

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 4<sup>th</sup> June, 2013

The House met at 2.30 p.m.

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

### PRAYERS

### MESSAGE

#### APPOINTMENT OF FOREIGN JUDGES TO THE JUDGES AND MAGISTRATES VETTING BOARD

**Hon. Speaker:** Hon. Members, Standing Order No.42 (1) relating to messages from the President provides that the Speaker shall read to the House any message from the President delivered to the Speaker for communication to the House.

In this regard, hon. Members, I wish to convey the following message from His Excellency the President. The message whose subject is “Appointment of Foreign Judges as Members of the Judges and Magistrates Vetting Board” was submitted by way of a letter dated 27<sup>th</sup> May 2013, addressed to my Office for submission to the House. The message reads as follows:

“In exercise of powers conferred upon me by Section 9(13) of the Vetting of Judges and Magistrates Act No.2 of 2011, I hereby forward three names of foreign judges for onward transmission to the National Assembly for consideration to be members of the above mentioned board.

1. Justice (Rtd.) Barnabas Albert Semalta of Tanzania
2. Hon. Lady Justice A.E.N. Mpagi-Mahigeine of Uganda
3. Hon. Justice Joseph Asoka Nihal De Silva of Sri Lanka

Their curriculum vitae are attached hereby.”

Hon. Members, Standing Order No.45 requires that upon receipt of notification of nomination for appointments, such nomination shall stand committed to the relevant Departmental Committee of the House for consideration.

Pursuant to the provisions of the said Standing Order, therefore, and Standing Order No.42(3) relating to messages from the President, I hereby refer the message from His Excellency the President containing the names of the three nominees, together with their curriculum vitae to the Departmental Committee on Justice and Legal Affairs to undertake the necessary hearings.

Hon. Members, Section 9(8) of the Judges and Magistrates Vetting Act No.2 of 2011 provides:

“The National Assembly shall, within 14 days of receipt of the nominees under Sub-section 7, consider all nominations received and may approve or reject any nomination.”

In this regard, I wish to guide the Committee and the House. The Departmental Committee on Justice and Legal Affairs should notify the nominees and the general public of the time and place for holding the approval hearings in good time. In order to manage our time optimally, the notification should, therefore, be made tomorrow, Wednesday, 5<sup>th</sup> June, 2013.

The Committee may, therefore, undertake the approval hearings between 10<sup>th</sup> and 12<sup>th</sup> June, 2013. Thereafter, the Committee should table its Report before this House on or before 13<sup>th</sup> June. This will accord the House sufficient time to study the Report. The House shall, therefore, consider the Report on 18<sup>th</sup> June, 2013.

Thank you.

### NOTICE OF MOTION

#### KENYA’S ECONOMIC TRADE AGREEMENTS WITH EU

**Hon. (Dr.) Laboso:** Hon. Speaker, Sir, I beg to give notice of the following Motion:

THAT, aware that since the signing of the Cotonou Agreement in the year 2000, the Government has been negotiating Economic Trade Agreements (EPAs) with the European Union (EU) together with other member States of the Eastern Africa region; further aware of the concerns raised by the Eastern Africa region on the contentious aspects of the EPAs, including offering undue advantage to products from other markets at the expense of growth of local and regional industries; further taking cognizance of the adverse effect that EPAs had projected to have on Kenya’s economy particularly on agriculture and manufacturing sector; aware of an eminent amendment of EU market access regulation whose effect is that the 18 countries which have not signed or ratified the full EPAs most of which are from Sub-Saharan Africa, Kenya included, will henceforth be removed from duty-free access to the EU markets; further aware that once removed, Kenyan products will from 2016 cease to access the EU market without paying duty; and that the national economy is estimated to lose more than Kshs10 billion in that year alone, this House urges the Government not to sign the EPAs in their current form until all contentious issues raised by the Eastern Africa region, and Kenya in particular, are addressed and that the Government continues to explore trade negotiations with EU.

### POINTS OF ORDER

#### ESTABLISHMENT/COMPOSITION/OPERATION OF CONSTITUTIONAL COMMISSIONS

**Hon. Ng'ongo:** Hon. Speaker, Sir, I rise pursuant to Standing Order No.44(2)(c) to request for a Ministerial Statement from the Chairperson of the Budget and Appropriations Committee regarding the establishment, composition and operation of all constitutional Commissions in Kenya. This House has a constitutional responsibility under Article 95(4)(c) to exercise oversight over national revenue and its expenditure. This is a responsibility shared with no other institution of the Republic of Kenya.

I want to further state that the Public Finance Management Act, under Part 1 Section 2, defines wasteful expenditure as any expenditure incurred which could have been avoided had due care and diligence been exercised. This House is required by law under the Public Finance Management Act, Section 7(b) to monitor adherence by Parliament, the Judiciary and the national Government and its entities to the principles of public finance and others as set out in the Constitution which includes but is not limited to openness and accountability; public money shall be used in a prudent and responsible way and to the fiscal responsibility principles of the Public Finance Management Act. I want to particularly cite Section 16(2)(b) that the national Government expenditure on wages and benefits for its public officers shall not exceed a percentage of the national Government revenue as prescribed by regulations.

Finally, Article 254(1)(2) gives powers to the President and the National Assembly to at any time, require a Commission or holder of an independent office to submit a report on a particular issue. In that regard, I would ask the Chairperson of the Budget and Appropriations Committee:

(i) To table before the House the salaries and allowances of all members of constitutional commissions, including their sitting allowances and rates per sitting.

(ii) State how many vehicles are allocated to a Commissioner and the monthly cost of running those vehicles including fuel and maintenance cost as per Commissioner.

(iii) Explain to the House the criteria used to arrive at the existing salaries and allowances of members of constitutional Commissions.

In the spirit of transparency and accountability, it is my prayer that this comprehensive Statement be delivered as soon as possible to this House, so that Members can better exercise oversight in the ongoing effort to bring down the wage bill. I would like to conclude by saying that last week I said that we are going to help His Excellency the President to bring down the cost of running the Government. Those who thought that it was just an empty talk should now realize that this is the beginning of a long journey to ensuring that we rationalize public expenditure and look into the Commissions. When the Chairperson brings the report, I expect him to include why we should, for example, have three security officers for a Commissioner who may not even be spotted when he walks along the streets of Nairobi. Why should we have a huge budget on advertisement under the Commission on the Implementation of the Constitution chaired by Mr. Charles Nyachae? Is it not easier and cheaper to write a letter to Parliament? If he wants publicity, he can present it to the media. He should invite all the media houses and even circulate a copy rather than buy a full page in the newspapers which costs millions of shillings. This is something that this country has to get involved in. This House must exercise its oversight responsibility.

**Hon. Speaker:** The Chairman of the Budget and Appropriations Committee, do you want to indicate when you may be ready with that Statement, comprehensively as indicated?

**Hon. Musyimi:** Hon. Speaker, Sir, as indeed you and this House are aware, we are currently dealing with matters of the Budget Estimates this week and I believe next week. I wish to beg that we get not less than a month from today, so that we can do a comprehensive job.

**Hon. Speaker:** Hon. Ng'ongo, Hon. Musyimi has given reasons for seeking one month. What is your view?

**Hon. Ng'ongo:** Hon. Speaker, Sir, whereas I agree with my Chair - because I also sit in this Committee - that our programmes are a little bit congested, the Commissions I am talking about number around 10 to 12. This information should be available with the Commissioners. I would request my Chair to reconsider and have that done within two weeks.

**Hon. Musyimi:** Hon. Speaker, Sir, then I request for three weeks from today. We meet half-way.

**Hon. Speaker:** Very well! Hon. Ng'ongo sits in that Committee and I am sure he is aware of the workload that is there. I am sure the two of them can agree. Three weeks?

**Hon. Ng'ongo:** Hon. Speaker, Sir, I am just concerned. The reason why I want this information is for this House to have an informed and objective way of looking at those Commissions. We cannot wait longer to rationalize them. Otherwise, we will not help the Government in reducing the expenses. So, if we could do that within two weeks, my Chair will agree with me that after Tuesday, probably, we will have enough time to look into this matter.

**Hon. Speaker:** Alright, the Statement should be delivered in two weeks' time from today. The other request is from Hon. James Opiyo Wandayi.

#### GOVERNMENT'S POSITION ON CRIMINAL CASES BEFORE THE INTERNATIONAL CRIMINAL COURT

**Hon. Wandayi:** Hon. Speaker, Sir, I wish to request for a Statement from the Chairman of the Committee on Justice and Legal Affairs. Article 2(5) of the Constitution is very clear. In fact, it provides that "All general rules of international law shall form part of the law of Kenya".

Kenya is a signatory to the Rome Statute. It has gone further and domesticated the Rome Statute by enacting The International Crimes Act. I would like the Chairman to clarify the following issues in view of the recent developments:

(i) The position of the Government of the Republic of Kenya on its cooperation with the International Criminal Court (ICC) as obligated by the Rome Statute.

(ii) The position of the Government on certain statements that have been attributed to the Government's representative to the United Nations calling for the termination of the criminal cases against three Kenyans at the ICC; in fact, petitioning the Security Council of the United Nations while knowing very well that it has no power to compel the ICC to terminate charges facing certain Kenyans.

(iii) The position of the Government on the resolution of the 21<sup>st</sup> Ordinary Session of the African Union held in Addis Ababa, Ethiopia, on 26<sup>th</sup> May, 2013, which called for the referral of the Kenyan cases at the ICC back to Kenya. Implied in that resolution was a threat of mass withdrawal from the Rome Statute by some African states or governments. We know very clearly that membership to the Rome Statute is individual. Could he clarify the Government's position on this matter? More so, he should bear in mind that the culture of impunity that has been with us in this continent for a long time needs to be contained. He should also bear in mind that some of the leading voices in that resolution were our neighbouring countries which, of course, have very questionable human rights records. Could he clarify if Kenya is a party to some of those countries' machinations in terms of propagating or furthering their expansionist agenda?

(iv) The capacity and preparedness of the Government to investigate and prosecute the three ICC cases if and when they are referred back to Kenya, bearing in mind that there has been no single successful prosecution of cases related to the post-election violence in this country.

(v) If there is any guarantee that in the event that the cases are referred back to Kenya, the hapless victims of post-election violence stand any chance of getting justice for those heinous crimes. Our hearts must be bleeding for the victims of those heinous crimes. Remember with a lot of sadness, for example, the sad episode in Eldoret Church; Kiambaa Church, remember with sadness the very traumatic episode of a man losing an entire family in Naivasha. Can he give a guarantee that those hapless victims will get justice in the event that the cases are transferred back to Kenya, if and when that happens, of course?

(vi) The position of the Government of Kenya with regard to the just released Truth, Justice and Reconciliation Commission (TJRC) Report, which again vindicates the ICC process because it has gone further and actually listed some of the names appearing at the ICC as being responsible for the post-election violence. Could the Chairman of the Committee come out clearly and give those clarifications and since this is a very straightforward issue, hon. Speaker, I would imagine that the Chairman would come back to this House even as early as tomorrow and give us a comprehensive statement clarifying those issues that are of great concern to Kenya. Thank you, hon. Speaker.

**Hon. Speaker:** Very well. Hon. Wandayi, are you a member of the Justice and Legal Affairs Committee?

**Hon. Wandayi:** No, hon. Speaker

**Hon. Speaker:** You are not, given the issues that you have raised, obviously, I think it does not make sense. The issue of giving a statement of that nature makes it look very light. You said "comprehensive", and of course as a Member of Parliament in the National Assembly, you have a right also to appear before that Committee when they are discussing that matter before they come up with a report. Of course, I suspect they could gain very useful insights from your specific knowledge on some of the issues that you appear to be prosecuting. I think that will also richly inform or enrich the report and, therefore, the Chair of the Departmental Committee on Justice and Legal Affairs, that matter is referred to you. You want to give an indication as to when you want to provide the report? Did I see hon. Wario upstanding?

**Hon. Wario:** Ahsante Mheshimiwa Spika, nimesimama kwa hoja ya nidhamu. Natumaini umesikia Mheshimiwa aliyezungumza mbele yangu akisema mwenendo wa mataifa ya Kiafrika umeongozwa na nchi za Kiafrika zisizokuwa na rekodi nzuri ya haki za binadamu. Je, Mh. Spika, Bunge hili au mwanachama yeyote wa Bunge hili anaruhusiwa kuzungumzia ubaya wa nchi jirani yetu? Ahsante Mhe. Spika.

**Hon. Speaker:** Lakini kwa sababu hajataja nchi yoyote, ndiyo sababu nimemwalika kimbele aende mbele ya Kamati hiyo apeane habari zozote zile ako nazo, lakini ajihadhari kwamba kama atataja nchi yoyote, ni lazima afuate kanuni za sheria.

Eng. Gumbo, before you seek your Ministerial Statement, I just want to say that it is not fair for a Member to submit a request for Statement to the Speaker and when it is approved, the Member decides to abstain from the Chamber. The Member who had made a similar request as the one Hon. Gumbo is about to make, Hon. Nuh, caused the Speaker not to approve it because I had already approved the earlier one. But Hon. Gumbo, you may go ahead.

**Hon. (Eng.) Gumbo:** Thank you, hon. Speaker,

**Hon. Speaker:** It is the same Statement. That is why I have allowed Hon. Gumbo even though I had rejected his request.

#### REASONS FOR DENYING FORMER PM ACCESS TO VIP LOUNGE AT JKIA

**Hon. (Eng.) Gumbo:** Thank you, hon. Speaker. I rise to seek a Statement from the Leader of the Majority Party on the circumstances under which the former Prime Minister, the Rt. hon. Eng. Raila Amollo Odinga, was denied access to the VIP Lounge at Jomo Kenyatta International Airport. Hon. Speaker, in seeking this Statement, I am aware that the Rt. hon. Raila Amollo Odinga is one of the most prominent Kenyans. In fact, anybody who cared to Google last year found out that he was, perhaps, the most known Kenyan. I also know, hon. Speaker, that hardly three months ago, more than 5.3 million people turned out to vote for the Rt. hon. Raila Amollo Odinga. So, he is definitely a Kenyan of unquestionable popularity and has following among millions of Kenyans. I also know, hon. Speaker that our VIP Lounges at our international airports have in the past provided accommodation to foreigners with highly questionable missions in our country. Therefore, I am at a loss why a former Prime Minister of the Republic of Kenya would be denied access to the VIP Lounges in international airports in the Republic of Kenya.

**Hon. Speaker:** Well, I see neither the Leader nor the Deputy Leader of Majority Party, but I see Hon. ole Metito standing in his place. I believe he wants to suggest when he can make the Statement.

**Hon. Katoo:** Thank you, hon. Speaker, Although Kenya Airports Authority has already issued a statement over the matter and is already in the public domain but, for purposes of the records of this House, I will issue the Statement on Thursday afternoon this week.

**Hon. Speaker:** What is out of order, Hon. Ng'ongo?

**Hon. Ng'ongo:** On a point of order, hon. Speaker, Sir. First of all, I want to apologize on behalf of Hon. Nuh. Actually, hon. Speaker, I am the one who first wrote this Statement but because I have another one, I was advised to talk to him. Now, because

he was a bit committed, he is not present this afternoon. On that Statement also, I expected two more clarifications, if you allow me. It was in the Statement that you approved. It was to clarify whether the order to bar the former Prime Minister from accessing the VIP facilities came from the Secretary to the Cabinet. Finally, if it is Government policy to deny use of VIP facilities to former senior State officers and if this will be applied to former presidents, the two we have in the country and former vice-presidents, now that we have three of them out there. Thank you.

*(Loud consultations)*

**Hon. Speaker:** Obviously, Hon. (Ms.) Odhiambo-Mabona, I recall that must be your voice. You are out of order.

*(Laughter)*

I may announce to the House that, with my permission, the Committee on Justice and Legal Affairs is sitting at this hour to consider the budgets of the various Government ministries under its docket and, therefore that may be the reason why the Chair of that Committee is not in the House. Very well, I think Hon. Katoo has heard the additional information sought by Hon. Ng'ongo. Hon. Wandayi, this is not the time for debate. There is no clarification being sought on a Statement that has been sought. Now that you have spoken, let us give others a chance to also say something.

#### MINING OF GOLD IN KENYA

**Hon. Shill:** Thank you hon. Speaker. I rise pursuant to Standing Order 44(2)(c) to request for a Statement from the chairpersons of two Departmental Committees namely Finance, Planning and Trade and Environment and Natural Resources regarding the mining of gold in Kenya. There are two gold mines in the country namely Karebe Gold Mining Limited in Nyatike and Kilimapesa Gold Limited in Lolgorian. The amount of gold produced by those two companies is approximately 50 kilogrammes per year. However, two private companies Sky Hawk International Limited and Ushindi Exports Limited are allegedly exporting 1,200 kilogrammes of gold per month out of the country. Further, according to available documents, those two companies purport to be exporting gold to the United Arab Emirates. In their Statements, the chairpersons of the two committees should report to the House on the total amount of gold exported by Ushindi Exports Limited and Sky Hawk International Limited per year. They should indicate the supply and source of gold of those companies from 2005 to now, with receipts showing where they were bought and sold. Two, the companies in the United Arab Emirates that Sky Hawk International Limited and Ushindi Exports Limited trade with, three, the amount of duty and tax paid by Ushindi Exports and Sky Hawk International to KRA from 2005 to date, including the date of last returns made by both companies as required by law. Four, the reason for those two companies exporting gold and transacting in cash instead of transferring funds through banks as it is the norm for any exports proceeds. Five, why the two companies are not using the official monetary instruments declaration

form at Jomo Kenyatta International Airport, but are using counterfeit forms which are not in quadruple as required by law. Six, whether as shown in the counterfeit declaration forms, the agents of those companies are Airlines EK721 and 722, which they claim to have used frequently to enter the country. Seven, an explanation for cash amounting to U\$40 million per month transited through Jomo Kenyatta International Airport without any scrutiny and those large sums of cash not being banked. Finally, let them explain the possibility of those large quantities in dollars being used to fund terrorism, purchase or smuggle arms or launder money.

Thank you, hon. Speaker, Sir.

**Hon. Speaker:** That is for the two Departmental Committees on Finance, Planning and Trade and Environment and Natural Resources. Are the chairpersons present? But, of course Hon. Shill, as in the previous case, you are welcome to appear in the joint sittings of the two committees to provide information that you may have relating to the allegations that you have made in the request for a Statement.

Anybody from the two committees present who may give an indication as to how soon a joint sitting may take place? Yes hon. Gaichuhie.

**Hon. Gaichuhie:** Thank you, hon. Speaker Sir. I think the Member is requesting a lot of information which is supposed to be given by two joint committees; it covers the period from the year 2005. So, I would request that, considering that we are also dealing with the Budget matters, we be given a month, so that we can fully investigate everything. I request the Member to come and give us more information. We will give this House a report four weeks from today.

**Hon. Shill:** Hon Speaker, Sir, I appreciate but I would really be happy if the period is reduced to three weeks. Three weeks are enough.

**Hon. Speaker:** Hon. Gaichuhie.

**Hon. Gaichuhie:** Hon. Speaker, Sir, maybe, we can say three weeks but if we do not complete our work, we can come back to the house requesting for another week.

**Hon. Speaker:** Very well. Next is Hon. Simba

#### CAUSE OF MANAGEMENT WRANGLES AT TARDA

**Hon. Simba:** Thank you hon. Speaker, Sir. I stand under Standing Order No. 44 (2)(c) to request for a Statement from the Chairperson of the Departmental Committee on Environment and Natural Resources regarding the current management wrangles at Tana and Athi Rivers Development Authority (TARDA). I would want the Chairperson of the Committee to inquire into the matter and bring a report to the House. In his Statement, the Chairman should explain the following:

- (i) The root cause of management wrangles at the Authority.
- (ii) The process of recruitment of the two Managing Directors of TARDA.
- (iii) The tenure of the current Board of Directors. What is happening there is that with the two directors, there is a lot of confusion at Queensway House. There is whistle-blower in the morning and when one director comes, he is ushered in and removed by the agents of the other director.
- (iv). What are the proposed steps that the parent Ministry has to resolve the crisis at the said Authority, even if it is the security threat at Queensway House?

Thank you, hon. Speaker.

**Hon. Onyango:** On a point of order, hon. Speaker, Sir. I rise on a point of order noting that every committee is giving a timeline within which it will respond to the issues addressed to it. I have noted that regarding the Statement requested by Hon. Odanga, the Committee on Justice and Legal Affairs has not given any commitment as to whether it will require one year or six months to give it.

Thank you, hon. Speaker, Sir.

**Hon. Speaker:** Let this be communicated to hon. Members. I had indicated that the Committee is, with the leave of hon. Speaker, having a Sitting just at the same time as the House is sitting because of the Budget problems. But this will be communicated to them, so that they can give an indication.

Next Order. Hon. Ng'ongo.

#### READING OF BUDGET POLICY STATEMENT IN THE HOUSE

**Hon. Ng'ongo:** Hon. Speaker, aware that the Cabinet Secretary responsible for National Treasury is not a Member of Parliament, and given that we have subscribed to the international treaty, but we are likely to have Budget policy highlights and revenue raising measures read to the nation; aware that our Constitution does not explicitly bar any person who is not a Member of Parliament from coming to the plenary, I would urge that the House Rules and Procedure Committee makes a provision before Wednesday next week in our Standing Orders, so that we can allow this House to convert itself into a Committee of the whole House so as to be able to listen to the presentation of this important document to the Republic of Kenya in this House. Having over 300 Members transferred to another place to go and listen to a Budget Speech may not be practical.

**Hon. Speaker:** Yes. Hon. Ng'ongo has raised a very important point. I think this matter should be deliberated by the House Business Committee this evening when the House rises. Communication relating to this matter will be delivered tomorrow in the afternoon.

Next Order.

#### MOTION

**Hon. Wakhungu:** Hon. Speaker, Sir, I beg to move the following Motion:

THAT, aware that the National Cereals and Produce Board is now procuring fertilizers, which is not its core mandate; cognizant of the fact that this has led to delays in importation and procurement of the necessary inputs for farmers in a timely manner; noting with concern that fertilizers are arriving after the planting season; deeply concerned that this is affecting food security in the country as fertilizers are key inputs in farming; also noting that this lack of input is affecting families---

**Hon. Speaker:** Just a minute, Hon. Wakhungu. An hon. Member made a request rather late.

Hon. Christopher Nakuleu, did you indicate that you wanted to raise something?

**Hon. Nakuleu:** Yes, hon. Speaker, Sir.

**Hon. Speaker:** Please, proceed.

## NOTICE OF MOTION FOR ADJOURNMENT

### INSECURITY IN TURKANA COUNTY

**Hon. Nakuleu:** Hon. Speaker, Sir, pursuant to Standing Order No.33, I seek leave to move an adjournment of the House for the purpose of discussing a definite matter of urgent national importance, following serial attacks and killings of Kenyans in Turkana North Constituency, Turkana County by militia from the neighbouring countries of South Sudan and Ethiopia.

Hon. Speaker, Sir, on 6<sup>th</sup> May, 2013, militia from Ethiopia crossed the border, moved 50 kilometres into Kenyan territory and attacked a *manyata*, killed one person and drove away 200 herds of cattle. On 22<sup>nd</sup> May, 2013, the Merille militia from Ethiopia crossed the border, killed three people and injured three others. The injured are recovering at the district hospital. On the eve of Madaraka Day, more than five people were killed in cold blood in Kibish District, Turkana North Constituency. I personally visited the area and joined the survivors to bury those who were killed by the militia.

Hon. Speaker, Sir, a day after Madaraka Day celebrations, on 2<sup>nd</sup> June, 2013, two men who had taken their livestock to Nakua River in Kibish District, were shot and seriously injured. The two are now at Lodwar District Hospital. The Lodwar District Hospital is now overstretched with patients recovering from bullet wounds. Those patients are likely to incur medical bills arising from the treatment. What I want to bring to the attention of this House is the fact that the areas in which those attacks took place are within the confines of the contested Ilemi Triangle. Therefore, there is need for the Government of the Republic of Kenya to investigate why those killings are taking place. In all those incidents, there was no response from the Government.

The worst scenario is a case in Kokoro, where Kenyans were killed some 20 kilometres from General Service Unit (GSU) and Rapid Deployment Unit (RDU) camps but there was no response. My dismay with regard to this situation is that not even the President or the Deputy President has sent a message of condolence to the families of the 10 Kenyans who lost their lives following those incidents. Those people are bound by the Constitution of this country and they need protection from the State. If people in that area continue to die at this rate, we may hardly have people to vote for some of us. I would like to urge the Committee on Defence and Foreign Relations to visit those areas, so that they can confirm the reality and bring a report to this House.

**Hon. (Dr.) Simiyu:** On a point of order, hon. Speaker, Sir. With all due respect to my colleague, who is raising a very important matter, which we should be able to debate exhaustively as a House, he has already started debating the Motion before the whole procedure is complied with.

**Hon. Nakuleu:** Hon. Speaker, Sir, I urge this House to discuss this matter of great importance to this country.

With those remarks, I beg to move.

**Hon. Speaker:** Hon. Members, does Hon. Nakuleu have the support of, at least, 20 Members?

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

Alright, hon. Members. You may now resume your seats.

Hon. Nakuleu, in parliamentary language, there is something called caucusing and lobbying so that once you finish making your request, you have the requisite number of Members standing in their places in your support. That notwithstanding, the matter you are raising is of grave importance. Therefore, I direct that the House adjourns today at 5.30 p.m., so that we can discuss the matter.

**Hon. Nakuleu:** Thank you, hon. Speaker, Sir.

**Hon. Speaker:** Hon. John Waluke Koyi, is it a Statement or what is it?

**Hon. Koyi:** Hon. Speaker, Sir, it is a Statement.

**Hon. Speaker:** No, we have passed that Order. It seems that when we were dealing with Statements, you overlooked the matter you have. Nevertheless, you can do it tomorrow. Hon. Shidiye, what is it? I can see a request from you.

**Hon. Shidiye:**---(off-record)

**Hon. Speaker:** I see. You must have been trying to play with the gadget. Hon. Wakhungu, you may move your Motion afresh.

**Hon. Wakhungu:** Thank you, hon. Speaker, Sir. Hon. Speaker, Sir, I beg to move the following Motion:

THAT, aware that the National Cereals and Produce Board (NCPB) is now procuring fertilizers, which is not its core mandate; cognizant of the fact that this has led to delays in importation and procurement of the necessary inputs for farmers in a timely manner; noting with concern that fertilizers are arriving after the planting season; deeply concerned that this is affecting food security in the country as fertilizers are key inputs in farming; also noting that lack of input is affecting families and impoverishing farmers; this House urges the Government to set up a Fertilizers Board to manage issues of fertilizers and other farming inputs while offering subsidized inputs to farmers and also to fast-track the process of setting up a factory to produce fertilizers and other farming inputs locally in the long-run.

Hon. Speaker, Sir, the core business of NCPB is procurement, storage, management and controlling of prices of cereals. The NCPB's core business is not importation of fertilizers. Maybe, that is why subsidized fertilizers being imported by NCPB do not reach the farmers at the right time, leading to poor yields. The Oxford Advanced Learner's Dictionary defines "fertilizer" as a substance that is added to the soil to make crops grow more successfully and increase productivity in terms of yields. The first goal of the Millennium Development Goals is alleviation of total poverty and hunger. This has been the dream of this country since Independence. Kenya has just celebrated her Golden Jubilee since the attainment of self rule. We have celebrated 50 years of Independence and yet, the people in this country are still suffering from poverty and hunger. Research has shown that more than 3 million Kenyans rely on relief food through the World Food Programme (WFP) and Kenya Government.

Hon. Speaker, Sir, His Excellency the President has reiterated his commitment to food security in this country several times. Indeed, during his Madaraka Day Speech, when we were celebrating the Golden Jubilee, he indicated that he wants to commit one million acres of land under irrigation. The irrigation of one million acres of land cannot give high productivity unless we have fertiliser. Fertiliser contributes about 60 per cent of the farm inputs and we salute the Kenya Government for her efforts in subsidizing that key commodity when it comes to farming. Unfortunately, that benefit does not reach the common *mwanaanchi* on the ground. We realise that farmers prepare the fields early enough in advance as they wait for the rains. In research, there is a technique called trend analysis. Our forefathers could know what time of the year the rains would come. So, they prepared those fields in advance so that when the rainy season came, the fields would be ready. They procured fertilisers on time so that they could plant. Unfortunately, you cannot predict when this rain will come. So, for you to be assured of the high yields, you have to make sure that at that particular time of the rain, all the key inputs must be available and fertiliser being one of them.

Hon. Speaker, Sir, for the last five years consistently, we have seen National Cereals and Produce Board (NCPB) bring in fertiliser at the last minute, when the rains are gone and the planting season is gone. So, the benefit is not extended to the farmer. Further, research shows that NCPB is in a cash flow crisis. We have seen in the media that it is having a problem of cash flow. We are requesting for that Fertilizer Board because NCPB is unable to deliver that commodity at the right time to the farmers. One of the critical things when it comes to security is food insecurity. Since Independence up to now, Kenya has been food insecure and one of the critical causes is because NCPB does not have readily available and affordable fertiliser on time. When it comes to consumption of fertiliser in this country, when you look at the importation, 60 per cent is imported by the private sector. The Government only imports 30 per cent and because of its commitment towards alleviation of poverty and increasing food yields, this has led to poverty among farmers.

Hon. Speaker, Sir, in 2003, African countries met under the Maputo Declaration and one of the things they decided was that each Government should contribute, at least, 10 per cent of its income towards agriculture and food security. When you look at the percentage contribution towards agriculture and food security in this country, it does not even reach quarter of that 10 per cent and this had led to more farmers getting discouraged from doing crop farming, especially maize farming. Where I come from in Trans-Nzoia County, we are known to be a bread basket of this country where maize is widely grown. Unfortunately, you find that some of the leading farmers are now moving away from growing crops like maize to growing other crops which will not add value as far as food security is concerned.

Last weekend, I happened to be in the constituency and I went to mourn one of my voters. I happened to be with one of the prominent farmers who was also a former Minister and he indicated to me that he is no longer interested in maize production because it is no longer profitable. He has moved to tree planting. If such a trend is going to continue, this country is continually going to be food insecure. At one time, Malawi was food insecure. But it is currently food secure and one of the strategies that it has put in place is ensuring that there is availability of fertiliser on time.

Hon. Speaker, Sir, if you look at the Structural Adjustment Programmes (SAPs) of 1990s, in the production of agriculture, we used to have extension officers. They are no longer there and this is a big problem in this country. We do not have any laboratory which has been set up to do the sample analysis of the soil, so that we can know what kind of fertiliser to apply to our soils to increase productivity. This Motion also requests that, as the Government tries to put up an agency whose core business is going to be specifically procurement and distribution of fertiliser, in the long run, it should set up a plant that is going to manufacture fertiliser in this country.

Hon. Speaker, Sir, when you put a compound in the soil, you are affecting the acidity and alkalinity of that particular soil. Ten years down the line, it is not a guarantee that the kind of fertiliser you are going to use is going to be of the same composition. In this country, farmers use the same kind of fertiliser because of lack of research to advise them accordingly, so that they will be able to know what kind of fertiliser is suitable for a particular soil. It is important to note that different regions in this country have different levels of fertility and in case we have that agency in place, besides the importation and distribution of fertiliser, it will also put in place the aspect of soil science so that if we have a local factory in this country, it can manufacture fertiliser tailored to suit the soil in Ukambani, western Kenya or the Coast region. That is because all the soils are not the same. They are totally different.

Hon. Speaker, Sir, in this country, we are aware that there was a project called Ken-REN Fertiliser Factory and, at the moment, Kenyans continue paying heavily for that project which never took place. So, we ask ourselves: What happened and when are we going to have that plant in place because it is long overdue? We should move with speed and put measures in place to put up a fertiliser factory. Unless we do that, even if we put all the policies in place, Kenya will continually be food insecure.

Hon. Speaker, Sir, at Independence, our forefathers were fighting poverty and hunger. I saw a cartoon in the newspapers whereby, when His Excellency the late President Jomo Kenyatta was in power he pledged, during the first Madaraka Day, to fight poverty and hunger. The other day, His Excellency Uhuru Kenyatta, who is his son, 50 years down the line, pledged the same. He is going to fight poverty and hunger. This is the time that this country should put priorities in place. Food security cannot be underestimated. We have had a lot of insecurity cases all over the country and one of the contributors to that is hunger and food insecurity. If you do not have anything in the stomach, then you are hungry. The youth are involving themselves in those ugly incidents to get something to put in their stomachs. So, food security is something which is very critical and we are looking forward that if, indeed, this country is serious in fighting food security, then fertiliser must be a priority.

Research has shown that this country consumes about 600 metric tonnes of fertiliser. In that case, even without doing any feasibility study, it shows that we have a huge market that can enable Kenya to have a factory on its own. With the challenges in terms of logistics and *Al Shabaab*, when this fertiliser is imported from outside, it gets delayed. Reaching the common *mwananchi*; the common farmer in Kitale, Western Kenya and Ukambani, is a problem since it comes late. Right now, we are supposed to be topdressing our crops with Calcium Ammonium Nitrate (CAN) fertilizer, but it is not there. Two months down the line towards harvesting, we will see CAN being brought.

Where does it go? They collude with private business people to double the prices. So this Motion urges the Government, in the long run, to put up a factory that will manufacture fertilizer.

It is also on record that a feasibility study was done, money allocated but, up to date, the fertilizer plant is not in place. So Kenyans are asking: Where are we heading? Where are we moving to? Are we missing our priorities? We know very well that we have been allocating a lot of money when it comes to national security and intelligence. We even have a factory in Eldoret that manufactures bullets. I have not seen Kenya at war. Kenya is at war with food insecurity. This is the time that those hungry stomachs are taken good care of. In the Bible, it says that you reap what you sow and, indeed, we are reaping what we sow when it comes to agriculture. We are told that the economy of this country is agri-based, but look at the budget allocations when it comes to agriculture. It is minimal; it is against the Maputo Declaration of 10 per cent. I urge this House to add value to this Motion so that in the long run, we can have a fertilizer plant in this country.

Hon. Speaker, Sir, we have seen in the media that the National Cereals and Produce Board could be under receivership; it has a cash flow problem. If an organization like that has a cash flow problem, how do we trust it when it comes to distribution of that key commodity called fertilizer? That is why we are calling upon the Government or the Ministry that is in charge not to allow NCPB to continue importing and distributing that important commodity called fertilizer.

Agriculture is not just for subsistence. Farmers go into agriculture to make a living and a profit. Right now, when it comes to farming, farmers cannot break even. They cannot even make profits and that is why you see most farmers moving away from production of foodstuff like maize and beans, which contribute heavily to food security in this country. We have seen the commitment of His Excellency the President. We have done many policies. Research has shown that 70 per cent of good policies fail because of poor implementation. I want to say this without fear or favour: In this country, we are very good in developing policies but, unfortunately, we are very poor when it comes to implementation. That is because when it comes to resource allocation, maybe, we do not get it right or we do not have commitment towards the policies that we have put in place. The aspect of monitoring and evaluation is missing. This House passes so many laws but when it comes to implementation, it is not followed to the expected results. So, we cannot have those outputs.

Therefore, I urge this House to support this Motion so that we can have a body which will be effective and efficient in importation and distribution of this common commodity called fertilizer and, in the long run, set up a factory plant in this country that will manufacture fertilizer. I want to request Hon. Emase to second this Motion.

**Hon. Speaker:** Did you move or just asked somebody to second?

**Hon. Wakhungu:** Hon. Speaker, Sir, I beg to move and request Hon. (Ms.) Otucho to second.

**Hon. (Ms.) Otucho:** Hon. Speaker, Sir, I rise to second the Motion as moved by Hon. Wakhungu.

The issue of fertilizer is very important. We know that fertilizer is a key farming input for sustainable agriculture and the challenge that we are facing is mainly on the distribution. Accessibility of fertilizer is an issue and as a result of that, yields are

affected, the farmers become more impoverished and we know that increased use of fertilizer is a contributor to good produce and eventually helps eliminate importation. So, I support this Motion and I second it because there is need to come up with a board to manage the issue of fertilizer. If we look at farmers, we know that the policy on fertilizer in this country is that the Government targets the smallholder farmers. Those smallholder farmers can only get subsidized fertilizer if they access it from the NCPB. If we look at farmers, they face so many challenges, one of them being that some of them do not even understand how to use fertilizer. They do not have the knowledge and skills to use fertilizers and it is important that those farmers are capacitated. There is also the issue of poverty. As much as fertilizer is subsidized, most of them cannot afford to purchase the fertilizer and so this issue needs to be addressed. Farmers need to be sensitized so that they can understand that there are externalities that come with increased use of fertilizer, especially reduction of soil erosion which results into increased plant growth.

So, I am supporting this Motion because through increased use of fertilizer, we shall address the issue of food security in this country. Most of these smallholder farmers who use fertilizer are the bulk consumers themselves. We also need to address the issue of markets for our farm produce especially maize because this is a direct complement to fertilizer. For instance, you will find that if there is increased use of fertilizer, we are able to increase production and the supply of maize is increased. This way, we shall bring down the cost of *ungu* because the cost of maize will have come down while at the same time, if there are markets for the maize, we shall give incentive for the farmer to continue producing maize. So, basically, what we are saying is that there is need for us, as a country, to come up with clear structures; the right framework for fertilizer distribution in order to eliminate the problems of delays in the distribution of fertilizer.

There is also need for us to come up with that board so that it comes up with clear engagement structures on how the Government should engage the private sector *viz a viz* the farmer. I think it is high time we borrowed from the Malawi example like Hon. Wakhungu has mentioned because what they did is that the Government gave subsidies. The smallholder farmers are given coupons to buy fertilizer even from private outlets. When farmers buy directly from the National Cereals and Produce Board (NCPB), they are able to contain the price while at the same time they get fertilizer on time. I think if we go that direction, we will not only promote the distribution of resources, but also encourage growth in the private sector.

I also want to say that we are lagging behind when it comes to fertilizer use. If we compare ourselves, African countries, with USA or India, who are really the highest producers and consumers of fertilizer, you will realize that we are still lagging behind together with Latin America and other countries. So, we need to do something about that and also encourage farmers to buy from the NCPB. It is through the NCPB that we shall be able to establish our own factories and produce our own products. We are talking about increasing the economic growth of this nation by double digits. We are talking about creating employment and spurring economic growth. If we are really serious about that, then we need to walk the talk. It is high time this country went a step further towards industrialization, so that we are able to manufacture our own fertilizer, and at the same time sort out the issue of employment in this country.

Hon. Speaker, fertilizer is a very important farm input and we cannot do without it.

I second the Motion. Thank you.

*(Question proposed)*

**Hon. Speaker:** Is your request received?

**Hon. Bunyasi:** Yes.

**Hon. Speaker:** When you see your microphone activated just shoot up.

**Hon. Bunyasi:** Thank you hon. Speaker, Sir. Sorry, I was looking towards the wrong direction.

I rise to contribute to this very important Motion because food security is, indeed, a high priority issue in this country. Food security has many dimensions and I know two major ones. One of the major ones is access to it and that is why we are tackling it. The other issue is agricultural supply. Let us remember that we are not dealing with one side of the food security equation. That one is the most critical, but very important one.

I agree entirely with the Motion, as moved that the NCPB has its hands full. I would add that they are using archaic instruments of marketing, and they are not in a position to actually deepen and strengthen the marketing chain, given the way it is structured. Apart from their cash flow problems, which are probably short-term, they should be able to move into activities like warehousing and warehousing receipts. They should then link them up with the credit market in order to strengthen the farmers' cash flow. There are very many things that one can go into at that point.

Hon. Speaker, we must remember that if we have a successful fertilizer and subsidy policy, we will have successful marketing agency. Whereas we may be focusing, for example, on what we might do on the fertilizer supply side, if we do succeed, we may need to get back into the chain and ask how the marketing is moving. In that process of strengthening the market, we can re-visit either the NCPB or similar institutions and instruments.

Hon. Speaker, Sir, while we are looking at this issue, I would urge the Mover of the Motion--- I know that we have sort of a Kitale phobia here; we have a Kitale kind of approach on maize. I think maize is the most important, but we should think beyond maize. Truly, the reason we had better security in the earlier years was because we were more diversified, not only on production but on food basket. So, I really urge that we look at it broadly.

Hon. Members I have quoted Malawi. Eighteen months ago, I did a major study of the subsidy system in Malawi, Zambia and Tanzania. Talking about Malawi, it is physically so heavy that when the late President fell out with the donors, what he did was to withhold the funding of the subsidy by the Malawi Government, because they could not support it from their own budget. The subsidy side virtually collapsed. It had had the impact of increasing production. The sustainability question is important.

Hon. Speaker, Sir, one time I had occasion to work with Nigeria on this. They had such a huge subsidy on fertilizer, fuel and so on. All they did was to support agriculture to the extent that, nearly three quarters of their total agricultural budget went to factory subsidies, and sustaining it becomes a problem. If you remember, when they began to

withdraw the subsidies there were major issues, including the stability of the Government at the time. That is the problem with subsidies. You will start with it and it is very difficult to sustain or withdraw it. I like the principle that we should have a dedicated body that looks at the promotion and the marketing of fertilizer, and ultimately actual manufacturing of fertilizer. If you add to their mandate that they should subsidize fertilizer, you will have serious governance issues. You know how our cartels work here in Kenya. A very good idea can easily get spoilt.

As the Motion stands, it is planning to give, at least, five initial goals to this new body. These are a lot of goals; if you deal with fertilizer issues--- I read in that report that there could be people who will handle policy issues around the fertilizer and inputs supply. Other farm inputs are the second goal. Supply of fertilizer is the third goal, then there is the setting up of the factory and subsidization process.

I think these are too many goals. Actually, we could narrow it down to what we intend to do, which is to have a dedicated body; that will be extremely important.

In conclusion, I would suggest that we look into this matter broadly as we move forward with this. We should look into inputs marketing. So, as we deal with fertilizers we should also deal with other farm inputs. We should concurrently allow room for NCPB – as I said in the beginning – to be able to sharpen their instruments, so that they can increase supply of maize as well as stop it from rotting under tarpaulins in Trans-Nzoia and other places and everybody gets moved. It will be linked to several other factors, including the logistical aspects that move it.

Very finally, we had subsidized fertilizer in Kenya sometime ago. I come from Busia and I had great difficulties finding a single farmer who had accessed it. I hope that next time we have anything like this we will have a chance to interrogate it carefully and make sure there is some fairness and equity in distribution.

Hon. Speaker, Sir, I buy fertilizer and use it on millet. I have had to buy it from people who got it from Bungoma side, but that is secondary market. So, there are major risks when you go into something like this. A good intention can go haywire, as they say.

With these few comments, I support the Motion.

**Hon. Ichung'wah:** Thank you, hon. Speaker, Sir. I also rise to support this Motion by Hon. Wakhungu. It is common knowledge in this country that some years back the former Head of State, His Excellency Mwai Kibaki, proposed to the National Treasury, the then Ministry for Finance, to allocate the Ministry of Agriculture adequate funds that would enable the Ministry procure subsidized fertilizer and seeds. However, that has not come to pass, probably because of the problems we had in that regime of having to consult other people every now and then.

However, I think it is very important that we allow our farmers to access fertilizers and other inputs like seedlings and pesticides cheaply, so that the nation can produce food at prices that are affordable to the majority of our people, who live below the poverty line.

In fact, a lot has been said about irrigating one million acres of land in this country within the next five years. Whereas I may not have a big problem with such an adventure of irrigating land, I think it is important for us to basically dwell on those areas that are capable of producing food today through rain-fed agriculture. There are many places in this country that we do not consider as food baskets. I have in mind areas like

Ndeiya in Limuru and Kikuyu constituencies where farmers are unable to access fertilizer and seedlings. Even the fertilizer that the hon. Member from Bungoma has said is procured through the National Cereals and Produce Board does not reach our farmers. The fertilizers and seeds are basically taken to certain areas in the North Rift and other areas, which are considered to be the food baskets of this country, thereby ignoring other areas which could also help this country. There is a lot of arable land but because farmers are poor and cannot afford seeds and fertilizers they are unable to produce food.

Therefore, I will support the setting up of a board that will distribute not only subsidized fertilizers but also seeds and other inputs. Also, in pursuit of what we call mechanized agriculture we can see how such a board will help the country procure, or even through industrialization manufacture mechanized equipment that will help our farmers.

We need not dwell on the NCPB much because it is a total let down to the people of this country. Hon. Wakhungu, who has moved this Motion, has said that the Board supplies our farmers with seeds and fertilizers long after the planting season. We have also had occasion to see in the media their cash flow problems, which I will say are self-inflicted. These are problems which emanate from corruption within this organization and certain private companies. I think we are saying it is too much having the same organization procure and distribute fertilizers. Since the Board has failed in its core mandate, which is the acquisition of grains, we should move away all the other things which are not its core business and give them to somebody else. Such a board as is proposed by the Mover of this Motion will go a long way in ensuring that we have food security in this country.

Hon. Speaker, Sir, I strongly support this Motion. Thank you.

**Hon. Mwaura:** Thank you, hon. Speaker, Sir. I rise to support this Motion. As somebody said, indeed, hunger is not natural neither is it inevitable. In actual sense it is a consequence of co-ordination failure. If you look at the kind of apathy that is developing in our country, especially with regard to land use management practices, you will find that it is because farmers have been frustrated in their quest to ensure that they are able to have gainful livelihoods through their produce.

If you look at Kiambu County where I come from, you will see that people are abandoning coffee farming in exchange for real estate. This is a dangerous trend because most Kenyans do not own huge tracts of land like some people who are well known.

Hon. Speaker, Sir, this Motion is important because it seeks to address the cost of fertilizer in this country. If you look at the kind of money we are spending as a country to import fertilizer, you will find that we will be able to save a lot of funds that can be used on other development activities. It is not because we do not have good agricultural policies. In fact, the French word for policies is "*pon politic*" which means "good politics". There has been politicization of the NCPB, which is seen as a cash cow for some mandarins, who have tendencies of showing how they usurp the power of the State. That is why farmers are not able to get proper prices for their produce; some people would like to import the same things that we can produce in this country. This is the case, yet in a globalized market economy European farmers benefit from a 70 per cent subsidy of their produce. There has been a rush to grab land in Africa, and governments get into concessions to allow other countries to come and produce food for their people.

Therefore, the production of fertilizer in Kenya and the creation of a co-ordinating board is more than welcome, because it will help reduce dependability of our country not only on foreign companies that supply us with this commodity but will also enable our farmers to be emancipated from the cartels that make a kill from importing fertilizer. In fact, it is suspect that such a mismanaged entity like the NCPB can be given a mandate of importing fertilizer for farmers. This is the case, yet farmers in this country do not just deal with grain. Indeed, one can imagine that it is political collusion to benefit a few.

This country is awash with various agro-based companies that have been set up to help the farmer. However, it appears that they do not seem to serve that purpose. Therefore, there is need to see what has been the impact of these agro-based institutions. Without belabouring the point, if we had a fertilizer board, it would increase employment opportunities for our youth. In fact, we will benefit from the supply chain that will arise from such a body.

Therefore, farmers in this country need to be empowered. This country cannot move into a middle income economy if it has not been able to feed itself. We always say that a hungry person is an angry person. The discontent that is evident in our young people is because of the fact that they are unable to get their basic needs. It is, therefore, critical that we put in place measures that will not just treat the symptoms of this malfunctioning of our society but also address the root cause of this disaffection.

In fact, if we can ensure that farmers have proper inputs as proposed in this Motion, and they have adequate fertilizers, they can put their small parcels of land that they may have inherited from their forefathers to maximum use. This Motion is timely and needs to be supported.

Hon. Speaker, Sir, I support it.

Thank you.

**Hon. Shidiye:** Thank you, hon. Speaker, Sir, for giving me this opportunity. This Motion has come at the right time. Fifty years after Independence, Kenya still suffers from poverty and hunger. In my maiden speech, I said that Kenya is the third largest recipient of relief food globally. Ethiopia is the first one followed by North Korea. We all know why those countries are recipients of relief food. North Korea is a failed communist state and Ethiopia has poor agricultural policies. In 1984, they had hunger problems and the whole world came to a standstill when helping them.

This country is endowed with very fertile soil and good agricultural land. One scholar said that if you put your finger in some of the lands in Kenya, it might grow. I am really concerned because pockets of poverty in this country are just glaring. If you do not fix your stomach problems, you will not be able to fix anything. The best approach should be zero tolerance to hunger in this country. We hear about zero tolerance to corruption, zero tolerance to smoking, zero tolerance to human rights issues and many other things; unless we fix our stomachs, security and health matters will not be fixed. Some people are sick, not because they lack medicine but because they are hungry.

When you look at the National Cereals and Produce Board, it is a large amorphous body. It is huge. In this era and age, we need an agency that will specialize only in procuring fertilizers. Without proper procuring of fertilizers and subsidy to our farmers, we will not be in the business of feeding this nation. Fifty years after Independence, we are still asking the international community for food handouts. You

ask yourself: Are we really independent? China and India have fixed their agricultural policies and these countries have billions of people. If you look at Malawi, our neighbouring country, they no longer have hunger problems. They have fixed their agriculture. The only problem we have is that we have inverted our priorities. The entire agricultural sector is focused on the export of cash crops. You will realize that we export coffee, to which we do not add value, and at the same time, we import the same coffee that we have produced in Kenya.

Time has come for this country to radically change. We need a radical surgery in the Ministry of Agriculture. We need radical thinking and a paradigm shift in our thinking if we are going to have meaningful development in this country. We all think things will happen. Albert Einstein said that if you think that you will do things in the same way all the time and expect different results, then you are insane.

We want to transform this country. We want the 11<sup>th</sup> Parliament to show leadership in this country by changing many things. The President in his Address said that he wants to irrigate one million acres of land. That is very good, but are we doing practically what is required in this country? Are our agricultural officers motivated to do that? Are we really for it?

This country is facing insecurity problems, which are related to food. When you are hungry and have no food, you have to think of how to eat. About 37 per cent of Kenyans sleep hungry. They have no food. Even more, when 37 per cent of Kenyans have no food and have not eaten the whole day, they raid into your homes. You will not have peaceful neighbourhood. Those are realities that we must accept. Unless we fix our hunger problems, we will not eradicate poverty.

The other case in point is unemployment. This country is sitting on a time bomb. Most of Kenyans are now educated. They have gone to school, but most of them are idle in market centres with no jobs. We should improve our agricultural sector because it can create jobs for our people. At least, they can pick coffee, harvest maize, sell some products or be middlemen selling products. This country is the regional bloc. It is the fastest growing economy in East and Central Africa and in the Sub-Sahara except for the countries that produce oil. This country can go far and wide and do things better.

About five million Kenyans depend on relief food and the figure is growing by the day. The amount of money we use to feed people in Turkana and northern Kenya is enough to irrigate those areas and grow maize to help those communities. Time has come for us to support this initiative by Hon. Wakhungu because at the end of the day, we are all Kenyans. We are one country. Hon. Wakhungu comes from a bread basket area, and I come from a very marginal area where there is no food, but if people in one area are hungry and others have opulence, nothing will move.

With those few remarks, I support this Motion, and urge the entire House to support it.

**Hon. Speaker:** Members, if you have placed a request, be attentive because I will follow the order in which requests have been made, save for interventions on points of order. I notice that the Leader of the Minority Party wants to raise his hand. I do not know whether he wants to rise on a point of order or seek leave to contribute. For now, I give the chance to Hon. Mwashetani.

**Hon. Mwashetani:** Asante sana Bw. Spika. Kwanza, ninamshukuru Mhe. Wakhungu kwa kuleta Hoja kama hii wakati huu. Niko katika biashara ya kuingiza mali nchini, lakini ninauliza: Serikali ina taasisi za kuchambua na kuangalia hali ya hewa ili kujua ni lini tutapata mvua na ni lini tutakosa mvua? NCPB haileti mbolea ikiwa imechelewa lakini kuna matatizo ndani yake. Haya matatizo ni kwa sababu ya mivumo yao. Ikiwa Serikali itaweza kuipatia habari taasisi kama hii na kuhakikisha kuwa imeleta mbolea wakati ufaao ili wakulima wapate hiyo mbolea mapema, basi hatutakuwa na matatizo kama haya.

Kama vile mwenzangu aliyenitangulia amesema, hii ni kwa sababu ya ufasidi ambao umeendelea sana. Iwapo Serikali itaamua kuwa ni taasisi ya kusimamia kuleta mbolea peke yake, ningeiomba iweke mikakati kabambe.

Nimesikia kuna mbolea na mbegu zinazotolewa kwa wakulima lakini sijasikia hata siku moja wakulima kwenye sehemu yangu ya uwakilishi Bungeni wakipewa mbegu ama mbolea. Tumekaa kwenye umaskini kwa muda mrefu. Ninaamini kwamba Serikali itasimama kidete kuhakikisha kwamba wakulima katika maeneo yote nchini wamepata usaidizi kwa sababu usaidizi ni mwafaka. Niko na uhakika kwamba wale ambao wanapanda mimea watafaidika. Wakipata usaidizi kama huu, wataweza kuifanya kazi na waongeze mapato yao.

Vile vile, ningependa kuiomba Serikali ieleze mikakati iliyoweka kwa sababu bali na mbolea, kuna mambo mengi yanayochangia kuongezeka kwa mazao ya kilimo ili mwananchi aweze kuendeleza maisha yake. Bali na mbolea, kuna matatizo mengine. Kwa mfano, mvua ikinyesha sana, mimea hubebwa na maji. Kuna matatizo ya mimea kuharibiwa na wadudu na matatizo ya kuuza mazao. Hayo yote ni matatizo ambayo Serikali inapaswa kuyashughulikia kwa dhati ndio tupate majibu kamili. Leo tukisema mbolea itakuja, je, madawa ya kunyunyizia mimea yatafika vipi? Je, mbegu zitafika vipi? Hayo yote ni matatizo tuliyonayo.

Kwa hivyo, ninaiunga mkono Hoja hii lakini itakapobuniwa taasisi inayopendekezwa, ni lazima tuhakikishe kwamba tumeweka mikakati kabambe itakayowaongoza wale ambao wataifanya kazi hiyo. Tusipozingatia matatizo yanayoikumba NCPB, 'ugonjwa' wake utairukia bodi ya mbolea. Kwa hivyo, ninaliomba Bunge lihakikishe kwamba mikakati mizuri imewekwa.

Kwa hayo machache, ninaunga mkono.

**Hon. Nyenze:** Thank you very much, hon. Speaker, Sir. I rise to support the Motion.

This is a very important Motion in that it seeks to address the very key issue about distribution of fertilizers. I want to make it very clear that in Kitui, where I come from, we never hear of subsidized fertilizers. We only buy the input at normal prices. It is as if when the NCPB talks about farming and fertilizers, they talk about the North Rift region and very few other places. We all do farming in our respective areas, and it would be wise for the NCPB to distribute fertilizers to all areas, where farming is undertaken. However, since this is not the NCPB's mandate, and fertilizers have been arriving in the country very late, and after farmers have harvested, I support the Motion, so that we can set up the proposed board, which will be proactive in terms of buying and distributing fertilizers to farmers, and making sure that this input reaches all parts of the country, as well as ensuring that we set up not only one fertilizer factory but many fertilizer factories.

I have learned that we need ammonia and waste from, say, sugar factories to make fertilizers. We have all these things. We will import only a few ingredients. So, instead of establishing only one factory, we should target establishing many factories because the process does not involve sophisticated technology. What is needed is medium technology, which we can source from within.

Hon. Speaker, Sir, agriculture is a very key sector of our economy. Economies that have done very well in the world, including that of the USA, which is the biggest economy in the world, were initially fed by agriculture. The USA started with agriculture and progressed to value addition, after which they moved to manufacturing and other economic activities. Agriculture is the only sector into which we can absorb all our jobless youth, so that they do not join all sorts of sects and illegal groups. If we inject a lot of money into agriculture, it will cater for everybody. It will enable the economy to grow. That is what I would want the Government to do. We have to deal with five things in order for us to get it right. It is not only agriculture. For there to be food security, we have to give subsidies not only on fertilizers but also on seeds and land tilling. Once we do that, poor farmers will be encouraged and will grow and produce more food. Once food crops are produced, we should do a bit of value addition through manufacturing, so that we can sell products at higher prices on the market.

The issue of taxation also counts. As long as the Government keeps on taxing fuel products excessively, farmers will remain poor. Whether we import or manufacture our own fertilizers, taxing of oil products makes agricultural production very expensive. Farmers get very little returns because most of their income is consumed by taxation.

Another important thing is diversification. Instead of dealing with maize, sugar-cane and export crops, let us go back to our traditional food crops, namely sorghum, beans and other legumes. I am sure that if we take that route, we will address most of the issues associated with food insecurity.

The last important bit is mechanisation. In areas where people use tractors for ploughing, they plough large tracts of land compared to those who use oxen ploughs. Two hundred oxen do work which can be done by one tractor. So, if you factor in the cost of the time spent ploughing using oxen and the cost of human resource and feeding of the oxen, you will appreciate that it is not economically viable to use oxen ploughs. We will remain in the dark age if we do not mechanise.

Hon. Speaker, Sir, what has brought problems to the NCPB, in terms of importation and distribution of fertilisers, is corruption. There are people who want to benefit from importation of fertilizers. Such people will always resist any move to set up a separate board to oversee importation and distribution of fertilizers, or even the setting up of factories to produce fertilizers locally, because that is where they make their money from. It is time we rose above personal interest and moved forward. Countries like China, India and the USA, which produce common foodstuffs, namely wheat, maize, rice, barley and potatoes, adopted the policy of assisting farmers through subsidies and investing a lot of money in agriculture. This policy makes other sectors of the economy to have a slower growth but the growth in agriculture shoots up.

Once you develop agriculture, build factories to manufacture agricultural produce and create a local market, you are home and dry. As a country, we are poor because we have very little say in the pricing of most of the crops that we grow and export to the

international market; neither do we have say on their ownership here at home. A small tea farmer in Kericho or Kiambu grows tea there but they do not determine the price they are paid. The middlemen get everything and most of the big estates are owned by the multinationals. So, when you hear that Kenya is the second largest tea producer, it is not the black Kenyans who produce it. It is the “yellow” Kenyans who produce it.

So, I would now want to urge this House that while supporting this Motion for setting up a fertilizer board so as to build some factory to produce fertiliser locally in order to bring costs down--- In Ukambani we have the two big rivers – Athi River and Tana River. Government after Government have come and said that they would undertake irrigation. In Ukambani there is a lot of land which is very good. It has good soils and it is also flat and suitable for irrigation, but the people in Ukambani do not have the capacity to build mega dams. It is a song every time during elections that: “We will build dams. We will irrigate Ukambani. Ukambani will be a bread basket.” After elections, that is shelved. I want this Government to take this seriously because Ukambani can produce more food than any other region. If you go to where there is agricultural production like western Kenya, central Kenya, Nyanza and Rift Valley, the population density is very high. You cannot produce because there are so many people---

**Hon. Speaker:** Hon. Nyenze, your time is up.

**Hon. Nyenze:** Thank you, hon. Speaker, Sir. I beg to support.

**Hon. Speaker:** Hon. F.K. Wanyonyi.

**Hon. F.K. Wanyonyi:** Thank you hon. Speaker, Sir, for giving me the chance to speak and support this Motion. I come from Trans Nzoia County, in fact, I have just come from there this morning. I want to draw the attention of this House to the fact that the ordinary farmer in Trans Nzoia is a poor suffering person because fertilizers have been imported at the wrong time. As the Mover of this Motion mentioned, you cannot imagine at this time of the year that farmers in Trans Nzoia have not received CAN fertilizer, which is actually used for topdressing.

Hon. Speaker, Sir, secondly, I have gone to the National Cereals and Produce Board and have been told that they are not importers. Let me make that correction. It is the Ministry of Agriculture that is involved and they only use the NCPB because it has a countrywide network for distribution. That is why the Mover of this Motion has made it very clear that the best thing we can do for this country, because of what we have gone through in the past, is to have an authority for importing fertilizer and in this way we will be able to move forward. At the moment you can imagine how farmers have been demoralized, I being one of them. I am so demoralised that on the little acreage that I have, I have only planted a quarter of it because I did not get fertilizer on time.

Thirdly, the question of bringing in fertilizers late will lead to poor harvests. If in June the Ministry has not distributed fertiliser, what happens? Of course you will have a poor yield and that will lead to poor harvest; naturally we are going to have hunger in this country.

Hon. Speaker, Sir, I think there is a conspiracy between people at the Ministry and the importers. Let us make it very clear. The people in the Ministry who are responsible for importation of fertilizer have formed a cartel with importers. They make things so difficult that we have very poor yields. The end result of that is for us now to import maize – some of which is not for human consumption.

I want to say that the Mover of the Motion was in time. This is the time when this House should approve this Motion, so that we are able to have an authority that is responsible for importation of fertilizer, and one that is accountable and responsive. This is because we plant maize according to the season. In June or September, the authority will be making arrangements to import fertilizer. So, we want an authority that is actually responsive, accountable and that knows the season cycle; the rainy season keeps on changing. I think the Mover was quite right.

The other thing that I want to say is that this year the Deputy President had to come in and I want to thank him. He came in and asked the Ministry of Agriculture to bring in subsidised fertiliser. Had he not done that, we would not have even got the little that we are going to produce. I want to support this Motion and ask the House to support it because it is very timely. Through it, we will be able to get an authority that will be answerable to the farmers.

Hon. Speaker, Sir, it is also important for us to note that farmers have been asking for subsidies. We even do not want subsidies; give us the fertiliser on time. We will produce enough food. We will sell the food to other people who do not produce it, and we will get back our money. We do not even need a subsidy. What we need is the fertiliser to come on time so that we can produce enough food and be able to go into commercial farming. If you go to North Rift you will see that Uasin Gishu, Trans Nzoia and parts of western Kenya have large tracts of land, but because of frustrations, as one of the hon. Members mentioned, they turn to other forms of production. Some people are now going into coffee growing. What does that mean? Eventually, we will not have food. Eventually, we will keep on importing food. You are here and you are all Kenyans; you will realise that the last time we imported maize, it was bad. Importers brought us animals feed instead of bringing us the right food. So, I want to urge this House to support the Motion because it will actually help us solve a problem.

The seventh thing that I want to say is that by so doing this Government will have what we call a food policy. I can tell you for a fact that this country does not have a food policy, because we have people who have no idea about what happens in the countryside. I want to support the Motion, so that farmers can be encouraged to get into commercial farming and help us to have this problem of hunger sorted out. We do not want to get into what we have gotten into in the past.

Hon. Speaker, Sir, lastly, I am happy that the President mentioned irrigation and asked why we do not do what we know first instead of experimenting. When we combine Trans Nzoia, Uasin Gishu and parts of western Kenya, we have enough land to produce enough food for the rest of the country instead of wasting money in getting into other programmes that I know will not succeed. We are going to use our meager resources to get into irrigation and bring in fertilizers.

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

**Hon. ole Ntutu:** Hon. Speaker, Sir, I rise to support the Motion. First and foremost, I would like to congratulate Hon. Wakhungu for bringing this Motion to the Floor of the House. Fertilizer is a key component in farming. Where I come from, thousands and thousands of acres are under farming, and there are two problems when it comes to farming. One is soil science. I appreciate the Mover of the Motion for saying that some farmers at times cannot even understand whether they use DAP or CAN. It is

also important for the Government to make it a policy that every two years they take a sample to help farmers in identifying the fertilizers they require.

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

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

Hon. Temporary Deputy Speaker, most of the contributors to this Motion have identified time as a factor in fertilizer distribution. I want to speak on behalf of the people of Narok County. They plant in February and March and most of the times fertilizers are not available. Those regions receive their fertilizers in April and at times in May which is unfortunate for farmers in that particular region. Kenya has potential to use land for food security. We can produce a lot to the point of exporting a surplus. It is important for this House to support this Motion, because agriculture is the backbone of the economy of this country. So, over and above formation of a fertilizer board, the key point is the establishment of a fertilizer factory.

With those few remarks, I beg to support.

**Hon. (Ms.) Chae:** Hon. Temporary Deputy Speaker, I stand to support the Motion and thank the Mover for this wonderful and timely Motion that has come to save our country and farmers. I am of the idea that if this happened yesterday, we would have had a way forward. We would have known where we are coming from and where we are going.

On the issue of the board, it is a good idea and it will ensure that fertilizers are delivered at the right time and are accessible to all farmers in this country. Where I come from, Nyamira County, we have yellow maize in some regions while other regions never planted because they did not access fertilizers. Those who were able to access fertilizers, they were so expensive that some farmers decided to go the traditional way of planting without using fertilizers. This move to have a board will ensure that we have fertilizers that can be accessible to every individual who wants to plant at the right time. Also having a manufacturing plant in our country after 50 years of Independence will ensure that Kenya will stand on its own feet, and know the types of fertilizers needed in every region. I believe that it will not be the same for every area. Our soils are different and they may be missing some nutrients, which are not in the fertilizers that we import. I support the Motion and state that as Kenya we should be manufacturing our own fertilizers. We should put clear structures in place to ensure that fertilizers are affordable and accessible to every region in our country. This will ensure that we have quality produce from our farmers that we can use locally and export to compete with farm products from other world markets.

I want this House to know that there are some people who take advantage of farmers not accessing fertilizers. They acquire it and want to sell it expensively, that is at a price that the common *mwananchi* cannot afford. This happens at the expense of the poor farmer.

So, I support the Mover and ask the House to ensure that our country has a board and manufactures our own fertilizer which can be acceptable throughout the country. We

should also ensure distribution of seedlings and pesticides. Our country should also have an agricultural policy that can work and help us move to the next level.

**Hon. Wangwe:** Thank you, hon. Deputy Speaker. I rise to support this Motion by Hon. Wakhungu; I will give it a good look.

Agriculture is the backbone of this country. The land in Kenya is quite good and the soil is rich, but the degree of alkalinity varies from one area to another or from one zone to another. We need to consider the area at which we are doing our agriculture and the fertilizer we are going to put into the particular soil of the area.

Hon. Deputy Speaker, looking at the production in Trans Nzoia *vis-a-vis* production in the entire western Kenya, we have to consider the type of fertilizer applicable in Trans Nzoia as compared to that which is applicable to the lower western Kenya. But we are speaking as if we all know how to use the DAP for planting in every zone, regardless of the particular soil. This has resulted into the food insecurity that we are facing at the moment. Should we have a board such as the one suggested by the hon. Member, we will be able to do soil sampling, produce the right fertilizer for the right zone, do the marketing of that fertilizer, give it to the farmers on time and get the right yield on time.

Looking at the Motion as moved and should we embrace this idea by the hon. Member, it is going to clear the issue of food insecurity that we have. It is also going to give us the commercial status that Kenya is eyeing; it wants to become a commercial hub in East Africa. We should set the pace at which we are going to do our business. We should look beyond what we are able to see. Should we adopt this Motion and convert it into the Bill, we will see our country grow into commercial production of fertilizer, which is required in the East African region. There is no factory of such magnitude as to compete with us in the region.

Therefore, it is not only Kenya whose economy is agro-based, but the entire region relies on agriculture to produce food crops like maize and other crops.

Thirdly, I would want to second this Motion because the Jubilee manifesto, as it was presented here by the President during the State Opening Address, looks at industrialization as a core agenda that the Government has for this country. We look forward to setting up a board that will eventually build for us a factory. By building a factory and managing it, the board will help us acquire industrial status. In this way we will not only be industrialized but our youth will also be employed in the factory. The marketing and supply chain of every activity will benefit the youth. We shall solve very many problems engaging in one activity.

To conclude my contribution on this Motion I would say that, although we are considering fertilizers and other inputs, we want to have a look at a broader perspective. We should not only produce fertilizer for farming. Look at the example of Mumias Sugar Company where I come from, it imports a lot of fertilizer and surcharges farmers. It gives the fertilizer to them in form of loans and at the end of the 18<sup>th</sup> month the loan accrues interest. The farmers are paying the high cost of fertilizer and also meeting the financial cost at the end of the 18<sup>th</sup> month.

So, if we come up with a factory, it will assist in both production of food and support the farmers who grow other crops.

Therefore, I beg to support the Motion.

**Hon. ole Kenta:** Thank you hon. Deputy Speaker. First of all I would like to thank Hon. Wakhungu for bringing up this Motion. I propose that we all support this Motion because it will benefit of all of us, as representatives of the people. As we all know, our country is an agriculture-based economy. Without agriculture Kenya will be nowhere. We export coffee and tea, but more than anything else we rely on the grains that we grow in our farms to support not only the economy but the livelihoods of our people.

We know that this problem has been there for a very long time. In the 1970s, there was Ken Ren Fertilizer Factory and Kenya is still paying dearly for it. I believe that since we have a new and transparent Government, it is time we went back to the basics and created structures that will make our economy grow through our own efforts, and not through efforts of people from outside, who always hold us to ransom.

The worst problem we have is the middlemen mania in Kenya. What is happening is that whereas the fertilizer might reach here in time, it will not go to the farmers because somebody wants to make profit out of it. So, you find that whereas the NCPB is supposed to distribute the fertilizer, there are cartels that gang up to ensure that individuals at places like Narok supply it. So, when the farmer goes to ask for the fertilizer, he is told that he can only get it from a certain outlet at an exorbitant price. In fact, the worst is that there is even discrimination when it becomes to the prices of fertilizer.

Hon. Deputy Speaker, when you hear about subsidies, they do not benefit everybody. You will find that in the North Rift there is subsidy, but when it comes to the lower Rift Valley there is no subsidy. So, you will find that the farmer in one part of the Rift Valley benefits while the others do not. All I want to say is that cheap is expensive. We do not want cheap fertilizer; we do not want any subsidies; what we want is for the fertilizer to reach us in time, so that our farmers are able to benefit from it.

If Kenyans think really as they should, this particular institution, the NCPB, has so many scandals. At the moment they do not even operate their own account because they are blocked from doing so. You remember the maize saga which is still affecting the economy of this country. You remember the sale of contaminated maize to the Kenyan population. This is not an institution which can be trusted to do anything for Kenyans.

I support Hon. Wakhungu that we should have an independent board to distribute fertilizer to the people, so that if I am a small farmer, I get the same benefits as a large scale farmer. We rely greatly on the small farmers who bring in two sacks of maize and beans. Those are the people feeding us, and not the people who do farming on large scale. They do not benefit the local person.

The other thing is what the President said; he said that one of the economic pillars of this country is agriculture. As one hon. Member has said, it is important that we have our priorities right. Why would you want to spend so much on irrigating one million acres when you can actually utilize that money to get the fertilizers, seeds and even a mechanized way of doing things? I request this house to look at these things afresh. Let the farmers get that money directly, because that is the only way it will benefit them.

For example, in Narok we are also the blessed food basket of this country because we produce barley, maize and wheat. But you will find that the local farmer is not benefitting, instead it is foreigners who benefit. It is not even Kenyans, but South Africans who are benefitting. What happens is that we are left with nothing. We go to the Agricultural Finance Corporation (AFC) to get loans, but we do not get fertilizer and

certified seeds on time. Then what happens? We eventually lose, and we are always being chased around by the AFC because of loans. We are now saying that, since we are Kenyans and because of coffee loss and other losses loans have been waived, let losses of farmers in Narok be waived. They are also Kenyans and are entitled to this benefit just like anybody else. That is what we are saying.

I would like to say that I support this Motion. Let us have an independent board for distribution of fertilizer and many other things. I think the economy of this country is suffering because of the cartels that benefit at the expense of the ordinary person.

Therefore, I would like to say that I support. This is something that every Kenyan who thinks about the ordinary man should support.

Thank you very much.

**Hon. (Ms.) Wahome:** Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion by Hon. Wakhungu. I am happy that I come from a region where we talk about peasant farmers, and Hon. Wakhungu talks about large-scale farmers. While the large-scale farmers may not require subsidies, the peasant farmer who deals in domestic baskets requires subsidies. When the rains come, the peasant farmer will travel three or four times from Murang'a County to Thika, because there is no fertilizer in the shopping centres. They will go there three or four times and still not get fertilizer.

This Motion reminds us that the National Cereals and Produce Board is an agent of poverty. I think this country cannot continue to tolerate agents of destruction. The history of the NCPB is known in this country. That is inefficiency, recklessness and irresponsible management of the business that it is mandated to do. It takes over business that does not belong to it.

Hon. Temporary Deputy Speaker, there is a big problem, two kilogrammes of maize seed costs between Kshs400 and Kshs500. To plant a two-acre piece of land, a farmer will require, maybe, five packets of two kilogrammes of seeds. He or she will also require fertilizer that is not accessible and is not affordable. This is the case, yet we are talking about making this economy grow by double digits.

The Mover of this Motion must have had a vision. He must have dreamt many times on how we can remove this business from the NCPB. Looking at the record, it is not a matter for debate because the record of the NCPB speaks for itself. We should not be debating but confirming through this Motion that the business of the NCPB, even the one that they are mandated to do, has failed. The management does not know how to handle the small-scale farmer or the large-scale farmer. In other countries, they rely on subsidies.

It is known that in rich countries farmers get access to loans. All inputs and equipment are subsidized by the Government. However, in this country subsidies are not available and fertilizer is of low quality, because people are involved in underhand deals during procurement. They fake shortage, so that fertilizer can come into the country and be sold at an unaffordable price, and we continue to say that we have the NCPB.

Farmers in coffee growing regions have given up because they cannot afford fertilizer and other inputs which are necessary. They did not benefit even with the writing-off of debts. Those were public statements that have not matured. To date, they are still waiting for the actualization of the writing-off of those debts.

We have talked in this country about historical injustices. I think farmers in this country have suffered historical injustices. You will take a loan, get fertilizer that is of substandard quality, the seeds are substandard and eventually you will service the loan. The country has also seen banks take advantage of this kind of situation and the buck stops with the Government. Many farmers have lost their land because of irresponsible boards like the NCPB. Those farmers have also had their children thrown out of school and from their homes.

As a lawyer, I know that, that is a daily occurrence. Auctioning of people's homes, not because they do not work but because they got loans, the rains came but the NCPB failed to bring fertilizer and the crops failed because of lack of properly certified seeds. The Jubilee Government must address the various issues raised by Members of this House urgently.

I will support the immediate creation of this board. As we do that, the agricultural sector needs to be addressed in a holistic manner, so that we can tackle all the ailing areas of that industry, if we have to address food insecurity in this country, as spelt out by the Mover of this Motion, my good friend, Hon. Wakhungu

Hon. Temporary Deputy Speaker, I support this Motion.

**Hon. King'ola:** Hon. Temporary Deputy Speaker, I rise to support this Motion. It is true that there is no nation which can develop without feeding its people. We are all aware that all developed nations first put a plate of food in front of their citizens. This Motion should be supported by all. We need this board as early as yesterday.

If you look at South Korea, you will find that it is one of the leading producers of steel, yet they have no iron ore or coal. Kenya is blessed with iron ore and deposits of coal. We even have oil. These are the by-products or the materials used to produce fertilizer. If this nation or this Government is serious with its citizens, the production of fertilizer should commence immediately. For example, I come from lower eastern. If you visit the whole of Ukambani, you will find that it is true that there are no incentives, or any Government aid given to the farmers, yet everybody knows that Ukambani region was famous for producing maize, cow peas and beans during the *El Nino* rains.

If we go by what the President said about his nine pillars, they will support agriculture by irrigating one million acres of land. Now, going by production of, maybe, 30 bags of maize per acre, that translates to 30 million bags of maize. If the maize is well harvested and stored, Kenya will never talk about food insecurity, or insufficient food supply.

I concur with all the speakers that we now have a Government that has prided itself of being digital. If it is serious and we have the incentives and fertilizers, we can produce enough food. Seeds which are not hybrid are sneaked to the market to exploit the farmer. When our farmers use some of the fertilizers in the market, for example, CAN and DAP, they do not yield much. In fact, they add acidity to our soils. The Government must put stringent measures in place to ensure that the fertilizers and the seeds that are supplied to our farmers are hybrid and of high quality. Farmers should be sure that when they plant, their crops will yield as per the quality of the seeds. We should also have a serious system of remunerating our farmers. We should create local market under the slogan "Produce Kenyan and Consume Kenyan". This will motivate our farmers to produce more.

I concur with all the speakers who have said that most of the water in Tana River and Athi River goes to waste. We should harvest that water through dams and water pans and then encourage our farmers to do irrigation. We also need to give them incentives like supplying them with irrigation pipes and generators. If we do this, Kenya will be one of the leading producers of staple foods in the region. The Members have given an example of Malawi. Kenya is known to produce the best researchers in the world, but the problem lies in the implementation stage. If we go by the reports of our researchers like the Kenya Agricultural Research Institute (KARI) and the specialists and professionals from the Ministry of Agriculture, we will have food sufficiency and export the rest.

Israel is 90 per cent desert, but today I am sure most of the Members in this House have bought oranges and mangoes from there. Kenya is blessed with good climate and soil. Why can it not be one of those countries which produce the most? We have enough water and sunlight and we only need proper policies in place to help the Kenyan farmer and food insecurity will be a thing of the past. Therefore, I support Hon. Wamalwa's Motion that this nation needs to put up a unit that is going to produce fertilizer and farm inputs.

With those remarks, I support the Motion.

**Hon. Anami:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to add my voice to those who have spoken on this Motion. I stand to support the Motion. I do not really see how any Kenyan can oppose a Motion like this, which speaks to the heart of all Kenyans.

I come from Shinyalu Constituency where every inch of the soil is good for farming and all the citizens there, like all the other parts of Kenya, are anxious to work on their land and to produce food and other crops that will enhance their welfare. So, the Government should be anxious to support these Kenyans to benefit from their land. Therefore, I am talking about our land policy. As we look at arrangements like the one that has been viably proposed by Hon. Wamalwa, we need to revisit our land policy. At the moment, we have a lot of fallow land which is not being used because farmers have abandoned farming because of the frustrations they go through. They wake up in time in the year to prepare their land for farming, do all they can and invest in the farming process, but they will not get fertilizers in time. They get frustrated.

Agriculture, being a sector that suffers diminishing returns, the Government should maintain vigilance and clear focus on helping the farmers not to suffer diminishing returns. A colleague talked about the yellow maize. That is the feature you find everywhere. At the beginning of the season, you will find that everyone has prepared his land and is ready to do the best with it, but this is not possible because the fertilizer is supplied late or is not accessible due to high prices. Sometimes, the unit converts this into a business venture that makes it impossible for the farmer to access the fertilizer. The total output from the farmer is a loss and this is very frustrating to farmers. We need urgent intervention by the Ministry of Agriculture and the Ministry of Trade and Commerce. This is very urgent because we cannot allow people to incur losses after investing their fortunes in the farming industry.

There is also the issue of middlemen. The middleman syndrome in Kenya must be dealt with. Middlemen will always hoard fertilizer and other farm inputs to frustrate the farmer. After the farmer has done his best and produced his crop, the middleman comes

in. The culprit is usually the NCPB which wants to buy the produce at a throw away price. So, farmers incur losses all the time. As middlemen, they come back with the produce to sell to the poor Kenyans during famine. This becomes a continuous frustration to the innocent Kenyans. It is very important that we support this Motion and pass it with speed. We should insist that the established board be given responsibilities that will enable it to supervise the distribution of fertilizers and also provide the necessary extension support services to the farmers. Farmers can make good use of the fertilizer once they have received it. I want to support the proposal that the fertilizer processing factory should not be centralized. It should be established in all the counties where agriculture is practised.

If it is centralised, we will still have the same frustration of distribution. We have experienced discrimination in not only distribution of the fertilizers but also in their pricing. The prices of fertilizers are not the same throughout the country. You find that the price of CAN fertilizer in the Rift Valley region is not the same as in the western region or the Coast region. We should get rid of this discrimination. We should find a way of mitigating, if there are any costs in between because most of those who undertake farming are poor people who want to eke a living out of their small pieces of land. We should support them by subsidizing the prices of fertilizers as much as possible. If the proposed factory is established, it will provide employment opportunities. It will also provide opportunity for not only qualitative productivity but also quantitative productivity. We cannot have our children dropping out of school due to hunger when we can produce more. Children are dropping out of school due to hunger. We need to establish a school feeding programme from these good products.

Hon. Temporary Deputy Speaker, if we establish the proposed board and, subsequently, the factories we will have synergy. Agriculture is a sector which embraces co-operation from other sectors. Therefore, we need an institution which will promote synergy amongst related sectors. Trade depends on agriculture also. Our traders get frustrated because they cannot get products from the farm. We have a lot of fallow land being wasted because we cannot provide farm implements. Therefore, I wish to suggest that we go on because I do not hear any dissenting voice on this Motion. It is a Motion we need to pass quickly and provide for the people we represent because if they eat well, they will be healthy and this country will be more productive.

With those remarks, I beg to support the Motion.

**Hon. (Ms.) Chidzuga:** Ahsante sana, Bi. Naibu Spika wa Muda. Hoja hii imekuja wakati unaofaa lakini ni lazima kwanza tuangalie chanzo cha matatizo haya. Alipokuwa Waziri wa Kilimo Makamu wa Rais William Ruto, wakulima katika eneo la Pwani walivuna chakula kingi mpaka wakakosa mahali pa kukihifadhi na kikaoza. Kuna shida katika Wizara ya Kilimo. Tunaomba Waziri wa Kilimo wa sasa aige mfano wa Mheshimiwa Ruto. Tunaomba asikae ndani ya ofisi bali aende mashambani akajione na awasikize wananchi. Halmashauri ya nafaka nchini imejitwika majukumu yakuleta mbolea, ambayo si majukumu yake. Kama halmashauri hiyo imeshindwa kutuletea mbegu, italeta mbolea? Tumeipitisha Katiba ambayo imeanzisha serikali za majimbo. Sielewi ni kwa nini mpangilio wa ugavi wa mbegu ama mbolea umebaki katika Serikali Kuu. Inafaa kila kaunti inayofanya shughuli za kilimo ipelekewe pesa inunue mbolea na kuwapatia wakulima.

Mamlaka ya kununua mbegu yatakapopewa kaunti na taasisi iliyopendekezwa kuundwa, bodi ndogo katika kaunti zitapatiwa hayo mamlaka na tutaweza kupata mbegu na mbolea kwa wakati unaofaa. Wakati huo itakuwa rahasi kuwatambua wale ambao watakuwa wanazembea katika kazi zao, kinyume na hali ilivyo sasa, ambapo uzembe uko katika Serikali Kuu. Wakenya wanalia kwa sababu mbegu na mbolea haziwafikii kwa wakati unaofaa. Ninakumbuka kwamba katika miaka ya 90, kule kwetu Pwani kuliletwa mbegu iliyoitwa "Coast Composite". Mbegu hiyo ilizaa ajabu lakini kulipoonekana kwamba Wapwani walianza kupata chakula, mbegu hiyo iliagamizwa. Sasa tunaletewa mbegu ndani ya mifuko. Tunaambiwa ndiyo mbegu inayofaa lakini tukipanda mahindi yanazaa yakiwa futi moja. Tutapata vipi chakula sisi Wapwani?

Bi. Naibu Spika wa Muda, wakati umefika wa haki kutendeka kupitia kwa majimbo yetu. Nina imani kwamba Serikali hii itaweza kutilia maanani kwamba bila ya chakula hatuwezi kufika popote. Kilimo ni njia moja ya kuleta ajira. Kuanzisha kiwanda cha kutengeneza mbolea ni njia moja ya kuleta ajira. Nchi kama Israel inaweza kutengeneza mbolea yake. Unapoingia Mombasa na sehemu nyingine za Nairobi, unashindwa hata pa kupitia. Kunanuka uvundo. Uchafu umeenea kila mahali licha ya kwamba uchafu huo unaweza kugeuzwa na kufanywa mbolea. Tunaomba shirika lililopendekezwa liundwe lihakikishe kwamba katika kila eneo kutakuwa na kiwanda cha kutengeneza mbolea. Tukifanya hivyo, tutaweza kuisafisha miji yetu na kuwa na mazingira masafi. Tutakuwa tumeua ndege kumi kwa jiwe moja.

Kwa hayo machache, ninaiunga mkono Hoja hii.

**Hon. J.K. Chege:** Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Motion. I rise to support it.

First, I would like to share with hon. Members an experience I had about a month ago. I called the NCPB because the people of Limuru wanted to know if they could have a fertilizers distribution centre because it was difficult for them to access the agricultural input from Industrial Area. It is not easy for small-scale farmers who cannot afford lorry-loads of fertilizers but who would want to access it in quantities they can afford. I believe that this Motion is addressing the needs of peasant farmers not only in areas where maize is grown, particularly in the Rift Valley and western regions but also in areas like Limuru, where vegetables are grown. From my experience, we need to look afresh at the mandate of the NCPB. Ordinarily, I would not support the idea of creating such a board for the single reason that the existing State corporation that is supposed to perform the particular functions is inefficient but today I stand here to support this Motion for creation of a fertilizer board to ensure that farmers access fertilizers.

Hon. Temporary Deputy Speaker, we also need to ensure that the fertilizers coming into this country are of good quality, and that they do not bring health problems to our people. This country is faced with an increase of cancer cases all over but nobody seems to even give us an idea as to what is happening. In every corner of this country, we are seeing cancer cases which were not with us before. It is important to ensure that even when we are calling for fertilizer, we make sure that the fertilizer coming into this country is one that is of international standards. We know that there are schemes to ensure that this happens but we need to enforce those quality measures to ensure that no toxic fertilizer comes into this country.

Hon. Temporary Deputy Speaker, there is a recommendation which I support of establishing a fertilizer plant in this country. It is possible but as a nation we need to be serious. This subject has been discussed for a long time but I can also say this: For this country to solve its food problem, we need to be serious. We need to be serious by making sure that we can establish this plant. We can identify an area where we can locate this plant. We should provide services that are required to enable an investor to put money into this sector. It is difficult in this country for anybody to put up a plant in a country where electric power is not reliable. It is expensive. It is not even competitive with other people. The transportation cost is high. We are still relying on road transport. It is about time that even as we consider putting up such a plant, we consider feeding it with a railway system that is efficient, reliable and that can move at a speed that is competitive with other places where they manufacture this kind of product.

So, I support this Motion but I also want to call upon this nation that we cannot say that we will rely on the use of fertilizer just because we have heard it is necessary. I believe there is also scope for us to explore other areas where we can grow food without necessarily using fertilizers because there is also room for that. However, where we need fertilizer, I think we need to make sure that we establish an organ that can facilitate efficient distribution of this commodity.

Hon. Deputy Speaker, I want to thank Hon. Wamalwa for providing us with the information and I think he has done a bit of research on this. I want to say that these are the Motions that should be brought here, Motions that must address the needs of our people and clearly state that this country needs to feed itself. As we are feeding ourselves, we need to put money in research and development. We know we have institutions like KARI which are mandated to do research. They should also come in and contribute so that farmers benefit from the research findings that they have. I agree with the fact that we have raw materials that can contribute in terms of manufacturing of fertilizer and we should make sure that we use our own resources for our people.

Hon. Deputy Speaker, I support.

**The Temporary Deputy Speaker** (Hon. (Ms). Mbalu): Hon. Mbadi John.

**Hon. Ng'ongo:** Thank you very much, hon. Temporary Deputy Speaker. Before I support the Motion, allow me to take this opportunity to congratulate you for presiding over the House and I thank this House for having confidence in you. I think so far you have shown that you can preside over this House with confidence and competently.

Having said that, I want to thank the Mover of this Motion, Hon. Chris Wamalwa, and I think this is a timely Motion. First of all, it is important to appreciate that an institution can just do so much. That it is not possible for one institution to be doing so many activities at the same time. The National Cereals and Produce Board, in my view, should concentrate on its core mandate of storing our produce – the produce from farmers rather than getting involved in distribution of fertilizer. In the end, it compromises its ability to efficiently and effectively serve the people of Kenya.

Hon. Temporary Deputy Speaker, seed distribution has been given to the Kenya Seed Company and I think it is important that now we also think seriously about the distribution of fertilizer and give it to a separate board to manage. It does not do the country any justice to give fertilizer to farmers when the rains are over. It does not do any justice to give fertilizer to farmers when they do not need it. If we have a body that is

answerable only for distribution of fertilizer, it will be very easy to oversee it and it will be very easy for that body to professionalise in distribution because we have a big problem with fertilizer distribution. A number of times we hear the Government giving assurance to the public that they have been able to source and buy fertilizer and they are going to subsidise it, but in the end you realise that some unscrupulous business people get involved in between and get this fertilizer and extort money from farmers.

Hon. Temporary Deputy Speaker, sometimes you do not understand how we can have different fertilizer prices in this country in not very distant places. You find even in the same town different prices for fertilizer. It is because we do not have a streamlined method of distributing and selling fertilizer to farmers. So, we need a body that we can hold answerable and accountable and I want to speak to the Government to understand that this country has so many regions which are agriculturally productive. It is only that sometimes our policies work against the productivity of some areas. If you come to my constituency, for example, it is very rich in agriculture but because there is no support given to farmers and sometimes there is the assumption that that region can only produce fish, you realise that a lot of produce that can be generated from that place is never achieved. You can go to the district headquarters to look for fertilizer and not get it. Even if you go to look for seeds, you cannot get them.

I want to tell this House that sometime back in late 2011, I had the privilege to serve in an *ad hoc* committee of this House which was constituted after we realised that the prices of essential commodities was not affordable to majority of Kenyans. The committee was called “The Cost of Living Committee” and when we went to the Kenya Seed Company it was very interesting to realise that a decision made by an individual and a very wrong decision to stop production of seeds almost brought this country into serious problems in terms of seed distribution. We realised that the seeds that were being given to farmers were not the correct seeds that were meant for high altitude areas. The seeds for high altitude areas were given to low altitude areas. Why was this happening? It is because someone somewhere made a decision not to produce the right seeds. These are some of the decisions that are made in this country that I think need to be looked into. It is not that we do not have institutions but what we lack is responsibility and this culture of people seeing every opportunity as one to grab and loot from the people of Kenya.

Hon. Temporary Deputy Speaker, once this board is set up, and I urge Hon. Chris Wamalwa to bring a Bill after this Motion is passed, we would expect an efficient board. We want a board that is transparent and responsive to the needs of the farmers. We do not want to hear of cases of a board we have set up trading with the Kenyan public and yet they get paid from the public funds. It would be really unfortunate. This country should not be importing food at all. Actually, we are blessed with enough rains and even if we do not have enough rains, we are blessed with rivers. Some of the biggest rivers in Africa are in this country. A lot of our water is used in Egypt through River Nile to irrigate crops. Actually, we are all aware that Egypt does not see rain at all. But we allow them to use our water and we do not use it. What are the reasons behind this? We make some steps forward and some several steps backwards. The Member of Parliament for Kwale talked about something to do with the Coast Province producing a lot some time back. It is true it did but even when we put in place mechanisms to produce more crops, in the end we fail a very simple test. How do we safeguard the produce from the farm to the

stores and finally to consumers? Sometimes you realize that we produce a lot of crops and because of poor storage, we end up wasting all the crops. We end up throwing all the millions and billions of shillings that we inject in irrigation schemes due to carelessness in terms of storage. Therefore, I expect the current Cabinet Secretary responsible for the Ministry of Agriculture to come up with very clear policies on how to irrigate; bring more agricultural land through irrigation. After that, we want to see how fertilizers are distributed. We want to see how these crops that we get will be stored.

Finally, hon. Temporary Deputy Speaker, I have seen from the Motion that Hon. Wamalwa is asking for construction of a fertilizer factory. But remember that this country is repaying a loan for the construction of Ken Ren fertilizer factory that never was. This country has not even stopped for a minute to ask itself where this money went. We took a loan to construct that factor but what happened? Who were responsible? Those people are still alive. They have not gone anywhere. If they were in power then, right now they are not in power. We need to hold them accountable so that whoever is in power today cannot commit the same mistakes committed by the previous officers. If we get this impunity mentality that whatever happens corruption will always fight back, then we will not head anywhere. I think the 11<sup>th</sup> Parliament would do justice to this country by unearthing this mystery behind Ken Ren, that loan we are repaying and even our future generations will repay. What did it construct? If it did not construct the factory as we know, where did it go? Those people who are rich because of this money through our sweat must be held accountable.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, I now call upon Hon. Nakuleu to move a Motion for Adjournment to discuss a matter of national importance.

### QUORUM

**Hon. Mwaura:** On a point of order, hon. Temporary Deputy Speaker. I stand on a point of order pursuant to Standing Order No.35 to request whether this House has quorum to discuss the matter at hand.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Pursuant to Standing Order No.35, I order the Clerk's desk to verify the quorum. Hon. Members, I have confirmed that we have no quorum and I order the Division Bell to be rung. In the meantime no hon. Member is supposed to walk out of the Chamber, so please observe this.

*(The Division Bell was rung)*

Order, hon. Members! Can we have some decorum in the House? Hon. Members, please take your seats! I order the Division Bell to be stopped.

*(The Division Bell was stopped)*

Hon. Members, the Mover of the Motion can continue. The Motion for Hon. Wakhungu will be discussed in the next sitting for 45 minutes.

*(Debate on Motion deferred)*

**The Temporary Deputy Speaker** (Hon. (Ms). Mbalu): Let us have the Mover to move the Motion. Hon. Christopher Nakuleu, the Floor is yours. If your microphone has a problem, you can come to the Dispatch Box.

### **MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33**

#### INSECURITY IN TURKANA COUNTY

**Hon. Nakuleu:** Thank you, hon. Temporary Deputy Speaker, Sir. Pursuant to Standing Order 33, I rise to seek leave for the adjournment of the House for the purpose of discussing a definite matter of urgent national importance following a series of killings of Kenyans in Turkana North Constituency in Turkana County by militia from South Sudan and Ethiopia.

Hon. Temporary Deputy Speaker, the chronology of these events started last month on 6<sup>th</sup> May, 2013 where the militiamen crossed over into Kenya and went 50 kilometers into the interior of Kenya and attacked the *manyatta* at Lokomariyang. They killed one person and drove away 200 herds of cattle.

On 22<sup>nd</sup> May, 2013 the Merille from Ethiopia crossed over and killed three people in Kokoro and injured three more who are now recovering at the district hospital. On the eve of Madaraka Day, more than five people were killed in Lorumor Sub-location in Kibish District. I personally visited the area and participated in burying those who were killed.

Later on 2<sup>nd</sup> June, 2013, just immediately after Madaraka Day celebrations, two people were shot and got seriously injured when they had taken their livestock to drink water in Nakua River. The two are now in Lodwar District Hospital.

Hon. Temporary Deputy Speaker, all these events are happening within the Ilemi Triangle which is contested by the governments of South Sudan and Kenya. This case is in the African court, the African Union (AU) and in the International Criminal Court (ICC). This area has a strategic interest for both countries; Sudan and Kenya. Kenya has been co-hosting it. These strategic issues arise because of oil and geothermal. I, therefore, urge the Government to investigate the intention of these serial killings. It could be to scare off the occupants of that area to create an avenue where they can validate their case in AU and ICC.

Hon. Temporary Deputy Speaker, going by this trend, we may not have Turkanas in the next 50 years because from my observation, it could be a conspiracy between nature and the Government of Kenya to make sure that these people are not there. Since this incident occurred, there has not been any response from the Government securities, neither have we heard a message of condolence from the leadership of this country. Yet these people are bound by the same Constitution which the President and the Deputy President swore allegiance to.

The worst scenario, the same areas where these incidents are happening is where in the year 2010 over 50 people were killed and the then Prime Minister visited the area.

The Government had promised to beef up security in the area and up to now nothing has happened. The most perturbing and the most disturbing issue is the situation where the General Service Unit (GSU) and the Rapid Deployment Unit (RDU) camps are just 15 kilometres from the scene of killing. When the incident occurred, there was no response from these security camps.

Hon. Temporary Deputy Speaker, as a Member of Parliament for that area, I wish to urge the Government to empower the local people so that they can defend themselves and this country. Without these people being at the borders, we are bound to lose a lot of land to our neighbours because Kenya has no clear policy on its borders. If you ask the person who conducts survey on the exact boundary between Kenya and Ethiopia, he may hardly tell you the correct position and these are the people who defend this country from external aggression.

With those remarks, I beg to move and wish to request Hon. Shidiye to second.

**Hon. Shidiye:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to second and contribute to this Motion.

Insecurity in this country has been a pestering issue. Many lives have been lost in this country because of insecurity and particularly in the pastoral areas where I come from. Turkana, Garissa, Wajir, Pokot, Kajiado and all the pastoral areas have a huge problem. This matter has been going on for so long. We are asking ourselves: Why is the Government shifting blame or why is the Government not working hard towards providing peace and security in these areas? Many people have lost their animals or livelihood, unlike farming community where if you lose the crop for one year due to rain failure, you are able to plant the next crop. If somebody takes your animals, where will you start? It is the most difficult and tormenting issues among the pastoral communities.

Hon. Temporary Deputy Speaker, between 200 and 300 people have been killed in the last three years, and people are being killed every week in Garissa County where I come from.

We know we have a problem in Somalia. There has never been peace in that country for the last 22 years. We have a porous border and people in the name of *Al Shabaab* have made Garissa, Wajir and Mandera counties their home. As I speak, Garissa Town, where I come from is under siege. Before 5.00 p.m. everybody has to go home. This is not because there is no security. We have the police, the Administration Police, the military camp and the prisons officers and with all that security, people feel insecure. So, what is the problem? Is it the morale of the police, the administrative officers or the Anti-Stock Theft Unit? What is happening? I think we need answers to these problems.

In Turkana, for instance, the Members of Parliament have nightmares because there is a raid going on every other week or month. We have raiders from Sudan, Uganda and Ethiopia. There are raids and counter raids. If you look at Turkana County, you will find that the majority of the people have not lost their animals through drought, but they have lost their animals through cattle rustling or to people who are armed to the teeth. We have only two options; either we arm our people fully or we disarm them fully. However, if you have some pockets of people having arms and another group that does not have arms, then you will certainly be in trouble.

If home guards are trained well, they are co-ordinated very well and they are disciplined, they will be able to deliver in terms of security at the end of the day. However, if the Government thinks that we will disarm everybody, there will be a problem.

Hon. Temporary Deputy Speaker, the other issue which I want to address is that the security docket is underfunded in this country. They are allocated Kshs55 billion in one financial year and yet what they require is more than Kshs120 billion. That is if we want to secure our borders, counties and this country. If you look at the police today, you will find that they are underfunded, they are ill-equipped, they have no vehicles, they are demoralized and they have no houses and medical cover. If a policeman is injured today, he has nowhere to go to. He will die miserably. Police officers are living in houses which you cannot even keep animals and nobody can stay there. One house is occupied by five or six officers. That is a single room and yet some officers have families. It is really indescribable.

Hon. Temporary Deputy Speaker, in this time and age, the crime rate in this country has changed. There are many challenges which should not intimidate us. You will realize that the modern crimes we are facing are not the same ones we faced in the old times. During the old times, cattle rustling was cultural. I could raid your village, take a few animals and you could also raid my village and take a few animals. However, with modern cattle rustling, somebody will come and collect the animals en masse and kill everybody. You have trails of disasters or problems. That is why if you go to Turkana, Pokot or Garissa County, you will see pockets of villagers who are waiting for famine relief. That is why we are saying that the Government must find a solution to this problem. The only solution is to properly fund the security institutions. This is because security is paramount. There will be no education without security. There will also be no health sector without security. There will be no agriculture, Parliament or Executive without security. These are things we must address ourselves to as a nation. If we fail to do that, then it will be free for all. The rules of the jungle will apply.

The other issue I want to address is the differences or conflicts between the police, the Police Service Commission and the Independent Policing Oversight Authority (IPOA). We want the differences to end. The police must not operate like a trade union. If you see police fighting and wanting to go on strike, you are in trouble.

We empathize and sympathize with the people of Turkana and the Government must find a solution to this problem. The Government must also provide insurance cover. The Government must compensate you if your animals are stolen because it is the duty of the Government to maintain security. When other people die in a disaster, the Government comes in, it buries the death and it is concerned but when hundreds of Turkana people die, it is like nothing has happened. This is a major concern. All lives are sacrosanct and there is no life that is more important than the other. There is no single Kenyan who is more important than another Kenyan. A Turkana's life is equally worthy as the life of other Kenyans in Ukambani, Central Province and other parts of northern Kenyan.

It is not easy if you see a Turkana coming all the way and getting educated and finally getting a plum job in this town. They have faced difficult times in their lives. They are faced with droughts, insecurity, long distance, harsh terrain and environmental

problems. It is an eyesore. It is really demeaning this county. We want to live in a harmonious society. We must find solutions to these problems because they are recurring day and night. People in those areas are insecure day and night. People are leaving that county for other parts of the country and yet that county has oil underneath. Without security, we will not exploit that resource which is very important to this country. Without security, you and I know very well that there will be no development in that area.

Hon. Temporary Deputy Speaker, with those few remarks, I beg to support this Motion.

*(Question proposed)*

**Hon. (Ms.) Muhia:** Thank you, hon. Temporary Deputy Speaker. I wish to contribute to this Motion. I would like to say that security is not only a threat in Turkana but rather the whole country. However, it is more specific in northern Kenya and in pastoral areas.

I would like to say that security is an issue that all of us should maintain and know what happens, if it is not in place. This is because insecurity has become an issue in some parts of the country. It is maybe stimulated by political influence. So, it is our duty as Members, any elected leader or any leader in his or her capacity to ensure that there is security. This is because most of the time women and children are more affected than men. People may not know what finally happens if security is politicized.

I would like to say that as we try to maintain security through the Government, it is my duty and other Members' duty to ensure that security is maintained. Maybe we could find ways for dispute resolution. For instance, I have come to find that some people could be fighting over resources and clans. This is particularly in North Eastern Province. This is what I was informed by a friend when I tried to find out why there is war all the time and yet in central Kenya, for instance, in my county there is none. We have to apply dispute resolution. We have to acknowledge that our security department has been demoralized. There is no motivation for this department to maintain security.

When we looked at the Budget, we saw, as my colleagues have said, the deficit. Security is always a sad story in this country. In a nutshell, you cannot even describe it because sometimes what you see the police go through is unimaginable. We only came to learn that police is the only group or category of workers who do not have a medical facility where they can go with their family or children in case one falls sick or is injured in line of duty. They also face housing challenge and other challenges. So, it is time the Government worked hand in hand with the residents as we maintain security and see the way forward. It is time we thought about this department as we speak about the economy, food security and many other aspects. It is also time we saw security as a major drive to the other sectors. I wish to say that let us all be responsible, there is no government somewhere, the government is me and that other person. I thank you and I beg to donate a minute to my neighbour.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): We may not allow that. I wish to give some preference to the Chairman of the Departmental Committee on Administration and National Security, Hon. Abongotum.

**Hon. Abongotum:** Thank you very much, hon. Temporary Deputy Speaker. I rise to support this Motion for Adjournment by Hon. Nakuleu, who is a legislator who understands matters of East Africa. Before he came to this House, he was a Member of the East African Legislative Assembly and so, he understands the geo-security and the geo-politics in East Africa.

We really sympathize with the people of Turkana North and Turkana County in general. For those of us who read newspapers, these people have really been harassed by tribes from across South Sudan and Ethiopia. Of course, you will be told about Toposa, Merille, Dong'iro and Nyangatom. These tribes are heavily armed and I do not know if they know that they have a government in their respective places. They operate like beasts. They cross to Kenya, kill the Turkana people with impunity and go away. I want to promise that I will sit down with the Members of my Committee and engage the Cabinet Secretary in charge of Interior and Co-ordination of National Government once he is sworn in because it is not going to be business as usual. It has to be business unusual.

We have to explore ways and means of dealing with this issue. Since I came to this House, 11 years ago, Members from those regions have been raising the same issues. I remember Hon. Ethuro used to move Motions for Adjournment most of the time on the same issues. For how long must this continue? So, we will sit down and come up with sustainable solutions of addressing this problem. I want to propose, and this is my thinking and I will try to convince the Members of my Committee, that we need homegrown solutions to this issue. The people in the security sector do not address this problem comprehensively. So, this time round, we want to sit down with the six counties in the region, namely, Isiolo, Marsabit, Samburu, Turkana, Pokot, Baringo, Kuria and some parts of Meru, because this is where you have issues of cattle rustling and come up with solutions that we feel that the Government should implement. It is always top down. We need solutions from the locals themselves. If they tell us that the Kenya Police Reservists (KPRs) could be the most effective in dealing with this, then we think of giving them stipends and training them to supplement what our security people are supposed to be doing. A good percentage of the security issues are being addressed through the KPRs. I want to thank the KPRs for what they are doing in Turkana and Pokot. In parts of Baringo County, for example, in Tiaty where I come from we do not have KPRs and that is why we have so many issues there. The KPRs are also doing well in Marsabit, Isiolo and Samburu. So, we need to find ways and means of empowering them.

We need to empower the RDUs in the Administration Police together with the General Service Unit (GSU). When we are told that the GSUs are stationed at Kibish and Todonyang and people are being killed and no action is being taken, where will these Turkanas go? Let us also explore ways of deploying our military officers. When you go to Uganda, from Bukwa, south of the Karamoja Region, all the way through Dodoth, all the way to Jie County, all the way to Kaabong and all the way to Olopoi, we have military officers stationed after every 30 kilometres. From Mount Elgon all the way to our boundary with South Sudan, we have military officers. Why can we not think of having the same officers from Kacheliba all the way to Lokichoggio and then all the way

to Todonyang close to Lake Turkana? Let us think outside the box so that we can save our people.

This area can be contentious because of the oil and geothermal issues. That will come later. We want to restore peace in this area first, so that we can exploit oil in Ngamia I, Ngamia II and zebra whatever. We also think that there is oil in Baringo and they can call it Kifaru, Hippo II or Hippo III, so that the moment that we start exploiting these resources, we have peace and we do not experience issues of emancipation of the people of the Niger Delta. We do not want the problem that we have in the Gulf of Guinea to be transferred to the North Rift. We are serious in addressing this issue as a Committee. I want to promise this House that it is not going to be business as usual. It is going to be business unusual. We are prepared to deal with this problem as long as the Cabinet Secretary in charge of Interior and Co-ordination of National Government is prepared to work and deliver on the mandate of his Ministry.

With those remarks, I support.

**Hon. Onyura:** Hon. Temporary Deputy Speaker, I also rise to support this Motion. This is a very serious matter as already mentioned by hon. Members who have spoken before. The most important role of a Government is to ensure security of its population. I would expect that when something like this happens, we should have very serious reaction. I would expect the top echelons in the Government, particularly the security sector to react very strongly and send a very clear message to any of these aggressors, whoever they may be, wherever they may be coming from, that if you do this again, we will deal with you and maybe eliminate all of you. I just wonder why there are these repeated raids; these repeated attacks. What happens to our intelligence systems? As the Mover was moving, he mentioned that not so long time ago, the same thing happened. Government officials or politicians visited the place, made all manner of, I suppose, right noises but that was the end of it. Hardly six months down the line, it has happened. I am sure that another three months or six months it will happen and we shall be here still talking. It is true that we really need to focus on security of this area. I agree with hon. members who have mentioned that our security forces are severely restricted when it comes to firearms and equipment. I was very happy to hear His Excellency the President the other day talking about equipping our security forces; setting aside Kshs4 billion for buying the sort of equipment that our security forces need. This should be done very quickly. We should also boost the numbers of security forces. What the Chairman of the Committee in charge of security has been saying, if we have to station our security personnel in the manner he has suggested, we need to recruit more and they are there. There are Kenyans ready to offer themselves. I normally see when we have recruitments for whichever arm of the security forces, be it in the police, army and the rest, large numbers of Kenyans turn out to be considered. To me, that is an indication that Kenyans are ready to come out and defend their country and population. What they lack is proper coordination, facilitation and that is where the role of the Government comes in.

It is very disappointing at times to see in the media that those who have been entrusted with the duties of security of our nation are just wrangling and trying to argue, each one trying to talk about who has more power than the other.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your time is up!

**Hon. (Ms.) Kiptui:** Hon. Temporary Deputy Speaker, thank you for this chance. I also rise to condole with the people of Turkana for this unfortunate event that arose in their county. We are worried, as a nation, because of the runaway security in our country. The insecurity prone areas are always the ones near the borders. In the north eastern part of this country, every other time we hear about incidences of insecurity which in a microscopic manner you may think is a cultural issue of cattle rustling. To me, it appears as if this has taken an economic angle where people steal from others because it is an economic activity, they go and sell those animals and that is why it can never come to an end. As my colleague, Hon. Abongotum put it, it is time that we set up laws that are specific to those areas so that we do not treat it as if it is a normal incidence of insecurity. It is so perennial and continuous to an extent that it is time we set up a whole unit that deals with the northern part and deals with issues of insecurity especially for the people who are nomadic; people who rear livestock. They are always pulled behind because you can imagine that one morning you have a cattle yard full of animals and the next morning they strike and you become a pauper for good. These pastoralists and the people who rear cattle, once the animals are stolen, we have never seen them compensated. When your car is stolen and you have an insurance cover, you are compensated. These are livelihoods of our people and I have never seen the Government compensating them especially where life is lost. We never hear of any compensation. They suffer to that extent and they always wonder whether they are Kenyans or not.

I think it is high time we isolated this aspect of cattle rustling or people being murdered; large populations being sent away from their land and they become IDPs for no apparent reason. I suggest that a commission be set up to investigate and involve the locals so that we stop this runaway insecurity.

With those few remarks, I beg to support.

**Hon. Eric Keter:** Hon. Temporary Deputy Speaker, I rise to support the Motion. It is really shocking that after 50 years, this country is not in a position of handling insecurity, particularly along the borders. Hon. Abongotum has said that he has been in this House for the last 11 years and this has been the story throughout. Since we came here, we have had almost three or four adjournments on the same issue. I wonder how many adjournments we are going to have on the same issue. So I am seeing a possibility – I am making my own judgment that perhaps there is negligence somewhere. Perhaps, there is tendency by any authority somewhere not to take this issue seriously because the cattle rustlers from the neighbouring countries; Ethiopia or whichever country along the border come to Kenya and nothing is being done to follow them. Nothing is being done in that country to ensure that those rustlers are brought to book. So, I suggest that a commission, as one of the hon. Members has said, be set up particularly to look into these issues once and for all so that we do not come across this matter all the time. I really sympathise and we all sympathise with the loss of lives of these individual Kenyans. The law of this country says that we should have proper protection for all our citizens. Why does this not happen? Is it because we do not have enough personnel? To me, I think it is not. Is it because we do not have enough resources so that we can secure the lives of these people? The answer is no.

Hon. Temporary Deputy Speaker, so, I propose that we set up a police post near the border so that police officers can act very quickly when situations of that nature arise.

Proper roads should be constructed in these areas so that our personnel can respond very quickly. We should have enough equipment, vehicles and even helicopters so that this situation can be arrested quickly. So, mine is just to say that let us have a lasting solution that will not put us in the same situation every time. Hon. Members rise on Motions for Adjournment every now and then. One time it is Kuria; the other time is Garissa and so on.

So, I beg to support the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms) Mbalu): Hon. Denitta Ghati. We have to balance.

**Hon. (Ms) Ghati:** Thank you very much, hon. Deputy Speaker. I want to add my voice to this very important Motion. Security in this country once again is not a favour. Security for all Kenyans is very well in the Constitution. Article 238 of this Constitution talks about national security and it is a very big shame that in this time and era we have areas in this country that have never known peace and it is very well known that there is no development that can take place without peace.

Hon. Temporary Deputy Speaker, I talk about this especially because I also come from an area and a constituency that has for a long time never known peace – Kuria East. It is very shameful that even as we look at the projections and the budget of this country that goes to security, we still are not able to contain insecurity in this country. It is a very big shame that it is happening now. Every part of this country is mourning for lack of peace. That is a very serious matter that the Government of this country should consider a national disaster. There is no development that can happen without peace.

Hon. Temporary Deputy Speaker, there are areas of this country where police officers have been for as long as 10 years. A police officer serves in an area for more than 10 years, he is tired, very ill equipped and is not very well remunerated. Police officers cannot offer services if they are not well equipped, if their vehicles do not have gas and if their vehicles are not in good condition. I want to urge that the Government looks at areas where police officers have overstayed so that they can be transferred to other areas. These are the people who go there and relax in their work.

Hon. Temporary Deputy Speaker, I want to talk about the issue of cattle rustling. Cattle rustling is the main cause of insecurity, especially in pastoralist communities. We need to address cattle rustling very very seriously even if it means that the Government looks at alternative solutions like incomes and livelihoods that can substitute for the cattle that are reared so that we are able to contain peace and promote development in this country.

Thank you very much, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms) Mbalu): Hon. Samuel Moroto.

**Hon. Chumel:** Thank you very much, hon. Temporary Deputy Speaker for also giving me this chance to add my voice to this issue of insecurity. I sympathise with the people of Turkana. They are my neighbours and for a very long time they have suffered especially from attacks from our neighbouring countries of South Sudan and Ethiopia. This time, I also want to thank the Turkana people because they have chosen good and focused leaders who are here to come and improve their living standards. However, as most hon. Members have contributed here it is shameful to have Motions for

Adjournment every now and then to discuss insecurity and yet the Government takes no action.

Hon. Temporary Deputy Speaker, I remember the other day we were discussing Turkana West which also neighbours Turkana North that we are discussing today. No action has taken place. All the time the Government of Kenya is aware of what is happening along those borders. There was a time the Kenya Television Network (KTN) went to that place and there was footage where we saw a police station using donkeys as a means of transport. You will discover that the Government is not ashamed, they are still using donkeys to move around. Even the houses which police officers live are dilapidated. Police officers are dehumanised. So, my appeal to this House is that let us be united to ensure that security is there. Let us put the Government on its toes to ensure the safety of our people.

Hon. Temporary Deputy Speaker, I attend evening classes at Daystar University and even as we talk of Turkana, North Eastern, West Pokot, here in Nairobi there is the problem of insecurity. Our classes are supposed to start at 5.30 p.m. and end at 8.00 p.m. but hardly do they end at 8.00 p.m. because of insecurity. Students and lecturers have a lot of fear. When you go through the indicators of a failed state, I think Kenya is moving towards that. If the Government cannot provide security for its people, then it is a failed state. This is something that is in the newspapers and televisions. People are reading about it but the Government is not doing anything. Instead they are fighting for positions like what hon. Members have said here. Their attention is always on those positions instead of going and saving Kenyans.

Hon. Temporary Deputy Speaker, there are also other complaints. I come from West Pokot and when you talk to police officers, they tell you that there are allowances that they are given when they go for operations and up to now none of them have been paid. These allowances motivate them. If they are paid these allowances then they can serve Kenyans well but nothing so far has been given to them. So, the Inspector-General should clear these debts after we pass this Motion. Let him go and pay these allowances to these officers so that they can be in a position to work and ensure that his people are working hard.

Hon. Temporary Deputy Speaker, I want to support the Motion. Thank you.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, it is now 6.30 p.m. This House stands adjourned until tomorrow, Wednesday, 5<sup>th</sup> June, 2013 at 9.00 a.m.

The House rose at 6.30 p.m.