

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday 28<sup>th</sup> November, 2012

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:

The Quarterly Economic and Budgetary Review: First Quarter 2012/2013.

The Budget Review and Outlook Paper, 2012.

*(By the Assistant Minister for Finance (Dr. Oburu)  
On behalf of the Minister for Finance)*

Sessional Paper No.6 of 2012 on the Kenya Health Policy.

Sessional Paper No.7 of 2012 on the Policy on Universal Health Care Coverage in Kenya.

*(By the Minister for Medical Services)*

### NOTICES OF MOTIONS

**Mr. Speaker:** Minister for Medical Services, I thought I approved a Motion by you.

*(The Minister approached the Clerks-at-the-Table)*

Order, Minister! Did you look at your documents before you came this afternoon?

*(Prof. Anyang'-Nyong'o's phone rang)*

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Speaker, Sir, I beg to give notice of the following---

**Mr. Speaker:** Order, Minister! Before you proceed, you must apologize. You know that that is disorderly conduct. You are not supposed to allow your mobile phone to ring in the plenary.

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Speaker, Sir, I beg to apologize for the misbehaviour of my mobile phone. It will not misbehave again, Mr. Speaker, Sir.

**Mr. Speaker:** Carry on, Minister.

ADOPTION OF SESSIONAL PAPER NO.7 OF 2012 ON POLICY  
OF UNIVERSAL HEALTH COVERAGE IN KENYA

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Speaker, Sir, I beg to give notice of the following Motion:

THAT, this House adopts Sessional Paper No.7 of 2012 on the Policy of Universal Health Coverage in Kenya laid on the Table today Wednesday, 28<sup>th</sup> November, 2012.

Further, Mr. Speaker, Sir, I beg to move the following Motion---

**Mr. Speaker:** Order, Minister! You cannot move a Motion at this time.

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Speaker, Sir, I beg to give notice of the following Motion:

THAT this House adopts Sessional Paper No.6 of 2012 on the Kenya Health Policy laid on the Table today Wednesday, 28<sup>th</sup> November, 2012.

**QUESTION BY PRIVATE NOTICE**

VETTING OF CANDIDATES VYING FOR ELECTIVE POSITIONS

**Mr. Speaker:** Member for Bura! Hon. Ekwe Ethuro, I have noticed from you that you have been deputed to ask this Question on behalf of the Member for Bura, but I am afraid that you cannot do so because this is a Question by Private Notice. I do not wish to go any further because you are a Member of the Speaker's Panel. I will defer this Question until such time that the hon. Member for Bura will be available.

*(Mr. Ethuro stood up in his place)*

Order, Member for Turkana Central! You know that on this you cannot respond. You can only go to institutional memory.

**Mr. Ethuro:** Just one thing, Mr. Speaker, Sir.

**Mr. Speaker:** Okay, let me hear you, but away from where I have guided you.

**Mr. Ethuro:** Mr. Speaker, Sir, I am not responding because I also have instructions that if you are kind enough to defer the Question, as you have done, then you may do so until Tuesday.

**Mr. Speaker:** Fair enough. I have served you well. This Question is deferred to Tuesday, next week.

**(Dr. Nuh)** to ask the Minister for Justice, National Cohesion and Constitutional Affairs:-

(a) Could the Minister state the academic and other qualifications required for candidates vying for positions of President, Deputy President, Member of

National Assembly, Member of Senate, Governor, Deputy Governor, County Assembly Speaker and County Ward Representative?

(b) What other documents, or clearance certificates, are required as well as the vetting process candidates seeking elective positions are supposed to undergo, and could the Minister state if there are timelines to be observed, and who is to conduct the vetting process, if any?

(c) Could the Minister indicate the specific provisions of the law supporting such requirements?

*(Question deferred)*

## ORAL ANSWERS TO QUESTIONS

*Question No.1667*

### NON-ALLOCATION OF ECONOMIC STIMULUS PROGRAMME MONEY TO TURKANA

**Mr. Ethuro** asked the Minister for Fisheries Development:-

(a) why the Aquaculture Pond for fish breeding constructed along the shores of Lake Turkana by the Italians has not been utilized.

(b) why the larger Turkana region missed out on the fish ponds under the Economic Stimulus Programme, yet it has the largest inland lake in the country?

(c) what plans he has to establish fish processing plants along the shores of Lake Turkana?

**The Minister for Fisheries Development** (Mr. Kingi): Mr. Speaker, Sir, I beg to reply.

(a) The fish ponds constructed along the shores of Lake Turkana by the Italians were not utilized as was projected with the inception of fish farming in Turkana. This was because of the following. One, the ponds were faulty and had high water seepage. This was compounded by a high evaporation rate which required that water be pumped continuously. Secondly, the water pumping required the installation of new solar panels. The initial panels failed to work in high temperature conditions since they were suited for low temperature environments.

(b) In the implementation of the Aquaculture Program in Kenya, the Ministry undertook a National Aquaculture Suitability Appraisal in the year 2009/2010 and developed a National Aquaculture Suitability Maps for all the 210 constituencies in order to guide the implementation of the program. Based on the suitability maps, the larger Turkana region was found not to be among the high potential areas for construction of conventional ponds for aquaculture.

However, the Ministry has proposed to develop-aqua parks in Todonyang' using water from River Omo. This will be undertaken under the Fisheries Development Flagship Project for Vision 2030, developed in May 2012.

(c) The Ministry's policy is to provide basic fisheries related infrastructure such as cold storage facilities at auction centres in capture fisheries areas of Lake Victoria, Lake Turkana and the Indian Ocean. To this end, the Ministry encourages the private sector to put up fish processing plants in these areas. Currently, private developers who have applied for Nile Perch processing plants have been discouraged due to the poor transport infrastructure and lack of electricity. In the Ministry's recently launched Flagship Project under Vision 2030, we intend to

construct 12 solar-powered fish dryers and two cold chain facilities in the Lake Turkana region. This, we believe, will reduce post-harvest losses, improve fish handling, preservation and storage. We believe that this will attract prospective investors to establish fish processing plants in Lake Turkana region. The completion of the LAPSET Corridor and our initiatives will open up the great fisheries economic potential of Lake Turkana.

Thank you, Mr. Speaker, Sir.

**Mr. Ethuro:** Mr. Speaker, Sir, I do not have the benefit of the written answer, but I have followed the answer by the Minister and I feel that I can proceed.

It is really disappointing that towards the end of this term, the Minister for Fisheries Development is telling us the same things that his predecessor told this House in 2008. I am talking about hon. Dr. Otuoma who, at least, visited our place for three days and we developed a master plan on the development of fisheries in Lake Turkana. We were hoping that these things would be done again.

Mr. Speaker, Sir, he is now talking of a May, 2012 Fisheries Master Plan. Since it is the attitude of the Government never to develop these areas, could the Minister give me a timeline on the fishing plans? When will the solar works be undertaken along Lake Turkana? He needs to specify names, including the proposed fish pond on River Omo in Todonyang.

**Mr. Kingi:** Mr. Speaker, Sir, the issue of developing the fisheries potential within the region of Lake Turkana has been taken as a flagship project under the Vision 2030 and, therefore, is being handled as such.

Mr. Speaker, Sir, it is true that my predecessor did visit Lake Turkana and the master plan was, indeed, discussed. But because of budgetary constraints in the Ministry, we are actually unable to execute and implement that very wonderful plan. Therefore, we believe that, having pushed this project to be captured under Vision 2030, then it will be given more prominence and, therefore, funds will be attracted or will be set aside for purposes of developing the fisheries potential within the lake region.

**Mr. Pesa:** Mr. Speaker, Sir, in his answer to part (a) of the Question, the Minister said that the Ministry discovered that there were some defects with the ponds. I would like to know what role the Ministry played during the feasibility study before the Italian Government started constructing these ponds.

**Mr. Kingi:** Mr. Speaker, Sir, this was a private venture by an Italian company called Impresa sometimes between the 1980s and the 1990s. It had nothing to do with the Government; it was not a Government-funded project and, therefore, whatever studies were done, then they were done privately. We may not be able to understand why they went ahead to construct or implement such a huge project within Lake Turkana without going through a feasibility study. I believe that if this company had carried out due diligence, they would, indeed, have known that the solar panels that they constructed in Lake Turkana were not suitable for that region. In fact, even the pond liners that were used cracked after a few months because of the high temperatures. I believe that, maybe, due diligence was not carried out by this private company.

**Mr. Mututho:** On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead this House by saying that these programmes are in the Vision 2030, yet he now says that whatever we have been discussing here is a private venture by individuals? Is he in order to mislead the House that the Government is doing something when we know that it has done nothing on the problem facing fisheries in Lake Turkana?

**Mr. Kingi:** Mr. Speaker, Sir, there are two things here. Long before the Government undertook the Aquaculture Program, already in the 1980s and 1990s around the Turkana region, a private company initiated this kind of an aquaculture programme. Therefore, during that time, the Government was not involved in any aquaculture farming. Basically what happened was that a private company set up a private business entity to make profits and, therefore, as Government, we were not involved. It is only that we failed because of the reasons that I have already given while I was answering the first part of this Question.

Therefore, the aquaculture programme that is running now has got nothing to do with this project that was undertaken by an Italian Company between the 1980s and 1990s.

**Mr. Speaker:** What is it, Member for Migori!

**Mr. Pesa:** On a point of order, Mr. Speaker, Sir. It is saddening for the Minister to say that somebody from outside can just come and start a project here. Is he in order to mislead this House and the country that any outsider can come and venture in any project in Kenya without consulting the line Ministry?

**Mr. Kingi:** Mr. Speaker, Sir, any businessman coming into this country to set up shop must obtain the necessary licenses and I believe the company did exactly that for them to be allowed to carry out and initiate this particular program. But having been cleared to start this particular business, since it was a private entity, the Ministry had nothing to do with exactly how they were going to set up this particular business.

Mr. Speaker, Sir, as you are aware, this Ministry came into being during this Coalition Government. I believe that in the 1980s and the 1990s, there was no stand alone Ministry called the Ministry of Fisheries. But I believe the Ministry that was handling matters related to fisheries then must, of course, have given the necessary---

**Mr. Speaker:** Order, Minister! There is a point of order. Member for Turkana Central, what is it?

**Mr. Ethuro:** On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead the nation and country? The people of Kalokol must be watching him. The distance between the Impresa Agricultural Project and the Fisheries Department of the Ministry, whether the Ministry was on itself or was a department in another Ministry, is just two kilometers. In this centre, you have the Marine and Fisheries Research Centre and the Japanese International Co-operation Agency (JICA) Project. In fact, the Senior Fisheries Officer of the entire Turkana County resides in Kalokol while Lodwar is the district headquarters because of the value the Ministry attaches to the lake and its fisheries. So, is it in order that people can come all the way from Europe and just set up a project? That is my home area and I visit every time and I see his people there. Is he in order?

**Mr. Kingi:** Mr. Speaker, Sir, the role of the then Department of Fisheries was merely facilitative, and I believe they did the facilitative role. But the management of this particular project was not in the hands of the Ministry; it was not in the hands of the Government. As always, the Government facilitates any private entrepreneur coming into this country to set up business and I believe the then Department of Fisheries did facilitate, and that is why this particular company did set up its project around Lake Turkana Region. However, how they manage this project had nothing to do with the Government or the then Department of Fisheries, and with their failure, therefore, we cannot now turn back to the Government while a private entity came, set up an aquaculture program and failed.

**Dr. Otichilo:** Mr. Speaker, Sir, as I laud the Minister for starting the aquaculture project under the Economic Stimulus Program in all constituencies in the country, including in most of the---

**Mr. Speaker:** Order, hon. Member for Emuhaya! Prosecute your question.

**Dr. Otichilo:** In most of the constituencies, including Emuhaya, the problem this program is facing is lack of fingerlings, high cost of fish feed and lack of markets for fish. What is your Ministry doing to avert the imminent collapse of this program?

**Mr. Kingi:** Mr. Speaker, Sir, indeed, it is true that we have been facing several challenges in as far as the aquaculture program is concerned. As a Ministry, in as far as fish feed is concerned, we have decided to train our farmers so that they can be able to make fish feed without necessary waiting for the feed from the Ministry. We have already designed some fish feed pelleting machine that we are giving out to farmers. This is a project that is ongoing. Maybe we have not managed to take some of these machines to Emuhaya, but I can assure the hon. Member that we will be able to provide farmers with the feed pelleting machines in Emuhaya so that they can be able to make food and feed the fingerlings.

On the issue of fingerlings, initially it was a big problem but I believe that by now, as a Ministry, we have grip of it. We have, in fact, trained farmers to do breeding so that they can be able to supply farmers. We have clustered fish farmers into several clusters depending on their regions, and in every cluster, we have trained farmers that can do breeding so that they can provide fingerlings to fellow farmers.

**Mr. Ethuro:** Mr. Speaker, Sir, Lake Turkana Fisheries has a potential of generating millions of shillings, if it is developed like in the rest of the country. You have heard the Minister is giving our project to Vision 2030 and my question in this House is: It seems like this Government has already divided Kenyans into two categories; there are Kenyans for the present development and there are Kenyans for Vision 2030. Why is it that everything about Turkana must be taken to Vision 2030? Why not now when we have fisheries that is in the present?

Thank you, Mr. Speaker, Sir.

**Mr. Kingi:** Mr. Speaker, Sir, I do not think it is true that we are treating the residents of Lake Turkana region as a group that falls within the Vision 2030 and the rest of the country under the current development agenda of Government. There is so much that we are doing as a Ministry, but the kind of finances that are required to fully utilize the potential of Lake Turkana region are enormous. That is why we decided to flag it up as a project within Vision 2030 so that we can be able to attract the required funding.

Mr. Speaker, Sir, within the Vision 2030, the Ministry of Water and Irrigation is planning to put up some irrigation schemes along River Omo. So, as that scheme is going on, the Ministry of Fisheries, in its vision for the region, wants to put up aqua-parks so that as they do irrigation, they can also do fish farming. Therefore, because of the enormity of the funds required to tap the potential of the lake region, we believe that, as a Ministry, we did the correct thing by putting these projects within Lake Turkana region under Vision 2030 because it is only then that we will be able to attract the funding required. If we just put it within our budgetary estimates within the Ministry, funds will never be provided for it because every financial year, it is always captured under the Ministry's budget estimates, but it is always knocked off when the estimates are taken to Treasury. Therefore, we thought as a Ministry that the only way we can get this funding is not by putting it under the budgetary allocation of the Ministry, but putting it under Vision 2030 Flagship Projects, which of course will attract funding direct from Treasury.

**Mr. Speaker:** Next Question, hon. Member for Turkana Central.

I am sorry; it is the hon. Member for Kirinyaga Central.

*Question No.1534*

DELAYED ISSUANCE OF LEASE TO GETUYA PRIMARY SCHOOL

**Mr. Gitari** asked the Minister for Lands whether he is aware that Getuya Primary School in Kirinyaga County has not been issued with lease for the land it stands on and, if so, when the school will be issued with the lease.

**Mr. Gitari:** Mr. Speaker, Sir, I have not received the written answer.

**Mr. Speaker:** Assistant Minister for Lands, do you have an extra copy of your answer?

**The Assistant Minister for Lands (Mr. Rai):** Well, I do not have it, Mr. Speaker, Sir. But it is just a very short answer which I believe he will be comfortable with whatever I give him.

**Mr. Speaker:** The rule says that you should supply the answer to the hon. Member but proceed; maybe the hon. Member will be able to---

**The Assistant Minister for Lands (Mr. Rai):** Thank you, Mr. Speaker, Sir. I beg to reply.

Mr. Speaker, Sir, I am aware that Getuya Primary School in Kirinyaga County has not been issued with lease for the land it stands on. But like most other public schools, the school is on the land reserved for educational use.

**Mr. Gitari:** Mr. Speaker, Sir, while thanking the Assistant Minister for the short answer, I would like to ask him whether he is aware that part of the land for the said school has been carved out by some other people and that they have got titles for the same. That is what prompted me to bring this Question to Parliament.

**Mr. Rai:** Mr. Speaker, Sir, as matters stand, the land in question is still reserved under Kirinyaga County Council, as per the green card which is with me here. So, in case the questioner or any of my colleagues want a title for a school, they could just approach the county council to get them to make recommendations, through the local government, to the Commissioner of Lands and the title will be issued. So, if there will be any other encroachments, we will be in a position to deal with it as and when those recommendations have been made.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Hon. Member for Kirinyaga Central, I have no other interest in your Question. So, please, combine your point of order with the last question.

**Mr. Gitari:** Thank you, Mr. Speaker, Sir. The Assistant Minister is talking of a green card that he is holding. I have documents which show that, that land for the school has been subdivided and part of it has been given to a private developer. Could we be allowed to sit with the Assistant Minister so that we can compare notes of whatever he is holding and whatever I am holding, because he has not tabled anything?

**Mr. Speaker:** Yes, if you want to be allowed, that permission is granted. Assistant Minister, will you indicate when you can meet with the hon. Member for Kirinyaga Central to resolve this matter?

**Mr. Rai:** Mr. Speaker, Sir, immediately I leave this Chamber, I will invite the hon. Member to come to my office and I will actually assist him with whatever he wants. But what I want from him is a recommendation from the County Council of Kirinyaga, through the Ministry of Local Government, because if any encroachment has been done, then the County Council of

Kirinyaga is aware because it knows that the land was actually reserved for the school. So, if there is any encroachment, let him just come to my office; we will actually deal with the matter on the table and I believe we will get an answer for it.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Very well; hon. Member for Kirinyaga Central, you are invited to a meeting immediately after this Question Time. So, you start your first meeting with the Assistant Minister this afternoon and follow up until you have a satisfactory resolution of the matter.

Next Question, hon. Member for Baringo Central.

*Question No.1820*

DELAYED PAYMENT OF COMPENSATION TO  
MR. JULIUS S.K. CHEMJOR BY PCK

**Mr. Mwaita** asked the Minister for Information and Communications:-

(a) whether he is aware that Mr. Julius S. K. Chemjor (PF. 20703) a former head postmaster in Karen, was wrongfully dismissed from service;

(b) whether he could confirm that Nakuru High Court through Case No. HCC 292 of 2005, ordered that he be paid for wrongful dismissal having worked for 27 years at the Postal Corporation; and,

(c) when the officer will be paid his dues as ordered by the court.

**Mr. Mwaita:** Mr. Speaker, Sir, I do not have a written answer.

**Mr. Speaker:** Minister for Information and Communications, do you have an extra copy of your answer?

**The Assistant Minister for Information and Communications** (Mr. Ogari): Mr. Speaker, Sir, I am sorry; I do not have it here.

**Mr. Speaker:** How long are you going to be?

**The Assistant Minister for Information and Communications** (Mr. Ogari): To read? About three or four minutes.

**Mr. Speaker:** Do it in two minutes, please. Do not read; give the answer; use your answer just as guiding notes.

**The Assistant Minister for Information and Communications** (Mr. Ogari): Okay. Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Mr. Julius Sigilai Kipkorir Chemjor was dismissed from the Postal Corporation of Kenya (PCK) on grounds of gross dishonesty and loss of confidence arising out of Mr. Chemjor fraudulently obtaining owner-occupier house allowance on an undeveloped plot No. Baringo/Kabarnet/Kewamoi 1490. The plot where Mr. Chemjor's house stands is plot No. 1468, which belongs to Mr. Paul Kibet Chemjor, the younger brother of Mr. Chemjor.

Following this, Mr. Chemjor filed a case against the corporation on 11<sup>th</sup> March, 2009, being dissatisfied with the said dismissal; suing for wrongful dismissal and demanding his terminal dues. The case proceeded to full trial on 25<sup>th</sup> June, 2009, and the honorable court delivered its judgment awarding the plaintiff Kshs5,042,400 as terminal dues for wrongful dismissal. However, the corporation was dissatisfied with the judgment of the court, lodged an appeal No.73 of 2010, for the Court of Appeal to set aside the entire judgment. The corporation

further filed an application dated 12<sup>th</sup> August, 2009, to stay the execution of the decree pending the hearing and determination of the appeal.

On 13<sup>th</sup> October, 2009, the honorable court allowed the application for stay of execution and directed that the corporation deposits the amount of Kshs5 million in the joint interest-earning account of the two lawyers pending the outcome of the appeal. The corporation fully complied with the court order and the joint bank account No.333401645 was opened with NIC Bank, where the whole amount of Kshs5,042,400 was deposited as security pending the outcome of the appeal. The appeal lodged by the corporation is still pending in court as no hearing date has been fixed by the Court of Appeal. The aforesaid order remains valid and enforceable.

In view of the foregoing, it is important to also note that while it is true that Mr. Chemjor was dismissed on grounds which the corporation duly verified and investigated, the question as to whether his dismissal was wrongful or not will and can only be determined by the Court of Appeal and is hence *sub judice*.

Secondly, there is a valid court order issued on 13<sup>th</sup> October, 2009, which had the effect of stopping any payments of the decretal amount and or terminal dues awarded to the plaintiff by the court until the outcome of the pending appeal.

Lastly, as I have already indicated, the appeal is still pending in court and no date has been fixed for hearing of the same. Hence no payment can be made to the plaintiff unless the court orders otherwise or both parties agree to settle the matter outside court.

It is my considered opinion that due to the principle of *sub judice*, it might not be prudent for Parliament to interrogate this matter.

Mr. Speaker, Sir, I stand guided by the last statement on the principle of *sub judice*.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** That is fair enough, Assistant Minister. You know what our practice is if you want to claim *sub judice*; you are very well aware. I have made many rulings on that matter, so I do not have to guide you beyond what I have done previously.

Hon. Mwaita?

**Mr. Mwaita:** Thank you, Mr. Speaker, Sir. I wish to thank the Assistant Minister. He has given a detailed answer on the question of the dismissal of Mr. Chemjor. The Assistant Minister has given an excuse that the matter is pending the Court of Appeal. He has also said that the corporation is amenable to an out of court settlement. If both parties could agree and record a consent, is he willing to pay or is he willing to proceed on that aspect?

**Mr. Ogari:** Mr. Speaker, Sir, I might not be able to commit myself on that aspect, but it is important to note that Mr. Chemjor has not approached the corporation on the same issue. Maybe once he approaches the corporation, we can get something going. That is all I can say for now.

**Mr. Speaker:** Mr. Mwaita, ask your last Question.

**Mr. Mwaita:** Mr. Speaker, Sir, I think I will ask the victim to approach the corporation. I have no further questions.

#### *Question No.1804*

#### DISCONTINUATION OF FUNDING TO NRHS BY CENTRE FOR DISEASE CONTROL

**Mr. Olago** asked the Minister for Medical Services:-

(a) under what circumstances the Centre for Disease Control (CDC) funded by the US Government discontinued funding to Nyanza Reproductive Health Society (NRHS) thereby crippling the implementation of the Voluntary Medical Male Circumcision (VMMC) project in Nyanza;

(b) what the fate of over 600 employees of the project who were managing VMMC project in Nyanza, parts of Western and Nairobi provinces is; and,

(c) whether he could confirm that the withdrawal of funding is a direct consequence of mismanagement and fraud by top officials on NRHS.

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Speaker, Sir, this Question was referred to the Minister for Public Health and Sanitation. I think a letter to that effect has been directed to the Clerk of the National Assembly. Matters of circumcision are handled by that Ministry. The Assistant Minister is here and he confirms that the Clerk has not yet communicated to the Ministry for an answer to this Question.

**Mr. Speaker:** Order, Mr. Minister! Perhaps you can indicate when the letter was dispatched to the Clerk of the National Assembly so that it can be traced.

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Speaker, Sir, I can consult my office and inform the Clerk accordingly. However, off the cuff, I do not know exactly when the letter was dispatched. However, that is the information that my secretary gave me this afternoon as I was coming to the National Assembly. I am sure that Dr. James Gesami is quite accomplished in matters of circumcision. I believe that when the time comes for him to do so, he will competently reply to the House.

**Mr. Speaker:** Mr. Minister, perhaps you should know that I have a letter before me which is dated today addressed to the Permanent Secretary, Ministry of Public Health and Sanitation and it cites Question No.1836 which is the one by the Member for Molo. Do you have a similar letter for Question No.1804 or is it a possible mix up? Just be sure.

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Speaker, Sir, I am very sure that the two Questions were referred to the Ministry of Public Health and Sanitation. I am also sure that my Ministry has not been handling the issue of circumcision because it is a public health issue.

**Mr. Speaker:** In fact, I now have a second letter which refers Question No.1804 to the Ministry of Public Health and Sanitation. So, Mr. Assistant Minister for Public Health and Sanitation, are you able to indicate when these Questions can be answered? Are you comfortable with Thursday, next week? That gives you adequate time.

**The Assistant Minister for Public Health and Sanitation** (Dr. Gesami): Mr. Speaker, Sir, we have not received the Questions in our Ministry but we will answer them.

**Mr. Speaker:** You must have received the letters by now because what I have are copies of the letters to the National Assembly. The National Assembly is further from the Ministry of Medical Services than you are. So, you must have received yours. So, I direct that this Question appears on the Order Paper on Thursday, next week.

So, be guided accordingly.

*(Question deferred)*

**The Assistant Minister for Public Health and Sanitation** (Dr. Gesami): Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Hon. Members, the hon. Member for Chepalungu is not in the House because he is caught in a situation in his constituency which will not permit him. Therefore, I will defer his Question as requested by the Member for Chepalungu to 4<sup>th</sup> December, 2012.

Is the Minister of State for Provincial Administration and Internal Security here? Is that convenient with you?

The Minister is not here. So, my directions will stand. The Question is deferred to Tuesday, next week which will be 4<sup>th</sup> December.

*Question No.1635*

ALIGNMENT OF BOUNDARY BETWEEN  
CHEPALUNGU/BOMET DISTRICT

*(Question deferred)*

*Question No.1836*

DELAYED PAYMENT OF DUES TO UNICEF  
SUPPORTED PROGRAMME EMPLOYEES

**Mr. Kiuna** asked the Minister for Medical Services:-

(a) whether he is aware that employees who were employed in 2008 under UNICEF supported program were not paid their dues from July 2009 to 2010; and,

(b) why they were not paid and when their dues will be settled.

**Mr. Speaker:** I think we have a position on this but we just want to hear you for the purpose of the HANSARD.

**The Minister for Medical Services** (Prof. Anyang' -Nyong'o): Mr. Speaker, Sir, to go on record, Question No.1836 which has been asked by the Member for Molo has been referred to the Ministry of Public Health and Sanitation under which the issue of employment of these nurses falls.

The Assistant Minister for Public Health and Sanitation has already indicated to the House that the answer to this Question will be ready on Thursday, 4<sup>th</sup> December.

**Mr. Speaker:** It is so directed. The Member for Molo, please, note to be here on Thursday, next week to proceed with the Question.

**Mr. Kiuna:** Thank you, Mr. Speaker, Sir. I oblige.

*(Question deferred)*

**Mr. Speaker:** That settles the matter and brings us to the end of Order No.6. From now on, hon. Members, you will be guided by the Supplementary Order Paper which has been circulated. Hon. Members, please, note that there was communication deal today on Action by the Kenya Defence Forces (KDF) in Baragoi. That communication is not ready or it is not in its final form. Therefore, I will make the communication on Tuesday, next week at 2.30 p.m.

We will move on to the next order. The Rt. hon. Prime Minister, we will take you first.

## PRIME MINISTER'S TIME

### PRIME MINISTERIAL STATEMENT

#### THE ROAD TO IMPLEMENTATION OF THE DEVOLVED SYSTEMS OF GOVERNMENT

**The Prime Minister** (Mr. Raila): Thank you, Mr. Speaker, Sir. I will issue a Statement on the road to the implementation of the devolved systems of Government.

Allow me to begin my Statement today by congratulating all hon. Members of this august House for the passage of the formula for sharing of revenue among county governments yesterday. It is, indeed, a historic milestone in the implementation of our Constitution and for the inauguration of the devolution that all of us have been longing for. I commend and thank the Treasury, the Commission for the Implementation of the Constitution (CIC), professional bodies and, indeed, all Kenyans for contributing to the formulation of the generation revenue sharing formula. Above all, my heartfelt appreciation goes to the Commission for Revenue Allocation (CRA) for professionalism, non-partisanship and openness as the hallmark of the CRA. Without this, it would not have been possible to garner the overwhelming support which this landmark revenue sharing formula now enjoys.

In my Statement, I would like to highlight a key feature of the revenue sharing formula and to discuss the way forward in building the devolved governance structure in our country. As important as it is, the passage of the formula is only the beginning of a long journey. A hard task is still ahead.

The revenue sharing formula that the National Assembly adopted is fair, particularly to the Kenyans who reside in the hitherto marginalized areas. Once the functions are fully devolved in few years, even if the amount of sharable revenue does not increase, Isiolo, for example, will receive Kshs16,669 per resident per year.

In contrast, Nairobi will receive Kshs3,236 per resident per year. Lamu, Marsabit, Tana River, Samburu, Turkana, Taita Taveta, Wajir and other marginalized counties will also get large amounts per resident. The process of making Kenya equal has begun.

Mr. Speaker, Sir, for the country as whole, Turkana could receive more than Kshs8 billion per year, and Mandera nearly Kshs7 billion per year according to the formula adopted under the assumptions above.

I believe that this will go along way in addressing the legitimate grievances of this and other marginalized counties.

Mr. Speaker, Sir, as I stated, the passage of the sharing formula is only the beginning. Actions are urgently needed to ensure that the counties will be able to access their fair share of the national revenue, as soon as the county governments are in place in the year 2013.

First, the Transitional Authority must determine concretely each of the devolved functions that will be undertaken by the county governments from March to June 2013. In the second financial year, 2013 to 2014 and the third financial year 2014 to 2015, the Transitional Authority must then urgently gazette the devolved functions. This will provide the basis for determining the division of revenue between the national and county governments. The Ministry of Finance and the Commission on Revenue Allocation will need to know the devolved functions being undertaken for the purposes of the budget allocations.

Secondly, it is necessary for the Minister for Finance to prepare and table the following Bills:-

1. Division of Revenue Bill. This Bill shall indicate the sharing of revenue raised nationally between the national Government and county governments.

2. The County Allocation of Revenue Bill. This Bill will show the sharing of revenue among county governments using the formula that was approved by the National Assembly yesterday.

3. The County Appropriation Bill. This Bill will authorize county governments to access the funds when they come into office on the 5<sup>th</sup> of March of next year.

Thirdly, the Budget for the Financial Year 2012/2013 needs to be revised accordingly and the revised Budget must be approved by Parliament in time for the ushering in of the county governments on the 5<sup>th</sup> of March, 2013. It is also necessary to reflect the Acts of Parliament on revenue allocations in the draft 2013/2014 Budget currently under preparation.

Mr. Speaker, Sir, the Commission on Revenue Allocation is expected to forward its recommendations to the National Assembly as soon as the necessary legislations are enacted.

Finally, it is equally urgent to identify offices for the County Executives and the County Assemblies. In addition, it is necessary to identify and train transitional staff to be seconded to county governments. I urge the concerned Government departments and commissions to take actions as required.

**Mr. Speaker:** Those who want clarifications--- Order! What is it, Minister for Medical Services? What prompts you to make a request?

**The Minister for Medical Services (Prof. Anyang-Nyonggo):** Mr. Speaker, Sir, I was just switching on my button to make a contribution.

**Mr. Speaker:** You are taking time off to do some games on our system.

**The Minister for Medical Services (Prof. Anyang-Nyonggo):** No, I believe this is what you press when you want to make a contribution.

**Mr. Speaker:** It is not time to make a contribution, Minister. Any how, let us get away from there.

**Mr. Njuguna:** Mr. Speaker, Sir, I thank the Prime Minister for that key address to this House. I would ask him to respond to one critical issue concerning the accommodation facilities for the incoming governments. What is the Government doing to make sure that these offices are ready, as we prepare to go into devolved units?

**Mr. Speaker:** Prime Minister, you want to keep a note of that. We will take the Member for Turkana Central next.

**Mr. Ethuro:** Mr. Speaker, Sir, I want to thank the Rt. Hon. Prime Minister for coming to this House with that Statement. But I am a bit disappointed by the content of the statement. My recollection of the role of the Prime Minister, as per the Constitution, is that he is the coordinator and supervisor of Government functions. If you recall the Statement he made at the end is that he urged the necessary Government departments to do the needful.

The clarification I would like to get from the Rt. Hon. Prime Minister is: What instructions have you given to those entities to do what is required? What timetable is the Government giving us in terms of the two Bills that are necessary in order for this to be stated? When are you going to bring the revised Budget estimates to take into account these things, knowing that this will be the last session for this House, and we do not have the luxury of time?

Mr. Speaker, Sir, one other issue if you allow me--- At the core of devolution, the Constitution gives us 15 per cent minimum. What are we proposing to ensure that those areas the

Rt. Hon. Prime Minister has mentioned, like northern Kenya, will come to the same level as the rest of Kenya, so that every time our people are butchering each other, you do not just take us to court, as you have done lately, Mr. Prime Minister? You can now talk of 30 to 50 per cent in terms of the revenue that should go counties.

**Mr. Nyambati:** Mr. Speaker, Sir, thank you for giving me the opportunity to seek some clarifications from our Prime Minister.

Bw. Prime Minister, there have been a lot of confusion in as far the Provincial Administration, or county administration, is concerned. You and me - I think the whole nation and this House - know that we cannot do without our chiefs, assistant chiefs, district officers and thing like that.

There has been confusion as to whether we are going to retain them or not. We know that, as the people answerable to the Office of the President, they must be away from politics. What are we doing as a nation, realizing that we cannot do without the chiefs and assistant chiefs, because they are the ones answerable to the very grassroots? What is the Government doing to guide us properly, or how are you going to restructure it to ensure that we get the services that are required?

**Mr. Olago:** Mr. Speaker, Sir, the House must commend the Rt. Hon. Prime Minister for his consistency towards devolution. The House must commend itself for passing the allocation formula yesterday. But despite the consistency of the Rt. Hon. Prime Minister and the passing of the formula yesterday, we are fully aware that there are mandarins at the Treasury who have been frustrating the issue of devolution since inception. What steps has the Government put in place to ensure that this frustration by these mandarins at the Treasury will not occur in future.

**Mr. Baya:** Mr. Speaker, Sir, I also join my colleagues to thank the Prime Minister for his Statement about the state of preparedness for devolution.

Mr. Speaker, Sir, I think one of the foreseeable challenges that is going to be met by newly established county governments will be capacity in terms of exercising their mandate. There has been the Transitional Authority, which was set up by an Act of Parliament. Could the Prime Minister comment on the state of preparedness in terms of ensuring that, that capacity will be generated in time?

There have also been fears and concerns that the Transitional Authority has been underfunded, which seriously compromises its ability to deliver on its mandate. What is the Prime Minister's position about that?

**Mr. Speaker:** Member for Migori, please, proceed. That is the last one going by expression of interests that I have followed.

**Mr. Pesa:** Mr. Speaker, Sir, while we commend the Prime Minister for the role he has played in the devolution in this country, as we go towards the implementation of the budgets that we are talking about, can we, as a country, also make sure that we clear the pending cases which have not been sorted out like the retirees' benefits which came before this Parliament. Up to now, nothing has been done and teachers are dying. They are not able to pay school fees for their children in schools because that money is not forthcoming.

**Mr. Speaker:** Rt. Hon. Prime Minister, you may respond and be prepared to take another three, which have come belatedly.

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, the hon. Member for Lari wanted to know about the offices for the county governments. I have said that the Transition Authority is actually charged with that responsibility and that efforts are being made to ensure that when the county governments come into effect, they will be having structures in which they can begin

their work. However, a lot more other work will be done by the county governments themselves once they come into being. However, I just want to give an assurance here that arrangements are underway right now with the resources that are available to make preparations for the county governments.

Mr. Ethuro was wondering why I am coming here to urge officers. My urging here is basically reaching all other officers who are in the field. I want to assure the hon. Member that instructions have already been given by the Office of the Prime Minister for those who are concerned to ensure that they undertake their responsibilities and do what is required of them. For example, the Treasury has been instructed to prepare the Bills that I have just mentioned here. What I was doing here is to give Members the roadmap generally. I felt that this kind of information I also need to share with the House so that Members can know what is being done already to ensure that the transition is smooth.

Mr. Speaker, Sir, regarding the amount to be devolved to the counties, the Constitution has laid 15 per cent as the minimum. We said that is the minimum and not the maximum. That is where we are starting from. The hon. Member will notice that the Commission for Revenue Allocation (CRA) has already started at 33 per cent this year and not 15 per cent. The Government is fully supportive of that. We will start there. In future, as the capacity develops, those figures will be reviewed depending on the capacity of the county governments to spend the money that will be allocated to them. So it is not a rigid figure because the Constitution has allowed for flexibility depending on the circumstances in the country.

The Member for Parliament for Kisumu Town West, Mr. Olago Aluoch, has talked of Treasury mandarins. The mandarins are mandarins. But I know there is always the fear of the unknown and, sometimes, there is also the bureaucracy; the bureaucratic red tape where sometimes officers are not willing to let go quickly. That tends to make Government services inefficient. We are dealing with bureaucracy as a major impediment to service delivery in our country, the Treasury included. It is not something that is confined within the Treasury. It applies to several other Ministries and departments within the Government. I said that bureaucracy is an enemy of development. I am sure that with the introduction of performance contracting, if fully implemented, will ensure that efficiency is introduced in the management of our public affairs.

Mr. Baiya equally talked about the need for capacity building and empowering the Transition Authority to perform its work. I have already mentioned that with the resources that are available, the Authority has been given the mandate to make the preparations so that when the county governments come into existence, they will not begin from the scratch.

Mr. Speaker, Sir, Mr. Pesa is concerned about *pesa*, that is money. He is concerned about *pesa* for the retirees. I agree with that. I am confronted all the time at public functions by retirees who have not received their dues. We have given instructions to those who are concerned to ensure that, that money is released to those people. It cannot be right that people who retired long time ago are there wallowing in poverty and yet, they are officers who in their working lives served this Government diligently. Therefore, I want to repeat that something must be done and instructions have been given accordingly.

Regarding the Provincial Administration as asked by Mr. Nyambati, we have witnessed something very strange lately where we have seen chiefs demonstrating and asking to know their fate. Now you wonder when did those chiefs meet and how did they know that they are in danger. We must be realistic and open and say that this is politics. It is a fact that some chiefs were brought here by some civil servants and taken to Embakasi and given instructions. They

were told: “Oh! If this political party comes to power, you will be sacked and you lose your jobs. So you need to urge now so that your jobs are secure”.

**Mr. Speaker, Sir,** the Constitution is very clear. It says that the system known as the Provincial Administration shall be restructured to make it compliant with the devolved system of government. The Constitution has provided five years to do so. In those five years, the jobs of all the chiefs are very secure---

**Mr. Speaker:** Order, Prime Minister! There is a point of order from the Member for Juja.

**Mr. Kabogo:** Mr. Speaker, Sir, I am not sure whether you heard the Prime Minister say that it is a fact that chiefs were brought to Embakasi. I am not sure whether the Prime Minister would be in order to say so without being able to substantiate that fact. I am requesting for a substantiation of that fact that the chiefs were actually brought and told that if this party comes to power, they will be fired. He said that it is a fact. I do not seem to remember or know the Prime Minister to be a rumour-monger. He is not. So, really---

**Mr. Speaker:** You have made your point, Member for Juja. You are calling for substantiation. Prime Minister, are you able to substantiate that assertion?

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, I am the Prime Minister of the Republic of Kenya and, therefore, I will not engage in rumour-mongering. I know this as a fact. I have raised it within the Government itself. I have said it is not right for civil servants to be engaged in partisan politics to go and tell chiefs that if the party known as ODM comes to power, your jobs are not secure; you will lose your jobs and, therefore, you should go and campaign for party A, B and C. That is not right.

I am only saying this because I felt that it is necessary for the country to know that when you see the chiefs demonstrating, they are not just demonstrating, they have been asked to demonstrate. Therefore, the chiefs are playing politics. I have told them that if you engage in politics---

**Mr. Nyambati:** On a point of order, Mr. Speaker, Sir. It is really surprising that the Prime Minister of this country is giving us information that the chiefs were brought here and incited that if party A or B comes to power, it will be against them. I wanted to know whether the Prime Minister is in order to tell this House this information and whether this information is official Government position coming from the Prime Minister.

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, I was responding to the question raised by the very same hon. Member about the threat to the chiefs. In doing so, I could not escape referring to what is in the public domain that the sub-chiefs have been demonstrating publicly. I was just offering the hon. Member an explanation as to why those chiefs have been demonstrating. What I am telling him is that the chiefs were brought here and it is a fact. I can mention the date and the day. I am saying that chiefs actually are acting at the instigation of some other people.

**Mr. Speaker:** Order, Prime Minister! Do not go away as yet. Since you have been challenged to substantiate and there is a follow up by the Member for Kitutu Masaba, would you be so kind as to give further information such as the date when they were summoned? From the Speaker’s position, I will be satisfied that you have substantiated.

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, the meeting took place sometimes in the month of September and part of October. I can give the exact date when I come next time. It is a fact because I do co-ordinate functions of the Government. I would be the last person to come here and engage the House in hearsay. It is an issue which I have even taken up with the

officers concerned. I have even urged the chiefs to desist from being asked to play partisan politics.

It is true that there is the fear of the unknown---

**Mr. Speaker:** Right hon. Prime Minister, please, resume your seat for a moment so that we can conclude that part.

From what you are saying, Prime Minister, and if it is so, then confirm, because you are giving the information which you have to this House in the slot that is allocated to the Prime Minister. So, is it correct to say that you are doing this as the Prime Minister of the Republic of Kenya and that this information has come to you by virtue of your office? If you confirm that, I am satisfied.

**The Prime Minister** (Mr. Raila): Yes, Mr. Speaker, Sir. I do confirm.

**Mr. Speaker:** Fair enough. In that case, that settles the matter. You may make further responses if you have not concluded.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I have finished.

**Mr. Speaker:** We will take the next set and I see three Members interested. We will be restricted to just those three. We will not go beyond the three. Now I see a fourth and fifth one. Since we normally do this in clusters of five, we will restrict ourselves to five; not more than five. We will begin with the Member for Webuye.

**Mr. Sambu:** Mr. Speaker, Sir, I thank the Prime Minister for his Statement on the formula for revenue allocation and particularly his reference to the key Bills; the Division of Revenue Bill and the County Allocation of Revenue Bill. Given that the two Bills are essential for implementing the formula, in other words, the formula will only be applied when the two Bills have been passed; and given the limited time we now have at our disposal, I would like the Prime Minister to assure this House that the two Bills will be brought to the House for debate and passing in time.

**Prof. Kaloki:** Mr. Speaker, Sir, the Prime Minister is on record here and he was able to say that the chiefs have been asked to demonstrate. The Provincial Administration, especially the sub-chiefs and the chiefs, have been able to mobilize themselves, especially in the case with Makeni County to push the Government to address their concerns. Could the Prime Minister clarify whether his office is supportive to the issues pertaining to the Provincial Administration, especially the chiefs and sub-chiefs; whether he can give that commitment that their grievances and concerns will be addressed soonest?

**Dr. Otichilo:** Mr. Speaker, Sir, I want to thank the Prime Minister for his Statement on the road of implementation of the devolved system of Government. What I want to know from the Prime Minister is what policy framework has the Government put in place to deal with employees of various county councils and municipal councils within various counties so that as we get to county governments, this matter is resolved?

I would also like to know from the Prime Minister what percentage of the 15 per cent of the revenue that they allocated to the county governments will be used for development and recurrent expenditure.

**Ms. Amina Abdalla:** Mr. Speaker, Sir, the hon. Prime Minister has told this House from the Dispatch Box that he has information as the Prime Minister of Kenya that there was a meeting of chiefs and that the chiefs were informed to support one political party or the other. The Office of the Prime Minister is a very serious office and so nobody would provide information that is not documented. Given that Section 35 of our Constitution requires that you give access to information, could the Prime Minister table documentary evidence that such a

meeting took place and a copy of the statement that stated that they should support one political party or the other?

**Mr. Mbau:** Mr. Speaker, Sir, I would like the Prime Minister to clarify the following given the fact that he is making a Statement on the road to the implementation of the devolved system of Government.

Mr. Speaker, Sir, one, in the current financial year, the county governments were allocated a total of Kshs148 billion. I would like the Prime Minister to inform the House how the proportionate one-quarter of the last quarter of this financial year will be ensured that it trickles down to the county governments from March to cater for the needs of March, April, May and June. I think that is very important so that once the new governments and governors are elected, they will continue just like the national Government.

Currently, the national Government, the Judiciary and the Kenya National Assembly are planning, preparing and formulating their budget for the 2013/2014 Financial Year. We would like to know the indicative organs of Government which are preparing and planning for the budgets of the county governments, because the county governments also need to be planned for in advance so that we do not have a gap.

Mr. Speaker, Sir, lastly, we have a Commission called the “Salaries and Remuneration Commission” which was supposed to have advised the country by now as to what the proposed salary scales and structures of the incoming senators, governors, county assemblies, county secretaries and the rest of the staff are so that the same is factored in as we do next year’s Budget. All these matters appear to be at bay and I would be very happy if the Prime Minister, now that he is making a Statement on the roadmap towards implementation of the devolved Government and even as we discuss the County Allocation Revenue Bill, would tell us whether the 15 per cent proposed by the Constitution to directly go towards the county governments will be sufficient or not.

**Mr. Speaker:** Mr. Prime Minister, you may respond now.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, the Member for Webuye wanted to know when the two Bills that I have talked about will be tabled before the House. I have already mentioned that instructions have been given to the Ministry of Finance to prepare the Bills as quickly as possible. I know that they are working around the clock, but I am not in a position right now to state whether it will be tomorrow or it will be next week. But every effort is being made to ensure that the Bills are before this House before it adjourns for Christmas.

Mr. Speaker, Sir, the Member for Emuhaya was concerned about the---

**Mr. Ethuro:** On a point of order, Mr. Speaker, Sir. I would not like to interrupt the Prime Minister, but when I sought the earlier clarification it was really a matter of timelines, given the limited time that we have as a Parliament. Now, while responding to the Member for Webuye, the Prime Minister has also said that he has given instructions. I think that this House expects much more from the Prime Minister than just instructions. Is there a timetable in which these Bills are expected to be published, so that they are available to the House for us to conclude this business, including the issue of payments to retirees, which hon. Pesa is looking for their *pesa*?

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I am giving a framework. You will now have to ask the relevant Ministers, but I am telling the hon. Member that the instructions have come from my office to those particular Ministers. I do not work in the Ministries. I give instructions and tell them that this is the time limit within which you need to do it.

Mr. Speaker, Sir, the Member for Emuhaya is concerned about the fate of the employees of the local authorities. Let me tell him that the devolved system of government will actually

take over from the local authorities. So, it is assumed that the staff of the local authorities will be absorbed by the incoming county governments. That is why there is no special provision that has been made regarding their fate.

With regard to how the revenue will be shared, these are governments themselves. In other words, the devolved systems are governments themselves. It is not the responsibility of the Central Government to prepare the budgets for the devolved governments. Each and every devolved government will have its own budget prepared, discussed by its own assembly and approved. That is where they will deal with the allocations, for example, how much they will use for development and how much they will use for recurrent purposes. So, we do not want, at that level, to micromanage the devolved units, otherwise, it will just be an extension of the Central Government.

Mr. Speaker, Sir, hon. Mbau was concerned about how the quarter will be used. The quarter comes to about Kshs203 billion. This is what is available to the county governments for the last quarter of this financial year. That is on the basis of 33 per cent of the total sharable revenue that is raised by the Kenya Revenue Authority (KRA). That is why it was necessary for this House to pass the Bill on sharing of that revenue. Now that the formula is out, the Commission on Revenue Allocation has already worked out how much each and every county government will receive in that quarter. For example, a county like Isiolo will receive about Kshs2.3 billion while Tana River County will receive Kshs3.1 billion and so on and so forth. I have already said that before the county governments come into place, the budgeting will be done by the Ministry of Local Government, which is in charge of devolution, until the new national Government and county governments come into place. The county governments will then be in a position to prepare their own budgets.

Now, hon. Prof. Kaloki and hon. Amina Abdalla have come back to the issue of the chiefs. Yes, Mr. Speaker, Sir, the issues that are being raised are issues that have been on the table for a long time. You remember when we were at the Bomas of Kenya during the debates for the new Constitution, the issue of devolution and decentralisation was very key and central. In fact, it is one of the issues over which there was no agreement. That is the reason why the Bomas Draft as originally proposed was never approved. There were those who were insisting on the retention of the centralized system of Government and there were those who wanted a proper devolved system of Government.

Mr. Speaker, Sir, the Provincial Administration as it is today is a relic of colonialism. That is what was known as the indirect rule where you had the Crown in London in England. Then you had the Governor representing the Crown in the colony. From the Governor, you went to the Provincial Commissioner, District Commissioner, District Officer, chiefs and then assistant chiefs. In those days, there were village headmen. So, that is the system that was known as indirect rule. Why am I saying so? I am saying so because even if we go back to England where this system came from, there is no provincial administration. We do not have a PC, DC, DO, chief and a sub-chief in England. But this was a system to rule the colonies. So, what other countries have done is that after independence, they have reformed it to make it a system that is for the people and one that answers to the people. It is a system that is elected by the people.

Mr. Speaker, Sir, when we have a devolved system of Government, you have the national Government and you have a devolved Government. The new Constitution has provided for elections of the leaders at the devolved level. So, the people are going to elect the governors themselves directly. The question now is: What do we do with the Provincial Administration? The drafters of the Constitution, in their wisdom, said that the system known as the Provincial

Administration shall be restructured to make it compliant with the devolved system of Government. It is not that it is going to be scrapped, dissolved or that they are going to be sacked. That is why I have said before - and I want to repeat it here in this House - that the jobs of the chiefs and sub-chiefs are secure. That is because the Constitution has given the incoming national Government five years within which to reform the Provincial Administration. There is no hurry. It is something that needs to be done through consultation, debate and discussions so that the chiefs themselves are given an opportunity to say something. The people themselves who live and work with them on a daily basis have also an opportunity to air their views. Eventually, an agreement will be reached on how to reform the Provincial Administration.

Mr. Speaker, Sir, if we go ahead and say that we are going to appoint a County Commissioner answerable to the centre, then we are going to have a DC, DO, a chief and sub-chief who are all employees of the central Government. Then the county government is going to be forced to have to employ its own people at the level of the district, division and location. There is going to be duplication and that is a recipe for chaos. You are going to completely undermine the authority of the devolved system. So, if you have a Governor and a County Commissioner in one place, now who is the boss? Is it the Governor elected by the people or a County Commissioner appointed by the President? So, this issue is so crucial and so encompassing that it requires a proper national debate. It is not an issue that should be rushed. But for now, we want to say that there is a role and even in the devolved governments, there is going to be a role for a DC because the districts have been retained. The divisions and locations are there. The sub-locations are there. So, there is going to be a role for all those people to play. They are going to be employed and all that I want to say is to urge them not to fear what is new. It is the fear of the unknown that is driving our people to desperation. But we want to assure that there is no need for them to fear anything.

Mr. Speaker, Sir, I am saying that because I know that there is general fear. Some of the fears are unfounded. Some of them are very much well grounded. But let us not try to also instill more fear in the minds of those people. Let us inspire courage and tell them that this country has changed and we cannot continue to run this country the way it was run by the colonialists 50 years ago. We must change with the times. So, we must come up with more innovative systems of ruling this country. We are now leading and not ruling. We are not governing the way the colonialists were governing our people. Our people must be masters of themselves in their own country. Our people must be able to participate effectively in the planning of their own development without fear or favour.

Mr. Speaker, Sir, so, I have spoken and we had already gone through this issue and you had taken what I had said for what it is. I have said that we have discussed this issue. I was only informing the House so that it is aware of what has been going on. I, therefore, do not see any need for bringing documents and so on before the House.

Thank you.

*(Applause)*

**Ms. Amina Abdalla:** On a point of order, Mr. Speaker, Sir. My point of order is that the Prime Minister has answered by providing us with what his opinion is on the matters of reforming the Provincial Administration. My question is: As a Kenyan and as a Member of this House, I have a constitutional right to be given information but within the purview of the Prime Minister. He has made very serious allegations that a meeting took place to campaign for a particular political party. Failure of giving us the documentary evidence as a presidential

candidate, it could just be misusing the Floor of the House to campaign for his party. So, I think it is not in order for the Prime Minister to refuse to answer my question by refusing to give documentary evidence.

**Mr. Speaker:** Order! Hon. Amina Abdalla, whether or not you think it is in order, that will be your opinion. But as to who determines whether or not it is in order, that is my prerogative. I have not determined that it is out of order. This matter will have to rest there. It is clear that the Prime Minister can receive information, whether it is documentary, electronic, oral or verbal. He has said he received that information in his capacity as the Prime Minister of the Republic of Kenya. What else would you want? Go and verify it elsewhere. If you have counter evidence, table it. That is the way to go hon. Amina Abdalla. Anything short of that, I am afraid will not pass. So, I find that the matter must rest there.

Next Order!

## **BILL**

### *Second Reading*

#### THE CROPS BILL

**The Minister for Agriculture** (Dr. Kosgei): Mr. Speaker, Sir, I beg to move that The Crops Bill, Bill No.59 of 2012 be now read a Second Time.

Mr. Speaker, Sir, the Crops Bill, 2012 will replace the Agricultural Act, Cap.318 of 1948 and another 13 Acts that are no longer necessary. The Agricultural Act, Cap.318 is old, archaic and obsolete. The following are a few examples:-

In that Act which was drawn up in 1948 it was stated that all of Kenya except the North Eastern Province was to be governed by the Act. Obviously, we can no longer have those types of laws in our books. Although in practice they have been overridden, but we have to remove them.

Another example of what we can no longer live with is, it insists on fixing prices of scheduled crops. This is no longer feasible especially with the liberalization of the economy. Clause 115, Cap.138 provides for an order on harvesting of essential crops. It in fact means that every time you want to harvest, the Minister has to give you permission to do so. This obviously is quite obsolete.

In addition, in the same Cap.8, all work is implemented through the Central Agricultural Board which is no longer in existence. The new Crops Bill has taken on board only the aspects of Cap.318 such as registration of farmers and licensing and taxation that are relevant for the current farming systems. The Bill has also taken into account the roles of national and county governments in Clause 6, hence facilitating devolution.

Some of the main advantages of the new Crops Bill are; agricultural development will be better funded through establishment of Commodities Fund under Clause 9. The Cabinet Secretary will have powers to introduce regulations on emerging issues so that agriculture continues to be a profitable business. For example, the Cabinet Secretary in consultation with others will have the power to make rules and regulations for ensuring the provision of incentives and facilities to growers and dealers of these crops. This is necessary because, so far, we are operating on an *ad hoc* basis. For example, if we were to deal with credit assistance in provision of equipment - anyone of you who goes around the countryside of Kenya will no doubt notice

that most of the people who till their land with their hands are women, digging themselves to an early grave.

Therefore, we want to ensure that the Cabinet Secretary works on some type of mechanism for all counties to assist farmers. The Cabinet Secretary will also be enabled to identify land for agriculture and make sure that not only do we follow proper management of land, but we do not allow for land degradation. Today, a lot of agricultural land in Kenya is giving way to real estate and other developments. Therefore, we want to use this legislation now so that when you want to remove agricultural products, you should have specific permission with a lot of consultation because as we are going now, we are trying to encourage people to plant elsewhere because the area around this capital and around Central Province is not available and the country is losing a lot of revenue from coffee growing. This is one of the reasons for this law.

Mr. Speaker, Sir, what we are trying to do in this law is also to impose fines on people who are messing up with agriculture. Those who come from coffee or tea growing areas know exactly what I am talking about. This time, it will be necessary to register the growers and register the factory owners to avoid the kind of stealing that is going on all the time in this industry. This law imposes stiff penalties to discourage people of that nature from operating in our agricultural sector.

The purpose for The Crop Bill is therefore threefold: To replace the Agricultural Act Cap.318 of 65 years ago which is quite obsolete and bring on board provisions that are pertinent to modern agricultural practice for farming as a business so that agriculture in Kenya is competitive regionally and globally. Also it is to enable the Cabinet Secretary working with the Agricultural Authority to regulate so that whenever we have new crops, there is already legislation that allows it to take place. Some of you will recall that we have had crops which are farmed in Kenya but should be regulated, like the one called *Mathenge* which is in the process of destroying many things for us. This is because we did not have the law. This is what this Bill is about. I also said that we want to remove malpractice from the industry because agriculture remains the mainstay of our economy.

Mr. Speaker, Sir, in a nutshell, the Bill seeks to modernize agriculture in Kenya. I beg to move and request my friend Mr. Namwamba to second.

**The Minister for Youth Affairs and Sports** (Mr. Namwamba): Mr. Speaker, Sir, I take this early opportunity to commend the Minister for Agriculture for bringing this Bill to the House, especially for two main reasons: One, this Bill does confirm, beyond any reasonable doubt that agriculture which remains the mainstay of the economy of this country has continued to operate under obsolete laws which were enacted during the colonial days, some dating as back as 1923. Many of these laws have been restrictive and have not been able to provide an enabling environment for the kind of modern agriculture that this country needs. The second reason is that this Bill confirms that we have and continue to face the challenge of multiplicity of legislation. There have been too many laws that make it difficult to deal with matters related to agriculture in a coherent and effective manner. Therefore, this Bill comes at the correct time and I am particularly pleased to note that the Bill has also taken due cognizance of the new structure of Government and has paid due regard to the role of the national and county governments in the development of crops, pursuant to the Fourth Schedule of the Constitution. This demonstrates that the Bill has paid due regard to the new Constitution and is also responsive to the needs of devolution. It is also impressive to note the declaration of schedule crops as provided in Clause 7 of the Bill. Since it is the first time it is being revised since 1948 it is really incredible. The

schedule is comprehensive and includes all crops that are important for this country. That is another commendable step by the Bill.

Mr. Speaker, Sir, of great significance is the establishment of the Commodities Fund that is provided for in Clause 9 of the Bill. If you look at the provisions of Clause 9 with regard to the Commodities Fund, you will say that this is what this country has been waiting for to ensure that agriculture is better funded through levies, development partners and grants from the Government. Agriculture, without any doubt requires more funds so that it can grow as fast as we have seen infrastructure grow in the last ten years. We need this growth so that we can get away from the dehumanizing situation of famine or relief food that we so often see in most parts of the country including in my constituency known as Budalangi. We also need this growth so that we can remove poverty and helplessness from our people who live in the rural areas who constitute 70 per cent of our population.

Looking at this Bill, I could go on and on but in the interest of time, let me once again commend the Minister who has been progressive and has driven the reform agenda of taking this sector to the next level admirably.

With those remarks, I beg to second the Crops Bill, 2012.

*(Question proposed)*

**Mr. Twaha:** Thank you, Mr. Speaker, Sir. I rise to support the Bill because I am pleased that the idea of scheduled crops is being done away with. The idea of scheduled crops was used to dupe farmers. At the Coast, we had two scheduled crops namely, cashew nuts and bixa. Some very powerful people, after acquiring the cashew nut factory and the bixa factory decided to classify these crops as scheduled crops, meaning that they could only be sold at a certain price dictated to them either by the Government or by the factory owners. It reached a point where the prices were very low for very long. This became a disincentive for the farmers and as a result of that, the cashew nut factory collapsed. The bixa factory is also struggling because of the low prices they were offering. Farmers decided to do other things with their land. There is a saying in Kiswahili to the fact that *uerevu ukizidi, unakuwa ujinga*. That is what happened to the cashew nut factory at the Coast.

We welcome the liberalization of all crops. Let the market decide where the price of crops will settle so that farmers can get maximum returns for their hard work. There has been a tendency, of late, to levy taxes on raw cashew nuts being exported out of this country. The same applies to raw hides and skins. This is ostensibly to encourage local industries and value addition. Unfortunately, because there is not enough expansion of the productive capacity in value addition and we do not have more factories being established to buy these crops, the people who export raw cashew nuts, hides and skins end up passing the Export Duty to the farmers in the form of lower prices. So, the farmers suffer as a result of those taxes. They are neither protected nor are the local industries protected. The industries are not coming up fast enough either due to capital constraints, high cost of energy, insecurity and other factors which discourage people from investing in Kenya.

I urge the Minister to be very careful about levying these taxes. The motive is good but the desired effect is not achieved.

The Minister has talked about placing restrictions on farmland that is being converted into residential, industrial or for other commercial uses. Again, this is a noble objective but we hope that it will not be another avenue for people to demand and receive bribes when somebody

wants to change into another use. Commissions and authorities are established with noble intentions but they end up being monsters created for people to enrich themselves by making unreasonable restrictions and collecting rent for themselves.

With those few remarks, I beg to support this Bill.

**Mrs. Odhiambo-Mabona:** Thank you, Mr. Speaker, Sir. I thank the Minister for bringing this Bill. I would like to indicate that I am not too sure as to whether I want to support or oppose this Bill because I would have wished to get some clarifications from the Minister in relation to this Bill.

First, in relation to a recent Bill that the Minister brought that sought to do what she says this Bill seeks to do, which is to consolidate the whole lot within the agricultural sector--- I am wondering why we need another Crop Bill if what she was seeking to do is to consolidate. Why do we have this as a standalone?

The Minister should also know that because we are really short of time and since she has several Bills - she is rushing through them - she should speak more exhaustively towards them and then we speak less on them. We want to spend less time with the experts as the Minister explains and the rest of us should understand what she is saying so that we do not raise too many queries. I would like the Minister to clarify why we do not have the definition of the word "crop". We only have a schedule that defines what "schedule crops" are. I would like to know what the definition of "crop" is, especially in light of the Plant Varieties Act which the Minister brought here and we passed. How different are crops from plants which are defined in the Plant Varieties Act? Why then do we need to have a different Bill talking about crops when we have a Plant Varieties Act?

If you look at the objects and purposes of the Act, Clause 3 says that the object is to accelerate the growth and development of agriculture in general, enhance productivity and incomes of farmers and the rural populations, improve investment climate--- It goes on and on. It goes back to the same point I was talking about in relation to the Bill that will come for Third Reading. Could the Minister explain why they are different and why they should not be in the same Bill? Again, this Bill makes reference to the Bill presuming we will pass it. I will make reference to it as an Act. I think in terms of legislative drafting, we could close our eyes to it but I do not think this is in order. If that collapses, the premise upon which the Minister anchors this fails. However, I think that will pass. I do not think it is really substantive according to me. I want the Minister to look at it. Again, I have said that I am neither opposing nor supporting. I would like the Minister to clarify that.

On Clause 4, there is something missing in my understanding. It says that the national Government and county governments shall be guided by following principles in the management and administration of agricultural land. It also says in part "a" "has a communal function". What has a communal function? I think that one is maybe for purposes of correction because there is a word missing there. I would like to propose that we think through the principles we have provided. I can see that one of the principles we have provided is on sustainable use of land. We should think seriously about the principle because the other parts under "c" and "d" do not appear as principles to me. I would like to propose that some of the principles we should add are preservation of indigenous knowledge on preservation of crops or value like the traditional crops that get extinct because we have new varieties that are not hardy. That is why we are having challenges. As a principle, that should be added. Gender and child responsive use of land should also be added as a principle.

Mr. Speaker, Sir, I would also want the Minister to clarify in reference to Clause 6; you have referred us to the Fourth Schedule of the Constitution. The Authority, on behalf of the national Government, shall be responsible for licensing and charging of levies on scheduled crops. I have looked at the Schedule and I really do not see that as a role of the national Government. Could the Minister, please, just clarify; given that if you are not careful these are areas that may create tension between national and devolved governments. Once you have the Senate coming in--- Some of these Bills may come back for review; Ideally they should have been brought when we have both Houses sitting. So, could the Minister just clarify why she is of the view that, that is a role of the national Government?

Again, the same applies to Clause 7(2). The Minister also in her statement suggested that one of the roles should be on the issue of land use management. I do not know if it is the body that is set up here, or the body that you are proposing in the Agriculture Bill; I want to know how she will want to link that with urban planning because that is also missing. How do we link up that with urban planning because even if you have a very good plan that looks---- It is really good to look at how we will manage our agricultural land, but we should not link it up with the urban planning as it will frustrate the work that we are thinking through.

The hon. Member who spoke before me talked about the scheduled crops having been done away with. I do not know if I understood well; I see the whole of Part III is on registration requirement for scheduled crops and you actually also have a whole schedule on scheduled crops. I do not know whether I got him right.

With those few comments, I will reserve my support until I get clarifications from the Minister.

**Mr. Mututho:** Mr. Speaker, Sir, I want first of all to express my sincere gratitude to the Minister for Agriculture and her team for working on these Bills. It has taken well over nine years before coming where we are.

Having said that, I would like to clarify a point here raised by hon. Odhiambo-Mabona and other hon. Members in respect to scheduled crops. To our understanding, and for this purpose, scheduled crops are those crops that have an active research programme or a breeding programme. Such crops are now numerous. In essence we have about 234 different crops. Going by the way we used to do business, and the way we used to carry ourselves, it follows, therefore, that you will end up having 234 statutes, each defining a particular crop.

A scheduled crop does not go beyond what I have just defined. However, in this particular Bill--- I am sure the Committee which I head, or Chair will be able to rectify that in terms of definition, so that, that is captured well to avoid any ambiguity.

*[Mr. Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Prof. Kaloki) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, sometimes it is frightening to be a farmer in Kenya, because you faithfully have to follow so many rules and regulations. All put together currently, they stand at 331 rules, regulations and statutes. This will require that you more or less have registrar in your own farm to sort out the rules and regulations and all the Acts that govern this particular area.

Mr. Temporary Deputy Speaker, Sir, this Bill is so well drafted that it captures all the general principles in the agronomic area. It captures everything that can be said on agricultural marketing, and simplifies it in a very simple Bill. It is not like what we expect in a couple of days, the Insolvency Bill, which I understand has about 1,113 pages. This is easy for any farmer to follow. Yet it is so effective that agriculture will grow and improve.

I want to single out one crop which has been very contentious and this is pyrethrum. The story of pyrethrum is dealt with inadequately. I will emphasize the word “inadequately” in Cap. 340. When you look at the way this Crops Bill is structured, you see that the fears and worries in Cap.340 are addressed so adequately; this is because you do not have to have a monopoly in processing. You do not have to have a monopoly processing and citing a very good reason that you have certain rights generally called royalties. Instead what happens is that you will be allowed to continue enjoying the royalties at a level of not more than five per cent because, again, it cannot be left open, because you may decide to ask for royalties at 100 per cent. If you are at farm level you will enjoy not more than one per cent; you will then allow as many people as possible to process pyrethrin or pyrethroids. That is where the problem has been. But even those ones who do must demonstrate - hon. Kioni must love to hear this - that they have contracts with farmers, so that at the end of four months, when the crop is due, the farmer is not stuck with pyrethrins or pyrethroids; these are none consumable items and the farmer can be stuck with that kind of a product. So, there must be contractual obligations on the part of the producer and the processor, so that you produce for a reason. That contract must give a minimum guaranteed price. These are poisons, Members of Parliament. You cannot allow a farmer to do 20 acres of production of poison and then you leave it alone. Even if you leave it under poor storage conditions, you will still have other hinderances.

There is good development happening in the Ministry of Agriculture. They are promoting something called receipt system. This warehouse receipt system will make it irrelevant for you to store maize. I was talking to a farmer from Nakuru last week; the farmer had done very well. She had 300 bags of very clean maize, but because of the scare of insects and aflotoxins she ended up selling that maize at a throw away price. Although a very well educated farmer, she did not know that you can take your produce to the National Cereals and Produce Board. They will give you a receipt and then you can sell when you want and they will preserve and conserve your produce so well.

The instrument of trade that is more popular than MPESA is going to be warehouse receipt for agricultural produce. That is where this Ministry is going. I am told they are working out rules and regulations, so that these things are admissible and we shall review it when it will come to us.

My Committee had the opportunity to interrogate all interested parties in this particular Bill; we are satisfied that this is the way to go. All your comments will be looked into by the Committee together with the Ministry, who have been very co-operative, to see the best way so that at the end of this Tenth Parliament we have a very good Bill. At the end of today, I am sure pyrethrum farmers, sugar cane farmers, coffee farmers and tea farmers will sleep well, knowing that this Bill will completely do away with brokers and will create a system that will be reliable and carefully thought out; that will come through this legislative process.

With those few remarks, I beg to support.

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I also want to support this Bill and congratulate the Ministry for coming up with this Bill. It is time for reforms and changes to show

Kenyans and the public in general that, as the Government and Parliament, we will always take care of their interests.

This is going to help to separate what has been lumped together in the agriculture sector. It is only specific to the crop aspect of agriculture. There are several laws concerning tea and coffee, just like it has been said, which this Bill is trying to consolidate. I think then it would make it easier even for whoever is handling this. It is also going to help in the management or crop husbandry.

Mr. Temporary Deputy Speaker, Sir, we have got areas where people just go and plant without even conducting research or carrying out some kind of survey to see whether certain crops can be planted or developed. Sometimes, it ends up being a lot of waste. I hope there will be zoning of areas so that they can be specific for certain crops. There are places like Mumias, where we grow sugar-cane. When some people realize that sugar-cane takes a lot of time - three or four years to mature – they plant maize and other crops without carrying out any survey or soil tests to know which areas are suitable for that.

I am sure that, that is going to help in the farm produce. I also hope that the extension services are going to be intensified like in the past. Extension officers would move around on bicycles and motorbikes helping farmers to manage their farms. If the Minister had time, I would take her to see what is happening in my area. The people, in an effort to do their work very quickly on whatever small holdings they have, would go and dig some pits and put ten *mahindis* in one hole, and also put beans and cowpeas. Since we have a lot of rain all the year round, when those crops are coming up, they look very green. But when they grow to about two feet, they all change colour and flower. They do not harvest. They keep on doing that every year because they must be seen to be working. They do not look at the output.

Mr. Temporary Deputy Speaker, Sir, that is something that I have been thinking of handling. After elections, I think I will take up the business of going to show them so that they can do proper planting. You can plant beans separately. Where you plant maize, you can get a proper yield that can sustain the people both for domestic and for sale. It is possible. The spirit of the Bill is quite good and I hope that, over time, we will be able to maximize on the production on our farms. After all, we say that agriculture is the mainstay of the economy. Apart from the things that we are looking for, and which we are still not very sure of--- The discoveries that we are making--- But what we are sure about is what we have lived with and that is farms and farm produce.

With those few remarks, I support.

**Dr. Kones:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me this chance to contribute to this very important Bill. We agree that agriculture remains the main economic stay for this country. It is so important that we streamline the laws and regulations governing this sector. I want to thank the Minister for moving with speed. She had promised previously to come up with harmonized Bills. Having gone through the Bill, I also have some concerns which I am sure the Minister will address as she responds. I am not sure whether this Bill will achieve the intended objective, particularly, when we lump all the crops and we have got issues to do with penalties. I do not know how all the crops can be uniform. When I look at Schedule I of all the scheduled crops, I can see crops like tea and sugar-cane combined with maize, rice and beans. When you look at this, it looks like you will need to have a license to go and deal with those crops. I do not understand whether that will be practical to require every family that grows maize or beans to have licences to do that. Probably, the Minister will have to clarify that.

Secondly, Mr. Temporary Deputy Speaker, Sir, the Bill presupposes that the Authority that will be established will manage the entire sector. I do not see the justification as to why we should have another fund under this Crops Bill which, in my own view, is an additional levy to the farmers. Once we have an Authority which is funded by the Government, why should we still want to establish another fund? That means taxing the farmers more on their crops to do the functions which the Central Government ought to do and not a fund. In my own view, I think we may not achieve what we wanted. In fact, we may discourage farmers from going into farming by having these levies.

Mr. Temporary Deputy Speaker, Sir, where we have made reference to the Cabinet Secretary imposing levies, I would wish to see a situation where Parliament is involved in approving such levies. If we give all the authority to the Cabinet Secretary or to the Authority without Parliament approval, it may reach a situation where some of those levies are not tenable and you may need either Parliamentary or Senate approval or actually the county assembly approval for such levies.

When you read the Bill, you can see that so much power has been left with the Cabinet Secretary and less to the county government and yet, when I read the Constitution, the functions of the national Government vis-a-vis the county government on the Fourth Schedule, I think the role of the national Government is just left to making agricultural policy. The first function of the county government is actually agriculture itself. So, why should it be that the levies go to the national Government when it is the duty of the county governments to produce? My own understanding is that once the people produce, the levies should be done by the county government. Maybe, a small proportion can be remitted to the national government. Otherwise, in this situation we are turning the county government to be just producers, while the beneficiary is the national Government.

Mr. Temporary Deputy Speaker, Sir, another clarification I would like to get from the Minister is, now that we have an overall board to supervise the agricultural sector, what happens to the other boards, for example, the Tea Board of Kenya and the Coffee Board of Kenya? Will they be relevant under these circumstances? Under this situation I can see that this new Authority will be the one to do the licensing. At the moment that is the work of the Tea Board of Kenya in the case of tea. Are we rendering such boards irrelevant? If so, can we state it very clearly here in the Bill that those boards have also become completely irrelevant? Otherwise, I want to thank the Minister and the Ministry for coming up with this progressive Bill. I am sure when we get to the Committee Stage we will be coming up with one or two proposals to beef up the Bill.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, I want to thank you most sincerely for this opportunity. I want to commend the Minister and the Ministry officials for this Bill that is before us. It is puzzling to see or remember that we have always said agriculture is the mainstay of our economy. It has taken us about 40 years to repeal some of the sections of the Act or even some of the laws that have made this industry not very useful to many who have tried a hand at it.

All the same, I think it is better late than never. We want to thank the Minister for having come to deal with the laws that have not been very kind to farmers. As I stand to support this Bill, I am almost at the same point as Dr. Kones where you are not quite certain that you are supporting this Bill for the good of the farmer or you will be doing justice to the farmer. We have faith in the Minister and the Ministry officials. I know we are pressed for time but I believe this is the kind of Bill that requires the kind of work the Minister is doing so that we can quite understand what the Ministry wants to achieve.

Other than just consolidating the Acts together under one Bill, what is the greater good in that exercise? I hope there will be time for one to get convinced. I want to support the Bill all the same. I believe that by the time we come to the Third Reading, a number of issues that are not clear will have been cleared. Again a number of the issues I wanted to mention may have been mentioned but let me just mention them. One is that I am encouraged by Section 12 because it appears we are now encouraging even the private sector to get to a point where perhaps we can produce fertilizers for ourselves. I also recognize that in Section 13, we are repealing the Pyrethrum Act Cap.340 which has been a major problem to those of us who grow pyrethrum. I notice we have two Sections 13. That must be a typographical error and that will need to be sorted out when we are at the Third Reading.

Mr. Temporary Deputy Speaker, Sir, when we have an authority collecting levies on behalf of the Central Government as others have said, other than just it being a possible source of conflict, I think we also deny the county governments some source of revenue that may be very useful. We actually do not know exactly how much we will need to run the counties and also to make them vehicles for development within those areas. It may be necessary to re-look into that aspect as to whether we want the levies collected on behalf of the Central Government or they should be left with the local or county government.

Mr. Temporary Deputy Speaker, Sir, while we appreciate that there is that consolidation of these Bills, I am wondering whether this is enough to ensure that the farmers who have continued to literally get exploited by the middlemen and the rest will benefit. I do not see provisions that would directly help the farmers benefit from their sweat.

I also think Section 11 is a good intention to ensure that land that is meant for agriculture or for the farming of these crops once identified, perhaps it is used for that purpose. But I find the section weak. I doubt whether once the Cabinet Secretary has identified the land, he will be able then to ensure that, that land is used for that purpose which he has identified. A case in point is where we have developers, especially within the neighbourhoods of Nairobi who think that the best way to benefit from their land is to turn it into a residential block. How would the Cabinet Secretary stop that from happening because I believe what we are doing in this country is that we are losing all the agricultural land to the residential estates and we will be left with land that cannot support any agriculture. The question is that even after identifying that land, have we given the Cabinet Secretary enough powers to ensure that we can be able to enforce it once that is done?

Mr. Mututho talked about pyrethrum. I listened to the Minister when he was moving the Bill and I was careful to hear whether she would mention the word “pyrethrum” which she did not. I do not know what the latest statistics is, but for a long time, pyrethrum has been the fifth foreign exchange earner in this country and it has continued to go down because of mismanagement by the Pyrethrum Board of Kenya and it is important to mention that. I know there is fear that pyrethrum - using the words of Mr. Mututho – can be a source of poison. Even as we stand here and make these contributions, I want to confirm to the Minister and the Ministry officials that if you visit Ndaragwa, you will find farmers who are keeping this thing in their homes and they have kept it for a long time. We do not know whether there are long term negative effects but we do not also want to hide under the cover that it is poison and for that reason, we deny the farmers an opportunity to manage that crop and get the benefit out of it. Even as we support this Bill, I would want to be convinced that it has taken care of all my concerns on the pyrethrum industry to the point that the Bill that we have - in the coming week I will be moving the Pyrethrum Bill – will be in line with the provisions contained under this Act.

I know that pyrethrum has been grown by Kenyan farmers since 1926 and it has not harmed them in a manner that we know. As I support this Bill, it is unfortunate that we did not have enough time. But I will ask that the Minister tries and clarifies and wins our confidence that actually what we have done is necessary. But is it all that we should have done or is there any more that we can do with specific legislation which we know would benefit those areas that we come from for the specific crops that are grown within our areas?

With those remarks, I beg to support but look forward to a couple of those things being clarified by the Minister.

Thank you.

**The Minister for Gender, Children and Social Development (Dr. Shaban):** Asante sana, Bw. Naibu Spika wa Muda. Ninasimama kuunga mkono na kumpongeza Waziri Sally Kosgei kwa kuleta Mswada huu hapa ili tujadili.

Wakulima nchini Kenya wamekuwa na matatizo mengi sana. Kwa sababu ya matatizo ambayo wamekuwa nayo, hawakufanya kazi na kupata mavuno kulingana na nguvu walizozitumia. Ninataka kuzungumzia sana swala la halmashauri ambayo Waziri atabuni ili kuhakikisha kuwa Wakenya wanapata lishe bora and vile vile uongezaji wa thamani ya mavuno ambayo wakulima wamekuwa wakipata. Pia, kuna swala la unyunyizaji maji mashambani. Jukumu hili limepatiwa Wizara ya Maji, lakini lilikuwa nzito na linatakiwa kuangaliwa kwa undani ili wale wakulima wenye kunyunyizia mashamba yao maji waweze kufanya kazi na Serikali ili kuhakikishia kuwa maji haya yameweza kufika na kuwawezesha kupata kiwango cha chakula cha kuwawezesha kupata lishe bora.

Vile vile, maeneo kama ya kwetu - upande wa Taveta - ambapo wakulima wetu wanakuza ndizi kwa wingi, vitunguu na nyanya, wamekuwa wakiteseka sana kwa sababu hawana vyeti vya kumiliki ardhi. Kwa hivyo, hawawezi kupata mikopo inayostahili.

Bw. Naibu Spika wa Muda, nimefurahi kuwa kumetajwa hazina ya kuweza kuwasaidia wakulima wapate pesa za kuweza kununua mbolea za kuwasaidia kuweza kupata chakula na mavuno kwa wingi. Hii ni kwa sababu watu wetu wengi ni wale wenye mashamba madogo madogo. Hazina hii itaweza kuwasaidia wakulima nchini kote. Ni hazina ambayo ninatumai wakulima wote nchini wamekuwa wakiingojea ili waweze kufanya kazi zao bila wasiwasi. Hazina hii itawawezesha kupata pesa za kutosha ili waweze kupata mavuno vilivyo.

Uuzaji wa mavuno nchini na nje ya nchi ni kitu ambacho kimetatiza watu wengi sana kwa sababu maeneo yetu yana barabara mbovu. Kwa hivyo inabidi wakulima katika maeneo haya kutumia pesa nyingi ili waweze kupeleka mavuno yao sokoni. Mara nyingi, mavuno mengine yanaharibikia njiani kwa sababu ya shida za uchukuzi. Ninatumai kwamba bima ya mimea na mavuno itakuwa muhimu sana kwa sababu itawasaidia wakulima ambao wamepata hasara haswa wakati wa ukame na mafuriko.

Bw. Naibu Spika wa Muda, vile vile, ningependekeza kuwa dada yangu, Dkt. Sally, aweke mstari wa mbele swala la kuandikisha wafanyakazi wa kutosha ili wakulima waweze kupewa masomo ya kutosha ili wafanye kilimo cha kisasa na sio cha zamani. Kule mashambani mara nyingi wale wakulima wamezoea kulima kulingana na mila na desturi zetu. Lakini wakipatiwa wafanyakazi ambao wamefunzwa ukulima wa kisasa, watafundishwa. Lakini hatuwezi kuwa na wafanyakazi hawa kama vyuo vikuu haviwezi kusomesha watu wa kutosha katika maswala ya ukulima. Kama hawataweza kuwasomesha wanafunzi wengi ili waweze kwenda hadi mashinani kuwafunza wakulima jinsi ya kufanya kazi, basi yote haya tunayoyafanya yataishia patupu. Hii ni kama hatutaweza kupata wafanyakazi wa kutosha.

Bw. Naibu Spika wa Muda, kwa hayo machache, ninataka kumuunga dada yangu mkono na kumuomba aendelee kuwang'ang'ania wakulima ili waweze kupata mavuno na pesa zinazostahili kwa jasho yao.

**Dr. Otichilo:** Mr. Temporary Deputy Speaker, Sir, I rise to, first of all, congratulate the Minister for bringing this Bill. This Bill is very important because it is consolidating so many laws on crops that have been retrogressive in agricultural production of these crops.

Mr. Temporary Deputy Speaker, Sir, we have more than 20 laws on various crops. Because of this the management and planning of these crops has been haphazard. There has been a lot of conflict and interest. That is why you will find that quite a number of crops have collapsed. We have had very many boards that manage particular crops. This is a big cost on the Exchequer and on the Ministry. So, it is important that we consolidate all these laws into one law. I want to congratulate the Minister for doing so. However, there are a number of issues in this Bill that need to be relooked at and if possible amendments made at the appropriate time.

First and foremost, we need to define specifically what we mean by “scheduled crop” and “non-scheduled crop,” because this is very important. You will find crops like maize, sorghum and beans are under the category of “scheduled crop.” If a crop, according to this Bill, is a scheduled crop, you need registration for you to grow it. I think this is not correct because there are certain food crops that are grown by everybody. Therefore, we need to be very clear on this aspect so that our small-scale farmers do not find that for them to grow maize or beans they will have to get a licence. This can also become a major problem. That is one area that I believe we will need to have some amendments.

Mr. Temporary Deputy Speaker, Sir, we also need to have some amendments under Clause 9, on the establishment of the Commodities Fund. This is a very good fund. If this fund is well managed, it will really promote the production of various crops in this country. This is because currently, the Ministry gets very little money for growing various crops. Therefore, having a dedicated fund will really promote crop production. However, looking at the sources of funds to this Commodities Fund, I find that most of it comes from levies charged on scheduled crops. Again, I can imagine that you will not charge a levy on food crops like maize or sorghum.

So, I would like the Minister to look at other sources because it is the responsibility of the Government to ensure that this country has adequate food. We must get money from the Consolidated Fund because any country that cannot feed her people is not worthy calling itself a sovereign State. So, under this fund, we have no choice, but to get money from the Consolidated Fund with the approval of Parliament.

Mr. Temporary Deputy Speaker, Sir, one other area where I am very happy is that this Bill is proposing that the Ministry will be able to designate certain areas for growing certain crops. Currently, people choose to grow crops anywhere regardless whether those areas are suitable or not. As a result, they face many challenges. For example, people are growing maize in arid areas without irrigation. So, under this Bill different areas will be designated for growing certain crops. We must make sure that we follow certain agronomical procedures before we decide what variety of crop to grow in those areas.

Mr. Temporary Deputy Speaker, Sir, I also like this Bill because it is giving many incentives to our farmers to produce food. Currently, we are not giving incentives to our farmers in this country. That is why every year we have to go looking for food. That is why the World Food Programme (WFP) is resident in Kenya because they know there is food shortage every year. They go begging food for us. So, we need to give incentives to our farmers to grow food. We must borrow a leaf from small countries like Malawi which have been able to give their

farmers incentives through agricultural inputs, seeds and fertilizers. They have been able to grow enough food for the country. It is a shame we still have to import food and have donor agencies to give us food in this country. So, I believe those incentives will be very crucial for production of food in this country.

With regard to the licensing and taxation provision, the Minister needs to look at what crops should be levied taxation on. As I said, here are certain basic crops that will not need to be levied taxation.

Mr. Temporary Deputy Speaker, Sir, another aspect that this Bill brings on board is the appointment of county officers to co-ordinate the production of various crops at the county level. This is very important because the extension service in this country on crop production collapsed many years ago. As my colleague from Vihiga said, that is why many farmers do not know how to use modern technology in growing and improving food production. So, with those officers on the ground, I believe we will increase our food production.

Mr. Temporary Deputy Speaker, Sir, in ending my presentation, I want to laud one aspect which this Bill is also bringing on board. It is bringing on board the issue of research and bio-technology. This country cannot produce sufficient food without bio-technology. No country has produced sufficient food without bio-technology. Therefore, this Bill is proposing the introduction of research which will promote the use of bio-technology in food production.

Mr. Temporary Deputy Speaker, Sir, many Kenyans have talked a lot about Genetically Modified Organisms (GMO). That is one of the techniques of bio-technology to produce food. These are grown elsewhere in the world under very strict conditions. This Parliament has passed the National Biosafety Act to co-ordinate the introduction of GMOs, their vetting and how they should be used in this country. It is, therefore, very sad when we hear the same Government is banning the use of GMOs when we have already put a fully fledged institution to look into that matter. We also have international regulations, for example, the Cartagena Protocols that govern GMOs. So, I think this Government must come out of its slumber and realize that without bio-technology, we will import food forever. We will not be food sufficient.

With those many comments, I want to support this Bill without mincing my words. Thank you.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, let me start by thanking the Minister and her entire staff for initiating far-reaching reforms in the agricultural sector. You realize that this Bill is reforming the Act that has been there for the last 64 years which has been an impediment to agricultural improvement in this country.

Mr. Temporary Deputy Speaker, Sir, according to the Bill, we expect a lot of activities to improve the agricultural sector in this country. We expect to see job creation for the youth and proper utilization of land. Every year, we lament that we do not have enough maize stocks in our silos. It is high time that the Ministry took really bold steps to improve the National Cereals and Produce Board (NCPB) stocks. As the population of this country continues to increase, we must make sure that there is enough food.

Mr. Temporary Deputy Speaker, Sir, the Ministry will now be even bound to bring the new varieties of the various crops like the new beans that are being imported from Rwanda. This is a variety that gives farmers lot of yields. Within a period of three months, there is a bumper harvest and farmers are able to get enough beans for their domestic use and for market. Farmers should not struggle to go to that country while we have a Ministry that can take this role critically.

Now, concerning the coffee estate protection, this is a very wise move. I recall that in the central region, coffee trees have been uprooted. That is good development. With that protection, we hope that our country now will be able to produce the necessary quantities of coffee and reclaim our position in the international market. We note that recently, there have been threats directed to coffee factories where guards have been killed. It is proper for the Ministry now to make keener laws as the farmers now continue to improve on coffee production in those areas. Unnecessary debts should not be allowed to happen and coffee racketeers must not be encouraged to continue to become millionaires in this country. We should not allow them to harvest where they have not sown.

Mr. Temporary Deputy Speaker, Sir, on tea hawking, it has been a thorny issue in central region. For example, in my constituency farmers went to Kenya Commercial Bank (KCB) and other financial institutions to borrow money. But because of tea hawking, they are not able to service their loans. So, those financial institutions may not get what they advanced farmers in central region.

Mr. Speaker, Sir, this Bill will make sure that some of these abnormalities that we have seen in the market are addressed.

With regard to pyrethrum sector, in the early years of our Independence, this was a vibrant sector. I recall that when I was a headmaster in 1970s, I used to grow pyrethrum in my school. During that time farmers were able to educate their children from the income generated from this sector. But poor management and supervision on the pyrethrum sector led to it to collapse. That is why farmers were discouraged from growing this crop. With the protection guaranteed by the Ministry, farmers are now encouraged to produce enough pyrethrum for the international market. Kenya was the first country to produce the most qualitative pyrethrum, taking the first position and guaranteeing farmers instant income and employment. I would without hesitation support the radical reforms reflected in this Bill.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you, Mr. Njuguna. Now we go to Mr. Baiya who seems to be the last one to contribute to this Bill.

**Mr. Baiya:** Mr. Temporary Deputy Speaker, Sir, I would also want to congratulate the Minister for bringing this very important Bill. For the first time, this country will have a law that seems to develop policies that address the country's interests as opposed to the desperate laws that we had before. Those laws really did not have any apparent coordinated agenda as far as the country's interests are concerned. The fact that most of these laws were inherited by the country from the colonial days, it is a big statement about the state of the Government for the last 50 years of Independence.

The failure by the Government to develop policies that help the farmers have actually delegated the farmer to the periphery where they are over-exploited by the players and brokers who manipulate the entire industry both locally and internationally. The experience has been that the Kenyan farmers have actually become poorer with time instead of prospering as a result of their efforts. These have seen their efforts dwindling.

As we say, the mainstay of our country is agriculture, but it is only the old citizens who are practicing farming because they do not have other alternatives. It is possible to modernize and make agriculture attractive to all Kenyans who are interested to make it viable, productive and commercially profitable. I believe that this is what the Minister has attempted to do. Even then, I have some issues.

I think the ideal title for this Bill would have been the Agricultural Bill. I say so, because even under the definition, “authority” means agriculture, livestock, food, fisheries and so on. I do not see the logic or the sense of actually coming up with policies meant for crops when the same policies would work with regard to livestock. If you look at the authority which is going to be set up, it is being set up to generally help the Government develop policies in the entire agricultural sector. What is the logic of leaving out the livestock sector and fisheries? What the country would be doing is duplicating the same framework that would go towards supporting research and agriculture. So, there is a strong case for the Government and the Minister to reconsider consolidating this Bill which also includes livestock.

Mr. Temporary Deputy Speaker, Sir, the policy framework should also ensure that it is able to achieve the stated policy objective by ensuring the measures of implementing the policies would actually enhance the intended objective. For instance, if you look at the objective in Clause 4(b), it talks about land owners and others who have the obligation to cultivate the land they own or lease and make it economically viable or productive. When you look at other provisions, one would have expected to see policy measures meant to actually realize these objectives. They appear not there.

If a land owner is holding land for speculation, for instance, which is quite common in this country, what measures has the Government put in place within the legislation to penalize or make it costly for people who are holding prime agricultural land without achieving the necessary productivity and efficiency? There should be a cost for holding that kind of prime agricultural land. This is standard practice in several countries and the Government should obligate itself the right to uphold public interest when ensuring that there is proper use and utilization of the agricultural land resource.

Mr. Temporary Deputy Speaker, Sir, it is also important as envisaged in the objectives and powers of this Authority, to ensure that when it comes to land use, we safeguard prime agricultural land. It has been pointed out that we have actually seen the mushrooming of other economic activities in the prime agricultural land. For example, if you look at the land meant for coffee in Central Province, you will see that it has been taken over by the real estate developers. There is a clear sense of urgency in the Government to ensure that there is deliberate planning for such prime agricultural land.

Mr. Temporary Deputy Speaker, one very important thing I have also seen in this Bill is that it ensures that we have one Authority to control and regulate all crops. It will deal with the mischief that we have currently encountered which includes double or triple taxation. For instance, if you look at some crops like tea and coffee, you will see all manner of levies, including road levy. These levies on road maintenance imposed on Kenyans who are also paying taxes means that you are subjecting these farmers to double taxation.

The other important aspect I have seen in this Bill is that by conferring the expansions and responsibilities on the Authority, it is now obligatory on the Government to ensure that the farmers realize the results of their efforts. This will be realized through research and marketing by competent institutions with suitable institutional capacity. The Government will be able to direct and advice farmers properly and ensure that the country is able to tip the economies of scale and ensure that it is able to make the best use of areas where it has substantial comparative advantage. This is what will enhance productivity and efficiency in the country.

We also want the country to realize economies of scale by ensuring that there is coordinated effort to bring about this. These are the mechanisms that have been used by countries that have developed in agriculture. These are the mechanisms they have used for a long

period of time. At the end of the day, they have a very small section of their population involved in agriculture. They are able to realize high productivity that can ensure food security, supply raw material for agriculture and for export. This is what we are looking forward to in Kenya.

*[The Temporary Deputy Speaker  
(Prof. Kaloki) left the Chair]*

*[The Temporary Deputy Speaker  
(Mrs. Odhiambo-Mabona) took the Chair]*

We hope that this Authority will ensure that there is linkage between it and the Commission on Land. The Commission on Land should also try to develop policies. For example, when it comes to agricultural holding, if this is being done on small-scale---

Some of the functions being given to the Authority include technology and so on and so forth are also pegged on the size of land holding. We need to worry about the land tenure policy. We know that some of the most viable land has already been subdivided to economically unviable sizes.

If you will address questions of productivity, efficiency and technology the tenure system will be relevant and there should be linkage between the Ministry of Agriculture and the Commission for Lands to see how some of these measures can be developed as well as policies either to control over subdivision of existing agricultural land, or perhaps, enhancement. We should have consolidation if it can be possible to make the land agriculturally more viable. I do not want to make further comments.

I beg to support.

**Mr. M. M. Ali:** Thank you, Madam Temporary Deputy Speaker. I rise to support this Bill. I specifically want to congratulate the Minister for correcting a very serious anomaly which has been in this country since Independence. That is the Agriculture Act, Cap. 318 of 1948 which has been in place. This has been very discriminatory. In its opening or introductory remarks, it says it will take care of agriculture or crop production in the whole country save or except for the former Northern Frontier District. As you will realize, that is very discriminative. It was treating northern Kenya as if it is not part of this country. This Bill intends to correct this very serious anomaly. I congratulate the Minister for the good job she is doing in this Ministry.

It is very shameful that year in, year out, we lose many lives due to starvation because of lack of proper planning. This country is capable of producing enough food for her people if only we employ the necessary techniques as envisaged in this Bill. Specifically, northern Kenya was discriminated against. I want to tell you and this can be proved by anybody who has been in that part of the country that, indeed, we have very fertile soils. The only problem is that we rely on rain fed agriculture in most parts of the country. Rainfall in most areas is not reliable. If we embrace the modern irrigation techniques, I want to assure you that northern Kenya is capable of producing enough food, not only for Kenya, but also for export to the rest of the world.

I remember in 1985, at a place in northern Kenya called "Uran" we managed to transport several lorries of food crop to Ukambani which was facing serious drought at that time just because we managed to get reliable rainfall. Therefore, I think the initiative of the Minister must be supported. The Government must do everything it takes to ensure that Kenya is food sufficient.

Indeed, we must make sure that Kenyans are proud to be in this country. The idea of us relying on relief food where people will always come and make business out of our poor citizens must be a thing of the past. We must fight to end this kind of culture. People must get down to business. The Ministry, as the Minister has proposed, must employ the necessary staff across the counties. I also support the initiative that they will invest a bit in the research and technology department, so that they come up with crops which will do well in certain areas.

Mine was to add my voice to that initiative, where they have treated the whole country equally. They have managed to fight the discrimination in that Chapter in the Constitution. They have also put behind us Sessional Paper No.10 of 1965 which borrowed a lot from the one of 1948. As Kenyans and the way our Constitution provides, the whole nation must be treated equally and impartially. That is a very good spirit which we must congratulate the Minister for attempting to correct.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mrs. Odhiambo-Mabona): Hon. Members, noting that there is no further interest in this matter; I now call upon the Minister to reply.

**The Minister for Agriculture** (Dr. Kosgei): Thank you very much, Madam Temporary Deputy Speaker. Let me, first of all, thank everyone who has contributed. Let me assure you that we have taken note. Your contributions are most valuable. They will be reflected in the amendments by the time we come to the Committee Stage. However, let me say that this was not an easy Bill to draw up because we are working through massive legislation which is by and large out modeled, but our aim was to make life easy for farmers. If it is not clear, our intention was to have better access to inputs. As it is now, this is done informally. There is nothing to tie anybody to give anybody any inputs. However, with this Bill, that is definitely assured. We want farmers to have access to credit. This has been a subject of discussion in this House for some time. This Bill will make it mandatory for the state to have that.

The extension workers are extremely useful. This Bill makes it mandatory for farmers to have access to this.

There is a question that needs clarification and it will be re-discussed, although we have discussed it before. Please feel free to submit your own amendments as usual. That is the question of taxation. There are those who feel it should be done at the county level. There are those who know that the Constitution, probably, gives this position to the central Government. Our aim and understanding all the time was to avoid double taxation of the poor farmer. But we are not closed to discussing that matter afresh in the Committee.

Madam Temporary Deputy Speaker, again, we will have to define what we mean by “scheduled crops” because we certainly did not intend that growers of green grams, maize, beans and potatoes will be asked to pay cess, very far from it. So, we will have to redefine it before it comes up for the Third Reading.

As far as land use itself is concerned, you know that a lot of what we are talking about has already been taken care of in the Bills that came from the Ministry of Lands. Nevertheless, we will borrow from that and clarify by the time we get to the Third Reading.

Madam Temporary Deputy Speaker, the pyrethrum issue has been discussed here, but it is not the only crop. We discussed it in the Committee. There is an amendment already coming to take care of that.

Let me once more say that the comments have enriched the draft that we brought here. By the time we come back here, it should be more or less where we think it ought to be. Once more, I thank everyone.

*(Question put and agreed to)*

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

#### THE KENYA AGRICULTURAL RESEARCH BILL

**The Minister for Agriculture** (Dr. Kosgei): Madam Temporary Deputy Speaker, I beg to move that the Kenya Agricultural Research Bill, Bill No.60 of 2012, be now read a Second Time.

Madam Temporary Deputy Speaker, this is even going to be shorter than the other one. I know you do not like things being short, but it will be shorter. You like them long, but I like them short.

This Bill is to consolidate research. It is really an attempt to bring together the “R” and “D”; the research and development which are so scattered in this country. As it is now, the whole research section in agriculture which started in the 1960s was a simple small department in the Ministry of Agriculture. This has now grown extensively, but grown in a most wildly way to the extent that we have lots of institutions, each of them pursuing parallel research with no meeting point for this research to be used. We think this is a waste of resources. We think that we have many scientists; 540 PhD holders are involved in full time, as well as others. But their research cannot be utilized well because it does not reside in the same house. What is worse is that, in fact, it is not known to one scientist what it is that another has researched into. Therefore, the loser is the farmer and the country. Our aim is simply very small. That is to create an apex body to better manage and co-ordinate agricultural research, so as to benefit from economies of scale, bring about efficiency by avoiding duplication of activities and provide for a critical mass of scientific competences in all our commodity and factor research into all our activities. We further more wish to organize and structure agricultural research to be in line with the international best practices, so that the farmers here can benefit and be able to compete properly internationally.

As a matter of fact, unless we are really organized in this way, we cannot benefit from any other research outside Kenya. It is, therefore, very important that when we deal with external people, they know exactly where they should go to get the research. You will be aware that while the Kenya Agricultural Research Institute (KARI), for example, has very modern cassava, and I think a few of the universities such as Jomo Kenyatta University of Agriculture and Technology (JKUAT) has the modern bananas, these come to the farmers through various ways. If we have what we are seeking, then, we can co-ordinate and disseminate this information through the extension workers and share across the country scientifically. This is what we seek to do because currently we are spending money in haphazard ways. We are unable to fund targeted research because research is so spread out. We now want to avoid that duplication, target what we want to do and streamline all our research, so as to better contribute to the development in the agricultural sector.

Madam Temporary Deputy Speaker, we could go on about this, but it is very simple and straight forward issue which is very important. Hon. Dr. Otichilo was talking about the research in the Katahena Agreement, which I am sure he remembers, if he has arrived, that I brought to this House in another capacity. As it is now, if you remember when we had diseases this year, we had to run around between so many institutions to find out who had better research. Perhaps,

if we had co-ordinated research, it would not have taken us so long to be able to come to terms with what we could do about those diseases. This is because the research information would be in one place, or people would be commissioned all at once and then we would use all our collective information to, in fact, develop and effect development for this country.

Madam Temporary Deputy Speaker, I would like to request hon. E.I. Mohamed to second.

**The Minister of State for Development of Northern Kenya and Other Arid Lands** (Mr. E.I. Mohammed): Madam Temporary Deputy, I wish to second the Kenya Agricultural Research Bill. The Minister has articulated quite ably merits of this Bill.

If we are going to achieve our Vision 2030, it is absolutely necessary that we consolidate and organize our research in agriculture.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. Shakeel:** Madam Temporary Deputy Speaker, I want congratulate the Minister. This is something that should have been done sometimes ago. As she rightly said, there are number of research institutions competing for limited resources when it comes to “R” and “D”. Many a times the left hand does not know what the right hand is doing. I think basically this whole Bill is to rationalize and harmonize this and not centralize it. I hope the Bill will concentrate on rationalizing, harmonizing and synergizing, so that we can get the best from our brains, and have them work in concrete manner towards concrete goals and result-oriented objectives. I can only suggest that as the Minister said “ R” and “D” are the basis; they are going to be the future of our agricultural sector. If we are not able to create and improve research and development, we shall be overtaken by others. Just yesterday, stakeholders in the dairy industry came to approach us in the Committee on Finance, Planning and Trade. I was shocked, but very pleasantly surprised that in Africa, we are the second largest suppliers of milk after South Africa. That does not come just out of the blues. There is a lot of research and development that is still taking place. A lot of research is still going on to ensure that this position is maintained.

Madam Temporary Deputy, with those few remarks, I support.

**Mr. Chanzu:** Madam Temporary Deputy Speaker, I also stand to support this Bill. Institutions start as small units, but at the end of the day, they become very useful. This is what has been happening and the Minister has said it. I think initially with no foresight and not knowing what they were supposed to do. Maybe, it was just an idea of one single person. However, in the process, they have ended up showing that they can be very useful. The only thing is the enclosure in which they existed has persisted. Even the way the Kenya Agricultural Research Institute (KARI) was constituted before sometimes end up being just a single person’s unit. You only know an institution by seeing the blue vehicles with blue number plates and then you are told they belong to KARI.

I think with the changes that are coming up now and the opening up by this Bill, Kenyans will know. Look at the farms they have in Naivasha. If you go and look at what they have there, it is not controlled. They have large farms and animals, but the information is not even known by the rest of Kenyans.

Madam Temporary Deputy Speaker, we need to have people who want to do dairy animal rearing to come and see how it is done from those research institutions.

Mr. Shakeel has said that this country is number two to South Africa in producing milk. But that milk only comes from one place and yet, this country has got the capacity to produce more. People in my place in Vihiga buy milk from here. They buy *Tuzo* and *Brookside*. I have been talking about this because when I spend some little money like Kshs2,000, they buy it, that money comes back this way. I think if the information about those institutions can get to Kenyans, we can arrange trips for our farmers to come and see what goes on there. They can learn some skills and scientific methods of doing some of these things. I think this would help the country. It is a very good idea that the Minister has brought up this so that everybody can be awake to what we have as a country.

I beg to support.

**Dr. Otichilo:** Madam Temporary Deputy Speaker, I want to support this Bill, first of all, because I was privileged to work in the Ministry of Agriculture as a research officer at the National Agricultural Laboratories (NAL). I was a plant pathologist. During those days, we had the money, the equipment and we were able to carry out very good research that made agricultural production in this country very famous.

Before that, we used to have the East African Agricultural and Forest Research Organization (EAAFRO). That organization was so famous in the world in the area of research and forestry. However, all those organizations broke down when the East African Community (EAC) collapsed. Therefore, by us consolidating all those research institutes into one organization, we are doing a very good thing. We are bringing the researchers under one umbrella and, therefore, they will be able to coordinate all the activities of research and development and be able to come up with very good research findings that will improve the agricultural sector in this country.

Madam Temporary Deputy Speaker, I do not want to dwell on this issue. This Bill is long overdue and is going to make a major impact on the agricultural production of this country. That is because without research and development, we cannot improve and even increase our agricultural production.

Finally, I want to say that funding for research and development must be mandatory. Any country that does not allocate money for research and development should not expect to prosper. In this regard, I am happy that the Minister for Higher Education is here. She will be tabling another Bill on science, technology and innovation where she has proposed that 2 per cent of our Gross Domestic Product (GDP) must go for science, technology and innovation. If that happens, this country will change and will be transformed for the better.

I beg to support.

**Mr. Njuguna:** Madam Temporary Deputy Speaker, very briefly, let me laud the Minister for this very well thought out consolidated Bill. I would like to indicate that this country will never move forward without adequate research. It is evident in some of those countries that have already set aside huge amounts of money for research. They have very rapidly improved their economic lives.

For example, look at Israel which is in a very dry region. We get fruits from Israel. Why? Because they have invested heavily in research and that is bearing fruits. Why are we importing rice and sugar from Sudan and Egypt? It is because those countries have also taken research very seriously. Why is Kenya Airways now importing the most modern aircraft from Brazil? That is because Brazil, which is relatively a third world country, has taken research very seriously.

North Korea has become a very strong country because of the resources it has invested in that area. Scandinavian countries like Denmark and others are the butter market of Europe. That is because they have taken research seriously.

The Jomo Kenyatta University of Agriculture and Technology (JKUAT) started so well with banana tissue development. We want to see better variety of bananas being grown in all parts of this country if the required seeds are sent out to the county.

Madam Temporary Deputy Speaker, potato research at Tigoni and other research centres should also be supported. The sweetest pineapples are being imported from Uganda. Why have we ignored research in our own areas here? I would urge the Minister that, as she prepares her budget to make sure that research is given adequate funds, so that it can benefit this country. Better wages for researchers must also be guaranteed. That is because the best brains like those 540 PhD holders that have been mentioned by her are likely to exit to other countries where remuneration is better.

Finally, better research will trigger employment and expansion of activities geared to improve our political, social and economic lives in this country.

With those few remarks, I fully support this Bill.

**Mr. Kioni:** Thank you, Madam Temporary Deputy Speaker. Let me thank the Minister and the Ministry officials, once again, for this Bill that seeks to consolidate a number of other Bills that were there before, but were scattered all over. This Bill is able to bring quite a number of institutions together, not less than eight.

Like other Speakers have said, it is important that we undertake research in this country. I come from the County of Nyandarua which has a huge agricultural potential. But to date, it is totally unexploited because whatever it is that we are doing is what was left being done during the colonial days.

I know a little bit of effort has been made, but I know if proper funds are provided as proposed in this Bill, then I think within Nyandarua County and others within the country, we will be able to make use of the potential that exists. There is also what Mr. Kivuti has said that, in so doing, we will have created employment. We really need to do everything that is possible for us to create employment.

We have Vision 2030 which can only be realised if it is underpinned by such legislation. I know we have provisions in the Constitution which provide that in anything that we do, we must ensure that there is regional and ethnic balancing. I see the Bill proposes that a committee be established as provided for under Section 27 on Establishment of Scientific and Technical Committee.

I think this is where we need to be careful because these are technical committees where we want the best brains to be engaged from whatever part of this country. Even if they were brothers, I would not want us to fail to benefit from such brains. It is important that when we are looking at ethnic and regional balancing, we should look at those things wholesomely. I think that is the principle that needs to be brought out more often from the constituency, so that such committees are manned by the best brains that we have in the country. As I said, it matters not whether they come from the same village or even from the same family.

But I want to also ask that even as we seek to consolidate things and also talk about the establishment of county governments, we should also endeavour to ensure that these institutions are also fairly spread in the country.

*[The Temporary Deputy Speaker]*

(Mrs. Odhiambo-Mabona) left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, I know, for the case of Nyandarua, a lot of attempts have been done in terms of research. However, all the research institutions that would help Nyandarua are located in Kiambu. There is nothing you find within Nyandarua. Even if it is in Nyandarua, it is because it is the boundary between Kiambu and Nyandarua. So, you find that we have to transport everything to Kiambu while we even have more land that can be useful. In so doing, that distribution would help in the employment opportunities and also ensuring that development in the country is spread even.

With those few remarks, I beg to support.

**Mr. Ethuro:** Thank you, Mr. Deputy Speaker, Sir. I want to start by thanking the hon. Minister Dr. Kosgei and the Committee of Parliament for ensuring that the promises they made to this House that they will consolidate most of these Bills and bring them before this Parliament expires is commendable. We are used to the Government's empty promises which come to naught. So, when you get a few who are serious like her, it must be appreciated.

I am here because of KARI. My serious scientific engagement was as a research scientist at KARI. KARI gave me a scholarship to study although I must admit that I have not put much back in terms of the scientific knowledge I acquired. But in terms of serving the country, it is courtesy of KARI because I have been an employee of KARI. I also occupy a very special place in KARI in the sense that I was one of the very few social scientists that were trained in order to give support to biological scientists in KARI. So, anything to do with agricultural research is of special interest to me.

I like the new arrangement. We used to have too many organizations dealing with research, especially food research and food security. One of the problems we used to have was that what you call the agricultural research *per se*. I am glad the Crops Bill passed the Second Reading. I did not want to contribute to it because when I took a course in BSC agriculture, I was told that the only crops I could grow in Turkana are what we call the poor crops. That is sorghum, millet and then the real crops which are grown from my good neighbour with that middle name which begins with "N" which has been discovered by Mrs. Odhiambo-Mabona are the important ones.

They have their own research institute for tea and coffee. But when it came to that cow that the pastoralist is chasing and tilling for it which is of no value, there was no research whatsoever. I want to believe that with this independent organization, the way it has been structured and with these various institutes dealing with specific things as per the Second Schedule, then we will ensure that each of the commodities that we will be researching on as a country, we will get its prominence.

Mr. Deputy Speaker, Sir, I am also a student of policy. When I took a study of two major commodities in this country, the dairy cow, the maize, they seem to define what you call agriculture in this country. Food security in Kenya is defined by maize production. We have killed the rest of the crops just because of this emphasis. Our biological scientists are still researching on better crops even when the mandate of KARI is very clear; your mandate is to ensure that we research in order to produce appropriate technologies that the uptake by the farmer, the small holder can be as near to 100 per cent as possible.

You will appreciate that by the time I was active in research, our biological scientists were researching hybrids of H525. The poor farmer in Western Kenya was still planting Hybrid 614. So, you could see our scientists are pushing lineage which we have no problem with in terms of experimenting knowledge, but that is where the business of the National Agricultural Research system, extending the frontiers of knowledge is the business of universities where Prof. Kamar is. For you as the Minister of Agriculture and all these organizations doing research, your job is to produce appropriate technologies that can increase food production that will ensure this country is food secure; a policy that the Government is committed to and a policy that this Government and the previous ones have failed. I hope the next Government will make a difference.

Dr. Otichilo has raised a more fundamental in agricultural research, that is funding. Even this Bill has agricultural research fund. This fund is supposed to get some money to the individual scientists to be able to do work that they believe will contribute to food production. But you will find that the amounts allocated to the individual scientists is in the region of Kshs300,000 or Kshs500,000. What can you do with that kind of money? Look at their counterparts in America and Europe. A researcher is a respected person. A researcher is given a very serious grant by the university or the agricultural organization that he or she works in. They can invest and breed better crops to enhance the productivity of both the animals and crops. I am excited that with this kind of provision of the agricultural fund now in law, it also means that there will be additional funding given to our scientists.

Mr. Deputy Speaker, Sir, you will appreciate that in this country, there is an explosion in the universities. It means that we are going to train more competent people to join research. These people will explore even areas that we have never explored before. I would invite our research scientists to put a bit of emphasis on livestock. Since the technology of zero-grazing of the dairy, which other technology can this country proudly say it has given to the Kenyan livestock farmers? What is the fate of the National Agricultural Research Centre based in Marsabit, that has both the national and regional mandate to look for our regions? There are sub-centres in Garissa and Lodwar. Which simple technology has it produced for the years that it has been in existence?

Let us also look at the management. One of the problems that KARI has experienced is shortage of funds. When I was there the donors were willing to give us money, but the top management became a stumbling block. Just as much as this organization becomes independent, we must structure it in a way that the composition of the board I see here, where we are now saddling the board with nominees from the Government again must stop. I can see the kind of people that the Minister has proposed. They are people from the agricultural background. There are better things than agriculture in this country. The story that we used to be told while undergoing undergraduate studies that agriculture contributes 30 per cent of our economy is gone. Those statistics are gone now. Let us diversify. I hope I will get the opportunity, apart from building alliances, to bring some amendments, so that we can make this truly reflective of the diversity of the dichotomy of the Kenyan economy. This is because certain areas of this country have been forgotten not just in terms of extension services by line Ministries, but also in terms of the kind of research that is being conducted to ensure that a household can get a healthy diet at the consumption level. But hopefully, the same household can also produce a surplus in order to be taken to the market.

Mr. Deputy Speaker, Sir, I can go on and on, but I can see the *manyanga* Minister, my good friend, who is doing a good job so far in sports, hon. Namwamba, is becoming a bit agitated. I take the cue that I should stop there.

Mr. Deputy Speaker, Sir, I wish to support.

**Mr. C. Onyancha:** Thank you, Mr. Deputy Speaker, Sir. I rise to support this Bill wholeheartedly and thank the Minister for putting it together. I know that she has been struggling for a long time to have this Bill under discussion on the Floor of this House.

Mr. Deputy Speaker, Sir, I am very happy that this Bill is bringing some sanity into the research institutions by classifying the type of research that is required. Therefore, it is making it possible to specialize in particular areas, specifically related to food crop production, livestock research, fisheries and so on.

As I continue, we know that there is climate change. Unless we have continuous research, as climate changes it calls for different research capabilities and introduces new challenges. My constituency used to produce many bananas, but unfortunately, because of changing climates we are no longer able to produce that crop or not as much or efficiently because of climate change. We hope that this sort of research will be applicable to that area as well, so that it can be used to enhance production of that particular crop.

Mr. Deputy Speaker, Sir, with regard to these research institutions proposed now, one of the recommendations I would like to make to our able Minister is recovery of land that used to belong to research institutions which have been transferred to other owners and, most of the time, in a manner that was rather underhand. If we can recover those research lands, then we can enable our institutions to do a much better job than they are doing today. As I say this, I am very conscious of the fact that we have got a very educated labour force which will be able to handle these institutions. But that alone will not be enough. I hope that Parliament will allocate enough resources for this purpose.

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

**Mr. Deputy Speaker:** Yes, Madam Minister!

**The Minister for Agriculture (Dr. Kosgei):** Thank you very much, Mr. Deputy Speaker, Sir. Let me begin by thanking all these learned colleagues of mine, especially those who have had a lot to do with this field. Your contributions will enrich the final product when we sit down to do this Bill at the Committee stage.

Mr. Deputy Speaker, Sir, however, for the purposes of the HANSARD, let me say this right away. On the Fourth Schedule, as you will see, we have among the institutions, the Kenya Forestry Research Institute (KEFRI). By mutual agreement with the relevant Ministry, we decided to leave this one out because there is always a contradiction between agriculture and conservation. Conservation and forestry, especially in view of climate change, is best left to handle its own schedule.

Mr. Deputy Speaker, Sir, I have listened very carefully. Research in development is extremely important. It cannot be gainsaid. It can only progress with enough funding. Currently, the situation is that our research institutions benefit more from external funding than from this country. It is the same thing that one can say for the rest of agriculture. That is a shame. I think collectively, we have to bring this back home. If you look at a country like Japan, you will find that the Science and Technology Ministry is a top Ministry. In our country we do not seem to understand that we cannot develop without this. We cannot always rely on someone else.

We have taken these sentiments on board. If any of you has anything to add, please, as you know we will still go to the Committee. We shall be moving amendments, in any case, based on your contributions for which I thank you all most heartily.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Chanzu:** On a point of information, Mr. Deputy Speaker, Sir. I would like to add on to a point that the Minister has just raised. What the Government was doing under CDF was not noticed. It was allocated 2.5 per cent and it is like the CDF was allocated 97.5 per cent. So, if you could look into ways of restructuring the same thing, I am sure you will have more money going down and having more effect. I do not know whether even the 7 per cent that will remain at the Head Office will go down. So, you should as well look at that very beautiful idea.

**Mr. Deputy Speaker:** Ordinarily, you would be out of order because you should have informed the Minister when she was talking about it. But, nonetheless, I believe the sentiments have been taken on board. Hon. Members, I now put the Question.

*(Question put and agreed to)*

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

## **BILL**

### *Second Reading*

#### THE SCIENCE TECHNOLOGY AND INNOVATION BILL

**The Minister for Higher Education, Science and Technology** (Prof. Kamar): Mr. Deputy Speaker, Sir, I beg to move the Science, Technology and Innovation Bill, 2012.

Mr. Deputy Speaker, Sir, it is globally recognised that science, technology and innovation is essential for the economic growth and competitiveness of all nations. Science, technology and innovation is also a key component of social integration, sustainable development and poverty eradication based on equity---

**Mr. Deputy Speaker:** Order! Hon. Margaret Kamar, the tradition is very simple. You read the Bill as it is verbatim word for word and then you can put in the rest of the information after that.

Proceed, Madam Minister.

**The Minister for Higher Education, Science and Technology** (Prof. Kamar): Sorry, Mr. Deputy Speaker, Sir. I beg to move that the Science, Technology and Innovation Bill be now read a Second Time.

**Mr. Deputy Speaker:** You can now continue.

**The Minister for Higher Education, Science and Technology** (Prof. Kamar): Mr. Temporary Deputy Speaker, Sir, it is globally recognized that science, technology and innovation is essential for the economic growth and competitiveness of all nations. Science, technology and innovation is also a key component of social integration, sustainable development and poverty eradication based on equity, freedom, justice, governance, peace and prosperity.

At the international level, science, technology and innovation acts as a tool of international co-operation and solidarity. It is used for knowledge and information and facilitating globalization with human development while concomitantly strengthening national governance and acting as a vesture of common heritage and international co-operation and solidarity.

Mr. Deputy Speaker, Sir, the Kenyan Vision 2030 pillars spring from Science, Technology and Innovation (STI) foundation. The Vision and the Constitution of Kenya 2010 explicitly places a premium on the generation and management of knowledge and the need to raise productivity and efficiency with the aim of transforming Kenya to a knowledge-based society. The Vision and the Constitution recognise the critical roles played by research and development in accelerating economic development of the country. Given globalization and the imperative of knowledge-based economies, there is need for transformation to achieve the goals of becoming a middle mid-term economy by 2030. This calls for a critical revisit and application of science, research, technology and innovation as an engine and driver of knowledge economies in general and knowledge-based economies, in particular.

Mr. Temporary Deputy Speaker, Sir, integration of science, technology and innovation in national production processes is central to the success of the Government's policy, priorities and programmes as outlined under the Vision 2030 and as mandated by the Constitution itself. The Bill underscores the importance of mainstreaming science, technology and innovation in all sectors of the economy to ensure that Kenyans benefit from acquisition and utilization of available science, technology and innovation capacities and capabilities to improve their qualities of life. The development of our necessary scientific technological and innovational capacities would enable the country regenerate a portfolio of tradable goods and services. By so doing, create quality good jobs, facilitate high value export, reduce the cost of doing business, deploy efficient and effective infrastructure, protect and enhance the overall national economy.

This is, however, hampered by a number of challenges which include legal and regulatory frameworks, lack of prioritization of national, strategic science, technology and innovation areas which is integration of the industry in the academia, inadequate funding of science, technology and innovation, a weak uncoordinated and fragmented national innovation system, inadequate science, technology and infrastructure, weak knowledge transfer systems and low commercialization of innovations among others.

Mr. Temporary Deputy Speaker, Sir, The Science Technology Act, Cap.250 mainly provides for the advisory role of the National Council for Science and Technology to the Government on science and technology matters. However, the Act is weak on the regulatory and coordination of research in the country. The Act also does not address the issues relating to innovation and funding of research. This has resulted in major challenges in ensuring a dynamic innovation system for the country.

Kenya has inadequate and uncoordinated mechanisms to identify the key intervention areas that are needed in order to achieve national development goals. There has been no national research agenda to guide the researchers. I am happy that I am moving this Bill soon after the Minister for Agriculture has gone through the Kenya Agricultural Research Institute (KARI) Bill, 2012 because they complement each other. Each research institute and the university in the past have developed their own research programmes without regard to what the others were doing. Many research programmes are fragmented and have not been appraised to address specific challenges of Vision 2030.

In Kenya the triple helix of government, industry, universities and research institutes is missing the key member industry in the innovation systems of the country. Currently, the Government and the public academia are integrated, but private education and industry are excluded. The linkages between the researchers and industry which are expected to use the research outcomes are also very weak. The result has been the lack of commercialization of research findings.

Mr. Temporary Deputy Speaker, Sir, funding for science, technology and innovation and related activities in Kenya has been inadequate and without effective coordination mechanisms in the face of the competing demands for the national budgets. Funding for research has been very low and researchers have had to rely on foreign funding with the danger of pursuing of foreign agenda.

A pool of highly skilled human resource is critical for science, technology and innovation development and by extension sustainable growth and development of a country. The country, Kenya, therefore requires an adequate pool of highly skilled human resource and currently ST and I related disciplines are not integrated at all levels of education and training while the number and quality of graduates developed in our universities is inadequate and scientific expertise in the country is also inadequate. An innovation system essentially refers to the interactions among diverse groups of actors involved in the protection, diffusion and use of new and economically useful knowledge.

## **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Minister! You have a balance of 50 minutes to proceed when the matter gets on the Order Paper next.

Hon. Members, it is now time for interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 29<sup>th</sup> November, 2012 at 2.30 p.m.

The House rose at 6.30 p.m.