the key agenda that His Excellency the President will table before IGAD Heads of State meeting.

I also want to assure hon. Abdikadir that the media is safe. We are only telling them that they cannot use fabricated documents to ruin the reputation of individuals and the Government. The Bill of Rights is very clear. Articles 33 and 34 give them that freedom but there are limits. What the Government is saying is that we have a communication strategy. Let us give the public factual information. Let us not give information on the basis of documents that are not authentic.

Finally, let me say that even when the Speaker goes on a tour, he has the discretion of seeking the company of Members of Parliament. There is nothing wrong with the President, the Deputy President, the Speaker of the National Assembly and the Speaker of the Senate seeking the company of hon. Members. During such tours, hon. Members will represent Parliament in the meetings that will ensue. As an hon. Member, one will be going there in one's capacity as a leader of this country. So, if Alice Ng'ang' missed a chance to go, he should ask me: "Please, make sure that I go next time", and that will be next week.

(Laughter)

Hon. Speaker: Yes, hon. David Wafula.

POINT OF ORDER

INTEGRITY OF NOMINATION PROCESS OF PRINCIPAL SECRETARIES

Hon. Wekesa: Thank you, hon. Speaker, Sir. I rise to seek a Statement from the Chairman of the Departmental Committee on Administration and National Security. I would like him to confirm to the House whether the allegations being made about the process of nomination of Principal Secretaries by the Public Service Commission are true. Secondly, I would like him to assure this House that the process was above board, free of corruption and nepotism.

Hon. Speaker: The next hon. Member seeking a Ministerial Statement is hon. Harrison Kombe.

CONFLICT BETWEEN SALT COMPANIES AND MAGARINI RESIDENTS

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Hon. Kombe: Thank you, hon. Speaker, Sir. I rise to seek an urgent Ministerial Statement from the Ministry of Lands, Housing and Urban Development on what plans it has to resolve the conflict between salt farms managements and the residents of Magarini Constituency. The Statement should state the action that is going to be taken against Crystalline Salt Company and Chem Salt Company. They are uprooting or destroying crops that belong to the indigenous residents of Magarini in Marereni and Kanagoni. Even as I speak now, the tractors are on the farmers uprooting cassava and maize. Bear in mind that this is our season for planting crops in that area.

The Statement should also explain how and why there was an illegal extension of the salt farms without considering which areas were suitable for salt processing and which ones were suitable for agriculture.

It should also indicate the plans to implement the Malindi Inquiry 2006 Report on human rights violations in Magarini Constituency.

It should also state how they plan to implement the Report by the Committee set up by the then Provincial Commissioner of Coast Province, Mr. Ernst Munyi. The Committee was headed by the then DC, Malindi, Madam Anne Ng'etich together with the then DO, Magarini who happens to be a Member of this House today, hon. ole Ntutu. We went round and identified areas suitable for both salt processing and agriculture. In that Report it was recommended that the agricultural land be reverted to the indigenous owners so that it can be used by the residents. The salt areas were given to the salt people.

Hon. Speaker: Hon. Kombe, you are giving a long history. Remember it is your colleague, whoever is the Chairperson of the relevant Departmental Committee, you are directing. Is it a clarification or a Statement? You know it is like you are making an address to your constituents. You are telling the House how you went round. How is the Chairman of that Committee going to know when you went round? Please, just demand the Statement and the Chairman will find out what it is that happened when you were going round.

Hon. Kombe: Hon. Speaker, Sir, I am pointing out the areas which need clear clarification as to what measures are going to be taken against these salt companies. In the recent past, a tractor was---

Hon. Speaker: Kindly seek a Statement.

Hon. Kombe: Yes, hon. Speaker, Sir. I am seeking a Statement. And what I want included are the measures that are going to be taken against the hired Administration Police who shot our people. What compensation is going to be given to those people?

Hon. Speaker, Sir, I also would like to have recommendations that will lead to---

Hon. Speaker: Hon. Kombe, could you, please, conclude?

Hon. Kombe: Hon. Speaker, Sir, these people need time to work on their farms without disturbance. Let there be a status quo.

Hon. Speaker: Kindly indicate which committee you want that matter referred to. This is because it is long and winding.

Hon. Kombe: It is going to the Ministry of Lands, Housing and Urban Development.

Hon. Speaker: Who is the chairperson of that Committee? Is he in the Chamber? Hon. Wafula, to which Committee was yours directed? The Administration and National Security Committee. Is the Chairperson in the Chamber?

Hon. Members: Hon. Kamama!

Hon. Speaker: The matters will be referred to the relevant committees. They will pick whatever it is you have said from the HANSARD.

COMMUNICATIONS FROM THE CHAIR

CDF MANAGEMENT BRIEFING

Hon. Speaker: Hon. Members, before we go to the next Order, for the information of Members, you are invited to a briefing on CDF management by the CDF Committee of Parliament tomorrow at 10.00 a.m. in this Chamber.

PERTINENT ISSUES CONCERNING DIVISION OF REVENUE BILL, 2013

Hon. Members, I promised yesterday to make some ruling on a matter that was raised yesterday by hon. John Mbadi Ng'ongo relating to the Division of Revenue Bill, 2013. Specifically, hon. Mbadi asked whether Part I of Chapter Eight of the Constitution of Kenya exclusively vests in the National Assembly of Kenya the role of determining the allocation of national revenue between the levels of Government.

Secondly, whether the Division of Revenue Bill, 2013 is a Bill concerning counties with the meaning of Article 110 of the Constitution. Thirdly, whether the Division of Revenue Bill, 2013 is required to be introduced in both Houses within the meaning of Article 218 of the Constitution. Hon. Mbadi's issues were subsequently supported by contributions by the Leader of the Majority Party, hon. Duale A.B. and several other Members.

Hon. Members as relates to the first issue, Part I of Chapter Eight of the Constitution of Kenya establishes and subsequently sets out the roles of Parliament including the specific roles of the respective Houses of Parliament. Article 93 of the Constitution establishes a bicameral Parliament and requires each House to perform its respective roles as set out in the Constitution. The said Article provides as follows: Article 93(1):

“(1) There is established a Parliament of Kenya, which shall consist of the National Assembly and the Senate.

(2) The National Assembly and the Senate shall perform their respective functions in accordance with this Constitution”

The respective roles of the two Houses are expressly set out in Articles 95 and 96 of the Constitution. Article 95 (4) (a) states: “The National Assembly determines the allocation of national revenue between levels of Government as provided for in Part 4 of Chapter Twelve.” This role is exclusively vested in the National Assembly and there is no provision in Part I of Chapter Eight of the Constitution that points to the contrary.

The second issue as to whether the Division of Revenue Bill, 2013 is a Bill concerning counties within the meaning of Article 110 of the Constitution as well as the

third issue as to whether the Division of Revenue Bill, 2013 is required to be introduced in both Houses within the meaning of Article 218 of the Constitutions are issues which are intrinsically interrelated.

Article 110 (1) (c) provides that “a Bill concerning county government means a Bill referred to in Chapter Twelve affecting the finances of county governments”. An analysis of Chapter Twelve of the Constitution reveals that the only reference to Bills is found in Article 218 of the Constitution which provides as follows: 218. “(1) At least two months before the end of each financial year, there shall be introduced in Parliament—

(a) a Division of Revenue Bill, which shall divide revenue raised by the national government among the national and county levels of government in accordance with this Constitution; and

(b) a County Allocation of Revenue Bill, which shall divide among the counties the revenue allocated to the county level of government on the basis determined in accordance with the resolution in force under Article 217.”

Hon. Members, Article 259 of the Constitution requires that the Constitution be interpreted in a manner that best promotes its purposes, values and principles and further that every provision of the Constitution must be construed according to the doctrine of interpretation that the law is always speaking and therefore amongst other things that a function or power conferred by the Constitution on an office may be performed or exercised by the person holding the office.

The provisions of Articles 110 and 218 of the Constitution must therefore be looked at from a holistic and not segregatory manner. The provisions must be looked at in the context of the roles of the two Houses as set out in Part 1 of Chapter Eight of the Constitution as this is the only interpretation that favours that the law is speaking and that the provisions of Part 1 of Chapter Eight of the Constitution were not meant to be without meaning. Article 110 (1) and 218 of the Constitution must therefore be construed in relation to the provisions of Part 1 of Chapter Eight of the Constitution.

In so doing, the first point to note is that Article 110(1) (c) is worded in the singular and not the plural and the reference therefore is to one of the two Bills referred to in Article 218 and not both. The only Bill in Article 218 that affects the finances of county governments within the jurisdictional role of the House of Parliament as set out in Part 1 of Chapter Eight of the Constitution is the Annual Allocation of Revenue Bill.

Secondly, the opening words of Article 218 of the Constitution that “---there shall be introduced in Parliament---” cannot be used to impose a requirement that the intention was to have the two Bills introduced in both Houses as opposed to one.

(Applause)

Indeed, such an argument definitely intends to give a dead meaning to the provisions of Part 1 of Chapter Eight of the Constitution that spells out the respective roles of both Houses. Moreso, the provisions of Article 222 (Expenditure before annual budget is passed) and 223 (Supplementary appropriation) of the Constitution interchangeably use the word “Parliament” and “National Assembly” for a function which is undisputedly a function of the National Assembly.

(Applause)

The use of the word “Parliament” in Article 218 therefore cannot be used to impose by implication an obligation that directly contradicts the provisions of Part 1 of Chapter Eight of the Constitution.

Thirdly, Article 218 of the Constitution contemplates the Division of Revenue Bill and the County Allocation of Revenue Bill to be introduced in Parliament at least two months before the end of each financial year. Article 260 of the Constitution defines a financial year to be the period of twelve months ending on the thirtieth day of June or other day prescribed by national legislation. The Constitution therefore contemplates that the Division of Revenue Bill and the County Allocation of Revenue Bill must be passed within two months of their introduction in the respective Houses. Logically speaking, therefore, if the Division of Revenue Bill is subjected to the enactment processes of both Houses and ultimately to the mediation process contemplated under Articles 112 and 113 of the Constitution with the possibility of the Bill being lost in the process, the effect of it would be to precipitate a constitutional financial crisis of untold parameters. This could not possibly have been, in my view, the intention of the framers of the constitution. Indeed, Article 259(1)(d) of the Constitution requires that the Constitution be interpreted in a manner that best contributes to good governance.

Hon. Members, you will recall however that the Division of Revenue Bill, 2013 was submitted to the Senate pursuant to the provisions of Standing Order No.233(4) that provides as follows- (4) The Division of Revenue Bill, having passed by the National Assembly shall stand referred to the Senate in accordance with Standing Order 142 (concurrence of the other House). Standing Order 233(4) was formulated pursuant to the spirit of Section 191 of the Public Finance Management Act, 2012, which provides that each year when the Budget Policy Statement is introduced, the Cabinet Secretary responsible for finance shall submit to Parliament a Division of Revenue Bill and County Allocation of Revenue Bill prepared by the National Treasury as provided in the Act for the financial year to which that Budget relates. Section 42 of the Act requires Parliament to consider the Division of Revenue Bill and County Allocation of Revenue Bill not later than thirty days after the Bills have been introduced with a view to approving them, with or without amendments.

Hon. Members, on 28th of March, 2013, I swore to respect, uphold and defend the Constitution of the Republic of Kenya. Under Articles 3 and 10 of the Constitution, each one of us has an obligation to respect, uphold, and defend the Constitution whenever we enact, apply or interpret any law or make or implement any public policy decision. Although the Division of Revenue Bill, 2013 as passed by the National Assembly on 9th May, 2013 was submitted to the Senate pursuant to the provisions of the Public Finance Management Act, 2012 as read together with the Standing Order No.233 of the Assembly, I am now persuaded, in the light of the foregoing expositions on the weighty issues raised by Hon Ng’ongo, that the Division of Revenue Bill is a Bill whose passage the Constitution envisages to be the sole prerogative of the National Assembly.

(Applause)

Accordingly, it will be incumbent on this House to revisit the said provisions of the Standing Orders and the Public Finance Management Act, 2012 with a view to harmonizing them with the Constitution.

Hon. Members, the National Assembly is still seized of the Bill in its capacity as the originating House for the Bill. For purposes of the smooth conduct of business between the National Assembly and the Senate, however, it is my view that this House should wait for the Bill to come from the Senate, since it must come, for purposes of dealing with it in the manner provided for in the Constitution. I am inclined not to make any orders on the Bill until the Bill is formally transmitted back to the House as envisaged in the Standing Orders and the House deals with it as appropriate.

I thank you.

(Applause)

Next Order!

MOTION

ESTABLISHMENT OF FISHERMEN FUND

Hon. Ng'ongo: Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, aware that the fishing industry makes a major contribution to the economy by producing over Kshs10 billion in foreign exchange and further aware that the industry provides employment both directly and indirectly to many people; noting that the potentiality of this sector is under threat due to use of non-scientific ways of fishing and continued use of wrong fishing gears due to poverty levels affecting the fishermen; this House urges the government to establish a fund from which fishermen can be given grants and access cheap loans to buy the recommended fishing gear to help them acquire correct and scientific fishing gears.

Hon. Speaker, Sir, allow me to thank you for your ruling that you have just made. I think it is an informed ruling. It is a ruling that is going to sort out this country to help us not plunge into a constitutional crisis which could have happened. However, having said that, the fishing industry is one of the most neglected industries in the country and yet it is one of the most important and beneficial in terms of economic development and in realising Vision 2030. In a large section of this country like western Kenya around Lake Victoria, the Coast, Turkana, Naivasha and wherever we have major lakes and rivers, the populations there depend heavily on the fishing industry. If you go to my constituency of Suba, the leading economic activity is the fishing industry and yet this is an industry that is not treated like any other industry in the agricultural field.

Hon. Speaker, Sir, I am very much aware that this function, according to the Constitution, is already moved to the counties but the policy formulation is still a function of the National Government. Therefore, in that line I am pleading with this honourable House to approve my Motion so that the Government can come up with policy measures and issues that will help reengineer this giant industry. Many a times those of us who come from around Lake Victoria, see reduced fish population. We see increased fishing or what we would call even overfishing but it is not really overfishing.

It is application of wrong fishing gear that depletes the fish in the various lakes across the country. This is not for nothing; this is because most of the people who are involved in this fishing industry are poor. Most of them cannot afford to purchase and procure the fishing gear that is required for proper fishing.

Hon. Speaker, Sir, remember in the agricultural sector you have the coffee industry which has the Coffee Board of Kenya. The tea industry has the same. The sugar industry has the Sugar Board of Kenya. The milk industry has a board but the fishing industry despite the heavy contribution in terms of foreign exchange and in terms of employment both directly and indirectly does not even have a board. However, more importantly as we subsidise the fertilisers for those who are growing maize there is also need to subsidise those who are harvesting the naturally grown fish from Lake Victoria, the Indian Ocean and even the artificially grown fish in our ponds. If people cannot access the fishing equipment, we need to facilitate them through a deliberate and concerted effort by the Government to be able to benefit from this important industry.

[Hon. Speaker left the Chair]

[Hon. Deputy Speaker took the Chair]

Hon. Deputy Speaker, when I talk about the fishing industry sometimes it is so personal because if you go to areas where there are other income earning crops, you will see, because of organization, that even the road networks there are properly developed. This is because of the organization of that industry. It is not that the fishing industry is not bringing income to this country, it is lack of organization. It needs to be organized in such a way as to give resources and even develop the areas where we get fish. This Motion is the first step in ensuring that we bring order to this industry. It is the first step when we bring a Bill. This will ensure that those of us who rely heavily on fishing will also benefit.

Hon. Deputy Speaker, I will tell you that if you go to Nyanza and Western provinces where fish is produced you will not find any fish processing plants in those areas. There are no industries. The road network is poor. There are no cold storage facilities. In fact, recently is when the European Union (EU) started supporting us to develop and construct cold storage facilities. I thank them because out of the six that they did in this country recently in the past four years, one of them is in my constituency. I am proud of it because for the first time in that constituency we have seen a cold storage facility when the Member of Parliament is none other than yours truly, hon. John Mbadi.

Hon. Deputy Speaker, the cold storage facilities that we have in my constituency cost Kshs23 million. This country can afford more than that and, therefore, we do not have to wait for the EU to give us money. This industry gives us so much. If you look at the actual amount of money that goes into the pockets of the fisherman, it is not even 20 per cent of the cost of fish that the European market consumes. We do not add value to our fish and, therefore, do not look at that region. Do not look at the Coast region which does not add value to its fish. Do not look at the Turkanas and call them lazy because they do not add value to the fish from Lake Turkana. Do not look at the people around Lake Naivasha and call them lazy. It is the work and responsibility of the Government to

make sure that any resource that is produced in this country is properly developed so that it benefits the whole country. When all of us go to the European countries probably the fish we eat there comes from near Migingo, my constituency, Mbita and the other constituencies.

Hon. Deputy Speaker, therefore, I believe that my colleagues will support this Motion as a first step but a lot of Motions and Bills we will be bringing will be to help reengineer it. I call it “reengineering” because this is a giant and sleeping industry. If you look at what is happening in the lake in terms of water hyacinth, can you tell me that if the Government had a deliberate effort to get rid of water hyacinth from Lake Victoria, it would not have been done? I believe it would have been done. The only thing is that so far we have not appreciated the value of the fishing industry and I expect the Jubilee Government - the digital Government so I hear - to be more digital in terms of promoting the fishing industry. Given that, that region where I come from, the Coast and even the Turkana region where our fish also comes from did not vote for Jubilee, this is a way to show us that Jubilee would not discriminate against us. We want heavy investment and I know that I will visit the Cabinet Secretary for Agriculture who is now the Cabinet Secretary for Fisheries very soon to have a discussion on how we can revive and how we can have this industry exploited to its full potential.

Hon. Speaker, Sir, whenever I go home---

Hon. Deputy Speaker: Hon. Mbadi, you are usually very vigilant. I do not know whether you have not noticed that the Speaker’s Chair has changed?

Hon. Ng’ongo: Hon. Deputy Speaker, I am very sorry. Usually I rarely make a statement without looking at the Speaker but you realize that this is very close to my heart. That is why my entire mind is just in my heart and, therefore, I did notice you but with my many apologies.

Hon. Deputy Speaker, whenever I go home I receive a lot of requests from young men and women and they ask me: “*Mheshimiwa*, can you help us with money we buy nets for fishing?” I cannot afford this and, therefore, I am asking the Government that: Why do we not provide funds for this venture? I know that some of my colleagues have even better improvement on this Motion. I know hon. Millie has an amendment to this Motion which I really welcome and she will canvass it effectively but probably we need even much more than the soft loans that we are asking for. We should have a system where we are going to organise our young men and women even in terms of capacity building because the moment we give them money and we start organising them, it will be of more value to them because a lot of the money that the young men and women get does not end up benefiting them. They misuse it. There is no capacity building. They do not even know the value of banking and, therefore, the moment the Government gets involved in this industry, I am very sure and I am convinced that now the young women and men that are involved in the fishing industry will see value for their effort and sweat.

Hon. Deputy Speaker, I would also want to urge the Government, as I move this Motion, that the various cold storages which were constructed recently, which I have talked about and I have praised the European Union for, should start working. This issue of buying generators which do not work should stop. It is very sad that a Ministry can order generators costing a lot of money and those generators do not even work. Fish, with the unreliability of electricity, if we do not have backup generators, will go bad and we

will go into great loss. Therefore, the Ministry should look into this. Those who are involved in the acquisition of these generators need to be held accountable. The generator in my constituency does not work and it cost the Government a lot of money. Therefore, as I conclude, I just want to urge my colleagues, some do not come from fish growing areas, but with the persuasion of hon. Mbadi and canvassing in a few minutes, I believe hon. Millie, hon. Gumbo and my friend, Member for Butere, the land of great debaters and the land of great Martin Shikuku, the Members will support the Motion. Hon. Gumbo wanted to second my Motion, but the great man from Butere had expressed wish to second it earlier. I believe in fairness and I will give him an opportunity to second my Motion and canvass for hon. Gumbo that he be given an opportunity immediately thereafter, so that he can also make meaningful contribution, as he usually does.

So, I move the Motion and ask the Member for Butere to second it.

Hon. A.T. Anyanga: Thank you, hon. Deputy Speaker, Sir. I wish to thank hon. Mbadi for recognizing that Butere is a land of great debaters. Indeed, the fact that Shikuku is resting in peace, the representative of the people of Butere is here to make sure that the fire that he lit on this Floor will still light as long as we are alive.

I rise to second the Motion by hon. Mbadi on the need to establish a fund that would assist the small-scale fishermen in this country to access financial services and facilities that would help them exploit this very unique natural resource. I wish to draw the attention of this House to Articles 42 and 69 of the Constitution, which are very clear on the need to protect our natural resources, not just for the benefit of the State, but also for the benefit of the community. We are a very lucky country because in the Continent of Africa, Kenya is one of the few countries that have a lot of water mass. If you compare with the rest of the continent, namely, North Africa, South Africa and West Africa, we belong to what we call the Great Lakes Region. Within this country, we have the largest fresh water lake in Africa. We have one of the longest coastlines in African. We have a lot of inland water masses including Lake Turkana, Lake Naivasha and a couple of other lakes and rivers that all have been a source of fish.

It is also important to realize that as a country, we have been faced with the major challenge of food insecurity. In addressing the problem of food insecurity, the Government, for many years, has been missing the point in terms of not realizing what it would mean to grow and develop the fish industry. Indeed, a lot of children who grow up in this country and suffer malnutrition problems of Kwashiorkor it is all because of lack of enough proteins in their diet. It is important to realize that we are not growing a healthy economy and population if we do not look around ourselves and realize the natural resources that we are endowed with and exploit them to our benefit.

In the recent past, there has been a paradigm shift in the way Kenyans are looking at their health in terms of shifting their dietary and culinary tests to focus more on more health conscious meals including white meat. In particular, I am looking at the consumption of fish. Indeed, it is no longer a question whether fish is being eaten in other parts of the country. I am told from statistics that, in fact, central Kenya is now consuming more fish than Western and Nyanza. I could be right or wrong, but that is what is coming out. Probably that is the reason why the fish processing plant is in Thika.

As we continue thinking of how we are going to support the very people who are at the core of this industry, who are the small-scale fishermen, we need to look at

interventions that the Government should be doing to ensure that this industry grows. If you look at the challenge that small-scale fishermen in this country face, and I am happy that in the last Government, we had the Economic Stimulus Programme where aquaculture and the development of fish ponds became very booming businesses, it is how to ensure that the fish, which is mature in those ponds, is well harvested. This is important for sustainability. When you use the right fishing gear, you will ensure that your fish grows sustainably. If you use the wrong fishing gear, it means that you are going even to capture immature fish. You are going to capture the *degas* and *omenas* and sometimes, you can capture those small fish in huge quantities when they would have been given more time to mature and generate more revenue to the country.

So, if you look at the kind of interventions which the Government has done, it is really minimal. There is very little investment in modern fishing gear. Our fishermen hardly use trawlers and they do not have the cold storage facilities. You will hardly get any form of strong co-operative movement being supported by the Government in the fishing industry. This has given foreigners an advantage particularly in exploiting the fish resource in the Indian Ocean. If you go to the northern parts of our coastline, particularly Kiunga, Malindi and Lamu, you will find that in the deep seas, where our fishermen have very rudimentary boats, much of our resource is being exploited by Koreans. It is being exploited by the people from the Indian Peninsula and the Asian Continent who can afford more sophisticated and modern fishing equipment. That is not helping our economy in any way.

Beyond that, this is an industry that has also been totally exploited by middle men. You realize that other than the fishermen who get the product from the waters, the actual benefit ends up in the hands of middle men, who buy this fish at very low prices and they transport them to long distances to other factories where they sell them and add value. Some of them export them at very exorbitant prices. Therefore, the issue of value addition to this industry is also critical in order to ensure that it is well developed.

We have been talking about how to grow this economy. We have talked about how to reduce the public wage bill. We have talked about how to ensure that we offer jobs to our youths. We have talked about how to become a global hub for trade and logistics. We have talked about how to be a self-sustaining country as far as food security is concerned. There can never be a better opportunity for this Government to take advantage of unexploited sectors in this country which have huge potential for economic growth than this. The fish industry is one of those sectors that are under-utilized, unexploited, have great potential and can be taken to the next level. I fear when I look at the current structure of the Government where the agricultural sector has again been reconsolidated. We have agriculture, fisheries and livestock, but these have been stand alone Ministries in the past. There is a great danger that what is considered less critical like fishing or livestock may actually be put to the periphery unless we have strong legislative framework that can support such peripheral sectors, but which are considered to have huge economic benefits.

So, just like we have looked at other sectors and given them support, for instance, the coffee and tea sectors and in the recent past, I know that cashew nut and coconut sectors are being given a lot of support by the Government, the fishing sector is the next level of great Government support and intervention that we require. What can be done to

that sector to support it? If we support small-scale farmers or small-scale fishermen, what will be the benefit to the economy? I imagine that it will be much easier for the fishermen to pull their resources together through co-operatives, so that they can afford better and modern equipment, which will give them a competitive advantage in that sector. That should be the case particularly for the coastal fishermen who have to compete against international fishermen who are well resourced.

Hon. Deputy Speaker, secondly, I am looking at the opportunities to create jobs in this country. I know for sure that if this industry is well resourced and supported, it offers a huge opportunity or potential in terms of job creation. Fishing is a labour-intensive industry and the beauty about fishing is that much of it is done at night. When we talk about a 24-hour economy, we are looking at people who can work during the day and fish at night. I think that is the kind of engagement that we would like to get our youth to be involved in, so that they can be as busy as possible and the economy will grow.

As I conclude, I would like to urge the Government to come up with ways to exploit Lake Turkana, when we talk about the fish industry. That is an area that has potentially been very productive in fish production, but has lagged behind economically. That industry alone is able to turn around that area. At the same time, the Government should look into environmental and ecological challenges. For example, there is the clearing of water hyacinth in Lake Victoria and Lake Naivasha. That plant is choking the two lakes today thereby threatening marine life. The Government should ensure that a proper, sustainable and long-term solution is found to ensure that the fish species and marine life in those two water bodies are sustained.

I support this Motion and urge this honourable House to look at the value that, that kind of support will give to the industry.

Thank you, Hon. Deputy Speaker. I beg to second.

(Question proposed)

Hon. Iringo: Thank you, hon. Deputy Speaker, for giving me this opportunity to support this Motion. I beg to support. As we speak here, the Mover of the Motion, hon. Ng'ongo, was concentrating too much on the fact that fish is only found where there are oceans and lakes. However, it is now a fact that fish is the main food for many people because of its health benefits and availability. Given the fact that food security in this country - as the Mover has said - is already threatened, I believe that the sooner we fast-track the salvaging of that industry the better for the country.

Hon. Deputy Speaker, if you visit the rural areas where there are no lakes and oceans and people do not eat fish, they used to eat cow and goat meat. But now, in the central part of Kenya, they have turned to fish. The Ministry of Fisheries Development has been urging people to establish fish ponds. That is why I support this Motion. We should also think about setting aside some funds to assist people in areas where there are no natural lakes or water points to establish many fish ponds, where they can breed fish. We should also teach people, especially those who are not used to fish farming, the modern ways of fishing or fish farming so that we can increase the variety of the foods in this country.

Hon. Deputy Speaker, I agree that the way fish from Lake Victoria and other lakes is transported to Nairobi is pathetic. Many of us like fish but when we go to the City Market to buy fish which has been transported overnight to Nairobi, we find most of it has gone bad. I would like the Government to buy modern or cold-storage vehicles which can transport fresh fish to every part of Kenya. Many fishermen, middle-men and people who trade in fish incur great losses because the containers they use to carry the fish are not conducive. In the process, the fish go bad.

I really support this Motion. We should employ modern systems to produce as much fish as possible. The other day, I read in the newspapers that somebody was proposing that we should start eating insects because of food security in this country. I do not know of any insects that are more palatable than fish. Therefore, we should direct our energy to save that industry and invest in it heavily. We invest in other food products so that we can have a healthy nation. We can also generate revenue for this county.

Hon. Deputy Speaker, I beg to support this Motion.

Hon. (Eng.) Gumbo: Thank you, hon. Deputy Speaker, for giving me this opportunity to support this Motion by hon. John Mbadi. I think this Motion is long overdue and it should have been brought to this House a long time ago. Those of us who come from fishing areas know that if a lot more was done, this country could make more money than the Kshs10 billion that has been mentioned in hon. Mbadi's Motion.

Fish has many benefits. Sometimes back, I read in a journal that those who routinely eat the head of a fish can develop IQ as high as 130. It has been alluded to that the secret why some of us from the lakeside are good performers in class lies in eating fish from a young age. So, there are very many benefits derived from fish. It is time we pursued that commodity which is available and is very easy to rear so that this country can get the many benefits.

Hon. Deputy Speaker, it may not be known but one of the leading economies in the world with one of the highest standards of living is actually Norway, which is rated higher than Iceland. The economies of Norway and Iceland are predicated on fishing. Norway is not an industrialized country. Many Norwegians and Icelanders do fishing. That is the bedrock of that economy. Of course, Iceland is also known more nowadays for green energy. However, before that, they were known more for fishing than anything else. I think it is time that the Motion was given the due attention that it deserves. Over the years, some of us from the fishing areas have been waiting for that to happen. But successive Governments have deliberately neglected the potential that fishing can bring to this country because of other reasons. But the fact is that they know of the economic potential.

Hon. Deputy Speaker, it is time we stopped viewing fishing as a backward occupation. Many times, fishermen are viewed as primitive people. Fishing is viewed as a profession for those who have not gone to school properly. I think that is wrong. That is a misplaced notion which should not be applicable now. I believe that if it is properly harnessed, fishing is one of the areas where the Government can use to roll back the prevalence of cases of youth unemployment and the extreme cases of poverty in the country. You look at, for example, our brothers and sisters who come from around Lake Turkana. As a young man, one of the most memorable delicacies that we used to enjoy

was the dried fish from Lake Turkana. One wonders why, if it is possible for someone in Norway to notice that potential, why the Kenya Government cannot notice the same.

Therefore, hon. Deputy Speaker, because I believe most of what I want to say will be – I do not want to reach a point where I say most of what will be said by others. But I think deliberate efforts must be made by the Government to grow the fishing industry. One of the biggest problems that we experience is this: My constituency has more than 40 fish landing sites or beaches, if you like. But one of the biggest problems that we experience is that those fishing landing sites do not have electricity. The roads to those places are not there. They are non-existent. We have been making efforts through the Kenya National Highways Authority (KeNHA) and CDF to try and open up those areas, but those efforts are not enough. Many of those who deal with fishing know that, because it is a very highly perishable product, they take advantage of the fact that, if you do not take it at the time that it lands at the beach, then it may go bad. So, without cold storage, it may not work and we may not be able to develop fish to the extent that it is economically viable for our people.

Therefore, the Government must deliberately show creativity in handling fish matters. Sometimes, it amazes me how little we use the resources that we have and yet, we complain all the time. The other day, I was reading that Germany, which is a temperate country with sometimes less than two hours of sunshine, actually generates 25 G-watts of electricity using solar while Kenya, which is a tropical country sitting equidistantly across the equator, hardly generates 1.5 G-watts in total, even when you include hydro, thermal, geothermal and all those other sources. So, I think this is an opportunity. There is no point here of trying to re-invent the wheel. Just by using simple solar contraptions, it is possible to build cold storage facilities that would depend solely on solar.

Hon. Deputy Speaker, my good friend hon. John Ng'ongo, bemoaned the fact that the generators there do not work. My view here is that – and I am speaking here as an engineer - we probably do not even need to go that way. It is a proven fact that in Kenya, on a hot day, every square meter of Kenyan land surface receives a kilowatt of energy. That is a lot of power; much more power than we need. If the Government is willing to make a deliberate effort to use solar as a means of preserving fish, it can work. We have used it before. But it is when we saw our mothers using solar to dry *omena*, *obambo* and other fish that we knew it could work. Why can the Government not take it to another level? We can become innovative and use the abundant energy that comes from the sun to do that. We can use the sun, which is available almost all the year round in Kenya, to preserve the fish.

Let us view fishing co-operatives the same way we view coffee, tea and milk co-operatives because fish is not an inferior product. It is as much a useful product as the others. We also need to have subsidies for our fishermen and fisherwomen. Why is it not possible, for example, for somebody with a fleet of ten boats and all the other fishing equipment to use them to easily access loan? I think we should be able to encourage our banks – and there is a symposium I attended by Equity Bank; I do not know how far they have gone with it – to use the boats as collateral for gaining access to capital.

Hon. Deputy Speaker, the issue of fish-ponds has been talked about by my good friend, the hon. A.T. Anyanga, who seconded the Motion. But let us go a step further; I

think it should now be possible to rear fish the same way we rear chicken at our homes. It has been shown that using cage farming, where you build cages and put small fish in it is much easier. The fish will grow and you can harvest it as and when you want to do that.

We should find a way of value addition to our products. I am being told that while in some cases a kilo of fish at the beaches in Lake Victoria may cost as little as Kshs200, by the time it reaches Europe, the value might be ten times or more. That means that we are just selling raw products. If we can find a way of doing some basic amount of processing or some basic amount of value addition, we will be putting more money into the pockets of our fish farmers. We will be putting more money into the pockets of our people. We will be putting more money into our economy directly. There is the irony of sending our raw fish outside and then re-importing the fish products – which are our own - at a much higher value, I think, sometimes, it borders on ridiculousness. Those are some of the things that we need to avoid.

As I conclude, we from the fish growing areas demand that we should set up a fund for the fishing industry, the same way we have done for the development of coffee, tea and dairy products. It is now time to pitch camp and demand that the Government must come up with a fish development fund.

With those remarks, I beg to support.

Hon. S.A. Ali: Ahsante, Mhe. Naibu Spika. Ningependa kuchukua fursa hii kukushukuru kwa kunipatia nafasi hii niweze kuichangia Hoja hii. Vile vile, ningependa kumshukuru mhe. John Mbadi kwa kuileta Bungeni Hoja hii muhimu sana inayotuhusu sana sisi watu wa Pwani.

Masikitiko makubwa ni kwamba sekta ya uvuvi katika eneo la Pwani imedharauliwa sana na Serikali kwa sababu tunazoshindwa kuzielewa. Hivi sasa, ukienda kuulizia katika afisi za uvuvi, utapata kwamba licha ya kwamba Pwani ni eneo kubwa sana la uvuvi kwa sababu ya Bahari Hindi, kiasi cha samaki wanaopatikana ni kidogo sana ukilinganisha na kiasi cha samaki wanaopatikana katika Ziwa Victoria na kwengineko. Kusema kweli, hili ni jambo la kushangaza sana. Tukiangazia zaidi, watu wanaofanya kazi hii katika maeneo ya Lamu na kwengineko, na haswa tukiangazia suala la vifaa vya kuhifadhiya samaki, kama lilivyozungumziwa; huwezi kuvipata vifaa hivyo katika sehemu hiyo. Vifaa hivyo vikiweko, vitawasaidia wavuvi kuendeleza kazi hiyo kwa njia bora zaidi.

Mhe. Naibu Spika, maskitiko makubwa ni kwamba tatizo kubwa linaloikabili jamii ya wavuvi katika maeneo ya Lamu na sehemu nyingine za Pwani ni kwamba, jamii hiyo haijawahi kusaidiwa ili iweze kujiendeleza. Utapata watu kutoka nchi zingine kama vile Indonesia na China wanakuja kuvua samaki katika maeneo ya nchi yetu kwa sababu wako na vifaa vya kisasa, yakiwemo maboti mazuri yanayowawezesha kufanya kazi hiyo kwa njia bora zaidi. Wanakuja kuvua samaki katika sehemu ya nchi yetu na kuwapeleka samaki hao kwao kwa faida ya nchi zao na faida zao binafsi. Chombo kinachotumiwa na watu wetu kwa shughuli ya uvuvi hakiwezi kumudu na kuwawezesha wavuvi wafaidike.

Ni maskitiko makubwa kwamba ndugu zetu wavuvi wana ujuzi kamili wa kuwawezesha kuifanya kazi hiyo lakini hawajapata usaidizi kikamilifu kutoka kwa Serikali yetu kama walivyosaidiwa Wakenya kwenye sekta ya kilimo na sekta nyinginezo. Hivi sasa, samaki wanatoka sehemu ya Lamu na kupelekwa kuuzwa Mombasa. Kuna sehemu inayoitwa Majengo. Huko ndiko wanakouzwa samaki hao –

ndani ya mtaa. Hakuna sehemu maalumu iliyotengwa na Serikali kwa wavuvi kuuzia samaki wao. Utaona kwamba mazao ya samaki yanayotoka katika sehemu za Lamu yanapelekwa kuuzwa kiholela, kama kwamba sekta hii haina maana na mwelekeo katika nchi yetu.

Mhe. Naibu wa Spika, kutokana na madharau hayo, ama kutokana na kutozingatiwa kwa suala hili; huweza kupata mvuvi hata mmoja ambaye ana mwelekeo mzuri maishani. Wavuvi wameshindwa kuwaelimisha watoto wao na kujiendeleza kimaisha kwa sababu ya hali hii ambayo tunaizungumzia. Naamini ya kwamba kama Serikali ingekuwa na mikakati maalumu ya kuwasaidia wavuvi, wao pia wangenawiri na kuweza kujiendeleza kimaisha kama Wakenya wengine wanavyojiendeleza.

[Hon. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker
(Hon. Cheboi) took the Chair]*

Bw. Naibu Spika wa Muda, tatizo lingine linaloikumba jamii kutoka sehemu ya Lamu ni hili: Utapata samaki wanatoka Somalia na kuletwa kuuzwa Kenya. Soko la wavuvi wa Kenya linakuwa halina maana kwa sababu ya samaki wanaotoka Somalia. Hali hii haijawahi kuangaziwa na kudhibitiwa. Ikiwa tutatoa Samaki Somalia na kuwauza Mombasa, yule anayevua samaki Lamu hatakuwa na mahali pa kuwapeleka samaki wake.

Hivi sasa, Lamu kunajengwa bandari. Hata ikiwa ujenzi huo utakamilika miaka mitano ama kumi inayokuja, napendekeza kutengwe sehemu maalum kwenye bandari hiyo, ambako wavuvi watakuwa wakiwapeleka samaki wao na kuweza kuwasafirisha hadi mahali popote watakapotaka bila ya kuhangaishwa ama kuwa katika hali ya sitofahamu kutokana na kutojua mahali pa kuwapeleka samaki wao. Kwa hivyo, ni lazima kuwe na sehemu maalumu katika bandari inayojengwa, ambako wavuvi watakuwa wakiwahifadhi samaki wao.

Mhe. Naibu Spika wa Muda, vile vile, ningependa kusema kwamba tulizingatie sana suala hili. Nikitafakari, mimi mwenyewe niliinuka na kufikia mahali nilipo sasa kwa sababu wazazi wangu walikuwa wavuvi. Hata hivyo, maskitiko makubwa ni kwamba, babangu asipoenda kuvua samaki leo, nyumbani hatuwezi kuwa na chakula. Hiyo ni kwa sababu jana hakuwa na mahali pa kuwahifadhi samaki wake. Mpaka sasa, hakuna mahali pa kuwahifadhi samaki ili kesho yake upate kuwauza. Unapovua na kuweza kupata samaki wengi, inabidi utumie wale ambao unaweza kutumia na uwatupe wengine kwa sababu ya ukosefu wa mahali pa kuwahifadhi.

Kwa hivyo, nawaomba ndugu zangu wote ambao wako hapa tuliangazie suala hili vizuri ili tuweze kuwasaidia ndugu zetu wavuvi waweze kuendesha maisha yao. Tuhakikishe kwamba katika sehemu zote ambako shughuli za uvuvi hutekelezwa kutakuwa na vifaa vya kuhifadhi samaki. Kwa mfano, Faza, Kizingitini na Kiunga ni sehemu ambazo zinafaa kuwa na vifaa vya kuhifadhi samaki ndiyo wavuvi wanapokwenda kuvua wajue watawahifadhi samaki wao wapi. Hali ilivyo hivi sasa ni kwamba, mtu anaenda baharini na Mwenyezi Mungu anambariki anapata samaki wengi; lakini hajui kwa kuwahifadhi samaki hao. Kwa hivyo, ni muhimu sana kwetu sisi

kuiangazia Hoja hii vilivyo na kuweka mikakati itakayowafaidisha ndugu zetu wavuvi ili waweze kupata mwelekeo maishani mwao, kama walivyo Wakenya wengine.

Mhe. Naibu Spika wa Muda, nina imani kwamba sisi sote tutaungana pamoja na kuipitisha Hoja hii ili kuhakikisha kwamba tumeweza kuwasaidia ndugu zetu kwa kuweka mikakati ambayo itawasaidia kwenye shughuli zao za uvuvi.

Kwa hayo mengi, naunga mkono Hoja hii.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Millie-Odhiambo, I am informed that you are proposing an amendment to the Motion. Please, proceed.

Hon. (Ms.) Odhiambo-Mabona: Thank you, hon. Temporary Deputy Speaker, Sir, for giving me this opportunity. I want to thank hon. John Mbadi for bringing this Motion.

I wish to move an amendment that the Motion be amended by deleting the words “and access cheap loans” immediately after the words “be given grants” appearing in the seventh line of the Motion and also by inserting the following words “and further urges that the annual closure season for fishing be reduced from four months to one month commencing from 1st April to 1st May immediately after the words “correct and scientific fishing gear” appearing at the end of the Motion.

The import of my amendment is to only provide for grants and not loans. Currently, by a gazette notice, we have a four months period when there is closure of fishing and the fishermen are not allowed to fish. I am seeking to have it reduced from four months to one month.

Hon. Temporary Deputy Speaker, Sir, there are many issues affecting the fishing industry and some of them have been alluded to. Last year, we passed the Agriculture, Livestock and Fisheries Development Authority Bill. We talked to some of the issues that hon. Mbadi is addressing in this Motion. His Motion actually has legal anchorage. What I am proposing also has legal anchorage. We are suggesting that the Government, due to the poverty levels, should provide ways of ensuring that the fisherfolks are assisted.

I know hon. Members have spoken to the issue of fishing by other communities; a matter which has been introduced in other communities which are not traditionally fishing communities. The mistake the Government has done is this: Whereas in the agricultural sector there has been heavy subsidy from the Government, the fishing sector has been neglected. The attempts and efforts at subsidy have been by introducing fishing in other communities. The net effect is that the traditional fishing communities are actually suffering. There are dwindling stocks of fishing and people are getting poorer with no alternative forms of livelihood. So, that is why this Motion is timely.

In my amendment, I am encouraging hon. Members to accept that this be the only form of subsidy ever in the fishing industry. Some of the problems that we face in the fishing industry--- I know hon. Members have spoken to some of them and so, I will just mention a few. For instance, fishermen are experiencing problems with regard to cold storage, infrastructure and access to fishing bays. There is also the issue of poor landing base. About three weeks ago, I had a consultative meeting with the fisherfolks in my constituency and we looked at length at some of these issues. I was surprised that in my constituency, *omena* is very valuable and it is very scarce. It is actually creating a conflict already and yet, in Uganda, it is not treated as anything serious. It is actually animal feed and nobody bothers to fish for *omena*.

Our Government has not explored regional exchanges or co-operation with countries like Uganda to tell them that, whereas they do not need the *omena* there, here in Kenya it is very beneficial. That way, they could come up with ways of reducing the tension. The hon. Member for Butere said that in Indian Ocean, foreigners have invaded the fishing industry there. In my own constituency, because of the dwindling stock in the gulf and nationally, people are now moving to Mbita from other parts of the country. Now, I represent Somalis. A big number of Kenyan Somalis live in my constituency at Remba and Ringiti. I have a big number of Ugandans and Tanzanians in my constituency. The fishing industry in my constituency is largely controlled by non-Kenyans. I am not saying that we should chase them away. What I am saying is that the Government must find a lasting solution because where my constituency is, most people only rely on fishing. It is almost a semi-arid area and even if you plant--- This time, round we are going to have a severe drought. That is because the smaller part that is agricultural has been affected by very heavy rains. The bigger part of my constituency relies solely on fishing.

I know I will speak out on some of these issues when the Bill on fishing comes to this House. I know it lapsed in the last Parliament because it is one of the Bills that we did not reach. However, when the Bill on fishing comes, I will speak at length to some of the issues that are there, including issues of gender dynamics in the fishing industry, issues of value addition, infrastructure, cold storage, conflicting environmental concerns *vis-à-vis* welfare concerns of communities, stabilizing prices, co-operatives and so on.

I want to indicate that the Fishing Act, Cap 379 had included a closed season which was later removed by an amendment of that Act in 1989. Further, there were consultative meetings in Tom Mboya Labour College in Kisumu. After that, it was noticed that there was a decline of the biomas to critical level and this is what led to the introduction of the infamous closed season vide Gazette Notice No.756 of 6th November, 2001.

Hon. Temporary Deputy Speaker, Sir, there was an understanding that there would be a constant review of that closed season. Unfortunately, this has not been happening. The conditions were that there would be a review every two years and that fishermen would fish two kilometers offshore. The subject of what hon. Mbadi has said is that the net mesh sizes were to be restricted to 10 millimetres when diagonally stretched. There was a further forum in 2004, where it was noted that, that was not being complied with.

I want to give some statistics on hydro-acoustics survey results for Kenya, Uganda, Tanzania and the Gulf. It is long and so I will not give the whole of it. However, in relation to *omena* it states that--- The reason why I want the season to be reduced from four months to one month is that if you look at Uganda, Tanzania, Kenya and the Gulf, you will realize that in August, 1999, the hydro-acoustic results show that Tanzania has 155,655; Uganda, 46,970; and Kenya, 19,460. I cannot go through all of it, but I can table it or avail it. What it does, however, show is that in Kenya, the *omena* stocks fluctuate. If you look at the more recent results, it shows that it has actually been increasing. Therefore, one of the conditions that were provided was that, if there was improvement in stocks, then that closed period can be reviewed.

In the Act that we passed last year, there are three critical things; that is, exit to fishing. We had mandated the Government to provide for the traditional fishing communities. The other one was a review of the closed period. We said that if the Government had effected exit to fishing or fish breeding, then there would be no need for any closed season. Further to the meeting that we had, one of the things that we agreed on three weeks ago was that because of environmental concerns, instead of lifting it all together, we reduce it to one month. Therefore, because of the reasons I have given and because I want to give other Members a chance to speak, I encourage Members to support this amendment so that we reduce the period from four months to one month.

Hon. Temporary Deputy Speaker, Sir, to support this amendment, my constituency only relies on fishing; it means that most of them will not be able to send their children to school. Many of them who are living with HIV/AIDS find this as a major source of nutrients. Many of them will not find it because they do not have other sources of food. That is the main source of food for my community and so, if we pass this Motion, it would effectively mean that, that closed period would now be more effective and that we will review it again next year. For the issue of the grant, the communities where we come from are desperately poor. Even if you give loans, people will hardly take them. Even the one for women and youth, very few people take loans because they are desperately poor. What our communities need is grants until we have lifted their standards to a level that we can then introduce loans. Also, because the Constitution talks about equalization of opportunities across the country, and since we have subsidized agriculture in the past, it is now time to subsidize fishing.

With those few remarks, I beg to move the amendment and call upon hon. Ababu to second.

Hon. Ababu: Mhe. Naib Spika wa Muda, ningependa kuunga mkono Hoja ya Mhe. (Ms.) Odhiambo-Mabona ya kubadilisha kidogo tu Hoja ya Mhe. Ng'ongo. Nitaanza kwanza kwa kuwakumbusha Wabunge na Wakenya wote kwamba uvuvi unachangia pakubwa katika uchumi wa Taifa hili. Ninaposema hivyo, nasema mchango kwenye viwango mbalimbali. Kuna viwango vya wale ambao wanategea uvuvi moja kwa moja kama wavuvi katika pembe zote za taifa letu kutoka Bahari ya Hindi hadi Ziwa Victoria. Pia, samaki hupatikana katika mito mbalimbali kama vile Mto Tana, Mto Nzoia na mito mingine kwenye taifa letu. Pia, hupatikana katika maziwa mengine kama vile Ziwa Turkana na Ziwa Naivasha. Kuna Wakenya wengi ambao wanaishi katika maeneo haya ambao tegemeo lao kuu katika maisha yao ni uvuvi. Vile vile, kuna Wakenya wengine ambao wanategemea uvuvi katika hali zingine. Kuna wafanya biashara na wachuuzi wa samaki katika sehemu mbalimbali za taifa letu wanaofanya biashara katika viwanda ambavyo biashara yao ni samaki katika sehemu mbalimbali za taifa hili, iwe ni Kisumu, Thika au Mombasa. Kuna wale ambao wako kwenye biashara ya kuuza samaki kwenye mataifa ya nje hasa katika Muungano wa Mataifa ya Ulaya (European Union). Kwa hivyo, uvuvi ni msingi mkubwa kwenye uchumi wetu kama taifa. Lakini kidogo, kumekuwa na upungufu mkubwa kutoka kwa Serikali tunapozungumzia misaada kwenye sekta ya uvuvi. Tayari, wenzangu waliozungumza hapo mbeleni wametaja msaada mkubwa ambao wakulima wa kawaida wamepata kutoka kwa Serikali. Tumeshuhudia hapo mbeleni Serikali ikifutilia mbali madeni makubwa, mabilioni ya fedha, katika sekta kama vile kahawa, mpunga, sukari lakini hatujashuhudia hatua yoyote kama hii kwenye

sekta ya uvuvi, ilihali tunajua, kwa mfano, kuna mashirika ya wavuvi katika sehemu nyingi za taifa hili likiwemo eneo Bunge la Budalangi nilalowakilisha. Hayo ni mashirika ambayo yana malimbukizi makubwa ya madeni kwa sababu ya hali ngumu inayowakumba wafanya biashara. Lakini hatujawahi kushuhudia hata siku moja hatua moja ya Serikali ya kutoa nafuu yoyote kwa mashirika ya wavuvi kupitia kufutiliwa mbali kwa madeni ama kutoa msaada wowote wa dharura.

Kwa hivyo, Hoja hii ni ya kutukumbusha kwamba hii ni sekta moja ya uchumi ambayo, ingawa inachangia pakubwa kukuza uchumi wetu, Serikali haijadhihirisha kwa njia yoyote nia ya kuwekeza na kuikuza sekta hii, ilhali sekta hii inaendelea kutuletea fedha nyingi za kigeni. Kiwango kikubwa cha samaki wanaotoka kwenye sehemu ambazo nimetaja kama vile Ziwa Victoria, Bahari Hindi, Ziwa Naivasha na Ziwa Turkana huuzwa kwenye mataifa ya nje na huletea taifa hili letu kiasi kikubwa cha pesa za kigeni ambazo ni mchango mkubwa kwa uchumi wetu. Kwa hivyo, ni changamoto kwa Serikali hii kudhihirisha kwamba ina nia ya kukuza uchumi na kuwekeza katika sekta zote. Tunengependa kuona hatua maalum zikichukuliwa na Serikali hii.

Kwa mfano, tungenda kuona utafiti kwenye sekta hii---

*(Hon. (Ms.) Khamisi crossed the Floor
without bowing at the Bar)*

The Temporary Deputy Speaker (Hon. Cheboi): Order, Hon. (Ms.) Khamisi! Go to the Bar and bow.

(Hon. (Ms.) Khamisi went to the Bar and bowed)

Hon. Ababu: Shukrani, Mhe. Naibu Spika wa Muda. Mhe. (Ms.) Khamisi bado ni mgeni kwenye Bunge hili. Kwa hivyo, tunaweza kuelewa kidogo.

Nilikuwa nazungumzia swala la utafiti. Serikali inatumia kiwango kubwa zaidi cha fedha kufanya utafiti katika sekta ya ukulima, kwa mfano, kupitia mashirika kama vile KARI na mengineo. Lakini hatujaona utafiti wowote ukifanyika ama matunda ya utafiti wowote katika sekta hii ya uvuvi. Mhe. (Ms.) Odhiambo-Mabona ametaja hatua ya kipindi ambacho wavuvi huzuiwa kufanya biashara yao - closed season. Kipindi hicho kifikapo, wavuvi wote wanazuiwa kufika katika maeneo ya uvuvi. Kwa muda huo wote, inamaanisha kwamba wavuvi wote hawako kwenye kazi yoyote. Kumbuka wavuvi hao wanategemea uvuvi kama chakula chao na kuwaelimisha watoto wao. Katika hali zote za maisha yao, wao hutegemea uvuvi huo na kwa hivyo, ukiwafungia kazi yao kwa muda wa miezi minne--- Ikiwa sisi Wabunge tutaambiwa hatutafanya kazi hapa kwa muda wa miezi minne na hakutakuwa na malipo yoyote; hakuna mshahara na hakuna marupurupu kwa muda ambao tunaketi kwenye Bunge hili ama kwa Kamati, naamini hakuna Mbunge yeyote atakubali hatua kama hiyo. Sasa wewe tafakari ujiulize: Mvuvi kwenye kijiji cha Mbita, Budalangi ama Turkana afungiwe njia yake ya pekee ya kujimudu kwa muda wa miezi minne mfululizo, atafanya nini? Jiulize: Mvuvi huyo atajimudu namna gani? Tafakari hayo kwenye Bunge hili la kifahari. Huyo mvuvi atajimudu namna gani? Na wakati wa kipindi hicho cha kufunga uvuvi, ni muda ambao huwa ni mgumu sana kwa wavuvi na familia zao.

Naamini Serikali ina uwezo wa kufanya utafiti na kuongeza idadi ya samaki kwenye maeneo hayo - yaani *re-stocking*. Hatujawahi kushuhudia wakati wowote kwa muda mrefu sana Serikali ikichukua hatua ya kufanya utafiti na kuongeza idadi ya samaki kwenye maziwa yetu kupitia mpango huo wa *re-stocking*. Kwa nini? Ni hatua ambayo inachukuliwa katika mataifa mengi ulimwenguni ambayo yanategemea uvuvi. Huu ni uzembe kwa upande wa Serikali. Serikali inataka kuzembea kazi na kukimbilia hatua ya Rais ya kufunga uvuvi, ilhali, hatua inayofaa ni mpango huo wa kuongeza idadi ya samaki kwenye maziwa na mito yetu kupitia mpango huo wa *re-stocking*. Ni changamoto kwa Serikali hii ya digitali. Tungependa kuona samaki wakiongezwa kwenye maziwa yetu kupitia njia ya digitali na Serikali hii ya digitali.

Mhe. Naibu Spika wa Muda, naunga mkono Hoja hii na namalizia nikisema kwamba swala la mikopo ni swala sugu kwa wakuzaji wa asili kama *reproducers*. Hili ni swala ambalo limepelekea limbikizi la madeni kwa wakulima wa kahawa, mahindi na sekta zingine. Nimewahi kuwa Mwenyekiti wa kamati maalum iliyobuniwa na Bunge hili katika Bunge la Kumi ambayo ilipewa jukumu la kutembea taifa nzima kujionea vile Wakenya wanavyoishi na vile wanazalisha uchumi wao. Nilishuhudia hali ya kutatanisha sana.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Ababu, your time is coming to an end.

Hon. Ababu: Mhe. Naibu Spika wa Muda, nakamilisha kwa kusema kwamba naunga mkono ombi la kwamba, badala ya Serikali kutoa mikopo, iwe ni msaada maalum - yaani *grant* – pesa ambazo zitawasaidia wavuvi kuweza kujimudu na wapate nguvu ndipo wawe kwenye hali ambao wanaweza kuchukua na kulipa mikopo.

Bw. Naibu Spika wa Muda, naunga mkono.

(Question, that the words to be left out be left out, proposed)

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Mwashetani, is that your maiden speech?

The Member for Lungalunga (Hon. Mwashetani): I think so, hon. Temporary Deputy Speaker Sir. Asante sana, Mhe. Naibu Spika wa Muda. Imekuwa ni kindumbwendumbwe kikubwa kupata fursa hii lakini nashukuru Mungu na nakushukuru pia wewe kwa kuwa katika hicho Kiti leo. Shukrani nyingi napeana kwa wananchi wa Lungalunga walionichagua mimi, Khatib Abdallah Mwashetani kuwa Mbunge wao, mtetezi wao na kuwa mchungaji wao kwa mambo ya kimaendeleo.

Kusema kweli, swala hili la leo limenishika sana kwa sababu kitengo kikubwa cha uchumi katika maeneo yangu ni uvuvi. Lakini uvuvi huo vile vile umezembeka kwa sababu ya mambo mengi. Waheshimiwa wengi wamezungumza na wameeleza mengi lakini niko na sababu zangu zile ambazo ni sugu ambazo naziona zimeleta uzembezi katika kuwajibika katika uchumi wa uvuvi.

Mhe. Naibu Spika wa Muda, Vanga ni eneo langu ambalo wananchi wanategemea sana uvuvi. Kwa kweli, Serikali ilifanya juhudi ikatujengea *cold storage* ama sehemu ya baridi ya kuweka samaki. Lakini, vile vile, kule Vanga, tunategemea umeme unaotoka Tanzania ambao ni Tanga. Umeme ule ndio unaoendesha ile *cold*

storage ama ile sehemu ya kuwekea samaki. Umeme ule hauna hakikisho ya kuwa utakuwa kila siku. Wakati mwingine, ule umeme unakatwa pasi na wananchi kujua unakatwa kwa sababu gani. Ni kwa sababu ni umeme unaotoka sehemu ambao si ya Kenya. Basi, wananchi wanakosa namna ya kujieleza na namna ya kupeleka malalamishi yao kuhusu swali hili. Kwa hivyo, utakuta ile *cold storage* ama ile sehemu ya kuwekea samaki haitumiki na Serikali ilitumia fedha nyingi kujenga sehemu hizo.

Kwa hivyo, mimi naomba Serikali, kupitia kwako Naibu Spika wa Muda, tufanyiwe mikakati tupate umeme wetu kutoka Kenya ili uingie katika sehemu za Vanga, Shimoni na Kilimagondo. Sehemu hizo zote zimekosa umeme; zimekosa muelekeo. Watawezaje kujiendeleza kimaisha ikiwa kitega uchumi chao ni samaki, na hawawezi kuwahifadhi samaki hao ili kupata pato la kesho?

Mhe. Naibu Spika wa Muda, Serikali pia inachangia katika uzembezi wa sekta hii ya uvuvi kuhusiana na barabara. Barabara zina matatizo haswa katika wakati huu wa mvua ilionyesha sana. Utakuta sasa hivi barabara ambayo inasaidia Kenya na Tanzania imekatika. Mpaka sasa hivi, hakuna mikakati ambao imewekwa kisawasawa ya kuhakikisha kwamba barabara hiyo imetengenezwa. Vile vile, katika ramani ya Kenya, kuna barabara mbili ambazo ni kubwa zinazochangia katika sekta ya utalii. Kwanzia Kanana kwenda Shimoni, ni barabara ambao ni ya kilomita 15. Pia kwenye ramani ya Kenya, barabara hiyo inatakikana iwe na lami. Vile vile, nikizungumzia barabara ya kutoka Lunga Lunga kuingia Vanga, inachangia uvuvi na sekta ya utalii. Barabara hiyo iko kwenye ramani ya barabara ambazo zinatakikana kuwekwa lami. Lakini haina lami. Mara nyingi, imetumiwa na wanasiasa kuomba kura. Wanasema: “Mkinichagua, katika kipindi cha miaka mitano, nitahakikisha kwamba, kwa vile barabara hii iko kwenye ramani, itawekwa lami. Yaani, nitahakikisha kama Mbunge wenu kwamba nitawawekea barabara ya lami.” Kwa hivyo, kwa vile mimi nilitumia kigezo hicho kama njia ya kupata kura, naomba Serikali inisaidie katika jukumu hilo. Serikali inijengee hizo barabara mbili ili niweze kurudi Bunge baada ya miaka mitano.

Kulingana na Kipengele cha 95 cha Katiba, mimi ni Mbunge aliyechaguliwa. Ni haki yangu na mananchi yeyote kuzungumzia matatizo inayotusumbua sana katika maeneo yangu. Tatizo kubwa ambalo linatusumbua ni la mashamba. Sasa hivi, tumetoka kwenye kura ambazo tulipiga vizuri na kuweka Serikali mpya. Lakini kitu cha kustaajibisha ni kwamba katika wale ambao wanaitwa kwa lugha ya Kiingereza *absentee landlords* – wale mabwana ama mabwenyenye ambao hawakuwa huko, sasa wamerudi. Wanaambia wananchi wangu waondoke katika maeneo hayo ama mashamba yale ambayo wameyamiliki lakini, kwa wakati huo, hawakuwa na njia ya kuyafikia kwa sababu ya uongozi uliokuwepo.

Kwa hivyo, mimi naomba Serikali kupitia kwako Mhe. Naibu Spika wa Muda kuikaribisha ile tume ambayo inasimamia mashamba pamoja na viongozi wa kutoka kaunti ili, kabla wananchi hawajafukuzwa, tuhakikishe tumekaa na tumeangalia ni namna gani mashamba hayo yaligawanywa. Kwa hivyo, mimi naomba Serikali, kupitia kwako, isimame kidete. Kupitia kwa Tume iliyochaguliwa ya mashamba, wananchi wangu wasiondolewe kutoka mashamba hayo. Mfano wa mashamba hayo ni Vitangaleweni, Kilimagondo na Shimoni. Nashukuru Tume ya Ardhi kwa kuregesha mashamba kama vile Kisite na Mpunguti kwa Serikali.

Vile vile, moja kati ya juhudi za Serikali ya Jubilee ni kuhakikisha kwamba vijana wamepata kazi. Lakini, nasikitika sana kwa mashiriki makubwa ya Serikali. Vijana wengi wanafanya bidii kumaliza masomo katika vyuo vikuu ili waajiriwe kazi katika mashiriki ambayo yanalipa vizuri. Lakini jambo la kusikitisha ni kwamba Shirika la Ushuru la Kenya liliajiri vijana mwaka uliopita. Lakini hakuna hata mmoja ambaye aliajiriwa kutoka katika eneo langu la Bunge. Kupitia kwako, Mhe. Naibu Spika wa Muda, ningepomba KRA itoe majina yote ya wale ambao waliliajiriwa kazi mwaka jana ili tuweze kuyachambua na kujua ni mikakati gani iliyotumika kuwaajiri kazi.

The Temporary Deputy Speaker (Hon. Cheboi): Nadhani wananchi wa Lungalunga wamepokea salamu zako. You should explore means of furthering what you have just asked.

Hon. (Ms.) Khamisi: Asante sana Mhe. Naibu Spika wa Muda. Nataka kuunga mkono Hoja hii, ambayo imeletwa na hon. Ng'ongo. Pia, nataka kuunga mkono mabadiliko ambayo yameletwa na hon. (Ms.) Odhiambo-Mabona. Tunajua ya kwamba katika sehemu nyingi katika Jamhuri yetu ya Kenya, watu wengi wanategemea kilimo cha samaki. Hivyo basi, iwapo tutawazuia kupata ajira yao au kupata pesa ya kuwakidhi katika maisha yao, itakuwa ni jambo la kutatanisha. Kwa hivyo, muda wa mwezi mmoja utakuwa muda mzuri wa mtu kuweza kujisatiti na pengine kujipanga vizuri katika hali yake ya maisha.

Nataka kuchangia jambo fulani katika kilimo cha samaki. Kwanza kabisa, hazina hiyo itakapoundwa, wataweza kupata pesa za kuwasaidia pengine kwa mambo ya vifaa vya kuwekea samaki wasioze, ama vifaa vya uvuvi. Wavuvi wetu wamekuwa wakitumia madao ya zamani na ngalawa. Hivyo basi, hawawezi kufika mbali. Pia, hawawezi kupata samaki kwa njia inayofaa. Fedha hizo pia zitaweza kuwapatia mafunzo wavuvi wetu wadogo ili waweze kujua mbinu za kisasa ambazo zitawafanya waweze kuwa na kilimo bora cha samaki. Jambo la pili, fedha hizo pia zitaweza kuwafunza wavuvi juu ya mazingira. Ni lazima mazingira yawe bora kwa samaki wetu. Kwa hivyo, ni lazima sera na kanuni ambazo zimewekwa juu ya uvuvi zifuatwe na Wakenya na wasiokuwa Wakenya ambao wameingia katika kilimo cha samaki.

Nasema hivyo kwa sababu kuna watu kutoka nchi za nje ambao wamekuja kufanya uvuvi katika bahari na maziwa zetu. Wanatumia majerifa ama *trawlers* ambazo zinavunja zile nyumba za samaki na yule mvuvi wa hali ya chini anakosa samaki. Hawezi kwenda ndani ya bahari au *deep sea*. Jambo hilo linaleta matatizo mengi sana. Wanaofaidika ni wale ambao wanatoka nje kuliko wavuvi wetu ambao ni wadogo. Kwa hivyo, inahitajika Kenya Ports Authority ilinde sehemu zetu kuhusiana na wavuvi ambao wanafanya uvuvi wa haramu. Pia, Kenya Navy inatajikana kufanya kazi ya kuangalia na kuona ikiwa wavuvi hao wanafuata kanuni zinazohitajika.

Sisi tuna Muungano wa Afrika Mashariki ambao unajumuisha Kenya, Uganda, Tanzania, Rwanda na Burundi. Lakini wavuvi wetu wanapofika karibu na sehemu ya Tanzania, wanashikwa. Mambo kama hayo yametokea katika maeneo Bunge ya Msambweni na Lunga Lungu. Wavuvi wetu wengi wamekuwa wakilala katika seli wakati wanatumia raslimali ambazo ziko katika nchi yetu ya Kenya.

Jambo lingine ni kwamba tumekuwa na miradi ya samaki wa vidimbwi. Pesa nyingi za Wakenya zimetumiwa kuchimba vidimbwi katika sehemu nyingi. Masikitiko yangu ni kwamba vidimbwi vingi sasa vimekauka na havina samaki. Serikali inafaa

kwamba ni lazima kuwe na hazina ama pesa ambazo zitaamsha vidimbwi hivyo kwa sababu hatuwezi kutumia malioni ambayo Wakenya wanatoa kupitia ushuru kutengeneza vidimbwi kiholela na ambavyo havitupatii faida katika nchi yetu. Kuna vile ambavyo vimefanywa vizuri na tunakubali. Lakini vingi havikufanywa katika njia nzuri. Kwa hivyo, ni lazima swala hili tulirudie kwa undani sana ili tuweze kulirekebisha.

Jambo lingine ni lile kwa Kiingereza tunaliita “fish landing”. Ni sehemu ambazo wavuvi wanaweza kuweka samaki wao. Sehemu hizo zimechukuliwa kiholela. Ukitembea katika sehemu ya Nyanza, Pwani na Bonde la Ufa ambapo tunapata kilimo cha samaki, utapata kuwa hakuna sehemu kama hizo. Wizara ya Ardhi ni lazima ifungue macho yake na iangalie ya kwamba wavuvi wetu wana sehemu ambazo wanaweza kuendeleza kilimo cha samaki. Tunataka kuboresha kila kaunti katika Jamhuri yetu ya Kenya, lakini pahali ambapo rasilmali inapatikana panahitajika kuwa na kiwanda ili kukuza na kuboresha rasilmali hiyo ili uchumi wetu wa Kenya uendelee.

Serikali ya Jubilee imesema kwamba itaendeleza uchumi wetu uwe “*double digits*”. Hata kama ni “*by double digits*” au kuongeza mara dufu, ni lazima tuangalie kilimo hiki kwa njia ya undani kabisa. Lazima tutengeneza viwanda kama kile cha Thika. Kile kiwanda ambacho kiko pale Thika, tunakikubali na tunashukuru Serikali kwa kukijenga. Lakini, tukiwa na kiwanda kama hicho katika Nyanza au Pwani, ambapo rasilmali hiyo ambayo Mwenyezi Mungu ametupatia iko kwa wingi, ajira kwa vijana, kama inavyosema Serikali ya Jubilee, itapatikana. Pia, tutaweza kuboresha kilimo kwa sababu samaki si samaki peke yake. Samaki kama *omena* anaweza kusiagwa ikachanganywa na mawe na wimbi na ikawa chakula kizuri kwa watoto wetu wachanga na hata wazee ambao nguvu zao zimepungua. Lakini ikiwa kilimo cha samaki kitachukuliwa tu ni kukaanga au kuchoma, hatutasaidika. Ni lazima tujue samaki anaweza kuleta bidhaa nyingi sana. Kuna keki ambazo zinatengenezwa kutoka kwa samaki. Mifupa ya samaki pia huvunjwa na kutengenezwa dawa ambazo zinatibu maradhi mengi sana. Hilo ni jambo nzuri sana.

Tungependa kupata soko la samaki wetu. Hakuna samaki mwenye radha kama anayetoka Nyanza ama Pwani. Ukweli na tuuseme! Leo hii, Wakenya wanaletewa samaki kutoka nje. Wametiwa ndani ya mikebe ambao imekaa katika mafiriji kwa miaka mingi sana. Sisi tuko na samaki walio freshi ambao hata ukifika pale Kisumu, unajua kweli unakula samaki na unasikia kweli ni ladha ya samaki unayokula. Wakenya ni lazima tuamke na tujue hiki ni kilimo cha kujenga nchi yetu na kuongeza uchumi ambao Serikali ya Jubilee iliahidi.

Mwisho, kuna mashirika ya uvuvi. Hatukiangazii kilimo cha samaki na fedha ambazo zinafika kule hatuzichunguzi. Zinapotea! Kuna ufisadi wa hali ya juu. Tunataka kuboresha zile Beach Management Units (BMUs) ambazo zinasimamia wavuvi. Hicho ni kilimo bora ambacho kinaweza kutulisha sisi Wakenya na kutupatia ajira kwa vijana wetu. Kwa hivyo, ni lazima tulichukulie jambo hili kwa mwafaka. Akina mama wanaokaanga samaki wanakosa hata mahali pa kuweka samaki wao. Wanatakiwa pia wapate afya bora na sindano ambazo zitawawezesha kujikinga kutokana na moto mkubwa ambao wanatumia kukaangia samaki. Hao ni akina mama maskini. Na kwa vile tunasema shabaha yetu ya 2030 ni kuondoa umaskini na kuboresha akina mama, pia hazina hiyo iwasaidie akina mama. Wakati watu wa nje wanakuja kama vile Tiomin na Titanium na kuchimba bahari yetu na kuweka mabohari, wavuvi hawawezi kuvua samaki

na akina mama hawawezi kuweka samaki wao hapo. Hivyo basi, ni lazima fidia iwe katika sera. Juzi, jambo hilo lilitokea katika Pwani na wavuvi wapakewa pesa duni. Imekuwa hivyo kwa muda mrefu sasa - hawawezi kuvua. Wale Wataliano walioko pale wamechimba, wameweka majerifa na wamechafua pale. Papa wamejaa kwa sababu ya meli zinazokuja. Fidia ya Mkenya maskini iko wapi kupitia kilimo?

Kwa hayo mengi, kilimo cha samaki kiwe muongozo wa Shabaha 2030.

The Temporary Deputy Speaker (Hon. Cheboi): We will have two more contributions before we put the Question. That is because we are contributing almost in the same line. Yes, hon. F.K. Wanyonyi!

Hon. F.K. Wanyonyi: That is good, hon. Temporary Deputy Speaker, Sir. I have been sitting here and---

The Temporary Deputy Speaker (Hon. Cheboi): I hope that you will not attempt to contribute in Kiswahili!

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, Sir, this is a very good Motion and I want to thank my brother who is seated next to me for bringing it at this time.

QUORUM

Hon. Mwashetani: On a point of order, hon. Temporary Deputy Speaker, Sir. Is there quorum in the House?

The Temporary Deputy Speaker (Hon. Cheboi): We do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

Order, hon. Members! Let us be orderly even if we are waiting for other hon. Members. You are reminded that you should not leave the Chamber now. The Member from Nakuru County, who is at the far end, do not leave the Chamber.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, we are unable to raise the requisite quorum. Therefore, the House stands adjourned until tomorrow Thursday, 23rd May, 2013, at 2.30 p.m.

The House rose at 6.10 p.m.