

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 22nd November, 2006

The House met at 9.00 a.m.

*[The Temporary Deputy Speaker
(Mr. Khamasi) in the Chair]*

PRAYERS

NOTICE OF MOTION

INTRODUCTION OF INFORMATION AND COMMUNICATIONS BILL

Mr. Weya: Mr. Temporary Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, in view of the fast changing information and communication technology environment and the ever increasing need to foster e-commerce and e-government and to ensure penetration of ICTs into rural and remote areas in this country; aware that there exists a complex, cumbersome licensing system of broadcasting and multi-media services; this House grants leave for the introduction of a Bill for an Act of Parliament entitled: "Information and Communications Bill" to set up a universal access fund, to create a one-stop shop for making decisions affecting the use of radio frequency spectrum and access networks and for matters incidental thereto and connected therewith.

QUESTIONS BY PRIVATE NOTICE

GRABBING OF MADARAKA PRIMARY SCHOOL LAND

(Eng. Muriuki) to ask the Minister for Lands:-

- (a) Is the Minister aware that Plot No.191 in Lesirko Scheme belonging to Madaraka Primary School in Ol'Kalou Constituency has been grabbed and subdivided?
- (b) Is he also aware that private developers have threatened the school with eviction?
- (c) Could he tell the House who the owners of plot numbers 1057, 1058, 1133, 1134, 3133 and 3134 all of which were part of the school land are?

The Temporary Deputy Speaker (Mr. Khamasi): Is Eng. Muriuki not here? The Question is dropped.

(Question dropped)

The Temporary Deputy Speaker (Mr. Khamasi): Next Question by Private Notice by Mr. Gitau!

SETTLEMENT OF DEBT OWED TO
MICROHOUSENET BY NEMA

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Environment and Natural Resources the following Question by Private Notice.

(a) Is the Minister aware that Microhouse.Net Limited entered into a contract with the National Environment Management Authority (NEMA) for installation and commissioning of a Financial Management System in December, 2005 at a contractual sum of Kshs2,900,000 but up to date, an amount of Kshs2,600,000 has not been paid as per the contract?

(b) Is he further aware that this has rendered the company financially unstable and that there is a pending proclamation of their equipment by auctioneers?

(c) If the answer to "a" and "b" above are in the affirmative, when will NEMA pay the outstanding amount?

The Temporary Deputy Speaker (Mr. Khamasi): Where is the Minister for Environment and Natural Resources?

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, the Minister is bereaved. The Assistant Minister has not been fully briefed on the Question. May I seek your indulgence that the Question be deferred to Tuesday next week?

The Temporary Deputy Speaker (Mr. Khamasi): Yes, the Question is deferred.

Mr. Gitau: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to contradict the Vice-President and Minister for Home Affairs. Yesterday, I talked to hon. Jayne Kihara and she promised to be here this morning with an answer. So, this Question is about a Kenyan who is about to lose his property through auctioneers. I am not sure there is much the Vice-President and Minister for Home Affairs can do but it is quite an urgent matter and it should be deferred to tomorrow afternoon.

(Mrs. Kihara entered the Chamber)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Gitau! I can see hon. Jayne Kihara, the Assistant Minister for Environment and Natural Resources, entering the Chamber.

The Assistant Minister for Environment and Natural Resources (Mrs. Kihara): Mr. Temporary Deputy Speaker, Sir, I beg to apologise for coming late. I need to consult in the Ministry. I am still trying to get my way around and my Minister has not been in the office since he lost his brother. I expect him today but I do not have an answer. Could you allow me to answer this Question next week?

The Temporary Deputy Speaker (Mr. Khamasi): When next week?

The Assistant Minister for Environment and Natural Resources (Mrs. Kihara): Mr. Temporary Deputy Speaker, Sir, on Tuesday next week.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Gitau, are you okay with that?

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, I do not think there is much I can do. I would urge the Assistant Minister to probably liaise with the Vice-President and Minister for Home Affairs so that this problem can be solved even before Tuesday next week.

Mr. J. Nyagah: On a point of order, Mr. Temporary Deputy Speaker. I know this Ministry

for a month has been unable to answer my Question. I asked hon. Kibaki to appoint all Ministers to answer my Questions and it has not happened.

(Laughter)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. J. Nyagah! You are completely out of order. We are not dealing with your Questions; we are dealing with hon. Gitau's Question. So, this Question is deferred to Tuesday next week.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.394

INSECURITY IN TALA/KANGUNDO TOWNS

Mr. M. Maitha asked the Minister of State for Administration and National Security:-

(a) whether he is aware that many robberies have occurred in Tala and Kangundo towns leading to loss of lives and property;

(b) what steps he is taking to beef up security in the towns and their environs; and,

(c) when Tala Police Post will be upgraded to a police station and supplied with a vehicle to enhance crime prevention.

The Assistant Minister, Office of the President (Mr. Kingi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that some cases of robbery with violence have been reported within Kangundo and Tala in the recent past. However, the police have always taken prompt action to bring the perpetrators of such crime to book.

(b) All incidences of insecurity are always dealt with firmly. Reported cases are investigated and suspects arrested and charged. Beats and patrols have been intensified by the security forces in the affected area. In addition, the Government has established police posts and patrol bases at Tala Market, Kakuyuni South, Kasama/Mbiu Market and Kanyuvi North. A CID base has also been established at Kangundo Police Station to supplement the OCS towards investigations. The area has been provided with a Land Cruiser vehicle to assist in patrols.

(c) For now, it may be a bit difficult to upgrade Tala Police Post to a standard police station due to lack of sufficient funds for that purpose.

Mr. M. Maitha: Mr. Temporary Deputy Speaker, Sir, it is very sad that the Assistant Minister says patrols have been intensified. A month ago, a priest and the Deputy Principal of Tala High School were gunned down at Ngelani Resort Club. Most of the people around Tala and Kangundo do not live in their homes. They have hired rooms at Tala and Kangundo shopping centres because of the prevailing insecurity in that area. When cases of robberies are reported to the police, the police request those who make the reports to provide them with fuel. Does the Ministry not have funds to enable the police move very fast when cases of this nature are reported to them?

Mr. Kingi: Mr. Temporary Deputy Speaker, Sir, we expect that once cases of crime are reported at any police station, police officers will move with speed to apprehend the criminals. Where police officers demand money from the public to fuel their vehicles, we should be told the

names of those police officers, so that we can take action against them because we have provided money for fuelling of vehicles and other amenities at police stations.

Capt. Nakitare: Mr. Temporary Deputy Speaker, Sir, I am surprised that the Assistant Minister does not know that Tala is very close to Nairobi, and that it is a haven for criminals. He said that there are no plans to upgrade Tala Police Post, which is very close to Thika and Machakos. What steps is he taking to control robberies on the Nairobi-Tala-Kangundo Road?

Mr. Kingi: Mr. Temporary Deputy Speaker, Sir, in my initial answer, I said that police patrols have been intensified in the affected areas. I also added that whenever crimes are reported, action is taken. We have evidence to show that action is taken. We have, for example, six cases of robberies that were reported. In each case, some people were arrested and charged in court. Some of the cases have been finalised, while others are still pending in court. Therefore, I would like to urge hon. Members to encourage their constituents to report such matters to the police. Whenever they do not get assistance at a police station, let them be free to come and see us.

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister should not tell us that he is not aware that officers at police stations claim not to have fuel when cases of crime are reported to them. Many times, police officers have asked the local people to contribute some money with which to buy fuel whenever the local people report cases of crime to them. The practice is very common, even in my own constituency. Could he tell us how many litres of fuel they give to police stations countrywide? We also have a similar problem in my constituency. Whenever people report cases of crime to Kapenguria Police Station, the police say that they do not have fuel. This problem was even reported the other day. It is a common problem. So, could he tell us how much fuel he gives police stations?

Mr. Kingi: Mr. Temporary Deputy Speaker, Sir, the amount of fuel that we give to police stations depends on the location of individual stations in terms of how busy it is. However, we can avail a breakdown of the same if it is required.

Mr. Manoti: Mr. Temporary Deputy Speaker, Sir, the security situation is very bad everywhere. In the rural areas, members of the communities do not sleep until 2.00 a.m., when they know that the criminals have gone. Sometimes back, the Assistant Minister promised to post Administration Police (AP) officers to chiefs' camps in the rural areas, to improve the insecurity situation. A chief was killed in Kangema the other day. If that chief had some APs with him, the criminals who killed him could have been gunned down. When is he going to post APs to all chiefs' camps in the country, and particularly to those in the rural areas, to provide security to the people?

Mr. Kingi: Mr. Temporary Deputy Speaker, Sir, it is true that we made such a promise but, of course, with the condition to be informed that accommodation for the officers would be available. Where we have been informed that accommodation was available, we have always sent APs to those locations.

Mr. Ndolo: Mr. Temporary Deputy Speaker, Sir, as Capt. Nakitare said, Kangundo is very close to Nairobi. If you happen to have driven to Kangundo in the recent past, you must have come across only one road block on the Nairobi-Kangundo Road. As I speak, that road block is no longer there. Could the Assistant Minister tell the House when the police will erect two more road blocks on that road - one near Nairobi and another one near Kangundo - so that the criminals who operate between Nairobi and Kangundo can be tackled immediately?

Mr. Kingi: Mr. Temporary Deputy Speaker, Sir, I will consult with my officers to ensure that if, indeed, the road block referred to by the hon. Member has been removed, it is restored.

Mr. M. Maitha: Mr. Temporary Deputy Speaker, Sir, the level of police shortage in Kangundo is alarming. In fact, at Tala Police Post, there are only six police officers. When four of the officers are deployed to man the Koma/Machakos junction road block, only two officers remain

at the police post. How do you expect the two officers to respond to distress calls given that one officer cannot move and leave the other one in the office?

Mr. Kingi: Mr. Temporary Deputy Speaker, Sir, it is true that there is a shortage of officers at Kangundo Police Station, Tala Police Post and elsewhere countrywide. This is because our Police Force does not have enough staff. However, again, I will consult with my officers and look into the possibility of availing more police officers to that area.

The Temporary Deputy Speaker (Mr. Khamasi): Next Question, Mr. J. Nyagah!

Mr. J. Nyagah: Mr. Temporary Deputy Speaker, Sir, before I ask the Question, I would like to inform you that I have not received the written reply.

Question No.605

KILLING OF MR. JOHN NJOROGI BY POLICE

Mr. J. Nyagah asked the Minister of State for Administration and National Security:-

(a) under what circumstances Mr. John Njoroge was killed by the police at Nakuru on Saturday 8th July, 2006;

(b) whether the police have instituted independent investigations on the above case; and,

(c) what action he is taking to ensure that the killers are apprehended.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Assistant Minister, this is a matter of concern. What happens with written answers to Questions? Why do they not reach the Questioners?

The Assistant Minister, Office of the President (Mr. Kingi): Temporary Deputy Speaker, Sir, we dispatched our answers to Parliament yesterday. So, really, I do not know what happened. However, I will find that out from my officers. If I establish that they did not deliver them to Parliament, we will take the necessary action. But we dispatched the answers to Parliament yesterday.

Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Mr. John Njoroge met his death when he was caught up in a cross-fire between the police and suspected gangsters.

(b) Independent investigations have been instituted and Inquest File No.3/06 opened to establish the exact circumstances under which Mr. John Njoroge met his death.

(c) The file has already been forwarded to the State Counsel for direction. Further action will be taken as will be directed by the State Counsel.

Mr. J. Nyagah: Mr. Temporary Deputy Speaker, Sir, it is very sad when the truth is not told. In this case, the truth has not been told. The young man was not caught in a cross-fire. Have the police in Nakuru spoken to the owner of the car? Have they spoken to the driver? Have they taken statements from those people? Have they taken statements from the Flying Squad officers who went to the scene later on to help, in order to establish the truth? If the Flying Squad officers who went to the scene, the driver and the owner of the car have not been consulted or written statements, what the Assistant Minister has told this House, in very unparliamentary language, is a lie.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order! Mr. J. Nyagah, you know that the word "lie" is unparliamentary and you go on to use it? Can you withdraw it and apologise?

Mr. J. Nyagah: I apologize, Mr. Temporary Deputy Speaker, Sir. What I meant to say is that, of course, that is the reason why in Section "b", we are asking for an independent

investigation, because the police in Nakuru, who killed this young man, are not about to investigate themselves. I have written to the Commissioner of Police with no reply.

Mr. Kingi: Mr. Temporary Deputy Speaker, Sir, I said in part "b" of my answer that independent investigations have been instituted and file 3/06 has been opened. We have already sent this file to the State Counsel for further direction. So, investigations are going on and any member of the public or anybody else who has information that can assist us should record a statement with the police so that we can carry on with the investigations.

Mr. Karaba: Thank you, Mr. Temporary Deputy Speaker, Sir. Sometimes I realize that, in rural areas, policemen are the ones who really initiate some of these killings. They do it with malice so that they can either do it through robbery because they want to defend or cover up a certain offence. What measures is the Assistant Minister taking to ensure that those policemen who try to cover up crimes committed by other police officers are unearthed and disciplined so that we can know the ones who are involved in crime?

Mr. Kingi: Mr. Temporary Deputy Speaker, Sir, it is very serious to allege in Parliament that there are some police officers who commit murder in order to cover up themselves without necessarily coming up with evidence. I think we have said several times that should any hon. Member have any information regarding police officers whose conduct is suspect, he should inform us. If someone writes to any of our police units or to the Police Commissioner and does not get a response, let them be free to come and see us. We will, definitely, take action.

Mr. Mirugi: Thank you, Mr. Temporary Deputy Speaker, Sir. Nakuru town has experienced a rising spate of robberies in the last few months. What is the Ministry doing to stop this tendency? Could the Assistant consider carrying out a shake-up in the police force in Nakuru so that we can inject some change in the management of the police force and crime in the town?

Mr. Kingi: Whenever incidents of crime are on the rise anywhere, we usually carry out a shake-up. We have done that in Kisii and elsewhere, and we will continue to do it as and when the need arises. But for now, I have said that we have increased patrols and intensified community policing awareness. We are sure that good citizens are helping us to curb insecurity in many parts of this country.

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, what makes us doubt the Assistant Minister, as far as this Question is concerned is that, he is making rather contradictory statements. He said that investigations are continuing. He further said that they forwarded the file to the Attorney-General for guidance. Now, it cannot be that way! It is either he concluded the investigations and forwarded the file to the Attorney-General for direction, or he has not done the investigations at all!

Mr. Kingi: Mr. Temporary Deputy Speaker, Sir, what I said is that we carried out the investigations and forwarded the file to the State Counsel for direction. I also added that, should any member of the public feel that he has any information that can assist us, he should come forward to record a statement, and we will accept it.

The Temporary Deputy Speaker (Mr. Khamasi): Ask the last question, Mr. J. Nyagah!

Mr. Ahenda: On a point of order, Mr. Temporary Deputy Speaker, Sir. I wonder whether the Assistant Minister is in order when he says that an independent investigation has been set up by the police to investigate themselves. Is that independent? Is he in order to say that?

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Ahenda! You are asking a question when I have already asked Mr. J. Nyagah to ask his last question!

Proceed, Mr. J. Nyagah!

Mr. J. Nyagah: Mr. Temporary Deputy Speaker, Sir, the uncle of this young man is the President of all Christians in the USA, and he intends to take serious action. So, he should not think that it is a joke because it is going to be picked up on a higher level. So, he should do his

investigations properly!

(Laughter)

Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister confirm to us that, that they actually spoke to the owner of the vehicle and the driver when they carried out their investigations?

Mr. Kingi: Mr. Temporary Deputy Speaker, Sir, we do not take action because the person who has been killed or wounded is the son of a highly placed person in society. We do so because we want to give service to all Kenyans alike. I have already said that investigations have been done, and they included talking to the people who can give us information.

The Temporary Deputy Speaker (Mr. Khamasi): Next Question, Mr. K. Kilonzo!

Question No.489

ESTABLISHMENT OF FRUIT
PROCESSING PLANTS IN
KITUI/MWINGI DISTRICTS

Mr. L. Maitha, on behalf of **Mr. K. Kilonzo**, asked the Minister for Agriculture:-

(a) whether he is aware that mango and other fruit farmers in Kitui and Mwingi districts are frustrated and demoralized for lack of access to reliable markets for their produce; and,

(b) when the Ministry will set up fruit processing plants in those areas.

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

(a) Yes, I am aware that mango and other fruit farmers in Kitui and Mwingi districts are experiencing difficulties in marketing their produce.

(b) The Ministry is building capacity among farmers and the private sector through the introduction of improved varieties and training in processing with a view to encourage the private sector to establish processing plants in the area.

Mr. L. Maitha: Thank you, Mr. Temporary Deputy Speaker, Sir. Mango is one of the major cash crops in Ukambani and Coast regions. Millions of tonnes of mangoes go to waste throughout the year and we know that there is a huge potential in terms of markets in the Middle East and Europe. My question is specific. What action is the Ministry going to take to assist local farmers access the available markets in the Middle East and Europe, where there is great potential?

Mr. Kaindi: Yes, Mr. Temporary Deputy Speaker, Sir, the hon. Member is right that there is a huge potential for these products outside this country. It is also true that we, as a Ministry, are working through our parastatal; the Horticultural Crop Development Authority (HCDA), to build a strategic plan to ensure that the markets which are available out there for our farmers can be tapped. In the next two months, the HCDA will visit some of these countries to explore the possibility of tapping this market so that our farmers can maximize on their returns.

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, farmers cannot eat potential. Mangoes are grown in areas where, probably, nothing else can grow. So, the farmers rely on mangoes only. The Assistant Minister has told us that, in its revitalization of agriculture, the Ministry will concentrate on value addition. Could he tell us which investors he is encouraging to come and set up fruit processing plants to make sure that these fruits do not go to waste?

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, part of the discussions that we held through the HCDA involved Del Monte, Sun Mango, Kevian Industries and TruFruits. These companies and organizations have expressed interest in not only assisting the farmers with coming to terms with the new processing methods, but have also put inputs in terms of assisting the farmers to come up with better varieties of mangoes that are easily acceptable within the international market.

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, in Nyanza Province, particularly Kisii, Bondo, Kisumu-Rural and Nyando district where I come from, we have a lot of good fruit trees going to waste. A few years back, we were promised that a fruit processing factory would be put up in Rarieda. When will it be set up in Nyanza Province, so that our fruits do not go to waste, particularly in Rarieda?

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, that question is specific to Rarieda. We are exploring the possibilities of encouraging as many local and international investors as possible. But the drying of mangos can be done using simplified methods and technology. Through the Constituencies Development Fund (CDF), I encourage hon. Member to ensure that the public also can access some of these facilities. Through the *Njaa Marufuku* programme and the groups that we are forming within the various constituencies, we are encouraging them to access some of these implements to ensure that they are able to dry these fruits, so that they get to the market in the time that is desired.

There is also the juice extraction mechanism that we are putting in place, so that the juice can be taken to other processors like Kevian Industries and Delmonte. That will be a way of adding value to the product. As a result, farmers will maximise on their returns.

The Temporary Deputy Speaker (Mr. Khamasi): Last question, Mr. L. Maitha!

Mr. L. Maitha: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is talking about capacity building and providing improved varieties. Could he tell us where these improved varieties are available? Are they given freely through the Government initiative?

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, through the Kenya Agricultural Research Institute (KARI), we have come up with quite a number of varieties, including ngowe, boribo, apple, kent, harden, dodo, tommy-artkins and van dike. They are available to the various parts of the country, but, of course, at a subsidised fee. We are encouraging hon. Members to set aside demonstration areas, so that the KARI and our District Agricultural Officers (DAOs) can educate our farmers on simple methods of grafting and juice extraction in those areas. That way, farmers will be able to get benefits of the new varieties of mangoes and other horticultural crops. In Kitui and Mwingi districts there are quite a variety of passion fruits, mangoes and avocados.

The Temporary Deputy Speaker (Mr. Khamasi): Next Question by the Member of Parliament for Nyando Constituency!

Question No.626

ISSUANCE OF ELECTRICIANS' LICENCES

Eng. Nyamunga asked the Minister for Energy:-

(a) whether he is aware that the Ministry has not been issuing electricians' licences for the last two years; and,

(b) since the licences are necessary for those intending to be electrical contractors, what plans the Ministry has to issue them.

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

(a) Yes, I am aware that the Ministry of Energy has not been issuing electricians' licences for the last two years.

(b) The Electricity Regulatory Board (ERB) recently constituted a committee for licensing contractors under Section 115 of the Electric Power Act No.11 of 1997. This committee is expected to start issuing licences with effect from January, 2007.

Eng. Nyamunga: Mr. Temporary Deputy Speaker, Sir, while appreciating the fact that the Ministry will start issuing the licences with effect from January 2007, to the electricians' without these licences they cannot connect undertake their job. That means denying them a social livelihood. Did the Ministry have to wait for two years to start issuing the licences?

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, we had to put our house in order. There were some electrical installation work rules that were supposed to be put in place. Because this is a sensitive area, we had to ensure that those who are training the electricians are doing it in accordance with the specifications of the Kenya Power and Lighting Company (KPLC). However, I also apologise for that delay. I am sure the hon. Member is now comfortable that it will be done.

Mr. Owino: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell the House how many types of electricians' licences are there and when they are used?

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, we have a specific one that we are dealing with here. There are no complaints about all the others. There are classes of the various licences. The other licences are being issued to whoever fulfils the requirements. Therefore, the question should not arise.

Mr. Manoti: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister says they will start issuing licences to new electrical contractors from January. Will he make sure that this is done at the district level to also allow the people in rural areas to access them easily instead of coming to Nairobi?

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, that will be considered.

Mr. Weya: Mr. Temporary Deputy Speaker, Sir, I am an Electrical Engineer by profession. Therefore, I know that the licences that are available are Grades "A", "B", "C" and "D". Normally, when one graduates from a technical institution, the responsibility of the Government is to licence him or her. How is the Ministry renewing licences for those who had been licensed in the past and are working within the industry? We know very well that there is a shortage of contractors right now within the KPLC, and that is why the Rural Electrification Programme is not proceeding.

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, the Ministry of Energy has made sure that these people come for another test. They must be evaluated once again. This is because, obviously, there are some colleges that are not fulfilling the conditions set by the KPLC and the Ministry of Energy. So, it is always important for us to re-evaluate these people. However, those who want to get new licences, for example, to upgrade from "B" to "C" or "B" to "A", also have to be re-evaluated once again. We issue licences promptly if they pass the required tests.

The Temporary Deputy Speaker (Mr. Khamasi): Last question, Eng. Nyamunga!

Eng. Nyamunga: Mr. Temporary Deputy Speaker, Sir, I have no further question to ask. I would only like to appeal to the Assistant Minister to make sure that with effect from January, 2007, the licences are issued to the deserving cases.

The Temporary Deputy Speaker (Mr. Khamasi): Next Question by the Member of Parliament for Kerugoya/Kutus!

Question No.653

NUMBER OF SCHOOLS CONVERTED
TO CENTRES OF EXCELLENCE

Mr. Karaba asked the Minister for Education:-

- (a) how many schools countrywide have been converted to centres of excellence;
- (b) what criteria is used to identify the centres in various districts; and,
- (c) what benefits they enjoy compared to other schools.

The Assistant Minister for Education (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Ministry is in the process of developing a strategy and guidelines for establishing two centres of excellence in every district, one for boys and the other one for girls. Thus, there shall be a total of 142 centres of excellence. This is in line with the Kenya Education Sector Support Programme (KESS), 2005 to 2010 and Sessional Paper No.1 of 2005, on the Policy Framework for Education, Training and Research.

(b) The District Education Boards (DEBs) are mandated to identify the two schools and forward their recommendations and minutes to the Ministry based on the following: Quality infrastructure and facilities, adequate teaching and learning materials, quality teachers, good academic performance, a high standard of student discipline, good governance and management and a diversified curriculum.

(c) The selected schools will benefit from the following. At least two schools in every district will benefit in future when the two centres are elevated to national schools, quality infrastructure and facilities will be provided, teaching and learning materials will be provided, the model schools will serve as a resource centre, they will act as source for promotion of quality teachers to manage other institutions, they will reflect improved academic performance and act as role models of good governance and management.

Mr. Karaba: Mr. Temporary Deputy Speaker, Sir, I thank the Assistant Minister for that good answer. But she is trying to suggest that the Ministry is in the process of establishing these schools. I was of the opinion that the process is complete. If the process is not complete, we need to know exactly when it will be implemented. There is nothing which is taking place on the ground. Is the process on-going or complete?

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, the process is going on but is at different levels. We have a task force on the ground, which is looking into all aspects of education in this country. This task force was appointed after we formulated a Sessional Paper on education. It is almost completing its work. The report of this task force will make an input into the guidelines for establishing these schools.

Capt. Nakitare: Thank you, Mr. Temporary Deputy Speaker, Sir. I was surprised when the Assistant Minister said that they are upgrading schools to higher levels of excellence depending on buildings. In the absence of good examination results and, in the wake of theft of school examinations, how will the Ministry arrive at upgrading of schools---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order, hon. Members!

(Mr. Sirma consulted loudly)

Order, Mr. Sirma! Could you, please, consult quietly, so that we can follow what is going

on in the Chamber?

Capt. Nakitare, could you ask your question again?

Cap. Nakitare: Mr. Temporary Deputy Speaker, Sir, I was surprised when the Assistant Minister said that upgrading of schools to centres of excellency will depend on the quality of its buildings and fixtures. In the presence of bad governance in examination grading systems in schools, and the prevalence of theft of examination papers, what steps is the Ministry taking to curb this situation before upgrading of schools to centres of excellence?

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, on the question of theft of examination papers, I think the Ministry clarified and showed correctly that this issue was blown out of proportions by the Press. There was no large scale theft of examination papers. For example, the examination papers that were found dumped in Kayole area were papers that belonged to a certain school. They were part of that school's mock examination. They were not national examination papers. But the whole subject was blown out of proportion. We cannot say that there is bad governance in examinations in this country. Our research and investigations proved that there was no theft of that magnitude. There were one or two cases here and there, which were exposed and the people concerned taken to court. So, our certificates are credible. When we say that there will be good performance, then accept that there will be good performance.

On the question of buildings and other infrastructure, whereas my Ministry will build onto what is already available, we have to start with the infrastructure that exists. Every district can boast of having some schools. There will be no problem in identifying the right schools.

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I support the idea of establishing centres of excellence in various parts of this country. But would it not be prudent, and exciting, for the Ministry to start from scratch by developing one school per district and calling it a centre of excellence as opposed to taking over schools built by members of the public?

Mrs. Mugo: Mr. Temporary Deputy, Sir, we would like to make this programme operational as soon as possible. It is more prudent to start where infrastructure exists instead of starting from the scratch. I do appreciate the hon. Member's comments. This is something to think about. But for the purpose of implementing the programme as soon as possible, we believe we have taken a quicker route.

The Temporary Deputy Speaker (Mr. Khamasi): Last question, Mr. Karaba.

Mr. Karaba: It is true that we have some districts which have already identified the two schools to be upgraded to centres of excellence. I am aware that in Kirinyanga District, for example, we have two centres of excellence which were identified by a DEB meeting held sometime back. But there is nothing happening to show that there is implementation of this programme. The question is: When will the Ministry implement what it calls "centres of excellence" programme, so that it can be seen to be doing something? What is the purpose of talking of establishing centres of excellence if there is nothing happening so far?

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, if the hon. Member listened to me carefully, I said that we are waiting for the outcome of the task force, which will impact on the implementation of this programme. I also said that this exercise will take off next year, which is only a month away.

Prof. Oniang'o: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): What is it?

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, you heard earlier the Assistant Minister say that the whole question of cheating in national examinations was a ploy by the Press to give the Ministry a bad name. Is she in order to insinuate that, when we know that the outcome of the investigations by the Ministry was not made public?

The Temporary Deputy Speaker (Mr. Khamasi): Prof. Oniang'o, that is a smart way of

asking another supplementary question! So, we will go to the next Question by Prof. Olweny, the Member for Muhoroni.

Question No.085

REHABILITATION OF CHINGA-
KIBIGORI-OMBEYI ROAD

Prof. Olweny asked the Minister for Roads and Public Works:-

(a) whether he is aware that the Chinga-Kibigori-Ombey Road (E248) is badly damaged between its junction with Kisumu-Muhoroni Road (E34) and Kibigori Centre; and,

(b) what immediate plans he is taking to ensure that the road is repaired and safeguarded against further damage.

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

(a) I am aware that a small section of Road E248, which is appropriately 100m long, near Kibigori Centre was badly damaged due to the heavy rains of March, 2006.

(b) A total of Kshs1,356,000 from Muhoroni Constituency Roads Fund was used to improve the road. Heavy grading was done and the stretch between Kibigori and Road C34 junction was raised in order to safeguard the road against further damage.

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, while it is true that some work is being done on the road, it is not very satisfactory. This is because one thing that messes up roads is water. That road was damaged by water. Parts that have been repaired will be damaged again. They did some work; however, the road will still be damaged because they did not construct culverts. Previously, a stretch of one kilometre of that road had about four culverts. They, however, just graded the road and forgot about the culverts which are blocked. That means that the road will be damaged again. What is the Ministry doing with regard to constructing culverts on the road?

Mr. H. Sasura: Mr. Temporary Deputy Speaker, Sir, I am not aware of the complaints raised by the hon. Member. However, where culverts are required, we have road engineers who are going to do that work. We will look at the issue and the culverts will be constructed.

Mr. Omamba: Mr. Temporary Deputy Speaker, Sir, the problem that the hon. Member has talked about is very common everywhere. In my constituency, roads are repaired using earth instead of murrum. When it rains, the earth is washed away. The water travels with the earth for up to three kilometres. You can tie something to it as a mark and follow it. You will travel so many---

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Omamba, can you ask your question?

Mr. Omamba: Mr. Temporary Deputy Speaker, Sir, what is the Ministry's plan for repairing these roads?

Mr. H. Sasura: Mr. Temporary Deputy Speaker, Sir, I am not aware of the complaint from the hon. Member. The Question we had was specific to Muhoroni area. If there are any other complaints to the same effect, we shall address them when a Question on them comes to the House.

Mr. Balala: Mr. Temporary Deputy Speaker, Sir, we are aware that in this country quite a number of roads have potholes. Lack of maintenance of roads causes craters and destroys them. What is the policy on road maintenance? Does the Ministry have maintenance units or does it wait until a road is totally impassable, then it uses billions of shillings on repair?

Mr. H. Sasura: Mr. Temporary Deputy Speaker, Sir, the issue of potholes does not crop up

overnight. Potholes are a result of misuse of roads which have been in existence for a long time. The hon. Member who is asking this question has been around for a long time. The previous regime was a major contributing factor to the destruction of roads. The Government is doing everything possible to repair the damage caused---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! Mr. Odoyo and company---

Hon. Members: Mr. Weya! Mr. Weya!

The Temporary Deputy Speaker (Mr. Khamasi): Can you obey simple rules of the House?

Mr. Balala: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that I was in the previous regime? He is very new and should not confuse the House!

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Balala, surely you know that, that is not a point of order!

Mr. Assistant Minister, can you finish off your answer?

Mr. H. Sasura: Mr. Temporary Deputy Speaker, Sir, we have maintenance units. Everything possible is being done to repair the potholes. We should appreciate the efforts of the Government to make sure that many roads within the country are being repaired.

Mr. W. Galgallo: Mr. Temporary Deputy Speaker, Sir, some hon. Members are lucky because they are complaining about roads which have been tarmacked and have potholes. In most parts of this country, like Moyale Constituency, there is not even a kilometre of tarmacked road. Roads are totally impassable. This situation exists even in the Assistant Minister's constituency.

(Applause)

There are no roads and all the culverts have been washed away. It seems we do not have measures in place to control floods that are wreaking havoc in the country. What is the Ministry doing about this?

Mr. H. Sasura: Mr. Temporary Deputy Speaker, Sir, as I have said earlier, we have maintenance units in every region. As I am speaking right now, there is a unit in my constituency. It covers the entire Isiolo, Marsabit and Moyale area. It is because of this unit that the hon. Member is able to be in this House today. As for tarmacking roads, plans are underway and in the coming year, they will be tarmacked.

The Temporary Deputy Speaker (Mr. Khamasi): Last question, Prof. Olweny!

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister said he is not aware of the culverts on the stretch of the road in question. I travelled with his officers along that stretch, and we counted the blocked culverts. They know about them. This road is C34; it is tarmacked and several culverts constructed on it before it was re-done a few years back. When it was re-done, the culverts were blocked. Now, all the water flows on the murram road, E248. Now that I have told the Assistant Minister about the situation of the road, what is he going to do about them? It is the absence of the culverts---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Prof. Olweny! We do not use this Question time to make speeches in this House! We ask questions.

Mr. Assistant Minister, can you answer the question?

Mr. H. Sasura: Mr. Temporary Deputy Speaker, Sir, we will send engineers to look into

the hon. Member's complaint.

The Temporary Deputy Speaker (Mr. Khamasi): Next Question!

Question No.651

NUMBER OF GOK VEHICLES IN JUNK YARDS

Prof. Oniang'o asked the Minister for Finance:-

(a) whether he is aware that there are so many Government vehicles lying at Government junk yards;

(b) if the answer to (a) above is in the affirmative, how many such vehicles are in the junk yards and what their value is; and,

(c) if he could inform the House what urgent measures he is taking to ensure the vehicles are repaired and distributed to Government departments all over the country to reduce the rampant cases of lack of official transport for civil servants who are entitled to official transport.

The Assistant Minister for Finance (Mr. Kenneth): Mr. Temporary Deputy Speaker, Sir, I would like to seek the indulgence of the House. I would like to respond conclusively to this Question on Wednesday afternoon.

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, I accept the Assistant Minister's request because the answer that I have, which is signed by the Minister for Finance is not proper. It is an embarrassment to this Government which purports to be a new Government which does things differently.

The Temporary Deputy Speaker (Mr. Khamasi): Order! The Assistant Minister has said that he would like to give a proper answer at a later date. So, the Question is deferred.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, this Question is not directed to the right Ministry. The Ministry of Finance is not responsible for the Government vehicles. That responsibility rests with the Ministry of Roads and Public Works. So, I wonder how the Minister for Finance is going to answer the Question.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Raila! I would have expected the Assistant Minister for Finance to tell the House that the Ministry is not responsible for Government vehicles. If they have taken up the responsibility, then they will have to answer the Question. If it does not fall within their docket, then they will refer it to the right Ministry.

(Question deferred)

I have a request from the Assistant Minister, Office of the President, to issue a Ministerial Statement. Mr. Kingi!

MINISTERIAL STATEMENT

RISING INCIDENTS OF
INSECURITY IN THE COUNTRY

The Assistant Minister, Office of the President (Mr. Kingi): Thank you, Mr. Temporary Deputy Speaker, Sir. Before I issue the Statement, I would like to sincerely apologise to the House in that I was not able to issue this Statement last week. I was in my constituency dealing with the issue of floods that have struck the coastal parts of this country. However, I wish to issue the

Statement today.

On Tuesday, 7th November, 2006, hon. Ojode rose on a point of order seeking a Ministerial Statement from our Ministry regarding cases of insecurity that have occurred in various parts of the country. It is true that in the last few months, we have witnessed incidents of crime in various parts of the country, culminating in very bad events, for example, what happened in Mathare in Nairobi. However, it is important to note, right from the onset that all the incidents of crime which have been reported in areas such as Molo, Kuresoi, Mathare and elsewhere, have their basis in criminal activities and not tribal disagreements as the following cases will show.

First, we have the issue of the Mathare Slums. The state of insecurity in Mathare resulted from fighting between members of two outlawed sects because of disagreements over illegal commercial ventures in the *chang'aa* trade. A total of seven people were killed and several others injured. A motor vehicle registration number KTU 909 Datsun Pick Up was also burnt. Several residents fled their homes fearing for their lives. Thirty two suspects were arrested, and on 9th November, 2006, taken to court in connection with the violence vide cases No.CR/2682 to CR/No.26840/6 and CR.No.123/661/06.

Mr. Temporary Deputy Speaker, Sir, calm has now returned and the most of the people who had fled their homes are returning. The combined contingent of the General Service Unit, Regular Police and Administration Police officers have been deployed to the area to beef up security and will remain there as long as it is necessary to ensure that peace prevails. In addition, the Government, the Kenya Red Cross Society and other well-wishers have donated food and blankets to the displaced families.

As regards the Kuresoi and Molo clashes, it is important to note that incidents of crime in these areas have their origin in criminal activities and not in tribal disagreements and has been claimed. For example, the alleged rape of a seven year old girl sparked the incident in Kuresoi. The first incident arose after a theft of goats from one homestead and the second one was after the rape of 13 year old girl by a six man gang. This triggered violence and security personnel were deployed. Three civilians, armed with bows and arrows were shot and killed by security officers who were in the area to maintain law and order. These officers will remain there as long as they are needed.

The Nakuru District Security Committee, the Provincial Security Committee, church leaders and the Parliamentary Committee on Administration, National Security and Local Authorities visited the area and held *barazas* there. As a result, tension has now gone down. We have intensified security patrols in these areas. Further more, police officers from warring communities have been moved from the areas of conflict. Finally, 28 suspects including an assistant chief, have so far been arrested and taken to court.

Mr. Temporary Deputy Speaker, Sir, on 3rd November, 2006, some Turkana tribesmen were invited to a party by the Jie Community of Uganda. As they were feasting and celebrating, the Uganda People Defence Force (UPDF) soldiers had a confrontation with the group. As a result, 60 people were killed including 10 Kenyans, namely, four men and six women. Eighteen other Kenyans were injured. The Turkana District Security Intelligence Committee moved to Lokiriama area near the border with Uganda and received those who were running away to safety back to Kenya. The DSIC has been asked to advise the Turkana people not to cross the border without the necessary travel and security arrangements. The incident occurred outside our borders.

With regard to Marsabit and Moyale, security has been beefed up along the Kenya/Ethiopian border to stop insurgence by bandits from Ethiopia. Turbi and Furole Police Posts have also been upgraded to police stations and their strengths increased. Detachments of security personnel comprising of GSU, Regular and Administration Police and the Anti-Stock Theft Unit are providing extensive patrols along the border. In addition, several joint border peace meetings

have been held and others will be held in Kenya and Ethiopia by District Security Committees from Marsabit and Moyale with their counterparts from the neighbouring districts in Ethiopia. Elders from both communities are involved and this is bearing fruits. A simultaneous security operation has been carried out along the border by the security forces from Kenya and Ethiopia to flush out the Oromo Liberation Front insurgents.

Mr. Temporary Deputy Speaker, Sir, on 28th October, 2006, at about 8.30 p.m., an unknown gang attached the constituency home of hon. John Michuki, the Minister of State for Administration and National Security. The Minister and his family were not at home. A chief, Mr. Arthur Kariuki Kibe, whose house is 1.5 kilometres from the Minister's house was shot and killed outside his gate when he was going to respond to the shooting. The motive of the attack on the Minister's residence and the killing of the chief is not yet known. Investigations into the incident were launched immediately and so far, 42 suspects have been arrested and are helping police with further investigations.

The Temporary Deputy Speaker (Mr. Khamasi): How long will you take to finish?

The Assistant Minister, Office of the President (Mr. Kingi): Mr. Temporary Deputy Speaker, Sir, just give me five minutes and I will be through.

On 10th October, 2006, the body of Martin Ochaga Chugu was found lying on a village footpath. The matter was reported to the police who visited the scene immediately. When the police contacted relatives to attend and witness postmortem examination, they refused and instead obtained a court order from the Homa Bay Resident Magistrate to have the body released for burial without postmortem. Police later received information that the late Ochaga was actually murdered. The officer in charge of Ndhiwa Police Station obtained exhumation orders, released the body and took it to the New Nyanza Provincial Hospital for postmortem. The postmortem was done on 11th November, and the Government pathologist formed an opinion that the cause of the death was from asphyxia; manual strangulation. With the new evidence, police have arrested two suspects who are now assisting with investigations, vide file No.610129/06.

On 5th November, at 1.00 p.m, Mrs. Dorothy Anyang'-Nyong'o reported that her car KAR 634A Toyota Rav4 had been shot at by two young men, damaging the front left headlamp as she was driving along Baobab Drive within Evergreen Area. She sped off while the two men escaped towards Kiambu Road. Upon receiving the news, police combed out the area in search of the two young men in vain. Initial indications are that this was a criminal occurrence, and it is being investigated as such. On 4th October, 2006 at 8.00 p.m, armed gangsters went to the house of George Odhiambo Odongo. They found him outside and after an argument, they shot him dead. On their way, they found Eric Okeyo Oula, whom they called by name and shot him dead. They proceeded to a shop owned by George Kimathi whom they robbed off Kshs30,000 and injured him with a pistol butt. They proceeded to Ramogi Bar and met Vitalis Omondi whom they called by name and shot him dead as well. Investigations revealed that the criminals knew all their victims very well. It appears they had differed over an issue which is yet to be established. Investigations are still going on. Security patrols in the area have been intensified and a well-organised community policing has been established.

Mr. Temporary Deputy Speaker, Sir, I wish to say, in conclusion, that the Government has the ability, capacity and willingness to protect the lives and properties of all Kenyans at all costs and, so far the situation has been brought under control. All incidences of insecurity will be dealt with firmly and decisively to maintain law and order always. The Government wishes to assure all hon. Members and other Kenyans that it will do everything within its powers to maintain peace and tranquillity, not only in the affected areas but also throughout the country. All leaders, and especially political leaders, are asked to play their rightful role of providing leadership during such delicate times and to seriously desist from politicising criminal incidents.

The Temporary Deputy Speaker (Mr. Khamasi): This matter is not subject to debate. However, I will give a chance to two hon. Members to seek clarification. I would like to caution hon. Members that what we say here must be in the spirit of making peace everywhere in this country. I will now call upon two hon. Members to seek clarification, and I will start with Mr. Cheboi and then Mr. Raila---

(Mr. Cheboi stood up in his place)

Order, Mr. Cheboi! It is Mr. Ojode who had requested for the Ministerial Statement. So, he must have the first shot.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, this is a serious issue and I am disappointed. I sought this Ministerial Statement two and a half weeks ago, and the Assistant Minister was trying to evade the issuance of the Statement. I am not happy as I stand here. I asked the Assistant Minister to explain the circumstances under which some hooligans, especially those he refers to as the outlawed sects; the *Mungiki* and the *Taliban*--- The Assistant Minister stood here and said that they are outlawed sects. The Assistant Minister knows very well that it is the *Mungiki* who support his Minister; his own boss. They demonstrated in the streets---

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, please protect me from these fellows! I am discussing a serious issue.

The Temporary Deputy Speaker (Mr. Khamasi): Order, let us cool down! Let us be reasonable and approach this issue with caution. Stop being emotional! Hon. Ojode, when you make such statements, what you are doing is to arouse emotions on the other side.

Mr. Ojode: From where?

The Temporary Deputy Speaker (Mr. Khamasi): Order! Mr. Ojode, you have to learn how to listen! Please, keep your emotions out of this.

Mr. Ojode: Thank you, Mr. Temporary Deputy Speaker, Sir. I am getting disappointed! I gave out the facts to the Minister. This is a case which involves life. Life was lost. As we speak, about eight people have died in Mathare. The Assistant Minister stood up and admitted that there is the presence of the outlawed *Mungiki* sect. What were the sect members grumbling about? They were grumbling about *chang'aa*. That means that *chang'aa* is also brewed officially.

I asked why or who massacred the Njoroge family of South B, Nairobi. The Assistant Minister has not talked about it. In Kuresoi, as at yesterday, we had so far lost nine lives, with over 250 homes being torched completely. We are told that some of the *Mungiki* members who were demonstrating here in Nairobi, in favour of the Minister are the same ones causing problems in Kuresoi.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Ojode! You have to sit down!

The Assistant Minister for Justice and Constitutional Affairs (Mr. Mungatana): On a point of order, Mr. Temporary Deputy Speaker, Sir. We must show some respect as we address this House, as you pointed out. Is the hon. Member in order to say that an outlawed sect demonstrated in support of a Minister? Could the hon. Member table evidence and substantiate that statement or withdraw and apologise?

The Temporary Deputy Speaker (Mr. Khamasi): Order hon. Members! We will maintain law and order and we should not make this House a place where someone can stand and say whatever he or she wants to say. The Assistant Minister had a point he was making and he must be

heard. So, Mr. Ojode, when you say some things here, you must expect to be challenged. When we say things here, let us be rational.

Mr. Ojode: Thank you, Mr. Temporary Deputy Speaker, Sir. However, when those fellows were demonstrating, they also had their own flag, the *Mungiki* flag. The hon. Member who was challenging me was not in Nairobi, but in his constituency. I am informing him that there were flags of *Mungiki* being used in the demonstration. In fact, they were even denouncing the Police Commissioner.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Ojode! A Ministerial Statement is not supposed to be debated! We are trying to debate a Ministerial Statement and I will not allow it!

Mr. Ojode, you are seeking clarification; do so in a brief manner and let the Assistant Minister respond. I want to stop at that!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I will try to be very brief. The Assistant Minister has responded to the issue of the deaths in Turkana District---

The Assistant Minister for Trade and Industry (Mr. Miriti): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Hon. Members: Sit down!

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Miriti! Let Mr. Ojode finish what he is saying!

Mr. Sirma: Mr. Miriti, *kaa chini!*

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Sirma, you will stop that!

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, I am sorry.

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, I have made a ruling and you must adhere to it. I have said that we will not make this a debate. Let Mr. Ojode finish with the clarification he wants to seek and the Assistant Minister will respond. I will give a chance to one or two other hon. Members and we will end the matter at that point.

Mr. Ojode, could you be brief?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I will be very brief.

The Assistant Minister for Trade and Industry (Mr. Miriti): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, could you protect me from the "Nyayo" Man?

(Laughter)

I asked the Assistant Minister to explain to us the circumstances under which the eight people were killed in Turkana District. I understand the total number of those people who are now dead as a result of these clashes is ten. I also asked why the Ministry is not taking the necessary steps to solve the situation. We have about 320 people who have died for the last one year in North Horr Constituency on the Kenya/Ethiopia border. I also wanted to know why it was necessary for the Ministry to create a police post when I sought the Ministerial Statement.

In Bondo Constituency, for example, for the last three to four weeks, we have lost five people. In Nyatike Constituency, we lost three lives. Why is this happening? Could the Ministry tell us why we are losing innocent lives, apart from those dying from stage managed cases like the one on the raid on the Ministers's home? I am saying this because there was a contradiction and we need to know why there was this contradiction. Why was it there in the first place?

(Applause)

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order, hon. Members! Mr. Kingi, I hope you are taking notes. The next one to seek---

(Several hon. Members stood up in their places)

Order, hon. Members! What is wrong this morning?

Mr. Bett: *Kaa chini*, Mr. Ndile!

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Bett, would you like to be the first hon. Member to be sent out?

Mr. Bett: No, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Certainly not! Could we all be orderly? I will allow Mr. Cheboi and then Mr. Raila to seek clarifications!

Mr. Ogur: And then me!

The Temporary Deputy Speaker (Mr. Khamasi): No! I will not allow any other points of order. Please, do not stand on a point of order unless it is on gross misconduct of the House.

Proceed, Mr. Cheboi!

Mr. Cheboi: Mr. Temporary Deputy Speaker, Sir, I would like to thank you for this opportunity. I wish to seek clarification from the Assistant Minister who has been to my constituency and saw all these things for himself. The genesis of the Rwanda Genocide was as a result of the Rwandan Government not being able to act in good time to save the situation. Unless we go to the depths of the causes of tribal clashes in various parts of this country, there is nothing much we will do to solve this problem.

Mr. Temporary Deputy Speaker, Sir, I specifically want to seek clarification on issues concerning Kuresoi Constituency. The Assistant Minister has rightly said that the clashes in my constituency were caused by an allegation of rape, which was not the case and the second case was real rape. Up to now, the Government has not made any effort to arrest the rapists who defiled a 13-year-old girl who was going to her home.

Hon. Members: Shame! Shame!

Mr. Cheboi: Mr. Temporary Deputy Speaker, Sir, the police and the Government know the particular farm where those young men came from. They have not even sought any statement from the farm owner let alone the people who are working in that farm. Four people were killed by the police. I, together with six hon. Members of Parliament, attended a funeral of one of the four people. Two of those people were killed in a potato farm less than ten metres from their homesteads. The Government informed us that these people were shot while trying to torch houses. Is it possible that somebody would want to torch his house? If somebody wanted to torch his house, why would the police shoot him? This is a situation whereby somebody is shot dead right inside his own farm.

Mr. Sungu: That is genocide!

Mr. Cheboi: Mr. Temporary Deputy Speaker, Sir, I had an opportunity to talk to the Minister on this issue. I also visited the office of the Provincial Commissioner together with Mr. Kingi. We gave the Minister a set of issues---

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Cheboi, could you be brief?

Mr. Cheboi: Mr. Temporary Deputy Speaker, Sir, I will be very brief though this is a sensitive matter. We gave him a set of issues which we thought if they were addressed, would stop

the issue of tribal clashes in Kuresoi Constituency. This was not done and that is how the third round of clashes began. At the moment, the police who are stationed there are harassing innocent people. They know where the clashes were, but they do not want to go there because of fear or something else which I do not understand. They are targeting peaceful citizens and raping their women. In fact, the cause of the shooting of the four gentlemen is because they bumped into policemen who wanted to rape some women.

Mr. Temporary Deputy Speaker, Sir, chiefs have also been interdicted selectively. The Government is not telling us how these chiefs participated in these clashes. Four chiefs from one community who come from areas where there was peace have been interdicted and yet, there are some chiefs who were right inside the areas where the clashes occurred and because they do not come from a particular tribe, they have not been interdicted. What criteria is being used to interdict some chiefs and not others?

Mr. Temporary Deputy Speaker, Sir, the police are moving with civilians. I have never understood civilian formations which get into police activities, so that as the police progress, the civilian who are following are actually burning houses. We have raised this issue with the Permanent Secretary, the Ministry, the Provincial Commissioner and the police. I had an opportunity to go to the---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Cheboi! This is not debate time! This is time to seek clarifications. What you are doing is literally debating. I will give you only one minute to conclude.

Mr. Cheboi: Mr. Temporary Deputy Speaker, Sir, what steps has the Government taken to arrest the rapists and the police? There is no law in this country which allows the police to be the magistrates or judges, so that they can execute citizens. What steps has the Government taken to apprehend these criminals because those police officers are more criminal than even the other criminals they are talking about?

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Raila, it is now your turn!

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I wish the Minister was here to read this Ministerial Statement. We have no problem with the Assistant Minister. However, did the Chair see the Minister on television addressing a rally in his constituency on Sunday threatening hon. Members of Parliament, saying that hon. Members can only speak in the House, if they speak outside, they will be arrested? Did the Chair hear that? The Minister has nothing but contempt for this House and hon. Members of the House!

Mr. Temporary Deputy Speaker, Sir, with regard to the clashes in Kibera, the Minister said that these people went around knocking doors, calling people by name and shooting them. All in all, four people were killed. He has not said that it took nearly two hours for this to take place. Within those two hours, those gangs were actually in command. They were shooting a 100 metres away from where there is an administration police camp. The gun sounds were heard as far as Woodley Estate. The gangs knew the people they were killing. Why has no one been arrested since that time yet the police said they know some of the members of the gang?

Mr. Temporary Deputy Speaker, Sir, with regard to Mathare, people died and nothing has been done. Calm has returned and the curfew has been lifted, yet last Sunday, a peaceful assembly that had been approved by police in Kamukunji was cancelled at the 11th hour over radio and television announcements. The Government has not gazetted any kind of restriction of movement or assembly in Nairobi. Are we being ruled without the law; that the Police Commissioner can merely issue an announcement on radio that a meeting is cancelled citing insecurity? What happened to our repealing of the Public Order Act? Why is the Government taking us back to the draconian days?

Mr. Temporary deputy Speaker, Sir, I have here with me a letter that is written by a District

Officer instructing all chiefs in Suba East and Suba West Division as follows:-

"Contact details of all churches and mosques in your location. The Government is interested in communicating directly to believers in churches and mosques in your area. Therefore, urgently send to this office the following details: 1. Churches and mosques in your location. 2. Contact details that outline the sub-location, mailing addresses, telephone numbers of the pastors or imams---"

The Temporary Deputy Speaker (Mr. Khamasi): Order! Hon. Raila, you are seeking clarifications, and I want you to finish. You are now going into the detail of some form of activity which went on and it is not part of this. So, I will request you to finish because I want the Assistant Minister to respond.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Mungatana): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Member in order to read a document that has not been presented for authentication, and refer to it as an authority?

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Mungatana! That is not the procedure! Mr. Raila can read from any script he wants. If he is challenged as you are doing, then he can table it.

So, hon. Raila, I want you to cut short your seeking of clarification so that the Assistant Minister can respond.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I am surprised that the Assistant Minister for Justice and Constitutional Affairs has not taken time to understand the Standing Orders.

The Temporary Deputy Speaker (Mr. Khamasi): Order! You are going back to what I have already ruled on. This is not debate!

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, of course the hon. Member knows where we met; in Nyayo House.

(Laughter)

The Assistant Minister for Trade and Industry (Mr. Miriti): on a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Member in order to make allegations that he cannot substantiate? Could he also table that document so that it is authenticated?

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I am not making allegations that I cannot substantiate. The fact that I met him in Nyayo House torture chambers is on record.

(Laughter)

The Assistant Minister for Trade and Industry (Mr. Miriti): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Member substantiate that allegation, that I have ever, in any single day, worked in Nyayo House? I have never in my lifetime worked there.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, this is ridiculous! Let us not turn this House into a theatre of the absurd. The Member cannot deny the obvious. He knows where he was working.

The Temporary Deputy Speaker (Mr. Khamasi): But, Mr. Raila, what document are you reading? Lay it on the Table!

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I am entitled to refer to a document and table it as you have ruled and the facts can be verified later. There is a stamp and signature on it. So, I am not just talking about hearsay.

Mr. Temporary Deputy Speaker, Sir, I am trying to say here that this Government is trying to turn this country back to those dark days where the State controlled institutions of higher

learning and even religious institutions. This has very serious implications in as far as security is concerned. The Government accesses people through *barazas*.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Raila! You are debating!

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I am just seeking clarifications.

The Temporary Deputy Speaker (Mr. Khamasi): Please, could you finish doing so?

Mr. Raila: Could the Assistant Minister state why they saw it fit to use the police to disperse a peaceful prayer meeting and use unnecessary force when the police did not notify the congregation to disperse peacefully and refused to do so? Secondly, why have they not arrested the people they know who went around killing innocent people in Kibera?

*(Messrs. Ogur and Omondi stood
up in their places)*

The Temporary Deputy Speaker (Mr. Khamasi): Order! Hon. Ogur and hon. Omondi, it is not mandatory for you to speak on this matter. Let the Minister respond.

The Assistant Minister, Office of the President (Mr. Kingi): Mr. Temporary Deputy Speaker, Sir, I wish to say from the outset that the issues before us are very serious because they deal with the lives of Kenyans. What I gave in my Statement was the genesis of the incidents that were raised by hon. Ojode. I went ahead to give details of arrests where they were made and I went ahead to assure Members and the country at large that we are taking all measures within our powers to ensure that where we have not made arrests, we will continue with our investigations until such time that we make the arrests.

Mr. Temporary Deputy Speaker, Sir, the issue of us having evaded to issue a Ministerial Statement does not arise. When I started issuing the Statement, I gave the circumstances under which this Statement came to the House late.

I am not aware that the incident at hon. Michuki's house was stage-managed. A chief in the area lost his life and investigations are going on. Already some arrests have been made. To come to this House and claim that such an incident was stage-managed is really very unfortunate.

*(Several hon. Members stood
up in their places)*

I would rather somebody came up with evidence that this particular incident was stage-managed instead of going round everywhere saying that the incident was stage-managed. It is not fair for us as Kenyans to keep on making such wild allegations.

Mr. Temporary Deputy Speaker, Sir, as far as Kuresoi Constituency is concerned, I want to agree with hon. Cheboi that he came to my office and we had a long discussion about the activities that are going on in Kuresoi. During those discussions, which we held in the presence of the hon. Member for Molo, we agreed that they would identify a committee. I told them that the Government was ready to sponsor a peace-building initiative in the area. We were supposed to get a list of names of members of that committee from them and begin work from that point. They have not come back to us yet, but the moment they do so, we shall continue with that initiative.

With regard to the rapist, we are still doing our investigations. It is not possible to go to a farm where these people work and simply start arresting people unless we have clear indications of the criminals we are looking for.

It is very unfortunate to come to this House and allege that police officers are harassing innocent citizens. When Kenyans arm themselves with bows and arrows and torch houses and when they are ordered to surrender some of them refuse to oblige and instead go on to shoot a

police officer, what do you expect the other police officers to do? What we are saying is that people should allow police officers, chiefs and ourselves to continue doing the necessary work.

With regard to the incidents in Kibera, I said that investigations are still going on. We shall continue carrying out investigations and if there are any people with information that can help us, we are asking them to go and write a statement with the police so that we can apprehend the criminals.

Mr. Temporary Deputy Speaker, Sir, with regard to the recent incident where a prayer assembly to be held in Kamkunji was cancelled, this was not the first time we were cancelling a meeting in Nairobi. Two weeks ago, we cancelled a rally that was to take place in Kibera. We did so after consulting with some hon. Members of Parliament who are seated here today. We felt that the situation in Nairobi was not calm enough to warrant such gatherings. Whatever we did was in good faith. There was no politics involved because we are only concerned with the security of our people.

This Government has no intention of returning this country to the old dark days when some hon. Members here were in Government. We will never do that. In fact, we have provided Kenyans with a platform and latitude of freedom. Let hon. Members be assured that the days of the infamous Nyayo torture chambers are long gone and we shall never go back there.

Mr. Ogur: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am not going to talk about the people who died in Nyatike Constituency. I am concerned about the Mayor's chain. The Assistant Minister is not addressing that as a serious matter and yet it is something to do with insecurity in this country. Could he, please, address that matter too?

The Temporary Deputy Speaker (Mr. Khamasi): A very nice light moment!

The Assistant Minister, Office of the President (Mr. Kingi): Mr. Temporary Deputy Speaker, Sir, I want to appeal to the House to join us in ensuring that we have adequate security in this country. We need to support each other and collaborate because irrespective of which side of the House one belongs, matters of security are paramount to all of us. We have no intentions of compromising the security of any Kenyan. So, all hon. Members are welcome to share with us any information that we could use to help this country maintain law and order.

The Temporary Deputy Speaker (Mr. Khamasi): Dr. Ali, you wanted to seek a Ministerial Statement. Please, do so before we go to the next Order.

POINT OF ORDER

ASSISTANCE TO AREAS AFFECTED BY FLOODS

Dr. Ali: Mr. Temporary Deputy Speaker, Sir, I wish to seek a Ministerial Statement from the Office of the President with regard to floods that have affected most parts of this country. I wish to know what the Government is doing to control the situation now that the country is faced with a lot of problems. We do not want to see Government officials move around in helicopters from one spot to another just to show the public that they are moving around. The truth of the matter is that Kenyans are dying and the infrastructure is in very bad shape.

The media has highlighted the bad situation in Coast Province, Garissa District and other parts of northern Kenya where there is no television or newspapers. In fact, there are areas which have been marooned in water for the last one month and not a single vehicle has been able to reach there. In some areas, examination papers in the just concluded KCPE examinations have not been collected up to now and food has not been distributed for nearly a month now.

Mr. Temporary Deputy Speaker, Sir, I am, therefore, seeking a Ministerial Statement from

the Office of the President on the serious situation of floods in some parts of this country and why the Government has not considered this a disaster, and yet so many Kenyans have lost their lives as a result of this. If we cannot afford to help Kenyans, then we should ask the international community to assist us. We also need to know why the President is not talking about this matter.

The Assistant Minister, Office of the President (Mr. Kingi): Mr. Temporary Deputy Speaker, Sir, we will pass that request to the Ministry of State for Special Programmes and ask them to deliver a Ministerial Statement either tomorrow or Tuesday, next week. However, if there are examination papers which are yet to be collected, I would like to know which centres are involved so that we can pass the same information to the Ministry of Education and also the Kenya National Examinations Council.

MOTION

ESTABLISHMENT OF TECHNICAL COMMITTEE ON YALA SWAMP

THAT, whereas the National Assembly approved a resolution calling on the Government to reclaim the Yala Swamp and to implement irrigated farming to increase food production and to promote commercial farming in the area and being aware that the Government, through the Lake Basin Development Authority, signed a Memorandum of Understanding with Dominion Farms Limited for the development of the Yala Swamp; this House urges the Government to set up a technical committee of experts to investigate and report on the extent of the implementation of this project and to recommend an action plan on how the project can be expanded in Siaya, Bondo and Busia; and further that the report of the findings of the technical committee be tabled in the House within six months.

(Mr. Oloo-Aringo on 15.11.2006)

*(Resumption of Debate
interrupted on 15.11.2006)*

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Oloo-Aringo was on the Floor of the House moving this Motion. He had a balance of 15 minutes. However, we have a request in writing from hon. Oloo-Aringo that hon. Odoyo continues to move this Motion on his behalf.

Mr. Odoyo: Thank you, Mr. Temporary Deputy Speaker, Sir. The hon. Oloo-Aringo is in the House of Commons in the United Kingdom (UK) and has written a letter confirming that I should continue moving the Motion which was interrupted previously. For purposes of jogging our memory, I wish to read the Motion which is that---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Odoyo! This Motion had already been moved. What you want to do is a repetition. All you need to do is to go on debating it until the end of 15 minutes. It will be seconded thereafter and then I shall propose it.

Mr. Odoyo: Mr. Temporary Deputy Speaker, Sir, we have just been discussing issues to do with insecurity in this country. One important aspect of security in this country is food security. While the Assistant Minister, Office of the President talked of armed security, many armed conflicts arise as a result of lack of food security. In Kenya, food security has been lacking. Since Independence, we inherited an economy that was structured to suit Her Majesty the Queen's Government. That economy was meant to produce cash crops that supported the economy in the

UK.

When we took over the Government in 1964, we did not intentionally restructure the economy in order to address the food deficit in the country. Today, Kenya is still a food-deficit country. We have so many people in Kenya who are still not able to feed themselves.

Only one-third of Kenya can be said to have some inkling of rain water, surface water, rivers or underground water. Over two-thirds of Kenya is still living below the poverty line. The Arid and Semi-Arid Lands (ASALs) of this country will not be addressed until we are able to leave our traditional ways of farming and adopt modern technology that has been brought by Dominion Farms in Yala Swamp.

Mr. Temporary Deputy Speaker, Sir, this Motion urges the House to put together a team of experts to look at how Dominion Farms have successfully implemented an irrigation project in Kenya. We should not just form a committee of experts to look at the negative aspects but we should also look at the lessons to be learned by successful projects in Kenya. Dominion Farms in Yala Swamp is a clear example of how successful farming using irrigation can be undertaken in a country like Kenya.

This Motion focuses on the food policy in this country. We have accepted that the lack of rainfall can only be addressed by all the rivers and waters that we have. In Nyanza, we have hills, valleys, plateaus and mountains which are fairly adequate for developing a gravity-fed irrigation system.

As I move this Motion on behalf of Mr. Oloo-Aringo, I would like to urge hon. Members to bear in mind that this Motion supports commercial farming in Kenya. Commercial farming is the only way we shall be able to feed Kenyans. Over-reliance on rain continues to show that there is failure day in, day out. Today, we are still importing food, meat and many other things. We do not have adequate supply of food for all parts of the country. Our country will never claim to be developed until it has adequate food. Food is the way to develop all other sectors. All these fights we are seeing in different parts of Kenya are usually caused by lack of resources. The key resource that we are talking about is food. Until we reach a level where every Kenyan is able to feed as much as they demand, we shall continue to have these inter-tribal and inter-clan fights that continue to mar the image of Kenya.

Mr. Temporary Deputy Speaker, Sir, I have some notes from Mr. Oloo-Aringo. He points out that this Motion seeks to integrate irrigation in the National Food Policy and that such policy should address the harvesting of rain water and the construction of dams, development of irrigation technology and infrastructure to make full use of surface and underground water in the country to produce food and other crops. The Motion also talks of nurturing livestock to feed our people and generate income and fight poverty.

Mr. Oloo-Aringo goes ahead in the notes he has passed over to me to state that he supports the project objectives of Dominion Farm who have managed to rehabilitate 2,300 hectares of land and have irrigated well over 2,000 and who, today, are producing almost 50 per cent of rice that is consumed in Kenya. This particular project continues to employ well in excess of 1,000 Kenyans. This project also continues to contribute to the food policy in this country by ensuring that we have adequate supply of rice.

Mr. Temporary Deputy Speaker, Sir, the request to form a committee of experts is a recognition that we also need to look at the successful implementation of the projects. Unless we learn the lessons of good projects, we shall not be able to re-integrate and duplicate them in other areas. Today, as we sit here, the Bura Irrigation Scheme and the Kano Rice Irrigation Scheme have collapsed. Many irrigation projects are not working today. I urge the Minister for Regional Development Authorities, who intends to undertake many irrigations projects, especially in the Coast Province, including areas where they intend to grow sugar-cane through irrigation, to go to

Yala Swamp and study some of the systems they have used to ensure that those projects are successful.

Mr. Temporary Deputy Speaker, Sir, in 1979, Mr. Oloo-Aringo and the late Dr. Robert Ouko supported the Motion to create Lake Basin Development Authority (LBDA). At that time, they recognised that the lake region can be the key food basket for Kenya. Over the years, it has been ignored systematically by the various Governments which have been in power. Even today, the lake region is not receiving its adequate stock of development commensurate with the amount of taxes they are paying to the national cake.

Mr. Temporary Deputy Speaker, Sir, Mr. Oloo-Aringo indicates here that the Lake Basin Development Authority failed in its mandate despite all the positive aspects that were raised by Prof. Wasao who was the first Managing Director. Since then, successive chief executives have indulged in theft and corruption of a magnitude that has destroyed the foundation of the LBDA.

Mr. Temporary Deputy Speaker, Sir, I congratulate the current Minister for Regional Development Authorities who is doing his best to rehabilitate all these regional government authorities. However, I wish to indicate to him that he must have the Dominion Farms project replicated in other parts of the country. We must learn. These people will be in Kenya for a total of 25 years. After that, they will hand over the project to the Lake Basin Development Authority. The Minister must, therefore, have a team ready to look at what the Dominion Farms are doing and also duplicate whatever they are doing in other parts of Nyanza and Kenya.

Mr. Temporary Deputy Speaker, Sir, Mr. Oloo-Aringo, who is a Commissioner in this Parliament, reminds hon. Members that MPs cannot develop their constituencies from the salaries and allowances. He reminds hon. Members that their role is to enact taxation which allows the Government to legally collect revenue and provide goods and services to their constituencies. He also reminds MPs that one of their core functions is to ensure that the Government expends money on programmes that they have approved here in Parliament and that those public funds are not stolen by Accounting Officers who we have mandated to undertake those tasks. Finally, he says that hon. Members' cardinal duty is to represent the people by expressing in and outside Parliament, their hopes, aspirations and concerns and suggest ways to alleviate poverty and the many problems that face our people.

Mr. Temporary Deputy Speaker, Sir, while on the subject of food security, I wish to point out that the economics of food production relies heavily on prices. If you offer low prices to farmers, they make rational decisions. They will not grow what you want. If on the other hand you offer very high prices to the consumers, you will bring inflation into the country. There is, therefore, a balance between prices offered to farmers and prices being offered to the consumers. In this country, we see a dichotomy. Farmers get very low prices and consumers get very high prices. So, who is between is milking this margin? These are what we call the middlemen. The management of the middlemen has to be such that we can be able to have more money going to our farmers and also that the consumers pay reasonable prices. This Government has failed to find the appropriate equilibrium or middle point that satisfies both the consumer and the farmer.

Mr. Temporary Deputy Speaker, Sir, the food production in this country has to be the key. Without food, the Ministry, represented among others by hon. Mungatana will continue to expend hours and hours in this House talking about inter-tribal and clan warfare. We must address food security and this Motion calls upon the setting up of a team of experts so that we learn from what this American has brought to Kenya and to find out how well we can duplicate it through a report to be brought in this House within six months so that it is debated and also the lessons are appropriately learnt to enable all Kenyans to benefit from such an investment.

Mr. Temporary Deputy Speaker, Sir, that is not to say that there are no problems in Yala Swamp. Indeed, there are problems of management as concerns how a foreign company undertakes

irrigation projects and the environmental impact assessment. These are all issues that are still on the ground and the Government indeed has taken steps to look at them but they must agree that for any development to take place, there will be some movement of people. There may be one or two people who may not be totally in the positive but the totality of the weight is that it falls on the positive side that this is a positive addition to this country.

Mr. Temporary Deputy Speaker, Sir, in the case of sugar which we were hoping to grow and irrigate sugar in the coastal region, I wish to urge hon. Mungatana to fully support this particular project which is in his constituency. I have heard stories that he has been losing faith in that particular project and he wants it moved to other parts of Kenya but the Assistant Minister should continue to support this particular project and it should not be replicated in parts of Nyanza and other parts of Kenya.

Mr. Temporary Deputy Speaker, Sir, on food security, beginning with the basics leads to the question: "What are the basics in Kenya"? One, let us get adequate maize, wheat, rice and sugar. These are basic food items that consume a large part of the poor's little budget that they have. Once we have adequate food, then we can do away with the Office of the President and re-appoint in the next Government, hon. Mungatana to a more appropriate role probably to be the Attorney-General taking into account the fact that he is a lawyer rather than waste him by answering questions which indeed are not appropriate to his training and upbringing.

Mr. Temporary Deputy Speaker, Sir, finally, I wish to request all hon. Members that we must adopt irrigation. Irrigate or die! There has just been a big climate conference in Kenya and we are being told that the weather patterns are changing. The rain patterns are changing. Today, in November, we have floods across the country. We have *El Nino* coming. Therefore, we must say that those days of planting in April, May, March or February are going to change and we are not ready. The only way we can protect ourselves from this problem is to have irrigation.

I believe and request this Government to move the Department of Irrigation from the Ministry of Water and Irrigation to the Ministry of Regional Development Authorities because there are huge regional projects covering lots of parcels of land across this country and currently the Ministry of Water and Irrigation is not doing a very good job. Let us leave water with water and sanitation. Let us treat irrigation for what it is. It is the key to the future of this country. Indeed, if North Eastern Province got rain for just one month, what you will see on the ground will astound you.

Mr. Temporary Deputy Speaker, Sir, therefore, if we can move oil all the way from Mombasa to Kisumu and then Kampala, why can we not be able to move water? Why can we not move water from Lake Victoria all the way up to Garissa? We have hills of the Rift Valley just down here. The technology is now basic technology. It is no longer rocket science. If oil can be moved all the way from ground zero in Mombasa to the highest point in Eldoret, time is ripe for us to ask: "Where indeed do our priorities lie?" Our priorities must lie with the basics. Let us go back to the basics and start by asking the question: "Why is a five-year-old girl not able to get fresh water in Garissa Town"?

It is not only that. There is no water in Mombasa. In Mombasa, where the PC is a son of my hon. friend here, lacks fresh drinking water. There is no fresh drinking water in Kisumu. We have an ocean in Mombasa and a lake in Kisumu, but we cannot get fresh water. Where are the basics? Let us forget the colonial Government which formed this economy to service them so that we can export tea, coffee, and sugar to them. They did not promise to give us food. They promised to satisfy their economy. We must restructure our economy so that we meet the basic needs of our people and that starts with food, pumps and land are available and this Government has lots of money and so why can it not put food on the table of people living in Mathare Valley so that we get rid of these fights? *Mungiki* is nothing but an expression of loss of resources.

Mr. Temporary Deputy Speaker, Sir, my time is up for supporting hon. Oloo-Aringo and I beg to move.

Mr. Weya: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to second this Motion. I will explain to hon. Members why some of these issues have been overtaken by events.

Mr. Temporary Deputy Speaker, Sir, I would like to give hon. Members some background about Yala Swamp. In the early 1970s about 1977, the Japanese embarked on some research and investigations and they came up with an issue that Yala Swamp which is at the end of Yala River could be used for feeding Kenya as a nation. They also said that if the water of Sondu Miriu River could be dammed, it could be used for irrigation and that Nyanza would be the backbone for feeding this country.

Mr. Temporary Deputy Speaker, Sir, at that time, the newly-appointed Managing Director of that company was Prof. D.P.S Osao. He had just come from Ethiopia and he embarked on the infrastructure. Unfortunately, he was only in office for a very short while because he was a steadfast person and they appointed a new Managing Director who I do not want to mention because he is now deceased. There was mismanagement within the organisation and Kshs300 million which was ploughed into that investment went to waste. The project was abandoned by the Government which was under LBDA at the time. The houses were condemned and you can imagine what a project which was abandoned from that time until now looks like. The community had now gone in and were ploughing only 200 acres.

Mr. Temporary Deputy Speaker, Sir, we are very fortunate that the NARC Government came into place at the time and there was a huge demand for investment and Dominion Farms Limited looked at it and saw that this was a country that they would like to invest in.

I would like to inform hon. Members that a lot of investors want to come to Third World countries because their infrastructures are now congested and they have found that if they came and invested in developing countries, they would be able to improve the food security for the world because we are now becoming more of a global village.

Mr. Temporary Deputy Speaker, Sir, there is no point in Kenya importing rice from other countries like Vietnam. We have the capacity to produce our own rice and other commodities for our people. Dominion Farms Limited came into the country at a time when we did not have a system of investment, especially in the agricultural sector. So, its proprietors faced a lot of problems. We are lucky that the owner of that company was patient. He had to fly five times from the United States of America (USA) to Kenya, to have the process started.

Mr. Temporary Deputy Speaker, Sir, if the proprietor of that company was the type of person that gets discouraged quickly, he would have stopped pursuing the matter after his first visit to this country. You know, it costs money for one to travel all the way from the USA to Kenya in pursuit of business deals. He was patient. He took his time. We would like to thank him for having looked at Kenya in terms of investment.

Mr. Temporary Deputy Speaker, Sir, Dominion Farms Limited has invested Kshs2.3 billion. If you want to know that this investor is serious, you should consider the fact that at the time of his investment, he did not hire equipment. He brought in his own equipment worth Kshs400 million. It was unfortunate that, at that time, Ministers were not aware of what was happening in their Ministries. He had the approval of all the relevant Ministries. He held talks with the various Permanent Secretaries, with whom he signed documents. The Ministers were subsequently shocked that equipment worth Kshs400 million was at the Port of Mombasa, destined for Nyanza Province. That was when they took him seriously. For the first time in the history of Kenya, three Ministers signed one letter, stopping the project, as opposed to previous times when each Ministry would issue its own opinion on such a matter. The investor was very concerned. He

went and saw the Head of State. We thank the Head of State for having allowed him to continue with his investment. That is why Dominion Farms Limited is now in action.

Mr. Temporary Deputy Speaker, Sir, I would like to report to this House that when I was elected to this House, the poverty level in my constituency was 85 per cent. Three years down the line, it has dropped to 62 per cent. I would also like to tell this House how that investment is benefiting the people of Alego Usonga. Today, an acre of land is going for Kshs45,000. At the time of my election to Parliament, an acre was going for Kshs15,000. So, you can see what that investment has done to the value of land in that area. Before Dominion Farms Limited moved into that area, labourers were being paid Kshs50 per day. Today, they are being paid Kshs150. Even the value of property in that area has increased many folds. Previously, a one bedroom house was being rented at Kshs150 per month. Today, a one bedroom house is being rented at Kshs1,000.

Mr. Temporary Deputy Speaker, Sir, therefore, we should encourage investment. The Government should invite people to come and invest in the agricultural sector. We should have a check-list of standard conditions with which a foreigner will have to comply with before he is allowed to invest in Kenya. A would-be investor should be told about those conditions. He will then only have to go through a check-list to see whether he complies. If he does, we allow him to come and invest. I know that the wetlands in this country have been very much interfered with.

Another issue that needs to be addressed is that when the LBDA took over the project, land was taken from over 150 people and they were never paid their money. That was the responsibility of the LBDA at that time, when the Government took over the project. So, the people whose land was taken by the LBDA then have seen Dominion Farms Limited coming and they think they can now cash in. I would like to tell the House that it was not the responsibility of the investor to pay those people but rather, that of the Government. The Government took over the project and handed it to the LBDA but the LBDA did not pay people for their land. So, these are some of the concerns that need to be addressed.

I would like to report to this House that my constituency was a big importer of maize from Kitale, where Capt. Nakitare comes from. Many lorry loads of maize used to be taken to my constituency from Kitale. Today, we are exporters of maize. In the last season, we produced 10,000 bags of maize, of which 3,000 were given to the community as goodwill from the investor. We now have silos. We are now improving the food security of that area. Currently, there are 250 acres of land under rice. We know that, today, there is a shortage of rice in the world market. We plan to expand this field by 70 acres in the next season. We will increase the acreage until we get to 15,000 acres of rice. You can imagine that we will then not have to import rice from Pakistan. As a country, we will be saving foreign exchange.

I would also like to inform the House that this investor is going to use modern technology. Right now, we have an extension of farmers, who get paid by this company within a day at Kshs21 for every kilogramme of cotton. Also, the company pays farmers Kshs28 for a kilogramme of soya beans. So, the community around the Dominion Farms Limited is now finding ways of getting income by supplying this company with cotton and soya beans. The company will soon buy even fish. The investor has a market in Europe, where he will get 10 Euros per kilogramme. That is the equivalent of about Kshs1,000 per kilogramme. If Kisumu Airport is upgraded to international status, we will be able to export fish to Amsterdam, where a kilogramme can fetch almost 10 Euros on the shelves.

The Dominion Farms Limited has now put up a rice mill. Cotton farming has been revived. The ginnery is operational. The roads in my constituency are now being improved. He is grading the roads, as a corporate social responsibility. He has developed three schools. The health centre, which is close by and it is called Aturoro, has now been improved. Electric power has now reached the health centre as it goes to the company's premises. I would like to thank the Government for

providing some money towards the cost of extending the electric power line to that area. The investor put in Kshs11.5 million and the Government supplemented with Kshs8 million for that purpose. By next month, electricity will reach the company's premises and the health centre nearby. So, we are seeing some seriousness on the part of the Government.

Two weeks ago, the Minister for Water and Irrigation visited the constituency, looked at the project and was really impressed by what was going on. The Permanent Secretary in the Ministry of Regional Development Authorities was there with his team. They went and looked at the project, and they were quite impressed with what they saw. The investor is using up to scratch modern technology. He has also employed experts from all over the world, to assist us with technology, which we might not have been having in the past. That farm is supposed to be one of the best mechanised farms in Africa. I think the Government should take credit for having allowed this investor to come in and be able to have that facility in our country.

The investor also recently tendered for a partnership rice project with the Tana and Athi River Development Authority (TARDA). He wants to be amongst those to be considered to invest in that project.

With those remarks, I beg to support.

(Question proposed)

Rev. Nyagudi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to give notice of amendment to the Motion because I am aware that---

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order, Rev. Nyagudi! That is not the procedure of doing it. The procedure is that you must, first, catch the eye of the Chair to have a chance to debate the Motion. In the course of debating, if you so wish, you can move an amendment to the Motion. If you get a supporter, the House can then debate your amendment and dispose of it. So, you do not rise on a point of order to move an amendment to a Motion. You stand to catch the Speaker's eye.

(Rev. Nyagudi resumed his seat)

The Temporary Deputy Speaker (Mr. Khamasi): Very well. You may now proceed.

Rev. Nyagudi: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support the Motion. However, I intend to move an amendment on it afterwards.

Mr. Temporary Deputy Speaker, Sir, I know that the project is very important to this country. I was, personally, involved in its implementation. Therefore, I understand its importance to this country. I wish to report to the House that I am aware that a technical committee has been set up already. It comprises various experts from different Ministries. I believe that the report of that committee is available. Therefore, it would be my wish that, even as we debate this Motion, we take into consideration the work that has already been done and ask the Government to lay on the Table the report of the committee.

Mr. Temporary Deputy Speaker, Sir, the Committee is comprised of experts from the Ministry of Regional Development Authorities, the Attorney-General's Chambers, the Kenya Agricultural Research Institute (KARI), the National Irrigation Board (NIB), the National Environment Management Authority (NEMA), the Ministry of Water and Irrigation, and the Ministry of Local Government. The intention of this project is to reduce poverty and increase food production. I am aware of the hurdles that the investor had to go through to get this investment into place.

From a personal point of view, I want to thank the hon. Members who passed the

Investment Promotion Bill, which was intended to reduce the number of permits that had to be taken by investors. Before this was done, we had to go through a lot of processes to get the investment licence. Right now, the licences have been reduced and the licence for investment comes from one place. The project has managed to control floods in that region by way of erecting a weir. That weir controls the flooding such that those who are living within the area are now able to grow their crops without the fear of floods. The project has also employed many people, who depend on it.

Mr. Temporary Deputy Speaker, Sir, having visited the project on many occasions, I have been very impressed by the progress that has been made. The Departmental Committee on Agriculture, Lands and Natural Resources has also visited the project and was impressed with the work that is being done there. Therefore, this Motion seeks to set up that committee. The main work of the committee would be to report to this House what it finds to be a bottleneck to investors, looking at the Dominion Farms as a model. The investment which has been made there is in excess of Kshs2 billion, and this is something that we can use---

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

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Weya, you have already seconded this Motion.

Mr. Weya: Yes, but I have a point of procedure, Mr. Temporary Deputy Speaker, Sir. The hon. Member said that he was going to move an amendment---

The Temporary Deputy Speaker (Mr. Khamasi): That is not for you, Mr. Weya. That is for the Chair!

Mr. Weya: Mr. Temporary Deputy Speaker, Sir, could he move his amendment?

Rev. Nyagudi: I was still building my point, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Rev. Nyagudi! You are timed for ten minutes. So, I was just about to tell you that, and he has just taken over my job. I do not know who permitted him to take over my job. But I just wanted to remind you that if you wanted to move an amendment to this Motion, your time is running out!

Rev. Nyagudi: Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to move that the Motion be amended as follows:-

By deleting all the words appearing after the word "Government" in line seven, and replacing them with the following words:- "to lay on the Table of the House the Report by the Technical Committee of Experts that has been set up to investigate and report on the extent of the implementation of this project".

Mr. Temporary Deputy Speaker, Sir, my reasons for moving this amendment is because the Technical Committee of Experts has already been set up and, therefore, this Motion has been somehow overtaken by events. However, the part that is left is just for the Technical Committee of Experts, through the Government, to lay the Report on the Table so that it can be accessible to all hon. Members.

With those few remarks, I beg to move.

The Temporary Deputy Speaker (Mr. Khamasi): Rev. Nyagudi, who is seconding your amendment?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, I beg to second the amendment that has been moved by the hon. Member who has just finished speaking.

Mr. Temporary Deputy Speaker, Sir, I would want to take this opportunity to also make my contribution on this Motion as amended. When the Ministry of Regional Development Authorities and the various organizations and development authorities, like the TARDA, the LBDA and the Coast Development Authority (CDA), were set up, the idea was to try to reach to those areas which

had been left behind in terms of economic development, so that through these regional development authorities, they can be spurred economically to reach the levels of economic development that are experienced in other parts of the country.

Mr. Temporary Deputy Speaker, Sir, the project by the LBDA in the Yala Swamp, through the Dominion Farms, should be supported by all Kenyans of goodwill. We want to give credit to many other people and, in particular, to the area Member of Parliament, hon. Weya, for being consistent in following up these projects. While serving in the Ministry of Regional Development Authorities, we did have the opportunity during those difficult times to try and push for this project to succeed. I am personally absolutely delighted to hear from the hon. Member that this project has taken off, that some food security is being felt and that already, the poverty level has come down to 60 per cent from 85 per cent. That is the way that we need to move this country.

Therefore, Mr. Temporary Deputy Speaker, Sir, I support the amendment that says that, that Report needs to be laid on the Table of the House within six months. As it has already been indicated before, the technical committee has already been formed. It is in the same spirit, as the Mover of the Motion noted, that the fight for food security in this country is not only restricted to those areas where they have had good success in the Yala Swamp. In the Tana Delta, we are also struggling to

improve food security. We want to support the efforts that have so far been put by the TARDA, which is working under the Ministry of Regional Development Authorities. Personally, I want to thank the Minister, Permanent Secretary and also the leadership in the TARDA. We need to support the rice irrigation project there. Just as flooding affects the Yala Swamp, it does affect the delta of Tana River. It is a very happy moment for me to hear that controls have been put in the movement of waters in the region. The rice irrigation project that was funded by the Japanese Government was functioning well until the *El Nino* rains came and swept it away. Also, as the Ministry continues to support the Yala Swamp project, it should support the TARDA in the rice irrigation project in the Tana delta region.

I also urge the Ministry of Regional Development Authorities, through the TARDA, to hasten the implementation of the sugar irrigation in the Tana delta.

Mr. Temporary Deputy Speaker, Sir, we should fully support this Motion. We all need to know that when it comes to fighting for the security of this country as far as food and other issues are concerned, the motherland is supreme. In fact, there should not be much debate. We should pass this Motion as soon as possible.

With those few remarks, I beg to second.

The Temporary Deputy Speaker (Mr. Khamasi): Order! I want to dispose of this proposed amendment, having looked at it under our Standing Orders which are very clear. I will read Standing Order No.48(2) for the benefit of the hon. Members. It says:

"No amendment shall be permitted if in the opinion of Mr. Speaker it represents a direct negative of the question proposed."

The main part of the Question proposed is setting up of a technical committee of experts to investigate and report on the extent of implementation of this project, and recommend on the action plan. Effectively this amendment is really taking away the whole of it, and leaving the laying of the report on the Table of the House within six months. So, effectively, it is negating the intention of the Motion.

According to our Standing Orders, I will, therefore, decline to allow this amendment. If it is in the interest of those who are supporting it to defeat the Motion, they will do so when the Question is put.

The Assistant Minister for Health (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, we do appreciate your wisdom on the ruling as guided by the Standing Orders of the House.

However, under Standing Order No.1, you have the discretion also to make an otherwise ruling on this matter that is before the House. I beseech you that you use your powers to allow the hon. Members in this House to make good the time they have taken on this Motion.

Mr. Temporary Deputy Speaker, Sir, after making that request, I would like to make my contribution, assuming that you will accept it.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Assistant Minister! Let us be clear here. We are only following the rules of the House. If this Motion has been overtaken by events, the answer is there. When the Question is put, you know how to answer it!

The Assistant Minister for Health (Dr. Machage): Thank you, Mr. Temporary Deputy Speaker, Sir, for that wise directive again.

A total of Kshs2.3 billion investment in the Yala Basin is, indeed, substantive. We appreciate what the Dominion Farms Limited has done for the Nyanza people. We also appreciate the directive that the Head of State did give for this important venture to continue. I am also happy to note that the Seconder of this Motion, Mr. Were, also appreciated this move by the Head of State. There are many things that he has done for this country, that remain unacclaimed for. What he has done needs appreciation by both sides of this House.

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

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

Indeed, we only note the pathetic situation in this country sometimes in terms of food security, maybe, when we have a chance to participate in mitigation on farming situations in the country. I did have that opportunity while serving in the Office of the President. Two years ago, I was ashamed at one time when I was receiving food from Libya during the drought. When we have so much water and many reclaimed areas, both of swamps and arid and semi-arid, where big rivers flow. This Motion is a process in the right direction that must be emulated by other investors who may wish to invest in our country. Indeed, I would call on many of them to come and help us invest on the reclamation of the arid and semi-arid areas in northern Kenya, where we have fertile land and plenty of water, running into the Indian Ocean in the name of Tana River and others.

Indeed, I think this Committee would give a report of assessment and not that of investigation. I am not trying to move an amendment here. I believe the report should encompass a bigger view, including the environmental impact on the establishment of this venture. It should also include the assessment of the disease patterns and prevalence of malaria, schistosomiasis and other diseases that are prevalent in swampy areas. Of course, we need a report that will give us an impact on food availability and affordability, both to the locals and Kenyans at large. It should also tell us how much in terms of infrastructure development the community has actually benefited from these investors. Indeed, the Government gave them a quarter Century, 25 years which is not a very long period. From the little we have seen from this firm, we anticipate very good results from it, which should be emulated by other companies tomorrow.

I would also urge the Lake Basin Development Authority to assess other firms. I have an organisation at the Lake Basin in the name of Lichota based at the Migori/Kuria boarder. It has run into total waste due to poor management and the production of dairy animals has gone down. There is need for the Government, through the Ministry, to rehabilitate this important farm for the benefit of the people of the area. We would also be happy if other investors were encouraged to reclaim other lands in Nyanza Province, especially the River Migori Basin and Nateche River Basin in

Kuria and many other areas that do not necessarily have rivers but have big swamps similar to the ones we have in Kuria and elsewhere in Nyanza Province. I hope that the report that will be tabled in this House within six months will take into consideration all the facts that I have put forward.

We are united on this Motion in this House. I wish we were united in more areas, and not necessarily only on farm development that has been undertaken by the Dominion Farms Limited but also in politics. I am very disheartened that we spend a lot of energy talking a lot of nothing, and thus negating a lot of progress that we have made since Independence in this country in the political arena. Indeed, what we have in mind now is the Constitution review. I call upon both sides of this House to be sober. All parties involved in the Constitution review, and especially those in the inter-party committee, should be sober and seek consensus. Let us work together for the development of this country. Thank you.

With those few remarks, I beg to support.

Mr. Ochilo-Ayacko: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this very important Motion.

You had correctly pointed out that the amendment was negating the spirit of the Motion. I gather from the Minister that what this Motion is seeking is already in progress. I want to underscore the importance of the Ministry and also this Motion. It is a known fact that many Kenyans live in rural areas and fall under the docket of this Ministry. This is a Ministry that is very important to the development of many Kenyans. Many Kenyans do not live in urban areas. In fact, the percentage of Kenyans in urban areas is minimal. So, if we are to squarely tackle poverty then this is the Ministry that should receive sufficient funding.

Kenyans affected by poverty, disease and other problems live in rural areas. If we do not sufficiently budget for these Kenyans then the economic growth that we talk about remains superfluous. It remains a theory that is hanging in the air, and that benefits particularly the urban elite. It does not trickle down to Kenyans who inhabit rural areas.

The Yala Swamp, before the initiation project, was a place that was inhabited by mosquitoes and many anti-life living things. I think this project has put Yala Swamp into productive use. I believe that both sides of the House appreciate the fact that a lot of food, employment and wealth is created in Yala Swamp. This is a project that we must support. The previous and current Governments have always indicated that investors should be attracted to all parts of this country. Dominion Farms Ltd is an example of a courageous investor who has invested over Kshs2 million in a rural area of this country.

Mr. Temporary Deputy Speaker, Sir, I have been to this part of the world and the challenges people there seem to be facing include bad roads, lack of electricity and other things related to infrastructure. As a country and a Government, it would be incumbent upon us to encourage the investment to go on. If we discourage the investment, I wonder how other areas will attract investors.

I heard Mr. Mungatana talk about the Tana River Basin and how they are trying to attract investors to that part of the world. It is important for investors to go to rural areas. The area I represent, which is Rongo Constituency, grows sugar-cane. Our biggest challenge is how we can arrest and conquer peasantry. You know that peasants are people who engage in economic activities just for the purpose of eating or looking after their stomachs. They are unable to generate sufficient wealth to look after other needs. So, the first thing in conquering peasantry is to attract investors who bring in cash crops, or create forms of husbandry that can generate wealth, so that people living in such areas will then be able to earn something.

Mr. Temporary Deputy Speaker, Sir, in the constituency I represent, Rongo in Migori District, our challenge to this Ministry and LBDA in general, is how to expand the milling capacity of the sugar company there. If they can attract other investors in the guise and style of Dominion

Farms Ltd to come and help expand that factory, as people living in rural areas, we will say *hallelujah!*

Mr. Temporary Deputy Speaker, Sir, if this can extend to the whole country, Kuria District and other parts, I am sure that this House and Kenya in its entirety should be able to celebrate. This is what we have always promised our people. We have promised to create income-generating activities and opportunities for wealth creation. That cannot happen unless we attract investors who can invest their capital, which they would, otherwise, have used in their own countries, and who are able to take risks which we cannot take as locals. So, it is important for us to encourage these projects.

On the part of the Government, I would encourage it to make sure that such projects are beneficial to the maximum to both the inhabitants of the specific areas and Kenyans in general. In fact, we know of many parts of Kenya where famine is a regular occurrence. We would be happy to hear that those other parts of Kenya struck by famine are able to get rice from Yala Swamp and sugar from TARDA project comes into operation. It is important to encourage this. It is also important to make sure that benefits are maximised.

Mr. Temporary Deputy Speaker, Sir, the Ministry has said that there is already in place a technical committee that is looking into this to make sure that employment trickles down to the people. Where jobs that can be done by locals are available, the locals should be given the opportunity to do them. Such jobs should attract salaries that do not encourage the spread of poverty. They should encourage wealth creation.

Mr. Temporary Deputy Speaker, Sir, I would like to ask the Ministry of Regional Development Authorities to negotiate with the Treasury to get more money. We know that this Ministry is facing challenges in areas like Kerio Valley, where funding is not forthcoming in quantities that can change the lives of people. With regard to the Coast Development Authority, similar challenges face this Ministry. But we would be happy, as a people, if the Treasury could budget a lot of money for this Ministry, so that we, in the regions, do not have to wait for the devolution that we hope to get in the new Constitution. Devolution can be practised by giving this Ministry money to develop regions.

Mr. Temporary Deputy Speaker, Sir, I know of land owned by the LBDA in Migori District, such as Lichota, which was mentioned by Dr. Machage. The Ministry should have the funds to put Lichota under productive activities. There is even more land in Nyatike Constituency that was set aside for breeding of livestock, more preferably goats and sheep. It is about 6,000 acres. This land is lying fallow and nothing is going on. So, it is important for this Ministry to look for funds both within and without the country. It should set easy terms for both local and external investors to engage in productive activities in this area.

Mr. Temporary Deputy Speaker, Sir, if you go to Yala Swamp now, you will find that it is a changed place. Diseases like bilharzia that used to be prevalent there are now on the decline. During my tenure as the Minister for Energy, the Kenya Power and Lighting Company, connected some electricity to that area. I believe that in future more electricity will be connected to the place. Other people can also open up the area as a tourist destination. There are ox-bow lakes there like Lake Kanyaboli and River Yala is a place you can visit as a tourist.

I want to support this Motion because it is basically asking for the setting up of a technical committee. I understand that Ministry has already set up that committee. There is no divergence of intention. I think basically the Mover of this Motion is looking at the possibility of extending such projects to other regions and making sure that they are beneficial to the inhabitants of that region and Kenyans. It is, probably, also meant to look at how to extend such projects to other parts of Nyanza Province like Migori District, Kuria District, Homa Bay District and others.

With those few remarks, I beg to support.

Capt. Nakitare: Mr. Temporary Deputy Speaker, Sir, this Motion is a very interesting one. Any move that would mould Kenyan youths and make them understand their ability as human beings is a good move.

Mr. Temporary Deputy Speaker, Sir, if I go back to what my colleagues have said, I will underscore the importance of the introduction of farming as a science. Dominion Farms Ltd injected the knowledge of farming science in the youth by setting up a youth camp in Yala. With the help of the area Member of Parliament, Mr. Weya, there is need to inculcate in the youth knowledge on food production. We sometimes wonder why a Kenyan would say he is starving. We have a good soil. We are blessed by nature. Our good soil gives us everything that we need, from milk to aqua marine. We have saline water which is a waste.

Mr. Temporary Deputy Speaker, Sir, when we go to irrigation, we do not talk about dykes alone. I think our Government has to think and have a vision to produce food that will make this country self sufficient. Prof. Oniang'o would agree with me that we have gone far in the promotion of nutrition in this country by introducing institutions that teach Kenyans good eating methods. That includes, intensive food production.

Mr. Temporary Deputy Speaker, Sir, the Yala Swamp is not better than the Delta Swamp on River Nile. Egyptians are exporting a lot of agricultural produce, yet they live in a desert while our soil is very fertile. This is the old Canaan that is going to waste. If we can desalinate the salty waters of our lakes including the Indian Ocean, we can have enough water to irrigate and produce enough food. There is a lot of waste in Sio Port.

Mr. Temporary Deputy Speaker, Sir, recently, because of the floods, the people of Budalangi, along River Nzoia, were introduced to the growing of rice by irrigation. We are talking about the lake basin. When I look at the waste of manpower and intellectual systems, I get sick. I get intellectually sick when I see that we have everything, but we have to go out there to beg. We do not even need investors to come and teach us how to farm. We know all the methods of farming. Some of us were born farmers. We are only interested in white colour jobs and that is why we have abandoned our parents in the farms and gone to urban centres to look for good and clean environment where we can put on ties. We have forgotten that soiling the hands is the only way we can feed the nation.

I am disgusted by industries that discharge affluent into rivers. I do not know what happens to the consumers of rice that is grown along River Nzoia after the river is polluted by waste from the paper company. What is the position of the NEMA on the issue of clean environment? We have to analyse this situation and see what happens. When you grow rice in a swamp and introduce aquamarine, the fish will eat mosquito maggots and that will reduce the cases of malaria in the country. Water is very important to human and animal lives.

When I go to our stores, the so-called supermarkets, safeways or malls, I get intimidated by rice from Pakistan, Cuba and Jamaica. Little do I see our local rice; the variety that we can boast of having been introduced in the country by our scientists in our universities. That is another way of wasting manpower. Poor management in farming has rendered this country destitute to the extent that we have to depend on donor food supplies. I do not see how a country like Kenya with very many rivers and lakes cannot produce enough food for its people. If you look at the Coast from Vanga to Lunga Lunga, you will find that all these are swampy areas. We call them wet lands. Anything can grow in areas where there is water. This is going to waste too.

Mr. Temporary Deputy Speaker, Sir, Dominion Farms Limited is a dyke in food production in this country. I cannot rest without highlighting the waste of knowledge and manpower by TARDA. The pace at which TARDA is moving is not the same pace at which our population is growing. It is still in the past. Looking into the future, Kenya is headed to having a population of 35 million people. The slow pace of development does not match the population explosion. This is a

turning point for this country. If you look at the population distribution in Kenya, you will find that it is as if Kenya had no human production years ago and it has just blossomed. Young people between the age of 12 and 35 years old have outnumbered their parents. Indeed, they are more than what the nation can feed. This is a big concern.

Rice has very many by-products, for example, whisky. You can distil ethanol from rice. Just like you get Elianto from maize, you can extract cooking oil from rice. This is a crop that can be put into other ten uses other than just eating rice with chicken and beef. We are not here to praise the donors. We are here to praise Kenyans themselves. We should take one step backwards and influence our youths to go back to the farms.

With those few remarks, I beg to support.

Prof. Olweny: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion. This is a rare investment in this country, particularly in western Kenya in Bondo and Siaya districts where there are no private investors putting in the kind of money that has been put in the Yala Swamp. This is meant to boost development, create employment and motivate the residents of the area.

Before I say much about the subject, as an hon. Member of the Committee on Agriculture, Lands and Natural Resources, I would like to inform the House that we have visited this project. We have talked to people who are affected by this project. We have also talked to the investor and we are yet to complete our talks with the two local authorities that are affected by this project. We have also talked to the LBDA and other people who claim to be in the civil society that have been raising objections to this project.

Mr. Temporary Deputy Speaker, Sir, as a Committee, although our report has not been brought to the House because we are yet to talk to the two local authorities about this project, we are impressed by the investment. The investment is good and it is doing a lot of good to the local authorities. The LBDA still has a number of issues to raise. Even though we are impressed by the work that is going on there, there are a few things which are still of concern.

Mr. Temporary Deputy Speaker, Sir, there are a few things which are of concern to me. First, there is the Environmental Impact Assessment which was yet to be done by the time we visited the place, although I hear it has now been done. That was just one of the issues raised. There is no development which can be done in a virgin environment. You have to disturb the environment. A few birds have to fly away and a few animals have to run around when we are carrying out an investment. An Environmental Impact Assessment was yet to be done, and the report compiled. Some community members raised the issue of increase in the height of the weir because the investor wanted to either keep fish or generate electricity. That necessitated an increase in the height of the weir that had been constructed there. Some consultations had to be done and that was an issue which was left with the investor, to consult the stakeholders around there and see how they could sort out the issue.

The LBDA had an issue with the memorandum of understanding (MOU) with the investor. However, I think that LBDA also had its problems. We, as a Committee wanted LBDA to find its way around with the investor and sort out the problem. However, as a Committee, we have not compiled our report about that, because we have not finished our work on the ground. As a Member of Parliament and as an interested party since the project is in my province, let me say how much I like the project.

Mr. Temporary Deputy Speaker, Sir, Yala Swamp as the name states, was a real swamp. The whole place was a delta of River Yala. Sometimes ago, the Government of Kenya thought of reclaiming that land and having investment done on it, to boost the economy of the area. So, work was given to LBDA. The LBDA did some investments to boost the economic activities in the region and also created employment. However, somewhere along the way, LBDA activities

collapsed. The LBDA was growing rice, sorghum, fruits, and vegetables there. I went there when I was at the University, with a consultancy group and gave my recommendations. Despite that, everything collapsed in the hands of LBDA. So, by the time Dominion Farms Limited (DFL) moved there, there was virtually nothing in the area. The fruits and rice farms collapsed and there was no maize. The land was turned into pasture land. So, when DFL came in, that was a blessing to the region. Maybe, it was not a blessing to LBDA because it had its problems in its MOU arrangements. That area is now benefiting a lot. After all, when we do work, we do it for the communities, for our people and for the people of Kenya. Today, there is a lot of investment that DFL has put in that land. There is now a lot of maize, many fruits and a lot of food in general. Members of the community living in that area are also being given maize for free. They are benefiting a lot. They would not get this free maize during the days of the LBDA. The LBDA created employment, but the number of employment opportunities that have been created by the DFL in that region are amazing. There is a lot that the community is benefitting from.

Mr. Temporary Deputy Speaker, fish will soon be bred in that area. The investor says that he will allow the locals to breed their own fish from the small lake he will create by damming the water.

On bee keeping, certain members of the community in that area have already been taken to a workshop on how to keep bees and produce honey. Some people have already been given beehives. These are activities this community never engaged in. Is this not an investor worth supporting? Already, the road network in that area has been improved. From the dam that has been dug, the DFL will generate electricity. The DFL have pledged that they will supply electricity to the locals. They have put up---

*(Rev. Nyagudi and Messrs. Sungu and
Ochilo-Ayacko consulted loudly)*

Mr. Temporary Deputy Speaker, Sir, may I ask the Chair to protect me from some hon. Members who are consulting too loudly behind me? I do not know if they can hear what I am saying.

The Temporary Deputy Speaker (Mr. Bett): Order, Rev. Nyagudi and Messrs. Sungu and Ochilo-Ayacko! Let us listen to the hon. Member.

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, the infrastructure has been upgraded. The investor has pledged electricity to the locals. He has put up schools and he has also pledged that he will supply electricity to those schools.

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

The Temporary Deputy Speaker (Mr. Bett): Mr. Ogur, what is your point of order?

Mr. Ogur: Mr. Temporary Deputy Speaker, Sir, now that we have heard what Prof. Olweny has talked about, would I be in order to request the Chair to call upon the Mover to reply?

The Temporary Deputy Speaker (Mr. Bett): Continue, Prof. Olweny!

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, some people in that area were complaining of floods, that the investor raised the weir and there would be floods. At the moment, the height of dykes has been increased to control floods, so that the people who were complaining about floods in their fields or around their homes, will have no reason to complain.

Mr. Temporary Deputy Speaker, Sir, I will stop at this point. I strongly support the DFL and, therefore, the Motion.

The Temporary Deputy Speaker (Mr. Bett): Hon. Members, the official response is to come from the Minister for Regional Development Authorities.

The Minister for Regional Development Authorities (Mr. M.A. Mohamud): Mr.

Temporary Deputy Speaker, Sir, although the intention of this Motion was overtaken by events, but because of the spirit on both sides of the House and the importance of the Motion, the Government supports the Motion. It supports the reclamation and irrigation of Yala Swamp jointly by the LBDA and the DFL through public/private partnership as it aims at addressing food sufficiency, poverty reduction and employment creation. Hon. Members are aware that these policy objectives are clearly spelt out in the Government's Economic Recovery Strategy Paper (ERSP) as well as the Strategy for Revitalising Agriculture (SRA).

The development of irrigation farming in Yala will, therefore, not only improve the overall standards of living of the people there, but will also provide employment opportunities and sustainable livelihood for many Kenyans. The project will also enhance crop production for both domestic consumption and for export.

Towards this end, the Government, through the LBDA entered into a memorandum of understanding with Dominion Farms Limited in the year 2003 to invest in a large scale joint venture irrigation scheme in the Yala Swamp. According to the agreement, LBDA was to provide all its assets and land while the Dominion Farm was to provide funds for construction of the project as well as skilled man-power.

The project initially was estimated to cost about Kshs1.6 billion. It might have gone up now to perhaps, Kshs2 billion or so. Because of its importance, the Cabinet in June, 2004, approved the project in total. The ultimate goal of the project is to cover many areas in Siaya, Bondo and Busia. Right now, it is in part of Siaya, but later we intend to expand it. The Government allocated 3,700 hectares to Dominion Farm for the implementation of the project, although they asked for 6,900 hectares. Should they develop the 3,700 hectares, then the Government will not hesitate to give them the remaining land.

Mr. Temporary Deputy Speaker, Sir, as for the project status at the moment, we have the following crops on the ground. First, 350 acres of land is under rice production. Secondly, a rice milling plant is already in place and will be operational very soon. Thirdly, three acres of demonstration plots for soya beans is also there. Fourth, 200 acres under groundnut seeds. Fifth, 4,000 palm oil trees have been planted. Sixth, 85 acres under irrigated maize seed. Seventh, 315 acres under rain-fed maize seed. These seeds are sold to Kenya Seed Company and they are also used by local farmers. Eighth, 30,000 bags of maize were sold in the last three years. Ninth, to maximise productivity and profitability, cotton growing was already started. We have a total of 300 acres under cotton seed growing. Tenth, to reduce pressure on fishing in Lake Victoria, the company established a fish out-growing programme for the farmers for consumption and commercial purposes.

The project, as has been mentioned by Prof. Olweny, has bee-keeping and honey production components. Sixty farmers have already been trained and bee-hives sold to them on credit. The Kenya Agricultural Research Institute has established a field office to promote research and extension services to the outgrowers.

Mr. Temporary Deputy Speaker, Sir, currently, the project has a total of about 200 permanent staff and 750 casual labourers. The number is likely to rise during peak seasons and when full investment is realised.

With regard to the environmental impact assessment, I wish to report to this House that NEMA had undertaken a number of environmental impact audits and its recommendations have been fully implemented. For the sake of the House, I would like to mention a few of the recommendations that have been already implemented. One, an appropriate water resource management system is in place to ensure that there is effective and efficient use of irrigation waters and recycling of waste management. Secondly, Lake Kanyaboli within the swamp is now recovering. Initially, the waters of that lake were carried away by floods. The lake is now attracting

new fish and that will promote fish production.

Mr. Temporary Deputy Speaker, Sir, thirdly, majority of farmers were compensated by Dominion Farms Limited for loss of their land, but a few have refused to move apparently because of alleged incitement by leaders and NGOs.

Fourthly, NEMA will continue to carry out environmental impact assessment audit to ensure compliance with regulations. In order to oversee implementation and monitoring of the project, the Government formed an inter-Ministerial technical committee comprising the following: The Permanent Secretary, Ministry of Regional Development Authorities, the Permanent Secretary, Ministry of Local Government, the Permanent Secretary, Ministry of Agriculture, the Permanent Secretary, Ministry of Water and Irrigation, the Permanent Secretary, Ministry of State for Special Programmes, the Permanent Secretary, Ministry of Finance, the Attorney-General,

NEMA and the National Irrigation Board.

On the 16th and 17th of this month, the committee toured the project and were generally satisfied with the project implementation.

Mr. Temporary Deputy Speaker, Sir, recently, the Government also established a project technical advisory committee at the local level. The committee comprises of the following: The relevant district heads of departments, the Lake Basin Development Authority, Dominion Farms Limited, community representatives, county councils, Provincial Administration, KARI and NEMA.

An hon. Member: What about Members of Parliament?

The Minister for Regional Development Authorities (Mr. M.A. Mohamud): Members of Parliament are community representatives.

Mr. Temporary Deputy Speaker, Sir, I also would like to report that the Departmental Committee on Agriculture, Lands and Natural Resources, which you are the chairman, visited the project some time last year. The Committee met me and my officers while at the project. I am happy to report that the Committee has really supported us and we will continue working together.

Mr. Temporary Deputy Speaker, Sir, in conclusion, I wish to assure the hon. Members that the Government is satisfied with the implementation of this important project. The above committees will continue working with the investor so that the project objectives are fully realised for the benefit of not only the community there, but also the entire country as a whole.

With those remarks, I beg to support.

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

*[The Temporary Deputy Speaker
(Mr. Khamasi) resumed the Chair]*

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Odoyo, do you want to reply?

Mr. Odoyo: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): You can go ahead if there is nobody who wants to contribute.

Mr. Odoyo: Mr. Temporary Deputy Speaker, Sir, let me add my voice to that of all the hon. Members who humbly contributed to, and supported this particular Motion.

I would like to give one minute to Dr. Ojiambo.

Dr. Ojiambo: Mr. Temporary Deputy Speaker, Sir, I would like to support this very important Motion and congratulate the Government for supporting it and Dominion Farms for the

work they are doing. It is very important that this technical committee be put in place. We in Busia, are looking forward to this project as a turning example. We would like the Dominion Farms to move with speed to Busia, Budalangi and also Sio River to do the same. This is the way to eradicate poverty from that area.

With those few remarks, I beg to support.

Mr. Odoyo: Mr. Temporary Deputy

Speaker, Sir, I wish to take note of the support of the Minister and the Government side. I also take note of the objection he raised that the intended change in the Motion would have substantially altered the spirit of the Motion. I would also like to say that I have taken note of the views expressed by Mr. Mungatana, Rev. Nyagudi, Dr. Machage, Mr. Ochilo-Ayacko, Capt. Nakitare and Prof. Olweny. I want to thank all hon. Members who have contributed to this Motion because I believe it represents a valuable contribution. I would also like to thank the area MP, Mr. Weya.

Mr. Temporary Deputy Speaker, Sir, I beg to move.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, it is now time for the interruption of business. The House, therefore, stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.