

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 10th April 2018

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Hon. Members we do not have quorum. Can you ring the Quorum Bell to attain quorum?

(The Quorum Bell was rung)

Hon. Members, we now have a quorum.

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:

Mrs. Nyenze, Edith Vethi

(Applause)

Hon. Speaker: Order Members. The only communication that should be there is congratulatory messages to the Member for Kitui West.

Hon. Members, before we proceed, allow me to recognise the presence of Makeni County Assembly Members who are seated in the Speaker's Gallery and students seated in the Public Gallery from the following institutions: Ndongyo Mixed Secondary School, South Mugirango Constituency, Kisii County and Liganwa Primary School, Alego Usonga Constituency, Siaya County. You are all welcome to observe the proceedings of the National Assembly this afternoon.

Next Order.

MESSAGES

PASSAGE OF THE DIVISION OF REVENUE BILL

Hon. Speaker: Hon. Members, pursuant to the provisions of Standing Order No. 41, I wish to report to the House that I have received a Message from the Senate regarding its decision on the Division of Revenue Bill, 2018.

Hon. Members, the Message reads in part and I quote: “On Thursday, 29th March 2018, the Senate considered the Division of Revenue Bill (National Assembly Bill No. 7 of 2018) and passed the said Bill without amendments.”

Therefore, I wish to convey to the House that I have since presented the said Bill to His Excellency the President for assent in accordance with the provisions of Article 110(5).

APPROVAL OF MEMBERS FOR APPOINTMENT TO THE PAN-AFRICAN PARLIAMENT

Hon. Members, pursuant to the provisions of Standing Order No.41, I wish to report to the House that I have received a Message from the Senate regarding its decision on the approval of Members for appointment to the Pan-African Parliament.

Hon. Members, the Message reads in part, and I quote: “In accordance with the provisions of Article 5 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, by a resolution passed on Thursday, 29th March 2018, the Senate also approved the appointment of the following Members to the Pan-African Parliament:

- i. Hon. Jude Njomo, MP.
- ii. Hon. Beatrice Kones, MP.
- iii. Hon. Janet Ongeru, MP.
- iv. Sen. (Dr.) Abdullahi Ibrahim Ali, MP; and
- v. Sen. Stewart Madzayo, MP.”

Hon. Members, you will recall that this House, by a resolution passed on Wednesday, 28th March 2018, approved the five Members for appointment to the Pan-African Parliament.

Hon. Members, this is therefore to notify the House that the Speakers of both Houses have already conveyed the decision of the Parliament of Kenya to the President. I direct the offices of the Clerks of both Houses to expedite facilitation of the delegation to the Pan-African Parliament ahead of the next meetings scheduled for May 2018 during which elections of the president, meetings of the plenary and permanent committees will be held.

Hon. Members making their way in, please take your seats.

(Hon. Okelo shook hands with Hon. Seroney)

The Member for Nyando, you will be able to shake hands with Hon. Seroney later. You have a problem of shaking hands.

(Laughter)

PETITION

AMENDMENTS TO THE TRAFFIC ACT

Hon. Members, pursuant to the provisions of Standing Order No. 225(2)(b), I wish to convey to the House that my office has received a Petition asking the National Assembly to amend the Traffic Act. The Petition is signed by Mr. Peter Mugo Mukua, Mr. Daniel Macharia Mukua and Mr. John Kefa Korir, on behalf of other concerned Kenyan citizens.

Hon. Members, the Petitioners contend that road accidents on our Kenyan roads should be declared a national disaster due to high carnage and that the Traffic Act ought to be amended to include provisions on:

1. Infrastructure and operations requirements. These should include provisions for establishment of permanent county traffic checkpoints, permanent mobile highway patrols; impromptu highway patrols; involvement of senior relevant officials in enforcement of traffic rules, establishment of county traffic marshal departments, embedding traffic officers in long distance public service vehicles and elimination of black spots through erection of speed bumps, installation of traffic signs as well as enhanced patrols;
2. Motor vehicle maintenance and compliance requirements and incentives.
3. Establishment of County Road Safety Boards.
4. Public education and social responsibility to include academic subjects on safety, health, nutrition and environment in the school curriculum.
5. Education of public service vehicles drivers; and
6. Judicial expediency on traffic-related matters to ensure that the courts finalise traffic cases within six months.

Hon. Members, the Petitioners therefore, pray that the National Assembly amends the Traffic Act, with a view to incorporating the said proposals and makes any other orders or direction that it deems fit in the circumstance of the prayers.

Hon. Members, pursuant to the provisions of Standing Order No.227, this Petition stands committed to the Departmental Committee on Transport, Public Works and Housing for consideration. The Committee is requested to consider the Petition and introduce necessary legislation to address the Petitioners' prayers, in addition to reporting its findings to the Petitioners and the House as required under Standing Order No. 227(2).

Hon. Speaker: I see the Member for Makueni is desirous of making some comments, as usual.

Hon. Maanzo: Thank you, Hon. Speaker for giving me an opportunity to comment on this very important Petition. It is true that there has been a problem on the roads, especially at this time when the National Transport and Safety Authority (NTSA) is no longer serving Kenyans as it used to do. So, I agree with the petitioners that we need to make laws that will make our roads safe. Many Kenyans are dying on the roads everyday unnecessarily. I believe road accidents are caused by carelessness. If we educate Kenyans, we will reduce accidents in the country. We are among the highest-ranking countries in the world where there are serious road accidents. Other countries in this category are Egypt and South Africa. I believe it is our mandate as a House to ensure that no more Kenyans die on the roads.

Hon. Speaker: Member for Endebess.

Hon. (Dr.) Pukose: Thank you, Hon. Speaker. I support this Petition. However, we need to have a threshold for what a petition should contain. This is because some of the things that have been raised in this Petition - health matters, nutrition and the like in the curriculum – do not pertain to issues on the road carnage that we are witnessing in our country. Of course, road accidents are a major concern to both those who are directly and indirectly affected.

Hon. Speaker, we need to look at what it is that contributes to road carnage in this country. The behavior of most of our motorists is very wanting. Sometimes you wonder whether or not we should have in place a regulatory body that would determine the suitability of an individual in terms of getting a driving licence. You realize that even after causing an accident, a motorist will move on to drive another vehicle and still cause another accident. Do we not have a way of withdrawing the driving licence of such motorists for some years, or for life, instead of

simply blacklisting their names? The question should be: How punitive should we make it for drivers who have been involved in multiple accidents? They should not be allowed to continue causing mayhem on our roads! So, as the Committee looks into the Petition, it needs to explore more areas than what has actually been prayed.

With those few remarks, I support.

Hon. Speaker: Member for Kimilili.

Hon. Didmus Mutua: Thank you, Hon. Speaker. I support this Petition and urge the Committee to look more deeply into why we have increased road carnage on our roads. The problem is not that drivers are careless. In developed countries, when a road accident occurs, the police investigate the root cause of the accident. They do an analysis and come up with findings which are used to improve the curriculum for training drivers. Today in this country, the curriculum used to train drivers is on traffic laws only. The syllabus is not conclusive in terms of turning one into a driver who is wary of the issue of safety on our roads. It does not enable them observe the very basic safety precautions while driving on the Kenyan roads.

We need to develop a culture where once we have an accident, we must produce a report that will candidly explain why that accident happened and how it could have been averted. This is so that the findings in those investigation reports can be used to review the syllabus for training of drivers in this country. If we do not do that, then we will not solve the problems we have talked about. We must reach a level where we review the curriculum so that every driver with a driving licence goes back to the driving school for a refresher course. That way, drivers will observe the very basic safety precautions while driving on our roads.

I support the Petition. Thank you.

Hon. Speaker: Chairman of the Committee on Transport, Public Works and Housing, Hon. Pkosing.

Hon. Losiakou: Thank you, Hon. Speaker for giving me this opportunity. I want to ask Members, given the serious issues that have been raised in the Petition, to come before the Committee so that we can all own this document and enrich it.

Towards the end of last year up to the beginning of this year, we have had a lot of accidents. You know what we did with the Ministry, Kenya National Highways Authority (KeNHA), Kenya Rural Roads Authority (KeRRA) and Kenya Urban Roads Authority (KURA) that now we have this lull. I received much co-operation from Members and also the Executive.

Therefore, we cannot say that we will rid our roads of accidents in one day, or one person will do it. All of us should do it. I want to assure the petitioner that the Petition has reached my Committee. Let us take this opportunity to bring on board more views to enrich the Petition before us because sometimes when that window of public participation comes in, Members might not use it properly. Later, when we bring the report to the House, it may lack their input. Therefore, I encourage Members that, once a petition is before a Committee, please, let us come together. This is not property of the Committee on Transport, Public Works and Housing rather it is also for you Members. This is your Committee. I am just working for you. So, welcome to the Committee. Let us enrich it and also do our best.

I thank you, Hon. Speaker

Hon. Speaker: Member for Alego Usonga.

Hon. Atandi: Thank you, Hon. Speaker. I support this Petition. Recently, there were a lot of accidents in Kenya and there were concerns that NTSA, which had been charged with the task of ensuring safety on our roads, was not performing. Remember that the President cracked his whip and withdrew NTSA officers from our roads. I agree with the petitioners because when

there are a lot of accidents in Kenya, Kenyans get concerned and stakeholders and citizens become angry and make a lot of noise. However, after a short while, the routine resumes. I think the petitioners have identified key issues the relevant Committee should touch on. That way we would be in a position to address the issue of road safety in Kenya.

The creation of Road Safety Boards and the elimination of black spots... We know that there are specific areas on our roads where accidents occur regularly, but we do nothing about them. So, as a Parliament, we need to ensure that we act on this Petition and ensure that such issues are eliminated.

Hon. Speaker, in the countryside, we have a *boda boda* menace. They cause accidents on a regular basis. At the national level we seem not to be attentive to some of these accidents. So, as the relevant Committee looks into this issue, I would like it to be specific and focus on the key accidents that are caused by our *boda bodas* on the ground. Indeed, many people are dying on the ground as a result of accidents caused by *boda bodas*.

We must also accept that presently in Kenya road accidents is the biggest cause of deaths after HIV/AIDS. This is an issue that the Committee must look at seriously and make recommendations that will be tested. It must also come up with conclusive results about road accidents in this country.

Thank you, Hon. Speaker.

PAPERS LAID

Hon. Speaker: The Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June 2017 and the certificates therein:

1. Kenya Roads Board Fund;
2. Petroleum Development Training Levy Fund for the State Department for Energy;
3. Petroleum Development Training Levy Fund for the State Department for Petroleum;
4. Kenya Tourism Board;
5. Kenya Accreditation Services;
6. Brand Kenya Board; and
7. Kenya Law Reform Commission.

The Reports of the Kenya National Bureau of Statistics on:

1. Statistical Abstract, 2017;
2. Women and Men in Kenya Facts and Figures, 2017;
3. Kenya Integrated Household Budget Survey (KIHBS) for 2015/2016 ;
4. Basic Report on Well-Being in Kenya; and
5. Labour Force Basic Report for 2015/2016
6. Basic Report on Well-Being in Kenya.

The Annual Report of the Teachers Service Commission for the year 2016/2017.

Hon. Speaker: Hon. Members, sometimes you do not pay attention to the many documents that are always tabled. I want to draw your attention to the documents that the Leader of the Majority Party has just tabled in part (b), the Statistical Abstract, 2017; Women and Men in Kenya Facts and Figures, 2017... I can see the Member for Seme is very excited about that particular aspect. There is the Kenya Integrated Household Budget Survey (KIHBS) for 2015/2016 and the Basic Report on Well-Being in Kenya. These Reports are extremely

important. When you look at the formula used by the Commission on Revenue Allocation in determining revenue allocation within the County Allocation of Revenue Act these figures are extremely useful.

I want to encourage as many of you as possible to read these reports and try as much as possible to understand them. Where you do not understand seek assistance. We have many non-partisan staffers whom we have employed. They can go through these figures and reports and translate them for you to a more user friendly language which is amenable to every Member. I appreciate that some of you have backgrounds in fields like engineering, motor-vehicle repairing and such like occupations.

Members of Parliament come from all manners of background. Parliament has engaged sufficient staffers to plough through these reports and reduce them to a language which Members can understand when analyzing the reports which come from the CRA. I am very sure this will be very useful when we discuss the County Allocation of Revenue Bill. Do not just leave these reports to Hon. Makali Mulu alone. Let us all read and understand them.

Hon. Wangwe, the Vice-Chair, Departmental Committee on Agriculture and Livestock.

Hon. Wangwe: Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Departmental Committee on Agriculture and Livestock on its consideration of the Irrigation Bill, 2017.

Thank you, Hon. Speaker.

POINT OF ORDER

EXTENSION OF PERIOD FOR CONSIDERATION OF THE COPYRIGHT (AMENDMENT) BILL

Hon. Speaker: The Vice-Chair, Departmental Committee on Communication, Information and Innovation. Please, use the Dispatch Box.

Hon. Macharia: Hon. Speaker, the Departmental Committee on Communication, Information and Innovation wishes to seek for a further extension of 21 days to consider the Copyright (Amendment) Bill, 2017 which is currently scheduled for Committee of the whole House. The Bill underwent the Second Reading before the Committees were constituted and therefore, this was conducted without the Committee Report. The Committee has received several submissions from the public and is in the process of considering them. Hon. Speaker, I urge this House to approve our request.

Thank you, Hon. Speaker.

Hon. Speaker: The Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, I totally agree with the Vice-Chair, but I think the extension he is seeking is not fair to the House and even the House Business Committee (HBC). We will have a long recess in May and so we are only around during this month according to the calendar of the House. I want the Vice-Chair, representing the Chair to at least ask for 10 days extension.

Many Bills will be coming and if the House gives you 21 days, you may ask for another extension. Ultimately, the 11th Parliament has gone done in history and particularly the National Assembly as having procured the highest number of laws. Therefore, this Parliament must surpass the 11th Parliament. But, at the rate we are going, I think our chairs have to burn the

midnight oil in their committees. They have competent and efficient staff and we want Bills ready according to the time stipulated in Standing Orders.

I really want the Vice-Chair to amend his request from 21 days to 10 days because the Computer and Cybercrimes Bill, which his Committee is dealing with, is ready. The Chair of the Committee is out of the country and it can only be considered next week. Further, if a chair is away, let the vice-chairs or Members of that committee work. Today we are going to deal with the Irrigation Bill and the Vice-Chair will execute that matter. We need the flow of business in the Chamber to be efficient and seamless.

Hon. Speaker: Well, the Vice-Chair.

Hon. Macharia: Thank you, Hon. Speaker. I think we need a little more than 10 days because the Computer and Cybercrimes Bill has taken a lot of our time and we think 10 days are not sufficient. Possibly, we could work with 14 days.

Hon. Speaker: You have 14 days within which to table the Report. Remember, I did indicate, as you have rightly pointed out, that debate on some of those Bills happened before the committees were formed. The chairs of the Committee of the whole House will have allowed members more time than usual because of the Reports of the committees. They need time to interrogate the Bills much more in light of the Reports that will come from the committees, which will obviously include the views from the stakeholders. So, we give an extension of 14 days. Is that okay, Vice-Chair?

Hon. Macharia: That is okay. We will try to work with that although I know we need to bring a quality Bill in the House. We do not want to rush unnecessarily and work under too much pressure.

Hon. Speaker: Vice-Chair, you already said that you have received views from stakeholders. So, what is remaining is compilation of those views. That should be done with the staff. The staff should be working round the clock, with you supervising them. It is very important that chairs and vice-chairs always read whatever is drafted as first, second and third drafts so as to ensure that they capture as much as possible what you may have picked from the stakeholders. I think 14 days are sufficient for compilation of the Report.

Hon. Macharia: Fine, Hon. Speaker. We will try to work with the 14 days.

Hon. Speaker: You must also now rein in on the people who are clerking your committee.

Hon. Macharia: Sure. Thank you.

Hon. Speaker: Next Order!

BILLS

Second Reading

THE COMPUTER AND CYBERCRIMES BILL

(Hon. A.B. Duale on 21.3.2018)

(Debate concluded on 29.3.2018)

(An Hon. Member walked into the Chamber)

Hon. Speaker: The Member who is strolling in, just take a seat. Tell the other one who is bending behind you to come back to the House.

(Hon. Mishra crossed the Floor without bowing to the Chair)

Hon. Mishra, how do you cross from that other side to that one? It is worse when you are a vice-chair of a committee. Hon. Members, debate on this Bill was concluded. What remains is for the Question to be put, which I hereby do.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

Second Reading

THE IRRIGATION BILL

Hon. A.B. Duale: Hon. Speaker, I beg to move that the Irrigation Bill 2017 be now read a Second Time.

The agriculture sector contributes about 25 per cent of Kenya's Gross Domestic Product (GDP) and a further 27 per cent through the manufacturing, distribution and service sectors. This accounts for about 65 per cent of this country's total export earnings. This sector employs over 80 per cent of the Kenya's rural workforce and provides for more than 18 per cent of formal employment.

In Vision 2030, agriculture is recognised and is given a lot of significance towards achieving that vision. The vision anticipates an average GDP growth rate of 10 per cent per year up to 2030. The Government has given priority in exploiting irrigation potential in our country to contribute to food and nutritional security in line with the Constitution of Kenya 2010. The Bill of Rights in the Constitution of Kenya advocates for the right to be free from hunger and to have adequate food of acceptable quality. This clearly bestows a heavy mandate on the Government. In order to attain the envisaged economic growth and sustained food production, the country needs to reduce reliance on rain-fed agriculture and increase irrigation-based systems that allow production throughout the year. Irrigation accounts for 1.7 per cent of the total land under agriculture but still that meagre 1.7 per cent of the land contributes 3 per cent to the GDP and provides 18 per cent of the value of agricultural produce. This demonstrates the potential in irrigation. Therefore, we must invest in order to get increased agricultural production and productivity.

The objective and importance of this piece of legislation is to establish a mechanism in terms of regulation, development, management, financing and provision of support services in the entire irrigation subsector. This Bill is designed to deal with the irrigation subsector. It deals with its regulation, development, management, financing and provision of support services. A very strong law on irrigation is desirable in our country because it is going to promote and regulate the development and management of a sustainable irrigation system in Kenya.

Countries like Egypt, Sudan and many other countries in Africa and across the world have used irrigation not only to feed their citizenry but they produce surplus, which they export and earn

substantial foreign exchange for themselves. The Cabinet Secretary (CS) responsible for agriculture, the Chair of the Departmental Committee on Agriculture and Livestock and the Deputy President of the Republic of Kenya are in Sudan. One of the projects they are going to visit is Kenana Sugar Factory, which is in Southern Khartoum. That is one of the largest sugar milling companies in Africa. For such huge milling factories to survive, they must have enough cane, and enough cane can only be produced through irrigation. A few months ago, this country and the entire region was facing the worst drought ever. However, as I speak, even in the Chalbi Desert in Marsabit, there are floods everywhere. Bridges have been swept away and human life has been affected. The question we need to ask as a House is: Why can we not harvest this water? This water goes into the rivers and ends up in the sea. Why can we not harvest the water by building dams? The same harvested water can be used for human and livestock consumption as well as for irrigation.

This Bill is at the right place at the right time and for the right purpose. Why is it here for the right purpose? We have four key legacy projects of President Uhuru Kenyatta, which include affordable healthcare for all and food security. We expect this piece of legislation - the Irrigation Bill - to be at the forefront in terms of regulating, financing, managing and developing irrigation.

This Bill, as presented before the House, seeks to repeal the current Irrigation Act Cap.347 of the Laws of Kenya. The moment this Bill is assented into law, that Act becomes redundant. The Bill also proposes to provide for the establishment of a new authority called the National Irrigation Development Authority (NIDA), which will be responsible for the development and management of public irrigation schemes, strategic irrigation schemes, trans-boundary and trans-county schemes, through what is known as agency contracting. This Bill recognises the importance of irrigation research because we need to do research so as to get the best out of the irrigable land. This Bill gives importance to innovation and training, with the responsibility given to the ministry responsible for irrigation. For now, it is the Ministry of Agriculture, Livestock and Fisheries. In the last Parliament, it was the Ministry of Water.

This Bill also recognises the key role played by the county governments. That is why this Bill concerns counties and will go to the Senate, in accordance with the decision made in the Constitution, and with the concurrence of the two Speakers, as provided for in law. The Bill recognises the key role played by the county governments in the irrigation sub-sector and proposes to establish what will be known as County Irrigation Development Unit (CIDU), which will be responsible for small-holder irrigation development and management. That is the genesis, objective and purpose of this Bill. Let me summarise and highlight the salient features of the proposed law.

In line with the Constitution, Clause 5 of the Bill provides for the guiding values and principles for all parties involved in discharging its functions, including the national values and principles provided for under Article 10 of the Constitution, the economic and social rights provided for under Article 43 of the Constitution, the principles of land policy provided for under Article 60 of the Constitution and finally the values and principles of public service as provided for under Article 232 of the Constitution.

Clause 6 of this Bill - for the Members who have a copy - provides for the regulation of irrigation. That clause sets out the powers of the national Government in the regulation of irrigation, and particularly the powers and duties of the Cabinet Secretary and the Principal Secretary, in as far as regulation of irrigation is concerned.

Clause 7 of the Bill sets out the newly established authority to be known as the National Irrigation Development Authority, which shall be a corporate body. It will be capable of suing and being sued. The Authority will also be capable of charging or disposing of movable and

immovable property, borrowing or lending money, entering into contracts and doing such other acts necessary for the proper performance of the functions of the Authority. All that is provided for in Clause 7 of the Bill.

Clause 8 of the Bill further sets out the powers and functions of the Authority. The functions of the Authority will be to develop and improve the irrigation infrastructure for national and public schemes. For us to have sustained food production using irrigation, we must invest in infrastructure for both the national and public schemes and provide irrigation support service to private, medium and smallholder schemes. Further, Clause 8(3) states that the Authority shall exercise its various powers and functions under this section primarily through the mechanism of agency contracting. There is a new element of contract farming which has been introduced in this Bill, which will be with the permission of the Cabinet Secretary.

Clauses 9 to 13 of this Bill set out the criteria for the appointment of the board of the Authority, how it should conduct its business, its powers for proper performance of its functions and the provision and the role of the Chief Executive Officer. Those clauses deal with that.

An important amendment to this Bill is the inclusion of Clause 14. Clause 14 outlines the role of the county government in establishing what will be known as the CIDU, acting in accordance with the approved national policy. As much as we will establish what will be known as CIDUs, they must be established in accordance with the approved national policy guidelines.

Clause 16 contains information on setting apart of land, access rights, leasing of community land, adequate security for investment in irrigation and factors that deal with the design of schemes with regard to other irrigation water users.

Clause 18 of the Bill makes provisions for irrigation research, innovation and training.

Clauses 19 and 20 of the Bill contain provisions for the management of the irrigation schemes for the national Government and county governments, formation of Irrigation Water Users Association, the provision for their capacity building, the technical services for irrigation field officers and how to form farmers' associations in as far as irrigation schemes are concerned.

Clauses 21 to 24 provide for the finances of the Authority including the property, assets, funds, making annual estimates, the accounts, audits and the role of Parliament.

Clauses 25 and 26 provide for how to deal with dispute resolution and appeals related to irrigation, drainage, scheme development, management of water allocation, delivery, financing and property operation.

Clauses 28 to 33 contain provisions for the protection from any liability. This is common with every piece of legislation that the House deals with, namely, making of regulations for carrying out purposes and provisions.

Clause 34 of the Bill provides for repeals and transitional clauses. We are repealing the Irrigation Act Cap.347. That is what this piece of legislation is proposing. It also provides for the transition of former staff of the National Irrigation Board. We are putting in place a new Authority.

Clause 34 of the Bill deals with sections of the old law which has been repealed. It provides transitional clauses on how to deal with staff, assets and liabilities of the current National Irrigation Board (NIB).

Let me go to the Schedule. The First Schedule contains provisions of the conduct of business and affairs of the Board. This Bill generally meets the global standard and best practice. It is comprehensive in scope and coverage in terms of the organs which are required to comply with its provisions. I am sure the Vice-Chairman of the Departmental Committee on Agriculture and Livestock, who will second the Bill, will present the views of all the stakeholders and the

Committee as a whole. As a House, we will improve on this piece of legislation; we will bring more amendments and remove unnecessary sections. Kenya is a food-deficit country. It is important to state clearly that we can no longer depend on rain-fed agriculture. Even the livestock owners in the pastoralists areas can no longer depend on rain. We need to have dams for livestock and human use, and irrigation. The biggest rivers pass through Kenya. Today water is flowing everywhere in this country. We must borrow ideas from, say, Israel which has done a lot in terms of water harvesting. We can build dams. I am sure the Government has huge projects running, for example, the construction of Thwake Dam and many others. We really want these dams to be concluded as fast as possible, say, in the next two or three years. That way, we will even have irrigation settlements around the dams. So, this is a good piece of legislation. This Bill will set the stage for Kenya to become a food-sustainable and food-surplus country. I am sure our farmers are hardworking. All that they need are the right regulations and also to have the right infrastructure, equipment, fertiliser and financing.

With those many remarks, let me ask the Vice-Chairman of the Departmental Committee on Agriculture and Livestock to second the Irrigation Bill, 2017.

Hon. Speaker: Vice-Chairman.

Hon. Wangwe: Thank you, Hon. Speaker. I rise to second the Bill. At the outset, I will present the views of the Committee as it scrutinised the Bill.

The Irrigation Bill, 2017 was published on 1st December 2017. It was read the First Time on Wednesday, 14th February 2017. In considering the Bill, the Committee applied the constitutional principles of public participation. In this regard, the Committee invited comments from the public by placing advertisements in the *Daily Nation* and the *Standard* on 16th February 2018. It received and consolidated submissions from the Ministry of Agriculture, Livestock and Fisheries, the National Irrigation Board, the Council of Governors, the Nature Kenya, Mwea Irrigation Water Users and Mwea Irrigation Scheme. Their views and comments are captured in the Report. The Committee considered submissions from the various stakeholders and came up with a number of amendments that are captured in the Report.

Agriculture is a major contributor to the Kenyan economy. It is the leading economic sector which accounts for 25 per cent of the Gross Domestic Product. The sector also accounts for 65 per cent of Kenya's exports and provides more than 18 per cent of formal employment. Therefore, the growth of the national economy is highly correlated to growth and development in agriculture. Kenya has an irrigation potential of 539,000 hectares that can be increased substantially with water storage and exploitation of the ground water. Out of the total potential, 5,000 hectares which represent 19 per cent have been developed. Compared to other countries, the rate of irrigation development in Kenya has been very low. It averages at about 0.5 per cent per annum. Therefore, there is need to increase investment in the irrigation development to ensure its accelerated growth and sustainable development which can only be achieved, if there is enabling legislation.

The principal object of the proposed legislation is meant to promote and regulate the development and management of irrigation in Kenya. If the provision of this Bill is enacted, it will regulate development, management, financing and the provision of support services of the entire irrigation subsector in Kenya. The Bill further states that upon its enactment, no irrigation development may be carried out in Kenya other than the one which is provided for under this Bill. The provisions of this Bill shall prevail in the case of any inconsistency between this Act and any other legislation in matters relating to irrigation. Under Clause 6, the Bill also provides

that the Cabinet Secretary, in consultation with the county governments, shall regulate and promote the development and proper management of irrigation throughout Kenya.

In Clause 7, the Bill further seeks to establish the National Irrigation Development Authority as a successor of the National Irrigation Board. The Authority shall be a body corporate with perpetual succession and common seal. In its corporate name, it shall be capable of suing and being sued, taking, purchasing and otherwise acquiring, holding, charging or disposing of movable and immovable property, borrowing or lending money, entering into contracts and doing such other acts as necessary for the proper performance of the functions of the Authority.

Clause 8 of the Bill sets out the powers and functions of this Authority. In Clause 9, the Bill establishes a Board that will have a chairperson who will be appointed by the President subject to subsection 5. There will also be the Principal Secretary in the State Department for Irrigation or his representative, the PS of the National Treasury or his representative, the PS responsible for agriculture or his representative and six other members who will be appointed by the CS and approved by the President, taking into account various stakeholder interest in irrigation development and management.

The Committee notes that the Bill repeals Cap 347 in Clause 34. It provides for transition of assets, liabilities, rights and powers of the Board created under Cap 347 to the proposed Authority. The enactment of this Bill may not necessitate incurrence of additional cost on the Exchequer with regard to establishment of office infrastructure and human resource for the Authority since it will inherit the existing infrastructure of the National Irrigation Board.

On behalf of the Departmental Committee on Agriculture and Livestock and pursuant to provisions of Standing Order No. 199(6), it is my pleasure, privilege and honour to present to the House the Report of the Committee on its consideration of the Irrigation Bill, 2017.

The Committee is grateful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support which was accorded to it during its sittings. The Committee wishes to thank the stakeholders and the Ministry of Agriculture, Livestock and Fisheries for their participation in scrutinising the Bill.

Finally, I wish to express my appreciation to the Members of the Committee who gave useful contributions towards the preparation and production of this Report, as well as the stakeholders and the members of the public who participated in this legislative process as guided by the constitutional principles of public participation.

Hon. Speaker, I beg to second.

(Question proposed)

Hon. Speaker: Member for Makueni.

Hon. Maanzo: Thank you, Hon. Speaker, for giving me an opportunity to contribute to this very important Bill. As the Leader of the Majority Party has alluded, there is construction of Thwake Dam in Makueni Constituency which is a confluence of Athi River and Thwake Rivers. At the moment, the two rivers carry a lot of water that goes into waste to the Indian Ocean. That is not the only irrigation project the Government has proposed. There is the High Grand Falls Dam which is also on the way. It will be constructed on the Tana River between Tharaka and Mwingi North. I believe it will also provide a big opportunity for irrigation. Thwake Dam will also be a big component in irrigation and is funded by the African Development Bank and the Government of Kenya.

Hon. Speaker, the challenge in constructing these dams, which substantially support irrigation, is that they are multipurpose dams. They generate power and at the same time, I suppose, provide water for irrigation. Irrigation is not likely to be achieved if the Government stops at the production of power and funders begin recovering their money. But if irrigation is done, then Kenya is likely to change in a great way.

We have Galana-Kulalu Irrigation Scheme which is downstream from where the Thwake Dam is going to be constructed. The flow of water can only be sustained if there is a dam at Thwake. That is what will sustain the Galana-Kulalu Irrigation Scheme which the Government had the ambition of irrigating its one million acres. This can only be realised if Thwake Dam is constructed among other dams in the country.

We have several irrigation schemes under construction now. They have had challenges. I was a Member of the Departmental Committee on Agriculture and Livestock. I am aware of the challenges irrigation projects face in Kenya. This law is welcome to regulate the irrigation sector in the country. The moment it comes into force, the Irrigation Board Act will cease to be operational and the new law will take effect.

The new law takes care of counties. Agriculture is devolved and therefore irrigation is a devolved function so counties will participate in it. With the Thwake Dam Project, we have been working with the county government led by my governor, Prof. Kivutha Kibwana. Though we have no legal structures, we have managed to forge a way forward because agriculture and irrigation are devolved. Eventually, we will need the input of counties.

Thwake Dam will be a good example of what will happen in the country with the other irrigation projects coming up. It shows how the national Government can coordinate with county governments to realise the great dream of supporting rain-fed agriculture through irrigation structures. A good example is the Israel Government. They only have one river, Jordan, and Lake Galilee. They are able to utilise the water very well and irrigate the rest of the country which is mostly a desert. Therefore, if irrigation can be done in a desert like in Israel, then any part of Kenya, which is arable, can be irrigated very well. I urge Members to support this Bill so that we can have proper structures on management of irrigation in Kenya and a proper strategy.

One of the biggest challenges has been compensation of residents when an irrigation project of this nature has to be developed. In the Thwake Dam case, the Government has now compensated 90 per cent of the residents while 10 per cent have not been compensated. The Constitution requires that before the Government acquires any land for any purpose - in this case for irrigation - it must compensate all the people and the purchase has to be brought to this House. I believe there will be Supplementary Estimates to cater for the construction of Thwake Dam and to complete the compensation of the residents. This has been quite a challenge. It has been captured a bit in this Bill, but it is comprehensively captured in the Constitution. One of the good things about this Bill is that it has aligned irrigation regulations and laws with the Constitution of Kenya such that whatever we are going to do with the new law is constitutional and can be handled in a good way.

Though there are challenges, which I believe this law will address sufficiently as a House, we have to begin doing something on compensation so that, that money is allocated to such people so that we can create different food baskets for the country and for purposes of export. When we undertake agriculture in Galana-Kulalu Irrigation Scheme, Makueni Irrigation Scheme, which has been proposed, Tharaka and other parts of the country, we can then export agricultural products.

I see the MP for Tharaka nodding. I believe the construction of the proposed dam will cost over Kshs100 billion and will benefit many Kenyans in that region. It is proposed that the first phase of Makueni Dam will cost Kshs36 billion and will be rock filled. This is new technology from China of using the normal rocks lying all over Makueni and Kitui counties. The residents will collect them and bring them to the contractor who will then arrange them in a way that a dam will be created. I believe the same technology will be used in Tharaka. Such technology means that the local residents are going to get job opportunities and when irrigation starts and their farms will benefit from the dam water. The same water is planned to be used in the construction of the great Konza City which the Government has already started in Kilome Constituency.

I believe this is a very good law. The country looks forward to irrigation- based agriculture. I believe these are not the only two main dams and irrigation schemes in the country. There are quite a number of others. If we invest in a number of such projects, it means we will provide Kenyans with food, we will be able to deal with drought sufficiently and the conflicts which arise from drought situations. We have enough rivers in the country from northern Kenya like the Dawa River and many other others. If they are dammed for irrigation, we will settle communities around them and we will even be able to deal with conflicts in some of the counties of northern Kenya where there is cattle rustling. If there are irrigation schemes in those parts of the country, cattle rustlers will get food which is what they are looking for. I believe after the harvest, there will be enough food to feed their animals and reduce conflict.

So, this is a very important Bill. I urge Members to support it so that it opens up the way into the future. I also urge the Government to begin investing in irrigation properly. Even the existing irrigation schemes should be maintained. There are other dams being constructed around the country and there are contractors already in Kirinyaga. They will enable us to feed our nation.

Thank you, Hon. Speaker. I support the Bill.

Hon. Speaker: Member for Tharaka.

Hon. Murugara: Thank you, Hon. Speaker. Thank you, Member for Makueni Constituency. He got me this chance by saying a number of nice things about Tharaka and the dam that is just about to be constructed.

I rise to support this very important Bill which has timeously been brought into the House for debate and for legislation. It is very important that we acknowledge irrigation as one of the key aspects of the food sector in Kenya. For the country to realise its full potential in terms of food production, it is vitally important that most of the country is put under irrigation.

The Bill has made elaborate provisions on how irrigation services are going to be offered and regulated in the country. There has also been creation of the National Irrigation Development Authority to take the place of the National Irrigation Board which has been carrying out the duties of irrigation in the country. My own observation is that if the provisions of this Bill are brought into force, then irrigation is likely to take another dimension in the country. The country is likely to realise the fruits of what comes with irrigation.

It is important to mention that the water shortage problem in this country is quite big, especially in my constituency of Tharaka. The shortage can only be alleviated through the process of harnessing water for both domestic and irrigation use. That is why we have come to the mention of one of the biggest dams to be constructed in the country – what is likely to be the second or third largest man-made lakes in the world. The High Grand Falls dam, which is proposed and which is likely to cost over a billion Kenya shillings, is to be constructed in my

constituency of Tharaka bordering Mwingi North. This Dam is purely for irrigation purposes in the lower parts of my county of Tharaka Nithi but highly and majorly, the irrigation is to be in the counties of Kitui, Garissa and Tana River. It is therefore one of the most useful water resources that the country is going to have in terms of irrigation.

However, on the part of my constituency of Tharaka, we have welcomed the construction of this dam purely because it may bring what we term as peripheral benefits, including employment of large sections of the population. It is also likely to supply water to some parts of my constituency. Most important, it is likely to assist the country in power generation.

I urge the Government to bear in mind most of the time that this dam is likely to displace many people from Tharaka Nithi County and Mwingi North in Kitui County. People in those areas have always expressed their desire to support the project, provided they are adequately compensated for their land. It is compensation that goes into their minds. They constantly remind me to argue for them in this House that if the High Grand Falls Dam is to come to fruition, then they must also be properly compensated for their land and for their development. I wish to notify the Government that we will be imploring it to ensure that the people who are going to be displaced by that project are well compensated.

Before I sum up, it is important, again, on my own behalf and on behalf of my constituents, to state that there is another dam in the upper parts of Meru County called 'Kithino', which is designed to supply irrigation water for the people of Tharaka. Kithino Dam has been designed and is about to be implemented. I hope funds have been allocated to this project through the budget-making process, which we have just concluded. I urge this House to allocate sufficient funds for Kithino Dam to be constructed to completion so that the people of Tharaka can be supplied with water for both domestic use and irrigation. It is vitally important. Having gone through the Memorandum of Objects and Reasons for this Bill, I appreciate that this is one of the most important laws that this House needs to pass. I therefore urge the House, in support of the Government effort, to ensure that our country is brought under greater coverage of water for irrigation and domestic use. There is need to pass this Bill and enable the Government to implement it.

With those remarks, I support.

Hon. Speaker: Thank you very much. Hon. Members, before we proceed, allow me to recognise the presence of pupils from Precious Hope Primary School from Bonchari Constituency, Kisii County, who are seated in the Speaker's Gallery; and pupils from Christ the King Primary School from Nakuru Town East Constituency, Nakuru County, who are seated in the Public Gallery. They are all welcome to observe the proceedings of the National Assembly this afternoon.

Member for Kwanza.

Hon. F.K. Wanyonyi: Thank you, Hon. Speaker. I support this Bill.

First and foremost, the answer to the food shortage in this country is in irrigation. That is the only way we are going to cure the problem of food shortage. You do not need to go very far. Some of us have travelled. For example, the hostile climate condition in Israel made that country to come up with a very elaborate irrigation system which this country should urgently adopt in order to deal with food shortages. We know for sure that agriculture, as has been mentioned, contributes almost 25 per cent of the country's GDP. It also provides employment, particularly in the rural areas. Therefore, we should not be talking about food shortages given our geographical advantage in the world. We should be talking about food surplus for export. Once you have food surplus, it can be used in manufacturing. Therefore, the question of us asking our brothers for

support and lamenting about the situation in this country is misplaced. Those in authority have let down this country. I know for sure that even in the allocation of the national cake, agriculture is supposed to have, according to the Maputo Declaration, 10 per cent of the GDP. Today only 3 per cent is allocated to agriculture.

(Hon. (Ms.) Tomitom crossed the Floor without bowing to the Chair)

Hon. Speaker: The lady Member there, you cannot just cross the Floor. This is not Pokot. If you want to cross to the other side, you go to the Bar, bow and cross over. It is not just walking around.

(The Member went to the Bar, bowed to the Chair and crossed the Floor)

Proceed, Hon. Wanyonyi.

Hon. F.K. Wanyonyi: Thank you. You need to take time to educate these new Members but they are learning through time.

All I am saying is that we should be able to allocate enough resources to agriculture through the Budget. I am just repeating myself. Ten per cent of the GDP is what the Maputo Declaration suggested. Look at the budgetary allocation even in the current financial year; only 3 per cent was given to agriculture. Therefore, something is amiss. We have ourselves to blame for it because we should be able to accommodate that. I went round recently and I found out that we have high potential in the county governments. I would like to inform the Member for Tharaka that when I was the Managing Director of the Tana and Athi River Development Authority (TARDA), we came up with the idea of the High Grand Falls Dam, which has taken a very long time to be implemented.

The project should have taken off because it was supposed to provide irrigation to Upper Eastern. Of course, we had the idea of having an Export Processing Zone (EPZ) park where we would have recreational facilities in that area. There was enough land for it. As you try to implement that project, please refer to me because I am its initiator. I am happy because – as it has been mentioned – the project is going to take off. Let us discuss. I took part and had people from Portugal who wanted to put so much money in it. Let us talk about it because great ideas were there. I think they are lying in shelves somewhere in TARDA.

Hon. Speaker, because of the high potential of this country - and I think the Leader of the Majority Party has mentioned it - we need to have very strong laws to maintain it. As it is in Egypt and even South Sudan for some of us who have traveled there, there are very good regulations and laws that govern irrigation. When you go to a supermarket today, you will find that water comes from this country and goes all the way to Egypt. What happens? Egypt is now exporting food to this country and yet, they get water from here; the water you are seeing around. The idea is that we should have passed this Bill like yesterday, so that we can have those dams. Apart from the High Grand Falls Dam, we also have a proposed dam on River Nzoia which will, again, provide very good irrigation activities along River Nzoia down to Budalangi. We should move fast because this country is having problems of food production year in, year out. It is our own mistakes.

Lastly, with the passage of this Bill - and I hope it will be assented to by the President - we will have small irrigation schemes. Recently, the Departmental Committee on Agriculture and Livestock toured North Rift and South Rift. We realized that there is a lot of potential for

irrigation schemes in those areas. For example, the Agricultural Development Corporation (ADC) has a lot of land. We are talking about over 50,000 acres of land. All they do is to depend on rain-fed agriculture. The Committee agreed with the management that it will turn some of those farms into irrigation schemes. They are willing. The ADC has a lot of land. The Corporation will be able to plant crops twice because of the good weather of this country. They can plant crops twice per year so that we can have enough food. I can see Hon. Janet Nangabo looking at me because that is her area. That is because of irrigation. Ask her and she will tell you that there is a lot of land lying fallow in Trans Nzoia. I believe if we get irrigation and put our act together and have proper infrastructure in place, we can have pivot irrigation in those places so that we can have two crops per year. We can plant maize twice per year and talk to the seed producing agents and companies like Kenya Seed Company which are willing to develop seeds for food crops to be planted twice a year because of irrigation. We should forget over-reliance on rain-fed agriculture and move on to irrigation. We will have irrigation systems and food shortages will be cured in this country once and for all.

With those few remarks, I support this Bill. I hope the House will move fast to have it passed, so that we have everything else together. We are now transforming the National Irrigation Board into an Authority. As proposed, that Authority will have expanded mandate to deal with irrigation in this country and cure food shortages. Thank you so much.

Hon. Speaker: Member for Mwea.

Hon. Josphat Wachira: Thank you Hon. Speaker for giving me this opportunity to support this very important Bill. This is probably one of the most important Bills that this House will pass this year. It looks at the management and development of irrigation schemes in this country. As we talk about that, we need to look at the experiences we have had in the past. At the outset, I declare that I will participate in committee proceedings, in looking at some of the clauses that are included in this Bill. I want to thank the Committee for accepting to listen to the presentations from the people of Mwea. As this House is aware, Mwea Irrigation Scheme is the largest scheme in this country. It is a scheme that was started from the colonial days in the 50s. It has come through a lot of problems and successes as we have today. There is a lot to be learnt from Mwea Irrigation Scheme by the schemes that are coming up.

I like this Bill because it brings in the participation of the county governments in line with our Constitution. It recognises the existence of community associations like the Water Users Association, but I want this Committee to go further and look at how best we can manage our schemes out there. It is my opinion that the National Irrigation Board we are talking about be renamed National Irrigation Development Authority. It should concentrate more on development. It is necessary to give some of its powers on the management of the schemes to the various associations that we have in the country. When you look at the history of Mwea Irrigation Scheme, we are improving the relationship between the farmers, the associations and the National Irrigation Board. It has not been easy. A number of our colleagues may not be aware of how some of those schemes are managed. I want to bring to the attention of the House that the associations out there play a great part. We need to have them fully recognised in this Bill. The water users associations, for example, are the ones that collect funds from farmers involved in those schemes. They collect funds every season and pass over that money. In Mwea, we are talking about the collection of funds in excess of Kshs30 million every season. This money is passed to the National Irrigation Board which would then decide or propose what is to be done with it for the purposes of the management of the scheme.

When members of the Mwea Irrigation Scheme came and presented their views to the Committee, they proposed two important things that I would wish to see well defined in this Bill. One, people of Mwea proposed that we should have a scheme management committee. That committee will stand in between the water users associations and NIDA, so that when the water users associations collect money, it will be passed to this committee. The committee is to be comprised of the farmers as well as representatives of the National Irrigation Board. They will look at what has been collected, sit down and decide some of the infrastructure that needs to be improved in those schemes. This will improve the relationship between farmers and NIDA and thereby realise some of the success we want from those schemes.

Another very important area is on dispute resolution. From our experience in Mwea, we know that there are a number of disputes in our schemes such that, if we called on everyone around Thiba Dam who has a dispute in one way or the other, they will not even fit in this Chamber. Therefore, through our associations, we proposed that a dispute resolution committee be established as opposed to the current tribunal that is made up of appointees from the National Irrigation Board, so that it can have powers to interrogate and look at the cases that are presented to them and, if they are not able to resolve, then the complainants can go to the environmental and land tribunal. This is very important because it will improve the relationship between the farmers and the irrigation board.

I want to bring to the attention of this House that our Government is putting in all the efforts in ensuring that we have successful irrigation schemes in the country by allocating a lot of money. I want to thank the Jubilee Government for its effort to bring up what we refer to as Thiba Dam, a dam that will cost this country about Kshs19 billion. The intention is to ensure that we have a greater output of food in this country and to get ourselves from the shame of having to be given food from outside. It is unfortunate that, sometimes, when we invest a lot of money into some of those schemes, we will still have other underlying factors that prevent and hinder our farmers from doing their best. For example, the importation of rice causes our farmers a lot of damage. When rice is imported, our farmers are not able to make enough returns from their output and this discourages them and gets us in a situation where we do not get enough from our investments.

I am saying this because I know there will be many new schemes that will be coming up. The Committee may want to even visit Mwea as one of the oldest and largest schemes which was established in the 1950s, and see how our farmers suffer. As you walk along Mwea, you will notice how green it is. You will think there are riches among our farmers, but I want to tell this House that most of our farmers are as poor as anyone who does not own a farm in this country. This is due to denying our farmers support. Our farmers do not have any instrument that would enable them to officially walk into a bank and get loans like any other Kenyans. They rely on shylocks and individuals, majority of who live in Nairobi. After harvesting, they put their entire product into lorries to be brought to the owners in Nairobi and the farmers remain as poor as they were before. It is my humble prayer to this Committee to look at some of those schemes and ensure that those farmers either get title deeds or any other instrument that would enable them access loans from banks like any other Kenyan. I am aware that when those schemes come up, many things are required. For example, Thiba Dam will be successful if we complete compensation of farmers so that we do not have hindrances, as my brother from Tharaka has mentioned. We know that Jubilee Government has put in a lot of effort. I want to thank the Government because recently, it made Kshs200 million available for compensation of farmers. This will leave us with a balance of about Kshs400 million so that Thiba Dam can continue

without any hindrance. It is my humble prayer that soon, when we bring the second Supplementary Budget, that money will be included so that we do not have problems.

As we continue to look at those schemes, it is important that revenue allocation, especially to the new National Irrigation and Development Authority, is able to support our farmers. I support this Bill and I will be talking to the Committee so that I can bring in my experiences which will strengthen this Bill and be truly beneficial to this country.

I second.

Hon. Speaker: Hon. Members, it is fair that since the Committee tabled their Report, if there are issues that Members may desire to introduce, nobody prevents you from proposing appropriate amendments to the Bill when it goes to the Committee of the whole House. We have agreed that, at that time, even as some of these Bills were discussed a little bit earlier, it will be fair that Members have enough time to think through and bring amendments where they think it is necessary.

Member for Funyula.

Hon. (Dr.) Ounda: Thank you, Hon. Speaker. It is an opportune moment that I have to speak after the Member of Parliament for Mwea. I must admit that I was intimately involved in that project before I came here. As I rise to support this Bill, there are a few fundamental issues in the irrigation process that we must interrogate as a country and put right.

The issue of compensation cuts across irrigation schemes and other Government projects. We must address them as a nation and comply with the constitutional requirements. Compensation must be fair, just and prompt. For record purposes, the valuation for Thiba Dam was initially done in 2012. Surprisingly, it is almost eight years down the line and the compensation process is not complete. We urge the Government to move with speed because the more you delay, the more you disenfranchise and inconvenience land owners who willingly or unwillingly agree to surrender their land for the purpose of the project.

Moving to the Bill, I must commend the drafters of the Bill for a job well done and the fresh thinking on irrigation issues in this country. We must start from the point that food is a basic human right and is something that was even declared a national concern at Independence. But it is surprising that all these years down the line, Kenya has become increasingly a food deficient country compared to a food sufficient country at the turn of Independence. This has been a culmination of so many other issues but, principally, it has been the continued and wanton destruction of our forests that has affected rain in the country and other parts within the region. Of course, the issue of climatic change has contributed to this factor. Obviously, the only recourse for food security lies in other technologies and approaches that become necessary to provide sufficient water for crop production throughout the year. When we were growing up, there was this basic slogan we used to have that "*necessity is the mother of invention*". It is time the country took to irrigation as a solution to the perennial food shortage that is caused by unreliable or failed rains.

Generally speaking, most of the land in Kenya is not arable. Only a few parts of the country can sustain food production while relying on rainfall. Even in those areas, we have heard many reports of failed crops because the rain is unreliable. It is commendable that there have been very many irrigation projects that have been started in the past after realizing the challenges we have had with rain-fed agriculture. But it is also disheartening that most of them have failed along the line and, consequently, ensuring that public funds have gone to waste without any recourse. We remember Perkerra, Bura, Ahero and so many other irrigation schemes that have failed over time. We hope this Bill will replace the old Bill and bring a new authority

that will have the courage, capacity and the know-how to manage irrigation schemes professionally for the benefit of the people in those particular areas.

In this country, we have not had lack of legislation and rules, but we have had a problem with implementation. It is unfortunate that many people who are entrusted with the responsibility to manage those authorities go there not necessarily to serve the people, but generally to squander or enrich themselves at the expense of taxpayers. If we do an audit or evaluate the performance of most of those authorities, it is dismal. Therefore, it is important that the new authority being proposed here is strong and capable of meeting the mandate and the provisions of this particular Bill. It looks nice. The National Irrigation Development Authority ought to have a bigger mandate and a higher budget compared to the National Irrigation Board. We hope it will manage irrigation schemes in this country properly and professionally. My honest view is that the authority proposed should minimise direct implementation of projects of irrigation schemes and probably rely on agents and mostly concentrate on policy, supervision, monitoring and evaluation of the performance of various irrigation schemes, whether funded by the public, private or county governments. That is because, eventually, it is the drawers of water who suffer and the users of the rivers get inconvenienced if there is no proper management of those projects.

I have an example. At the point of the Committee of the whole House, we will move some amendments. I am particularly not impressed by Clause 9 which requires that the CS shall appoint six members and approved by the President. I get a bit confused because I thought the CS works at the behest of the President. All the decisions that he or she takes must have the blessing of the President and must have been approved at the Cabinet level. So it looks a bit confusing and unnecessarily complicated. I would imagine the CSs acts on behalf of the President who is the Head of the Executive. There are many other amendments that we will move at that particular time.

To conclude, I come from a constituency that, for many years, was food- sufficient. But in the recent 20 or so years, we have continuously become a food-insufficient constituency. That is Funyula Constituency. As we speak now, we are basically unable to provide food for ourselves. If it was not for the good relationship we have with our neighbours in Uganda, we would generally have to rely on relief food. That is because we are one and the same. We are able to exchange our commodities and ensure that we survive the hard times. We must find a way of having two crops in a year. That is why it was refreshing to see NIB start the Lower Siwo Irrigation Project Area 5 and, specifically, the Nanundu Manja Irrigation Project. It is again very disappointing that, since 2010, the project has never been completed. We have had so many interactions with NIB and they seem to suggest that they have no money to complete the project. It is my humble appeal to the Government to adequately fund NIB to complete projects they have already started before considering new projects. That is because public money has been spent and is going to waste and yet, the beneficiaries of the project can no longer benefit from the project. A project that was supposed to cover about 675 hectares benefitting 500 households has stalled. We, therefore, need, as a matter of urgency, to ensure that NIB has sufficient funding and capacity to complete projects they have started before a new board comes in.

With those very few remarks, Hon. Speaker, I stand to support the Bill. Thank you.

Hon. Speaker: There is a Member who refers to himself as Nominated Member 001.

Hon. ole Sankok: Thank you very much, Hon. Speaker. At the outset, let me take this opportunity to congratulate our new Member, Hon. Edith Nyenze. Having taken oath, she is now one of us. I assure her that we will be there for her in case she needs some orientation.

In 1963, when we got Independence, the population of this country was slightly more than 8 million. At the moment, we are around 48.5 million, meaning we have extra 40 million mouths to feed. If you rely on the mode of farming that we have been relying on from Independence to feed that population, you will see a burden. Our highlands have been our food basket because they receive above normal rainfall. Those highlands have been cultivated and tilled year in, year out. We have cultivated our highlands, riparian areas and even the doorsteps of farmers who live in the highlands. That land has developed nutrients fatigue. It is no longer able to sustain the amount of production it used to support several years ago.

Most of the highlands have so many rivers that drain to the lowlands. But, unfortunately, they are arid and semi-arid areas. So, there is a lot of soil erosion in the highlands which have been our food basket. This, again, reduces the amount of food production despite the fact that our population has increased. The opposite is that when you go to ASAL areas, they are very fertile. That is because when soil erosion happens in the highlands, there is sedimentation of fertile soil to the lowlands. You will find our lowlands, which are ASAL areas, very fertile. But we are not able to tap into that land fertility because of inadequate rainfall. Therefore, this Bill will introduce irrigation which will make sure that we tap into those fertile areas in the lowlands.

[The Speaker (Hon. Muturi) left the Chair]

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

Hon. Deputy Speaker, we have thousands of massive rivers in our country. Whenever there is rainfall, like what we have experienced in the past one month, there are floods everywhere. In Narok to be specific, we have had destruction of property as well as loss of lives because of this runoff water. In the northern area, which is arid, we have had a lot of runoff water which has caused destruction. If we would have tapped this runoff water, we would have avoided those floods, in addition to irrigating the very fertile areas in our country. The arid areas in this country are almost 75 per cent. It is a large chunk of land that could feed our population if we maximise the use of this land. The only thing that we need - we do not need fertilizer in those arid areas - is water. Egypt depends on us. They use water from River Nile to irrigate their farmlands and export fruits and vegetables to us and yet, we cannot tap on the waters that we donate to countries such as Sudan and Egypt.

Hon. Speaker, we support this Bill because it will also reduce the conflict that we have been experiencing in our pastoral areas. We have been having conflicts mainly due to lack of pastures but, mostly, because of lack of water. If we have enough dams in our areas, then we will reduce the conflict. Cattle rustling has been made to look like a lesser crime. In cattle rustling, we have murders, displacement of people and rape. But we make it look a bit fairer. Once we have enough water in our dams and in the pastoral areas, we will reduce those conflicts.

Hon. Deputy Speaker, many irrigation schemes have failed. The question that we have to ask ourselves even as we support this Bill is this: Why have we had this collective failure of all the irrigation schemes across the country, including the giant Bura Irrigation Scheme and many others? We establish entities to create jobs for our friends and relatives, but not with an intention of assisting farmers. We should hand over the management functions of those irrigation schemes to the farmers themselves. If we do not do that, we will be sitting in Nairobi, moving from one boardroom to another, moving from one conference to another, benchmarking in Egypt and Sudan, but we will always fail.

Hon. Deputy Speaker, I support this Bill but we will talk to the Committee so that we can give the massive job of management of the irrigation schemes to farmers.

Thank you very much, Hon. Deputy Speaker

Hon. Deputy Speaker: Very well said, Nominated Member No.001. Let us have the Member for Mogotio, Hon. Kamuren.

Hon. Tutoek: Thank you, Hon. Deputy Speaker for giving me this opportunity to also contribute on this debate. As a Member of the Committee, we find this Bill to be very necessary at this time. Currently, we are talking about the Big Four Agenda, which include the area of food security. We also know that there are other sectors which require much irrigation. The flower sector requires irrigation. Vegetables are grown under irrigation, especially in Naivasha and Kinangop areas. Also, the cereals sector depends a lot on irrigation, especially rice production. The people of Mwea engage in a lot of irrigation to grow rice. People in Bunyala and the coastal areas also grow rice. This Bill will go a long way in supporting the Big Four Agenda.

The Bill addresses new structures, the way irrigation will be provided in this nation and, specifically, the way the central Government and the county governments will operate in undertaking irrigation activities. The Bill is creating a new Government agency called National Irrigation Authority. The Bill clearly spells out the roles of the national Government, the county governments and the members of the Irrigation Water Users Association (IWUA).

The NIA is a successor to the National Irrigation Board. It will take over all the seats of this Board and become an authority. It will be delivering services in this sector. It will also clearly spell out how IWUA will be conducting their activities in the various irrigation schemes. I know that Members here have expressed a lot of support for this Bill, but we particularly want to emphasise that we want those irrigation schemes to succeed. As we discuss food production and income generation, we want to ensure that we boost food production through irrigation schemes. We also know that irrigation schemes will require a lot of water. Currently, the nation is undertaking a lot of water harvesting. We want some of the water being collected in dams to be used for irrigation. Structures in the irrigation systems should be clear.

We know they have intakes, distribution canals and tertiary canals. Those schemes have challenges in terms of management. The Bill gives powers to IWUA to conduct their affairs. I heard Nominated Member No. 001 say that we should give power to farmers. This Bill clearly supports the idea of farmers conducting their affairs and managing the irrigation schemes. It also talks of conflicts which can arise in those schemes. It provides for conflict resolution committees which will allow IWUA, whenever they have problems, to resolve those issues. If in the process issues are not solved, they will be passed on to other higher courts. This Bill, in itself, will assist the Cabinet Secretary (CS) to manage irrigation systems in consultation with the county governments. The Bill provides for a consultation framework between the national Government and the county governments. We all know what agriculture has been devolved. But we also know that policy areas and regulations are still vested in the Cabinet Secretary responsible for agriculture and irrigation.

Hon. Deputy Speaker, we look forward to this Bill being operationalised as soon as possible so that we can focus on production. We know this nation also produces other crops. We have rice and sugar production, which are way below the expected level. Looking at other countries in the world, we realise that irrigation plays a big role in sugar production. Brazil and Sudan are outstanding. They produce sugar through irrigation. We are told that the Deputy President and the Chairman of the Committee responsible for agriculture may have travelled to Sudan to look at how sugar is being produced under irrigation at Kinana Irrigation Scheme. This

Bill should go a long way to support the production of sugar in the coastal areas, including the Ramisi area. The production of sugar under irrigation is high and will go a long way to assist farmers to get better income.

Irrigation is another way of providing jobs for the youth. Molo River passes through Mogotio Constituency. We have been using the river to boost the production of horticultural crops. It has enabled the youth to get income. They grow various horticultural crops, including French beans and vegetables, for sale.

Therefore, irrigation will go along way in assisting the young people to get income in one way or another. I support this Bill because it will enable the youth to use irrigation as a better farming method and, therefore, create jobs for them.

With those many remarks, I beg to support. Thank you.

Hon. Deputy Speaker: Let us have Hon. Makali Mulu.

Hon. Mulu: Thank you, Hon. Deputy Speaker, for giving me a chance to support this important Bill. When you look at the history of this country, you will realise that for most of us who went to school in the 1970s, agriculture was a very important sector in this country. During those days, it was the mainstay of the economy. This was basically because of the role it played in terms of contributing to the Gross Domestic Product of this country. At the same time, it created employment for Kenyans because of the foreign exchange we got from agricultural products.

By then, there were famous irrigation schemes. I can remember in my early classes of geography, I heard about Bura, Perkerra, Mwea and Ahero irrigation schemes. With time, we have heard of other irrigation schemes like Wikithuki in Mwingi North and Galana. As I look at this Bill, I have asked myself why irrigation has failed to some extent in this country. Could it be because of the legal framework or other reasons? As we discuss the legal framework - because that is what we do as a House - it is important for Members of Parliament, through our oversight role, to seriously look at other factors ailing irrigation.

I want to single out a few. Let us look at the aspect of implementation. For the last four years, this House has appropriated resources towards the irrigation sector. I can remember when I joined Parliament in 2013, the target of the Jubilee Government then was to have a million acres of land under irrigation. Over the last four years, we have not hit the target of 10,000 acres. The reason why we have not achieved that is not because of lack of a legal framework. As a country, we need to seriously think about the importance of irrigation, even as this important Committee pushes this Bill. We need what we call political goodwill, the right technical framework and human resource for this important component to kick off.

We have an Irrigation Board in this country. Some of the challenges we have is that some Kenyans who are given leadership positions use them for personal gains and many of those irrigation schemes are seen as cash cows. We put a lot of resources there and nobody seriously uses them to benefit Kenyans. As I support this Bill, I think there is much more which needs to be done if we are to achieve food security in this country. We all know that in the Big Four Agenda, food security is an important component. Despite that, as Kenyans, we need to ask ourselves for how long we are going to rely on rain-feed agriculture because it has failed us. Research has shown that if we want to move forward in terms of food security, we must go the irrigation way and take advantage of technology. As a result, we will produce enough food for this country.

It is a big shame for this country when we see a neighbouring country like Sudan or Brazil exporting sugar to us. Egypt also makes use of River Nile which is an important water

resource originating from Uganda. We end up buying food from Egypt when River Nile passes through Uganda. As I support this Bill, it is important for this country to start looking at the other factors which make us not to utilize irrigation.

In this Bill, there is a whole section regarding research and training. This country needs to invest heavily in terms of training people as a result of research findings. Research will inform us of the gaps in irrigation and it will help us to come up with the right training programmes for our farmers and engineers. Therefore, we will be making use of technology.

Another important issue is about farmers associations. It is a pity that most farmers form associations for example, irrigation water users associations, marketing associations or input sourcing associations. What happens is that the few who are given leadership positions take advantage of the other farmers. At the end of the day, instead of benefiting their fellow farmers, they freeze them out. I like what my colleague from Mwea has said; that as we look into this Bill, it is important for us to make sure that farmers' associations benefit them instead of leaders. I can see we are coming up with the National Irrigation Authority which will take over from the National Irrigation Board. One challenge we have is that those authorities and boards are mismanaged and every year, they rely on the Exchequer for funding. Time has come - and I would like the Vice-Chair to listen to me - that as we finalize this Bill, we must allow the financing responsibility of this Authority to rely on the Exchequer to some extent, but mostly rely on its own resources. The Authority should be in a position to generate its own income and resources and not always rely on the Exchequer. When they do so, there is a tendency of them not working hard because they will get money from the Exchequer.

As we come up with these authorities, they should be self-financed. Agriculture is very lucrative in terms of income generation and they should make money out of that arrangement. As we conclude on this important Bill, we should start looking at the idea of some of those authorities being self-financed. Another important issue is county governments. Most of the potential is in the counties. For example, look at the three Ukambani counties of Kitui, Makueni and Machakos. By the way, I have heard my colleagues from western Kenya talking about two agricultural seasons. Ukambani can easily manage three seasons if water is provided. It is all because of the temperatures we enjoy there. We can manage three seasons! Let us take advantage of some of those areas like Ukambani where we can manage three seasons. Let us take advantage of irrigation and come up with proper organisation and development of programmes to make this country food-secure. If we move that way, I can tell you for sure that this country will be able to take off in terms of all other sectors.

With those remarks, I support the Bill.

Hon. Deputy Speaker: Hon. (Dr.) Mulu, your time is over. You did not summarise it properly, but you have had your say. Let me now give the Floor to the Member for Kilifi North, Hon. Yaa.

Hon. Baya: Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute to this very important Bill. Probably, this is one of the most important pieces of legislation that this Parliament is going to be required to pass. It brings a new dawn in food security issues in this country. If you look at the President's Big Four Agenda, you will realize that one of them is food security. This country has failed to deliver food security on the basis of rain-fed agriculture. Therefore, it is important that we move away from rain-fed agriculture to irrigation.

In this country, we have a lot of water that runs off when it rains. We also have many rivers which carry away a lot of water whenever it rains. However, all that water goes to waste.

We have not been able to tap it. We have the National Irrigation Board, but I am glad that it is being repealed in this new law and that, instead, there will be established an Authority that will take over the management of irrigation in this country. Suffice it to say that the Board has been a great letdown in terms of inefficiencies and ineffectiveness in doing its job. This is because for the many years that it has existed, we have seen the collapse of the many irrigation schemes that we used to learn about when we were young.

The NIB has presided over the death of many irrigation schemes. A few irrigation schemes come to mind, for example, the Tana and Hola Irrigation Scheme that fed the coastal region for so many years. It has collapsed under the watch of NIB. Therefore, I just hope that it is not the case of a different forest, but the same monkeys that we are dealing with here. I just hope that we will have an opportunity to get rid of the characters at NIB who have, for many years, let this country down. The NIB has been largely inefficient. There are characters who have been there for many years just drawing salaries and watching the collapse of irrigation schemes in this country. As we enact this law and set up the new Authority, we need to employ new, energetic, efficient and well-trained personnel who will drive the agenda on food security in this country forward. Otherwise, we shall just be changing the law but continuing with the same bad things that have let us down.

I want to draw a parallel and even state that, probably, this Bill will give us a chance to redeem the image of irrigation in this country. The Galana Kulalu Irrigation Scheme was touted as the best model of food production thus assuring food security in this country. What happened? I think out of the 1 million acres, only 10,000 acres were put under irrigation. How much money has been sunk in the Galana Kulalu Project by the same NIB? It has been a national shame and I think the characters that are there have to be held responsible for the mismanagement of the Galana Kulalu Irrigation Scheme. Apart from that, there is the issue of how the scheme was implemented. I thank God that this law now gives us a new opportunity. The county governments whose land was used in the Galana Kulalu Irrigation Scheme were never involved. This Bill provides that counties will be involved in the management of irrigation schemes. Also, it recognises that agriculture is a devolved function. Being a devolved function, it behoves the national Government and the NIB...

(Hon. Okuome pressed the intervention button)

Hon. Deputy Speaker: Order, Hon. Yaa! I can see Hon. Adipo expressed intervention. What is it? Hon. Adipo, is there an issue?

Hon. Okuome: No! It is just a small mistake.

Hon. Deputy Speaker: What did you say, Hon. Member?

Hon. Baya: I think he has a problem with his machine.

Hon. Deputy Speaker: Alright. Proceed.

Hon. Baya: What I was saying is that during the implementation of the Galana Kulalu Irrigation Scheme, county governments were not involved. Probably, the Government just earmarked the land and said it was going to start an irrigation scheme. The Government forgot that it was dealing with community land. The people of Tana River and Kilifi had begged the Government for many years to intervene in terms of agriculture. The people were ready for discussions about land, but the Government ignored them and went ahead with the implementation of the scheme, which became a big failure. Today, the people of Tana River and Kilifi believe that it was a scheme to alienate land and allocate it to other people without

following the due process. When the advertisement was made for people to get land and participate in the irrigation scheme, it was very clear that the people of Tana River and Kilifi were not going to be considered in that irrigation scheme. I hope that we are going to have county boards or irrigation units within the county governments that the National Irrigation Development Authority will have to consult. We hope that the problems the Galana Kulalu Irrigation Scheme exposed will be solved by this law.

It also very important to understand one thing. For many years, Kilifi County has had famine and drought. People have to rely on food that is distributed by the Government. We hope that with the passage of this Bill, that trend will stop. We cannot have two huge rivers flowing in the county and yet, food cannot be produced. All the water runs into the Indian Ocean. There are no major dams. It is also very interesting that there are very many dams for the people of Mwea. My friend, the lawyer from Tharaka, and my friend seated next to me here keep on talking about the billions of shillings being sunk into their county for the purpose of building dams for irrigation and yet, where those rivers are flowing to, there is nothing being done. We continue to increase food production in the areas where food is already in plenty, but we do not look at the areas where there is a major problem in terms of food production. I hope that equity and equality and issues of fairness will prevail as we implement this Bill to ensure that other people also benefit. Kilifi should never again be associated with food-deficit stories. It is very sad that year in, year out, we have to make a passionate cry and SOS. We have to cry to the Government to come to our rescue. Why? It is because the NIB has failed to implement the irrigation schemes that we proposed.

In my former life, I used to work in the county. I remember having sat in many meetings with the people from NIB. For the last five years that I have served there, all we had were meetings and big promises with regard to setting up irrigation schemes. Every plan ended up on the shelves. I just hope that this law will cure the problem. I have gone through the Bill and I think it is a good Bill. It will redeem this country and save many souls from the pains of hunger. Counties with high potential for irrigation should be given an affirmative platform thus more money. We have been informed by the Speaker that today the President signed the Division of Revenue Bill, which is a good thing. However, how much of that money that goes to the counties can actually be put under agriculture? How much is the national Government supplementing in terms of ensuring that there is more money for agricultural production in counties which have potential for irrigation? I am calling out to the national Government to ensure that it deploys more resources to counties that have high potential for irrigation. It is the only way those areas will have more food.

I can see my time is up but I urge the Government to start implementing projects now that we have a new law. This new law brings in the spirit of devolution which should help us to produce more food in areas that have had food deficiency.

I support this law.

Hon. Deputy Speaker: Hon. Martin Owino, Member for Ndhiwa, is top on the list. But I will skip him because I have already given an opportunity to two Members from the left side. I will give an opportunity to Hon. Ndindi Nyoro of Kiharu.

Hon. Nyoro: Thank you very much, Hon. Deputy Speaker, for giving me the opportunity to speak.

Hon. Deputy Speaker: What is it, Hon. Member 001? I hear you have an issue you want to raise. What is it?

Hon. ole Sankok: I am on intervention. I want to raise the issue of gender and regional balancing. With a lot of respect, I have seen that you have only given an opportunity to men.

Hon. Deputy Speaker: I know you are here as a Member on affirmative action. Therefore, that is really in your domain. I hear you and I will very quickly make it up. Looking at where you are seated, I think there must have been some influence close by.

Proceed, Hon. Ndindi.

Hon. Nyoro: Thank you very much, Hon. Deputy Speaker, for reminding my colleague 001, that being 001 does not give him the role of the Speaker of this House. The Speaker is executing his role very ably.

I thank you for giving me the opportunity to contribute to this Bill. I am very grateful because I come from a county that is very agricultural in nature. At the outset, I want to note that in 1966, arable land in Kenya was around 6.1 per cent of all the land mass in this country. It now stands at around 10.6 per cent. Only 10.6 per cent of the Kenyan land mass is arable land. The increment is because we have cultivated our forests and gone some miles into mechanising our farming. In the same breath, we have also seen a rise in our population and that is why since 1963, when we were food-sufficient - currently, even with a lot of resources going into agriculture, and especially mechanising and more so in irrigation, we are now a food-deficient country. Even with all the projects that we are engaging in, especially the Government, there is nothing much a country can do when we have a hungry population. Even from the ancient war times, the generals always put a lot of consideration into the stomachs of the soldiers as they went to battle. The battle that we now have as a country is an economic one. The world has changed and progressed. The competition across many nations in the world is of an economic nature. There is nothing much we can do economically if our people - the battalions who are the citizens of this country - are hungry.

Our Government is doing a lot. In my constituency, there are two projects, one funded by the National Irrigation Board to a tune of Kshs320 million for irrigation in a place called Local 20. There is also another one in my constituency being funded by the World Bank to a tune of Kshs400 million. We can see the Government is really allocating a lot of resources into bridging the gap in terms of food security.

Irrigation does a lot when embraced. First of all, it increases the productivity of irrigated areas because per capita, comparatively, irrigated land produces more than one that is not irrigated in many facets. When we embrace irrigation, we are able to do more multiple cropping. When we rely on natural rainfall, we can only farm and till our land seasonally. But when we embrace artificial rainfall or artificial provisions of water, namely, irrigation, we are able to engage in multiple cropping in our areas.

Irrigation converts a lot of land that previously would not have been arable into land that can be farmed. Our country has a lot of land mass. However, the land that we are able to till, especially using rains, is only a small proportion. Therefore, embracing irrigation would convert more hectares and acreages of land into productive land. Also, we are able to reduce erratic output in our agriculture when we embrace irrigation because basing our agriculture on rainfall is very risky.

There are a lot of limitations, especially in the Kenyan setup in matters irrigation and especially given the NIB projects. One of them is us having so many incomplete projects. Like in my place, there is one project called Mugoiri-Murika that was being implemented by NIB. As you know, irrigation projects only give utility to the farmers if they are complete. A lot of resources are put into projects and if they are not completed, that money goes to waste. We have

that challenge and we hope that the new outfit that we are creating in this Bill will always allocate resources to projects up to completion.

There is also a challenge in terms of regional disparities when it comes to allocation of irrigation resources. It is my prayer that the new outfit we are creating to oversee our irrigation and irrigation projects will allocate resources to where we can get maximum or optimum benefits. It makes all the sense to give resources to the counties that have comparative advantage in terms of farming because output and productivity will be more optimal in those areas.

Another limitation is cost, and my colleagues have associated well with this point. Agricultural and irrigation projects are very expensive. I am sure the Government will see it wise to always allocate enough resources to the outfit that will oversee those projects.

One of the challenges I have seen, even in my constituency, is lack of community involvement in those projects. That is why we see so many “white elephants”. Projects are implemented to completion according to NIB but, according to the people - the users - the project does not benefit them. That is because they were not involved from the inception of those projects. I am so happy that NIB has noted some of those points. In some of the projects we are implementing in Kiharu, one of the surprising elements is that the Government is no longer providing labour resources. The community has to provide labour. I associate with that directive. When our communities are involved in digging the trenches and owning those projects, we maximise on the benefits.

I have heard many Members talk about countries like Israel, which actually invented the use of drip irrigation. Another example of such a country is Egypt. I was there last week. I saw a lot of things happening. Productivity has gone up in a country like Egypt, which is of a lower production rate than Kenya. I am trying to summarize because I have seen the light.

The challenge of jobs in this country can be bridged well when we embrace agriculture. As a country, we already have a comparative advantage *vis-a-vis* the other countries when it comes to agriculture. I am sure that with value addition, we can enjoy a lot of advantages. When we embrace irrigation, we will practise agriculture within certain areas and farm various commodities. Therefore, with value addition, we will benefit...

Hon. Deputy Speaker: Member for Kiharu, your time is over. I am trying to balance between keeping my promise and listening keenly to the Member who earlier on spoke about gender balance. Since I had mentioned the Member for Ndhiwa, let me give him an opportunity to contribute and then I will come to the issue of gender balance. I am sure Nominated Member No. 001 is satisfied.

Proceed Member for Ndhiwa.

Hon. Martin Owino: Thank you, Hon. Deputy Speaker. I rise to support this Bill. You will agree with me that food, shelter and education are human basic rights. You cannot go to class on an empty stomach. You cannot also sleep on an empty stomach. So, food becomes a serious human right.

We have been talking about construction of dams, which is okay for us to do in this country. However, I want to inform the House that the largest dam which we have is Lake Victoria. Almost nine huge rivers of this country flow into that lake. The lake has been under-utilized since Independence, but it has a very high potential for food security. As we try to benchmark in Egypt and Sudan, Tanzania and Uganda are using that water. However, we are restricted by a very old Nile treaty. When we tried to use this water massively, it came up internationally. I can remember I read the story on what happened in this House. Hon. Wetangula stood up here and raised concern when he was the Assistant Minister for Foreign Affairs. Since

then, nothing much has happened. If we cannot advocate for the repealing of that old treaty so that we can maximally use the Lake Victoria waters, then we can disregard the Bill as well because all the progress in irrigation in those countries is as a result of using the waters of Lake Victoria. Can you imagine that the people at the source of Lake Victoria are suffering while those who are downstream are using that water? Then what are we saying to our citizens?

I can call Ndhiwa Constituency a food basket. Indeed, if all the lake region counties can optimally use the waters of that lake, we can get rid of hunger in this country. It will also be prudent that we respect regional resources. Some areas are gifted with minerals, cash crops and food productivity. There is poor planning because sometimes those who are in office would like to develop their regions, even if they are not meant for that particular kind of development. We should come out from that domain. If the Lake region can feed the whole of Kenya, then we need to put maximum resources there, so that we can produce a lot of food and feed our people.

Another aspect is that we cannot just come up with Bills which are not well resourced. We will make some amendments during the Committee of the whole House on the appointment of resource persons. The only thing that can make this paper to be realistic is when we put men and women of integrity. I have not said that nomination of people by the Cabinet Secretary and appointment by the President is not the integrity line. I assume that Parliament will have a role in this, so that the people who are appointed to those positions are fully vetted. I will seek guidance on that.

I have another point. We are now aiming for full production through irrigation, which is real. Global warming is real and erratic weather has failed many crops. It is also prudent to have the infrastructure for food for those areas that are not producing their food. They should have food at their door steps. I am talking about silos and how food crops can be stored there. If you are in Mandera or Wajir and there is food production in Tharaka Nithi or in the lake region, you can still get the food you want at the time you want it. Food infrastructure is key in implementing this Bill.

Lastly, we do not want to talk about irrigation for the sake of crops. We also have to talk about irrigation for the sake of animals as well. Animals are also part of the food system where we do crops. It will also be advisable to have a small dam for animals. If all is said and done correctly, then food shortages will be history in this country. In the lake region, which I have mentioned, there are important counties like Homa Bay, where I come from. Siaya, Kisumu, Kisii and Nandi have so many strategic hills. We need to pump water to the top of those hills and let it come down gradually or by gravitational pull. That will take very little techniques and it is easy to maintain. Somebody said here that we have so many irrigation schemes, but they are not doing very well. Mechanization and maintenance is also a challenge. For example, the nearest hill is called Luri. If we can take water to the top of Luri and let it flow to Ndhiwa area, I am sure our level of productivity will be very high. Other areas like Nandi Hills and Huma Hills can also do the same.

With those few remarks, I support the Bill. I am sure if all is said and done, we will have a lot of maize, sorghum, rice and all other staple foods. Our people will not go hungry again.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: To satisfy the gender issue, I will give an opportunity to the Member for Tana River County.

Hon. (Ms.) Rehema Hassan: Ahsante sana, Mhe. Naibu wa Spika. Nimesimama kuunga mkono Mswada wa leo.

Natoka Tana River, ambako tuna miradi mitatu ya kunyunyizia mimea maji. Kuna miradi ya Hola, Bura na TARDA. Ukweli ni kwamba hiyo miradi mitatu inaweza kulisha taifa letu la Kenya lakini, uzembe kazini na uporaji wa mali ya umma umefanya tunalia njaa. Hivi juji, nilikuwa Brazil. Niliona aibu sana kusikia mkulima mmoja akisema kuwa anaweza kulisha Kenya nzima. Tuko na miradi ya unyunyizaji maji mashamba mengi sana ambayo inaweza kutufanya tujisimamie bila kuomba misaada.

Mhe. Naibu Spika, kwa hivyo, kama mabadiliko haya yataleta usalama kwa wakulima, nayaunga mkono.

Pia tukibadilisha wafanyikazi wa bodi hizo, naomba pia suala la sheria kwa kimombo *policy* lizingatiwe. Ukiweka mtu afanye kazi kwa afisi moja kwa muda mrefu, anajua siri nyingi sana za hiyo afisi na huanza kupora. Tafadhali tuwe tunageuza.

Tusikize wakulima wanapolia. Mkulima analalamika kuwa meneja wa mradi wa unyunyizaji maji mashamba ni mporaji, lakini hatusikii. Mkulima ndiye anayeumia. Wakati anatuambia mtu fulani hamfai, tafadhali, tumsikize tubadilishe yule afisa ili afanikiwe.

Kama mwakilishi wa kina mama wa Kaunti ya Tana River, ninasema tuanze kwa kubadilisha wasimamizi wa Hola Irrigation Scheme. Siku hizi tuko na nafuu sana. Mradi huo hauko vibaya sana kwa sababu watu angalau wanapata chakula kidogo. Hawapati mazao ya kuuza lakini hawalali njaa. Lakini kuna shida ndogo ndogo. Kwa hivyo wanakamati pia watembelee mradi huu kusikiza wanayoyapitia wakulima.

Zamani tulikuwa na miradi ya unyunyizaji maji mashamba midogo midogo inayoitwa *minor irrigation schemes*. Kamati pia itilie maanani hilo suala. Linasaidia sana kwa sababu watu wanapata mboga na vitunguu ambavyo wanaweza kutumia nyumbani na wakiuza wanapata pesa. Hawatalala njaa.

Zamani waatalaam wa ukulima walikuwa wengi. Naona siku hizi Serikali imeacha kuwaajiri. Hakuna waalimu wa kutosha wa kufundisha wakulima miundo misingi bora ya kisasa ili wapate mavuno bora. Hayo yote yamechangia kuanguka kwa miradi yetu ya unyunyizaji maji mashamba.

Nimesimama kusisitiza kwamba tuangalie mambo muhimu kuliko kutafutia rafiki wetu ajira. Yeye ni mmoja lakini watakaoumia ni wananchi wa Kenya ambao ni wengi.

Naunga mkono. Asante.

Hon. Deputy Speaker: Let us have Hon. Liza Chelule.

Hon. (Ms.) Chelule: Thank you, Hon. Deputy Speaker for giving me this opportunity to support the Irrigation Bill. If there is anything that needs to be considered positively by the Departmental Committee on Agriculture and Livestock, it is about farmers. I want to assess whether the Irrigation Bill is friendly to the farmer or not. I know it will address some issues. One of the issues it will address is food security and economic matters. We all understand that irrigation enables a farmer to carry out effective farming in our country. As much as I want to support the Bill, I would like to have the Bill in the interest of farmers. There is the component of value addition. There will be no need to grow crops and we do not add any value to them. It is not going to help the farmer at all. We should ask ourselves why farmers do not get much yet every time we see them busy in their farms from morning to evening, from the beginning of the month to the end and from January to December. They are in a bad situation and are not able to take their children to school or buy themselves clothes. There are certain issues that have not been addressed in the Bill.

I support this Bill, but I would not like to forget the component of value addition and marketing of crops. I will be happy if this Bill is implemented in a way that takes the interests of

the farmer seriously. The Bill will, of course, assist women. Our Government has set aside funds for women and for the youth which can enable them to participate in farming. We all know that there are no opportunities to accommodate all the youth in our Government. Most of our youth are at home and are not employed. As leaders, we appeal to them to participate in farming. Such a Bill encourages them to participate in farming, but it must have the components of value addition, marketing and public participation. Many times, we have done public participation in Nairobi yet we all know that farmers are not in Nairobi. If they are there, they are very few. We know farmers are in our various counties. It is always good to be strategic especially during public participation because we need to take into consideration the interests of the farmers. In public participation, farmers are given a chance to say what they want and what they feel about irrigation. I know it is about mapping, where and how it will be done and the budget to be used. Farmers should be given time and information at the right time on where public participation will be done. I know most public participation pertaining to different Bills is normally done in Nairobi. For this Bill, I request, if it is possible, that public participation be done in the counties or cluster them together to meet in one place, so that we hear the interests of the farmers exhaustively.

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

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

We have many youths who are doing nothing and we encourage them to do farming. We also have women who are doing nothing and we encourage them to do farming by using money from the Women Enterprise Development Fund and the Youth Enterprise Development Fund that targets to assist women, youth and people living with disabilities. The same money can be used for irrigation. My concern here is in the complete process of crop production in our country. My interest lies in value addition.

I support the Bill so long as it is friendly to farmers. Thank you, Hon. Temporary Deputy Speaker for the opportunity you have granted me.

The Temporary Deputy Speaker (Hon. Mariru): We will now have Hon. Odege Mboya, Member for Nyatike Constituency.

Hon. Odege: Thank you very much, Hon. Temporary Deputy Speaker. I stand to support the Irrigation Bill and the creation of an authority. I am a Member of Parliament residing in Nyatike Constituency where we have a scheme called the Lower Kuja Irrigation Scheme where the Government has invested Kshs1 billion.

I want to raise a concern about availability of water. Even though we have two permanent rivers crossing our constituency to discharge their waters in Lake Victoria, we do not have a reasonable dam to sustain that scheme. There is a proposal by the Government to create a dam which would involve four constituencies, namely, Ndhiwa, Awendo, Uriri and Nyatike. The creation of this dam will help the scheme to sustain itself because water for irrigation will be available. In fact, the scheme will turn many parts of Nyanza region into food-secure areas. Here in Parliament, we allocate funds for projects, but the most unfortunate thing is that we do not have the ability to follow up to see whether or not there is value for the money when it goes to projects such as the setting up of irrigation schemes. Take for instance a project where Kshs1

billion was pumped into, you will be surprised that people whose land was acquired by the Government still walk around making claims. When I visited the Ministry and the NIB, it was very shocking to find that money meant for farmers down there has been misplaced and misused and nobody is following up the matter. When we talk about tapping water for irrigation in this country, the Government must be ready to make people account for the money that is allocated for such projects, otherwise we should not be talking about becoming food-secure.

Talking of food security, we have enough land in this country. One of the Members has talked about 70 per cent of land in Kenya being fallow because we have not made good use of it. If, indeed, we are pumping money to make people turn to agriculture for the sake of securing this country in terms of food, the Government should develop a keen interest in ensuring that there is value for money given. When we give out money to be used down there and we do not follow up on its use, then we are in essence helping those who are corrupt. I know people go out there to talk to chiefs and other leaders and then tractors are then seen crisscrossing the constituency. We fail to give an opportunity to the locals to own projects. When you come up with a project and there is no ownership, whom do you intend to benefit? What value do you expect to get from the people? Food security should be taken seriously by leaders both at the national and the local levels. When a project is owned by people, it makes a lot of sense because it will bear importance and value to that community. However, when a project is brought to people who are totally unaware of it, then it is a waste of public funds. It is also wastage to the community because it is not a priority to them.

We need to sit down and agree on how to position the dams we are talking about here. Why should we construct a dam in an area which is overpopulated and does not even have a farmland when we can comfortably do the same in a vast area like Tana River or around River Athi? The Indian Ocean does not need those waters! Why do we allow all the water to drain into the Indian Ocean? The ocean does not need those waters. We need to make good use of those waters starting from Ukambani all the way to Tana River and the rest of the coastal region. That way, we will be in a position to produce a lot of food. When we allow the water to drain into the ocean, which already has more than enough water, then we are, indeed, wasting the water. It is not helping our country. It is my appeal to this House that we allocate the dams equitably, but in areas where they will add value.

When money is allocated for projects, let us follow up on the use of that money and ensure that we get value for it. Let us not allocate money for use in areas that will not add value to this country. When we talk about food security, we need to delink food security from politics so that we can target areas which add value and productivity. We need to take money to areas where people are ready to own the projects.

Thank you, I support.

The Temporary Deputy Speaker (Hon. Mariru): Very well. Shall we now have Hon. Hulufu Oda, Member for Isiolo North?

Hon. Hulufu: Thank you, Hon. Temporary Deputy Speaker, for the opportunity to speak to this Bill. I would like to start by saying that this is a very important Bill. Definitely, as a country, we need to be food-secure. We have the potential to be a food-secure country. Unfortunately, if we continue relying on rain-fed agriculture, we are not going to be food-secure. Most of our irrigation potential, as of today, lies in Kenya's Arid and Semi-Arid Lands (ASAL) areas where some of us come from. Therefore, unless we invest in water harvesting as provided for by this Bill, we may not be able to feed our population, which is approaching 50 million. Agriculture has been and continues to be a key engine for growth in our country. It caters for

roughly 75 per cent of our food needs. The same proportion of our population relies on agriculture for its income directly or indirectly. Therefore, bearing in mind the climate change which is taking place and which is affecting rainfall patterns in our country, the only option we have is to adequately finance irrigation.

I am a first-term Member and I have taken my time, as I always do from the time I joined this House, to go through the entire Bill. I appreciate the various provisions, which in my opinion address the various concerns we have about irrigation in our country. Firstly, we need to appreciate that agriculture is a fully devolved function. For the last five years, there has not been a properly co-ordinated effort between the national Government and the county governments to identify areas suitable for irrigation and invest in the same. We have had NIB sitting in Nairobi, deciding where irrigation projects should be situated and at times without adequate participation of the county government as well as communities where those projects are supposed to take place.

For us in ASAL areas, that kind of approach has not worked for us in the past. After Independence, in the mid 1970s and early 1980s, we had minor donor-funded irrigation schemes. For example, in my county of Isiolo, we had Merti Minor Irrigation Scheme, Malkadaka Irrigation Scheme, Rapsu Irrigation Scheme and Gafarsa Irrigation Scheme. None of those irrigation schemes succeeded basically because they were designed by experts in Nairobi and imposed on the communities which were not at the time even prepared to do farming because these are pure pastoral setups. Despite billions of Kenya shillings being sunk into those projects, their intended objectives have not been achieved. Therefore, as we support this Bill - hopefully it will go through and probably His Excellency the President will assent to it - we need to learn from those past failed projects. Most of these projects will probably end up being implemented in the ASAL areas.

The issue of damming of rivers to support irrigation is of special concern to us in the ASAL areas. We want to see a situation where we make dams and achieve our food security objective, but at the same time we should not disadvantage the downstream users who in most cases are farmers. What I have appreciated in this Bill is that it does not look at irrigation or providing water only for crop farming, but it also talks of the rights of livestock owners. It also talks of rights of those who want to do fish farming and other farm activities. That is positive.

The other provision which has also impressed me is the aspect of investing in water infrastructure for irrigation. The only concern, as I have already said, is that we have to be careful when we are damming rivers. It is true we have a lot of run-off water. For example, in the current rainy season, after going through two years of very severe drought in most ASAL areas, we are already experiencing torrential rains.

We should focus on ASAL and damming the run-off water rather than damming of rivers. In particular, as a representative of Isiolo North and by extension an ASAL area which relies on River Ewaso Nyiro, I would like to express my concern on intentions to create a dam along River Ewaso Nyiro at a place called Crocodile Jaw. The intention is good but our feeling is that it will only benefit the upstream users.

Again, this Bill, in line with the provisions of our Constitution, provides for compensation of people whose land will be acquired to either create space for dams or for an irrigation scheme. It is something very positive. We have had situations where the Government decides where to put up irrigation schemes and it is assumed that, particularly if it is an ASAL area, the land does not belong to any body. There are no individual titles and it is community land. The issue of compensation is never considered. Under the current constitutional

dispensation and the Community Land Act which was passed by the 11th Parliament, we have good provisions to protect the interests of people who make way for irrigation schemes.

Most of the times, irrigation schemes are created in ASAL areas and this is a source of conflict. In this proposed legislation, there is provision which talks about inter-catchment planning. When a river is emanating from a county and it is intended to be used in another county, it acts as source of conflict. There is provision for handling that kind of tension between different counties. It is something which makes this Bill very good in addressing the challenges that we have in implementing irrigation in our country.

It also appreciates and recognises irrigation water users as a group which can work together, discuss their issues and resolve their conflicts. If they are not able to resolve their conflicts using their own internal mechanisms, they can go to the regional conflict resolution board or the water appeals board. This kind of arrangement has not been backed by law in the past. It is something we need to appreciate.

We have situations in the past where money is pumped into irrigation schemes like it happened in Bura, and when farmers realise a bumper harvest, there is no provision of taking care of the bumper harvest, in terms of post-harvest storage, so that we do not have farmers incurring post-harvest losses. This proposed legislation also provides for support in terms of the marketing of produce which is realised from irrigation schemes. The NIB used to mainly focus on their own schemes. But we have a lot of local schemes. This proposed legislation also considers supporting private irrigation schemes and community irrigation schemes. It is a positive thing. It also provides for supporting of research needs identified by counties. In the past, research was done at the national level. What was tried in parts of the country, if it was crop varieties, was assumed to be appropriate for another part of the country. It provides for working with the counties and supporting specific research needs. There are a lot of positive things which I have noted. My time is out, but I support. We need to adequately fund the authority which is going to be established by this proposed law. We need to ensure that we do proper oversight to make sure the money that is allocated is not misappropriated.

(Hon. Hulufu spoke off the record)

The Temporary Deputy Speaker (Hon. Mariru): Hon. Oda, your time is up. Clearly, you have made your point. Hon. Kaunya Oku, Member for Teso North, you have the Floor.

Hon. Kaunya: Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity. I stand to support this Bill.

I am supporting it from the standpoint that this Bill will contribute to food security in the country a great deal. In the constituency I come from, Teso North, food insecurity has increased over the years. In the early 1970s, every home had a granary. Today, very few homes have granaries full of grains today. This Bill, with the formation of NIDA, will be the answer that we need to address food needs.

Water supplies in this country is excess. The problem we have is - and I hope this Bill will address it - the maximisation of the use of the water to benefit our farmers and to produce enough food. We have a very important road in Teso North. It is a security road and one that is managed by the KeNHA, namely, the Busia-Malaba Road. If you pass there today, it has become a lake. It is full of water. Vehicles cannot pass through. That means that we have water which needs to be diverted for the purpose of irrigation. This water damages roads because it is in the wrong place. If we utilise all the water sources that we have, it will be good. Even the dry areas

of Kenya like North Eastern always receive a lot of rainfall and experience flooding. Indeed, during the recent rains, we have witnessed a lot of overflowing in certain areas. We believe that maximum use of the water from the floods, rivers and lakes will help us to address food shortage and empower our farmers. Irrigation will not only address food shortages, but it will also address issues of empowering farmers in terms of income generation. That means crops that can be grown for cash crop production and for our industrial use can be grown through irrigation.

The key aspect that I would want to see in the implementation of the Bill is addressing the 75 per cent of our farms. Small holder farmers' practice covers 75 per cent. When we sometimes start these irrigation schemes, we look at it from a much bigger perspective. When they fail, they really affect the large-scale farming area yet the percentage of our production, the larger percentage of our food production and even cash crop production which constitutes 75 per cent comes from the smallholder farmers.

The emphasis on implementation should be to ensure that smallholder farmers are engaged and participate in these irrigation schemes. I support what the Members have raised on the issue of inclusivity or equity. Equity in terms of the distribution of these schemes is quite important, so that all areas in Kenya which can be considered for irrigation, take part. Nearly the whole country requires irrigation. There are areas which are very dry and require full scale irrigation, but most of the other areas, even one season is not enough to ensure the food security that we need. That inclusivity and equity in the distribution of this particular programme of irrigation across the country will also enhance our integration and cohesion as a country.

With that, I support the Bill.

The Temporary Deputy Speaker (Hon. Mariru): Before I get to my right side, which I must, allow me to give a chance to the one on top of my list, who is on my left. Hon. Nguna Ngusia, Member for Mwingi West.

Hon. Nguna: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. Before I embark on the business of the day, I would like to take this opportunity to congratulate Hon. Faith Nyenze for being elected and sworn in today as the Member of Parliament for Kitui West. She is my neighbour and I am proud of her. Her husband really championed one project in our area, which is the Bondoni-Kabati Road to be tarmacked. The best gift the Government can give to her is to tarmack that road.

This Bill is in line with Vision 2030 and the Millennium Development Goals (MDGs). It will help to deal with the food insecurity that we are experiencing. Intensified irrigation schemes will increase agricultural productivity which will have multiplier effect in our economy and in particular, increase food productivity, which will result to creation of jobs. This will then increase food security. About 80 per cent of our land is ASAL especially in Ukambani, where I come from. I would like to request that we focus more on objectivity rather than regional rewards in politics. This will ensure that we are able to feed this country fully. Most of these projects should be initiated in ASALs areas, which have increased due to the effects of climate change and land degradation by human economic factors.

The Bill is so well-structured that if executed, I am sure we are going to benefit everybody in this country. I like the aspect of county participation in this Bill. We are going to see creation of the County Irrigation Development Unit and this will ensure that counties are not left out by the national Government. There is also the aspect of creating the Irrigation Development Fund, which is going to help the National Irrigation Development Authority in executing its duties. So, the structures are clear although emphasis must be given in terms of

who is going to appoint who in that management. I am so excited to see the Thwake Dam Project happening in Ukambani and I know it will benefit three counties.

Let me emphasise the issue of compensation of people in areas where the projects will be done. I would like to see a fair, just and prompt compensation if we are going to set up irrigation schemes and make sure that everybody is adequately and properly compensated. Before I conclude, let me thank the Committee and say that if we benchmark, especially with some of the local successful projects that we have carried out like the Mwea Irrigation Scheme, we will come up with a comprehensive and helpful scheme.

With those few remarks, I support this relevant, well-structured Bill. Thank you very much.

The Temporary Deputy Speaker (Hon. Mariru): Hon. Iringo Kubai, you have the Floor.

Hon. Kubai Iringo: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I will follow suit with what my colleagues have said in support of the Bill. Once it is enacted, it will cure a lot of problems which have been bedeviling the National Irrigation Board. The Act which is governing the NIB today has been overtaken by events and was enacted a long time ago that it does not hold water anymore. That is why the NIB has never realised anything tangible which we can be proud of as a country. It is there in name, but the product of what has been irrigated and the areas we could be talking of are not there.

Knowing that agriculture is the backbone of this country and the mainstay of households, it is very sad and disheartening when as a Government, we cannot put in place structures to ensure that this industry is sustained to the level where we do not beg food from other countries. It is a shame for Tanzania to give us food. It is a shame to import rice from Taiwan, India or Brazil, whereas we have very good soils which can grow rice in Mwea, Tana River and some parts of Nyanza. The problem is that we have mismanaged irrigation. When it rains, we cry foul that rains are sweeping away bridges, people and houses and inconveniencing everybody including the system and even the Ministry of Water and Irrigation. The rains then pour their waters into the ocean and lakes and we are left with nothing. Then erosion takes its toll on us. During droughts, the pitch of cries is the same as those during the rains. It is very sad when we have technocrats and educated people who could have designed dams and water pans for this country to benefit.

I am happy that this Bill will bring life into the Board. It is going to sweep out the NIB and put in a new one with proper laws. If the current laws are the ones which make the Board toothless, let us hope that once we put this law into place, principal secretaries in the Ministry of Agriculture, Livestock and Fisheries and in the Ministry of Water and Irrigation, who will be members of the board, will use their energies and offices to actualise what the Government intends to do through the Board.

Just the other day when he was sworn in, the President talked of four pillars of his legacy and one of them was food security. We can never have food in this country without water and we have a lot of water, but we do not harvest it. We have TARDA. When you go to their offices in Nanyuki and Nyeri, you find them seated there. What they do is to just pass papers in the office. You find a paper just being taken around in circles. When Hon. Wamalwa was the CS for Water and Irrigation, we went all the way to Meru. He spent two days in Meru and one day in Tharaka-Nithi - three days in the greater Meru region - with all the leadership. We visited the various spots which had been earmarked for the construction of mega and small dams. The plans were drawn, everything was done and the Government said funding would be provided. To date, whatever was planned has never seen the light of day. Wamalwa is in another ministry.

Somebody else in the same ministry is handling the issue and I do not know when it will see the light of day. The intentions of the Government and those of the President are there, but even if we pass this Bill, if the officers do not put their best feet forward and start implementing the same, it will be an effort in futility.

We have streams and rivers in our local areas. During the dry spell, because there is no law anywhere and NIB is as good as dead, you find that everybody is siphoning water from the stream. People have bought pumps. Others are using gravity. You find that a river which flows for five or three kilometres does not go for even one kilometre because it dries on the way. Everybody is siphoning water to irrigate their small *shambas* and kitchen gardens. We have extension agricultural officers and water engineers in our counties. We need these people to wake up. Erosion has taken a toll on this country. Mountains have all gone into the ocean. Roads have been swept away. All this has happened because people are sleeping on their jobs. Agricultural extension officers should be moving from village to village to show people how to, at least, harvest water from their roofs and put it in tanks which they can use for weeks or even months before the rains are back.

For instance, in our schools, if we can harvest all the water which comes from the iron sheet roofs and conserve it in tanks, every school would have two to three acres under irrigation and this would feed the students and the villagers. The only problem is that we have never looked into how we can harvest this water. It is a shame. A country like the United Arab Emirates imports soil - they do not have soil - and filters water and plants flowers and fruits. They have got better gardens than ours. Look at Israel or Egypt, they do not have fertile soil. You cannot talk of a desert anywhere in Kenya. We have good soils. We only lack water. If we can get water in areas like Marsabit, Wajir, Mandera, Isiolo, where we have clay and cotton soils, we can produce a lot of food there. But we do not have water. If we collect all the water that comes every rainy season and it is properly conserved, we can have water to last this country until the next rainy season. That is why once we put this law in place, we should have officers to implement it, put it into practice and prove that we have enacted a law which has guided them to the extent that we can see the fruits of the labour of this Parliament and the committee which did this work. This will also increase food security in this country. We cannot continue begging from the people we should be feeding. Again, it is a shame. Therefore, let us say this is the beginning of the end of our problems once we put this law in place.

With those remarks, I thank you, Hon. Temporary Deputy Speaker and I support the Bill.

The Temporary Deputy Speaker (Hon. Mariru): I can tell Members have been extremely patient on this Bill. Looking at the time, each of the Members who would like to contribute will have their time. On my left, one Member has caught my eye - of course all of them have - as extremely patient. Hon. Okuome Adipo, Member for Karachuonyo, you have the Floor.

Hon. Okuome: Thank you, Hon. Temporary Deputy Speaker. I am glad you noted I have really waited. I knew my time would come however late. I was waiting because of the nature of debate. This Bill is perhaps one of the most important Bills we can have in this House. My reason for saying this is that you cannot do anything unless you have food in your stomach. This Bill is empowering everybody in Kenya because it is going to put food on our table.

Kenya is known to be an agricultural country. Since I was a school boy, this is what I was taught. But I do not think we have lived to this kind of glory statement. I feel we have not done enough in agriculture. A number of times Kenya does not have food and people go hungry. We have seen it in the media. I remember around 2006 or 2007, flour was being imported into the

country. Last year, when we were campaigning for the seats we now occupy, we had a similar problem. There was no food. The Government had to do all things possible so that Kenyans could feed themselves. This is not what we deserve.

Irrigation is key for us to have food for ourselves. If we engage in agriculture, our youth will get employment. If we engage in irrigation, because the best way of doing agriculture is through irrigation and my colleagues have emphasised that enough, our youth will be employed in the agricultural sector. However, we need to do agriculture which will also help us to be industrialised. We need to be industrialised using agricultural raw materials for our needs. If this is done, then the industry will employ many of our youth. This is one way of solving the problem of unemployment that we face.

Food security is important. Some of us may not even have land to till. The industries I am talking about, be they small or big, as long as they are agriculturally based, will employ people.

Hon. Temporary Deputy Speaker, during last week's short recess, I was in Karachuonyo, my home constituency and talked to my people about agriculture. I told them of the need to engage in agriculture so as to enable them to get some money. That is one way of empowering the ordinary person. They brought to my attention the inadequacy of rain water for agriculture. Our rain cannot be relied on entirely. However, with irrigation schemes, we can have more than one harvesting season.

I spoke with the East African Breweries Limited (EABL) so that my constituency can be enlisted as one of the areas from where the raw material for the new factory in Kisumu is got from. They accepted my request. However, they asked me whether we have any irrigation scheme in Karachuonyo. Of course, we do. Without an irrigation scheme, it would mean that we rely on one harvesting season and that is not sufficient. Since we have a small irrigation scheme in Karachuonyo, they were wondering whether that could be expanded. I am talking of Kimira-Oluch Irrigation Scheme, which covers two constituencies. Much as we want to use Kimira-Oluch, it is not functioning properly. It is now two years and yet the project is still incomplete. I would wish to ask the Government to complete it. The main canals are finished, but the feeder canals are non-existent in a number of places hampering the farming level we would like to achieve.

I have even spoken to the NIB which will soon be replaced by the National Irrigation Authority. Its problem is that it does not have money. It has the will, but it lacks money. We have extension officers, but it is like they are non-existent. They do not even have bicycles to move from one point to another. They are extension officers and they should be in a position to reach farmers in all corners of the constituency in order to advise them in terms of engaging in meaningful agriculture.

It is high time we moved away from subsistence agriculture to a much higher level. We should be able to produce extra for export. It is the only time we will say that our agriculture means something to us. If you look at our national Budget, the Ministry in charge of agriculture gets a smaller allocation than other ministries. I feel it ought to get a meaningful allocation so that it can do its work properly. I am not saying that those other ministries do not need the money as much. They do. I started by saying that we can only exist on this planet if we use our agriculture well. We should not be dependent on other countries for our livelihood. We need food. Without it, we cannot exist. Therefore, let us allocate some good money for purposes of agriculture, so that we can get food on our table. You know agriculture is food.

Hon. Temporary Deputy Speaker, I do not want to repeat what my colleagues have said before me, but it is important to add that when setting up irrigation schemes, we should not

forget about water for domestic use. Water for irrigation can be extended for domestic use so that we kill two birds with one stone.

With those remarks, I support the Bill. Thank you.

The Temporary Deputy Speaker (Hon. Mariru): Very well, Member for Karachuonyo. Let us have Hon. Andrew Mwadime, Member for Mwatate.

(Technical hitch)

Hon. Mwadime: ...kwa ukweli, mabwawa ni muhimu katika karne hii. Mazingira...

The Temporary Deputy Speaker (Hon. Mariru): Order, Hon. Mwadime! Just for you to be on record, could you, please, use the next microphone? It is on.

Hon. Mwadime: Mhe. Naibu Spika wa Muda, mazingira yameharibika. Ile mvua tulikuwa tunapata zamani haipo tena. Mtu anapoongea juu ya unyunyizaji maji wa mashamba, huo ni mwelekeo mwema. Mwenyezi Mungu, kabla hajatumba sisi binadamu, alitupatia maji, hewa na chakula. Vitu vingine kama vile nguo na usalama yalikuja baadaye. Ukimpa binadamu chakula, utakuwa umempa maendeleo.

Ukifananiha nchi yetu ya Kenya na nchi zingine, utakuta kwamba Mwenyezi Mungu alitupa ardhi nzuri ambayo ina rotuba nyingi. Shida ni kwamba mipangilio yetu haiko sawa sawa. Yule aliyeleta huu Mswada kuhusu unyunyizaji maji sharti tumpe kongole.

Kule kwangu katika Kaunti ya Taita, Eneo Bunge la Mwatate, kuna milima mingi. Mikondo ya maji pia ni mingi. Kila wakati maji ya mvua yanabomoa nyumba za watu. Maji hayo huwa mengi kiasi cha kuathiri wananchi. Tungekuwa tunatengeneza mabwawa ama *check dams*, basi tungewasaidia wananchi pakubwa sana. Hayo maji yaliyohifadhiwa yanaweza kutumika na wafugaji kwa mifugo yao na hata yakanywiwa na watu. Aidha yatatumika katika unyunyizaji maji kwa mashamba na mambo mengine mengi.

Rotuba ya Taita Taveta na Mwatate kwa ujumla ikipata maji inaweza kulisha Kenya nzima. Maji tu ndiyo tatizo kubwa. Wananchi sasa hivi wanashindana na wanyama kwa sababu ya maji. Nakumbuka mwaka juzi, Februari, tulipoteza watu kumi na wanane kwa sababu ya kutumia maji yaliyokuwa na madhara. Kule kuna madini. Ukichimba kisima utagundua kwamba maji yake yana madini. Baada ya muda mrefu, wananchi wanaokunywa hayo maji hupatikana na matatizo. Mabwawa yakitengenezwa, yatasaidia sana. Yale maji ambayo huelekea baharini tutayahifadhi. Lakini yakizuliwa itakuwa vizuri. Kama unavyofahamu, kule kwetu Taita Taveta ndiyo eneo pekee hapa Kenya ambayo ni *disease free zone*. Hata watu ambao wanalisha ng'ombe wakitaka kuziua wanazileta huko kwetu. Lakini, maji ni tatizo kwetu. Tukiwa na mabawa jimbo letu litakuwa na maendeleo mengi na kwa jumla litasaidia Kenya nzima.

Makazi yamekuwa ni taabu. Hapa nchini Kenya wananchi wengi ni wakulima. Kwa kweli, Serikali yetu inapaswa kutenga pesa za kutosha ili kujenga mabawa. Tunapaswa kuwa na mpangilio sawasawa ndio tuzidi kuenda mbele. Wahenga walisema kwamba, 'panapo hela basi hapo hela zitaongezeka.' Pia vile vile, panapo maji pia maji yataongezeka. Hii ni kumaanisha haya mabawa yakijengwa basi watu wataanza kupanda miti ambayo italeta mvua. Pia mzingara yatakuwa kama yalivyokuwa hapo awali.

Mbunge ambaye ameleta Mswada huu amefikiria wakati mwafaka. Basi tunapaswa kuunga mkono na kuhakikisha kwamba umetokelezwa. Wenzangu wameongea mengi na singependa kurejelea yale wameongea. Nashukuru kwa kupatiwa fursa hii.

Asante sana, Mhe. Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. Mariru): We shall now have Hon. Lentoimaga Musa, Member for Samburu North.

Hon. Lentoimaga: Thank you, Hon. Speaker for giving me this opportunity. I rise to support this Bill because it is very important and informative. I know it will enable Kenyans to bring food to their tables.

I come from an ASAL area. Many Kenyans think that irrigation is done alongside permanent rivers and lakes. I happen to have visited India in 2005 as a civil servant and I found that in northern India, most places are very dry and similar to northern Kenya. We did research, fact finding and benchmarking and realised that every village with 10,000 people had a mega dam and its construction could cost about Kshs500 million and above. Those mega dams provided water for irrigation, animals and domestic use. Also, there was infrastructure to deliver water to the many farms and for wildlife.

This Bill should be implemented in the whole country and not only in Mwea or Tana River, so that it can assist us. In northern Kenya, there is water shortage and a lot of water is wasted because it is not harvested. It goes to the ocean. I want to send my condolences to my constituents in Arsim. Yesterday, we lost five family members because of floods and 20 families were displaced. This morning, I made an appeal to the Red Cross and well wishers to donate non-food and food items to the affected families, by flood waters.

In northern Kenya day in, day out, we are feed by the Government. Relief is the order of the day. Yet, during the rainy season there is a lot of water going to waste. The place is so green and we are very happy for now. However, after three months when the rains stop, we will go back to relief food.

There are many dams which were even constructed by the colonial government, which are already silted. They have not been used at all. I appeal to the Government that when this Bill goes through and the President assents to it, let those dams be converted into mega dams so that we can capture the three pillars of the vision of the Jubilee Government in ensuring that there is sufficient food for our people. If mega dams are constructed, we can also grow grass for our livestock. Grass will be plenty because that water, apart from being used to irrigate crops, can also be used to grow grass so that our animals can benefit from that grass. One of the biggest problems for livestock keepers is search for water and pasture. Pasture can be available if we have enough water that can irrigate grass and give livestock water as well as crops.

This Bill talks about research. The Authority can undertake research in areas that have no dams to get catchment. The water that runs away has some catchment. There must be some small or big dry riverbeds that during the rainy season supply a lot of water. If research is utilised, then we can identify the areas that are suitable for dams and more dams can be constructed. About the Authority, it is important that this Bill also creates an authority rather than a board. I am happy that the Bill talks about a period for members of the Authority. I think we need to go further and not just say 'three years'. What are the three years for? The contract must for three years of performance. Most of the boards that we create and appoint members to are meant to reward people. We do not care about what comes out of the members of the board. There should be a rider that the members must perform. There must be due diligence to ensure that there is work that can be seen to have been done after the end of the contract.

The other very important issue that Members have also mentioned is that of consultation. Because of the new Constitution, people are aware of what they want to be done on the ground. This consultation is very key. I am very happy that this Bill talks about consultation between the stakeholders like county governments, farmers, livestock keepers and anybody that is interested

in knowing what is going on. Otherwise, if we do without consultations, then we will run a risk of not even completing the kind of projects we want to do. To make it worse, we who come from northern Kenya, one big disease that has killed our development initiatives is centralisation. Projects are designed here in Nairobi and pushed to us through our throats without us being asked what we need and what we wanted to do. If this Bill is going to ensure that there is consultation, then it will help us to assist our people to get solutions and make decisions.

The other issue is dispute resolution. Of course, many people can complain. You know everybody in this country is so litigious. Every time, people run to court. The other day, I saw the CS talking about somebody who has more than 50 orders. So, this construction should be done to avoid such kind of situations where people run to court. There is the issue of periodic audit. I support the Bill because there is a provision for auditing irrigation schemes and every other thing that is done. I support it because of that issue.

Finally, some of those authorities are only based in Nairobi. When I visited India, I saw an authority like this one has offices in almost every county. It is an amorphous, big, authoritative and strong authority. This authority should not be based in Nairobi alone. Maybe during the Committee of the whole House, we will propose an amendment to ensure that it is a regional Authority like the Water Services Regulatory Board (WASREB) that has regional offices. It needs to be decentralized, so that it benefits people in many ways. When we put it in Nairobi, only people from there will be employed in that Authority. But when there is a branch in Nanyuki or Maralal, we can employ a messenger there. This needs to be put in place as we go to the Committee of the whole House stage of the Bill.

With those very many remarks, I support this Bill. I hope it will change the lifestyle and food production across the breadth and width of this country.

The Temporary Deputy Speaker (Hon. Mariru): We shall now have Hon. Oyula Maero, Member for Butula.

Hon. Oyula: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to also contribute to this very important Bill.

This Bill, as you know, is very important in that it is geared towards improving irrigation in the country. This Bill has come up with issues regarding associations for irrigation schemes. It encourages small-scale schemes on irrigation which will help the people who are in crowded areas but have facilities from where they can engage in irrigation. For instance, in my constituency, we have very many beautiful river basins which are not utilised. I hope with this Bill in place, we will have a lot of small schemes scattered all over the constituency.

The other very interesting thing with this Bill is the creation of the Irrigation Development Fund. Irrigation, in its own nature, is labour intensive. Therefore, because of that, not many people have gone into irrigation. However, with the creation of the Fund, I believe people will now try to get the funds for irrigation purposes. Those funds should be decentralised to the county level. At the county level, it will be easy to access the funds for irrigation purposes.

This Bill is very timely and it will help a lot of us in the rural areas who cannot be covered by large irrigation schemes. In western particularly, we cannot have large irrigation schemes. That is why I am happy with the introduction of associations which will be formed to cover small irrigation schemes. The County Irrigation Development Units will also help the county in promoting irrigation schemes. Those units, if well organised and arranged, will support the small-scale farmers. Let us not forget that the green maize we see in the streets comes from small irrigation schemes. Therefore, we should put more effort and emphasis in encouraging those small irrigation schemes which will promote employment among the youths.

Hon. Temporary Deputy Speaker, I just wanted to contribute that much. I beg to support the Bill. Thank you.

The Temporary Deputy Speaker (Hon. Mariru): From my screen, Members have had sufficient time on this Bill. There is no further registered interest on this Bill. In the circumstances, I shall invite the Mover, the Leader of the Majority Party, to reply.

Hon. A.B. Duale: Thank you, Hon. Temporary Deputy Speaker. First, I want to thank my colleagues who took a lot of time this afternoon to enrich this Bill which is from the Executive. I am sure with the amendments that will come from the Committee and individual Members, this momentous Bill or piece of legislation that is repealing the Irrigation Act will be the first one by the 12th Parliament to make our country food-sufficient and also have food surplus. It will also change our agricultural system from a rain-fed one to an irrigation-fed system of agriculture. That is what will make us join countries like Egypt and Sudan in terms of agricultural development.

The principal objective of this Bill is to promote, regulate, develop, maintain and create a financing mechanism and build the infrastructure of irrigation in Kenya.

With those many remarks, I beg to reply.

The Temporary Deputy Speaker (Hon. Mariru): We will defer putting of the Question on that particular Bill. Next Order.

(Putting of the Question deferred)

Second Reading

THE ENERGY BILL

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I really want to indulge you that we defer this Bill to tomorrow in the afternoon. The Chairman of the Departmental Committee on Energy is seated next to me. He has submitted the Reports of both the Energy Bill and the Petroleum (Exploration, Development and Production) Bill to the Speaker for approval. So, it will be fair if he tables the Bill tomorrow in the morning and then we discuss it in the afternoon. It is a very important Bill. We can make it as the first item tomorrow in the afternoon. I will take it to the House Business Committee (HBC). If the Committee agrees with me, then we will discuss it tomorrow in the afternoon. The Chairman will table the Report tomorrow Wednesday in the morning.

The Temporary Deputy Speaker (Hon. Mariru): In light of that request and reason, I direct that Order No.10 be stepped down.

(Bill deferred)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Mariru): Hon. Members, there being no other business and the time being 6.38 p.m, this House stands adjourned until tomorrow, Wednesday, 11th April 2018 at 9.30 a.m.

The House rose at 6.38 p.m.