

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 26th July, 2006

The House met at 9.00 a.m.

[*Mr. Deputy Speaker in the Chair*]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

INSECURITY IN KITUI DISTRICT

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Administration and National Security the following Question by Private Notice.

(a) Is the Minister aware that a criminal gang named *Kilunda* has been staging robberies on a daily basis in Kitui District over the last six months in the process injuring and killing residents?

(b) Could the Minister consider overhauling the security personnel as they have failed to combat the gang and other criminal activities, leading to loss of confidence of *wananchi* in the area?

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

(a) I am not aware. However, I am aware that isolated cases of thuggery, which have always been dealt with promptly as soon as they are received, were reported.

(b) Overhauling the security personnel is not in the best interest of the district as they are doing a commendable job. However, we are considering increasing the security personnel in the area and members of the public, including the hon. Member, are encouraged to work together to promote community policing in order to reduce incidents of crime and other criminal activities in this particular area.

Thank you, Mr. Deputy Speaker, Sir.

Mr. K. Kilonzo: Thank you, Mr. Deputy Speaker, Sir. You have heard the unsatisfactory answer from the Assistant Minister. Just yesterday, the police boss in Kitui announced that they have apprehended one notorious gangster of this group called *Kilunda*, and now the Assistant Minister comes here and tells us that he is not aware that there is a group called *Kilunda*. Is he really serious with this answer? What is he going to do to ensure that those who have been involved in killing people and stealing are removed from the district?

Mr. Kingi: Mr. Deputy Speaker, Sir, if the police officers arrested one of the thugs yesterday, it means that they are working, and that is what I have confirmed. But I have said that we are not aware that there is a gang called *Kilunda*. There are criminal activities going on in the district but we have police officers on the ground. Therefore, whenever any incident is reported, proper action is taken. I have also said that we have arrangements to increase the number of police officers working in that area. If the community will embrace the idea of community policing, then I am sure the rate of crime will definitely be brought under control.

Mr. Deputy Speaker: Maybe I should inform the Assistant Minister that the word

"*Kilunda*" means "arrow". Probably, it has something to do with a gangster using arrows.

Capt. Nakitare: Asante, Bw. Naibu Spika. Ningependa kumweleza Naibu Waziri kwamba inaonekana machifu na manaibu wao, ambao wanajua wale wanaohusika na vikundi hivi vya kuharibu usalama nchini, wametengwa. Kwa mfano, mtoto akiwa mwizi, mama yake hujua. Iwapo baba hajui mambo kumhusu mtoto wake, je, kazi ya machifu, manaibu wao, wakuu wa wilaya na wakuu wa tarafa ni nini katika nchi hii?

Mr. Kingi: Bw. Naibu Spika, kazi ya machifu, manaibu wao na maofisa wengine wa utawala ni kushirikiana na wananchi ili usalama udumishwe. Wakati wowote maofisa hao wanapopeleka ripoti kwa maofisa wa polisi kwamba kuna vitendo vya uhalifu, hatua mwafaka huchukuliwa ili kuhakikisha vitendo hivi haviendelei.

Prof. Olweny: Thank you, Mr. Deputy Speaker, Sir. In places where such gangs operate, it happens that some police officers are in league with them. I had similar problems in my constituency recently where gangs were operating and raiding my constituency. I was informed that there were some police officers who were in league with them. Is the Assistant Minister convinced that there is no police officer operating in league with *Kilunda* in this area to terrorize people?

Mr. Kingi: Mr. Deputy Speaker, Sir, the issue of police officers being involved in criminal activities has been raised in this House previously. But we have always said that we require information in order to apprehend those few errant officers. If we just say that police officers are involved in criminal activities and accuse them across the board, we may not be able to achieve anything. So, if there is anyone in this House or any citizen with information which indicates that some of the police officers are involved in criminal activities, he should volunteer that information to us. We will definitely make use of it in order to arrest those police officers and charge them. Otherwise, it is the responsibility of all citizens of this country to ensure that crime is brought down by embracing the community policing policy, so that we can work together.

Mr. Deputy Speaker: Mr. C. Kilonzo!

Mr. C. Kilonzo: Thank you, Mr. Deputy Speaker, Sir.

(Mr. Ogur stood up in his place)

Mr. Deputy Speaker: What is it, Mr. Ogur? Could you keep order? Please, sit down! You are not Mr. C. Kilonzo.

Mr. Ogur: I am hon. Ochola Ogur, Mr. Deputy Speaker, Sir.

(Laughter)

Mr. Deputy Speaker: What is it?

Mr. Ogur: Mr. Deputy Speaker, Sir, you heard the Assistant Minister say that when we inform them about a policeman who has made a mistake of the *Kilunda* nature, he would take action. However, the action that the Ministry usually takes is to transfer such an officer to another station, as he transferred to Nyatike an officer who shot a school boy in Ndhiwa. Is that the action?

Mr. Deputy Speaker: Mr. Ogur, I heard that Question asked here last week. Surely, that is not a point of order. I think what you want to achieve is to draw the attention of the Assistant Minister to cases of police officers who are transferred from one area to another after making mistakes at their previous stations. I think the Assistant Minister has taken note.

Proceed, Mr. C. Kilonzo!

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, every time the issue of insecurity is raised in this House, the Assistant Minister always asks for information from Members of Parliament and the communities. So, I want to inform him on the structure of the Police Force. There are the regular

police units and the Criminal Investigations Department (CID). If he is not aware, the work of CID officers is to go out in the field and collect information. Is he, therefore, really, ensuring that the police are doing their work, so that this *Kilunda* gang, which is also harassing people in my constituency, are dealt with once and for all? This gang killed a businessman called Mr. Kyambi in Kitui Town, in broad daylight. What is he doing to ensure that CID officers go to Kitui and other parts of this country and do their work?

Mr. Kingi: Mr. Deputy Speaker, Sir, I am aware of the CID. Even CID officers work on the basis of information they get from the public. So, if we want them to be effective, we must volunteer information to them. If we do not volunteer information to them, how will they work? So, as a community or people of this country, we should give information to the police if we want crime to be brought down. If information is sent to any police station and action is not taken, that police station is not the final authority. We have a whole hierarchy. You can go to the Officer Commanding Police Division (OCPD), the Provincial Police Officers (PPOs) as well as Provincial Commissioners (PCs) and District Commissioners (PCs), who chair the security committees in their respective areas of jurisdiction. So, if we work together, the crime rate will be brought down.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I want to applaud the people of Kitui District because, in the last two months, due to insecurity in that area, they have lynched about five of the *Kilunda* gang members. Given that out of the four districts of Ukambani, the rate of insecurity is highest in Kitui District, what are the police doing to ensure that the district is given special attention as far as matters of security are concerned?

Mr. Kingi: Mr. Deputy Speaker, Sir, I am not very sure that lynching is the solution to the problem. With regard to the second point, I have already confirmed that we are increasing the number of police officers in that district. I am sure that if they work well with the community, they will bring down the crime rate.

Mr. Deputy Speaker: Next Question, Mr. Midiwo!

CONFISCATION OF LIVESTOCK IN POKOT/
TRANS NZOIA DISTRICTS BY GSU

Mr. Midiwo: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Administration and National Security the following Question by Private Notice.

(a) Is the Minister aware that on 16th June, 2006, at 11 a.m., a contingent of police, General Service Unit (GSU) and Kenya Army officers raided homes of the following people in Pokot and Trans-Nzoia Districts and confiscated a total of 495 animals:-

- (i) Ngidoywan Lekermoi - 8 head of cattle
- (ii) Cllr. Francisco A. Mosa - 138 head of cattle
- (iii) Lokodira Andrema - 7 head of cattle
- (iv) Johnstone Maiywa Loriama - 7 head of cattle
- (v) Lote Tangura - 4 head of cattle
- (vi) Richard Lodiaay Lokere - 27 head of cattle
- (vii) Peter Ritonyang - 45 head of cattle
- (viii) Kamong Riantukei - 5 head of cattle
- (ix) Psikou Kiran - 13 head of cattle & 15 goats
- (x) Emocho Etir Towot - 15 head of cattle
- (xi) Nyangareng Apangororo - 15 head of cattle
- (xii) Ariwaya Wuringo - 8 head of cattle
- (xiii) Pkiror Lochiameri - 13 head of cattle
- (xiv) Abraham Chemala - 30 head of cattle
- (xv) Richard Achaki - 145 head of cattle

(b) What led to the action and where were the animals taken?

(c) What action is the Government taking to return the animals?

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

(a) I am not aware of the raided homes of the said people. However, I am aware that on 5th June, 2006, the Pokots from West Pokot and Trans Nzoia districts raided a village in Kapchorwa District in Uganda and took away 400 head of cattle, which they drove to Kenya. On 16th June, 2006, a detachment of the Kenya Police, GSU and the Uganda People's Defence Forces pursued the raiders and recovered 220 head of cattle which were handed over to the Uganda owners after identifying them positively.

(b) There was no action taken by the police against the 15 people, as claimed by the Questioner.

(c) There is no further action to be taken by the Government since the said animals were stolen from Uganda.

Mr. Midiwo: Mr. Deputy Speaker, Sir, I have brought this Question here because the Government has taken hostage all the Members of Parliament from that area and turned them into voting machines. So, the people of that area approached me and requested me to ask the Question on their behalf.

Mr. Deputy Speaker, Sir, this is a problem---

Mr. Deputy Speaker: Mr. Midiwo, I did not get what you said. What did you say?

Mr. Midiwo: Mr. Deputy Speaker, Sir, I said that the Government has made the Members of Parliament from that area voting machines. So, I feel obligated to ask the Question on their behalf.

The Assistant Minister for Planning and National Development (Mr. Ethuro): On a point of Order, Mr. Deputy Speaker, Sir. Mr. Midiwo is a good friend of mine but is he in order to refer to us---

Hon. Members: Who are you?

The Assistant Minister for Planning and National Development (Mr. Ethuro): Mr. Deputy Speaker, Sir, I am Mr. Ekwe Ethuro, the Member of Parliament for Turkana Central and Assistant Minister for Planning and National Development. Is Mr. Midiwo in order to say that hon. Members from that area have been "poached" to become voting machines?

Mr. Deputy Speaker: Order! Order! Mr. Midiwo, what you have said is in very bad taste. It is insulting to the hon. Members to refer to them as such. I order you to withdraw that statement and apologise.

Mr. Midiwo: Mr. Deputy Speaker, Sir, I withdraw and apologise. I did not intend to insult the hon. Members but only to make them aware of the intention of the Government.

Mr. Deputy Speaker: Ask your question now!

Mr. Midiwo: Mr. Deputy Speaker, Sir, the issue of cattle rustling keeps coming to this House every week. Just a few months ago, the Government thought it wise to disarm the communities living in that area. The Assistant Minister has told us that there was no such action taken by our security forces, and that the animals that were confiscated belonged to Ugandans. He also admitted that there was a joint task force comprising Kenyan security personnel and Ugandan security forces. Is that a legal procedure? Why would the Government, which is supposed to protect people be involved in cattle rustling? Could the Assistant Minister assure this House that the Government has a plan to protect Kenyans against foreigners, including Ugandans?

Mr. Deputy Speaker: Mr. Midiwo, you have actually asked three questions in a row. Hon. Members, be asking one question at a time.

Proceed, Mr. Kingi!

Mr. Kingi: Mr. Deputy Speaker, Sir, it is quite true that the issue of cattle rustling has come to this House quite a number of times. But it is not in the interest of the Government that cattle rustling should continue. However, when it occurs across our borders, we have a

responsibility to work with our counterparts in the neighbouring country to ensure that if animals have been stolen from Uganda and driven into Kenya, we pursue them and return them to their owners and vice versa. So, we have an understanding with the Ugandan authorities that whenever such a thing happens, we must pursue the livestock.

Indeed, there was an exchange of fire on 16th June, 2006, when the said animals were recovered and taken back to their owners. However, if there is any Kenyan who feels that his animals were illegally taken away from him, let him come forward and report the matter to us and we will, definitely, do the needful.

Mr. Deputy Speaker: Next, Mr. Mganga!

Mr. Mwandawiro: Asante, Bw. Naibu Spika. Ili tuwe na---

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

Mr. Deputy Speaker: I know what your point of order is about. It must be about the Mganga business. I know we have Mr. Boniface Mganga and Mr. Mwandawiro Mganga.

Mr. Mganga: Mr. Deputy Speaker, Sir, there are many write-ups of the HANSARD which have been going to the wrong place. We had agreed in this House, that we refer to Mr. Boniface Mganga as Mr. Mganga, and to Mr. Mwandawiro Mganga as Mr. Mwandawiro. Could that be taken note of again?

Mr. Deputy Speaker: I beg your pardon on that.

Mr. Mwandawiro Mganga!

Mr. Mwandawiro: Asante, Bw. Naibu Spika. Ili kupata mifugo iliyopotea na kuhakikisha kwamba kuna haki, lazima kuwe na alama ya kuhakikisha kwamba mifugo iliyopatikana ni ile ambayo kweli, ilikuwa imeibiwa. Je, Waziri Msaidizi alitumia ujuzi upi kuhakikisha kwamba mifugo iliyopatikana na kurudishiwa watu ni ile iliyokuwa imeibiwa, na wala si ya watu ambao hawakuhusika?

Mr. Deputy Speaker: Nafikiri swali hilo ni muhimu sana, Bw. Waziri Msaidizi.

Mr. Kingi: Bw. Naibu Spika, jambo ambalo tumefanya hasa katika sehemu za mipaka ni kuhakikisha kwamba kuna alama au kile tunachoita *branding*, ili mifugo wanapopotea tuweze kuwafuatilia na kuwapata. Huwa tunawatafuta mifugo pamoja na maofisa wetu wa utawala na kuhakikisha kwamba wametambua mifugo hao kabla hatujawarudishia wenyewe. Kazi hiyo ya *branding* inaendelea katika sehemu zote mbili za mpaka wetu.

Mr. Midiwo: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister has said that those people who have been aggrieved by cattle rustling, in this particular case, should report the matter and investigations will be done. I do not come from those areas. However, for the aggrieved people to approach me, it is because they have already approached the Government and also hired a lawyer to talk to the Government over the issue. You are talking about 495 animals. This is not a small matter. Could the Assistant Minister assure this House that he will do further investigations and that those people who are affected will get back their animals, or at least, be made to feel that they belong to this country and are part of the Government?

Mr. Kingi: Mr. Deputy Speaker, Sir, I definitely want to assure this House that the aggrieved people, whose animals were illegally taken away from them, should come to us and report the matter and we will definitely carry out investigations and where need be, we will return the animals to them if they were, indeed, stolen. We will pursue the matter until we recover the animals and return them to the owners. However, let those affected come and report the matter to us first.

DISSEMINATION OF ADULT
LITERACY SURVEY RESULTS

Mr. Lesrima: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Gender, Sports,

Culture and Social Services the following Question by Private Notice.

(a) Is the Minister aware that the ongoing project on survey on Adult Literacy in Kenya has not engaged local personnel in Samburu District?

[Mr. Lesrima]

(b) How much does the exercise cost and when will the results be disseminated?

The Assistant Minister for Gender, Sports, Culture and Social Services (Mr. Onyancha): Mr. Deputy Speaker Sir, I beg to reply.

(a) The Kenya National Adult Survey is jointly being done by the Department of Adult Education in my Ministry and the Central Bureau of Statistics in the Ministry of Planning and National Development which is mandated to undertake surveys in the country. The survey has the purpose of fulfilling the following objectives:-

(i) Generating comprehensive data and information on adult literacy for national planning and reporting on national targets.

(ii) Establishing literacy levels among the youth and adults.

(iii) Identifying causes of illiteracy among the youth and adults and seeking solutions.

(iv) Identifying issues that need to be addressed to promote youth and adult literacy.

In Samburu, the survey is being conducted by the District Statistical Officer, District Adult Education Officer, 11 Cluster Guides and a team supervisor, who are Government officials, mandated to undertake the exercise professionally. In addition, the four research assistants engaged in the exercise were recruited from the "Maa" speaking community. The team supervisor is an officer of my Ministry from Narok District. Since village elders have also been involved in the exercise, this illustrates the engagement of local Samburu personnel in the activity.

(b) All phases of the Kenya National Adult Literacy Survey are estimated to cost Kshs7.7 million. While part of the money is being sourced from the Department of Adult Education Programme, the Central Bureau of Statistics and the Ministry of Education through the Kenya Education Sector Programme, the donor component is being provided by the Canadian International Development Agency (CIDA)---

Mr. Deputy Speaker: Finish now because you have taken too much time.

The Assistant Minister for Gender, Sports, Culture and Social Services (Mr. Onyancha): The hon. Member wants to know how much money we will use, and I was just giving him the figures.

The money will be sourced from the Department of Adult Education, the Central Bureau of Statistics and the Ministry of Education through the Kenya Education Sector Programme. The donor component is also being provided by the Canadian International Development Agency (CIDA), the United Nations Educational Scientific and Cultural Organisation (UNESCO) and the Development Fund for International Development (DFID).

The field work for the survey is expected to take two months and data collection was to be conducted in early June, 2006 and mid August, 2006. While the preliminary results of the survey will be out in October 2006, the detailed report will be released by February, 2007.

Mr. Deputy Speaker: Mr. Assistant Minister, I thank you for that answer. However, it was long, and I request Ministers to keep their answers brief.

Mr. Lesrima: Mr. Deputy Speaker, Sir, you heard the Assistant Minister say that "Maa" speaking research assistants were imported from Narok, almost 1,000 kilometres away to interview Samburu elders. That is like inviting Bukusu speaking research assistants to interview Maragoli illiterate elders. Is the Assistant Minister in order when he is wasting donor resources by importing personnel from as far as 1,000 kilometres away? I am surprised that UNESCO can participate in this kind of exercise.

Mr. Onyancha: Mr. Deputy Speaker, Sir, there is a procedure used in allocating personnel to do that exercise. For each district, there is a District Statistical Officer involved under the

District Adult Education Officer. We have people on the ground, and if you want their names, I am ready to give them to you. They are all from Samburu.

Mr. Mukiri: Mr. Deputy Speaker, Sir, I want to know from the Assistant Minister how seriously the Government takes the Adult Education Programme. Would it not be better if the programme was incorporated in the Ministry of Education rather than be in the Ministry that is handling it at the moment?

Mr. Onyancha: Mr. Deputy Speaker, Sir, for now, a department in My Ministry called Adult Literacy Department is managing that programme. We have no choice other than to execute our mandate.

Mr. Deputy Speaker: Last question, Mr. Lesrima!

Mr. Lesrima: Mr. Deputy Speaker, Sir, I have no further questions.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Will you take your seats, so that the hon. Member can ask his question?

Mr. Lesrima: I do not have any other question, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: You have no questions? That is a satisfied hon. Member.

ORAL ANSWERS TO QUESTIONS

Next Question by Mr. Harrison Kombe, the hon. Member for Magarini Constituency!
Mr. Kombe is absent! Question dropped!

Question No.456

PAYMENT OF SALARIES TO
NURSERY SCHOOL TEACHERS

(Question dropped)

Next Question by the hon. Member for Wundanyi Constituency, Mr. Mwandawiro!

Question No.444

AMOUNT OF TAX COLLECTED FROM
PRIVATE HOSPITALS IN 2005/2006

Mr. Mwandawiro asked the Minister for Finance how much tax the Government collected from private hospitals in the last financial year.

The Assistant Minister for Finance (Mr. Kenneth): Mr. Deputy Speaker, Sir, I beg to reply.

During the Financial Year 2004/2005, a total of Kshs128,913,077 was paid by 484 private health service providers registered with the Kenya Revenue Authority (KRA), in respect of Corporation Tax. In addition, the sector collected Kshs584,695,513 as Pay as you Earn (PAYE) and Kshs72,725,878 as Withholding Tax on agency basis.

Mr. Mwandawiro: Mr. Deputy Speaker, Sir, as you are aware, many private health service providers have mushroomed throughout the country. They are in urban and rural areas. They are only interested in making money. Could the Assistant Minister assure this House that all private

health service providers are registered by KRA, so that they could pay revenue?

Mr. Kenneth: Mr. Deputy Speaker, Sir, as a matter of law, every commercial health service provider is required to register with KRA. I have provided the list of all the registered private health service providers. It is a matter of compliance that every health service provider must register with KRA. It is the duty of KRA to ensure that everybody complies with that law.

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, hospitals like the Nairobi Hospital earn a lot of foreign exchange for Kenya. Given the important role that such a hospital plays, and given what other countries do with hospitals that do not belong to individuals, could the Government consider giving it some grants, so that it could grow and earn more revenue for this country?

Mr. Kenneth: Mr. Deputy Speaker, Sir, the Nairobi Hospital runs on a commercial basis. Everybody who is admitted to that hospital pays for the services. In fact, it is one of the most expensive hospitals in town! I do not understand the basis upon which Mr. J. Nyagah, who is aspiring to lead this country at some point, would like to give grants to people who are doing very well commercially.

(Laughter)

Mr. J. Nyagah: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to deliberately--- I know he is a very clever Assistant Minister! I will make him the Minister for Finance in my Government. Is it fair for the very able Assistant Minister to give the wrong interpretation of my question? My question was: Could the Government consider giving grants to the hospital so that it could expand and earn more revenue for the country? That way, we could become even richer and develop our country.

Mr. Deputy Speaker: Mr. Assistant Minister, are you in order?

(Laughter)

Mr. Kenneth: Mr. Deputy Speaker, Sir, I am flattered with the belief that I will serve in the Cabinet of the eastern part of the mountain. However, the point I am making is that Nairobi Hospital has attracted patients from all over the region, purely because it practises best commercial practices. They charge for that service whether the people are from neighbouring regions or this country. It would be the best practice for all hospitals to run on commercial basis, without the Government giving them any grants.

Mr. Deputy Speaker: Last question, Mr. Mwandawiro!

Mr. Mwandawiro: Mr. Deputy Speaker, Sir, as you are aware, this Government, which is committed to remain loyal to capitalist policies, would like to ensure that those who are rich get better health services, while those who are poor go to public hospitals which, sometimes, do not even have medicines. Could the Assistant Minister consider using all the taxes collected from private hospitals to improve public hospitals?

Mr. Kenneth: Mr. Deputy Speaker, Sir, I have given the statistics of what is collected from private health service providers. I think Mr. Mwandawiro will appreciate the fact that, the amount collected is not sufficient to run public health sector. As a matter of priority, the health sector is among the top five sectors that are given a lot of money in the national Budget that we approved the other day. Therefore, the Government provides much more money than what the private health sector collects. If the hon. Member wants me to confine what is collected purely to public health, then it will not make any logical sense whether it is capitalist or communist!

Mr. Deputy Speaker: Hon. Members, before I go to the next Question, I want to refer back to Question No.456 by Mr. Kombe. My attention has been drawn to the fact that, we deferred

this Question indefinitely. That is because Mr. Kombe is involved in a case of election petition in court. Therefore, I want to revert the decision to drop the Question and have it deferred instead.

*(Decision to drop Question
No.456 rescinded)*

Question No.456

PAYMENT OF SALARIES TO
NURSERY SCHOOL TEACHERS

(Question deferred)

The next Question, No.230, is by Mr. Ndambuki. Mr. Ndambuki is unwell and has requested that the Question be deferred. The Minister for Education has also concurred with that request. Therefore, it is so deferred to Wednesday next week!

Question No.230

COMMENCEMENT OF SCHOOL FEEDING
PROGRAMME IN MAKUENI DISTRICT

(Question deferred)

Question No.018

MEASURES TO MAKE
ELECTRICITY INSTALLATION AFFORDABLE

Mr. Oparanya asked the Minister for Energy:-

- (a) whether he is aware that the high cost of electricity installation is hindering the Rural Electrification Programme; and,
- (b) what measures he is taking to make the installation of electricity affordable.

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

(a) Yes, it is true that the high cost of electricity installation is hindering the Rural Electrification Programme implementation to a pace consistent with Kenya's socio-economic transformation. That is because it is capital intensive and, on average, the Government spends about Kshs200,000 to extend electricity to one rural consumer. The scattered nature of the human settlements also contributes substantially to the high cost of grid extension.

(b) The Ministry is in the process of reviewing the standards and mode of implementation by the Kenya Power and Lighting Company (KPLC), with a view of reducing access costs of electricity in rural areas.

Mr. Oparanya: Mr. Deputy Speaker, Sir, it is the Government's social responsibility to ensure that citizens of this country have access to basic utilities like electricity. Electricity is a necessity for any economic development and it is a socio-economic investment. It is not a financial investment. Installation of electricity is expensive because the KPLC, being a monopoly--- Monopolistic organisations are known all over the world for being inefficient. Those inefficiencies

are passed on to the consumers. Could the Assistant Minister consider setting up a separate authority to deal with rural electrification?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, that is a hard decision to make. However, it is only Parliament that can bring a legislation to make sure that the KPLC does not enjoy a monopoly.

Mr. Poghiso: Mr. Deputy Speaker, Sir, whereas access to electricity is important, is there a deliberate plan to target the rural areas that have hitherto had no electricity?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, we are working hard to make sure that every Kenyan benefits. We have a special programme to make sure that the residents of North Eastern and Eastern Provinces have access to electricity either from wind and solar generations and any other available means. At the same time, we are coming up with a programme where we want to join efforts with the hon. Members from the disadvantaged areas to see how possible it is to connect electricity to those areas.

Mr. Manoti: Mr. Deputy Speaker, Sir, I appreciate what the Ministry is doing. We have started to see a number of projects being initiated around the country. The policy of the Ministry is to supply electricity within a 600 metres radius from where the cables are running. This is a very good thing.

Could the Ministry advance some soft loans to people who want to be connected to electricity, which they can be paying on monthly basis? People in the rural areas cannot afford to pay Kshs32,000 before they are connected to electricity?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, we have already started doing that. The cost is around Kshs31,000 and we know that very few Kenyans can afford to pay this amount of money. We want to have an arrangement where people can pay, at least, a deposit of Kshs10,000 and the balance is spread over a period of six months. We know that they are not comfortable with six months and we are discussing the issue to make sure that they pay the balance within 18 months.

Mr. Mwanzia: Mr. Deputy Speaker, Sir, so many rural electrification projects have been awarded to contractors by the Government. So many others have been awarded through the Constituencies Development Fund (CDF). Why are these projects not being implemented? What is the problem? These projects have been awarded to contractors, but the contractors have not moved to the sites? What is the problem?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, like I said, we have a shortage of contractors. We are inviting more contractors to come in. The few contractors that we have, have been awarded so many projects that they are unable to manage them.

I have the same problem in my constituency where a contractor has been awarded a project while he has been awarded another project in Meru and in so many other constituencies. He has been awarded more than seven projects and he is unable to implement them. The contractors will come to your constituency, put up two posts, go to another constituency and do the same thing. They will never complete these jobs. We are at the top of things in this one and we will make sure that we get enough contractors to complete these jobs.

Mr. Marende: Mr. Deputy Speaker, Sir, it is still common practice that even where supply lines are accessible and available, when an applicant requires electricity supply, he is asked to pay for the price of a transformer. Is it not possible for the Government to supply transformers and recover the expenses incurred from the consumers who wish to be connected?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, the cost of a transformer is only applicable to owner of exclusively private lines, for example, a very big farm with only one customer. But where the line is benefiting a large number of customers, applicants are not supposed to bear the cost of the transformer. They are only supposed to pay Ksh31,000. Where for example, there are three private owners, they should share the cost of that transformer. Where there are more than 10 customers, the cost of the transformer is not applicable. They are supposed to pay Kshs31,000 for a

single phase and between Kshs46,000 and Kshs50,000 for a three phase line.

Mr. Oparanya: Mr. Deputy Speaker, Sir, in answer to part "b" of my Question, the Assistant Minister has said that he is in the process of reviewing some standards. Which are these standards and when are they being reviewed?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, transmission lines incur system losses. That is why we have injected a lot of money into the management of the KPLC to contain the system losses. Secondly, we are coming up with a way of bringing customers together, so that they can share the cost effectively. That is the only time that we shall be able to reduce the cost. Mr. Deputy Speaker, Sir, however, hon. Members should appreciate that four years ago, a customer had to pay for every single pole, which cost Ksh45,000. This means that a customer who was about 400 metres from the line had to pay more than Kshs500,000. The cost is now standard and whether you are 600 metres or 2 metres away, you will have to pay the same amount of money.

Question No.060

INSTALLATION OF WATER PUMPS AT
NYAKACH WATER PROJECT

Mr. Odoyo: Mr. Deputy Speaker, Sir, I have not received the written answer, but I will go ahead and ask the Question.

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

- (a) whether he is aware that Nyakach Water Project was planned to have a total of five water pumps with a capacity to pump 80 cubic metres per hour at the intake;
- (b) whether he is further aware that only one pump has been working and at this time of serious drought keeps breaking down further causing a strain to the community; and,
- (c) what he is doing to install the necessary water pumps to the Nyakach Water Supply Project and eliminate the frequent breakdowns to ensure supply of water is not disrupted.

Mr. Deputy Speaker: Assistant Minister for Water and Irrigation, please address yourself to the issue of the written answer not having been availed to the hon. Member.

The Minister for Water and Irrigation (Mr. Katuku): Mr. Deputy Speaker, Sir, I may not know exactly what is the problem. I sent the written answer a long time ago. However, when I learnt that the hon. Member has not received it, I shared my copy with him. He has already read the answer and he has the information. I will make a copy for him. This is a problem which is beyond my control. If you are satisfied, I will go ahead and answer the Question.

Mr. Arungah: On a point of order, Mr. Deputy Speaker, Sir. The issue of Ministers not supplying written answers in advance is becoming a daily occurrence. In my view, this is deliberate. They want to ambush us and catch us unaware, so that we do not ask adequate supplementary questions.

Mr. Deputy Speaker, Sir, could you make a ruling on this matter to inform Ministers that unless they have supplied written answers in advance, we will assume that they are not ready to answer our Questions? Could we get guidance from the Chair?

Mr. Deputy Speaker: Mr. Arungah, this matter is very well covered by our Standing Orders? Our Standing Orders state very clearly that 15 copies of the written answer shall be delivered to the Clerk of the National Assembly and that the answer shall be availed to the hon. Questioner 15 minutes before the Questions comes to the Floor.

Ministers who are not providing answers are clearly in breach of the Standing Orders. On

the other hand, we cannot blame the Ministers because we have to verify whether, in fact, the answers were not delivered to the office of the Clerk. I have asked the Clerk to ensure that a proper record is kept on the answers as they are received from Ministries, so that we can determine whether the fault lies within the office of the Clerk or the Ministry. I hope that the office of the Clerk will liaise with Ministries to ensure that hon. Members are supplied with the written answers beforehand.

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

(a) I am aware that Nyakach Water Supply was designed to have a total of five water pumps of which two were duty pumps and three were standby.

(b) I am further aware that two pumps are currently working and that they pump 3,000 cubic metres of water per day on average. However, these pumps are aged and experience occasional breakdowns. During the breakdown period, Lake Victoria Water Services Board supplements this water supply by providing tanks to deliver water to institutions.

(c) My Ministry, through the Lake Victoria Water Services Board, has procured two new water pumps which are being installed. The board is also undertaking other rehabilitation measures aimed at improving the performance of Nyakach Water Supply project. These measures include replacement of filter media for the treatment plant and replacement of the damaged sections of the pipeline.

Mr. Odoyo: Mr. Deputy Speaker, Sir, it is a tragedy in this country that the two nearest places to water in Kisumu and Mombasa are the places where water is the biggest problem. Nyakach, which is next to Lake Victoria, is one of the places that suffers most from lack of water. When will the Minister ensure that the Nyakach Water Project capital cost replacement is done? He has promised, but can he give us a time-frame when all these old dilapidated pumps will be replaced?

Mr. Katuku: Mr. Deputy Speaker, Sir, I want to assure the Member that once these machines are installed, which were bought during the last financial year for Kshs4 million, the flow of water will improve. I anticipate that in one month's time, we will be through with improvement works.

Dr. Ojiambo: Mr. Deputy Speaker, Sir, can the Minister assure us that in low altitude areas like Mombasa, Nyakach and Busia, where water-borne diseases are very common, he will institute a system where we can have stand-by pumps so that when one breaks up, the other one immediately takes over, because people suffer perennially from water-borne diseases?

Mr. Katuku: Mr. Deputy Speaker, Sir, I will ensure that is done. That is exactly what I am doing because this particular project is supposed to have two pumps working and three stand-by pumps. The problem with this water project is that the pipelines are often washed away by rains and are also vandalised. I appeal to the leadership in that area, including the Member, to ensure that people do not vandalise the pipelines.

Mr. Odoyo: Mr. Deputy Speaker, Sir, this is my fifth Question in this Session where an opportunity has always been given to me to ask the first and last question. I do beg that the Chair grants equal opportunity to Members, in keeping with equal salary that is paid to all Members in this House.

Mr. Deputy Speaker: What are you alluding to? I have given you an opportunity to ask a question. What do you want the Chair to do? I do not understand the "equality" the hon. Member is talking about.

Mr. Odoyo: Mr. Deputy Speaker, Sir, the Chair has not given me opportunity to ask the first supplementary question but calls me to ask the last question. However, all other hon. Members have been given opportunity to ask supplementary questions on matters related to this one. I have,

for example, Members who come from neighbouring constituencies who have issues on this Nyakach Water Project have been given the opportunity. But, be that as it may be, let me ---

Mr. Deputy Speaker: Order, let me address that part first. The Chair has discretion. When I called for the last question, no Member had stood. Therefore, I cannot ask Members to stand up and ask supplementary questions. As I was saying that, Dr. Ojiambo stood up and I gave her the opportunity to ask. Now, you want me to grant Members permission to ask as many supplementary questions as possible for you when there are no Members willing to ask those questions! I think the Chair is very fair to you.

Mr. Odoyo: Mr. Deputy Speaker, Sir, I will not argue with the Chair. However, Nyanza has both highlands and lowlands. Nyakach is one of the areas where we have water coming from the Rift Valley highlands to lowlands in Nyanza. When will the Minister ensure that Nyakach Water Project is fully gravity-led so that these breakdowns we have with these water machines can be totally avoided? By simply moving the intake power point a kilometre up the hill, we can overcome this particular problem.

Mr. Katuku: Mr. Deputy Speaker, Sir, I will consider the suggestion given by the hon. Member. But I also want to assure him that my technical officers on the ground must have done designs to know where to place the machine. But if the Member feels the machine should be moved a kilometre further up, I will look at it and see whether that can be done. I want to assure the Member that my Minister is addressing the issue of water in his constituency and this financial year, we are going to spend more in the Kisumu area so that everybody can access clean piped water so as to avoid water-borne diseases.

Question No.505

PAYMENT OF DUES TO MR. WILLIAM MBARUA

Mr. Munya asked the Minister for Labour and Human Resource Development:-

(a) whether he is aware that Mr. William Mbarua who worked for 14 years (between 11th May, 1992 and 2nd March, 2006) as a driver with Mzata Investments Limited located at Gilfilan House along Kenyatta Avenue in Nairobi had his services unfairly terminated and in addition has not been paid his terminal dues to-date;

(b) whether he is further aware that the letter of termination of employment and final warning letter were written and signed the same day (2nd March, 2006) by the Director, Mr. Yusufumi Mori; and,

(c) what he has done to ensure that Mr. Mbarua is paid his dues and that other workers in similar circumstances are not harassed and mistreated by employers.

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I wish to beg for your indulgence that the Minister answers this Question on Tuesday next week. He has sent word that the information given to him is totally inadequate for the answer.

Mr. Munya: Mr. Deputy Speaker, Sir, I do not mind, but I wonder why he cannot answer today in the afternoon or tomorrow?

Mr. Deputy Speaker: Well, I think you heard the Leader of Government Business saying the answer that the Minister had was not satisfactory. Therefore, it is only reasonable that you concede and, therefore, the Question is deferred until Tuesday next week in the afternoon.

Mr. Munya: Mr. Deputy Speaker, Sir, it is okay.

Mr. Deputy Speaker: Thank you. That is the end of Question Time.

(Question deferred)

POINT OF ORDER

CONFISCATION OF LIVESTOCK IN POKOT/TRANS NZOIA DISTRICTS

Mr. Poghiso: Mr. Deputy Speaker, Sir, I stand to seek a comprehensive Ministerial Statement from the Minister of State for Administration and National Security regarding the issue involving the Police, GSU and Kenya Army officers who raided homes of the Pokot living in Trans Nzoia District and confiscated a total of 495 animals.

Mr. Deputy Speaker: Mr. Poghiso, is this not the same as Question No.2 by Private Notice which we have dealt with extensively this morning? You have referred to Pokot, Trans Nzoia Districts and the same number of animals confiscated. Is that not the same?

Mr. Poghiso: Mr. Deputy Speaker, Sir, the Question that was asked was defective and lacked details. This Question asked for a few aspects and I want to ask for a comprehensive solution to this matter. As you can see, the Question only asked about where the animals were taken and when they will be returned. Mine is a more involving issue. For example, I would like the Minister to tell us why the decision taken was unilateral. No Pokots were involved in the decision of their own livestock. The Minister should also tell us why the cattle were given to Ugandans. So, this is a much more serious matter than what was asked and covered in the Question.

Mr. Deputy Speaker, Sir, you can now realise that I am now requesting for a Ministerial Statement on this issue as a person directly affected by this particular act.

Mr. Deputy Speaker: Okay, go ahead!

Mr. Poghiso: Mr. Deputy Speaker, Sir, I would like the Minister in his Ministerial Statement to address some of these issues. For example, why were the livestock rounded up from innocent civil servants, Government workers and leaders, instead of targeting the cattle rustlers? I would like the Minister to explain to us how the Government of Kenya could hand over the property of its nationals to Ugandans without involving the people whose livestock was taken. The Minister should also inform this House why the decision taken was unilateral and why there was no meeting called to address these issues before the livestock was confiscated. I would also like to ask the Minister to tell this House how come just weeks before, the Pokot were raided by the same armed people from Uganda who drove away cattle and killed a Kenyan and the Government did nothing about this incident.

Mr. Deputy Speaker, Sir, this exercise that I am talking about, in my view, was calculated to deprive the Pokot of their livestock and kick them out of Trans Nzoia District where they were grazing. That is what I would like to hear the Minister involve himself in because this is a very deliberate thing. For example, there was a Local Council (LC)-Vice-Chairman from Uganda who came to receive Kenyan cattle and there was no Chairman of the Pokot County Council or somebody from West Pokot who was present. So, there was a deal between the Kenya Government, Army and the Police with Ugandans excluding the people of West Pokot District. So, I would like to know why this high-handed collusion with Uganda took place. We still want our livestock which was taken to Uganda.

Mr. Deputy Speaker, Sir, I would also like to say that at the time when the Pokot pleaded, the Government up to now has not explained where this livestock is kept in Uganda, who has them and when they will be returned. There is a lot of suffering on the ground and I think the sooner this matter is resolved, the better for all of us and for the security in the area.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: The Minister of State for Administration and National Security is not here. The Leader of Government Business will address this issue.

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, since the request was so detailed, I will wait for the HANSARD and then I will get in touch with the Minister of State for Administration and National Security to prepare a proper Ministerial Statement.

Mr. Deputy Speaker: Mr. Vice-President and Minister for Home Affairs, I suggest that in view of the urgency of the matter, the Ministerial Statement be issued latest by Wednesday.

(Applause)

COMMUNICATION FROM THE CHAIR

DELIVERY OF ANSWERS TO CLERK'S OFFICE

Mr. Deputy Speaker: Hon. Members, I want to refer to Question No.060 directed to the Minister for Water and Irrigation whereby he was not sure what had happened to its answers. I have just received some communication here which indicates that, in fact, the Ministry of Water and Irrigation did not send the answers to the Clerk's office. I want the Minister and perhaps all Ministers to refer to Standing Order No.36(6) which requires that 15 copies of all answers be delivered to the Office of the Clerk. The Clerk's Office has assured me that they have now made it as a matter of procedure that they obtain signatures from the Clerk's Office when these answers are received.

So, Mr. Katuku, there is no evidence whatsoever that such answers were delivered. From now on, I am asking the Leader of Government Business to communicate to Ministers to ensure that 15 copies of answers are delivered as per Standing Order No.36 (6). Also, those delivering these answers should ensure that they obtain signatures to confirm receipt because in future the Chair will be very firm on those who will not comply with this Standing Order.

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

Mr. Deputy Speaker: Order, Mr. Odoyo, you must learn that we are in serious business. I have just ruled in your favour. What do you want to do?

Mr. Odoyo: Mr. Deputy Speaker, Sir, I want to thank you.

Mr. Deputy Speaker: Thank you, very much. Next Order!

(Laughter)

MOTIONS

INTRODUCTION OF CONSUMER PROTECTION BILL

THAT, in order to ensure comprehensive protection of the Kenyan consumer, this House do grant leave for the introduction of a Bill entitled the Consumer Protection Bill to establish the Consumer Protection Board that will contribute towards the improvement of consumer welfare and for matters incidental thereto and connected therewith.

(Mr. Midiwo on 19.7.2006)

(Resumption of Debate
interrupted on 19.7.2006)

Mr. Deputy Speaker: Now, last time we had a balance of one hour and 15 minutes on this Motion and the last speaker was hon. Prof. Wangari Maathai who concluded her contribution. So, it is now open.

Proceed, Mr. Odoyo!

Mr. Odoyo: Thank you, Mr. Deputy Speaker. Let me take the opportunity to contribute to this Private Member's Motion.

Mr. Deputy Speaker, Sir, the Kenyan industry is composed of multinationals which include among others Kenya Breweries Limited who today are controlled by Guinness PLC. They also include Unilever, Colgate Palmolive and Coca-Cola companies. These big multi-nationals control the production sector in Kenya. The timing of this Bill is right for us to protect the Kenyan consumer from what we may call these capitalist giants who have the capacity and opportunity to *nyanyasa* our Kenyan consumer.

Mr. Deputy Speaker, Sir, I have in mind a case in point which is Coca-Cola. Frequently and many a time, items ranging from insects to rats have been found in Coca-Cola bottles. The remedial action for the Kenyan consumer is currently limited. Cases of this nature have been reported but the Government is limited in its capacity to take action. I believe that the Consumer Protection Bill will give Kenyans the opportunity to respond to these cases of what you may call uncontrolled profiteering.

In the *laissez-faire* economics and in the theory of the fair, as an economist, the issue of profit is supposedly the main objective of a firm or a company. Currently, we have few Kenyan firms dominating the consumer market. Unless this House takes immediate remedial action, we shall continue to be exploited. Kenyans are being exploited in the following areas.

One area is that of pricing. We have cases where the price of a product is higher in Kenya than it is in the home country of the multinational, which manufactures it. If the labour costs are lower here, why is the price still higher here than it is in the home country? Time is ripe for us to tackle issues of transfer pricing and exploitation. The issue of "*nyanyasaring*" *wananchi* must stop. This cannot stop unless the Government has the ability and legal capacity to protect its consumers.

Mr. Bett: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member keeps on referring to the word, "*nyasi*". I do not know if that is a new English word. Is it *nyasi* or *nyanyasaring*?

Mr. Deputy Speaker: Mr. Odoyo, which word is that you are using?

Mr. Odoyo: Mr. Deputy Speaker, Sir, I apologise. In the heat of the moment, I used the word, "*nyanyasaring*". This is a word I am sure the hon. Member is very familiar with.

Mr. Deputy Speaker: What does it mean?

Mr. Odoyo: Mr. Deputy Speaker, Sir, in short, it means total exploitation.

Mr. Deputy Speaker: Mr. Odoyo, could you stick to one language? Please, use either Kiswahili or English, whichever you prefer.

Mr. Odoyo: Much obliged, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, I would like to say that the multinationals control the production process in the Kenyan industrial sector. Today, the consumer is being exploited both at the pricing level and labels. There are inaccurate phrases heaped on the products. For example, "they cure all and they answer all", which is providing false and malicious information that is misleading the youth and other consumers. An area in point that may have been partially addressed by the

Government was the issue of cigarettes. Cigarettes in Kenya are manufactured by multinational companies. We have a Kenyan company controlling just 10 per cent of the market. The soft drinks market is 95 per cent controlled by multinationals. What we may also call the packed food stuffs are controlled by a multinational. Many of the services that we use from morning to sunset are provided by these multinationals. Multinationals are controlling the lives of Kenyans. Time is, indeed, ripe for us to enact a law that will assist and enable Kenyans to seek redress.

Mr. Deputy Speaker, Sir, the other area where we continue to be exploited unabated is that of employment. Indeed, there is a lot of exploitation of workers. Multinationals such as the EPZ, for example, want even to know what their workers eat, when they eat, how they eat and how much they eat. Indeed, the fire that razed some offices at Libra House on Mombasa Road and caused the death of many workers is a case in point where multinationals lock their workers inside the factories to work extra hours, so that they make profits. The Government has no machinery to check on the workers. Time is ripe for this House to enact a Consumer Protection Bill that, in addition, should go beyond just looking at the product, but also look at the full range of the marketing access that is required. These areas, not only include pricing, but also promotion, advertising and distribution.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the issue of quality is paramount. Many at times multinationals dump products in the local market. If you take the case of coca cola, the quality of coke in Nairobi and Viena, for example, where I was recently, is different. Why is it that we are allowing multinationals to dump their low quality or nearly expired products in our markets? The time is ripe for us to say that we have, indeed, unscrupulous traders who are also importing products where by the "sell by" date has expired. They have found a way of changing the labels of the "sell by" date. We have many consumers in Kenya consuming expired products under the guise that they are imported. Indeed, those imported products are sold at throw away prices because the "sell by" date is about to expire. Traders buy, for example, canned coke and beer and bring them into this country. They have found a way of removing the label that shows the "sell by" date. It is just like a few people who have been known to rig elections. These traders later insert an extra or longer "sell by" date. The ability of the Government to check this is limited.

Mr. Temporary Deputy Speaker, Sir, we have the Kenya Bureau of Standards (KEBS) which is limited in what it does. The KEBS can only work on issues of production. Once a product has its stamp saying that it is KEBS compliant, it can be sold anywhere. No one is interested in issues that concern consumers. A multinational may produce ten good products which when tested by the KEBS are shown to be good, but the others are sub-standard. They receive the same stamp and are dumped in the market. The time is ripe for us to say that in as much as we look at the production sector, we must look at various consumer issues.

Mr. Temporary Deputy Speaker, Sir, if you visit Nakumatt Supermarket, it is 80 per cent full of imported products. Who checks whether these imported products are the right quality once they are already on the shelves? Unscrupulous businessmen just change the "sell by" date. The Government is totally incapacitated to take action. The Minister for Trade and Industry is, indeed, mandated at some level to take action at the consumer level. However, if you look at the laws, regulations and the powers that the Minister has, indeed, he is very incapacitated. I have not heard a case where the Minister was able to stop the operations of one factory of Coca Cola despite a rat,

insects and many foreign elements being found in soda bottles. These are cases that occur daily.

Mr. Temporary Deputy Speaker, Sir, I would like to ask my fellow hon. Members to support this Motion, so that we have a concrete Bill that will enable our able Minister to take action.

With those few remarks, I beg to support.

Mr. Nderitu: Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity to contribute to this Motion. First and foremost, I would like to say I support this Motion. We have all seen what has happened to the chain of Uchumi Supermarkets. The history of Uchumi goes back 15 to 20 years. When they closed down recently, all suppliers were about to lose all their earnings. Many workers would have lost their livelihood. Many Kenyans are affected today. When they went down, we saw many politicians, Kenyans of different walks, radio and television stations bashing the Government for its downfall. I have never seen any Minister at the teller machines or any Government official in the stores or parking. Although Kenyans were shouting down the Government, now that Uchumi Supermarkets is open, they are not supporting its operations. What I am trying to say is that Kenyans and leaders of this country need to wake up now and go beyond our small cocoons of political alignments. The moment we do that, then this Motion will be a Motion to benefit all Kenyans wherever they are.

Mr. Temporary Deputy Speaker, Sir, Uchumi Supermarkets being a local enterprise requires the support of all of us. Mr. Midiwo has brought this Motion at the right time. However, yesterday, I went round one of the Uchumi Supermarkets and I was surprised to see that the Kenyans who were yelling are not patronising the chain of supermarkets. We need to support Uchumi Supermarkets because when we are talking of our youth going back to manufacturing and farming, Uchumi Supermarkets would be an outlet for all the markets, farmers and the whole country at large.

If you go to Nakumatt Holdings Limited, you will see almost everything they have there, including eggs, are all imported from South Africa. Why do we import eggs, oranges and onions from elsewhere? This why I am calling upon the Minister for Trade and Industry to see that Uchumi Supermarkets is supported. A Motion like this one should be passed so that we have a Consumers Protection Bill and a Traders Protection Bill. In fact, this Motion is falling short. We should even have a Traders Protection Bill.

Mr. Temporary Deputy Speaker, Sir, also in the Consumers Protection Bill, fuel should be included. Many of the multinationals who are supplying fuel to this country increase prices at will. When you wake up one morning and go to a petrol station, you see an increase in price. They are actually changing the meters at will. Who protects Alfred Nderitu who goes to that petrol station to fuel his car because he wants to go and see his mother in the hospital? We hail Mr. Midiwo because of bringing this Motion at this time when traders are increasing prices of commodities at will. This way, we can also control poverty within our areas. If today you go to a shop, you will buy a packet of *unga* at Kshs40. Tomorrow morning a lady who goes to a *kibarua* to earn Kshs100 per day finds that a packet of *unga* has increased to Kshs60. How is the consumer protected?

I am looking at it in a wider perspective. It is just not only things we eat. In fact, even clothing, beddings and whatever is used by a human being and comes from the shop should be taken care of. There is no better time for the Government and Parliament in general to help Kenyans who are right now being fleeced dry by the traders.

Mr. Temporary Deputy Speaker, Sir, while I am still talking about traders, I would like to steer a little bit and go to local authorities, and more so, the Nairobi City Council (NCC). If you take time and drive round Nairobi at night, say from 10.00 p.m. the roads coming from Nakuru, Thika and Athi River, you will see a track of City Council *askaris* on all these centres charging the traders who are coming to Nairobi to deliver their agricultural ware; tomatoes, onions, bananas,

oranges and cabbages, even before they reach to the market. If we want protection for consumers, we should also make sure that the traders themselves are not pinned down by the same Government which wants to make sure that consumers are protected. So, it has to be wider than this. Today the NCC is charging a crate of tomatoes Kshs200, and a bag of beans is Kshs200. So, if a trader has 100 bags, see how much he pays. That trader is supposed to come here and sell the wares to the consumer who gets the wrath. Who cushions the losses of the trader and the farmer? It is the consumer. I would, therefore, like Parliament to widen the scope of the net. The scope of the net should go right into the machinery and systems of the Government. To some extent, the Government is to blame because of inflated prices of commodities within our shops and supermarkets.

Mr. Temporary Deputy Speaker, Sir, when the Minister for Trade and Industry is replying, I would like him to tell us why we are having disparity of prices of commodities to the tune exceeding 25 per cent higher in Nakumatt Holdings Limited than in Uchumi Supermarkets and other shops. What can the Government do and what powers does the Minister need to be given by this House so that these disparities can be removed completely? As you hear Kenyans say, a kilogram of sugar costs the same all over and yet some of our people are not earning a salary. If Mr. Midiwo goes out - I will use this as an example - to a shop in his constituency, he will buy the same kilogram of sugar at the same price with the person who does not even have a job. That is why most hon. Members are used to supporting our people in terms of provision. In fact, hon. Members have become an Automated Teller Machines (ATMs) in their constituencies! Our people cannot afford the minimum basic items they need for their livelihood. This goes even into medicine and water. I do not understand why a litre of Keringet water in Nakumatt should cost Kshs50, while in a shop down River Road, it costs Kshs35. Something must be done! This is why I am saying that the net of the Government must be very wide. Even tyres should be included here. I would urge the people concerned and who are hon. Members - it is only that there is a short time - to bring a Bill which will encompass what Mr. Midiwo has brought here and widen the net.

We would like that net to capture each and everything. Let us have one document which protects even the farmer who grows cotton. The farmer who grows cotton should be protected by the Government to sell his cotton and make all his losses and at least a percentage of about 10 per cent income to educate his children. However, right now, if we protect the consumer and we do not protect even the person who is growing the maize to make *unga*, then we will fall short of our achievements. We will not achieve what we want. In the mean time, I support this Motion wholeheartedly. This Motion should have proposed a bigger margin, so that if it costs a rice farmer Kshs35 to produce a kilogramme of rice, he will definitely get a market that will pay him at least Kshs40 for a kilogramme of rice. In this way, he will make a profit of Kshs5 per kilogramme. In that way, we will all benefit.

With those few remarks, I beg to support.

Mr. Syongo: Mr. Temporary Deputy Speaker, Sir, I want to start by thanking the Mover of this Motion, hon. Midiwo. This is an idea that is long overdue. With the advent of liberalisation, there are all sorts of suppliers of goods and services. The fact that the Government has institutions such as the Kenya Bureau of Standards, whose primary mandate is to ensure that quality of products is adhered to and the right process of producing them is acceptable, is not enough. There is an urgent need to protect consumers of goods and services. Products such as medicine, food and pesticides have the capacity to injure our internal organs. These are products that we cannot just allow consumers to be exposed to. We should put in place an institutional framework for mitigating the dangers posed by harmful goods and services. We should establish institutions to check and hold to account producers and suppliers of such products. This is because there is no doubt whatsoever that, as we expand our production and service sectors, dishonest and fraudulent

players can injure our consumers.

I would like us to ensure that the interpretation of the meaning of producers and suppliers is widened to include the Government and its various departments, municipalities, health-care institutions and the judiciary. All these sectors offer services which citizens of this country are entitled to. But the quality and timeliness of those services should be acceptable and commensurate to the cost consumers pay for them.

This proposed board, if established, will be an important addition to this country's arsenal of other institutions responsible for quality assurance. I also believe that by passing the Bill and creating the proposed board, some kind of a force will be created to encourage manufacturers, sellers and distributors to think very seriously about quality assurance. They will know that if they do not do that, there will be some kind of punishment for them. So, this will be a way of creating incentives for improving the quality of products and services. It will also be an assurance to consumers, and would be consumers, that they can purchase and consume goods with confidence, knowing that anybody who offers his goods or services will be fully aware of what they stand to lose if they offer shoddy products.

I would like to appeal that at the end of this debate the Mover of this Motion works closely with all the relevant departments of Government. In that way, this proposed board will have some kind of judicial responsibilities. As you know, we do not have provisions for small courts, which handle small claims in other countries. Such small courts deal with small claims against producers of poor quality products. Rather than subject a consumer, who has a genuine complaint to the long process of the High court and magistrates' courts, this board should have powers to address such complaints and make awards. It should have that kind of responsibility. I know that it is not going to be an extra ordinary thing. We have the Industrial Property Organisation, which operates in the quality assurance area. This is something that can actually be achieved. I believe that, at the end of the day, for this to be achieved the Mover will need to work very closely with the Ministry of Trade and Industry, whose mandate covers the basic institutions responsible for quality assurance. The proposed Bill should be consistent with the provisions of our current laws. Its implementation will be facilitated by working in partnership with institutions such as the Kenya Bureau of Standards.

With those few remarks, I beg to support.

The Minister for Trade and Industry (Dr. Kituyi): Mr. Temporary Deputy Speaker, Sir, on the outset I would like to say that I share the sentiments expressed by hon. Members about the deficit in the quality of consumer protection and consumer awareness in this country. I also share their concerns on the potential of adulterated products getting into the market, and the fact that something should be done about it.

In my response, I wish to say that the spirit of the Motion is right but its recommendations are wrong. I say the spirit is right because the growth of a liberalised market place enhances the movement of goods and services outside the purview of the Government, with the enhanced risk of a threat to the health and welfare of consumers. Therefore, there is need for concerted efforts to find the best way to strengthen protection of the consumers from the potential of harmful conduct by business people.

Having said that, there are two things that I would like to draw attention to before I come to my contribution proper. The first one is the principle that a private Member should employ the recourse of creating Bills in Parliament if Government agencies are not responsive, in the statutory agenda, to the concerns that make hon. Members to draft Bills. To the extent that the concerns of an hon. Member can be legitimately taken on board by the hon. Member being invited to work with the Government on a specific project that produces what he is thinking of, there is no point for Parliament to use its limited resources to draft Bills which the Government is already working on. I need to mention a number of things.

Mr. Midiwo: On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ojaamong): Order, Mr. Midiwo.

The Minister for Trade and Industry (Dr. Kituyi): If I wanted some information, I would have given him the Floor.

I mentioned here when I was moving the Vote of my Ministry yesterday that--

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. With due respect, is the Minister in order to insinuate that Members of Parliament should not bring laws to the Floor of this House in their own right as Members of Parliament?

The Minister for Trade and Industry (Dr. Kituyi): Mr. Temporary Deputy Speaker, Sir, ask hon. Sungu to listen to what I said. I uphold the right of hon. Members under the law and our Standing Orders to bring Motions and work towards the creation of Bills and enactment of laws. But, as I said, the principle is that to the extent that the Government is undertaking work of similar nature, and that the Government is willing to invite an hon. Member to work with the Government agency that is working on a similar matter, there is no point in duplication of effort. So, the onus is on me to prove that we are doing something similar. Secondly, the spirit of this Motion can be developed in another area, where a private Member can do better than a Minister. Now, let me give the details. I mentioned yesterday that we are already involved in an exercise of statutory reform about business environment improvement initiative which is being co-ordinated by the Ministry and has far reaching implications in terms of what statutes have to be amended. Already there are 48 laws which are either being repealed or substantially amended. Some of the laws being repealed include the Trade Licence Act. We are abolishing the need to be licensed before you start trade.

However, some of the laws being strengthened are consumer protection laws. This is because we believe that as we liberalise, we need more supervision and enhanced protection of the consumers from potential abuse by unscrupulous businessmen. There are two different components with regard to this matter. Even as we speak today, this country has very good laws for consumer protection, but they are not being implemented properly because of a number of things.

First, the custodian of the consumers interests is most importantly a movement of consumers. This movement is supposed to strengthen consumer awareness and consumer capacity to protest adulteration of what they consume. Consumers must have better capacity to demand services as the most important impetus for getting good services than the creation of statutory organs that are supposed to promise the delivery of all these services. I will give an example of this.

On the basis of express statements from hon. Members of this House, I sent my officers to Keroche Industry in Naivasha. We were satisfied that some of the alcohol that they were putting into the public domain had not been inspected. Our officers closed their premises, but they rushed to a court of law in Nakuru which stayed the execution and they came back under police escort to break the padlocks on the doors and start selling those substances again. If we lived in a society where there was a strong consumer lobby, that would not have happened. The challenge on hon. Members is: How can we strengthen the movement of consumer rights protection more than statutory institutions? There are things the Government can and there are also things a lobby of consumers is best suited for doing. The spirit of enhanced consumer protection can best be nurtured in development, for example, statutory strengthening, raising consumer awareness and strengthening of a consumer lobby.

Mr. Temporary Deputy Speaker, Sir, I showed in this House an outrageous thing recently: How a chain of supermarkets can go to a court of law and receive an injunction that the standards inspection agency should leave them alone and that this be done for four years. Even when we suspect that goods that are outdated can be repackaged and put back to the shelves, the courts of law have stopped us from trying to prove what we are suspecting. Unless we live in a society where such an outrageous thing cannot be done, however much we make good laws and create boards, the

good intentions that we have to protect the consumers will be sabotaged by a duplicity between the unscrupulous business people and dubious rulings from courts of law.

One of the main things that have made it difficult for us to score great success in the war against counterfeit goods, adulteration and abuse of human rights has been the absence of synergy between officers who are trying to nail people who are importing counterfeit, adulterated or substandard goods and officers who punish culprits when they are found. I mentioned in this House a year ago how police officers impounded a truck with counterfeit goods worth Kshs10 million. The peddlers of those goods wanted to offer a bribe of Kshs1 million to the police officers who refused. They set up a trap and arrested the men who were trying to bribe them. These people were taken to court and charged with trading in counterfeit goods and later found guilty. They were fined Kshs200,000 and allowed to take away the goods.

First of all, how would you tell the policeman who rejected a bribe of Kshs1 million to go and arrest a person who imports counterfeit goods next time, if at best, that person will only be made to pay a fine of Kshs200,000 and be given back the counterfeit goods that he was trading in?

Secondly, how do you create a disincentive against counterfeiting and dumping of substandard goods if the payments you make in courts are less than one-tenth of the value of the counterfeit products which are surrendered back to you? Unless we strengthen synergies between law enforcement agencies, inspectorate services and the courts of law so that all actions are seen to be transparently fair, we cannot win this war. We might have the best institutions for the protection of consumer interest, but still continue being vulnerable to the abuse of unscrupulous business people and corrupt officers of law.

Mr. Temporary Deputy Speaker, Sir, my Ministry wants to engage and invite every person who is interested in assisting us in the war against counterfeiting and the abuse of consumer rights. I mentioned yesterday that I shall be introducing before this House the Anti-Dumping Bill. This is the most significant statutory instrument in the past decade with regard to strengthening Government protection of the interests of the consumers and those of the patent holder against adulteration and abuse by unscrupulous traders. I will invite any hon. Member who has any suggestion about how to strengthen this legislation to come on board instead of, parallel to this effort, creating another mechanism through which you proliferate public bureaucracy. There is no need of establishing a board which will be sitting to make recommendations which will be sent to the Attorney-General's chamber. The matters will end up in court and we shall be faced with cases similar to Keroche and Nakumatt cases.

The collective challenge to all of us is to keep Government momentum on strengthening legislation for consumer protection in trade. We need to strengthen the operations of the Kenya Plant Health Inspectorate Services (KEPHIS) and Kenya Bureau of Standards (KEBS). Importantly though, we need to trigger the development of a strong movement for the protection of the rights of consumers. This can best be done through a lobby movement than legislation of a board.

Mr. Temporary Deputy Speaker, Sir, with those remarks, I beg to oppose and invite the Mover of this Motion to come on board so that we can strengthen the efforts that we are already putting in place.

Mr. Poghiso: Thank you, Mr. Temporary Deputy Speaker, Sir, for this opportunity. I join my friends in supporting this Motion.

I understand where the Minister's argument is coming from. I also understand his position of not really putting much focus on statutes and laws. We would rather build institutions that would actually improve consumer rights. It is valid that the whole law around lobbying should be developed and strengthened. Members of the public need to know that they have a right to this regard. What, for example, are the basic benchmarks that one looks at on a consumer product and declare it satisfactory? We are not trained enough to know that if we see a certain mark on a

product, then it is a good product.

We should not push this Bill to the Ministry of Trade and Industry only. I think consumption goes beyond the Ministry of Trade and Industry. There is more now to be consumed than just goods. In this time and age, information is even much more abused than any other good that we know of. The kind of information we get on products is very important. For example, a lot of things are written on a bottle that contains water and ordinary consumers are made to believe that it is actually pure water. However, what is it that can show us that the details shown there are true and that the water is pure? The consumers themselves need to be strengthened and trained. The eye of the consumer is the one that needs to be trained. We have become victims of consumer things. I keep on saying that the Kenyan consumer allows himself or herself to be exploited because of the poverty in the country. For example, you would like to have a radio, but the brand names that are known are very expensive. So, you just go for the nearest, as long as the thing makes some sounds for you to listen to the news or music. So, we go for those products because of need. A person who has been used to, or allowed himself or herself to accept *mitumbas* as good clothing, does not see any reason why brand new clothes should be bought. There is a problem with the total consumer environment. I think that is what we need to strengthen. First of all, we need the consumer to protect himself or herself. If a chemical has environmental problems and you are told what to do to protect yourself, you better protect yourself first, before you think of what the Government can do to protect you. That brings us to the basic point that we, as consumers, have allowed ourselves to be exploited. I think we need to move on from there.

Mr. Temporary Deputy Speaker, Sir, I am not interested in bringing issues of Kacheliba to this place but let me, for example, talk about an idea that came out from a paper yesterday - *the People Daily*. It had an headline: "Government Orders Probe on Kacheliba CDF kitty." That is an excuse to attack me. I would have liked the probe to be done yesterday. I am saying that I need to be probed. It is good to probe me and the CDF kitty. But who has written that in the paper? It is my opponent! That is the person who has been losing to me perennially. He is allowed to write in that newspaper. I said: "That is fine! I would like to be probed." For example, since the Constituencies Development Fund (CDF) began, we have never received the Kshs60 million which they claim was misused. Kacheliba, being a small constituency, received Kshs6 million first. Then, we received Kshs21 million and now, Kshs28 million. So, if I am squandering and misusing over Kshs60 million, then it must be my own money. The truth of the matter is that the writer of the story, Mr. Wandeto, had called me earlier to say: "We have a story on you and we are going to publish it!" I told him and I quote: "Put it in bold!" True to his word, it was done in bold. It is because those people are used to being bribed in the streets of Kitale. If you want information to be published in Kitale, you will find those people who can publish whatever you want for you. It is a travesty of journalism. Being a former teacher of journalism myself, I have seen a travesty of journalism. That is an abuse of the consumer rights of the people.

Mr. Temporary Deputy Speaker, Sir, there has been a problem in West Pokot; the disappearance of relief food! But because the District Commissioner is part and parcel of the disappearance of relief food, 1,700 bags suddenly disappeared. But because I raised that issue, they want to hit back at me. They thought that, that was the best way to do it.

(Applause)

Mr. Temporary Deputy Speaker, Sir, thank you! I must have said something very good. Since I raised the issue of the disappearance of relief food, I can now see that corruption is rearing its head again. I raised that issue and asked: "Where are the journalists who should uncover these things? What happened to them? How come they were compromised on the day the maize

disappeared?" I can now see the issues coming up. This is an issue of consumer protection. When a responsible newspaper writes something about you, they should have the courtesy of calling you and asking whether it is true. They should confirm your side of the story. They should not have gone to the person who has perennially been losing to me to get the story from him.

An hon. Member: *Pole!*

Mr. Poghio: Mr. Temporary Deputy Speaker, Sir, I am very ready for the probe. I am glad that somebody is saying *pole* to me over that.

Mr. Temporary Deputy Speaker, Sir, if the Government takes over the Consumer Protection Bill, it should broaden it. It should not just be a Bill on consuming maize, sugar and such products. It should involve the consumption of information, which is the hottest commodity in this country and the world at large.

With those few remarks, I beg to support.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion, which I oppose. As has been said by the Minister for Trade and Industry, it is not that we lack adequate legislation. It is the enforcement of that legislation that is wanting. It is also the awareness on the part of consumers and watchdog institutions that is lacking. What I would call for is the revamping of the Kenya Bureau of Standards (KBES) so that, it is able to continuously monitor the standards and ensure that whatever goes out to the market is of the required standards. We know that in the present day Kenya, people are avoiding regulation and monitoring by getting fictitious court injunctions. We know of retail outlets that have managed to evade the KEBS by getting court injunctions for the last decade. Therefore, it is a problem of enforcement.

It is also the failure of other law enforcement agencies, notably, the Office of the Attorney-General and the institutions concerned, to ensure that when cases are filed and injunctions are obtained against regulatory bodies, that those cases are disposed off within a reasonable time. Therefore, KEBS has been rendered toothless by, sometimes, the litigants, the courts, the Office of the Attorney-General and also by their own inertia of failing to do their work effectively. I urge the Mover, whom I know to be a reasonable person, to consider that we ought to revamp the KEBS to do its duty. There is no use of creating a new Board to do the work that is already being done, or supposed to be done by KEBS. We should introduce reforms at KEBS, give it capacity and ensure that it discharges its duty of creating awareness, so that consumers, in turn, could have their watchdog lobbies which would ensure that they are getting value for their money and that they are not being short-charged.

We must guard against the new trend where, whenever we have a problem with the manner in which institutions are discharging their work, we suggest additional institutions. A proliferation of institutions is not what we need. After all, if we have a new consumer board that is being proposed in the Motion, it is the taxpayers' money that would continue to maintain the KEBS, the consumer board and any other organisation that you will establish. We shall very easily exhaust ourselves by having a proliferation of organisations, instead of streamlining and making effective the machineries that we already have.

Therefore, I am saying that, although the existing Standards Act and other Acts which assist to maintain standards can be looked at in case there is need for strengthening, what we need is not a new body! We need to introduce reforms to the existing bodies to ensure that they effectively discharge their duties. I am appealing to hon. Members to conduct sufficient research as they suggest new organisations. If we feel we must have a new organisation, and we have conducted adequate research, we should give suggestions as to what will be done with the existing ones.

[The Temporary Deputy Speaker]

(Mr. Ojaamong) left the Chair]

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

This is because we cannot have two outfits doing more or less the same thing. We must also ask ourselves: Once there is a law protecting consumers by setting the standards, should the Government also act the role of the lobbyists who speak on behalf of the consumers? The role of the Government is regulation by maintaining the standards and having regular *ad hoc* checks to ensure that the law is followed and also to create awareness. However, the Government cannot play its role and also that of the lobbyists. Once there is sufficient awareness, the consumers themselves will form their own lobby groups which will do the rest of the work.

I know that we have a strong consumer organization, but it cannot be as stronger as the Kenya Bureau of Standards (KEBS). So, if we revamp the KEBS, then the consumers will not get a raw deal. We should not try to reinvent the wheel. We should look at what is happening in other countries. How do they maintain standards, for instance, in the Western world and in our progressive African states? We should check what is happening---

(Loud consultations)

Dr. Ali: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could you protect us from these excited NARC(K) Members of Parliament? We cannot hear what the Minister is saying!

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, I am surprised that some people do not want others to celebrate. But I do agree that the celebration should be in low tones. I also think that we all agree that there is reason to celebrate, not only for individual parties, but also for us, as Kenyans, for conducting mature elections.

(Applause)

This maturity should now be imported into ensuring that we enforce our laws, and consumers get value for money.

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, whatever you are doing, whether it is celebration or excitement, please, do it in very low tones!

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, I want to confess that I am also in a celebratory mood. I want us to carry over this celebration by doing our duty to Kenyans. That is why I am suggesting that where there already exists adequate legislation and a body that is supposed to oversee that, let us look at how to strengthen it. Let us not misdirect resources by having a proliferation of bodies.

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

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion very strongly. First of all, whereas I understand my colleagues on the other side when they say that creating new laws without reinforcing the existing institutions is not a solution to our problems, I do believe that this law is necessary. It is necessary because the Kenya Consumers Organization, which I happen to know very well and with which I had a lot to do in the 1980s and 1990s, does not really have a body to report to. The KEBS was established for the maintenance of standards. This is a much more restrictive issue than the issue of consumer protection. My honourable friend

who spoke before me, from the Opposition side, mentioned that the issue of consumers goes beyond the Ministry of Trade and Industry. The issue of consumers embraces the whole of Government. We consume culture, information, goods and services. This cannot be a restriction to the Ministry of Trade and Industry. If anything, the appropriate Ministry that could look after this issue of consumer protection, is the Ministry of Planning and National Development. This is because the issue of consumers is of national development.

Mr. Temporary Deputy Speaker, Sir, when we talk about the proliferation of laws--- I will give a few examples from our law books. We have Cap.327 which is called "The Grass Fires Act." We also have Cap.103 which is called "The Fire Inquiries Act." These are two laws dealing with fire. Why do we need two laws dealing with fire? We also have Cap.332 which is called "The Mombasa Shop Hours Act." Then we have Cap.231 which is called "the Shop Hours Act." So, if it is a question of proliferation of laws, we already have this phenomenon in our law books. So, we cannot come to this House and say, as an excuse, that creating a law that creates a consumer protection board, is duplicating the work of the KEBS. Our law books always show that when this House comes across a problem in our society, its role is to make laws to deal with that problem. The society has never put any condition on Parliament on the number of laws that we have to make to deal with problems. So, we cannot be censors to our own responsibility in this House. So, I believe that a consumer protection law is extremely important.

The manner in which we craft the Consumers Protection Board is a different matter. Indeed, we can make the KEBS the host organization for it. This is a matter that the Government can sit down and craft properly, so that duties and responsibilities are not duplicated. However, defending consumers' rights in this society is very important. When I worked with the Consumer Organization of Kenya (COK), when Mr. Francis Orago was the Chairman, whatever we did, we had no particular organization to report to that was concerned with consumers rights, except the Attorney-General's Chambers. In this country, we do not even have a public protector. In the Republic of South Africa, there is a public protector to whom they go to when they have such problems. Indeed, when we failed to establish a new constitution, which had relevant clauses to protect the public, we missed the opportunity. It provided for the establishment of the public protector.

So, I do believe that what the Government should do is not to be defensive about establishing this law, but to do proper homework and tell this House exactly how this very necessary organization called the Consumer Protection Board will function. When the two Ministers say that this will duplicate the work of the KEBS, they do not tell us, in black and white, how it will do so. They stop at assertion. This House cannot deal with assertions. It must deal with the details of making law. The details of making law means the Minister coming to us and tell us exactly what part of the law that established the KEBS, deals with the protection of consumers. Indeed, what organization in this country consumers can report to when there are problems of consumption.

Mr. Temporary Deputy Speaker, Sir, for example, today, people who own vehicles in this country have to pay an enormous sum of money for their maintenance because our roads are very bad. But whom do we report to? Which organization do we go to when we are paying so much money to repair our cars? There is none! If you are driving from town to the Windsor Golf Hotel, there is absolutely no sign on the road that shows you where Kiambu Road is. If you go up to Muthaiga Round-about, you can either choose to go to Thika or go to the Muthaiga Club. That is the junction where you should go to Windsor Golf Hotel from. However, there are no signs showing the direction to Windsor Golf Hotel. That is an issue of consumer protection.

Mr. Temporary Deputy Speaker, Sir, there are all these issues that have to do with protection of consumers that are not catered for in our law books. It is absurd for two Ministers to

contribute to this Motion before first of all understanding the issue of consumption. Instead they went ahead to protect their turfs in terms of protecting duplication of law. It is a travesty in the responsibility of this House.

It is extremely important that this House takes responsibility for making sure that, when we have a problem like this, in order for the Government to oppose the proposal, they must come up with an ocular proof that, indeed, what they are saying can stand the test of facts.

Mr. Temporary Deputy Speaker, Sir, another example is in the matter of medicine where Kenyans pay an enormous amount of money to buy pharmaceuticals. The cost of medicine in this country is extremely high. People have been dying in hospitals year in, year out. What organisation do they report to? Do they report to the Medical Association of Kenya, an association that protects people in the medical practice? In the medical world there are all kinds of boards that protect people in that kind of practice. There is the Nurses Act that tells us how nurses are hired and fired and so on. We have all kinds of laws that deal with medicine and medical practitioners. In the final analysis, they do not protect the interests of the consumer who consumes pharmaceuticals and other medical products. Therefore, wherever you look, whichever aspect of society you come into, you will find that there is an issue of consumption.

Mr. Temporary Deputy Speaker, Sir, there is the issue of consumption of space in this country. This deals with pollution, use of land and the use of infrastructure. When you find that there is tremendous pollution in this city, who do you report to? Is there any particular body that deals with this issue? None, unfortunately. We have a tremendous opportunity today, to have an omnibus law that will protect consumers wholesomely and not in a restrictive manner in which the Minister for Trade and Industry has been talking about. I hope the Minister for Trade and Industry will listen to me!

I beg to support.

The Temporary Deputy Speaker (Mr. Poghiso): Hon. Members, I will now call upon the Mover to reply.

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I wish to donate two minutes to Prof. Ruth Oniang'o, two minutes to Mr. Ochilo-Ayacko and three minutes to Mr. Sungu.

Prof. Oniang'o: Thank you, Mr. Temporary Deputy Speaker, Sir. I just want to echo all the sentiments that were expressed in support of this Motion. It is long overdue. The Kenyan consumers are the most abused. They have nowhere to take their complaints to. I am speaking as somebody who served on the Kenya Bureau of Standards Board for about 12 years. The Kenya Bureau of Standards only addresses itself to those issues which are brought to them by the consumer. But there is no information to the consumer as to where they can raise their complaints.

This will be a sad day when the Government and the Ministers whom I have so much respect for become so defensive against something that will help them do their work and also help the consumer that they want to serve. I would like to appeal to the Ministers to let this Motion pass because it will make their work easier.

I want to support this Motion wholeheartedly.

Mr. Ochilo-Ayacko: Thank you, Mr. Temporary Deputy, Speaker, Sir. I want to thank the Mover of this Motion for this very good Motion. I want to ask the Minister to change his mind because the duplicity that he is talking about will be addressed when the actual Bill is done. If there is anything in the Standards Act that will be duplicated in the proposed Consumer Protection Bill, this House will have occasion to correct it. I think it is misleading the House for one to talk of duplicity about a Bill that has not been drafted at this stage.

Mr. Temporary Deputy Speaker, Sir, consumer organisations do not have an Act of Parliament to underpin their work. This proposed Bill will give an Act of Parliament or legalisation that will underpin the work of the Consumer Protection Board. I believe that the exploitation of

consumers in this country has gone on for a very long time and it is time it came to an end. Everybody is a consumer; including the President. Therefore, the Minister who is also a consumer should rise and protect all consumers of goods and services.

Thank you.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I support this Motion wholeheartedly and would like to appeal to the Minister to support it and address the issues that he has raised when the Bill comes before the House, because there is room for that.

Mr. Temporary Deputy Speaker, Sir, Kenya is a signatory of the UN Guidelines on Consumer Protection which were passed under Resolution No.39/248 of 1985. Since then, Kenya has not observed even the most minimal standards in terms of consumer protection. This matter was considered so important by the *wananchi* of Kenya that it was incorporated in the Bomas Draft. One of the very first key provisions of the Bomas Draft was to enact legislation to protect the Kenyan consumer. Therefore, it is important to look at this issue.

Mr. Temporary Deputy Speaker, Sir, sometime back, it was said that the consumer is king. In Kenya, the opposite is true because we are still exposed to expired drugs and there is no recourse. The consumer must have a chance to be informed and to have that choice that needs legislation which is good enough to protect the consumer. The consumer in Kenya is underprivileged. He is an unequal partner in the trade with these big unscrupulous business organisations. With the advent of Genetically Modified Foods it is imperative that we have protection for the consumers because we still do not know enough about these Genetically Modified Foods. It is important that the consumer be protected by this Parliament. This Parliament is called upon to be futuristic and not to take us back to the 20th Century when things were so bad that you could do anything against the consumer and nothing could happen to you.

With those few remarks, I beg to support.

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, let me donate a further one minute to Eng. Okundi.

Eng. Okundi: Mr. Temporary Deputy Speaker, Sir, I ran the Kenya Bureau of Standards for many years. I want to support this Motion wholeheartedly. I am amazed at the amount of ignorance that the Government is trying to display here. The Kenya Bureau of Standards establishes the standards that govern the quality of the services and products that are traded in this country. It is not a law enforcement agency as such. It is very difficult for that institution to establish the law enforcement capacity. In the United Kingdom, they have the British Standards Institution which is the equivalent of the Kenya Bureau of Standards. They also have consumer protection, which is enhanced by the *Witch* Magazine where consumers say anything about any product they use in that country. That magazine more or less acts as law; a major proposer and supporter of the consumer protection Bill. For example, the malarial drugs that we have been using in this country for a long time seem to be the wrong kind of drugs. If we had a Consumer Protection Bill, we would have had a very good chance.

I support this Motion wholeheartedly and I am sure that this House will pass it.

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I want to thank everybody who has positively contributed towards this Motion. This country must have a Consumer Protection law. There is no "ifs" or "buts" or any two ways around it. The Minister for Justice and Constitutional Affairs was alluding to what other foreign countries do. Food and drug administration in the United States ensures exactly what we want to achieve with this Motion.

We cannot have a free-for-all situation where everybody who is aggrieved must report to a Minister. I am surprised that the Minister concerned is not talking about the Department of Weights and Measures which is in charge of calibrating all these fuel pumps. The price of fuel could cost the same at particular petrol stations, but the quantity you get is not the same. Where are

our consumers supposed to complain? Not to the Minister definitely!

Mr. Temporary Deputy Speaker, Sir, we need a body which is not controlled by the corrupt hierarchy of the Government.

We need a body which is independent of the machinations of a Minister. We need a body that we can report to and which can help the people of this country to live without being exploited.

With those many remarks, I beg to move the Motion.

(Question put and agreed to)

AMENDMENT OF CONSTITUENCIES
DEVELOPMENT FUND ACT

Eng. Muriuki: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, considering that the Constituencies Development Fund (CDF) has been successfully implemented for over two years; and noting the suggestions made at various fora to improve on some of the provisions in the Act; this House grants leave to introduce a Bill entitled the Constituencies Development Fund (Amendment) Bill to amend the Act in order to improve further the delivery system of the Fund.

The CDF focuses on the grassroots development level in our country. Over the last two years that the CDF has been in operation, we have had primary and secondary schools where there were none. Water supply has been enhanced, health centres, police posts and even stations have been built. Some of these facilities, for example, primary schools and other public facilities, have been in existence but in deplorable conditions. Many students have had the opportunity to join middle level colleges or further their education, courtesy of the CDF. It appears as if the CDF caters for the grassroot infrastructure and the bursaries. For many years, as a country, we did not have any other way of sorting out those issues until the CDF came into being. The Constituencies Development Fund Committee, which is a Select Committee of this House, has done its job. I take this opportunity to thank the hon. Members of that Committee. After two years of operation, we laid on the Table our statutory report in which various recommendations were made. The report was adopted by the House together with its recommendations. I will not go into details of those recommendations because all hon. Members are familiar with the report which we have discussed. We have even had a whole day's workshop on the report. So, hon. Members are familiar with the recommendations which were contained in the report. I will only cite one or two recommendations.

For example, we are having a hard time dealing with what happens at the end of the year. Constituencies may make very good decisions on how they want to utilise their CDF money. However, reasons always come up about why a change would happen towards the end of the year. Maybe, they were going to drill a borehole, but the Government drilled it. Therefore, there ought to be a way in which they can reallocate those funds. Reallocation of those funds is one aspect which is being addressed by the recommendations.

There are also other aspects which we had not foreseen at the beginning, for example, the constituencies which would like to preserve their environment. We also want to take care of monitoring and evaluation, including capacity-building of the various committees, for example, education, which are involved. We want to educate *wananchi* on what is involved. The House adopted the report and it is now time to put those recommendations into law.

The draft Bill is ready and if I had the permission of Mr. Speaker, I would have laid it on the Table so that we can start to debate it, but we now require leave of the House. Therefore, the essence of today's Motion is to enable the Clerk of National Assembly to send the draft Bill to the

Attorney-General for publishing. I appeal to the hon. Members to pass this Motion so that we can have this Bill published tomorrow because it has been lying in the Clerk's office for the last couple of months.

I take this opportunity, as I conclude my brief remarks, to appeal to hon. Members to save their many remarks for the time when the Bill is actually brought before the House. Today, we are only asking for leave of the House so that the draft Bill can be taken to the Attorney-General for publishing.

Mr. Temporary Deputy Speaker, Sir, with those very few remarks, I beg to Move, and with your permission, request Mr. Muturi to second the Motion.

Mr. Muturi: Thank you, Mr. Temporary Deputy Speaker, Sir. I thank the Mover of this Motion for, first, acceding to our cumbersome and tedious procedures in making laws.

The CDF Act is one of the most recent Acts but there was wisdom when it was crafted. What has not been captured by very many people in this country is that, it provides for statutory reporting within a period of two years. The Select Committee has complied with that statutory requirement and made a report. Indeed, as would be expected with anything new, teething problems have been identified. Those who have cared to read through the Report of the Select Committee have seen that the Committee has come up with progressive ways and ideas of improving on the delivery systems within the CDF Act.

Therefore, this Motion is merely seeking to comply with our tedious procedures of making laws. We are accused of not enacting enough laws, but Kenyans should see from this; that rather than the Report of the CDF Select Committee being taken over by the Government and being implemented with various suggestions on the improvement to the law, the Committee through the Chairman has gone through this very long process. Therefore, I do not want to belabour that point. This Motion should have passed yesterday and not today.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to second the Motion.

(Question proposed)

Archbishop Ondiek: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this important Motion. I want to support this Motion because it is very important. The CDF has done a lot in this country.

Since this Government came into power, as hon. Members, we have not received anything from the 97 per cent budget to our constituencies.

(Applause)

It is only 2.5 per cent which comes from the CDF that we use. Those funds have done a very good job in our constituencies.

I support the Mover of this Motion. He really fought and had wisdom. Every hon. Member should fully support this Motion because it is very important.

Mr. Temporary Deputy Speaker, Sir, we want the request which was made here, to increase the allocation to the Constituencies Development Fund (CDF) from 2.5 per cent 7.5 per cent, to be implemented. The Government should not debate about it because, after all, it is doing the same thing the Government is doing. There are funds which are being released to Ministries and we never see what they do! The only things we see are the projects funded by the CDF.

Mr. Temporary Deputy Speaker, Sir, I do not want to waste time for other hon. Members. I beg to support.

Mr. ole Metito: Thank you, Mr. Temporary Deputy Speaker, Sir. I also want to add my

voice in support of this Motion. I agree with other hon. Members who have spoken that, actually, this Motion should have been passed yesterday in order to give permission to the Chairman of the CDF to bring this Bill to improve on some of the provisions in the Act. I am saying this because if this Motion had been passed sometime back, one of the improvements we would have seen, as other hon. Members have said, is the increase of the minimum percentage that is going to the constituencies. Secondly, there are some provisions in the Act which need to be improved, for example, the issue of the holders of Authority to Incur Expenditure (AIE). We need that to be constituency-based because some of the constituencies are very far from the district headquarters. Even those constituencies which have the district treasury, we only have one person; the District Development Officer (DDO), who is the AIE holder. We need to improve on that provision to find out somebody else who can be entrusted with that job at the constituency.

Finally, Mr. Temporary Deputy Speaker, Sir, one of the provisions we would like to see included is how we can make the projects we are building not to be white elephant projects for example, the dispensaries and other health centres. If we could increase the percentage of CDF from 2.5 per cent to 7.5 per cent or 10 per cent, we could actually be in a position to employ health personnel in order to run those facilities.

I beg to support.

(Applause)

Mr. C. Kilonzo: Thank you, Mr. Temporary Deputy Speaker, Sir.

I wish to support this Motion. Despite many criticisms from the public, the CDF is a reality. It is the best way to approach development in this country. For us to improve the CDF, amendments are necessary. For purposes of efficiency, it will be necessary to amend the Act to provide for constituency co-ordinators. To reduce costs, it will be necessary to remove some of the bodies, for example, the National Management Committee (NMG), whose budget per annum is about Kshs300 million. For purposes of clarity, amendments are necessary. We need to know what we can do with the money and what we cannot do with it. For instance, there has been controversy on whether we can buy land and equipment with the money. So, some of the proposed amendments are to make it clear what we can do and what we cannot do with the money.

Mr. Temporary Deputy Speaker, Sir, there have also been many requests from different areas to provide for new projects. For instance, sports for the youth which, definitely, if provided for, it will be something good for our people. To allow for institutional memory, we will need to make some amendments. For example, when the House is dissolved, we will still have some people in that office. That is why we are asking for these amendments.

Finally, Mr. Temporary Deputy Speaker, Sir, in order to respond to public demands, there will be need to increase some percentages on particular projects like bursaries. Currently, it stands at 10 per cent and the demand is very high. So, we need to make some amendments so that it can provide for more funds to be allocated for specific projects.

With those few remarks, I beg to support.

Mr. Muriithi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Motion.

Mr. Temporary Deputy Speaker, Sir, Kenyans have seen what the Constituencies Development Fund (CDF) has done in this country. Unfortunately, every minute you open a newspaper, you see a story of someone complaining about the CDF. These are nothing but teething problems. We should allow the introduction of the Bill to be able to harmonise the operations of the CDF, so that people can make their contribution. Kenyans at large will be able to supervise the sweat of their labour.

We have seen several projects stall in the areas of roads and hospitals, where the Central Government is directly involved and we do not get answers. There is not a single CDF project which has stalled in this country. It is, therefore, high time that an increase in the CDF allocation was proposed to a minimum of 10 per cent of the Budget. Kenyans are now able to inspect CDF projects without any interference.

I beg to support the Motion.

Mr. Salat: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we are all agreed to this Motion. Therefore, there is no need of repeating ourselves. So, would I be in order to move that the Mover be now called upon to reply?

(Applause)

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, if it is clear to me that somebody still wants to contribute to the Motion, I will allow him or her. Does anybody want to speak on the Motion?

Hon. Members: No!

The Temporary Deputy Speaker (Mr. Poghisio): I will, therefore, put the Question of the Motion sought by Mr. Salat.

(Question, that the Mover be now called upon to reply, put and agreed to)

Eng. Muriuki: Mr. Temporary Deputy Speaker, Sir, mine is to thank hon. Members for the tremendous support they have given to the Motion. I would also like to thank the House Business Committee for having the wisdom to prioritise this Motion to come to this House today.

I would also like to take this opportunity to thank the CDF Committee, which I have had the opportunity to chair. So far, we have had very good deliberations, including the two-day workshop that we held recently, during which we went through the Bill clause by clause. All we are asking for now is the leave of this House to introduce the Bill so that we can look at it clause by clause and pass it.

Mr. Temporary Deputy Speaker, Sir, I do not want to waste this House's time because there is other urgent business to be transacted. This particular Motion was brought here today, so that the Bill can be published tomorrow or the day after.

With those few words, I beg to move.

(Question put and agreed to)

INTRODUCTION OF NATIONAL FAMINE AND DROUGHT MANAGEMENT BILL

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the fact that Kenya has continued to persistently experience famine and drought; considering that hunger has been experienced every year without any permanent solution by the Government; cognisant of the fact that famine has been declared a national disaster, and that there is no law or special body to take care of famine issues in Kenya; this House do grant leave for the introduction of a Bill entitled "The National Famine and Drought Management Bill

2006" to establish a legal framework to address famine related issues.

I want to observe that as we start discussing this Motion, that the Members of the Front Bench of the NARC Government are missing in this House. Maybe, the defeat in the previous Motion was too much for them. Nevertheless, I will proceed.

I bring this Motion because, as we may all be aware, there is already an alert for famine this year, yet we have not even recovered from the previous famine. We are aware that the previous famine, which is hardly four months away, affected four million Kenyans. Presently, we still have--

The Temporary Deputy Speaker (Mr. Poghiso): I think you have raised a very valid point. The fact is that the Front Bench of the Government side is quite empty and it would really do us good if somebody on the Government side would do something about it. I know you would want to have some response from the Government side or from a Government Respondent. I do not understand what is going on, but we will find out. In the meantime, just continue.

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, this is a very important issue to Kenyans. You are aware that during the previous famine, four million Kenyans were affected. It was a nationwide drought and a nationwide famine. The Government got involved and Kenyans of all walks of life were affected. They therefore, went ahead and donated food and money. In fact, even prisoners went on a fast in order to make a contribution to that famine.

I also want to acknowledge that the Government raised an alert that the drought was a national disaster. The Government was able to bring in relief aid from other countries. But, at the same time, I want to compliment the Minister for Finance for factoring into this year's Budget some money for famine relief.

Scientists tell us that we will, in fact, be experiencing three times, the number of drought seasons in a year, than we did in the 1990s. We cannot continue to address famine and hunger issues on an *ad hoc* basis. We cannot continue to treat the issue as a chronic emergency. If we go by what climate change scientists tell us, the situation will still become worse. Some countries already have some legal framework and mechanisms in place to deal with the issue of feeding their populations when times become difficult. What is happening in Africa, Kenya included, is that we continue to address hunger and feeding our people as if drought is an emergency; yet, food is a basic human right and every Government has an obligation to make sure that its people are properly fed. If people are not well-fed, they end up suffering from malnutrition and they cannot enjoy the basics of life, leave alone contributing to national development.

My main reason for moving this Motion is not to discredit or ignore what the Government is doing, but rather, to give a chance to us, as Kenyans, to come together as stakeholders and address the issue of feeding Kenya for a good future. The future is not far away because we have already been told that pastoralists who lost their cattle to drought have hardly recovered. The livestock they have cannot even sustain their families. We are told that 3.1 million Kenyans are receiving a weekly ration of food from the World Food Programme (WFP). However, the ration lacks oil. Oil provides better energy and helps provide fatty acids which the body actually needs. There is a shortage of oil in those rations.

Mr. Temporary Deputy Speaker, Sir, right now, as we speak, we are told that about 500,000 children are on a lunch programme. More children could be on it, except that there is not enough food. We have 70 districts that are affected by drought in this country. That is a yearly occurrence. It, therefore, saddens me as a scientist in food and nutrition, and somebody who is concerned about food as the first medicine. Even when our people cry to have anti-retrovirals (ARVs) and drugs for tuberculosis, it is because those diseases attack the immune system. The reason why I say food is the first medicine is because good food in enough quantity and good quality strengthens the immune system. It gives the body the ability to use other medicines.

So, we are talking of a country which must address itself very seriously to this particular issue. We have to sit down and come up with a framework that will address this issue. We are aware that most of the food that we get now comes from foreign countries. It comes from United States of America (USA), the European Union (EU) and China. China has a population of about 1.2 billion people. It could not feed itself about ten years ago, but today, China exports food to countries like ours. We also have countries which are very small. I have in mind New Zealand and Australia. They, too, export food to Kenya.

Mr. Temporary Deputy Speaker, Sir, I do not want Kenyans to continue to suffer the indignity of begging for food. Nobody who begs for food can talk of being dignified. So, as Kenyans, we should proudly sit down and say: "We are capable of feeding ourselves!" That way, we shall stand high internationally.

Mr. Temporary Deputy Speaker, Sir, we are aware that only a fifth of Kenya is arable and productive. But we are also aware that, that fifth is becoming over-settled and over-populated. It is becoming almost non-productive because we are over-using it. I remember going to Moyale when the late Hon. Guracha Galgalo died. I landed in Moyale and asked: "Is this part of Kenya?" I saw vast lands that were not even settled. They were not producing any crops. As I landed, I said: "A great city could be built here!" We have taken four-fifths of Kenya and decided it does not belong to Kenya. I know that with proper water management and irrigation, that unproductive part could produce enough food to feed the rest of Africa. So, we have to be strategic. We should plan, invest and move away from saying that four-fifths of Kenya is not productive.

Mr. Temporary Deputy Speaker, Sir, when we talk about drought and famine, it is not only the pastoralists who are affected. It is not only the people of *Ukambani* who always receive relief food. The whole of Kenya is affected. My view is that, we should look at the grain basket of Kenya, which is western Kenya. If you go there right now, there is no infrastructure. There are no roads. I always wonder: "Does this Government care about us producing food? Why do they not prioritise and make sure that infrastructure is in those parts of Kenya which are productive?" That way, we can produce enough to feed Kenyans.

Mr. Temporary Deputy Speaker, Sir, I am told that the maize, wheat and other grains that we produce in Kenya are taken across the border to Tanzania. We have business people who buy there at a low price and pay cash to the farmers. They then sell the grains at premium prices to the World Food Programme (WFP), which then brings that food back to Kenya. This does not make sense. However, that happens because our Ministry of Agriculture decides that it can only give our farmers credit notes. The production cost for the farmers is too high for them to sit and wait to be paid after six months. That is their only source of income. You cannot blame them. You cannot brand them unpatriotic for selling their grains across the border. Something is very wrong here. It bothers me that as we go on, drought will come again, we shall move a Motion here to debate it and make contributions. This happens year in, year out. It is becoming worse.

I have the HANSARD Report which shows our debate on famine and drought in this country. We even made monetary contributions. Before we know it, we are going to discuss the issue again. I remember how passionately we discussed the issue. We must do something about this. I would like us to discuss this issue when we are sober and not when it is an emergency, or when we are seeing pictures of Kenyans looking like the ones we see from our neighbouring countries of malnourished people. You do not want to look at those pictures because it is scandalous and embarrassing for any government.

I have been in this field for a long time and I am aware that during the KANU Government's day - I can see the Front-benchers are missing - it was embarrassing for any Kenyan to have been reported to have starved to death. The Government would run there to make sure that we do not have these images on the international scene. However, during the last drought, many

Kenyan died. A lot of livestock died too, which is people's livelihood. The famine emergency was announced during Christmas when we were supposed to be celebrating. At that time, the Government was at the Coast wining and dining, as our people were dying. They did not have anything to eat. This bothers me so much because I am a mother and I know that in Africa, and in Kenya particularly, it is the women who till the land and make sure that there is food on the table for the family. I would like this House to rise to the occasion and make sure that every Kenyan is assured of a meal.

We have enough scientists. We have the Kenya Agricultural Research Institute (KARI), which is a premier institution internationally. We should address ourselves to this issue. As I said before, and I want to repeat when the Minister is here, we should not suffer the indignity of begging for food. This is not acceptable. As many Kenyans continue to suffer from malnutrition, conflicts and HIV/AIDS are contributing towards this. We cannot talk of any national development if we cannot feed ourselves.

Mr. Temporary Deputy Speaker, Sir, I want to commend hon. Munyes. He came late and he knows it. He should read the HANSARD to know what I have said. I saw him on television addressing the issue of drought in a very different way. What I am seeking here is not confined to one Ministry. It is not confined to the Ministry of Agriculture, the Ministry of Water and Irrigation or the Ministry of Livestock and Fisheries Development. It needs to be addressed by all of us. It just so happens that one Ministry has to take it on.

I want to repeat this for the Minister's benefit. We are not saying that the Government is not doing anything. This Government has done a lot. It has factored the issue of drought into the Budget already, but we cannot continue to address this issue as an emergency. Already, there is an alert in the Press that we are going to begin seeing pictures of hungry Kenyans on television. This is not acceptable. I would like to support what the Government is doing. As Kenyans, we should sit down and see where we are headed to. We should bring in our scientists. Even when foreigners want to assist us, they should assist us when they know that we have sat down as a knowledgeable country trying to address a catastrophe in waiting.

Mr. Temporary Deputy Speaker, Sir, we are already talking of a green revolution for Africa. We are talking of fertiliser use, with Kenya using only 8Kg per hectare compared to the international level of 200Kg. That is not acceptable. I was in Abuja, Nigeria, at a fertiliser summit and the Minister was not there. So, we are in the habit of addressing things as an emergency, and this has to stop. I want to support this Motion and hope that hon. Members are going to support it too.

With those remarks, I beg to move and request Mr. C. Kilonzo to second the Motion.

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I rise to second the Motion. For over 40 years, this country has experienced hunger and drought, and for all those years, there has been no legislation to address the issue of famine and drought.

Mr. Temporary Deputy Speaker, Sir, famine and drought are permanent features in our country today. Countries with similar climatic conditions like Kenya, for example, Israel, have been able to address the issue of drought to a level where there is no drought any more in those countries. Drought and famine have now brought poverty, more so in the ASAL areas. People living in those areas can no longer afford education and medical care, and worse still, they cannot feed themselves. There can be nothing worse than somebody failing to feed himself. More seriously, the same person cannot even get water. It is a shame that after 40 years of Independence, we find cases where people in this country are starving to death. There are parts of this country where kids have one meal in a day, in school. They even take part of that meal to share with their siblings.

Mr. Temporary Deputy Speaker, Sir, why do we need to have a legal framework? There are

many reasons. First, to ensure that national resources are properly allocated to address the issue of famine and drought. We have seen on very many occasions, in areas where there is a lot of water and the climate is good, funds and national resources are directed there in millions, while more deserving areas get little. Moreover, we need to have legislation to ensure that we have enough food reserves so that when there is famine, we do not have to import food.

Mr. Temporary Deputy Speaker, Sir, more worse, famine and drought have led to exploitation of people who are affected by them. This comes in many forms. If you go to Isiolo, you will notice that cases of prostitution have gone up. You also see that people in these areas are paid peanuts. We need to have laws to protect these people. A very serious case was the issue of the recent by-elections. The voters in northern Kenya were basically exploited because they suffer from drought and famine permanently. We need to have laws to protect such people.

Mr. Temporary Deputy Speaker, Sir, we have had very many problems which have been brought by different donors as they address the issue of famine. One particular project is the Food for Work Programme. We need to have proper laws enacted, such that we do not have cases of people who cannot be able to work being forced to work, and these are the elderly and sickly people. We should have laws which should ensure that these people are not abused. We should rather have the law changed so that it is not food for work, but they are employed and paid in kind. This should be clearly stated in the law.

Mr. Temporary Deputy Speaker, Sir, we also need to standardise the policies by different NGOs and bodies dealing with famine. For instance, we have the World Food Programme (WFP) which believes in the food for work policy, and we have the Kenya Red Cross which does not believe in this policy. We also need to have laws to ensure that cultural practices, eating habits and religious beliefs are not abused or violated. A typical case is when you take maize and beans to northern Kenya, knowing very well that the people there do not eat this type of food. More worse, we had a case where somebody donated dog food to the Suba community in Nyanza Province. We need to have laws such that if you are going to donate food, you need to know what the law in this country says so that people's rights, habits and beliefs are not abused.

Mr. Temporary Deputy Speaker, Sir, to ensure the quality of food and water given to the people is fit for human consumption and risk free, we need to have proper laws. We have seen very many aflatoxin cases in Ukambani and other parts of the country where food was imported and no inspection was done. People died and nobody was taken to court. We need to have a law which ensures that whatever is given out as relief food is inspected to ensure that it is fit. It is unfortunate that we have lost over 50 people in Ukambani. More have died in other areas like Meru and not a single person has ever been taken to court.

Also, one of the most saddest cases in the management of distribution of relief food is theft. Most of this food lands in the wrong hands and hence stolen. We need to have very clear laws on how to deal with theft of relief food which is meant for people who are starving to death.

Mr. Temporary Deputy Speaker, Sir, but more serious is the issue of agriculture. Times have changed. We need to have laws to allow the introduction of genetically-modified (GM) foods so that in those areas which are affected by drought and famine, modern ways of farming should be practised there. We should allow improved varieties of crops so that production can be increased.

With those few remarks, I beg to support.

(Question proposed)

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion very strongly. I have just come from the Republic of South Africa, which, for all intents and purposes, is a very dry nation. In fact, water availability in South Africa is much worse than ours.

South Africa is prone to droughts and veld fires are very frequent. Whatever misgivings or grievances we may have against the apartheid regime, and we have many, we know that apartheid capital was made on the backs of black people whose wages were never increased for about a century. However, what is certain about the Republic of South Africa is that their exploitation was put to use. The infrastructure in South Africa is perfect. In fact, if you are in a bus in South Africa, they serve tea and coffee and you will never run the risk of their tea or coffee tumbling on you. Try serving tea or coffee on the Kenyan roads and you will go to the laundry every time you board a vehicle.

The infrastructure in this country, after so many years of colonial exploitation; the KANU Government exploitation, now complicated by a creature called NARC(K) has put this country to dire problems.

If you look at the potential for domestic savings in this country, it is enormous. When I was the Chairman of the Public Investments Committee (PIC) in 1994, the National Social Security Fund (NSSF) had a pensions fund of about Kshs12 billion. Within a matter of five years, those billions of shillings had dwindled to nothing. The NSSF was in the red. Pension funds in this country have been a tremendous source of domestic savings, but they have been put to nought. As I speak now, the Republic of South Africa has a pensions fund of about US\$100 billion, which they are putting into investments locally. When the African National Congress (ANC) took over in 1994, they never asked for a loan from the World Bank because they had money that had been saved during the apartheid years.

I am saying this because we cannot discuss the issue of famine relief and drought if we do not examine how our resources are used. We must understand that we can conquer drought and famine by using our resources properly. However, at the rate we are moving, whenever we face a problem of governance, we create a political party to escape into it without realising that what this Government needs to have done, was to properly manage a national democratic fund that NARC was, so as to use the resources of this country for national salvation. However, they are now celebrating, not realising that this is putting this nation into more problems.

Mr. Temporary Deputy Speaker, Sir, food aid and relief is something that the [Republic of South Africa never sees because they have food. They have a policy of building dams and handling water problems. They also have a policy of making sure that strategic food reserves at the provincial level are there, which we can have in this country.

When we hear the Government is intending to privatise the National Cereals and Produce Board (NCPB), we wonder whether it has ever read the Laws of Kenya; why the NCPB was established, in the first place. It was established as a Government institution to store, manage and conserve cereals and produce in this country for the purposes of having strategic reserves and regulating the whole market for cereals and produce. That cannot be done by the private sector. That is the competency of the State.

(Applause)

Mr. Temporary Deputy Speaker, Sir, therefore, you cannot possibly privatise the NCPB. In the same manner, we know that we are having famine and drought in this country because we have messed up our transportation policy. As I stand here, for eight years, the Ethiopian Government has been trying to concession the railroad from Djibouti to Addis Ababa. That concessioning has failed because the governing party has a vested interest in transporting relief food by private means so that they can get money. This is finance politics! So, every time there is famine in Ethiopia, thousands of people die because moving food using road is very slow and cumbersome. If you were to use the railroad, it would be much faster, safer and cheaper. But because of the avarice of

politicians, the railroad from Djibouti to Addis Ababa has never been improved so that every time there is famine, the ruling party can benefit from the misery of the people. This is what is happening in this Government.

(Applause)

Every time there is drought and famine, that Ministry - I am sorry for the young man who was put there, who is very innocent - is a den of thieves; thieves who include Permanent Secretaries and Under Secretaries.

The Temporary Deputy Speaker (Mr. Poghio): Order, Professor!

Prof. Anyang'-Nyong'o: I am sorry, Mr. Temporary Deputy Speaker, Sir. These are people who put public money to wrong use. I withdraw that word.

(Laughter)

Transporters and everybody are benefiting from the misery of Kenyans.

An hon. Member: Even the sweepers!

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, this cannot be the way to run a nation. It cannot be!

An hon. Member: Tell them!

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, this kind of institution must be established on a temporary basis. It cannot be an institution that will survive in Kenya forever because famine relief is a shame to the nation.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I agree that we should establish The National Famine and Drought Management Board, or whatever it is, and have this law. However, it must be a transitional law that should be there, given time, and when the Bill comes, the institution must be time-bound. If we are going to be a real independent country, we cannot have such a law among our laws. However, for the moment, it is necessary because the KANU Government, and now the NARC (K) Government has messed up this country. Until a government of democrats and true revolutionaries comes to power in this country, we shall always be at the mercy of these plutocrats.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I would like to see this Bill come into being because, then, we shall have a watchdog for monitoring the use of famine relief, which as I said, is something that I speak about with a heavy tongue. Forty-three years after Independence, Kenya should not be having famine relief. I remember there was only one time for famine in Kenya when I was growing up. In Luoland, there was some famine before World War II, before I was born. That is the famine we used to talk about in Luoland. The whole of my time, up to high school and after I went to Makerere, I never saw famine relief in Nyanza. Those were colonial times. But ever since I started working, and as an adult, the independent Government sings about famine relief like they used to sing about "*KANU yajenga nchi*". This is a terrible shame!

(Applause)

The political economy of railroad transportation in this country, when we are talking about famine relief, must be examined. As my colleague, Prof Oniang'o, has said, we now must face the fact that we must have famine relief in this country. But let us manage it properly. Let us transport and distribute this food properly and honestly. Let the recipients of this food be the people who deserve it. When you see famine relief food being sold in shops, then you must know that this nation is rotten.

When there is an impending election and people in Government use famine relief food to woo vulnerable voters, then this country is rotten. This is absolutely satanic and bad!

(Laughter)

One of the reasons why the Kenya Railways is not doing well is that the people in Government own huge transportation vehicles. Such people wait for the time when there is famine in this country and the port of Mombasa is jammed with relief food. They then transport this food upcountry and steal some of it on the way. In that way, they make sure that the Kenya Railways does not work. That is the politics of railway transportation in this country. Kenya Railways business went down the moment famine and food relief became the "end all" and "be all" of people in Government. I am speaking from first-hand information from a Government I left because of this kind of thing.

With those few remarks, I beg to support.

Mr. Karaba: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute in support of this wonderful Motion.

It is important to note that famine in this country should be a thing of the past. This is because we are well endowed with resources in some areas of this country. We have facilities that can cope with equitable distribution of resources. The problem is mismanagement of resources. As you all know, one-quarter of Kenya's land mass is arable land. This arable land receives enough rainfall. The problem we have is that even after food is produced from this arable part of our country, it is very hard to transport it to other areas experiencing food deficit. For instance, in Kirinyaga District, where I come from, Nyandarua and Nyeri Districts, a lot of food crops go to waste because of inadequate infrastructure.

We have roads which are not well maintained. The fuel levy money given to most areas cannot sustain crop production. It is, therefore, apparent that the Government should improve infrastructure in agriculturally rich areas. In that way, agricultural produce will easily be transported to regions experiencing food shortage.

Mr. Temporary Deputy Speaker, Sir, we have perishable produce such as horticultural crops, tea, potatoes and milk. But you will see in some areas that after a farmer puts in a lot of money to produce a certain crop, he or she will not get access to markets due to poor infrastructure. This Motion, therefore, is seeking to underline the need to help our farmers, so that they can earn a living and appreciate what the Government is doing to assist them. We should also note that some of the areas, which are said to be arable, are in regions whose communities are not agriculturalists. There is a lot of infighting and instigated tribal clashes, which scare off agricultural communities. If there is an area with members of a community who are not indigenous in that area and, therefore, not tuned to the activities there, they should integrate with the indigenous communities. That way, they will be able to put land to maximum use. Let us make sure that we put to maximum use the natural resources in our country.

Mr. Temporary Deputy Speaker, Sir, take the example of swamps. Our Government needs to reclaim swampy areas and support communities to grow crops such as rice and cotton. The Government should be able to control and regulate the flow of rivers so that even during rainy

seasons, communities living in the agricultural areas are funded in order to put to maximum use their land. A good example is Kano Plains.

Mr. Temporary Deputy Speaker, Sir, if River Nyando and other rivers passing through Nyando Plains could be controlled, it would be possible to make use of the plains for farming. I am sure that we can get a lot of food from the Nyando and Kano Plains. The food from these plains will not only help the people of Nyanza Province, but also the neighbouring provinces. This can only be done through effective flood control in that area.

Mr. Temporary Deputy Speaker, Sir, we have poor distribution of resources in this country. We have nomadic tribes in North Eastern Province, Rift Valley Province and Eastern Province which keep a lot of cattle. Destocking is a problem in these areas until drought strikes. If we could have properly trained field veterinary doctors who would be able to advise pastoralist farmers to cull their livestock during the time of need, I am sure farmers would enjoy the profits they would get from the sale of their livestock. We should ensure that there are selected slaughterhouses in the pastoralist areas to avoid long distance travel of livestock. It is possible to transport meat from these areas, using aircraft. That is what is happening in Nigeria, and I believe it can happen here too. In areas where the market is further than the production areas, the Government should come in and help to transport the products to the market. If that can be done, we will no longer talk of famine in Kenya. We shall benefit immensely from the dry areas of this country. We could even exchange agricultural activities with the pastoral communities so that they also grow crops. Such a change can also be meaningful.

Mr. Temporary Deputy Speaker, Sir, we should also think about storage of our crops. We have very poor storage facilities in Kenya located in our grain-producing areas. Before cereals are stored in silos, the Government should ensure that they are dry enough so that they last longer. It is such stored cereals that help whenever drought strikes. If we were to depend on food aid from countries like Canada, USA or Australia--

Mr. Temporary Deputy Speaker, Sir, consider the distance between Kenya and those countries and the way the cereals will have been stored. It is such imported cereals that easily get contaminated with aflatoxin, which is harmful to our health. We need their food, but we are not sure of how they store it. We need the food, but we are not very sure about its safety and who is producing it. We should be sure of the continuity of the supply. We should support this Motion because it establishes a fund that could be used to compensate farmers in case of crop failure due to natural calamities. Subsidies should be paid to farmers of certain crops in case of crop failure due to natural calamities. When that subsidy is provided, just like Sudan and the southern part of America, we would be supporting our farmers who would have been distressed without that money. That could also encourage farmers to continue growing the same crop in future, even when the drought persists.

Mr. Temporary Deputy Speaker, Sir, it is important to note that when we support our farmers, we are supporting development. That development will mean more jobs - the 500,000 jobs per year that the Government promised when it took over. It is also important to note that if we want Kenya to be industrialised by the year 2020, we need to appreciate agro-based industries.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Your time is up!

Mr. Karaba: With those few remarks, I beg to support.

Mr. Musyoka: Mr. Temporary Deputy Speaker, Sir, may I begin by congratulating Prof. Oniang'o for bringing this matter before the House. I want to say that I fully support this Motion which seeks the leave of the House to introduce a Bill to be entitled: The National Famine and Drought Management Bill, 2006. Although there is need for us to be positive and not forever think in terms of famine relief, I think the reality on the ground is that many of our people are in need of serious support in terms of their own existence and ability to feed their families.

I remember as a young boy in Class V, I was faced with a tremendous famine in my own village. In fact, my own mother had to escape to Meru for a whole month to look for food for the family. Our father was just keeping us company. There is nothing as demeaning as famine. That is a human rights issue and it is a matter that should engage the minds of all of us.

Mr. Temporary Deputy Speaker, Sir, when I talk about famine, I talk with emotion. I would have expected Mr. Munyes, for whom I have a lot of respect, to have brought a team of his officials, so that they can listen to what hon. Members have to say on this very important matter of famine relief. I was ashamed when I went, under the auspices of a foundation that is registered in my name, to a place called Nginyang in Baringo East.

Mr. Temporary Deputy Speaker, Sir, what shocked us was that the store that was supposed to hold food in the name of the National Cereals and Produce Board (NCPB) had been converted to a prison house for cattle. Instead of storing food for the people of Baringo East, that NCPB store was a prison for animals which have been stolen and recovered. That, therefore, completely ignores the very intention for which that store was put up in the first place. We have our priorities upside down.

Mr. Temporary Deputy Speaker, I want to challenge my good friend, Mr. Munyes, to give an account of the amount of assistance this country received, at the time when the President declared the current famine a national disaster. That is very important because you will be going to the same people in future. It is important to say: "This is what we received! This is how it was spent!" I know that the Red Cross and other organisations did a tremendous job, but we want to be told how the monies and assistance that was received by this Government was actually utilised.

I also want to remind the Minister that, even as we speak, the long rains have not done well in my constituency. I want to invite him to Mwingi and see for himself that there is serious famine.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghio): Order! Mr. Musyoka, you will have seven minutes when this debate resumes.

Hon. Members, it is now time to interrupt the business of the House. This House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.