

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 31st January, 2017

The House met at 2.30 p.m.

*[The Deputy Speaker (Hon. (Dr.) Laboso)
in the Chair]*

PRAYERS

Hon. Deputy Speaker: Hon. Members, we are properly constituted and so, we can begin our business.

PETITIONS

REHABILITATION OF TIMAU-ETHI-NGARENDARE -TM ROAD

Hon. Deputy Speaker: We can start with the Petition by Hon. Sara Korere. Give her the microphone.

Hon. (Ms.) Korere: Thank you, Hon. Deputy Speaker. I present this Petition on behalf of the residents of Laikipia County on the rehabilitation of Timau-Ethi-Ngarendare -TM Road.

I, the undersigned, on behalf of the residents of Laikipia County, draw the attention of the House to the following:

THAT, road transportation is the most popular mode of transport in Kenya and has immensely contributed to the economic development in rural and urban centres.

THAT, the Fourth Schedule of the Constitution classifies roads under the ambit of the national and county governments.

THAT, Timau-Ethi-Ngarendare -TM road is a major road serving three counties; namely, Laikipia, Meru and Isiolo, and is also part of the Great North Road.

THAT, the said road is in a very poor state due to neglect for a long time, which has led to loss of lives through road accidents.

THAT, the road in question is under the mandate of the Kenya National Highways Authority (KeNHA).

THAT, efforts to resolve the matter have not been successful.

THAT, the matter in respect to this Petition is not pending before a court of law.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Transport, Public Works and Housing:

- (i) Recommends that the Ministry of Transport, Infrastructure, Housing and Urban Development urgently fast-tracks the rehabilitation of the Timau-Ethi-Ngarendare - TM Road to mitigate further loss of lives along the stretch of the road and also loss of revenue; and,

(ii) Intervenes to ensure that the Petitioners' plight is addressed by ensuring that money is budgeted for the rehabilitation of the road.

And your humble Petitioners will ever pray.

Hon. Deputy Speaker: Switch off the microphone. I have a second Petition, but I would wish to allow anybody who may want to comment on Sara's Petition to do so. This will give us some little time to complete preparing the second Petition.

Hon. Cyprian Iringo, do you want to comment on the same?

Hon. Kubai Iringo: Thank you, Hon. Deputy Speaker. I support Hon. Korere's Petition especially because it touches on infrastructure. This country loses a lot of money in repairing roads which have been neglected after taxpayers' money has been spent in tarmacking them.

There are many roads in this country, but the specific one she has talked about also serves Meru County. Roads are tarmacked and no money is allocated for annual repairs. In fact, the roads get dilapidated to the extent that they have to be tarmacked again. I have a road in my constituency which has been neglected after being tarmacked 15 years ago. That road is no longer there and we are budgeting money to tarmack it again, instead of doing repairs.

It is important for the Ministry of Transport, Infrastructure, Housing and Urban Development to take action and make sure that once roads are built, there are finances every year for maintenance. That way, we will not spend taxpayers' money in tarmacking them. Instead, we will be maintaining them.

Thank you, Hon. Deputy Speaker.

Hon. Wakhungu: Thank you, Hon. Deputy Speaker. I would like to comment on the very important Petition by Hon. Sara Paulata.

A road network plays a very critical role as far as the growth of any economy is concerned. We are deeply concerned about the issue of roads. When you look at the Manifesto of the Jubilee Government, it promised to develop about 10,000 kilometres of road. As much as Parliament has been allocating resources towards this, you will find that there has been no implementation. It is high time the Departmental Committee on Transport, Public Works and Housing gave a comprehensive report as far as the road rehabilitation network in this country is concerned.

I say this because, for example, in my constituency, there was a road which was supposed to have been done by now. It is from Turbo, Sikhedu, Saboti up to Swam. But two years down the line and up to now, after funds were allocated in the Budget, we are not even sure whether issues of procurement have been finalised. It is important that the Departmental Committee on Transport, Public Works and Housing - which is in charge of roads - moves with speed because this is costing Kenyans. The road from Eldoret to Kitale is not passable. Rehabilitation has been going on for the last one year. They have not yet completed. It is important that the Principal Secretary (PS) gives a proper report to this House so that we all know the implementation status as far as the rehabilitation of the road network in this country is concerned.

As we head towards the elections, we need a proper road network system. The Departmental Committee on Transport, Public Works and Housing must pay attention and report back to this House on this Petition within the 60-day timeframe.

Hon. Deputy Speaker: Let us have Hon. Justice Kemei.

Hon. Kemei: Thank you, Hon. Deputy Speaker. I rise in support of the Petition by Hon. Korere. We need to be clear about which roads belong to the national Government and which roads belong to the county governments in this country. At the moment, there is a blame game between the Kenya Rural Roads Authority (KERRA) that we use as Members of Parliament and

county government. In the process, some roads have been orphaned. The Ministry of Transport, Infrastructure, Housing and Urban Development and the Kenya Roads Board (KRB), in particular, should draw a distinction between those roads which are meant to be maintained by the county governments and the roads which are meant to be maintained by the national Government.

Secondly, I must speak to the Departmental Committee on Transport, Public Works and Housing. We passed a Bill that stipulated that we were supposed to tarmack five kilometres of road in every constituency. We want a report as to whether that has been done in any constituency in this country.

Hon. Deputy Speaker: Let us have Hon. Gideon Ochanda.

Hon. Ogolla: Thank you, Hon. Deputy Speaker. One thing that is really unfortunate is that many times, it is like we are planning to fail, particularly in the area of infrastructure. It is not good to know that you are constructing a road that will last for 10 years and then, within that period, you do nothing and you do not prepare for the fact that in the 11th year, there will be no road. This is really a problem in this country.

I have two cases in my constituency. First, one of the test cases of the forerunner of what we call the low volume seal roads programme was in my constituency in Bondo. It was to construct around six or so kilometres of a road. It indicated very clearly that there were problems with this low volume seal roads programme. Since that road was done over 10 years ago, it has been ignored. Rather than appreciate that it was an experimental road that needs to be taken up when what was supposed to be done failed, the road has been in a pathetic situation until the other day when we were given Kshs4 million to seal the tarmac which cannot work. Last week, we had to rip the road off the tarmac. This is a very bad way to plan infrastructure.

A similar one is a causeway in my constituency that was designed to last less than 20 years. That causeway is now falling apart because 20 years have passed and nothing has happened. We just stare at it. I have brought up this issue more than twice or thrice, but it is like nothing is happening in that section of the country.

Hon. Deputy Speaker: Let us have Hon. Onesmus Njuki.

Hon. Njuki: Thank you, Hon. Deputy Speaker, for giving me the opportunity to support this Petition by Hon. Sara Korere. It is from the Petitioners in Laikipia County.

It is very unfortunate to see taxpayers' money going to waste through either unsupervised work or supervised work whose quality is not ascertained and guaranteed to be commensurate with the money that is spent by the taxpayers. I say this because when a road is done and it does not have a lifespan in terms of warranty and taxpayers have to spend money several years later, it is a waste of resources. We passed a law in this House that gave the local contractors an opportunity to construct roads that cost less than Kshs1 billion in terms of contractual obligations. There have been a lot of problems where we have very many loopholes in terms of workmanship. A road is done and several months down the line, the tarmac comes off and residents start constructing other roads beside the main road because there is nothing as bad as a tarmac that has come off. It is worse than a marram road. A case in point is in a place called Meru National Park between Maua and Murera Gate where a contractor was tasked to do the road and finished around 2009. Today, you have to totally avoid that road if you want to access Meru National Park. It is making it very hard for people to visit the Park and for the Kenya Government to get any revenue from the park.

The other issue is in connection with the classification of roads. In this Parliament, we passed a Bill that stipulated that we have to classify roads and know what will be maintained by

the national Government and the county government. When that consultant was given the work, I expected him to consult widely with the leadership and even the users of the road so that after that draft is brought back to Parliament, we can okay it. I do not remember that happening. That is why if you go to the county today, you will find very busy roads that have been put under the county while other roads that hardly have any traffic have been put under the national Government. This, therefore, means it is not possible for KERRA, KURA and even KeNHA to tarmack those roads. We have to totally rely on the mercy of the governor and he may not have the resources. I want to mention a case in point of a road that is in my constituency. It is called the Rubate-Kangoro Road that serves a very busy college. It has been put under the county government and totally ignored by the national Government. We have suffered because we are orphaned by the same.

I wish to support the Petition.

Hon. Deputy Speaker: Let us have Hon. Francis Nderitu.

Hon. Nderitu: Thank you, Hon. Deputy Speaker. I would also like to commend my friend Sara Korere for bringing this Petition on that road because those are roads that I have used many times. I am very sure that the road has very serious problems that need to be fixed.

Equally, as we look at that road and as many of the speakers have said, there are so many other roads that are affected by the same problem. You will find that most of the low volume seal roads being constructed are done very quickly and even before the contractors leave the site, some of the roads have already started wearing down. The issue of maintenance then becomes critical. I remember when we talked to the Departmental Committee on Transport, Public Works and Housing, they said that the contractor who constructs the low volume seal roads would be given an opportunity to maintain the road for a period of another two or three years. These are some of the things that should be picked so that *wananchi* can benefit from the roads. Otherwise, as other speakers have said, if the roads are done and within a very short time they are full of potholes, it is even better to use a marram road than those kinds of roads.

As I conclude, I would like to say that some of the low volume seal roads that are being tarmacked are pegged at a figure of about Kshs45 million per kilometre. Most of those roads have been tendered for almost three or four times that amount. It is very unfortunate that the budgets have been allocated by this Parliament and the money is there but the process of tendering the work and awarding to the contractors has been pending for so long.

Hon. Deputy Speaker, I therefore, support the Petition. In a broad way, it should look at other areas like wastage and the use of roads so that benefits that are supposed to come from them can be realised as quickly as possible.

Thank you, Deputy Speaker.

Hon. Deputy Speaker: Hon. Ali Rasso.

Hon. Dido: Thank you, Hon. Deputy Speaker. I rise to support this Petition by Hon. Korere. If you want to see the wonders of infrastructure, you only need to drive to Marsabit. It used to take us three days to reach there but now, it takes us eight hours.

What Hon. Sara raises are the problems we face in our constituencies. In the olden days, there used to be periodic maintenance of roads. Funds used to be availed and the Ministry of Public Works was always in place. Every season, roads used to be passable. What has happened? There is clearly lack of apportioning responsibility to where a particular road belongs.

The other problem is how the road contracts are given. The road to Marsabit was done by Chinese and Turkish companies. It is a first class road. But if you go within the county or the

next roads that are done by local contractors, they are done shoddily. Shoddy work is done and there is no value for money. We need to be really serious about infrastructure.

Thank you.

Hon. Deputy Speaker: Hon. Kathuri.

Hon. Murungi: Thank you, Hon. Deputy Speaker. I also want to give my comments on this Petition by Hon. Sara Korere. There are many Petitions which have been brought to this House concerning the road network in this country. We are really getting it wrong as a country because most of the Petitions that have been brought here touch on roads which were tarmacked, but are now 80 per cent worn out. Still, the Ministry is prioritizing new projects and neglecting the existing roads.

Therefore, the Departmental Committee on Transport, Public Works and Housing should put the Ministry to task and order it to give us the status of roads that have been there since Independence. Most of them that I know of in my county are almost worn out completely. When the Ministry starts projects on those roads, they give money slowly like a drop of water. A case for study is in my constituency on the Nkubu Mikumbune Road, a road which was only to take Kshs60 million has only been allocated Kshs20 million and only one kilometre has been done. Three kilometres are pending.

It is high time the Ministry of Transport, Infrastructure, Housing and Urban Development did a thorough audit on roads and prioritize them.

Thank you so much.

Hon. Deputy Speaker: Hon. Ferdinand Wanyonyi, lastly on the Petition on roads. Hon. Mwandeghu, I am sorry. It is because you do not have your card. I will give you a minute.

Hon. F.K. Wanyonyi: Hon. Deputy Speaker, you can see the interest of Members on the issue of roads. Each one of us has a problem. I take this opportunity to thank Hon. Sara for coming up with this Petition. It touches on every constituency and county. I suggest that before next week, the Committee should come and tell us exactly the status of the implementation of what we passed in this House, that each constituency that did not have a tarmac road network, should have 20 kilometres. That Statement should come from the Departmental Committee on Transport, Public Works and Housing. I have been promised for almost eight months that the road between Veterinary and Kolongolo will be done. I have actually told my people that the road is going to be done. Up to now, eight months down the line, nothing has been done.

I, therefore, request this House, through you, that the Committee in charge of transport comes up with a Statement to tell us the status so that we can tell our people what is happening.

I, therefore, support.

Hon. Deputy Speaker: Hon. Mwandeghu, lastly.

Hon. Mwandeghu: Ahsante sana, Mhe. Naibu Spika. Naomba nimpongeze Mhe. Sara kwa kuleta malalamishi haya ya barabara Bungeni. Ijapokua, Mhe. Sara naomba nikufahamishe kuwa suala hili la barabara linaadhiri kila Mbunge aliyeko hapa.

Tukianzia na mimi, katika sehemu ya Bunge ninayowakilisha ya Wundanyi, tuko na kilomita moja ya lami. Tangu ilimwe na wafungwa wa Kiitaliano katika Vita vya Pili vya Ulimwengu, hatujawahi kupata lami mpaka siku ya leo.

Ni jambo la aibu hata Wabunge wenzangu wakitembelea eneo langu la Bunge, kutoka Bura kwenda Mgange, Mgange Mwanda, Mgange Weruga, Weruga Wundanyi hadi Mbale na Msau na huko Mgambonyi. Barabara imekuwa kama makaburi. Gari haliwezi kupita. Mtu akija na gari lake ndogo, linakwama hapo. Hundi sawanisha ambayo tunapatiwa - kwa Mhe. Mburi

ambaye haelewi hundi sawanisha ni nini, nimueleze kuwa ni *Equalisation Fund*. Hundi sawanisha imebidi ndiyo tutaitumia kurekebisha barabara zetu.

Ni jambo la kuudhi. Tunaomba Kamati ya Bunge ambayo inahusika na ujenzi na urekebishaji wa barabara iangalie hizi barabara kwa kila sehemu ya uwakilishi Bungeni hapa. Kila mmoja wetu analilia upande wake angalau watu wake wapate nafasi ya kuanza kuwasiliana, kutembeleana na kufanya shughuli zao kama kubeba mboga, matunda, mizigo na maziwa. Lakini kama hamna barabara, tunatarajiaje nchi hii ipate kuendelea?

Suala nyeti ni kuwa hizi hela ambazo tulikubaliana zitumike kutengeneza barabara kilomita elfu kumi ziko wapi? Ni nini kimetokea? Ni lipi limeenda vibaya? Ule wakati ambao tulikuwa tumepitisha sheria hapa kuwa kuna barabara zitakuwa katika mikononi mwa Serikali kuu na zingine kwa Kaunti, ni nini kimetokea? Tunaambiwa kuwa magavana wengine wameweka sahihi barabara zitengenezwe na wengine wamekataa. Je, wale ambao wameweka sahihi barabara zitengenezwe, zimetengenezwa? Na wale ambao wamekataa, kama wangu wa Taita Taveta, barabara zetu hazijatengenezwa, ni nini kitakachotokea?

Naomba Kamati ichukue jukumu hili ihakikishe kabla hatujapitisha Bajeti ya mwaka huu, ama makadirio ya pesa za mwaka huu, barabara zimerekebishwa na kila Mbunge apate nafasi ya kutengenezwa barabara. Ningependa Mhe. Naibu Spika, nikiwa gavana wa Taita Taveta na wewe ukiwa gavana wa Bomet, ule wakati unakuja Taita Taveta ama nikija Bomet, magari yetu yawe hayapati shida..

Kwa haya mengi, naomba kuunga Ombi hili mkono. Ahsante.

Hon. Deputy Speaker: The Petition stands committed to the Departmental Committee on Transport, Public Works and Housing. You can see the level of interest by Members. I hope you will expedite its processing so that you can bring a statement to the House.

(Several Hon. Members stood in the gangway)

I want the Members who are up standing to be seated so that I can present a second Petition.

THE ONGOING DOCTORS' STRIKE

Hon. Deputy Speaker: Hon. Members, pursuant to the provisions of Standing Order No.225, I hereby convey a Petition, signed by Dr. Ouma Oluga, the National Secretary of the Kenya Medical Practitioners, Pharmacists and Dentists Union (KPPMD), regarding the ongoing doctors' strike.

Hon. Members, the Petitioners are concerned that even though healthcare is a constitutional right enshrined under Article 43(1)(a) of the Constitution, which entitles every person to the highest attainable standard of health, which includes the right to healthcare services, the ongoing strike has left all public health facilities and medical training schools to remain functionally closed for close to two months now. The Petitioners are positing that the public health sector has experienced perennial industrial unrests over the past four years with the current nationwide industrial action totally paralyzing the sector.

The Petitioners are concerned that both levels of government have consistently refused to acknowledge the Collective Bargaining Agreement (CBA) entered into between the doctors' union and the Government in 2013. Additionally, both levels of government have allegedly done little to address the CBA. This is despite numerous amicable avenues pursued by their union to address the matter without resorting to industrial action.

The Petitioners are further alleging that instead of pursuing collaborative measures to negotiate an agreeable return-to-work formula with them, both the national Government and county governments have resorted to intimidating doctors through courts and the Salaries and Remuneration Commission (SRC) and also resorted to judicial processes.

The Petitioners are therefore praying that:

- (i) The National Assembly adds its voice in calling for the Government to negotiate with utmost good faith with the aim of ending the current stalemate so as to alleviate the suffering being visited upon the citizens;
- (ii) The National Assembly commences the legislative process towards the creation of a Health Services Authority (HSA) to address and standardize the human resources aspect of health challenges including deployment, training, discipline, remuneration, staffing, transfers, among others;
- (iii) The National Assembly commences the legislative process towards enacting laws to create a special grading structure for doctors considering the specialized function offered by doctors;
- (iv) The National Assembly participates in the realisation of allocation of 15 per cent of the country's GDP to health through the annual budgetary cycles and adds its voice in the calling for the Government to honour the Doctors' CBA of 2013;
- (v) The National Assembly commences the necessary legislative process towards releasing emoluments under the Doctors' CBA of 2013 as conditional grants from the National Government to the counties specifically targeted to doctors;
- (vi) The National Assembly commences the legislative process towards enacting laws mandating 4-year reviews of health facility staffing, work conditions and doctors' salaries with a view of increasing pay by not less than 70 per cent every year to achieve global benchmark rates; and,
- (vii) The National Assembly commences the legislative process towards amendment of the Medical Practitioners and Dentist Act (Chapter 253) and the National Hospital Insurance Act (Chapter 255) in consultation with relevant stakeholders.

Hon. Members, the Petition stands committed to the Departmental Committee on Health for consideration. The Committee is required to consider the Petition and report its findings in accordance with the provision of Standing Order 227(2). Owing to the enormity of the matters raised in the Petition, the Committee is directed to expeditiously and extensively look into the issues therein and widely engage all stakeholders in the sector with a view to conclusively resolving the unease subsisting in the health sector.

I thank you.

Hon. Ichung'wah: On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Ichung'wah?

Hon. Ichung'wah: Thank you, Hon. Deputy Speaker. As much I appreciate that issues being raised by the doctors are quite weighty and recognising the fact that this House has legislative powers to enact legislation, a number of the issues that have been touched on in that Petition are matters that are before the Industrial Court. Therefore, I would seek your guidance as to whether some of the issues that relate to those to be determined by the Industrial Court are not *sub judice*. Would this House not be contravening the *sub judice* rule by allowing the Departmental Committee on Health to consider those matters, especially those touching on the CBA, which are actively before a court of law in this country?

Hon. Deputy Speaker: I will give a few of you time to make comments. At some point, I think Hon. Maanzo was in a meeting. Hon. Maanzo, you could make some clarification.

Hon. Maanzo: Thank you, Hon. Deputy Speaker. I would like to confirm that in the matter related to CBA, it was concluded in court and a judgement given. What is pending in court now is the issue of failure to stop the strike, which is just contempt of court and the matter is now between the doctors and court. They may have been contemnors. So, the CBA is no longer an issue before court. What is pending before court is to end the strike or else the court takes action.

From all the things you have read, there is nothing pending before the court and, therefore, the doctors' prayers are rightly before this House. It will be good if Hon. Ichung'wah looked at the Petition itself. The role of this House is to resolve matters touching our constituents. Many Kenyans are dying. This is a matter of concern. This is also a matter which could have been resolved through an Executive order by forming a commission before this House passes the right laws. So, the burden is on us to pass the necessary laws.

Whilst the Committee is pursuing this matter, it will be able to call all the sides other than the court to move fast and give us a framework within which the doctors can end the strike and be compensated within the law. This is the difficulty the President had when he met them. They fall under Civil Service. You have the side of the counties, the side of the national Government and that of civil servants. Some of the counties have completely refused to pay those doctors even when they are on strike. According to the law, their salaries should be paid even when they are on strike. So, there is a real problem which I think this House can resolve. The Departmental Committee on Health has enough Members who are also doctors and who understand these issues. We look forward to this House sorting out this matter urgently.

Hon. Deputy Speaker: Hon. Sabina Chege.

Hon. (Ms.) S.W. Chege: Thank you, Hon. Deputy Speaker. As a Kenyan and also as a woman, I am very concerned about this matter. As you direct this matter to be handled by the Departmental Committee on Health, I am left a confused Kenyan. This is because matters of health are devolved. I am yet to hear the voice of the governors in this nation talking about this issue. Apart from Kenyatta National Hospital and a few other referral hospitals, I know this health function was devolved. I am lost and I am calling upon the governors of this nation to take action as our Committee sits to debate on this crucial and very important matter.

It is very sad that doctors have been on strike for the last 60 days. Our people are dying in hospitals and doctors are on the streets. They even came to visit Parliament today. As patriotic Kenyans, we need to know what to consider, is it money or lives? I want to call upon the governors of this nation to wake up from slumber - because they are all sleeping - and address this matter. As we leave this matter to the national Government, I am concerned because it only manages very few hospitals. The matter of health should be handled by the county governments and I am yet to hear any governor addressing this issue. I want to ask for sobriety as we are losing lives every day. We have pregnant women who cannot access health care and yet, maternity services are free. As we go to ask people to register as voters, we have high voter apathy because they feel that they have been left out by the legislatures, Members of Parliament and mainly the county governments. What will the Departmental Committee on Health tackle? Is it the issue of Kenyatta National Hospital or the Collective Bargaining Agreement (CBA) now that health has been devolved?

Hon. Deputy Speaker: Hon. (Dr.) Nyikal.

Hon. (Dr.) Nyikal: Thank you, Hon. Deputy Speaker. The strike has been on for two months now. Many deaths have occurred in health facilities and many more have occurred in people's homes because they know that when the doctors are on strike, they do not need to go to hospitals if they cannot afford. Kenyans are dying. All these issues are around the issue of the CBA that was signed in 2013. I have looked at the CBA; it is fairly comprehensive because it does not only talk about salaries and terms of conditions of service, but it looks at health services conditions and their structures. The Ministry is insisting that the CBA is not implementable because it was not registered - which they should have done - and also because it was not counter-signed by the governors. On the other hand, the doctors insist that the CBA was signed by the Ministry that was there. We cannot sit and allow people to suffer as we look at the technicalities of law. We must come out and look at the situation. When transfer of services was being done, it was paramount that the CBA would have been a point of discussion. Now that it did not happen at that point and was not registered, we cannot say that we will not look at it because governors are involved with most of the services. We must look at the history of CBAs that we have had in this country. We must avoid the habit of signing CBAs when elections are near just for us to win. The CBA was signed in 2013 just before the elections. The lecturers are now on strike because a CBA that was signed in 2013 before elections has not been implemented. You will also remember that there was the teachers' CBA that was signed just before the elections in 1997 and brought a massive strike of teachers. All the parties involved need to sit down: The Ministry of Health, the Health Committee of the Council of Governors through the Inter-Governmental Committee should look at this issue. It is sad that one party says that is not implementable while the other one says that it can be implemented. We cannot afford that kind of stalemate as a country when our people are dying.

The issue of Health Workers Services Authority has been discussed in this country for many years and during the 2005 Referendum, this matter was in the Constitution that failed. In 2010 Constitution, those who went to Naivasha said that the issue of the Authority was touched and it was going to be done administratively. So far, nothing has happened. We are avoiding this issue but health workers are a special service just like the police and the teachers. There is nothing wrong with having an authority for them. Health services are now devolved but we are not looking at an authority that is employing workers. We are looking at an authority that will give standards and show how a doctor, nurse or clinical officer working in Migori County will be employed, promoted and even how they will retire so that it is uniform across the country. Each county can then employ their staff within the standard that is acceptable. There is nothing wrong with that. It is too late to have that in the Constitution now because it will require a referendum. But there is a provision to have it done through the law like in the Health Bill before us that is going to be negotiated between the Senate and the National Assembly.

Hon. Deputy Speaker, the health workers are many and cadres are many and complex and when they were transferred to the counties, that was not done and that is why we have the Inter-Governmental Relations Technical Committee where the Ministries and the Council of Governors sit. That can be done at that level and the Ministry of Health is better placed to coordinate it. We should not put politics on this issue. I thought we will all be bipartisan on this issue and look at the lives of Kenya. That can be done. The strike should not go on. The Council of Governors, the Ministry of Health, the Salaries and Remuneration Commission and the Public Service Commission through the Inter-Governmental Relations structure must sit down, come up with a way forward and have meaningful and sincere agreements that we will not turn back on. Doctors feel cheated because they got an agreement, but nobody followed up. We should look at

this issue and come up with clear milestones. Doctors are not mad people. They also feel bad about the death of people. But if we have an agreement that is implementable with clear milestones, I think we will get a way forward.

I support this Petition.

Hon. Deputy Speaker: Hon. Members, I can see a lot of interest in this matter because it touches on all of us. We only have half an hour to add on or support a Petition. We have already done 15 minutes of that time. Let us be fair because this Petition will go to the Committee and I know that Members can present their concerns there. It is a grave matter and I know every Member wants to speak to it. This is a House of rules and we only have half an hour of contributions to a Petition but, if you reduce your contribution, we can afford to have more Members to speak to this.

Hon. Wakhungu: Hon. Deputy Speaker, Article 95(2) of the Constitution is very clear that the National Assembly can deliberate on any issue that affects the people. My friend, Hon. Kamama, who has been here for three terms, should know that this is not just an issue of the Senate only. That is because under Article 95(2)---

Hon. Deputy Speaker: Hon. Wamalwa, please make your contribution in a minute.

Hon. Wakhungu: Hon. Deputy Speaker, it is very embarrassing that people are dying. The buck stops with the President. We cannot run away from this issue as our people are dying. It is important that we call a Motion for Adjournment to discuss the doctor's strike. It is a very critical matter and the Jubilee Government must stop doing everything and address this issue. We must act. We cannot run away because people are dying. All Kenyans need answers from the Jubilee Government. The President must lead those talks. He cannot run away from the issue of doctors' strike because Kenyans are dying and he is the Chief Executive Officer (CEO) of this country. The Jubilee side can shout but people are dying. When the Collective Bargaining Agreement was done---

Hon. Deputy Speaker: Hon. Chris Wamalwa, you are not in a podium addressing people. You are in the National Assembly. Who are you addressing with so much heat? You are not in a podium.

(Hon. Wakhungu spoke off record)

Order, Hon. Chris Wamalwa! I gave the Floor to Hon. Waititu. Hon. Members, remember we are in the National Assembly. You can reserve your energy for the weekend where you can speak with all the fervour you want.

(Loud consultations)

Order, Hon. Members!

Hon. Francis Waititu: Hon. Deputy Speaker, my point of order is based on the debate on the Floor of the House. We know very well that this is Petition which has come to the National Assembly. We have also tried to take it to the right place. When the country is in a crisis like this, we all know that there is a Committee in the Senate for health. When the country is in a crisis, there is a joint committee. Is it in order for Hon. Chris Wamalwa to mention the name of the President who does not sit here to make laws? If you do not clean your house, you will still talk about it tomorrow.

Hon. Deputy Speaker: Order, Hon. Members! Can we just get back to our--- I know everybody has just been practising his or her various skills in the podiums, but this is not that arena. We are now in the National Assembly and we have a topic which is very dear and emotional to all of us. Hon. Members, I only have five minutes left for this debate. We will then leave it to the Committee. I really want to commit it to, maybe, two Committees because of the issues that have been raised.

Hon. Member for Kikuyu brought up the issue of *sub judice*. As you have been informed, the question of the CBA, which was already concluded in court, is not really what is being raised here. Therefore, it is not the matter that is being discussed here. What is being discussed are other matters that are not in the CBA, unless you can prove, as your Standing Orders say, that you see anything *sub judice* under Standing Order No. 89 (4). That Standing Order says:

“A Member alleging that a matter is *sub judice* shall provide evidence to show that paragraphs (2) and (3) are applicable.”

Otherwise, if you cannot prove it, then we will leave that matter there. Members, please, bring down the temperatures. We are all equally affected by the doctors’ strike. So, let us just bring the temperatures down and debate. It is not how loud you say it. It is the substance of what you are saying. Let us have Hon. Pukose.

Hon. (Dr.) Pukose: Thank you, Hon. Deputy Speaker. First and foremost, I support this Petition by the doctors of Kenya. I want my colleagues to know that this Petition has been brought here in good faith. The Petition is praying for us to look at ways of how we can stop the brain drain. After being trained, we lose about 2,500 doctors to other countries and the current number of doctors within the county is about 5,000. Other prayers which they pray to this House are matters of legislation, which are within the ambit of this House. Currently, the health sector is under both the national Government and county governments and I think that is the basics which everybody needs to understand. When we talk of doctors within the national Government, we are talking of doctors within Moi Teaching and Referral Hospital, Kenyatta National Hospital, Kenya Medical Research Institute (KEMRI) and other areas. All these national referral facilities have their own boards and those boards govern what happens within.

We also have doctors who work within the county governments for which the Council of Governors takes responsibility. You have a CBA which was negotiated by the Government during the last elections and the Government is supposed to implement it. This transcends both the national Government and the county levels and it will be important for this House to give guidance on how those issues can be resolved. However, of more importance is that, as we discuss these issues, doctors outside there must look for ways of how to return to work and resolve the issue that is affecting Kenyans. That is because when Kenyans are sick, they go to hospitals and there is no treatment because our doctors are on the streets. I think it is something we should look at. As much as we want to look at the Petition, doctors must also look for ways of how the issue can be resolved. They should go back to work so that those issues can be canvassed and resolved.

I thank the Head of State for giving them an audience. The President of this country gave the doctors audience two times in State House for them to discuss those things. To me, the Head of State is interested in resolving this issue. The issue now is how those who work for him like the Cabinet Secretaries and the other officers can assist the Head of State to mitigate those issues so that the strike can be resolved. I think it is up to us as the Legislature to also live up to the expectations of both the public and our doctors.

With those few remarks, we will look at this Petition as it comes to the Committee with keen interest.

Hon. Deputy Speaker: Lastly, let us have Hon. David Ochieng.

Hon. Ochieng: Thank you so much, Hon. Deputy Speaker. I support this Petition. While seated here, I have been asking myself when I heard my colleagues saying this Petition is at the wrong place: If we do not help sort out this matter, who will? If Parliament does not deal with this matter, who will if all the other bodies have seemingly failed? It is now 60 days since this began and whether you want to be legalistic or to absolve somebody, this country must find the solution to the doctors' strike. We can find money for so many things. We, as a country, can find money for elections, trips and to build a new building in Parliament, but you cannot find money to pay doctors. It is a shame.

We are in a month of budgeting. Someone asked the role of the National Assembly in this matter. This is the year we are doing a budget. This Parliament can make provisions. Someone is saying that there is nothing you can do on this problem and that it is not the role of Parliament. Parliament now allocates money and under the discussion that we are going to have under the Division of Revenue Bill, we, as Parliament, have the duty to ensure that the ministries concerned have enough money to sort out doctors. We cannot keep doing this to our people. You hear this attitude of "wataado?" everywhere. The CS is asking: "Watafanya?" because as a country, we have allowed everything else to just happen. We have become immune. It is a shame that this Parliament can sit and it has been sitting for the last two months now. We have had special sittings and we discuss elections and not the lives of Kenyans. Shortly, I am going to be talking about a Motion that I intend to move this afternoon.

Hon. Deputy Speaker, this Parliament is winding up. We need to wind up on a better note by telling Kenyans that we care for their interest. Thank you.

Hon. Deputy Speaker: Hon. Members, I commit the Petition to the Departmental Committee on Health. You can jointly do this work with the Departmental Committee on Labour and Social Welfare because of all the other issues that are related. Let us do it very quickly and expeditiously so that we can see if the report we come up with can break the stalemate that is ongoing.

Next Order!

PAPERS LAID

Hon. Deputy Speaker: The Leader of the Majority Party. He is not in. Hon. Katoo ole Metito.

Hon. Katoo: Thank you, Hon. Deputy Speaker. I beg to lay the following Papers on the Table of the House:

The Budget Estimates of the Judiciary and the Judicial Service Commission (JSC) for the Medium Term Expenditure Framework for the Financial Year 2017/2018 and 2019/2020.

The Reports of the Auditor-General on the Financial Statements in respect of the following institutions and the Certificates therein:

- (i) Judicial Service Commission; and
- (ii) Kenya Roads Board Fund.

The Reports of the Auditor-General on the Financial Statements in respect of the following constituencies for the year ended 30th June, 2015, and the Certificates therein:

- (i) Mandera East Constituency;

- (ii) Suna West Constituency;
- (iii) Suna East Constituency;
- (iv) Kuria East Constituency;
- (v) Turkana Central Constituency;
- (vi) Turkana West Constituency;
- (vii) Kajiado East Constituency;
- (viii) Webuye East Constituency;
- (ix) Mandera North Constituency; and
- (x) Wajir West Constituency.

The Supplementary Estimates of Revenue and Expenditure from the Equalisation Fund for the Financial Year 2016/2017 and the list of projects approved for funding using the Equalisation Fund.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: We also had a Paper by the Chairperson of the Departmental Committee on Administration and National Security.

Hon. Abongotum: Thank you, Hon. Deputy Speaker. I beg to lay the following Paper on the Table of the House:

The Report of the Departmental Committee on Administration and National Security on its consideration of the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA).

Hon. Deputy Speaker, this is one of the Bills that were affected by the lapse of time. So we are re-doing it so that it is properly before the House.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Next Order.

NOTICES OF MOTIONS

ADOPTION OF PIC REPORT ON THE PROCUREMENT/FINANCING OF NSSF TASSIA II PROJECT

Hon. Ichung'wah: Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker, I beg to give notices of the following Motions:

THAT, this House adopts the Special Report of the Public Investments Committee on the Procurement and Financing of the National Social Security Fund, Tassia II Infrastructure Development Project, laid on the Table of the House on 30th April, 2014.

ADOPTION OF PIC REPORT ON KENYA BUREAU OF STANDARDS TENDER

THAT, this House adopts the Special Report of the Public Investments Committee on the Procurement of the Tender for the Proposed Kenya Bureau of Standards, Coast Regional Offices and Laboratories in Mombasa, laid on the Table of the House on Wednesday, 4th June, 2014.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. David Ochieng, give notice of Motion.

**NOTICE OF MOTION FOR ADJOURNMENT
UNDER STANDING ORDER 33**

RESPONSE TO EFFECTS OF DROUGHT

Hon. Ochieng: Hon. Deputy Speaker, pursuant to Standing Order No. 33(1), I seek leave of the House to adjourn for the purposes of discussing the ongoing devastating drought situation and its effect in various parts of the country. In today's world, drought is a predictable phenomenon and advances in technology have made weather forecasting an increasingly exact science. In fact, over the past two decades, the Government of Kenya has established a drought management system that generates credible early warning information. The recurrence of drought emergencies in the country shows that the Government is either not reacting to that information in the right way or at the right time.

Hon. Deputy Speaker I, therefore, seek for the adjournment of the House in order to discuss this matter of great national importance and chart the way forward on possible lasting solutions to this perennial problem.

I beg to give notice.

Hon. Deputy Speaker: I have not heard you seeking for support.

(Several Hon. Members stood up in their places)

Clearly, you have more than 30 Members. Members, you may now sit. I now order that we adjourn the House for that business at 5.30 p.m.

Next Order!

BILLS

THE PRIVATIZATION (AMENDMENT) BILL

(Hon. A.B. Duale on 26.1.2017)

(Debate concluded on 26.1.2017)

Hon. (Ms.) S.W. Chege: On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order?

Hon. (Ms.) S.W. Chege: Thank you, Hon. Deputy Speaker. Last week, the Speaker gave a directive to the Departmental Committee on Lands to table a Report on Nanga Kihoto Land Buying Company. I had revisited the matter last week because it is very urgent. The Committee visited the site and listened to the shareholders of that company.

Hon. Deputy Speaker: When was the Petition brought?

Hon. (Ms.) S.W. Chege: On 26th of last month. Unfortunately, despite the matters the Petitioners had raised, already, that land is going to be sold. A meeting has been called. The Speaker directed the Committee to table their Report today. I have sat here and waited and I can see my friend, the Chair of the Committee seated there. I am just concerned why that Report was not tabled because it is an urgent matter. I would like you to advise me on the same.

Hon. Deputy Speaker: Well, the problem is that you are raising your concerns at the wrong time. You should have raised it earlier. I will indulge you and ask Hon. Mwiru to explain because he had been ordered to present that Report by today, just before we proceed.

Hon. Mwiru: Thank you so much, Hon. Deputy Speaker. Indeed, this matter was raised by Hon. Sabina Chege.

(Loud consultations)

Hon. Deputy Speaker: Hon. Members, give me a few minutes to prosecute Order No. 8 before you proceed to your committees. I believe he is only giving a short statement.

Hon. Mwiru: Thank you, Hon. Deputy Speaker. Indeed, this matter was raised by Hon. Sabina Chege, Member for Murang'a last week on Thursday. Unfortunately as a Chair, I was not in the House that day because His Excellency was visiting my constituency. Although the Speaker directed that we table the same Report today, as a Committee, we could not have managed to meet over the weekend to adopt the Report so that we can table it in the House. I am, therefore, seeking your indulgence because quite a number of things were happening in between the time the Petition was brought to this House and the time we were supposed to compile the Report for tabling. That is the time we were dealing with weighty matters of legislation, including the Land Laws (Amendment) Bill and the Community Land Bill, among others. So, we delayed. We did not afford to execute this matter although the Committee has visited the area and it is unfortunate that even when we gave an order as a Committee that all the activities should stop, activities are still going on.

Hon. Deputy Speaker, I want to assure this House that given another extra week, we will table the Report because we have to get more facts about the whole thing. We cannot brush off matters to do with land. Allow me, as a Chair, to apologise to the House that we could not manage to table the Report in good time as the Speaker had directed. I, therefore, seek your indulgence to give us more time - about one week - so that we can interrogate the Cabinet Secretary and Table a Report in this House, which is implementable.

Hon. Speaker: I believe the Member has heard clearly.
Next Order!

(Several Members stood in the aisle)

Hon. Members, I would like to put the Question. Can whoever is standing settle down?

(Question put and agreed to)

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

Second Reading

THE HYDROLOGISTS BILL

Hon. Deputy Speaker: The Leader of the Majority Party? He is not in. Hon. Katoo.

Hon. Katoo: Thank you, Hon. Deputy Speaker. I beg to move that the Hydrologists Bill (National Assembly Bill No. 10 of 2016) be now read a Second Time.

In principle, the Bill seeks to legislate for the registration of persons practising as hydrologists or assistant hydrologists or otherwise describing themselves as “hydrologists”. This is a very simple and direct Bill. If we may ask what “hydrology” is, it is normally a scientific study of the movement, distribution and quality of water. That water should be on earth and below the earth’s surface. That brings us to what we call “water cycle, water resources and environmental watershed sustainability”. This is very critical because we always say Kenya is a water-scarce country and I think there is an international requirement that each country should harvest to be water-safe. But we are below that standard. Therefore, it is always good to explore so many ways of providing the citizens with water because it is even a constitutional right that the people of this country, as much as they get affordable healthcare, should also get clean water.

Therefore, this Bill is going to address such issues as extraction of water either on the earth that is, rivers and the lakes and also the earth’s surface which brings us to boreholes and others. All those water extraction services should really be done procedurally and in a controlled manner to protect the environment and the future generations of this country.

We should really regulate how much water we should extract from the rivers and what percentage of water under the earth’s surface should be extracted in terms of boreholes. I also think it is good to have a procedure on the distance between one borehole to another. It should be controlled. Otherwise, if we get an unregulated and an uncontrolled industry, we are going to deplete more and more of our water resources.

This Bill comes at a time when this country is facing, as I have said, water scarcity. The existing water resources are not utilised in a very sustainable manner. There is need for planning for sustainable water resources. The major challenge right now is an inadequate database of hydrological information, including the data on baseline river flows in different seasons. We do not have rates - as I have said - in terms of percentages, the ground water levels and the water quality as well. In terms of hydrological issues, it is good to get the kind of water we need for the healthy being of this nation.

Currently, there are very many persons masquerading as hydrologists. Therefore, there is need for a legal framework to guide their performance. This Bill, therefore, seeks to recognise, in law, the provision of hydrology and regulate it. That is the main purpose of this Bill; to have recognition in law, of the practice and regulate it in a very procedural way.

The Bill seeks to establish a Hydrologist Registration Board. This board, among other things and functions, will regulate, coordinate and oversee the practice of hydrology and promote the standard of the professional competence and practise among the hydrologists. It is also going to coordinate research, investigations and surveys in the hydrological field and demand and satisfy hydrological studies and reports necessary for the design of the hydraulic structures. Therefore, it is good to have such a board. Just like the way we have boards regulating engineers, doctors and legal practice, it is also good to have a board that is going to---

(Hon. Members consulted)

Hon. Deputy Speaker, There is a small *Kamukunji* that is being chaired by the Member for Kanduyi, Hon. Wafula Wamunyinyi.

Hon. Deputy Speaker: Who is chairing the *Kamukunji*? There seems to be two *Kamukunjis*. Hon. Members, please find a place to sit. There is the one that is being chaired by

Sabina Chege. Order, Members! Can you, please, Hon. Sabina Chege and your team, find a place to sit so that you can continue with your discussion?

Hon. Katoo: Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: I do not know why Hon. Musimba is attracting a lot of attention. Maybe he can tell us.

Hon. Katoo: Hon. K'Oyoo is the one attracting! As I was explaining to Members and they are keenly following, that industry needs a lot of controls. It is so important and yet, there is no legal framework within which they operate. That is what we are proposing in this Bill.

This board will further be expected to collaborate with other bodies and organisations in the development of programmes and facilitate the advancement of hydrology and the wellbeing of hydrologists.

The board may remove members in a procedure like others. If you look at Clause 22 and Clause 24 of the proposed Bill, it is said that the board may remove from the register any person found, by the board, to be guilty of misconduct. Any person who pretends to be a hydrologist or an assistant hydrologist commits an offence and shall be liable on conviction by a court of law.

Very quickly, if you also look at Part III of the Bill, especially on Clause 12 and Clause 13, it puts down the requirement for the Cabinet Secretary (CS) to appoint a public officer as the Registrar of the Hydrologists Registration Board, who shall compile and keep a register of hydrologists, assistant hydrologists and consulting hydrologists. Even when you go to drill, say, a borehole, you will have someone who surveys and finds where the water is and at which depth. But somebody else will come and do the actual drilling. Therefore, it is good to have a register of all these professionals.

If you look at Clause 18 of the Bill, you will find that there are proposed qualifications for anyone to hold this office. The qualifications are elaborate. You should be a holder of a degree or an equivalent from a polytechnic or a recognised college. You should also be a registered member of that society. This is what the Bill is proposing basically to regulate, coordinate and put this profession in order.

This law will ensure that more professionals are attracted to the sector. This is because everybody is attracted to a professionally controlled sector. It will also attract investment and enhance improved service delivery in addition to modernising the sector to conform to emerging challenges such as climate change and increased water conflict.

Hon. Deputy Speaker, you have made a ruling that at around 5.30 p.m. this House will discuss issues of drought in this country. This is being proposed to be a national disaster. Lack of water causes drought. If we established and controlled water points because of climate change it would affect all the issues on water. I think we can mitigate the issues or, at least, bring to minimum level this issue of persistent drought in this country.

Hon. Deputy Speaker, I beg to move. I request the Member for Igambang'ombe to second.

Hon. Deputy Speaker: Hon. Onesmus Njuki, you have the Floor.

Hon. Njuki: Thank you, Hon. Deputy Speaker for the opportunity to second this Motion. I would like to inform my brother that I am the Member of Parliament for Chuka/Igambang'ombe otherwise he will leave out a whole community and I will be sacked earlier.

I want to support this Bill by the Government. Someone said one time and I want to reiterate it and this could be true, that the third world war will not be about gold, silver and power; it may be about water scarcity. That is why nowadays we hear people fighting over

pasture for their cattle and wildlife. It is all about water. If water is available, the other resources will always be there.

This is a very unique Bill because it seeks to provide information that has not been there. Water resource management will be easier and more or less regulated if we have a Bill that will regulate research and hydrologists that we rarely hear about. The few times we come across the activities of hydrologists are when we have crises.

Last year, when we had the issue of the water tunnel for the Ndakaini Dam is when we saw the Chief Hydrologist giving information about why we should have excess water harvested and diverted during the rainy season. It is all about the balance of what we do with water and when it is in plenty so that in scarcity we can use it. This Bill is welcome because it will put some order into the whole sector of water research and regulation.

Many institutions and communities have water schemes in this country. If you go back to the counties and the constituencies, you will find bodies that have come together to have a water scheme where they contribute or the Government gives them money to do that. There has been very little regulation by National Environment Management Authority (NEMA) and other bodies concerned to ensure that this natural resource is used in such a way that we do not have people who suffer out of scarcity by over-utilisation of water by others. For example, on very big rivers, when water is harnessed at the source where people normally do intake in an unregulated manner, the people downstream normally suffer to the extent that it sometimes causes a clash between communities living along the river. A body like this will regulate and bring sanity to the sector so that we can have everybody benefitting from the resources.

Every field that is not regulated is definitely prone to quacks. This Bill has brought knowledge on who is a hydrologist, who can be an assistant hydrologist and what fines can be put in place to ensure whoever masquerades as a hydrologist can be brought to book. This will definitely bring discipline so that we do not have the public being conned or ripped off by people who pretend to be knowledgeable in the field of hydrology.

If you go back to the villages today and you want someone to check for you where you can drill a shallow well, you will find that there are people who masquerade as knowing how to look for water. Sometimes they may look at what tree is growing where and they tell you that where we have this tree there must be water. Sometimes they tell you: "Because this kind of soil is here, you will find water; you just need to dig 60 metres." Most of the time, it may be true or not true. These people sometimes get a lot of confidence once they have been paid by people who are not aware of what is happening. They end up growing into unregulated professionals who have not been inducted and have no knowledge in hydrology. Therefore, this Bill will bring some sanity into that profession.

Last but not least, the water resource management boards in various parts of the country at the moment will be well coordinated and will work together with this body that will be established; the Hydrologists Registration Board. There is a licence that you need to renew every year to ensure that you have knowledge you have to keep updating.

With those few remarks, I would like to support the Bill.

Hon. Deputy Speaker: You are not supporting; you are doing something else.

Hon. Njuki: I second the Bill, Hon. Deputy Speaker. Thank you.

(Question proposed)

Hon. Deputy Speaker: You have the Floor Hon. Mary Emaase.

Hon. (Ms.) Otucho: Thank you, Hon. Deputy Speaker, for this opportunity to contribute to this Bill. This is a very important Bill because it seeks to regulate the practice and profession of hydrology. This is especially at a time like this when the country is confronted by the effects of prolonged drought and people are suffering because many areas do not have water. It is important that we have hydrologists who are regulated, registered, their qualifications looked at and we know that we have professionals and that we do not have situations where very shallow boreholes have been sunk without proper survey to ensure that we are putting money into projects that give value to the communities.

Hon. Deputy Speaker, some boreholes have been sunk without proper survey. We should ensure that we put money into projects that give value to our communities. We have seen, in our counties, boreholes which dry up even during the rainy season. Therefore, it is important that we have this law in place.

Clause 26 is very important because it provides for penalties. Those who fail to honour summons will face the penalties provided in this particular Clause. A regulated institution ensures that there are guidelines for enforcing discipline. The people in charge of that institution ensure adherence to the regulations, so that the citizens can get good services. That way, Kenyans get value for money.

I support this Bill and congratulate the Mover for bringing it to the House. I also want to encourage my colleagues to support it.

Finally, I would like to reassure my constituents that I am in the National Assembly, and that what they are seeing on social media is mere propaganda.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Chea, the Floor is yours.

Hon. Chea: Thank you, Hon. Deputy Speaker for giving me this opportunity. Let me say, at the outset, that I support the Hydrologists Bill, 2016.

The question surrounding water is critical to this nation. In our Constitution, water is more of a shared function between the national Government and the county governments. It is important that the national Government and the county governments make provisions for water services in their budgets. As it had been alluded to by Hon. Members in this Chamber, the prolonged drought and critical shortage of water has been occasioned by, among other factors, lack of proper and requisite expertise in this area. Therefore, having been introduced to regulate this area, this Bill deserves support. It is always important to regulate trade and professions. The absence of regulation leaves us with a free world where one does everything as he wishes.

Clause 3 of this Bill seeks to create a board. From the debate that we have had in this House, we realise that we have boards which have not performed to our expectation. My humble submission is that the boards that we create here should add value to their institutions in terms of what they are assigned to do. The boards that we create are more of Government in terms of representation. I wonder whether they will have time to pursue the interests that are supposed to be pursued in this field.

With regard to this Bill, the Board being created needs to be expanded so that we can have more experts to deliberate on the question of water.

The second issue I want to speak about is the question of quacks. Under Clause 33, on miscellaneous provisions, there is a fine that has been imposed against people who masquerade as hydrologists or assistant hydrologists. The fines that have been proposed are very low. They actually encourage people to commit offences. This is one area we can look into and see whether we can propose amendments to enhance the penalties so that if unqualified persons present

themselves as hydrologists or assistants hydrologists they can be punished severely. That way, we can discourage people from carrying themselves as such.

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

Hon. Deputy Speaker: Hon. Cyprian Iringo, the Floor is yours.

Hon. Kubai Iringo: Thank you, Hon. Deputy Speaker for giving me the opportunity to support this Bill.

The introduction of this Bill is long overdue. It should have come to this House as early as yesterday. Issues of water have been pertinent in this country. Since water is becoming scarce as days go by, some people masquerading as hydrologists have been taking advantage of the ignorance and plight of our people. In this country, we have quacks who have qualified themselves as experts in all professions so that they can eke out a living as they exploit ignorant and suffering Kenyans.

As one of my colleagues said, water is becoming scarce by the day. In as much as we are trying to preserve or harvest whatever little water there is, the resources put in by the Government, the technology that we have, and the willpower of the people who are in office, are issues we need to re-examine. All the efforts go down the drain. We see water flowing into the Indian Ocean during the rainy season yet during the dry spell livestock die as everybody cries for water.

In this regard, I support this Bill because it will bring sanity by putting in place proper systems in this very important sector. Qualified hydrologists, with proper certification, need to be registered and regulated by a board that will monitor their performance.

In this country, we have many boards which regulate professionals in various professions, including medicine, teaching, dental care, among other professions. Equally, we require a board for hydrologists because there are practitioners who are not qualified in this field. They haphazardly prepare hydrological reports and get paid but at the end of the day the outcome of their work is nil as no water is found.

I have been a victim of similar situation in my constituency. We employed the services of some quacks who pretended to have the capacity to get us the right place to drill water. We drilled up to 210 metres underground and still there was no sign of water. The exercise turned out to be a big loss of public funds. We had to look for another hydrologist to carry out survey and get us the right place to get water.

In the long run, we got water at a depth of only 80 metres. If we do not re-evaluate the practice in this area, our people will continue to suffer. We will continue losing money to quacks and no water will be found. The competence of the person doing it should not be questionable. Such exercise should be thorough. If a hydrologist identifies a place for a bore hole, and he says that water can be found at a certain depth, then he or his company should be liable if water is not found. When quacks operating in the field realise that they have done something wrong, they go underground. You will not find them. Let me call them “brief case hydrologists”. If you find them, they will give you flimsy excuses. At the end of the day we lose funds.

Hon. Deputy Speaker, the country should put in place measures to cushion it during the dry spells. This country gets a lot of water when it rains in October and December. We see houses, cows, cars and bridges being swept away. People die because of torrential rains in parts of Nyanza and western Kenya, especially in Budalang’i. A lot of run-off water, say, in the north eastern part of this country drains into *manyattas* and kills animals including cows. At the end of it, we lose all that water and soil to the Indian Ocean and yet when the dry spell comes we start crying about shortage of water. We need to dig big water pans, man-made lakes, and dams which

can harvest this water instead of it going into the Indian Ocean through rivers and surface run-off. It should be collected in a place so that it can be used later during drought. Such water could be supplied to animals, human beings and crops.

Therefore, I support this Bill and emphasise that this Board should comprise of people who are beyond reproach. They should be ready to vet and give licences to people who are capable of producing results. When we decide to plan for a water system, we must ensure that it is successful. It should not be a white elephant project. We do not want to construct dams in a way that we have dry river beds which will never collect any water. This is because we will be wasting resources. We should engage qualified people, use proper equipment and direct the right resources in order to achieve cost-effectiveness. We should use the least resources to get whatever we need under these circumstances.

I support the Bill.

Hon. Deputy Speaker: Let us have Hon. Dr. Nyikal.

Hon. (Dr.) Nyikal: Thank you, Hon. Deputy Speaker for giving me the opportunity to contribute to this Bill. Water is an important resource. You are also aware that with the changes in the environment, water resources are dwindling and they need to be managed fairly well. The management and conservation of water towers is key to our survival. In order to manage our water resources, we must engage professionals who know what they are doing so that they manage these resources and ensure that we use the resources properly. In fact, we should regenerate the resources. Therefore, we need a process of training these professionals, recognizing them and regulating their operations.

Hon. Deputy Speaker, this Bill sets out that very clearly. Hon. Members have indicated how boreholes, wells and water pans have all dried up because when they were being established no proper survey was done. There was no knowledge of the water resource availability in those areas and that led to loss of resources. This Bill addresses the problem.

Clause 18 defines clearly who a hydrologist is. It also defines an assistant hydrologist and a consulting hydrologist. Although I notice that when it comes to consulting, which is basically for practice, assistant hydrologists have been left out. I believe this is a matter that could, in future, bring an issue. This is whether assistant hydrologists can go into practice or not.

Clause 2 of this Bill establishes a board to implement all these criteria that have been put in place. It establishes the function of the Board, which is fairly adequate in my view. It also puts in place the membership and structure of the Board. It also stipulates the sanctions that are necessary.

With those few remarks, I support this Bill. It is high time we added hydrologists who are properly trained, recognised and regulated.

Hon. Deputy Speaker: Let us have Hon. Samuel Gichigi? He is not here. Hon. Wesley Korir.

Hon. Korir: Thank you, Hon. Deputy Speaker for giving me a chance to contribute to this Bill. This Bill has come at the right time, when our country is facing drought and therefore lacks water. I am wondering why at the end of this Bill, in the Memorandum of Objects and Reasons, it is said that it does not concern county governments. Everybody here knows that water is one of the functions that have been devolved to county governments. So, this Bill should include county governments so that the Senate can also debate it.

County governments have bought many rigs. Those are the people we need to consider. As we register the hydrologists and form this Board, they should not remain in the national Government. They should go to county governments so that they can be close to the people and

be of great assistance to this nation. Otherwise, if they are brought to the national Government, we will not access them. It will also be very good to have people studying hydrology as a career. We know many youth are looking for jobs in this country. This is, indeed, a job opportunity. By passing this Bill, we are opening job opportunities for the youth.

I urge our institutions of higher learning to offer courses in hydrology. For one to be an assistant hydrologist one needs to have a diploma or an equivalent qualification in hydrology. So, the Technical Training Institutes (TTIs) and polytechnics should introduce hydrology courses. We need people with degrees in hydrology so that we diversify. I hope this Bill will help us get a solution to our water problems.

Hydrologists do not deal with drilling of water only. They also find new sources of water and ensure that it is not polluted. We have many shallow wells dug in the villages and most of them are contaminated. Children get sick of typhoid because of drinking contaminated water. Hydrologists will ensure that the water is tested. That is the more reason we need to have them in every county government. Every county government should be asked if these people have been registered with the national Government or by the Board and its approval should be sent to them. Counties should be able to hire hydrologists to deal with the waters in their constituencies. This will enable us prevent waterborne diseases and help in finding water.

We have a lot of water but we are not protecting our water masses. There is a lot of pollution going on in the world. It is the work of hydrologists to help us in finding ways to protect the water masses. We have Cherangany Hills which is one of the biggest sources of water in this country. Right now, there is a lot of deforestation happening there, and we need to protect them. This will only happen when we have these people whose job is to make sure that they identify sources of water in this country and come up with solutions to protect them and report to the Ministry the sources which are being misused and are disappearing. Therefore, we will protect our water and give it to the people because it is not a privilege but a right for every Kenyan and every person in this world.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Daniel Maanzo.

Hon. Maanzo: Thank you, Hon. Deputy Speaker for giving me an opportunity to contribute to this important Bill. The Hydrologists Bill is very important for the country because as we know, water is a devolved function and is being handled by the counties. The country is in short supply of experts in the area of water, hydrologists for that matter who are degree holders and also at lower levels.

The practice has been that if you drill a borehole and there happens to be no water, then there are rumours that a certain water engineer is going to be punished. The mechanism to deal with such a person has not been formalised. I know of a lot of dry boreholes which have been dug by mistake and it is because there is no proper regulation. Now, that we have this law, I believe we are going to do better in the area of hydrology and not just boreholes, but dams and rivers. For example, Athi River is very much polluted and we expect hydrologists to know the source of pollution and give evidence in the Environmental Court but this has not happened.

The moment there is a body like the Law Society of Kenya (LSK) which is parallel to what happens to the lawyers, then all the specialists in this area will be registered and monitored professionally to make sure that there is no misconduct. The offences given in this law have only a fine of Kshs100,000. I believe most hydrologists are richer than this and if they make a mistake they can pay. We need to make it really punitive at the Third Reading so that whoever is not professionally qualified or misleads the national or county governments on certain specifications

leading to loss of money, will probably have to pay back so that they can be careful enough. Thus, there will be no dry boreholes and other errors.

We are also developing the Thwake-Athi Dam which will take water to Konza City and many parts of the Ukambani counties. This will need many hydrology engineers because water will be pumped to different areas. It is difficult to really control water or drought in the country without such experts who should be properly regularised. We have many of them in the private sector and Non-Governmental Organisations (NGOs) who purportedly dig boreholes from NGO money. The NGOs spend money and the boreholes are never dug. There is also a lot of corruption in that regime.

There are those employed by the national Government and county governments. All of them need to be in one register and should be monitored. In the case of LSK, lawyers are trained regularly so as to familiarise themselves with the new enactments of law like this one which we are just about to pass. Even, the hydrologists should be trained to know the latest technology in the world now that there is the use of Information and Communication Technology (ICT) and we have experts in this House. In this regime, almost everything has moved from mechanical to ICT. People can now design software which can detect and determine certain matters. These are the likes of Hon. Musimba and others.

We need such ICT experts to educate other experts on the latest technology so that we make the water systems in the country efficient and especially in the dry areas. There are other countries practising this like Israel and they are able to water their country using the little water resources they have. In every home and also in the *shambas* there is piped water. They do irrigation and have sensors which detect when the plants need water and it is automatically released. When the plant has enough water, the system switches itself off and they are able to save and use their water well. We have enough water in this country it is only that we have not harnessed and utilised it properly. Part of it is lack of a regulatory system and experts who are serious on the matter.

We have many losses that have been occasioned by the counties and the national Government out of negligence and lack of a framework. I support this law although funds should come from the charges which will be made by the private practitioners and others. We are trying to avoid parastatals and the more we avoid them, the more we create others and the more they eat from the national Government kitty instead of generating income. In fact, they are the ones who should be giving money to the National Treasury so that it can go to other budgeted areas.

As we introduce this, I believe we need to be conscious enough at the Third Reading to make sure that this will generate income and will run itself. The LSK does not get money from the National Treasury. We need to bring that culture to the parastatals because this is a parastatal we are going to form. They should make their own money and should not continue to draw from the National Treasury and make life very difficult for Kenyans because of insufficient funds when the Government bodies fail to make money.

Let me stop at that so that other Members can also get a chance to contribute to this important law. I support.

Hon. Deputy Speaker: Hon. Samuel Ndiritu.

Hon. Ndiritu: Thank you, Hon. Deputy Speaker for giving me this opportunity. Water is usually referred to as life and actually it is. In our recent constitutional dispensation, it was made a right, meaning that it is a duty for the Government to provide its citizens with water. Maybe it has not sunk and there are so many other rights which the Government is not able to provide. I know of a country which enacted that legislation or made it a right in their Constitution much

later than Kenya and that is Mexico and one cannot be cut off from the water supply. Maybe they are rich and are able to assist the companies which supply water.

When we talk about hydrologists and hydrology, it has been a department in the Ministry of Water all along. I am sure most of the Members have seen those graduated plates in rivers and that is the work of hydrologists because they are supposed to understand the behaviour of water resources on the surface, that is rivers and underground in boreholes and wells. On surface water, we have dams, pans and one has to know how much is being extracted. For that reason before you dig a borehole or do water extraction, you have to go through the hydrology section mostly known as Water Resource Management Authority (WRMA) because that is where most hydrologists are for them to allow you to extract an amount which will not affect other people downstream. The effect of that is being experienced, especially this time when there is drought and everybody is not getting water and there is literally policing of water sources to make sure that nobody is selfish. This is where professionalism comes in. These are people who, in their current status, operate without any board or regulations that can punish or look at their conduct. You find some would allow others depending on how much you can talk yourself, sometimes into their pocket - I am sorry to say so - and they will completely make it impossible for the people downstream to survive.

Hon. Deputy Speaker, we recently had a visit to somewhere in Wajir - I cannot remember the name of the town - and they were talking about River Ewaso Nyiro. Those people upstream as far as Laikipia engage in a lot of farming in greenhouses. There are a lot of horticultural activities. They have literally dried the whole River beyond Archer's Post. The testimony was that the river used to flow for 10 months in a year then it went down to six months and now barely flows for two months in a year. The people from the Water Resource Management Authority (WRMA) who are supposed to control this resource said that they cannot disconnect or destroy the extractions that have been built by those horticultural cartels. So we need people who are of high integrity who can deal with such cases. It is a pity. River Ewaso Nyiro would sink somewhere in Habaswein and it would be used for boreholes all the way to Daadab. You can imagine what it means to have people in this sector who understand what they should be doing.

I have only made a case or said why we should have regulations for these professionals. We know some of them have even given people permission to drill holes even in houses. In Naivasha, there were cases where boreholes were drilled inside houses, covered and people would extract water. There are regulations that control how far you can construct boreholes but with quacks in the industry, it has always been impossible even for those working in the public service to be regulated and do the right things. The creation of this Board is timely. It is long overdue. Like any other profession in Kenya, we need this type of control.

I know there have been problems with the National Environment Management Authority (NEMA) with regard to academic qualifications where you find that almost anybody from any field becomes a lead researcher or are registered by NEMA which has not had qualifications for people who join. That is why I will start by looking at the qualifications of those people who are supposed to join this Board.

I am okay with the first one where somebody should have a degree in hydrology or a postgraduate in the field of hydrology and water dynamics. I have a problem with the qualification that talks about computational or applied mathematics. Maybe we will have to dig deeper and know what that exactly implies because it could be opening a Pandora's Box. Like I have said, in NEMA, almost everybody can come in and become a lead scientist in the field. I

have no problem with the first two. Maybe going forward when we come for the Third Reading, we will raise a question.

Clause 4(e) states that when the Board constitutes, it will demand and certify hydrological studies and reports necessary for the design of hydrological structures.

We have been talking for a while about the tunnels that are being built in the Aberdares. It is the history that has been compiled by hydrologists or such bodies that has informed whether this is the right thing to do now or it will become a white elephant. I am not saying that is the case but I have visited the tunnel. It drains and affects people living downstream and other rivers that it will extract water from. When we visited it, we found some hydrologists and some Chinese. They told us that there is a model that is covered that we could not see. In due course, we would want to see it because we want to be sure about the history of the rivers and whether they will feed the tunnel without affecting the people downstream, just like the people living around there said. I am not saying that there is no hydrological data but I am only trying to say that we need to have people who are responsible and who are regulated so that if they give wrong information that will lead to the Government spending billions then it becomes a white elephant or at some stage we have an outcry like in the case I gave of the Ewaso Nyiro River, then they can be held to account.

Clause 6 is on the composition of the Board. It is too Government except for two people; all the others are ex-officio meaning that if the Government is not available, the Board may not even function. I suggest that we have more members from organisations that deal with water resources.

Finally, hydrologists should look at and define riparian areas. It is a problem and it is part of their duty among others like advising on control of floods and many other things. It is a profession that has a lot of input in life.

Hon. Deputy Speaker: Let us have Hon. Patrick Musimba.

Hon. Musimba: Thank you, Hon. Deputy Speaker, for this opportunity to contribute to this extremely important Bill.

This will be a landmark measure of one of the achievements of the 11th Parliament, having finally recognised the role of hydrologists. As we say, water is life. Structuring and recognising hydrologists as professionals in this country is 53 years overdue. Water remains a key component not just for the survival of a nation but survival of humanity. When you project in the next five years, our population is likely to hit the regions of 60 million people. We are already experiencing adverse effects within Kenya under the greenhouse effect of global warming. Certainly, this honourable House has to pay expeditious attention to the passage of this Bill.

Recently, we saw the documentary which was done on Tiaty. It is not only the citizens of this Republic who are fighting for water but we are also fighting for it alongside animals, birds and wildlife. It is the one point where you arrive at a water point and stare at the face of a lion. You are not just afraid because you are staring inevitably at your death. This ought to be extremely worrying.

We have been watching the slow depletion of great lakes like Lake Elementaita over time. It is only hydrologists within a particular field who can host necessary conferences that bring Kenya into the global realm. As we have discussions such as was there in Davos at the beginning of January where people project what the challenges will be within the next 365 days of the year, for this neck of the woods, water is a critical thing.

Hon. Deputy Speaker, Kenya has remained blessed and indeed we have been at the forefront of discovering the great sources like in Turkana of the largest aquifer in the world. To date, it is a discovery we made two or three years ago, and yet we have not made significant strides in terms of mapping it and how we are going to harness it so that our Arid and Semi-Arid Lands (ASAL) can have hope that mitigation efforts towards drought will be implemented.

We know that a country's sustainability and indeed its security relies on food security. If we do not have water and are not certain about our food security, then we are facing a future where our incomes especially our foreign reserves are going to be depleted. We go marketing heavily to get money from tourism but bleed the same to importations. Lifestyle issues in terms of what we consume come into play. And you wonder so ably that water has to become the key focus, not just in harnessing what is underground but also seeing how we can harvest our water when it rains. How long can we maintain this by having water pans within every household? How do we get these small water pans in ASALs and ultimately how do we feed them into our big lakes?

Lake Turkana has shrunk in size because of the high dams being erected in upstream Ethiopia threatening the very livelihoods of the people in Turkana, the way they live and how they may make a living. This percolates downwards to determine whether kids stay in school or not. This is a long-term security danger for this country. We need to look at this. This Bill ably addresses it. It is one of the first Bills that talk about the composition of boards by putting relevant qualifications on to the board so that you do not just say that we need a relevant person in the field of humanities. We actually have social scientists who would breathe life, address and project the current needs so that we do not end up saying that the we are going to import water or areas where water is prevalent become dominated by other countries.

A case in point is Lake Victoria. It can ably feed the whole lake basin area and sustain food not just for Kenya but also for the greater Great Lakes Region. But, we are grappling with accords which were made over 100 years ago that you cannot tap into the waters of Lake Victoria for purposes of sustenance of our people. So, we cannot move into places which are within 200 kilometre radii.

So, indeed, in having this Bill, we start forming a lobbying mechanism for putting together a pool of professionals who would address this particular issue; that would lobby Kenya and ensure that what is God-given here is actually utilised within our borders. If we move to our water towers, every time you fly over, say, Mount Kilimanjaro or Mount Kenya, it is worrying to see that the levels of the glacier caps are actually dwindling. The only thing you see is a huge desert at the top of our mountains. Indeed, our water reservoirs, the Aberdares and Kyulu Hills from our locality, are dipping in water levels and hydrologists have been moved into treating symptoms and not the problem; the problem being how to harness or do proper mapping.

As we enact this Bill, I urge the House because we are going into a budgetary cycle, that this be among the first authorities to come into place and find enough funds to have a water marshal plan that will be enough to say how we will cover what is on top, on the surface and what is below. So that as we place a lot of emphasis on discovering how many barrels of oil we have, and right now we have already hit over a billion barrels of oil, this becomes a strategic reserve and we follow countries like Saudi Arabia in the Middle East where just a week ago they held a big conference to look at how green their economy is going despite having a lot of oil wealth percolating to them. They are projecting forward that the real wealth will be water and its utilisation, how we harness and how we recycle it. This will be within the ambit of not only meeting our Millennium Development Goals, but also in ensuring that Kenya reduces its debt

burden in the long-term and ensuring truly the ethos of our national anthem which say, “may plenty be found within our borders.”

Thank you, Hon. Deputy Speaker for this opportunity to contribute.

Hon. Deputy Speaker: Hon. Onyango Oloo.

Hon. Oyoo: Thank you very much, Hon. Deputy Speaker. I am Onyango K’oyoo or Oyoo. Onyango Oloo is the former The National Alliance (TNA) Secretary General who left the party and is disparaging it. So, I am not the one.

I take this opportunity to congratulate the authors of this Bill and say that it is very important and that it is coming very late, many years after all the households in Kenya were supposed to have water, a promise that was given by our good Government during the Kenya African National Union (KANU) era. I believe that Jubilee is an extension of KANU so they should have made good the pledge that was made by KANU, the party of *baba na mama*. This Bill, if passed, will give good direction because water is life as it has variously been described. We cannot have programmes that will enable Kenyans to have enough water if they do not have very qualified personnel and the qualified personnel are not guided and supervised by a powerful, registered and recognised entity.

All the other professionals in this country have their very good associations. If it is lawyers, we have the Law Society of Kenya and if it is the engineers we have a registered engineers’ body that looks after their interests and also provides professional advice. I am saying so because the Government may have lost a lot of money. We are a country that is surrounded by lakes and rivers, but we have not made use of these waters which are a good gift because of lack of proper technical advice that is supposed to come from qualified personnel like the hydrologists.

While the 10th Parliament tried to alleviate the plight of water in this country, monies were expended toward this through the Economic Stimulus Programme; monies that were meant to help the public alleviate this water challenge by digging many shallow wells in our various constituencies. I am afraid that this idea may have not become very fruitful. For instance, in my constituency, I was not there, but it is a nasty tale because many of those wells that were sunk have since dried up or are about to dry up.

My observation is that they were done under no or poor supervision for lack of very qualified hydrologists who were supposed to give direction and supervision. I believe that once this Bill goes through and the hydrologists have a central body that will govern their registration and supervise their work, what we saw or what I have seen in my constituency will be something of the past. We continue to spend a lot of money on things that will not help or interest citizens of this country. I advise any Government in power today or in future to ensure that the public have basic needs. The mere minimum basic needs must be water. All efforts must be made to provide clean and safe water for consumption and viable use in this country. If you dare travel to the arid countries like Egypt and look at what they have done with their natural waters or that they have tapped from River Nile, you will not believe that although it flows more in East Africa, it has made Egypt a centre of agricultural excellence. We must have a Government that sends people for benchmarking. We also need to implement the reports when they come back. I believe that if this Bill goes through, we will engage qualified personnel who will give technical advice that can impact positively on the intended purpose of this Bill. That will go a long way to improve the living standards of citizens in this country.

This is a good Bill that should be supported.

Hon. Deputy Speaker: Gideon Irea.

Hon. Irea: Thank you, Hon. Deputy Speaker. I rise to support. It is important for us to know how water is managed and controlled in this country. We have a lot of running water. If only water experts, through this Bill, could come up with ways of utilising, managing, and distributing this water we would move a step ahead. We need to come up with ways of collecting water in dams and various facilities. This country has so many professionals but the bodies that manage them need to follow up on the laws that we pass in this House so that wherever there are issues in this country, we solve them. This country belongs to all of us. Even professional bodies are moving out of professionalism and throwing away what they know. They have abandoned their ethics and so they have forgotten that this country belongs to all of us. I will give an example of the Ministry of Health. Doctors are now crying for more money without realizing that they took an oath to take care of lives at all times. They should, therefore, avoid strikes that are bound to cause agony to Kenyans.

When we enact this Bill we should ensure that the hydrologists who will manage the water industry should be professional. They should be ready to assist people in this country and forget about sideshows which are making us lose a lot of revenue as a nation. We are losing out on so many things.

I support this Bill because it will go a long way in having the water industry properly managed.

Hon. Deputy Speaker: Mohamed Sumra.

Hon. Sumra: Thank you, Hon. Deputy Speaker. I think it is the first time ever that this Hydrologists Bill is being debated in this House. It is a timely Bill. You have seen what is happening around the country. The drought is here. Ndakaini Dam is drying up. You can see that there is water rationing in Nairobi. If you remember, last year, there was full page newspaper coverage on the water reserve in Turkana. I think Turkana is supposed to be the second largest fresh water reserve in the world. We need hydrologists to now look at the tunnels we are making and how we can save water. My roots are in India. The water irrigation in Gujarat has made it the food basket of India.

I do not know the number of professional hydrologists in this country. We have meteorologists, geologists and others but I am not sure about hydrologists. When we form the Board, this is something we should look at. We also need to look at the effects of global warming on water reserves. I do not wish to speak much. I support this Bill. I hope these hydrologists will be taken care of.

Hon. Deputy Speaker: John Waluke.

Hon. Koyi: Thank you very much, Hon. Deputy Speaker, for giving me this chance to speak about the Hydrologists Bill. I do not know the number of hydrologists we have in this country. Indeed, we have a lot of problems in this country. The biggest problem in this country is deforestation. Forests have been cleared. The laws of this country are weak because *mwananchi* can just decide to cut down trees without any permission. Many of our people are clearing the forests. That is why we have these big problems. The water towers are drying up. Every water tower, when you pass nearby, you will see that it is drying up. For example, I have seen River Nzoia, in our place at Cherangany, has dried up. It is a serious problem and the Government must take serious steps to protect the forests.

Water has become more expensive than petrol. In most hotels, you will buy half a litre of water for Kshs300. Water is, therefore, like gold. The way the water is mismanaged in this country calls for us to have rules and regulations governing our water engineers and the people involved in water management in this country. A lot of water goes to waste. When you pass here

in town you are likely to see street boys tampering with water pipes. They use the water to wash vehicles. So, in this country, we need to put down rules even if we are crying of drought and other things. The rules are not proper. With the rules against deforestation, many of our forests are now down and there is nowhere we can go. We beat people like the Masai, Samburu and people of North Eastern. The Government should come up with a policy of planting trees in those areas. I have been in the military and wherever we were--- I stayed in Moyale and within the three years I was there, we had planted trees. The other day we passed there and it is now a big forest. So, there is nowhere trees cannot grow. It is just how to manage them.

I am supporting this Bill and I hope it is going to be implemented so that it can bring some changes in this country. If we continue this way, very many people in this country are going to die of hunger. People will not even have water for drinking. The Government should move faster. When shall we stop supplying pasture to our animals? They are spending a lot by giving pasture to people in dry areas. It is very costly to this country. The Jubilee Government has young President and Deputy President. I hope that, together with other leaders, we will bring changes in this country by implementing this Bill. In the process, we will help Kenyans. I know that even the birds will rejoice.

With those remarks, I support.

Hon. Deputy Speaker: Hon. Wafula Wamunyinyi.

Hon. Wamunyinyi: Thank you, Hon. Deputy Speaker for giving me this chance to speak to this important Bill. I have not seen you since the beginning of the year. I would like to wish you a happy New Year. I also want to wish you well in your endeavours in the county.

This Bill provides for registration of persons practising as hydrologists or professions related to the water sector. It also seeks to instil order in the profession by introducing guidelines and regulations to guide practitioners on how to undertake their professional activities. Just like in any other profession, if there is no framework for operation in this sector people will abuse their positions and indulge in unethical practices. We should consider this Bill in a sober manner and look for ways of improving some of the clauses. This Bill is long overdue. The law being made should have been in place to help water professionals in this field to undertake their activities responsibly.

Hon. Deputy Speaker, this Bill provides for a mechanism for removing a person from the register of the members of the profession. It clearly sets out the steps that should be taken, provides for the “dos” and the “don’ts” in the profession and what leads to one being de-registered. In other words, it provides for disciplinary measures to the members of the profession. As much as we appreciate that professionals are important people who make specific contributions to different fields, they, at times fail to do the right things. These provisions will prevent those who want to do wrong things. It is clearly stated that it is illegal to commit certain undesirable activities, and there are punitive measures to be taken against those who will breach that provision.

As I said earlier, this Bill seeks to regulate inquiries by the Board apart from establishing it. One of the functions of the Board will be to inquire into the operations or improper conduct of some members of the profession. The Board has been provided with penalties for various acts of misconducts. This Board will have powers to conduct business within the profession and guide the members of the profession.

There are problems in some professions in this country. The doctors are now on strike. The Doctors and Dentists Board has been struggling to resolve the issue with the Ministry of Health. The doctors’ strike was a subject of debate by Members this afternoon, as a result of the

petition that was presented to this House by the medical practitioners. If we have mechanisms as provided in this Bill, we will minimise instances of disputes.

A clear dispute resolution mechanism is necessary because disputes are anticipated in our normal practices. Doctors are very important people in any society because they save lives and keep us healthy. While the responsibility of practitioners in this profession is huge, the Government should listen and give attention to them. I want to talk about the doctors' claims because it is not *sub judice* in terms of certain agreements made with the Government by way of Collective Bargaining Agreement (CBA).

Hon. Deputy Speaker: Hon. Wamunyinyi, I have indulged you but you are now completely diverting from the debate before the House. Please, stick to the issue of relevance. We are discussing the Hydrologists Bill.

Hon. Wamunyinyi: Hon. Deputy Speaker, I am just making a citation. Professionals should be given adequate attention whenever they raise issues that affect them in the course of their practice. There must be mechanisms to prevent strikes. We must look at the happenings in our country and make comparisons.

This Bill prescribes certain offences. Clause 35 empowers the Cabinet Secretary (CS) to make regulations. This is good because regulations will help them undertake their roles. It is important that any regulation that is put in place is well thought out to the extent that it complements the work of members of the profession to ensure that there is harmony and smooth running of affairs within the practice. That is why these regulations are very necessary. I hope Members will support this Bill in order to establish this board that will ensure that members of this profession are registered, monitored and guided in their operations and also to ensure smooth running of all the affairs to ensure that the people of Kenya benefit from this profession.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Ababu Namwamba. Do you want to contribute to this Bill or to a later Bill?

Hon. Ababu: Thank you, Hon. Deputy Speaker. I was trying to catch your attention on some other matter because I would wish to contribute to this Bill at a later stage.

Hon. Deputy Speaker: I see no further interest on this Bill. Therefore, I call upon the Mover to respond.

Hon. Katoo: Thank you, Hon. Deputy Speaker. I beg to reply and I would like to thank all the Members who have contributed. They have really given insightful contributions that I am sure will all be considered at the Committee stage. They raised about four issues on this Bill. One is the need to harness running water and other water resources for the benefit of our country. That has come out very clearly. I think the implementers of this Bill and the Executive should take this into account. The other issue that has been raised a lot is the need to protect our water towers to avoid desertification of our country. That has always been a time bomb in terms of protecting all our water towers. There is need to conserve and preserve these towers for the benefit of our generations to come.

Thirdly, there is need to evenly distribute the scarce water resources to the people. That is why contributors were referring to what was termed as a lot of water sources in Turkana that was explored. There is need to explore and make it a reality.

Finally, Members have talked about the need to manage and coordinate the sector very professionally within a legal framework that has not been there before. I think if those four points are captured very well in details, we will have done justice for this sector.

Again, I wish to thank Members and welcome them to bring amendments at the Committee stage to make this Bill even better.

I beg to reply.

Hon. Deputy Speaker: We will put the Question when we are in a position to do so. I then move to the next Order.

Second Reading

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

Hon. Deputy Speaker: Let us have the Leader of the Majority Party or the delegate.

Hon. Katoo: Hon. Deputy Speaker, I beg to move that the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.45 of 2016) be now read a Second Time.

Hon. Deputy Speaker, the Bill is keeping with the practice of making minor amendments which do not warrant the publication of a separate Bill and consolidating them into one Bill. There are 36 Acts of Parliament being proposed for amendment in this Miscellaneous Amendment Bill. All of them have some minor corrections or modifications that will not warrant the need to publish separate Bills. Some are just typographical errors while others are meant to align the Acts with the new Constitution, especially in terms of the terminologies being used.

In the old Constitution, there were Ministers and now they are called “Cabinet Secretaries”. There were Permanent Secretaries and now they are called “Principal Secretaries.” Those are some of the very minor changes that are being addressed in this Miscellaneous Amendment Bill.

Therefore, the proposals for the amendments are in the 36 Acts of Parliament. I may not be able to go through all the 36 Acts, but I invite the Members to look into them. I assure them that there are no major amendments. One of the statutes that are being proposed for amendment is the Judicature Act, Cap.8. This Bill proposed to align the Judicature Act with the Constitution, especially Article 167(1) of the Constitution on the retirement of judges.

Hon. Deputy Speaker, you remember this issue has been in court. It went through the High Court, the Court of Appeal and even up to the Supreme Court. It was a very long story on when the judges should retire, especially those who were hired during the terms of the old Constitution. There was debate on whether it is at 74 or at 70 and the Supreme Court had to pronounce itself very clearly and put the retirement age for all judges at the age of 70. If I am not wrong, it is at the age of 70. Therefore, this proposal arose on the need for clarity on matters relating to the retirement of judges and for the avoidance of doubt and to avoid court cases. That is what is being proposed.

The second one is the Advocates Act, Cap.16. This Bill proposes to define the term “unqualified person” because there was no definition on that. For purposes of legal practice, under the Act, there is need to include a person who practises law without having taken out a practising certificate. Therefore, if you do not have a practising certificate, then you are referred to as an unqualified person. It also proposes the issuance of practise numbers to members of the Law Society of Kenya (LSK) which are to be endorsed on all documents prepared by practising advocates. Practising advocates always have the seal which is the stamp, the admission number and the signature of the advocate.

However, this time, the LSK, in order to instill discipline in the profession, proposed that their members should be issued with practise numbers that will also be appearing on all

documents that are legal. It makes it an act of professional misconduct for any practising advocate to fail to take out an annual practising certificate. It is always good that you renew your certificate. The last speaker on the Bill which is listed as Order No. 9 was talking about the need for disciplinary action. At times, you may be disciplined by the body of your profession and, therefore, in order to ensure that there are high standards of integrity and good conduct in the practice of the profession, you are always issued with an annual practising certificate.

As I have said, this is in line with the efforts of the LSK to streamline the legal practice and reduce the incidence of legal activity by unqualified persons. However, the provision preserves the validity of documents prepared by advocates without a practising certificate in order to safeguard the interest of the client. If a client goes to a lawyer who does not have a practising certificate, he or she will not suffer. What will have been transacted remains illegal and disciplinary action will be taken against the advocate.

We also have the Bill of Exchange Act, Cap 27 which is being proposed for amendment. This is simple. When this Act was enacted, it referred to the Bill of Exchange within East Africa. That time, the East African Countries were just three, Kenya, Uganda and Tanzania. Now that Rwanda and Burundi have joined, there is need to include the definition of East Africa with respect to the Bill of Exchange to include Rwanda, Burundi and other countries which became members of the East African Community (EAC) like South Sudan in the recent past. This is for purposes of recognition of the Bill of Exchange drawn therein as inland Bill under the Act.

The Bill is also meant to ease trade within the EAC. We are now moving towards a political federation within the EAC. We are much ahead in terms of business and, therefore, there is need to ease trade within the East African bloc.

There is a prohibition of Offenders Act, Cap 64. As I said earlier, some of the proposal for amendment is just to align the terminologies with the current Constitution.

The other proposal for amendment is the Prison Act, Cap 90. The Bill proposes to amend the principal Act of the Prison Act to harmonise the terms of the Act with the Constitution. Some of the words being used in the old Constitution are not there anymore. We, therefore, intended to extend the police powers conferred to the prisons officers to apply in the performance of all their duties under the Act. It is expected to enhance cooperation between the two services. We now have a National Police Service where all the police fall under. Therefore, the powers that are given to the members of the National Police Service are also extended to prison officers so that the two services can work together. There is also the need to provide categorisation and custody of prisons taking into account the safety of prisoners and the members of the public especially in light of radicalisation. A lot of radicalisation takes place in prisons. We have seen many cases. You take prisoners who have been hardcore criminals and have been sentenced for committing serious crimes and they have been radicalised and then you put them in the same cell with those who have committed what we call petty offences. There is need to separate them and categorise them to avoid radicalisation taking place in prisons.

I also want to say that the proposal is meant to remove the concept of hard labour from the Act in case it is construed to mean servitude. This will be contrary to the United Nations Standard Minimum Rules for the treatment of prisoners which is commonly known as “Mandela Rules”. Therefore, we are removing the concept and the definition of hard labour.

The proposal is also meant to empower the Cabinet Secretary to make regulations on engagement by the prison service with partners and stakeholders. A prison should be a correctional place. Because of correctional services, many stakeholders chip in to ensure that those who are put there can be made better citizens of this country. Therefore, the Cabinet

Secretary will now be empowered to incorporate other stakeholders through regulations for the betterment of that place.

The Explosive Act, Cap 115 changes the title of the office and aligns it to the new Constitution. The Income Tax Act, Cap 470 proposes to amend the Income Tax to reinstate an introductory portion of an item which was in the Third Schedule, but had been inadvertently omitted. This Bill proposes to amend the Insurance Act, Cap 487 in order to confer the authority with an additional function of educating the public on the right to elect an underwriter of their choice and also to regulate bank insurance. This is very important especially for the end users of this service.

The Clinical Officers (Training, Registration and Licensing) Act, No.9 of 1998, read together with the Community Service Order Act No. 10 of 1998 are just meant to change the terms applicable to be in line with the new Constitution.

Since I want to finish very quickly, before we go to the Adjournment Motion, there is a Public Officer Ethics Act No.4 of 2003. There was a proposal brought by the Witness Protection Agency to make the agency responsible for members of its staff. That is very straightforward.

Very interesting and I know this is going to be debatable, is a proposal to amend the Sexual Offences Act No.6 of 2006. This provides and corrects some expression and word use in the Act. Most importantly is the fact that it also seeks to protect the rights of a suspected sexual offender for purposes of ensuring that all avenues of appeal against a conviction are exhausted before a court can declare such a person a dangerous sexual offender. The Bill further provides that a register of a sexual offender should be updated on a monthly basis and also proposes to criminalise intentional and unlawful sexual acts in respect of persons who are unlawfully married to each other. Most importantly is that there has been an impression created that the amendment of this Act intends to lower the age of consent from 18 to 16 years. In order to cure this, we shall be introducing a provision at the Committee of the whole House stage relating to the offence or defilement in order to avoid the perceived victimisation of boys under the Act when they engage in sexual activities with their age mates. Remember Romeo and Juliet story.

There is also the Competition Act 2010, where the Bill proposes to amend it to provide for the conduct of meetings in the absence of the Chairperson of the Board. Allow me to mention this before I conclude. I talked of 36, but I am just going to mention a few. The proposal to amend the Judicial Service Act No.1 of 2011 is to make a provision for the performance of the duties of the Chief Justice in the absence of both the Chief Justice and the Deputy Chief Justice. Under the new provision, the senior most judge in the Supreme Court shall perform the administrative duties until their relevant positions are filled. This is a reality because it happened just recently when the Chief Justice retired. The Deputy Chief Justice was removed and also retired because of age. This is when we were talking of 70 or 74 years. There was no Chief Justice or Deputy Chief Justice. Therefore, an administrative function was created to allow the senior most judge to act and perform the function of the Chief Justice. We want to put it in law, so that there will be no lacuna in future.

There is this Anti-Counterfeit Act, 2008, No.13 where the Bill proposes to clarify the establishment of the Agency and domicile agency in the Ministry of Trade. That is very simple and very straightforward.

There is also this National Police Service Act, No.11A of 2011 where the Bill proposes to amend the National Police Service Act, 2011 to clarify the membership of the Kenya Police Service. Most importantly is for the deployment of county commanders from the service in their counties. It also proposes the appointment of a suitable person to act as Deputy Inspector

General, by the President, on the recommendation of the National Police Service Commission (NPSC) in the case of a vacancy in that office. That is before the position is filled.

Hon. Deputy Speaker: Now, the Hon. Katoo---

Hon. Katoo: Yes, I want to conclude. I just want to move. Give me one minute.

Hon. Deputy Speaker: Okay.

Hon. Katoo: It proposes to confer on the Service the function of collecting criminal intelligence and also confer the status of Deputy Inspector General on the Director of Criminal Investigation (DCI) and a uniform retirement age for the members of the Service. It is also good for all of it to be uniform.

With those few remarks, I said there are 36 statutes being proposed for very slight amendments. I have mentioned just about 15. I just want to stop there.

I beg to move.

Hon. Deputy Speaker: Okay. So, we will still have a Seconder to your Motion when this comes next. We now proceed with the Adjournment Motion by Hon. Ochieng. You can proceed.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33

RESPONSE TO EFFECTS OF DROUGHT

Hon. Ochieng: Thank you so much, Hon. Deputy Speaker for this opportunity to move the Motion whose Notice I had given earlier.

The Motion seeks to discuss the response by the Government of Kenya today, to the drought that has affected the country in the last few months. How has the Government responded to the biting effects of the drought?

This is not just one of the crises facing the country today. Indeed, this afternoon, you had so much interest in discussing the crisis that has been the doctors' strike. I will not go into that so that we focus on the issue of the drought.

Today, more than ever before, there is data and there is information and drought is extremely predictable. You can say without doubt that there will be drought tomorrow, next month or next year. So, we are not in that stage where elders are looking towards where the sun will set or the sun will rise to say whether there will be rain tomorrow or not. We have the tools, equipment and mechanism to know there will be drought next year. So, the challenge we have in this country is not about the drought. The challenge we have is how to respond to drought, how to respond to the consequences of drought and how to ensure we alleviate human suffering every time there is drought.

It is always interesting to see Kenyans scampering every year at this time, livestock dying, human beings dying and everybody not knowing what to do as if we did not know there will be drought. The reason I brought this Motion today is not because I come from an arid area. It is because drought affects this country equally. Every part is affected by drought. There is some misconception that drought only affects North Eastern Kenya or that it only affects arid areas.

As I speak to you, streams and rivers that never used to dry in Nyanza are now drying. Boreholes are dry. Rivers are not flowing. People cannot access water. Livestock cannot feed. Livestock cannot get water and these are things that had been forecasted. The Government all along knew that there will be drought between specific months. But what happens in an election

year like this one? We have seen politicians from both sides of the political divide, very fast telling the people to go and register as voters yet the people they are telling to register as voters, most of them are dying of hunger. They are dying of disease. They are dying of lack of food in the 21st Century. It is a shame. It is wrong and evil for us to even be, as Parliament, sitting when people are dying out there and purport we are able to do business.

You know that there was massive crop failure last year in the Rift Valley, Western Kenya and in all our bread baskets. There was massive crop failure. The Government also knew this. What has the Government done to ensure that the crop failure that happened is cushioned? Why are you rushing at the last minute to import maize when all along we knew that we did not have enough maize in our reserves?

We have seen job losses because people cannot produce any more. Rationing is happening everywhere. Companies have had to shut down operations because the power being supplied to them is so little they cannot produce.

You have seen malnutrition. You have seen children dying. You have seen livestock and human conflict escalating because of the drought. I am happy I saw some bit of rain yesterday, but the effects of the drought are going to be seen the whole year. In Western Kenya, the price of a single tin of maize has more than doubled. Price has moved from Kshs50 to Kshs120 per what we call *gorogoro*, which is the small tin of maize, finger millet or cassava. People cannot afford it. It is bad in this century to be purporting to be giving aid when you go to a place and give a tin of two kilogrammes and hope that, that will take a person for a year or for a few months before their crops mature.

The reason we are where we are is that we depend on rainfall. We know that rainfall in Kenya is erratic. We know it is seasonal. We know it has been reducing because of climate change, but we continue depending on rainfall as our only source of water. In this time and age, we are doing dams hoping that those dams will harness and collect rain water to serve Nairobi and Mombasa. It is bad. It is wrong planning. If you go to the Ministry of Devolution and Planning, and I read this afternoon and have counted, more than 255 reports have been done on how to combat drought. More than 255 reports with recommendations on what needs to be done. Some of them are repetitive. Some of them are as simple as snapping fingers. As a Government and as a people, we have refused. We have said that we will always wait for drought to come then we will scamper.

I do not know how we feel as taxpayers when at this point in time someone in the Kenya Red Cross is going to ask you to contribute Kshs4,000. The Kenya Red Cross Society is sending appeals to Kenyans. On the face of corruption in this country, people are being asked to contribute Kshs1,000 or Kshs2,000, so that we can help sort out the effects of drought. It is a wrong thing. I think we need to put our money where our mouths are and vice versa.

If we know very well that there will be drought, why can we not plan early enough? We are now a budgeting Parliament. We have Committees that are concerned with this. Why are we putting money in areas that are not able to alleviate effects of drought when we very well know that there will be drought?

We have relied on relief for so long. So, the Government must ensure the way it gives relief is fair. If you want to give people maize, give them money to buy maize. Do not give them yellow maize. Do not give them rotten maize. Give them money to buy maize. Give them money to buy rice or beans. They could actually want to eat bread and not maize. These things are fungible. Cash transfers can be used. I was talking with someone and telling them that we have something called the SGR. My colleague was telling me that SGR does not only mean the

Standard Gauge Railway, but it also means Strategic Grain Reserves. We have that. Are we able, as Parliament, to monitor it every year to see that we have enough grain that can last us through the drought? Are we doing that as a Parliament? Are we ensuring that people are taken care of in terms of the effects of drought? When you are doing this, it is done sometimes, with discrimination. You will see the Government running to North Eastern, Wajir and Baringo where my friend Hon. Abongotum comes from, but you will never see them running to Nyanza. When they come to Nyanza, they want the chiefs to write names of 20 or 30 people per constituency so that they can give them some maize. In a constituency that has 200,000 people, how do you write names of 20 people? What is the parameter of choosing them? If you want to respond to drought, it must be holistic. It must be coordinated and everyone knows how it is going to be done. It has to be done transparently.

You know that even the maize scandal that happened some time back was about drought. People sit somewhere waiting to cash in on the effects of drought. This is the time you will hear there is corruption and some people have lost half a billion shillings because some people purported they could supply grains to alleviate the effects of drought.

I want to end by proposing that as Parliament, going forward, we must budget contingency funds to alleviate the effects of drought. We must put aside money every year; money that is earmarked and not given to the Ministries to use how they want, to ensure that boreholes are drilled and people can access food during drought. If it means importing food, we should import that food early enough. The response has been very late.

I have lately seen the President and his deputy going round purporting to register people and giving them tins of beans. What happens if the President does not go there? What happens to places where the Deputy President will not go? How do they get food? And how much food can you possibly lift using a chopper? I have seen Cabinet Secretaries flying in choppers with food. How much food can you carry in a chopper? And then you see women lining up to get half kilogramme of maize. It is a shame. Parliament must be the body that ensures that we respond to drought and meet the challenges of the 21st Century and the needs of our people.

For example, our children will not stay in school. I hope you know that children will not stay in school because of hunger. Their parents cannot afford to buy food. Their parents cannot afford to pay school fees. The children cannot stay in school because even if they are in school, you probably know that Matiang'i has said that he does not want to see children eating lunch in school and that they should go back home to eat lunch yet there is no food at home. Coordination of policies and programmes that alleviate drought would be very important. Let us check corruption in the way we distribute drought and emergency responses.

Finally, as a country, we look bad if we are going to have begging bowls every January and December. We know it is going to happen and we are sure it is going to happen, but we are not talking about it until the last minute and hope that we are going to ask for arms. You will hear someone telling us Kenyans for Kenyans, or *shilingi kwa shilingi* to help the drought victims. It is only this House that has the sole responsibility of ensuring that issues affecting Kenyans are handled. We can budget and put money aside and ensure that Kenyans are not ashamed because of hunger or embarrassed because they cannot respond to their daily needs.

Hon. Deputy Speaker, I beg to move.

Hon. Deputy Speaker: Thank you. The rest of the Members have five minutes each. I will start with Hon. Yusuf Chanzu. We do not second this Motion.

Hon. Chanzu: Thank you, Hon. Deputy Speaker. This is an important Motion, but it is a serious matter. In fact, I have not seen a time when this country has experienced the kind of

drought we have experienced from around November. I want to congratulate Hon. Ochieng for bringing this Motion to the House although, like you said, we do not vote on it. We want the nation and the world to hear that this is a very serious matter and we, as the leadership, take it seriously.

While we have areas which are geographically drought-prone like the northern part of Kenya, we generally lack preparedness. You have seen a situation where when it rains in Nairobi, everything is just woken up. If it rains today or in the next two days, you will find a number of people drowning and vehicles being swept away.

Some measures were taken by the Government some time back after the *El Nino* rains and some departments were formed in the Office of the President. The Government then felt that there must be a unit to handle those kinds of calamities, but that was not right. There must be a purpose for which a unit, department or Ministry is formed, so that its role can be properly spelt out and this should not be done on ad hoc basis to serve the whims of individuals. When the individual goes, that department is scrapped. That is another problem we have had. Some time back we were told that the NYS would construct roads in North Eastern and other places. However, either because of corruption, nepotism or tribalism, all the departments were scrapped and turned into some kinds of units which are just used by individuals for their own selfish gains.

The NYS had almost gone under, but when we got Madam Waiguru as the Cabinet Secretary, the NYS came up only for the purpose we saw it perform. I read in the newspapers that the people who were giving evidence on the NYS scandal are now getting tired, it is very sad yet a lot of money was lost and taken by a few individuals. People and livestock are suffering and dying because of drought. I do not think God should pardon people of that kind of nature. It is worse than somebody who kills with a knife or by shooting because he cuts one's life abruptly and maybe the person may not feel a lot of pain, but the pain Kenyans are going through because of drought and corruption where money is being wasted or embezzled by a few individuals is something that needs to be addressed.

The other issue is food security. There were no reserves. It is very worrying that today, maize flour, I am told, is more expensive than beans. It is really sad. Even as we are talking about this issue which we are not going to take a vote on, it is important for those who are charged with the responsibility of ensuring this is done. They should take action on this so that in future, we are not faced with the same situation. The rains are going to come with a lot of floods which we have not mitigated. A specific department should be charged with the issue of drought. The Meteorological Department should also assist us with information.

With those few remarks, I support.

Hon. Deputy Speaker: Hon. Priscilla Nyokabi.

Hon. (Ms.) Kanyua: Thank you, Hon. Deputy Speaker. I also beg to support the Motion and to support Hon. Ochieng in calling the House to debate this matter in view of the prevailing environmental circumstances. It is indeed true that we need to change the way we have been doing things. We cannot be a country where when it rains we cry and when it does not rain, we cry. There is a problem. When it rains, we need to have sufficient mechanisms to preserve the water. When it does not rain, the forecasting and planning should project what the country is going to do when there is insufficient rainfall.

We continue to live like the early man, just waiting for the vagaries of weather in a country where education has been with us for the last over 100 years. It is time we did things differently. We are speaking to the office bearers and the technocrats. We are speaking to the forecasters. We are speaking to those in the Ministry of Devolution and Planning. This has got to

end. The people's representatives cannot spend time every year lamenting drought, lamenting that there is not sufficient rainfall and there is not sufficient food in the country. We note the efforts that the State Department of Special Programmes under the Ministry of Devolution and Planning has made. We have seen relief food being supplied in some parts of the country, but that is not enough.

I come from Nyeri County. Ordinarily, when there is sufficient rainfall, we have enough food for ourselves and extra to sell. However, we again lament on road network. If we have good roads, we can transport food items from places that have more than enough food to places that do not have enough food. Nyeri County also has vulnerable groups of people who need relief food. There are people living in the colonial villages without land. Those people need to be considered for relief food supplies. Persons living with HIV/AIDs and persons with disabilities are increasingly in need of relief food. One of these fine days we might have to debate the matter of single mothers, their families and female-headed households that need to be considered in the relief food system. As the drought continues, and as the relief food programmes continue, the Ministry should make sure that the many households that are affected by this problem receive sufficient relief food until such a time when there will be enough food in the country. The Department of Special Programmes is engaged in supply of water and sinking of boreholes. They should continue with that effort. The effort against drought is an effort to make water available to vulnerable groups. The Ministry should continue with the effort they are making. As a country, there might be need to create a Ministry of special programmes, so that such responsibility is not carried out by a department within the larger Ministry of Devolution and Planning. Given the incidences that we have to deal with, the level of planning that we need to engage in, and the level of resources that we need, maybe time has come for us to create a stand-alone Ministry to just deal with these questions and to be accountable to Parliament on matters of this nature.

On the strategic food reserves, the continued post-production loss of agricultural produce in this country is something we need to lament about. Over 40 per cent post-harvest loss is way too high. This situation needs to be dealt with including the loss of things like milk, which we have been lobbying for. Bumper harvest of any food item should be in the strategic food reserves. We no longer just deal with grains and cereals. We also deal with other products that are in high supply in some of the counties. My own county of Nyeri still has a lot of potential for dairy farming, including milk, which should be part of the strategic food reserves. It would be a good idea so that when there is no enough food, we have milk reserves that can then be supplied to the counties that need them. We need to learn lessons from countries like Israel and Egypt. County governments need to invest in these areas. Every county must have a very strong emergency response to deal with situations like these.

Hon. Deputy Speaker, I support the Motion.

Hon. Deputy Speaker: Hon. Asman Kamama, the Floor is yours.

Hon. Abong'otum: Thank you, Hon. Deputy Speaker. I begin by thanking Hon. Ochieng for coming up with this Motion.

I admit that the drought that is currently being experienced across the country is unprecedented. We have never faced this kind of situation for a very long time. In 1984, there was a serious drought. In Tiaty Constituency, the drought that can be equated with the current drought is that of 1957. In the Pokot language, that year is called "*chepuspus*." We lost very many animals including donkeys, which normally do not die easily.

We have been caught flatfooted or with our pants down. Something needs to be done to ameliorate the situation. Tiaty Constituency has been the face of this drought. There are many

reports from Baringo indicating that Tiaty is facing a lot of challenges. It is true. Almost all the dams have dried up. Boreholes have also dried up because of high temperatures. These are very unpredictable situations. Something needs to be done. We need to come up with a comprehensive policy of dealing with droughts. I must thank the Government for sending two Ministers, the Minister for Water and Irrigation, Hon. Eugene Wamalwa, and the Minister for Devolution and Planning, who came to the aid of the people of Tiaty.

As I speak, something is being done. We need to up our game to ensure that people get water and food. I thank the Red Cross Society, under the leadership of Abbas Gullet, the Secretary-General, who last time came up with the “Kenyans for Kenyans” campaign for food. I admit that Tiaty Constituency got a dam that costs about Kshs100 million. That is the water resource that is saving our people right now.

We need to borrow a lot and benchmark with the Israelites. They are saying that they were given brains by the Almighty God, but they do not need to consult God all the time. They must therefore use their brains to solve their problems that have to do with food and water. Israel is dry like Tiaty Constituency, Turkana County and Samburu, but the Israelites are able to predict the weather pattern. We also need to learn from Europe, where you are given a weather programme for one or two weeks. You will know that it is going to rain on Friday. You, therefore, plan your trip for Monday because the weather is predictable. For us, we have not really used our Meteorological Department very well. Therefore, we need to revamp it and make sure that it effectively tells people the truth. The Meteorological Department is not doing much. Therefore, we need to declare the current drought a national disaster. I call upon all our friends in the international community to come to our aid. We need supplements for children, so that we do not lose them. We need to introduce the school feeding programme to feed school-going children, so that parents can move with their children to far-flung places in search of water.

Hon. Deputy Speaker: Hon. Wafula Wamunyinyi, the Floor is yours.

Hon. Wamunyinyi: Thank you, Hon. Deputy Speaker. I also want to thank my brother, Hon. David Ochieng, for bringing this Motion to the House, which is in recognition of the serious suffering that our people are going through.

This drought has affected food security. It is important that this matter is looked into. As Members, we have a responsibility to discuss this issue and get a solution. In Bungoma, we have never experienced this kind of drought for many years. We always have had our streams and rivers running throughout the year. Right now, all our rivers, streams, boreholes and even shallow wells that we use in our rural areas have dried up. This has caused much suffering. There was a place where someone was supplying water and I saw a long queue of people of almost 200 metres long. People were queuing almost the whole day for water. This is a serious issue that our Government must address. While we experience this situation, I ask myself: What happened to the early warning systems and our weathermen? Where is preparedness to face such situations in our country? What mechanisms has the Government put in place to deal with such challenges?

I have heard my colleagues talk about global warming and climate change. There has been a serious campaign across the whole world led by the UN institutions including Food and Agriculture Organisation (FAO), on mitigation against climate change and global warming. The effects of climate change and global warming are drought. Extreme hot and cold conditions are some of the effects. We have not had such experience in our country. I am talking about extreme weather where if it is hot, it is very hot and if it is cold, it is very cold. If it is dry, it is very dry. This has serious effects. This is what is happening in Europe and it looks like this global warming and climate change is going to be real even in Africa and particularly in Kenya.

It is important that our Government comes up with policies that would ensure that we address the issue of climate change and global warming, so that people are alerted. We should be told when it is going to be cold. We should know which days of the month and which period particular adverse weather conditions would obtain, so that people can prepare themselves. I am sure it is going to take us time before we cope. In Europe, they know in advance when there will be winter and summer. They, therefore, prepare even to have, say, winter clothes or summer clothes. As for now, serious suffering brought about by this drought has been inflicting our people. There is no water. What is the Government doing about it? Why was it not prepared? Why did the Government not prepare the people? Where are our weather men? Where was the early warning system in our country? These should be in place and make correct and accurate predictions so that our people can prepare.

The Government must put in place policies that will ensure this situation is handled adequately so that our people do not suffer like the way they have done now.

Hon. Deputy Speaker: Let us have Hon. Lelelit Lati.

Hon. Lati: Hon. Deputy Speaker, thank you for this opportunity. Drought in our country is real. As Hon. Kamama said, we have not seen such a crisis in a very long time. Those of us who come from areas heavily affected by drought, our energies are directed not even to looking for votes in this election year, but to the drought. We have stopped everything else to try and find ways by which our people can survive. Cows are dying and schools are closed. I ask people with farms and ranches with grass to be tolerant because this is a very special period in our country and our people are suffering. I thank the Government because through the Ministry of Devolution and Planning, it has increased food supplies. However, that is not enough. We ask the Government to continue doing the same and increase food supplies to our people because this will only last as far as the drought lasts. Perhaps, we should have a special Budget for drought mitigation within this period of dire drought in our country.

We have asked the Government to consolidate all these drought measures together. Right now, the Ministry of Devolution and Planning is supplying some food. The Ministry of Agriculture, Livestock and Fisheries is supplying some hay. The Kenya Meat Commission (KMC) is doing off-take programmes to buy the livestock that are almost dying. We want to have one area where all these things are done, so that Government programmes are coordinated.

Some people are taking advantage of this bad situation. Buying of cattle by KMC is not enough, but we appreciate the little that they are doing. However, we have people in the Government who are acting like brokers and buying cows at very low prices and selling the same to the KMC at high prices. I ask KMC to get to the ground. Whatever amount of money the Government has allocated for each cow is what the KMC should give to the people. We should not have brokers taking advantage of this desperate situation.

This is the time to register voters. If you consider the situation that is in the pastoral areas of Kenya, surely, you cannot have a blanket programme for the registration of voters. The people in the pastoral areas cannot be treated the same way as those who are elsewhere. I would like to ask the IEBC to consider its programmes in the pastoral areas. The IEBC needs to put in place an equalisation programme for the pastoral areas. They need to have a special calendar for our people. If the calendar for registration of voters for the rest of the country is one month, it does not hurt the IEBC to have an extra month for pastoral areas which are affected by drought.

I have been in my constituency for the last two weeks trying to mobilise my people to participate in the oncoming elections. I have seen hardships that the people in Nairobi and other urban areas in Kenya cannot imagine. The IEBC machines use batteries. We have no electricity

in our places and by midday, none of the machines are working. So, you will have an IEBC tent and people, but no registration taking place because the batteries have gone off as early as 11.00 a.m. It is a waste of public funds, time and does not capture the people that are targeted.

I would like to tell IEBC that as part of democracy in this country, they must put in place a special calendar for the purpose of registering persons in the pastoral areas. We cannot be treated as second class citizens because of the disadvantages that have been handed down to us by successive regimes in the past. We have no electricity to charge those machines.

Hon. Deputy Speaker: Let us have Hon. Zuleikha.

Hon. (Ms.) Juma: Ahsante sama Mhe. Naibu wa Spika kwa kunipa nafasi hii ili nami nichangie Hoja hii. Naunga mkono Hoja hii ambayo imeletwa mara nyingi humu Bungeni. Hoja hii imejadiliwa katika Kamati mbali mbali za Bunge na katika mikutano tofauti tofauti kwa miaka mingi hapa nchini. Hili jambo linaudhi kwa sababu viongozi ambao wamepewa nafasi kuwasaidia wananchi hawaonyeshi wana kusudia kuwasaidia wananchi.

Mbinu zote ziko. Ripoti zimeandikwa. Pesa ziko katika nchi ya Kenya. Haya yote yanatuwezesha kuwa na chakula cha kutosha na maji ya kutumika hata pakiwepo ukame lakini viongozi ambao wamepewa mamlaka wamekataa kufanya hivyo. Kuna ukame katika Kaunti ninayotoka. Inasikitisha. Inatubidi sisi Wabunge kufanya mengi zaidi. Unataka kama Mbunge kufanya zaidi lakini hauna hizo nguvu. Kuna mashirika kama Msalaba Mwekundu na mengine ambayo yanashugulikia wananchi. Vile vile vijana wamekuja na miradi mbalimbali kujaribu kusaidia wananchi wapate chakula na maji.

Lakini kwa ukweli, hiyo haiwezi kusaidia kwa sababu Serikali peke yake ndiyo iko na pesa nyingi za kusaidia. Wakati mwingine ninashangaa nikiona wananchi wanakunywa maji ambayo rangi yake ni kama ya kahawa. Kuna watu hawajaoga miezi mitatu imepita. Watoto wadogo wa miaka miwili na mitatu wanakaa njaa na hukula mara moja tu kwa siku. Wanakunywa uji peke yake bila sukari ama maziwa kuanzia saa tisa mpaka kesho yake saa tisa ndiyo wanakula tena. Hatuwezi kuamini watoto wetu wakipitia shida kama hiyo.

Pia, kuna ripoti kwamba kuna watu katika hizi sehemu za ukame ambao wanaenda kwenye sehemu ambazo ni nafuu ama zina maji ya mifereji na kupeana watoto wao waangaliwe kwa sababu hawana chakula na wanaweza kuaga dunia. Pia, kuna habari za wasichana wadogo ambao wanauziwa wanaume kwa shillingi mia tano, elfu moja au mbili kwa sababu familia zao zimeshindwa kuwalisha na pia kuna hatari ya hao wasichana kuaga dunia. Hili ni jambo la kusikitisha sana. Hebu fikiria sisi hapa tukiwa na msichana wetu na hatuwezi kumlisha na inabidi tumuuze kwa mwanaume. Kuna wale ambao wanafurahia jambo kama hilo.

Ni jambo la kusitikisha na haya yote si kwa sababu ya wananchi kuwa wajinga ama Kenya kuwa nchi maskini sana. Kenya ni nchi tajiri yenye mali ya kutosha kuhakikisha kwamba wananchi hawafikii hali kama hii. Kitu kingine cha kuudhi ni kuwa viongozi hawa ambao wanapewa majukumu ya kuhakikisha kuna maji na chakula kwa wananchi wanatumia njaa kama kitega kura. Wanaenda kwa wananchi wakijisifu sana na kugawanya kilo moja au mbili za maharagwe na mahindi ama maji kidogo na kuwaambia wananchi wawapigie kura.

Unashangaa sana kama hii ni nchi ambayo tumemweka Mwenyezi Mungu mbele. Hapa Bungeni, kabla tuanze kuzungumza tunaomba Mwenyezi Mungu. Kweli Mungu yuko ndani ya mioyo yetu ama ni jina tu ambalo tunataja? Katika mafunzo ya Kikristo na Kiislamu tunaambiwa tupende majirani wetu kama tunavyojipenda wenyewe, na zaidi kwa kiongozi ambaye ameapishwa na kuuamua kuwasaidia wananchi.

Mwaka jana tulikuwa na Mswada huu na tukazungumza haya haya lakini hakuna jambo ambalo limefanywa huko nyanjani. Kwa hivyo, naomba kama Bunge tuwe tukiangalia

tukipitisha mambo ya Bajeti na vile pesa zinavyofuatiliwa kuhakikisha kuwa pesa zinaenda kule zinastahili.

Asante, Naibu Spika.

Hon. Deputy Speaker: Hon. Irungu Kang'ata.

Hon. Kang'ata: Thank you, Hon. Deputy Speaker. I stand to support the Motion brought by Hon. Ochieng and say if we want to fight hunger in this country, I would propose we invest a lot of money in food security.

I am aware of a lot of money that was sent to the National Irrigation Board to revive irrigation projects in this country. By doing that, the Government was envisaging that we shall mitigate against hunger and starvation. Therefore, I propose that the Government hastens those projects. We have one in the Coast region where it has been envisaged that one million acres of land is going to be irrigated. That is a very good idea now that I strongly believe that the only way we can be food secure is to enlarge what we call large scale farming of our staple foods.

I also know that the Government has devolved a lot of money and it is incumbent upon the county governments to use part of the money devolved to them to mitigate hunger. Let us not blame the national Government for each and every ill that is happening in this country. We have elected 47 governors. They have the duty of giving part of what they have been given by the national Government and also part of what they collect from the taxpayers through levies and charges to the poor people to mitigate these instances of food insecurity. I also urge various Members of Parliament and governors to employ the money that they manage to drill boreholes. Drilling boreholes is one way of checking or mitigating negative climate changes or conditions. For those counties or even Members who have sunk boreholes, they have somehow mitigated hunger and starvation.

I do not know who I should condemn, but I have to mention the Chairperson of the Committee on Constituencies Development Fund. There is Kshs10 billion that was allocated. The reason why I am talking about the Kshs10 billion that was blocked is because in my constituency, I had allocated some money to 10 schools to drill boreholes. My idea was to sink those boreholes, particularly at Gaturi Ward. Those boreholes could have helped to mitigate lack of water in various parts of Kiharu. Now that I am hearing that this money is about to be brought through the Supplementary Budget, I urge the House Business Committee (HBC) to hasten that process. If those projects, which are very dear to me like sinking of boreholes were to happen, I know I would have done my little bit towards alleviating hunger in my region and also the issue of water scarcity.

I come from Murang'a County which is quite famous through exportation of water to residents of Nairobi, but we still suffer from chronic lack of water. Therefore, this Kshs10 billion would have been quite important towards ensuring that before I leave my parliamentary seat, my constituency overcomes water scarcity. That was my dream. I did my part through supply of water pipes to various regions through the CDF, but I thought the Kshs10 billion would enable Kiharu to get about Kshs34 million which would have been used to address the issue of water scarcity in my constituency. Therefore, I urge the HBC which is in charge of preparing the calendar of this House to hasten the tabling of the Supplementary Budget. In fact, the other day I was wondering how I would bring to the attention of the leadership of this House how we, the Members, are feeling about lack of this money. I was thinking that I could grab the Mace, so that the House can come to a standstill and know that we are really suffering for lack of that money. We really want to use that money to alleviate hunger in our regions.

With those few remarks, I support the Motion for Adjournment.

Hon. Deputy Speaker: Let us have Hon. Ken Okoth.

Hon. Okoth: Thank you, Hon. Deputy Speaker. I rise to contribute to this important Motion for Adjournment by Hon. Ochieng of Ugenya. It is a very timely Motion.

I represent the people of Kibra Constituency in Nairobi where an element of this story is not well covered often enough. I am happy to bring it to the attention of the nation that urban hunger is a reality. Children are starving in our schools. School feeding programmes have been mentioned. The Member for Nyeri mentioned the plight of women who are single mothers raising families on little incomes. You just need to get out of the shadow of Parliament to Kibra Constituency which is five minutes from here to see the realities of this. People are suffering in January. They have been suffering for the last couple of months as the economy has stalled and the climate patterns have changed and now we lack food. In urban areas, we do not even have *shambas* or livestock to rely on as a second backup. You are stuck. If you need anything, you must spend money. The reality of urban hunger is seen in our schools. I represent the biggest school in this country, the Olympic Primary School, which has about 4,500 children from Class One to Class Eight. That is the biggest public primary school. I would invite even the Cabinet Secretary coordinating the relief projects to just step in there, meet the teachers, the Parents Teachers Association (PTA), Board of Management (BoM) and see what the situation is for all those children coming in to school every day and the school making its best effort to provide, at least, one meal a day. The cost of buying those food supplies and the fuel to feed 4,500 children is very high. I give Olympic Primary School just as an example, but that is the case in most schools like Toi Primary School and others. Even in the non-formal schools where you know we talk about free primary education in Kenya, in places like Kibra, our children have not had access to that because the capacity was very limited. We are trying to do something by building more schools, but many of them are going to non-formal alternative schools and paying fees to attend those schools and those parents and children are suffering. School feeding programmes and serious donations to schools such as Olympic Primary School and others in Kibra Constituency will go a long way to start providing relief in that section of our most vulnerable members of society.

Hon. Deputy Speaker, I have noticed that there is a great campaign to ask Kenyans, that we are all Kenyans, as we did a few years ago, to give Kshs1 billion to the Kenya Red Cross. I disagree with that because the Kenya Red Cross is founded by the Kenya Red Cross Society Act, an Act of this Parliament. Our Government can budget for it. With Kshs6 billion that we are told is for relief food, I am shocked that the Kenya Red Cross is still running campaigns to look for money in a certified emergency when the Government could give it the Kshs1 or Kshs2 billion it needs to do its job instead of hitting us on our screens and media. The Kenya Red Cross is credible and they do a lot of work, but I do not think that this is the right time to be asking Kenyans for money. It is the right time for the Government to engage the Kenya Red Cross which is a body that is enshrined in our law with specific tasks to assist the Government in civilian emergencies and relief efforts and give it the money that is needed. If it is necessary, let us pass it at the Supplementary Estimates, so that the Kenya Red Cross has the full resources it needs and does not rely on fundraising to help Kenyans.

That is a charity and bandage approach. It is not long-term or sustainable. I say that humbly in the context that we have just bought Kshs45 billion worth of military planes. Our country might be at war with the *Al Shabaab* and other people, but to think we have Kshs45 billion and that the Kenya Red Cross needs relief aid to do a good job, and we are asking the public to send money by *M-Pesa* of Kshs1 billion, is not good. That to me is shocking and sad

knowing that the culture of corruption still continues. The Afya House corruption scandal was alleged to be worth Kshs5 billion in just one Ministry. Never mention the others.

It is time we had a more comprehensive approach to national security and emerging threats. Emergency threats in this age include climate change, global warming, drug resistance, disease varieties and food security. Climate change is happening and water issues that will bring conflicts between communities, as we are seeing already over grazing lands in places like Laikipia and Samburu and also on international borders, are on the increase. We share borders with Ethiopia and Uganda and I am sure we will see more of this.

So, we need a more comprehensive approach in national security that includes food security.

Last but not least, I would say---

Hon. Deputy Speaker: Hon. Members, I have 16 of you and we have got about five minutes. So, I tried to give a chance to those who have not spoken this afternoon to see if they can say a word. I have Hon. Beatrice Nyaga here and Hon. Enoch Kibunguchy who have not spoken today. Can you take a minute or two? We are trying very hard to see that those who have spoken can give a chance to their colleagues.

Hon. (Ms.) B.N. Nyaga: Thank you, Hon. Deputy Speaker for giving me this opportunity to support this Motion by Hon. Ochieng. We have talked about drought not once, but many times in this country. I know that there are those who have the responsibility to see that we have enough food in this country. I am not sure of the person I am supposed to blame, but I want to say that those who have the responsibility to see that our children go to school, our rivers do not dry and that our domestic and wild animals in national parks are not dying are sleeping on the job.

We are talking about the school feeding programme in our schools which is supposed to be taken seriously. I have been going to the Ministry of Devolution and Planning offices in Tharaka Nithi County every day. I want to thank the Ministry because it has been feeding the people of Tharaka Sub-County. In Tharaka Nithi, some areas usually have enough food, but at this particular time, people are going hungry and children are not going to school. I have heard the President say that relief food is going to be distributed. To date, we have not received anything. Those who have been given that responsibility to feed our children and those who are going hungry should do it as quickly as possible.

I support.

Hon. Deputy Speaker: Hon. Enoch Kibunguchy

Hon. (Dr.) Kibunguchy: Thank you, Hon. Deputy Speaker, for giving me this chance. Before I say anything, on behalf of my constituency of Likuyani, let me pass our condolences to the families of our soldiers who passed away in southern Somalia recently.

Secondly, I am very puzzled that we are now talking about hunger and lack of maize and other foodstuff yet just two or three months ago when we were harvesting maize in the North Rift and parts of Western Kenya, the National Cereals and Produce Board (NCPB) gave very low prices. Farmers demonstrated and the Government said it had raised prices to about Kshs3,000 a bag. When we took our maize to the NCPB, we were being given another condition that we can only sell to the NCPB if we got subsidized fertiliser from the Board. That is very absurd. Two months down the line, we do not have enough maize to feed our people. To me, it is not just bad, but immoral.

Where we have reached now, we are still talking about hunger and drought. We are talking about many things, but I think there are many other things bedevilling the country at the

moment. We have just talked about our soldiers who are in Somalia, doctors who are on strike and the whole health sector is in Intensive Care Unit (ICU). You could talk about corruption and over-borrowing. Time has come for us to slow down the campaigns that are going on. We need to sober up as a country. We need to come together and have a very serious national conversation as to what is happening in this country. Like the old saying goes, it is only a fool who does things the same way and expects different results. We have been doing things the same way. We need to calm down and converse together and find out whether we can get solutions to some of these problems that are bedevilling our country at the moment.

For those of us who love football, there comes a time when we say, and I am sorry I will have to say this in Kiswahili, that *tuliza boli. Wacha tutulize boli kidogo kwa haya mambo ya* campaign. Let us calm down and see how we can salvage our country as we go through these difficult times.

With those few remarks, I beg to support.

Hon. Deputy Speaker: Naomi Shaban.

Hon. (Dr.) Shaban: Thank you, Hon. Deputy Speaker, for giving me this opportunity to say something about the drought that we are facing in this country. I want to thank Hon. Ochieng for bringing it up so that we can discuss and give our suggestions. It is not good enough for us that when we have a problem we rush in with emergency measures and soon after the emergency measures have been put in place, we go back and wait for another problem to come up.

It is high time the Government looks at it in terms of having short and long-term measures run concurrently so that the long-term measures can become useful. Also, when we have these problems, we can face food insecurities easily. I know the Jubilee Government had intentions of harvesting water to ensure that it is used during the dry season or even before to produce enough food.

The Government should look at its policies in terms of introducing irrigation in areas where aflatoxin is not an issue. We are producing food in quite a number of areas, but it is being affected by aflatoxin, especially maize. It becomes difficult to use it for human consumption. We end up losing quite a number of our produce unnecessarily. We should look at that problem and come up with measures to ensure that once food has been produced, it is stored nicely after properly drying it up. That way, aflatoxin will not be an issue.

With those few remarks, I look forward to a situation where water is not going to be wasted, so that we do not keep crying day in, day out about our problems.

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, the House stands adjourned until Wednesday, 1st February 2017 at 9.30 a.m.

The House rose at 6.33 p.m.