

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 3rd December, 2003

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

INCITEMENT OF CIVILIANS BY POLICE OFFICERS

Mr. Sambu: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

(a) Is the Minister aware that police officers from Langas Police Station in Eldoret, led armed civilians to invade Kamungei Village in Mosop, Nandi, for three consecutive days; that is, 20/9/2003, 21/9/2003 and 22/9/2003?

(b) Why were the following residents of Kamungei Village, namely, Messrs: Elphas Karoney, Wilson Kiptum Chugugu, Joshat Kitur, Peter Samoei, Irene Jelagat Limo and Daniel Kiptanui (a minor of 10 years old) apprehended and held at Langas Police cells for 11 days (from 20/9/2003 to 30/9/2003 without being charged in court?

(c) Why did the officers from Langas Police Station drive away six head of cattle belonging to Mr. Cosmas Kiplimo?

(d) What action is he taking against the officers who incited civilians against each other?

Mr. Deputy Speaker, Sir, I have not received the written reply. I understand it is somewhere with the staff.

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

(a) I am not aware that police officers from Langas Police Station led armed civilians to invade Kamungei village in Mosop, Nandi, between 20th September, 2003 and 22nd September, 2003. However, I am aware that on 20th September, 2003, residents of Simat followed police officers to Kamungei village in search of a cow that was reported stolen from Simat farm.

(b) The apprehended residents of Kamungei were suspects in a stock theft case and were helping police with investigations. They were released unconditionally after the principal suspect was established and a warrant issued for his arrest. The minor, Daniel Kiptanui, was not among the suspects who were arrested and booked at Langas Police cells.

(c) No cattle were taken from Mr. Cosmas Kiplimo.

(d) Arising from my response to "a" and "b" above, the question of incitement of villagers and disciplinary action against the police officers, therefore, does not arise.

Mr. Deputy Speaker: Before Mr. Sambu asks his supplementary question, the issue of written answers not being received by hon. Members has been brought to the attention of the Chair. The Chair has ruled that these written answers be sent to the Clerk in good time. As I sit here, some

are being received from Ministries. It means that we are not doing what we are supposed to do as far as supplying answers to hon. Members is concerned. Mr. Sambu has just said he has not received his answer. I request Ministers to ensure that the officers who are working on these Questions do submit copies of written answers to the office of the Clerk in good time.

Mr. Sambu: Mr. Deputy Speaker, Sir, I am surprised that the Assistant Minister is denying the obvious. It is a fact that on three consecutive days, the police officers from Langas were leading in a Land Cruiser, and the villagers from Simat were following in two tractor trailers and three Pick-ups armed with arrows. The chief of Kamungei, which is in my constituency, rang the DC and instructed him to tell the people to be cool. I am surprised because this is something that is in public domain. I think I will just leave the matter there because, if the Government is denying the obvious, then what kind of Government are we dealing with? Something that was---

Mr. Deputy Speaker: Mr. Sambu, ask your question.

Mr. Sambu: Mr. Deputy Speaker, Sir, these people spent 11 days in the cells and the police said they were suspects. They knew the suspect is somebody called Johana. Why did they lock up these people for 11 days? Could the Assistant Minister take action against the OCS, Langas, or shall we take action against him? We are not cowards!

Mr. Deputy Speaker: Mr. Sambu, let the Assistant Minister now respond.

Mr. Tarus: Mr. Deputy Speaker, Sir, the hon. Member is aware that prior to the Question being filed, we had actually addressed this particular problem. Initially, some people were arrested, but they were released upon the establishment of the principal suspect. The hon. Member is aware that stock theft is a very sensitive issue amongst farmers, especially in areas where that particular culture had died. When this issue came up, it is understood that members of that particular village did try to trace the cattle although the matter had been reported to the police. I beseech the hon. Member to understand that the Government will make sure that culprits that bring about these particular problems within the communities are adequately apprehended. We do not condone officers asking the public to go after a particular suspect because the police have a duty to maintain law and order.

Mr. Deputy Speaker: Mr. Assistant Minister, you appear to be evading one very important aspect; that the people were detained for 11 days. Is that not unlawful?

Mr. Tarus: Mr. Deputy Speaker, Sir, that is regrettable. We do know that while the police were tracking the culprits, there may have been arrests of mistaken suspects. It is regrettable that, that particular incident occurred.

Mr. Koros: Mr. Deputy Speaker, Sir, first, you have heard the Assistant Minister say that the officers moved from Langas to Kamungei and yet, Kabiyeet Police Station is nearer to Kamungei. Why did the police move all the way from Uasin Gishu District to Nandi District to look for the suspects? Secondly, why did the police allow civilians to follow the suspects?

Mr. Tarus: Mr. Deputy Speaker, Sir, I have said clearly that stock theft had ceased within that particular area. When the matter was reported, that a cow had been stolen, members of that village tried to trace that particular cow. By then, the matter had already been reported to the police. It is advisable that once a crime is committed, it should be left to the police to pursue. We should, at all times, encourage members of the public not to take the law into their own hands. I understand that the crime was committed in Uasin Gishu District and the cow driven to Nandi District. We understand the jurisdictions of the police in Uasin Gishu and Nandi districts. There may not have been proper coordination, and that is regrettable.

Maj. Madoka: Mr. Deputy Speaker, Sir, I would like to re-visit the question of detention of those people for 11 days. That is clearly against the law. You have been asked: "What are you going to do?" Will it be left to us to mobilise those people and lodge a case against the Government? What are you going to do?

Mr. Tarus: Mr. Deputy Speaker, Sir, if it is established that the wrong people were kept in

police cells for 11 days, the officers on the ground will have to answer to that.

Mr. Mganga: Mr. Deputy Speaker, Sir, the Assistant Minister has said that the other suspects were released upon identification of the person who actually committed the crime. Is he in order to say: "If it is established that the wrong people were detained, action will be taken?"

Mr. Tarus: Mr. Deputy Speaker, Sir, we shall take action on those officers.

Mr. Sambu: Mr. Deputy Speaker, Sir, among the suspects who were locked for 11 days is a ten-year old child. We have got proof. Even the District Commissioner (DC), Nandi, has got proof. But, nonetheless, the cattle were driven away. Could the Assistant Minister tell this House and the nation whether it is Government policy that when a suspect steals a cow, the police and villagers from the affected village will go and demand cattle compensation from the other village? Is it Government policy, so that I tell my people? He is a Nandi and he knows that we cannot be challenged on that.

Mr. Deputy Speaker: Mr. Sambu, you asked a very good question, and then put other things in it!

Mr. Tarus: Mr. Deputy Speaker, Sir---

An hon. Member: Are you a Nandi?

Mr. Tarus: Yes, I am a Nandi.

Mr. Deputy Speaker: Order! Address the Chair, Mr. Tarus!

Mr. Tarus: Mr. Deputy Speaker, Sir, it is wrong to take that particular action. I have said that we shall follow that matter up and take the necessary action.

Mr. Deputy Speaker: I said that the last question would be by Mr. Sambu. Let us move on to the next Question by Mr. Sirma.

RELEASE OF MR. NDUNGU'S
BODY FROM MOI HOSPITAL

Mr. Sirma: Mr. Deputy Speaker, Sir, although I have not received a written reply, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that the body of the late Edward Ndungu, who died on 9th November, 2003, is lying at Moi Teaching and Referral Hospital, Eldoret?

(b) Is she further aware that the hospital cannot release the body for burial until the family pays Kshs55,000?

(c) Could the Minister order the release of the body to the family for burial?

The Assistant Minister for Health (Mr. Konchella): Mr. Deputy Speaker, Sir, I wish to answer this Question tomorrow because we received the answer yesterday. We will act on it today and give the appropriate answer tomorrow.

Mr. Deputy Speaker: Mr. Konchella, you received the answer from who?

The Assistant Minister for Health (Mr. Konchella): Mr. Deputy Speaker, Sir, I beg your pardon? We received the Question yesterday. It is being worked on by the officers and it will be answered tomorrow.

Mr. Deputy Speaker: Just hold on! Let me get this clear. The Assistant Minister is seeking the indulgence of the House to answer this Question tomorrow. Did you say tomorrow?

The Assistant Minister for Health (Mr. Konchella): Mr. Deputy Speaker, Sir, we will answer it tomorrow!

Mr. Deputy Speaker: Mr. Sirma, what do you say about that?

Mr. Sirma: Mr. Deputy Speaker, Sir, I agree to that request, but the Assistant Minister must be committed because the body has been lying there for too long!

Mr. Deputy Speaker: I do not know where the problem lies! It could be in the Clerk's office

or the Minister's office. In view of what the Assistant Minister has requested, I will defer the Question until Tuesday, afternoon! Would that be in order, Mr. Sirma?

Mr. Sirma: Mr. Deputy Speaker, Sir, tomorrow.

Mr. Deputy Speaker: Very well! Tomorrow.

(Question deferred)

Let us move on to the next Question by Mr. Wamwere.

EVICTON OF FORMER FOREST
WORKERS IN DUNDORI

Mr. Wamwere: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Environment, Natural Resources and Wildlife the following Question by Private Notice.

(a) Is the Minister aware that the Provincial Administration has removed, from the forest areas, animals of former forest workers who are now squatters at Dundori?

(b) Could the Minister allow the said animals to start grazing in the forest once again, rather than let them die of starvation at Dundori Centre?

Mr. Deputy Speaker: Is anybody here from the Ministry of Environment, Natural Resources and Wildlife?

(Question deferred)

Let us move on to the next Question by Mr. Muiruri.

ACTION AGAINST MALICIOUS NEWSPAPERS

Mr. Muiruri: Mr. Deputy Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice.

(a) What action is the Attorney General intending to take against the owners, publishers, editors and writers of the following newspapers, notably: *Citizen, Independent, Kenya Confidential, The Patriot, The Monitor and Dispatch*, which have maliciously damaged people's names and reputations?

(b) Could he table the names of the publishers, editors and registered offices of the said Press for the purpose of litigation and civil remedy?

Mr. Deputy Speaker: The Attorney-General is not in. He had called to request that this Question be deferred. I therefore defer the Question until tomorrow. That is because it is a Question by Private Notice.

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. While I agree that when the Attorney-General is not here, we have no choice but to defer the Question, I think this is a very important Question. Those people continue to malign and write things that are not true. They continue misleading--- It is important to emphasise to the Attorney-General that this Question needs to be answered immediately.

Mr. Deputy Speaker: Indeed, it will be answered tomorrow. The Attorney-General requested for the deferment of the Question.

(Question deferred)

I will now move on to ordinary Questions. The first one is by Dr. Kibunguchy.

ORAL ANSWERS TO QUESTIONS

Mr. Were: Mr. Deputy Speaker, Sir, I beg to ask Question No.898.

Mr. Deputy Speaker: I am sorry again! I should go back to Question No.898 by Mr. Were. By the way, Mr. Were, why did you stand up when I called Dr. Kibunguchy?

Mr. Were: I heard "Were"!

Mr. Deputy Speaker: You heard [Mr. Deputy Speaker] "Mr. Were"? The two names are so different! Anyway, proceed, Mr. Were!

(Laughter)

Mr. Were: Mr. Deputy Speaker, Sir, I do not have a written answer. However, I beg to ask Question No.898.

Question No.898

HOUSING FOR MATUNGU DISTRICT OFFICERS

Mr. Were asked the Minister for State, Office of the President:-

- (a) whether he could explain why district officers posted to Matungu Division do not reside within the division;
- (b) under what agreement they are housed at Mumias Sugar Company premises, and yet they are not company employees; and,
- (c) when the Government will avail funds to construct a house for the district officer in the division.

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

Mr. Osundwa: On a point of order, Mr. Deputy Speaker, Sir. Could you make a ruling on the written answers that we are craving from the Ministers?

Mr. Deputy Speaker: I have already addressed that issue, Mr. Osundwa.

Mr. Osundwa: Mr. Deputy Speaker, Sir, that was even the case in the Eighth Parliament! We are not seeing any action taken against the Ministers.

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

- (a) The district officers posted to Matungu Division reside within the division, although there is no Government housing facility at the moment.
- (b) There is no district officer residing at the Mumias Sugar Company premises. In fact, the current district officer for Matungu is living in a privately rented house behind the shopping centre.
- (c) Proposals for provision of divisional residential housing for district officers are being worked out, and action will be taken as soon as funds are available.

Mr. Were: Mr. Deputy Speaker, Sir, what the Assistant Minister is saying, that the District Officer (DO) resides within Matungu is not true. It is a fact that the DO resides in Mumias Sugar Company premises, which is 15 kilometres away from the divisional headquarters, yet he does not have a vehicle. Could the Assistant Minister tell the House when he will provide a vehicle for the DO so that he can be commuting easily?

Mr. Tarus: Mr. Deputy Speaker, Sir, according to our records, the DO used to reside in Mumias Sugar Company residential quarters but has since moved to the divisional headquarters. The issue of the vehicles is an issue that the Government has considered and as soon as we acquire new vehicles, we shall send one to the division.

Mr. Khamisi: Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House what the policy of the Government is, in relation to who is supposed to build the offices and residential houses of the DOs? I have been struggling for the last three years to build a divisional headquarters in Mtwapa and right now, I am trying to build one in another division. Could the Assistant Minister tell this House who is supposed to build the houses and offices?

Mr. Tarus: Mr. Deputy Speaker, Sir, the Government is supposed to provide residential houses for its own officers.

Mr. Omingo: Mr. Deputy Speaker, Sir, although the Assistant Minister is telling this House that the Government is supposed to build those houses, it is not only in Matungu where District Commissioners (DCs) and DOs live away from their workplaces. In Gucha, the DC lives in a Ministry of Health house at the expense of the medical officers. Could the Assistant Minister confirm to the House now that the Government will take up all the stalled projects of provincial administration officers' residences and offices and it will provide funds for building houses and offices?

Mr. Tarus: Mr. Deputy Speaker, Sir, what the hon. Member is saying has already been done. As soon as we have funds, we shall construct some of those residential houses and offices.

Mr. Osundwa: Mr. Deputy Speaker, Sir, the Assistant Minister is saying that the DO for Matungu has been staying in Mumias---

Mr. Deputy Speaker: Order! Mr. Osundwa, we cannot hear you.

Mr. Osundwa: Mr. Deputy Speaker, Sir, I am saying that the Assistant Minister has admitted that the DO for Matungu has been residing in Mumias. Matungu Division was carved out of Mumias Division. Could he tell the House when the DO moved to Matungu, because the record shows he still stays in Mumias; and what mode of transport has he been using from Mumias to Matungu? Is he using a bicycle?

An hon. Member: He uses matatus!

Mr. Tarus: Mr. Deputy Speaker, Sir, I am aware that the DO does not have a vehicle now, but we shall facilitate the officer as soon as we acquire the vehicles.

Mr. Were: Mr. Deputy Speaker, Sir, as the Question was being answered, I received a reply which is not signed. I just received it after I had already asked the Question, and it is not signed. I seek the direction of the Chair on this anomaly.

Mr. Deputy Speaker: Order! Mr. Were, that answer is only brought to you to assist you to follow so that you can ask supplementary questions. It is not a document that you can claim that, since, it is not signed it is not authentic because the Assistant Minister is here in person answering the Question, although it is desirable that answers must be signed. However, I do not understand why an answer would be brought to the House unsigned. These are some of the issues that we have asked the Ministers to address. But be that as it may, that does not stop the Assistant Minister from answering the Question. So, could you ask your Question?

Mr. Were: Mr. Deputy Speaker, Sir, sometime last year, during Kenyatta Day celebrations, the residents of Matungu---

(Loud Consultations)

Mr. Deputy Speaker: Order! Order, hon. Members. I think something wrong is happening. Members do not seem to respect the honour and dignity of the House. How could four senior

Members, namely Mr. J. Mutiso, Mr. Mwenje, Mr. Muiruri and Mr. Kenneth stand up and chat, even very close to the Chair? You owe this House an apology. Could you stand up and apologise to the House?

Hon. Members: Throw them out!

(The hon. Members stood up in their places and bowed to the Chair)

Mr. Were: Mr. Deputy Speaker, Sir, last year, during Kenyatta Day celebrations, the residents of Matungu came together and contributed materials for the construction of the DO's office. We have even reached the slab level. Could the Government provide money for us to complete that house, so that the DO can reside within the constituency?

Mr. Tarus: Mr. Deputy Speaker, Sir, as I said before, divisions whose proposals for funding had been submitted to Government will be considered for funding. I hope Matungu is one of them.

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order, knowing very well that the DO has no vehicle, to continue issuing instructions to the same DO and other DOs, to tell chiefs to collect Kshs1,000 from the public, having known very well that this is a contentious issue?

The Deputy Speaker (Mr. Musila): Order! Mr. Mwenje, you are out of order.

Question No.616

ALLOWANCES FOR APs ON ATTACHMENT
IN WEST POKOT

Mr. Deputy Speaker: Is Mr. Moroto not here?

(Question dropped)

Question No.699

PENSION BENEFITS FOR MR. SIOROR

Mr. Koech asked the Minister for Finance:-

(a) Why Mr. Alexander Kipkoech Sioror, Pension No.APN/PC 118932 has not been paid his lumpsum pension, despite the Treasury releasing the money on 30th June, 2001; and,

(b) what the Minister is doing to ensure that Mr. Sioror is paid.

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

(a) It is true that funds were released on 30th June, 2001 to various pensioners who were to retire in the financial year 1st July, 2001 to 30th June, 2002. However, the officers were to be paid after documents were received and processed in the Pensions Department. Mr. Sioror's cheque was delayed owing to an error relating to his pay point.

(b) The benefits have now been paid, vide Cheque No.253261 dated 26th September, 2003, and remitted to account No.67153 at Post Bank, Bomet.

Mr. Koech: Mr. Deputy Speaker, Sir, I was with the pensioner two weeks ago and he is still looking forward to receiving his pension. So, the answer given by the Assistant Minister is not correct. Could he tell the House how much money was remitted?

Mr. Katuku: Mr. Deputy Speaker, Sir, the information I have is that the pensioner's money has all been paid to this account. I do not have the figure now, but I can find it out and bring it to this House.

Mr. Shitanda: Mr. Deputy Speaker, Sir, we all know the problems that pensioners go through in this country. We have so many pensioners whose dues have either been stopped, or are being sent to wrong stations. In most cases, unless a Question is asked in this Parliament, those pensioners continue suffering. Could the Assistant Minister tell the House what plans the Government has to ensure that pensioners get their dues on time and at the right places?

Mr. Katuku: Mr. Deputy Speaker, Sir, what Mr. Shitanda has raised is one of the problems that we inherited from the KANU Government. We found so many problems in that department when we took over power from KANU.

Hon. Members: No!

Mr. Katuku: Mr. Deputy Speaker, Sir, that is a fact. We are trying to ensure that things are now done in a different way from the way the previous regime did them. We have come up with a system whereby we pay the pensioners through the Post Bank Limited, rather than doing it through the District Officers' (DOs) and District Commissioners' (DCs) offices, where cheques get lost. We have also advised the pensioners to open bank accounts where we will send their cheques, so that they do not get lost. That is one of the measures we have put in place to check the loss of cheques. To ensure that pensioners are paid their dues in time, the Chair will agree with me that we passed a law here the other day which states that a pensioner will remain in the payroll if he or she is not paid his or her dues within 90 days. We will ensure that pensioners are paid their benefits immediately they retire.

Mr. Deputy Speaker: Mr. Assistant Minister, I would like to correct you. The law does not say that. It says that a pensioner will be retained in the payroll until he or she is paid his or her dues, and not 90 days, as you have stated.

(Applause)

Mr. Katuku: Mr. Deputy Speaker, Sir, that was my amendment to the Bill!

Mr. Deputy Speaker: Incidentally, Mr. Assistant Minister, a Ministerial statement on this matter was requested two weeks ago. Should we expect that the statement will be made before this House this afternoon?

Mr. Katuku: Mr. Deputy Speaker, Sir, I will see to it that the statement is made this afternoon, as I promised the hon. Member who requested it.

Mr. Deputy Speaker: In that case, that issue can also be covered at that time.

Mr. Sasura: Mr. Deputy Speaker, Sir, pensioners need their benefits because they are no longer in the payroll. The major complaint we receive from the people who have come to Nairobi to process their pension is that they stay here for a full month, and when their cheques are ready, they are told to go back home and wait for them instead of being given those cheques there and then. Hon. Members end up giving money to these pensioners who have come to Nairobi to process their benefits. Considering the fact that there are no Post Banks in every corner of this country, could the Assistant Minister assure this House that when pensioners come to process their benefits, they are given their cheques here in Nairobi, so that they can cash them and avoid soliciting for money from hon. Members?

Mr. Katuku: Mr. Deputy Speaker, Sir, what the hon. Member is proposing is very dangerous. Actually, that is what they used to do when they were in power. Cheques were cashed here in Nairobi and the money was taken by people who were not the owners of the cheques. We are saying that we want the cheques to be sent to the pensioners' accounts so that we can know who is

withdrawing that money. We used to receive complaints that pensioners lost their money when they were given the cheques here in Nairobi.

Mr. Koech: Mr. Deputy Speaker, Sir, I have said that the answer the Assistant Minister has given us is wrong. What actually happened was that the cheque was sent to Post Bank Limited by the Pensions Department, and the money was stolen. Right now, this bank is trying to find out from the Treasury the actual person who stole the money. Could the Assistant Minister assure this House that he will investigate the matter because this money was not paid to the pensioner? The money was actually paid to somebody else. The pensioner is having many problems because he comes to Nairobi every now and then. What will the Assistant Minister do, to ensure that the pensioner gets his money?

Mr. Katuku: Mr. Deputy Speaker, Sir, I have a lot of respect for the hon. Member. The information he has given me is new. I will investigate what he has alleged. The information I have is that the cheque was sent to this Post Bank Limited account. I will follow up the matter to establish what happened. If the hon. Member has any other piece of information which can help us unearth what he has alleged, I will appreciate if he gives it to me.

Mr. Muiruri: On a point of order, Mr. Deputy Speaker, Sir. You have already ruled on the Question on the gutter Press---

Mr. Deputy Speaker: Order, Mr. Muiruri!

Mr. Muiruri: Mr. Deputy Speaker, Sir, I am coming---

Mr. Deputy Speaker: Order, Mr. Muiruri! I will follow the Order Paper. Mr. Muiruri, do not be disorderly. You should not argue with the Chair!

Let us move on to the next Question by Mr. Sungu!

Mr. Sungu: Thank you, Mr. Deputy Speaker, Sir. May I protest, because I have not received a copy of the written answer. The Chair is on record as having ruled that a copy of the written answer should be given to hon. Members before a Question is asked in this House. This Government is behaving badly because Ministers are ignoring and taking Parliament for granted.

Question No.577

DUTY WAIVER ON FISHING NETS

Mr. Sungu asked the Minister for Finance whether he could consider waiving duty on fishing nets to encourage growth in the fishing industry.

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, I would like to seek the indulgence of the Chair and the House to answer this Question tomorrow because the answer is not ready. That is why the hon. Member has not received a copy of the written answer.

Mr. Deputy Speaker: Mr. Sungu, the Assistant Minister has requested me to defer the Question until tomorrow. What do you have to say?

Mr. Sungu: Mr. Deputy Speaker, Sir, this proves the fact that this Cabinet is not taking this House seriously.

Mr. Deputy Speaker: Order! Mr. Sungu, is it okay for your Question to be answered tomorrow?

Mr. Sungu: Mr. Deputy Speaker, Sir, I do not mind it being answered tomorrow because I am at a loss. These Ministers should take this House seriously.

Mr. Deputy Speaker: Very well! The Question is deferred until tomorrow.

(Question deferred)

Mr. Sungu: They are no better than the former KANU Ministers!

(Laughter)

Mr. Deputy Speaker: Order, Mr. Sungu!

Question No.846

TARMACKING OF LUGARI ROADS

Dr. Kibunguchy asked the Minister for Roads, Public Works and Housing:-

- (a) why the Ministry has not tarmacked any roads in Lugari Constituency since Independence; and,
- (b) what plans the Ministry has to tarmac Soy-Turbo; Kona Mbaya-River Nzoia; Turbo-Lugari Station-Luandeti and Turbo-Sipande-Kogo-Likuyani Roads.

*(Mr. Muiruri went to consult
with the Chair)*

Mr. Deputy Speaker: Order, Mr. Muiruri! Next time you do that, I will order that you leave the Chamber!

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Deputy Speaker, Sir, I beg to reply.

(a) No road in Lugari Constituency has been tarmacked since Independence because neither technical, feasibility or economic viability studies regarding road constructions have been carried out in the constituency.

(b) My Ministry has no immediate plans to uplift to bitumen standard Soy-Turbo; Kona Mbaya-River Nzoia; Turbo-Lugari Station-Luandeti and Turbo-Sipande-Kogo-Likuyani Roads. However, my Ministry will, through the District Roads Committee, ensure that the roads in question are maintained to motorable standard by installing culverts, grading, spot-patching, bush clearing and culvert ditch cleaning.

Dr. Kibunguchy: Thank you, Mr. Deputy Speaker, Sir. I find the answer to part "a" of the Question rather strange. This is because it is common knowledge that Lugari Constituency is one of the rich agricultural areas in this country. So, when the Assistant Minister says that no economic viability studies have been carried out in that constituency, I find it very strange. Could he tell us the person who is supposed to carry out these studies?

Eng. Toro: Mr. Deputy Speaker, Sir, my Ministry is supposed to carry out these studies. But I have said that we do not have immediate plans to carry out the studies in that constituency.

Capt. Nakitare: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to tell us that his Ministry is not active in responding to the cries of the people in the rural areas, especially where agricultural produce does not reach the market in time because of poor roads? I have an example of my constituency, Saboti, where loggers use heavy lorries which damage roads, and yet they do not pay levies. Most of these roads---

Mr. Deputy Speaker: Order, Capt Nakitare! I gave you an opportunity to ask a question. Could you ask it now?

Capt. Nakitare: Mr. Deputy Speaker, Sir, I would like to know if the Assistant Minister is ready to maintain roads, especially at the district level, instead of having everything at the

headquarters, in Nairobi.

Eng. Toro: Mr. Deputy Speaker, Sir, the Ministry is ready to maintain roads. If I may point out, during the last two financial years, a total of Kshs5,324,000 was spent on routine maintenance on the roads mentioned above. The money was used in culvert installation, grading, spot-patching and bush clearing. A further Kshs2,540,000 is programmed to be spent this financial year.

Dr. Kibunguchy: Mr. Deputy Speaker, Sir, we all know that the money which comes through the District Roads Committee (DRC) is very little. Does the Ministry have any plans in place to tarmac at least one road in each constituency in this country?

Eng. Toro: As I said, we do not have immediate plans to tarmac any of those roads. Please, mark the word, "immediate". That does not rule out the fact that in future, it will not be done.

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

Question No.766

PROVISION OF STAFF AND DRUGS
TO VOI HOSPITAL

Mr. Mganga asked the Minister for Health:-

- (a) whether she is aware that Voi Hospital is understaffed and ill-equipped with drugs, despite being the main hospital on the busy Mombasa-Nairobi highway; and,
- (b) what urgent steps she is taking to avail drugs and post adequate staff to the hospital.

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

(a) I am aware that due to the general countrywide shortage of medical personnel, those deployed at Voi Hospital are inadequate, given the heavy workload at the facility. The hospital, however, receives its appropriate share of essential drugs. This financial year, the Government has set aside a budgetary provision of Kshs3 million for essential drugs and non-pharmaceuticals for the hospital. The Ministry has also set aside Kshs5 million to provide casualty and amenity wards.

(b) The Ministry has posted a surgeon to be in charge of the hospital from 1st December, 2003. Additional staff will be deployed when the Ministry gets funds to recruit more personnel.

Mr. Mganga: Mr. Deputy Speaker, Sir, it is quite interesting that for eight years, the hospital has not had a surgeon, and now that I have raised this Question, one has been posted to the hospital. Thank you, if, indeed, that is true. However, could I know when the surgeon will be reporting to the hospital? I would also like to know his name, when he was posted and when he will be reporting there, so that we can organise a reception for him.

(Laughter)

Mr. Konchella: Mr. Deputy Speaker, Sir, it is not because of the Question that we sent the surgeon there. It is part of the Ministry's effort to improve facilities that are very essential to the people of this country. Voi Hospital is very crucial because almost all motorists plying the Mombasa-Nairobi Highway pass through there and, therefore, they deserve to have a surgeon. The surgeon's name is Dr. Bernard Muiuru, and he is now at the hospital.

Mr. Ndile: Bw. Naibu Spika, mbali na swala la kutokuwa na madaktari katika hospitali hadi tuulize Maswali hapa Bungeni ndio watumwe, kuna makosa mengine madogo madogo ambayo Wizara hii haishughulikii. Jana nilikuwa Hospitali ya Machakos na nikatembelea wodi. Nilikuta kwamba, hakuna mashuka ya wagonjwa kujifunika. Na nilipoenda kwenye stoo, nilikuta kwamba kulikuwa na mashuka mengi yaliyowekwa kule ndani.

Mr. Deputy Speaker: Bw. Ndile, huu ni wakati wa maswali. Uliza swali sasa!

Mr. Ndile: Bw. Naibu Spika, je Waziri Msaidizi anafanya nini, kwa sababu tunaelewa kwamba, wakati Waziri anapotembelea hospitali fulani, ndipo mashuka yanatandikwa, na wakati anaondoka, yanarudishwa tena kwenye stoo? Jana, kule Machakos, niliona mashuka zaidi ya 100 kwa stoo na hayakuwa yakitumika. Wagonjwa wetu wanataabika na tunaambiwa Wizara inapeana neti za kuzuia mbu, lakini haziko hospitalini. Ni hatua gani Wizara hii inachukua ili kurekebisha makosa madogo kama hayo?

Mr. Deputy Speaker: Bw. Konchella!

An hon. Member: Ask him to repeat the question!

Mr. Konchella: Mr. Deputy Speaker, Sir, I did not quite get the question, but just to comment on some of the issues he raised, hon. Members of Parliament should take very keen interest in management of their hospitals. If they have any problems with the board members, they should let the Ministry know so that we can replace them. Some of the problems are due to mismanagement by people who do not take care of the hospitals' equipment.

Mr. Deputy Speaker: Order, hon. Members! We are guided by time; how much time we take per Question. Therefore, I will ask Mr. Mganga to ask the last question.

Mr. Mganga: Mr. Deputy Speaker, Sir, while I thank the Assistant Minister for that good answer, it should be noted that after Makindu Hospital, this is the only other major hospital along that highway before you get to Mombasa. Any hon. Member of Parliament travelling on that road should realize that if anything happens and you are to be hospitalized, that is the hospital you would rely on. We have a shortage of 35 nurses. A few months ago, the Assistant Minister had said that in the new financial year, they would recruit new nurses and post them to various hospitals. Could the Assistant Minister tell this House when he is going to post the 35 nurses to the hospitals that are facing a shortfall, and also ensure essential drugs are supplied, because at the moment, patients keep on getting prescriptions to go and buy drugs from pharmacies?

Mr. Konchella: Mr. Deputy Speaker, Sir, first I want to commend the hon. Member because he is very keen. He is really taking care of that hospital by visiting it and getting to know what is not available. The 35 nurses will be sent there once the Ministry gets authority to recruit more. At the moment, they have adequate staff who can run the hospital, although they need more because of the heavy workload.

Question No.769

ELECTRICITY SUPPLY TO KAPKOROS
TRADING CENTRE

Mr. Salat asked the Minister for Energy:-

- (a) whether he is aware that the intended installation of a transformer for the Kapkoros Trading Centre has been cancelled by the Kenya Power and Lighting Company; and,
- (b) what steps he is taking to ensure that the centre is supplied with electricity.

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

(a) I am not aware of any cancellation by KPLC of the installation of a transformer at Kapkoros Trading Centre, neither am I aware of the intention to install one at the centre.

(b) The Kapkoros Trading Centre will be connected as soon as an application for the same is made, and the necessary fees paid to the KPLC.

The centre may also be considered under the Rural Electrification Programme, if the same is discussed and recommended to the Ministry as a priority project by the District Development Committee (DDC).

Mr. Salat: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for giving me a reply in time, unlike other Ministers who do not do the same. However, I would like to inform him that as of July this year, Kapkoros Church, Kapkoros Health Centre and Kapkoros Trading Centre had already applied and paid the necessary fees. It was also recommended, through the DDC, that they be included under the Rural Electrification Programme. I do not know where he got the answers he has given to the House. Could he confirm that, because this was done in the DDC meeting of July this year?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I want to bring it to the attention of the hon. Member that, recommendation is quite different from ranking in order of priority. Secondly, any engagement by Kenya Power and Lighting Company (KPLC) would only be undertaken when a full report is compiled on that particular area.

Mr. Onyancha: Mr. Deputy Speaker, Sir, this Ministry has been talking about bringing down electricity tariffs. When will they bring down the tariffs?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, we are working on the programme. We have been able to raise funds from the Government. At the same time, we are extending our power operations to other areas. Very soon, we will bring down power tariffs. However, I can assure the House that we will come up with a comprehensive statement on tariffs.

Mr. Salat: Mr. Deputy Speaker, Sir, all we are asking the Ministry to do is to provide electricity to this particular centre because the power line passes through it. Therefore, it is just a matter of dropping the line to the health centre. We are grateful to the Japanese Government for expanding the health centre. In appreciating what the Japanese Government has done, what is the Ministry doing to assist the health centre?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, let me also inform the hon. Member that there is already a transformer in the centre. All that I am asking him to do, through the DDC, is to make sure that the centre is prioritised. Immediately they do so, we will provide it with electricity. This does not mean that we, as the Ministry, are not doing anything in the district. The hon. Member is most welcome to my office so that we can both see what can be done about the centre. However, the hon. Member is always in a very combative mood.

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

Mr. Osundwa: Before I ask my Question, I would like to thank the Assistant Minister for providing me with a written reply more than an hour ago.

Question No.695

COLLAPSE OF MUMIAS
OUTGROWERS COMPANY

Mr. Osundwa asked the Minister for Co-operative Development:-

- (a) whether he is aware that Mumias Outgrowers Savings and Credit Society Investments Company (MOSACO INVESTMENTS) collapsed five years ago; and,
- (b) what actions he is taking to ensure that the shareholders are refunded their money.

The Assistant Minister for Co-operative Development (Mr. Kenneth): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware of Mumias Outgrowers Savings and Credit Society Investment Company.

(b) I am unable to take any action as the company in question is not registered with my Ministry.

Mr. Osundwa: Mr. Deputy Speaker, Sir, there was a typographical error here. The company is MOSAIC. I believe the Assistant Minister has a comment on that.

Mr. Kenneth: Mr. Deputy Speaker, Sir, I think the hon. Member meant to ask about Mumias Outgrowers Investment Co-operative Society Limited (MOIC) and not MOSACO. I am aware that this particular co-operative has been dormant for the last five years. I think, in due course, the Ministry would convene a special general meeting, under Rule 25(4), to determine if we could carry out an inquiry into the by-laws and financial conditions of the society. I want to assure the hon. Member that we could do this at the beginning of next year.

Dr. Godana: Mr. Deputy Speaker, Sir, the Assistant Minister will agree with me that the problem of co-operative societies failing to file returns and becoming moribund while they are still on the register, is becoming a common place. Is the Ministry adapting any policy decisions to ensure that annually they have a list of companies which have complied with the statutory requirements and those who have not, so that they can move faster into instituting the inquiries rather than waiting for five years?

Mr. Kenneth: Mr. Deputy Speaker, Sir, the Ministry will be bringing the new Co-operative Bill, where a lot of these rules would be incorporated. When the Co-operative Act was amended in 1997, a lot of powers were removed from the Ministry. We hope that when the Bill, that is already published, comes here, the hon. Members will support it, so that we take action in time.

Mr. Osundwa: Mr. Deputy Speaker, Sir, I note that the Assistant Minister has assured me that by January, they will be sending a team to rectify things in this company. I want to inform him that I have already seen the Speaker on the possibility of reinstating an assurance committee in this House. So, if he does not act in January, he will be the first victim.

Mr. Deputy Speaker: Mr. Osundwa, have you asked a question now or made a statement? I think you have made a statement and the Assistant Minister does not need to reply.

Mr. Kenneth: Mr. Deputy Speaker, Sir, first of all, the Question that the hon. Member asked was not the right Question. However, I came up with details of what he meant. It was I who proposed the date in which I will take action. I would like it to go on record that it is I who proposed the date. I do not need to assure him because I have already told him what I am doing.

Question No.391

REVIVAL OF KITHANGATHINI
CO-OPERATIVE SOCIETY

Ms. Mwau asked the Minister for Co-operative Development:-

- (a) whether he is aware that Kithangathini Farmers Co-operative Society is not functioning; and,
- (b) what he is doing to make the society operational.

The Assistant Minister for Co-operative Development (Mr. Kenneth): Mr. Deputy Speaker, Sir, I beg to reply.

- (a) I am not aware.

(b) The society is actually functioning, but not all the factories are functioning. So, some of them are functioning with some constraints. In January next year, the Ministry intends to carry out an inquiry into the by-laws and functions to establish the reasons why some factories are not operational.

Ms. Mwau: Mr. Deputy Speaker, Sir, some of these factories have not been functioning since 1999. The Ministry of Co-operative Development, Makueni District, has actually done an inquiry. So, what is the Ministry doing to solve these problems and have those factories functioning again?

Mr. Kenneth: Mr. Deputy Speaker, Sir, what the co-operative officer has tried to do is to convene annual general meetings which have not taken place. Every time an annual general meeting is convened, the members become unruly. As a result, we have not had audited accounts after 1999.

That is why we are proposing to have an inquiry immediately, to look into the by-laws of this co-operative society. Secondly, this co-operative society has some huge overdrafts in the Co-operative Bank. They have not been performing well financially and, therefore, we have to look into that to be able to revive them.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, Kithangathini Co-operative Society is a very big society in Makueni District, with more than five factories. Some of the factories are operational, but the major problem is that those factories want to operate on their own. This has been discussed so many times in this House. That is why the farmers have refused to take coffee to these factories. It has been agreed with the Ministry of Agriculture---

Mr. Deputy Speaker: Mr. Ndambuki, please, ask your question.

Mr. Ndambuki: Could the Assistant Minister tell us what the Ministry is doing about the overdraft, which is really earning so much interest to the bank? Secondly, when will he authorise the sub-division of these factories? Thirdly---

Mr. Deputy Speaker: Order, Mr. Ndambuki! I was just generous to allow you to ask the second question. Please, let the Assistant Minister answer those questions before you ask him the third question.

Mr. Kenneth: Mr. Deputy Speaker, Sir, as a Ministry, we do not encourage the split of co-operative societies, because it renders them uneconomical. We hope that once the new Co-operative Act comes into place, we will have more powers to act against management committees. I would also appeal to the hon. Member not to encourage any further splits.

Mr. Deputy Speaker, Sir, on the issue of the overdraft, a question has been asked about the coffee write-offs. Tomorrow, we will issue a Ministerial Statement to state the policy on the coffee write-offs. I hope that the Ministerial Statement will cover all the co-operative societies that deal with coffee.

Mr. J.M. Mutiso: The Assistant Minister has promised to institute an inquiry in January. There are previous investigation reports on Kithangaini Coffee Factory, which have not been acted upon. Also, the areas in question are represented by Members of Parliament. Could he, therefore, constitute the inquiry, in consultation with the area Members of Parliament for the five co-operative societies, namely, Kithangaini, Kwa Longo, Uvete and Ndiani?

Mr. Kenneth: Mr. Deputy Speaker, Sir, it will be my pleasure to sit with the Members of Parliament from that region to see how we can revive the co-operative sector in that area.

Mr. Deputy Speaker: Next Question, Mr. L. Maitha!

Question No.908

ALLOCATION OF CHEMBE
/KIBABAMCHE SCHEME TO SQUATTERS

Mr. L. Maitha asked the Minister for Lands and Settlement:-

- (a) whether he is aware that many genuine squatters who had lived for over 30 years in the Chembe/Kibabamche Squatter Settlement Scheme were excluded in the allocation for the plots;
- (b) what steps he is taking to review the allocations and ensure that the original squatters who have significantly developed the plots are allocated the same; and,
- (c) whether he could undertake to involve hon. Members and civic leaders to vet squatters lists in their respective areas in future to ensure transparency.

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that not all squatters in Chembe/Kibabamche Squatters Settlement Scheme were settled. Only those who were squatting on Government land were settled.

(b) The Ministry appointed a task force to review the position on the ground, and it has come up with recommendations that will help the Government to address the problem to finality.

(c) Area Members of Parliament and civic leaders are already being involved in the selection and vetting of squatters through the district settlement plots allocation committees, chaired by their respective District Commissioners.

Mr. L. Maitha: Mr. Speaker, Sir, I am happy with the Assistant Minister's answer, but I would like to tell him that it is not true that only squatters who were squatting on Government land were settled. In fact, many of them were left out. Is he aware that officials of his Ministry allocated themselves many plots within that settlement scheme?

Mr. Ojode: Mr. Deputy Speaker, Sir, let me give the hon. Member the background of the task force's findings. The major problem in this particular settlement scheme was that the land in question belonged to the Government as opposed to trust land. The Commissioner of Lands, in normal circumstances, should have officially handed over the land in question to the Director of Adjudication but that did not happen.

Secondly, when the Director of Adjudication was asked to move into the area and adjudicate the land, allottees with Commissioner of Lands titles were asked to surrender their titles to the Commissioner of Lands. Some people did surrender their titles, while others refused. In the year 2000, the Government formed a task force to look into these issues. The members of the task force included the Chief Lands Registrar, the Deputy Lands Registrar, a Senior Assistant Director of Settlement, Provincial Settlement Officer, Coast, District Registrar and lands officers. The task force came up with highlights.

First, there were double or triple issuance of title deeds for the same piece of land, because some people did not surrender the title deeds they held before the adjudication exercise. Second, there were court cases. Third, we decided that the task force should come up with recommendations on what should be done on the ground. As a matter of fact, even the hon. Questioner is allowed to present his views to the District Lands Allocation Committee, so that we incorporate those whom he thinks were left out.

Mr. Deputy Speaker: Mr. Assistant Minister, you have not said whether you are aware that some of the people who were allocated the land were Ministry officials. I did not hear you address that question.

Mr. Ojode: Mr. Deputy Speaker, Sir, it is not easy for us to know whether any Ministry officials have been allocated land, because they use companies' names and the names of their spouses and relatives. So, it is not easy for you to, for instance, know that Mr. Ojode or his spouse or relative was given land.

Mr. Kajwang: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to tell us that squatters, whether genuine or not, can be companies? He said that he is not aware that Ministry officials have been allocated land, because some of them were allocated the land in the names of their companies. Do you allocate land to companies as squatters?

Mr. Ojode: Mr. Deputy Speaker, Sir, what I am basically saying is that the squatters themselves sometimes use the names of their spouses or their relatives. It is not easy for me to know which land belongs to, for example, Mr. Ojode or Mr. Kajwang or Mr. Owiti. So, let me say that I am not aware that there are some Ministry officials who allocated themselves land.

Mr. L. Maitha: Mr. Deputy Speaker, Sir, it is clear that the Assistant Minister is trying to deny that he is aware of some officials having land in that settlement scheme. Anyway, it is the habit of this Government to deny things it is fully aware of.

(Applause)

The Assistant Minister has talked about a task force. Previously, it was the habit of the Government to use task forces to postpone or delay certain things. Could he undertake to avail to the public the report of the task force?

Mr. Ojode: Mr. Deputy Speaker, Sir, before I undertake to avail that report to the public, I would like to say that we are not denying that our staff have been allocated land. If the hon. Member could give me a name of any employee within the Ministry of Lands and Settlement who has been allocated land in that settlement scheme, I will act immediately and report the same to this House. So, I wish to say that, as far as I am concerned, none of my Ministry officials has been allocated land.

Hon. Members: Do not contradict yourself!

Mr. Ojode: Mr. Deputy Speaker, Sir, if the hon. Questioner insists that there are some Ministry officials who have been allocated land, I would like him to provide me with evidence, so that I can annul that allocation because that person is not a squatter. But, suppose such a person is a squatter? What do I do?

Secondly, as members of the District Lands Allocation Committees, I would like them to come up with some recommendations, so that we implement them once and for all.

Mr. Deputy Speaker: Hon. Members, when we were dealing with Questions by Private Notice, I informed the House that the Attorney-General had called and requested that Mr. Muiruri's Question be deferred. Now that you are here, Mr. Attorney-General, what do you have to tell the House?

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, I had communicated to the Clerk of the National that no business should be listed against me from today up to Monday, because I am going out of Nairobi on official duties. I will return on Monday. So, I will answer this Question on Tuesday. The Registrar-General is currently examining all these newspapers, so that I can answer the Question appropriately.

Mr. Temporary Deputy Speaker, Sir, let me take this opportunity to give a notice to all these newspapers, namely, *Citizen*, *Independent*, *Kenya Confidential*, *The Patriot*, *The Monitor*, *Dispatch* and other newspapers, and any persons who wish to start such newspapers, that the law must be fully complied with before I answer this Question on Tuesday next week. Otherwise, the consequences of the law will ensue.

QUESTION BY PRIVATE NOTICE

ACTION AGAINST MALICIOUS NEWSPAPERS

(Mr. Muiruri) to ask the Attorney-General:-

(a) What action is the Attorney-General intending to take against the owners, publishers, editors and writers of the following newspapers, notably, *Citizen*, *Independent*, *Kenya Confidential*, *The Patriot*, *The Monitor* and *Dispatch*, which have maliciously damaged people's names and reputations?

(b) Could he table the names of the publishers, editors and registered offices of the said press for the purpose of litigation and civil remedy?

Mr. Deputy Speaker: Very well. The Question is deferred to Tuesday next week.

(Question deferred)

Mr. Wamwere: On a point of order, Mr. Deputy Speaker, Sir. I just wanted to know the fate of my Question by Private Notice.

Mr. Deputy Speaker: Yes. Again, the Assistant Minister for Environment, Natural Resources and Wildlife came. She informed the Chair that they had looked for the Question in their records but they could not find it. I instituted some investigations and established that the Question was delivered by the Office of the Clerk to the Ministry on 28th November, and signed for by somebody in the Permanent Secretary's office. Therefore, it is ordered that this Question will be answered tomorrow in the afternoon. You have got the message, Madam Assistant Minister!

POINTS OF ORDER

ACCOMPLICES OF CORRUPT JUDGES AND MAGISTRATES

Mr. Sambu: Mr. Deputy Speaker, Sir, I wish to demand a Ministerial Statement from the Minister for Justice and Constitutional Affairs. Whereas I thank the Government for taking a bold step and naming corrupt judges, magistrates and removing them from public service, it only solves one part of the problem. That is because, obviously, it takes two to tango. We want to know who were the accessories to those crimes. I, therefore, ask for a very urgent Ministerial Statement compelling the Minister to lay on the Table a list of those who participated in those crimes. It should name the accessories for each of the judges and magistrates.

Mr. Deputy Speaker, Sir, I wish to say further that I discussed this matter with the Minister yesterday, and he agreed to issue the Ministerial Statement.

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo): On a point of order, Mr. Deputy Speaker, Sir. Perhaps, it may be appropriate for Members of Parliament to bring ordinary Questions rather than stand on points of order. They are asking for Ministerial Statements instead of asking Questions---

Hon. Members: Who are you?

Mr. Deputy Speaker: Order, Mr. Assistant Minister! Before a Member stands to ask for a Ministerial Statement, he discusses it with the Chair. The Chair, using his normal wisdom, approves. Not everybody who comes with such a request is granted approval.

(Applause)

Next point of order by Prof. Oniang'o!

MEASURES TO RESOLVE UNIVERSITY LECTURERS STRIKE

Prof. Oniang'o: Thank you, Mr. Deputy Speaker, Sir. I wish to seek a Ministerial Statement from the Minister for Education, Science and Technology regarding the back-to-work negotiations by the lecturers. That is with realisation that the statement issued by the Minister on television amounted to a threat. The lecturers are going without salary and have no money to spend on Jamhuri celebrations on 12th December and Christmas.

Mr. Deputy Speaker, Sir, we are aware that students are out of universities and are demanding to resume their education. Could we be told what the Minister is doing about that? It also goes against President Kibaki's style of dialogue and negotiations. We wish to be given a Ministerial Statement on that.

Mr. Deputy Speaker: I do not see the Minister for Education, Science and Technology.

Could I know which Minister is taking brief? You are, Mr. Odoyo!

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo): Mr. Deputy Speaker, Sir, mine will be simply to convey the request for that Ministerial Statement.

Mr. Deputy Speaker: Do you have another point of order, Prof. Oniang'o? I had given you two!

FINANCIAL STATUS OF NACC

Prof. Oniang'o: Mr. Deputy Speaker, Sir, I have a second request for a Ministerial Statement from the Ministry of Health regarding the financial status of the National Aids Control Council (NACC).

Mr. Deputy Speaker, Sir, you are aware that the new Director indicated that the coffers are empty and yet, the Constituency Aids Control Committees (CACCs) have been re-launched. We are not aware of where the money will come from to resource those committees. We are also aware that the previous Director is required to repay the monies that she corruptly received. So, we want to know the financial status of NACC and how those monies are being received, so that they can go to proper programmes.

Mr. Deputy Speaker: Mr. Tarus is here! Would you take up that matter?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I have taken up the matter and I will issue the Statement.

COLLECTION OF FUNDS FOR JAMHURI DAY CELEBRATIONS

Mr. Mukiri: Mr. Deputy Speaker, Sir, I am seeking a Ministerial Statement from the Minister of State, Office of the President. If you look at today's *Daily Nation*, we are told that there are some district commissioners who are sending circulars to chiefs to collect money from the public to help in arranging the Jamhuri Day celebrations.

(Mr. Ndile consulted loudly)

Mr. Deputy Speaker: Order, Mr. Ndile!

Proceed, Mr. Mukiri!

Mr. Mukiri: Mr. Deputy Speaker, Sir, what I want to seek from the Minister is whether he is aware that those circulars are there and whether they are coming from the top Ministry.

Secondly, we are told there are some people calling themselves "Friends of NARC" who want to assist in those celebrations. Could we know who those people are and how much money they have contributed towards the celebrations? We do not want to have a situation whereby the Government is compromised by some of those cowboy contractors.

(Applause)

Mr. Deputy Speaker: Very well, Mr. Mukiri! Next, Mr. Weya!

Mr. Weya: Mr. Deputy Speaker, Sir, on Thursday last week, I asked the Minister for Finance to lay on the Table---

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

Mr. Deputy Speaker: Order! Mr. Mukiri, what is it?

Mr. Mukiri: Mr. Deputy Speaker, Sir, when is he bringing the Statement?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I will bring the Statement tomorrow.

CONDITIONS BY BRETTON
WOODS INSTITUTIONS

Mr. Weya: On Thursday last week, the Minister for Finance said that he would lay on the Table the conditions that Kenya has been given by the Bretton Woods institutions today. I do not know what the position is. There are a lot of speculations on the conditions that Kenya has been given world over.

Mr. Deputy Speaker: Yes, the Minister for Finance promised-- Mr. Katuku, did you hear that?

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, I was consulting with a Member. Could Mr. Weya repeat what he has said?

(Laughter)

Mr. Deputy Speaker: You know I had called for order in that corner! So, I agree that the Member should repeat the question.

Mr. Weya: On Thursday last week, the Minister for Finance said that he would lay on the Table the conditions that Kenya has been given by the Bretton Woods institutions. Could he lay them on the Table now? He just needs to rush to his office and bring them here! He promised to bring them today in the morning.

The Assistant Minister For Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, I will find out the position and inform the Chair. I was not in then. May be, if the Minister for Finance--

Mr. Deputy Speaker: I think if the undertaking was to lay the conditions on the Table, instead of informing the Chair what transpired, could you do that tomorrow?

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, if I get the information today, I will bring it in the afternoon.

Mr. Weya: Mr. Deputy Speaker, the Assistant Minister has given promises--

Mr. Deputy Speaker: Order, Mr. Weya! How do you just stand and start talking? This is the Kenya National Assembly! You cannot just stand and start talking before I give you permission.

So, what I was saying is that, if the records are there, and I stand corrected, that the Minister was to lay the conditions on the Table of the House today, and he has not done so, I do not think the Assistant Minister can say he is going to find out and so on. I mean, we must be serious. The Kenya National Assembly was promised a Statement today! You cannot say you are going to find out! So, the only alternative left to the Chair is to order that, that Statement, as promised by the Minister, be laid on the Table tomorrow in the afternoon.

Next Order!

MINISTERIAL STATEMENT

MURDER OF FORMER MEMBER
FOR BOMACHOGE

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, on

19th November, 2003, Mr. Angwenyi, rose on a point of order and requested a Ministerial Statement regarding the names of the suspects in the murder of the former Member for Bomachoge, hon. Zedekiah M. Magara. In this connection, I wish to state the following:

Mr. Deputy Speaker, Sir, it is true that none of the suspects whose names are known to the police has been arrested today. However, I wish to deny knowledge of the suspects allegedly walking freely in the area where they committed the murder. A warrant of arrest for the three principal suspects is still in force. The Nyanza Provincial CID, Kisii District Security Team and the Flying Squad are closely following crucial leads which may soon lead to the arrest of the suspects. I wish to assure the public that the suspects are going to be brought to book. I am still appealing to anybody with information on the whereabouts of the suspects to give it to Kisii Police Station, CID or any other nearest police station.

Thank you.

Mr. Onyancha: Mr. Deputy Speaker, Sir, it has been so long now since the---

(A mobile phone rang)

Mr. Deputy Speaker: Order, hon. Members! An hon. Member's phone is ringing. Who is the hon. Member whose phone is ringing? If he cannot say who he is, then he is not honourable! Who is the hon. Member whose phone is ringing?

Hon. Members: It rang from up there in the Gallery!

Mr. Deputy Speaker: Order! No! I heard it very clearly and it rang within the Chamber. However, be that as it may and since I cannot know who it is, I leave it at that. However, hon. Members, be warned to please switch off your mobile phones before you enter the Chamber.

Proceed, Mr. Onyancha!

Mr. Onyancha: Mr. Deputy Speaker, Sir, this House was given three names by the same Assistant Minister here as principal suspects in the murder of the former Member of Parliament for Bomachoge, Mr. Zedekiah Magara. The names that were given were those of my constituents who I meet every week at home. He knows these names. The police in Kisii know who these people are. Is this Assistant Minister in order to give untruths to the House that these people are nowhere to be seen? Is he relying on the same policemen who supplied this answer last time and who could be accomplices in this murder by supplying the same answer that the killers are nowhere and yet they are seen?

Mr. Tarus: Mr. Deputy Speaker, Sir, since the hon. Member seems to have information relating to the murder, it is only courteous that he passes it to the police so that they can be able to take this particular action. It is part of the assistance. We are saying that the police will do their job but if you have any information, you are duty-bound to provide it to the police.

Thank you.

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

Mr. Deputy Speaker: Order, Mr. Onyancha! Again, you have just done exactly what Mr. Weya did. Hon. Members, let us take this House very seriously. Mr. Onyancha, you cannot just walk to the microphone and start talking. Catch the Chair's eye and you will be given an opportunity and that is the procedure. You do not just stand and start talking. I think because of what you have done, I will not allow you to say anything. In any case, I had given you an opportunity and I think that concludes that matter.

Next Order!

MOTION

REVIEW OF COTTON ACT

THAT, being aware of the fact that agriculture is the back-bone of our economy and in view of the need to jump-start the economy, reduce poverty and create 500,000 job opportunities annually; convinced that a revived cotton industry provided with sufficient and affordable funding and given guaranteed fixed prices annually will increase the income levels of many small-scale farmers; the House urges the Government to urgently revive the cotton industry and also review the Cotton Act in order to enable the Government play its role in the industry and empower farmers to participate actively in the decision-making process affecting the industry.

(Dr. Awiti on 19.11.2003)

*(Resumption of Debate interrupted
on 19.11.2003)*

Mr. Deputy Speaker: Mr. Kajwang, you were on the Floor and you have five minutes. Continue!

Mr. Kajwang: Thank you, Mr. Deputy Speaker, Sir. Before I was cut short by time, I was saying that cotton is friendly to the environment. It is also friendly to the skin and body unlike nylon, polyester and sisal which are also used for making jeans. So, cotton is a good product which is being sought all over the world for production of not only textiles but also cotton wool and all those things which can be made out of cotton.

Mr. Deputy Speaker, Sir, research has shown that the best and longest cotton lint comes from the Lake Basin around Lake Victoria, that is both in Kenya, Uganda and Tanzania. However, it seems like while Uganda and Tanzania are continuing to produce cotton and while the governments in those countries are supporting cotton production, the Government in Kenya allowed the cotton industry to collapse and we have never heard of the Cotton Lint and Seed Marketing Board since Jaramogi Oginga Odinga was its Chairman sometime back.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, there is no way in which we can expect this country to produce good cotton lint if we do not invest in that industry. There is no way we can expect that, somehow, farmers will produce cotton and, somehow, that cotton will be turned into lint and then textiles, unless the Government invests in the industry. What are the kind of investments we are looking for in this industry? While I am talking about investments in an industry of this nature, I want the Government to forget what the IMF and World Bank are talking about because they are telling the Government to get away from farming and leave it for the private sector and that, somehow, the private sector will produce cotton, maize and sugar without any assistance from the Government. Ask the IMF and the World Bank to tell you how much money the American Government is putting in research and in support of cotton and maize farmers. Ask them how much money the European Union (EU) is putting in support of farmers of other agricultural produce including cattle.

Mr. Temporary Deputy Speaker, Sir, we need some Government intervention in the cotton industry. There is nothing which is just going to happen by some miracle. We can talk about cotton.

We can say it is good and that we have good land and enough rain until, Jesus comes but until there is some intervention by the Government, there is no way we are going to succeed. What are the areas in which we need intervention? First, the Cotton Lint and Seed Marketing Board collapsed some years ago. In fact, I talked to the Minister for Agriculture recently and he told me that while nominating people to different parastatals, he had forgotten that there is the Cotton Lint and Seed Marketing Board. That can show you the attitude of the Ministry of Agriculture. They do not even think that that Board is necessary which means that they do not think that cotton is an industry which should be supported in this country.

Mr. Temporary Deputy Speaker, Sir, a farmer would need some credit to do any farming and so, there should be some credit for farm preparation. A farmer would need appropriate seeds because you might get some seeds which will not help you. In fact, there is already some genetically improved seeds in the market from American companies which are pestering us to buy. There is need for credit for pesticides and then there is need for a market for cotton. Why the cotton industry collapsed in the first place is because there was no market for it and if there was a market at all, the price which was offered to farmers was not economical. So, there is nobody who is going to grow cotton unless there will be a return for him. Nobody works for nothing and nobody farms for a loss.

So, unless we think of pricing, and that is where we mostly need the intervention of the Government, there will be no cotton production in this country. Then, of course, most of the ginneries that were owned by the co-operatives were, of course, sold to private ginnery owners. But even the ones which were sold are so inefficient that they cause tremendous losses to the ginners themselves, and even to the farmers. In fact, that is why the ginners pay farmers so little because they cannot get all the lint that they require from cotton. Of course, if we have adequate cotton, we can then revive the textile industry. We can only grow---

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

Prof. Olweny: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to support this Motion by pointing out that cotton was one of the major cash crops in this country. This country has very few cash crops in the lowland areas of Kenya; cotton being one of them. The major cash crops grown in this country are from the highland areas. So, the farmers in the low-lying areas have only a few crops like cotton and sugarcane. This is one crop which used to support the farmers and the population in the low-lying areas of Kenya, particularly Nyanza and Eastern Provinces. It is unfortunate that we have witnessed and supervised the collapse of this industry. We have let the cotton industry to die, yet cotton is one of those textile materials or fibres that are the best. The cotton industry used to earn Kenyan farmers a lot of money. Actually, Kenya used to be known as one of the exporters of cotton in this region.

We know very well that one of the things that led to the collapse of the cotton industry was poor marketing and pricing strategies. Farmers would be paid late. Indeed, they would deliver their produce but they would be paid late. It would take too long for them to deliver or for the buyer to come and collect the cotton. These are some of the disincentives which farmers are subjected to. The Government never addressed these issues. It is our wish that the NARC Government handles these problems and addresses them so that we can revive the cotton industry.

Mr. Temporary Deputy Speaker, Sir, the general environment was very frustrating to the farmers. As my colleagues have said, the collapse of the Cotton Lint and Seed Marketing Board was a major frustration to the cotton industry in this country because it was the major link between the farmer, the Government and the buyer. The collapse of cotton industry in this country did not only affect farmers, but the textile industry in general. KICOMI is one of the major factories that suffered because of the collapse of cotton production in this country. KICOMI was, of course, using cotton as its raw material. When cotton production collapsed, it had to import cotton, and it still did well in the market. So, when KICOMI and other textile factories in this country collapsed, hundreds of Kenyans

were laid off work. That means that jobs were lost. When we were campaigning last year, the NARC Government promised that it would generate 500,000 jobs a year. It would do a lot of service to this country if it were to revive the cotton industry, and for that matter, the jobs that we lost in the textile industry would be generated. We would have created jobs for Kenyans.

Mr. Temporary Deputy Speaker, Sir, the business of importing *mitumba* into this country which was being done and is still being done by a few well-placed Kenyans, is a major culprit in the collapse of the cotton industry, and for that matter the textile industry. Even if we were to revive the production of cotton and the textile industry in this country, it would not succeed if *mitumba* is still being imported. The *mitumba* sellers would still have their fabrics and would still make their money. It is not in order that they only make their money in the sale of used clothes in this country. After all, who likes used clothes? It is just because of poverty that we resort to them. We should facilitate farming so that farmers can get money; this way, they will afford to buy new fabrics. So, let us do away with *mitumba* in order to help us revive the cotton industry and, for that matter, the textile industry as well.

Mr. Temporary Deputy Speaker, Sir, there is the Africa Growth Opportunity Act (AGOA) arrangement in this country. The cotton that is used to make fabrics for export, or whatever fabric that is exported through the AGOA arrangement in this country, is from outside; it is from India and Pakistan. In these countries, the production of cotton is subsidised. So, why should we get involved in the AGOA arrangement by using imported materials? Of what benefit is it to our farmers, except to a few Kenyans who have been employed through this arrangement?

Cotton research is one of those areas that have been ignored and neglected in this country. Kibwezi, which has one of the oldest research stations in this country, is almost closing down. That is where we had some of the most excellent research work being done on cotton in this country. It is almost forgotten. Unless we have effective research on cotton, we shall not successfully revive the production of cotton. So, it is my plea that this Government takes this matter into consideration so that cotton research is done as it used to be done years back. We need new varieties of cotton. We need higher yielding varieties that take care of the environmental conditions, because we do not have adequate rain in most of those cotton-growing areas. The same applies to other countries where cotton is grown. Cotton is grown in areas where we do not have a lot of rain. So, let us have the appropriate varieties; that will resist insects and pests which are a nuisance to the cotton production. So, let the Ministry of Agriculture budget properly for cotton research, so that we can revive this industry. Hon. Kajwang just talked about the ginneries. Of course, the ginneries that we have in this country are outdated. We cannot talk about reviving the cotton industry unless that issue is also addressed. Let the Government facilitate the purchase and introduction of modern ginneries and modern equipment that would be more effective and efficient, if we have to revive the cotton industry.

Mr. Temporary Deputy Speaker, Sir, the International Monetary Fund's (IMF) conditions if what I read in the newspapers is correct, suggest that the Government should not support the production of most of our commodities such as cotton, sugarcane and maize. We know very well that all the developed economies, particularly the United States of America (USA), are supporting the production of agricultural commodities. Why should they give us a little money and tell us that we should not support the agricultural sector? If we do not do that, obviously we are going to be poor farmers. When this happens, then we are not going to be able to support our population or employ Kenyans, because the agricultural sector is our major employer. The agricultural sector is the biggest employer in this country. If someone gives you money and you are not allowed to support the production of your commodities, that is not the kind of money you should accept easily. The Government should come out and support the production of cotton and other commodities. It should revive the textile industry.

Mr. Temporary Deputy Speaker, Sir, cotton is not only a source of textile, but it is also a

major conditioner of soil. The cotton plant kills the stringer in the soil, which is a parasitic weed on maize and other granules such as rice. We should promote the growing of cotton in lowlands, so that farmers who grow maize, sugarcane and sorghum can benefit from that ripple effect of cotton.

With those few remarks, I support the Motion.

Mr. Chepkitony: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion. It is long overdue. The Motion should have been brought to the House way back because the cotton industry collapsed about 15 years ago when the Cotton Lint and Seed Marketing Board failed to pay farmers. Up to now, those farmers have not been paid and many of them have abandoned cotton growing.

The first step towards reviving the cotton industry will be to revive the Cotton Lint and Seed Marketing Board. The Board needs to be restructured and funded by the State in order to regulate, coordinate, promote the growth of cotton and its marketing. The cotton sector was privatised more than ten years ago through the privatisation of the cotton ginneries which were previously owned by the Cotton Lint and Seed Marketing Board and co-operative societies. The ginneries were bought by private individuals. The hope then was that the new owners of the ginneries were going to revive the cotton sector by promoting its growth and buying raw cotton from the farmers. The ginneries were supposed to send the cotton lint to the textile industries or export it to other countries in the world. All these efforts failed. The new owners of the ginneries did not promote the growth of cotton as intended and the textile industry collapsed. Textile industries were also privatised and there was gross liberalisation which resulted into their collapse.

Mr. Temporary Deputy Speaker, Sir, private investors cannot be trusted or relied on in the revival of the cotton industry. The Government must step in and revive the Cotton Lint and Seed Marketing Board. It should fund the cotton research in order for the researchers to come up with the right varieties of cotton to be grown in different areas of the country. At the moment, the main problem has been lack of proper varieties of cotton. Because of the poor performance of the sector, cotton seeds which are being provided to the farmers are mixed up. We do not have the proper high yielding and disease-resistant variety. We do not have the proper varieties for different ecological areas of the country. Therefore, we need to revive cotton research centres and fund them.

In 2001 and 2002, the Government, through the Ministry of Agriculture, gave seeds to farmers in the country, particularly farmers in my constituency, Kerio Valley. The farmers grew the cotton, but lacked market for it. The Ministry failed to market it. Up to now, the farmers still have the cotton seeds in their stores because there were no buyers. The owners of the ginneries failed to buy the cotton. That was the failure of the Ministry because it gave out seeds, but never marketed the cotton. The Ministry needs to re-assess this situation and, maybe, meet with the owners of the cotton ginneries and find out what is the problem. It should find out why the ginnery owners are unable to run them. The first step would be to look for market for the cotton. Farmers are prepared to grow cotton, but they have to be assured that there is market for it.

However, if the Government is going to eradicate poverty and improve the economy of this country, it must promote cotton growing. In some parts of this country, cotton is a major crop and its growth must be promoted to eradicate poverty. Cotton is a short-term crop and does not require long rains. It requires two to three months of rain and can produce very high yields. The only way to eradicate poverty in semi-arid areas is to promote the growing of cotton.

Again, cotton supports other sectors. Cotton seeds are used to extract oil. The cotton cake, which is a by-product of the cotton seed, is used in the livestock sector. It is a very good animal feed. Currently, animal feed manufacturers rely on the cotton cake from outside the country. We need to promote the growth of cotton. The Ministry needs to do more than it has done to revive this sector. The Government should take the lead and possibly the private sector will follow suit.

With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Mr. Poghisio): Order! We are running out of time allotted for this Motion. I now call [**The Temporary Deputy Speaker**] upon the Government Responder to take the Floor.

The Assistant Minister for Regional Development (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, I stand on behalf of the Ministry of Agriculture. Before I make my statement, I wish to donate some of my time of 20 minutes; I will give five minutes to hon. Eng. Okundi, five to hon. Mr. M. Kariuki---

The Temporary Deputy Speaker (Mr. Poghisio): You do not have to give in blocks of five minutes!

The Assistant Minister for Regional Development (Mr. Mungatana): Okay! Then I will give three minutes to my friend Mr. Ojaamong. Therefore, that leaves me with seven minutes.

Eng. Okundi: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to thank the Assistant Minister for giving me time to speak on this very important Motion. I rise to strongly support this Motion indeed. Cotton is a marginal area crop. As you all know, more than half of Kenya is a marginal land. Most of the Kenyan population lives in those areas. It is crucial that the cotton industry is revived with the highest possible speed.

If you go to the more developed countries, like the United States of America, cotton is viewed very highly as an instrument of the State because it is one of the foundation crops that built that country. In this country, we have spent a lot of time with the Tea Bill and the Coffee Bill which were introduced into Parliament and enacted with specific safeguards to those particular industries. Cotton used to have an Act which established the Cotton Lint and Seed Marketing Board. However, this failed many years ago and, as a result, the crop has suffered.

I know that there has been a lot of efforts by *wananchi* and the Cotton Ginners Association which worked so many times in the last Parliament to try and amend this proposed Act, which would form the Cotton Development Agency in this country so that it could be promoted. This was frustrated and has not come forward. I also know that final amendments to this Bill are with the Ministry of Agriculture. Therefore, it is important to urge that this Bill be brought to this Parliament so that the Cotton Act can be established.

The cotton industry cannot be established properly without the instrument of a Cotton Bill which is enacted by this Parliament. We need this to drive a lot of arteries which will push the crop's industry be to established.

The Africa Growth and Opportunity Act (AGOA) was created to allow various types of exports from the various developed world countries to access the American market on a duty-free basis. Unfortunately, in the cotton sector, only apparels, that means made-clothes which are cut can be exported to the United States of America including cotton, under the AGOA. However, until we grow cotton, we cannot benefit from this very important Act which is helping a lot of other countries. In this country, many other countries which have a well-developed cotton industry are processing their cotton here, in our export free zones making us look like we have a cotton industry yet, we do not have one. We are just helping create employment in other countries.

Mr. Temporary Deputy Speaker, let me just wind up.

I support the Bill.

Mr. M. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to support this Motion. In doing so, I would like to observe that we do not appear to be clear as a Government on our strategy for our economic revival. We seem to be moving at the pace of "beck and call" of the multilateral donors. We do not seem to have home-grown ideas as to how to revive this economy. That is why we are shy to subsidise our farmers because the WTO says the word "subsidy" should not be heard from a developing country yet, the contradiction is that as much as the WTO wants to talk about free trade today and globalisation, there is nothing like free trade. They create barriers to

ensure that our products do not reach their markets for one reason or the other.

In Europe today, a farmer who keeps dairy cows gets US\$2 everyday subsidy and yet the WTO wants to create different rules for the African Government that wants to subsidise its farmers.

To revive the cotton industry, we have to realise that since the collapse of our ginneries and the collapse of the farming a lot of ground rules have changed, and we need to adjust ourselves to the modern challenges of globalisation. This is a position that we need to look at very objectively. In the markets today, the most expensive suit you can buy is that of cotton; not the textile ones. You wonder why we have to go for the textile things from the textile firms which have to entirely depend on raw materials from oil and other products.

If we are to create employment for our people, we must focus on the rural areas. It is in the rural areas where cotton is grown. Hand in hand with the revival of the cotton industry, we have to look at the aspect of the irrigation schemes. Sometime back, I visited Tana River District and I was impressed at what I saw there. However, when I went back there 20 years later, what I had seen in 1980 was simply not there. The entire irrigation scheme where cotton was being grown had actually collapsed.

Today, we are made to focus on the revival of our irrigation scheme hand in hand with the revival of our cotton industry. We are told that the production of cotton is too expensive here. You wonder why it has to be expensive! It is expensive vis-a-vis the Western farmers who are subsidised by their governments.

Today, the American farmer is the most protected person by his or her Government. Americans treat agriculture as a strategic industry just as much as they treat their defence department. I think that it is time our Government treated farming as a strategic area because the survival of a nation depends entirely on its ability to feed its population and sustain the growth of the economy. Being an agricultural based economy, I think it is important that we start the revival of our economy from that particular perspective.

Mr. Temporary Deputy Speaker, Sir, I know that we used to have cotton products here, made to the final stage. We used to have Rivatex, we used to have factories in Nanyuki producing final products. All those have collapsed. We need to do a postmortem as we revive this industry and ask ourselves where the rain began to beat us. Somewhere along the way, the new scheme being offered by the multilateral donors-- I think that using the word "donor" is a misdemeanour because they do not donate anything to us whatsoever. What we get from them is at a very expensive cost. Since we are not demand-driven as a society, we tend to peg our priorities on what the donors say. That is precisely why our industries are collapsing. We have to have home-grown ideas which are man-driven. Do our people need to continue wearing *mitumba* today? Is it honourable to wear a *mutumba*? It is really out of survival because the economy has collapsed. We cannot continue to urge our people to wear *mitumba* when we can produce here and manufacture clothes that are really admirable all over the world.

On that note, I wish to support the Motion.

Mr. Ojaamong: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to thank Mr. Mungatana for giving me three minutes to contribute to this Motion. You will find that the Mover of the Motion wanted to emphasise that the Government provides sufficient and affordable funding for the revival of the cotton industry. He also emphasised on the guarantee that farmers should have fixed prices for their products. The cotton-growing sector has suffered a lot, one reason being that the Government has not been able to put in enough funding just like any other cash crops like coffee and tea.

It has been upon the farmers themselves to invent ways on how to buy the pesticides and look for markets for their products. I come from an area which used to be a major cotton grower. That was the only main cash crop in the area. Since its collapse, poverty has been on the rise. Whenever the

Government tells farmers in my area to grow cotton, indeed they engage in the activity. The end result is that the Government is not able to tell them where the market is. At the later stages, they try to look for their own market, mostly because Uganda is a very good cotton growing country. They are arrested as they take their cotton to that country and they are inconvenienced in very many ways. Their cotton is confiscated and, as a result, their morale in cotton growing has really been affected.

If the Government is really serious in combatting poverty and creating employment---

QUORUM

Mr. Chepkitony: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is there a quorum in the House?

The Temporary Deputy Speaker (Mr. Poghisio): Yes, indeed, I do not think we have 30 hon. Members here. There is no quorum. Ring the Division Bell.

(The Division Bell was rung)

Order, hon. Members! You can resume your seats. We now have quorum. Proceed, Mr. Ojaamong.

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, I was just saying that if our NARC Government is serious in creating employment and combatting poverty, there has to be provision for sufficient funding for the cotton farmers. In so doing, we shall be able to revive our ginneries and factories or industries such as RIVATEX. This will ensure employment for our people in these factories and any other cottage industries that we create. Farmers will also be paid at an appropriate time and at a fixed price.

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

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

The Assistant Minister for Regional Development (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, Mr. Miriti has really prevailed on me. I would like to donate two minutes to him so that I can reply.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Miriti, you have two minutes.

The Assistant Minister for Trade and Industry (Mr. Miriti): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion because cotton is very important to Kenya. If you walk along the Kenyan streets you will find so many people wearing *mitumba*. *Mitumba* are second-hand clothes and it is a shame for a country like Kenya to have its citizens wearing second-hand clothes. Second-hand clothes are those that were worn in other countries and our people are wearing them after they were discarded. This has been brought about by poverty which we can counter through growing of cotton. In Kenya today, we have over 2 million hectares of land which is suitable for growing of cotton.

Cotton growing in Kenya was started somewhere in Nyanza in 1901. We have, therefore, been trying to grow that crop for about a century. It is important for the Government to look into various areas in the cotton industry. The first one is to empower the farmers through provision of good seeds which can produce best quality cotton. The second one is to support the irrigation programmes in various parts of the country. The third one is to provide ginning processes so that when cotton is grown we have ginneries which can produce our textiles. The fourth one is to provide marketing facilities. You have heard here that we still have farmers across the country who are holding cotton in their stores. They are doing this because of the price of cotton. It is important for the Government to look into the price of cotton through a legislation---

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

The Assistant Minister for Trade and Industry (Mr. Miriti): Mr. Temporary Deputy Speaker, Sir, I support the Motion.

The Assistant Minister, for Regional Development (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members!

The Assistant Minister, for Regional Development (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, on behalf of the Ministry of Agriculture, I would like to say that the Government supports this Motion as moved by Dr. Awiti.

The plight of the cotton industry is a well documented story. The collapse of the Cotton Lint and Seed Marketing Board in the 1980s was the beginning of a sad story of farmers who had invested in the cotton industry. It became worse in the 1990s when liberalisation was imposed on this country. We had to agree to some policies that were part of globalization at the time. It is admitted that liberalisation has cost this country many jobs. If one would recall, the Chairman of Kenya Tailoring and Textile Workers Union quantified that more than 30,000 jobs were lost with the closure of such important factories that used to exist like RIVATEX, KICOMI and other factories that existed in Nakuru, Thika and other places. The liberalisation process allowed local farmers to sell to middlemen and agents. Those agents used to buy the cotton lint at a throw-away price. Very soon, it was not sustainable to continue farming in cotton.

Mr. temporary Deputy Speaker, Sir, the Government has listened to all the worries and issues that have been raised in this House. It is, indeed, true that the Government has initiated some processes towards correcting the mistakes of the past. One would recall that, in the previous Government, we had adopted a policy of distributing quality seeds to farmers. Mr. Chris Obure had stated that the Government would give 600 tonnes of seeds worth US\$65,000 at that time. That was part of the initiative that the Government was recognising that, indeed, farmers were having problems at their farms.

Mr. Temporary Deputy Speaker, Sir, following the same initiative, the Government is preparing a cotton policy which will try to address most of the concerns that have been raised by hon. Members. We are preparing a Bill that will bring substantive amendments to the existing Cotton Act. We believe that, when that Bill comes to this House it will address most of the issues that have been raised by hon. Members. If hon. Members would recall, the Government of Kenya started benefitting from the African Growth and Opportunity Act (AGOA) initiative. It was supposed to open a window for export of textiles and cotton products to the United States of America (USA) markets. One of the problems, as has been enumerated here, is that we have not been able, as a country, to raise the 90,000 bales that are required to satisfy the cotton industry for purposes of creating enough raw materials for the exports.

With those few remarks, I would like to say that the Government supports the Motion.

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, I will now call upon the mover to reply. Dr. Awiti?

Dr. Awiti: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to donate five minutes of my time to hon. Syongoh.

Mr. Syongoh: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I want to thank you for giving me the opportunity and also to thank Dr. Awiti for donating a few minutes to me to make my comments in support of this Motion.

Mr. Temporary Deputy Speaker, Sir, much has already been said by Members in support of

this Motion. I just want to emphasise how important the cotton crop is, not only for this country, but also for mankind. Cotton is simply the biggest source of employment in the agricultural sector, anywhere in the world. Not only do we process it to produce fabrics, but at every stage of that process, there are several centres of employment and income generation. From farm level, to textile milling and even before that, ginneries, which themselves, are manufacturing processes, creating employment for many Kenyans. Even at the textile milling stage, cotton as a fibre goes through the yarning process, weaving and dying before it is made into a final cloth, which again becomes a raw material for garment manufacturing. Each of these stages is a stage of wealth creation and employment generation.

Mr. Temporary Deputy Speaker, Sir, it is a shame that so much of the money we allocate for free education goes to buy uniforms that are made from cloths that come from outside the country. It is an embarrassment for this country---

(Loud Consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Hon. Members, please consult quietly so that we can hear Mr. Syongoh.

Mr. Syongoh: Mr. Temporary Deputy Speaker, it is a shame that our uniformed officers all wear uniform made from cotton grown and produced by other countries. It is a shame that every pair of shoes that we and our uniformed officers wear, is made of foreign-produced materials?

I just want to emphasise that it is important for us as a nation to be able to feed our people, clothe and give them shelter. A nation that cannot clothe its people, especially in the circumstances where we have the right climate, soil and people who are prepared to work and produce fabrics, is not worth its name. We have to rely on imported raw materials even to sustain our rightful share of our Africa Growth and Opportunities Act (AGOA) agreement with the United States Government! One Member has mentioned a very important issue that we tend to forget about; that, cotton produces fibre, but at the same time it also produces seed, which is a major source of vegetable oil. Presently, we have to import vegetable oil for consumption as well as for use as a raw material for the catering industry. By producing cotton in large quantities, we shall be able to set up a vegetable oil industry. Even animal feed comes cotton. But even more importantly, another aspect that is also forgotten is that the stem of the cotton plant is used for paper production and can also be converted in briquettes that will reduce the pressure on trees that are being cut to make charcoal. So, cotton in itself, could be a major source of preservation of our natural resources, especially our shrubs and trees.

Finally, I would like to say that the cotton industry gives hope to many millions in the arid and semi-arid areas of the country who cannot sustain any major commercial crop, but can be involved in gainful employment in this very important crop. My first disappointment is that this Motion did not come earlier and secondly, it had to wait for Dr. Awiti to bring it here. I think this is something that should have been done many years ago. Now, we have only one year before we are excluded from the AGOA Protocol, because it expires on 30th September next year. It is something that must make us work with great speed and commit ourselves fully. In doing so, it will be necessary to allow for importation of plant and equipment for that industry at zero tariffs.

With those remarks, I beg to support.

Dr. Awiti: Thank you very much Mr. Temporary Deputy Speaker, Sir. I would like to take this opportunity first, to thank hon. Members who have contributed to this Motion. I would also like to take this opportunity to thank the Government for supporting it.

What I would now like to urge is that the Government should come up with a national policy on cotton. This policy should address the question of credit, improved extension services, price

subsidies and irrigation, if we are going to revive the Cotton Sector.

I also wish to say that we need, within that policy and subsequent Bill, to have an institution that will be a regulatory board that would provide policy direction in this regard. This has been done in respect of coffee, tea and sugar. I think it is time now that we address that issue in respect of cotton.

Hon. Members have talked about Tanzania and Uganda. Most of the cotton we import to this country comes from those countries. Tanzania has already established such a board, which protects the farmers. Uganda has also done the same. So, it is my hope that with the Government's support, they will come up with a national policy on cotton revival and the Bill establishing an institution that will now regulate the industry.

With those remarks, I beg to move.

(Question put and agreed to)

AMENDMENT OF SUGAR ACT 2001

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-
THAT, in view of the fact that problems affecting the sugar subsector have continued to escalate and that the subsector is on the verge of collapse; concerned that massive importation of cheap sugar from COMESA countries and other world markets coupled with high cost of production locally have compounded the problems facing the subsector; further concerned that the collapse of the subsector would lead to loss of means of livelihood for over 6 million Kenyans; aware that the Sugar Act, 2001 has failed to address these problems; this House do grant leave to introduce a Bill for an Act of Parliament to amend the Sugar Act in order to comprehensively address all problems affecting the sugar subsector.

I wish to start my contribution by saying that the problems facing the sugar subsector are not new. Indeed, I wish to commend the Eighth Parliament for the spirited effort it put into the Bill, which eventually led to the enactment of the Sugar Act, 2001. This debate picked up in 1999. When I looked at the HANSARD, I found very rich contributions by hon. Members in the Eighth Parliament.

Indeed, I have drawn some points from them which we shall discuss now. The idea here is not to completely belabour the problems facing the subsector because they are well known.

Mr. Temporary Deputy Speaker, Sir, I would also like to compliment the Government and the Parliament of the day for ensuring that this Act actually came into being. But we are all aware that the problems which were raised by the Eighth Parliament continued to be experienced. This led to the enactment of the Sugar Act, 2001. In fact, the Act did not solve the problems of the sugar subsector.

So, the intend of this Motion, if I could just put it upfront is not to undo or, indeed, to belittle what was passed by the Eighth Parliament, but to say that obviously, there are some provisions which are not working and do not address the problems faced by this subsector.

The importance of the sugar subsector cannot be gainsaid. We are aware that more than 6 million Kenyans derive their livelihood from this subsector either directly or indirectly. The farmers have been rendered completely poor. They are owed money by sugar factories. We have management systems which do not take the interest of the sugar-cane farmer at heart.

When I was nominated to this House, the sugar subsector was of much concern to me not because it affects so many poor farmers, but also because I am directly affected because I am a sugar-cane farmer. I come from Butere-Mumias area, and Mumias Sugar Company which was doing extremely well also fell victim of the many problems facing the subsector. We know that it is not only Mumias Sugar Company which is faced with these problems. We have Chemilil, Muhoroni, Awendo and SONY Sugar companies which are also facing the same problems. We also have Ramisi Sugar

Factory which collapsed. We have some areas in this country which would, in fact, grow sugar-cane and make Kenya self-sufficient in sugar production and an exporter of very high quality sugar. Therefore, it will be unfortunate to belittle the subsector and render it unviable when we know that if we do this, we shall render more than one-third of this population completely unable to meet their basic needs. We shall also have robbed them of their land which has been put under sugar-cane without giving them an alternative. I would like to give an example. Miwani Sugar Scheme has taken up 10,000 acres of very productive farmland and leased it for 999 years. It is unbelievable how somebody could do this. Sugar-cane farmers are now squatters on their own farms. We cannot allow this to happen. We know that if we do not take measures to contain this, it will be the case in all sugar-cane growing areas. We know that Ramisi Sugar Factory collapsed, and yet we have not revived it. The farmers are owed money and we cannot just stay and wish this away because we have to compensate them by reviving this factory.

Mr. Temporary Deputy Speaker, Sir, Kenya is a signatory to a number of trade treaties and regulations of COMESA and international ones. We have been told that sugar that is imported into this country is even cheaper than locally produced sugar. This is true and we know it. But we also know that the importation of sugar has been marred by corruption. The importers do not pay any taxes and they do not even care whether so many Kenyans have been affected and their land put under sugar-cane in order to improve the economy of this country. The imports are also coming into this country illegally. So, even if we impose high tax or tariff on sugar imports, it will not make any difference. Even if we impose a tax of 100 per cent on sugar imported into this country, it will not make any difference. This is because the farmer will still continue to suffer and Kenyan sugar will continue to be extremely expensive.

I would like to encourage my fellow Kenyans to buy locally produced sugar in the market. Kenyan sugar is of high quality as opposed to extremely white sugar which is highly refined and is imported from other countries. We do not know the chemicals which were used to refine it. This sugar is really not good for our health. Therefore, I would like to encourage my fellow Kenyans to produce and consume what is Kenyan in order to support our farmers and sugar companies.

We also know that the management of sugar factories and companies has not been efficient. We have had managers of these companies taking farmers' dues and allocating themselves big loans and allowances. Farmers pay high taxes but at the end of the day, they do not gain anything from their labour and the land they have put under sugar-cane.

Mr. Temporary Deputy Speaker, Sir, there is a lot of wastage. The Sugar Act, 2001 attempted to address this issue by stating that what belongs to the farmers is what will be weighed at the farm gate. We are aware that even now nothing has changed. The sugar factories and millers send people to cut sugar-cane, load it into tractors and a lot of it drops on the way as it is transported to the millers. It is only after it has been weighed at the millers that they record what belongs to the farmer. All this goes on without the farmer's knowledge because he or she is not given the right information so that he or she can know that he or she is being duped.

We also know that the issue of sugar imports was addressed in the Sugar Act, 2001, but we are also aware that farmers have no say over this. The Kenya Sugar Board has no say over the sugar which is imported into this country, its availability in the market, when and how much we should import. This responsibility is left to people who have no idea as to how sugar-cane is grown; how farmers toil in their farms, weed the crop for 18 months and take care of the sugar-cane only for other people to benefit.

Mr. Temporary Deputy Speaker, Sir, we know that there are by-products from sugar-cane. The Sugar Act, 2001 also attempted to address this. We are aware that molasses and biogas can be obtained from sugar-cane. The crop can also generate many high value products, but the farmer does not benefit from this at all.

There is also the issue of establishing a Sugar Training and Research Institute. Right now, research is being carried out on sugar-cane in order to come up with better yielding and fast-growing varieties. This is the case in other countries which have advanced in this subsector. But we are aware that as of now, no Sugar Training Institute has been established to train our people on this technology. We can train our own people in this technology in order to benefit them people. We are aware that when such a country like Cuba was isolated by the West because of its political ideals and stand, it concentrated on sugar cane production. For those of us who have watched this programme on television, there are so many products which can come out of sugar cane. For example, there is alcohol for industrial use and fuel for motor vehicle running and many other products, including animal feed. However, we have concentrated on the old technologies and ways of doing things. We have failed as professionals, and as a country, to advise our farmers on how best we can manage sugar cane production and get much more out of it. Instead, I am disappointed to hear Government Ministers in public meetings telling sugar cane farmers, that nobody forces them to grow sugar cane. That, they could instead grow other crops.

Hon. Members: Shame!

Prof. Oniang'o: Mr Temporary Deputy Speaker, Sir, that is really not being conscious and considerate of the plight of the sugar cane farmer.

We are also aware that weeding is done mostly by women and children. Men do not even know what to do because their land has already been taken and is under sugar cane. All they do is wait for the dues to come, go and collect it and nobody knows what happens to that money. Where I come from, in Butere-Mumias District, 99 per cent of the farmers own sugar cane farms, but they still cannot afford secondary school fees for their children. Many of them still do not have good housing and their land has been given up. They do not have anything to eat and are lining up for food aid because there is no land to grow maize. I think it is the responsibility of the Government to make sure that we protect our farmers.

Mr. Temporary Deputy Speaker, Sir, we keep saying that this country is agriculture-based, and that the main-stay of its economy is agriculture. We need to put money and resources where our mouth is. As I said earlier, the idea is not to castigate anybody. It was a good effort and some of the hon. Members of Parliament in the Eighth Parliament are here today to support the amendment. We want to say that it was a good start and what we want to do now is just to seek leave of the House and look at the Sugar Act, 2001 once again, in a lot more detail, and see how we can amend this Sugar Act so that it can fully benefit our people. We should also find out how we can close the loopholes which have enabled and allowed people who do not really care and are not patriotic to continue importing sugar corruptly, denying the Government its taxes, tariffs and income. I would like to believe that it is in the interest of this Government to make sure that those loopholes, as away of continuing to fight corruption, are sealed. I would like to conclude here, hoping that my fellow hon. Members will support this Motion.

With those few remarks, I beg to move.

The Temporary Deputy Speaker (Mr. Poghisio): Will you call upon your seconder?

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, my seconder is Mr. Sungu.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, allow me to congratulate the beautiful Prof. Oniang'o for bringing this Motion to the Floor of the House. You will remember that on 9th July, 2003, I brought a similar Motion to this House which was passed. My Motion was calling upon the Government to rehabilitate all sugar factories in this country. However, to date, no action has been taken. Matters relating to the sugar industry are of such importance that some Ministers have fallen by the wayside in their fight for the survival of this industry. I remember, Mr. Dalmas Otieno, then a Minister in the previous Government, was sacked when he supported his constituents on matters of sugar. I also remember, my dear friend, Mr. Wycliffe Osundwa, the Member of Parliament for

Mumias was sacked because of supporting sugar farmers in his constituency. In congratulating Prof. Oniang'o, I would like to inform her that the problems of this industry have not only continued to escalate, but, in fact, they have skyrocketed. This industry is not on the verge of collapse as alleged by the hon. Member, it is actually collapsing as we are watching. There is massive importation of sugar. Even some Cabinet Ministers have been mentioned in this respect. I wonder what we are doing in this country. Are we just playing lip-service to the people of this country who elected us? This industry is the mainstay of over six million Kenyans in western Kenya. If we reactivated Ramisi Sugar Company in Mombasa, it will contribute to the livelihood of over two million other Kenyans. Therefore, this Government must take this matter seriously. I want to urge this House to support this Motion, so that we can amend this Act.

Mr. Temporary Deputy Speaker, Sir, you were with us when we were debating the Sugar Bill in 2001. We must admit that there was bad faith on the part of the Government of the day. In fact, some of the amendments that the Minister insisted on were impractical. It is not possible to pay a farmer based on sucrose content. Who will be the deciding factor? Is it the factory, miller, or the farmer? Where is the fairness in this? Is it possible in a law to measure the weight of cane at the gate of the farm? Where is the equipment? Why do we want to make a law which is not practical and cannot be enforced? Therefore, there is a need for us to amend this Act.

Mr. Temporary Deputy Speaker, Sir, this industry has been in existence since 1922 when my father was born. My father was born in Miwani sugar belt. This industry was okay until the 1980s when corruption reared its ugly head. Some Kenyans started importing sugar. We even ended up entrusting corrupt managers with this industry. The sugar industry was the sole bread winner of most ordinary Kenyans in western Kenya. I want to urge this honourable House that it is up to us to come together, so that we can put sanity back into this industry.

Mr. Temporary Deputy Speaker, Sir, there are many issues involved here. The Sugar Act allows unilateral decisions to be taken by millers. These decisions affect the entire industry and are very much against the wishes and interests of the farmers. It is well within our knowledge and memory, that the other day, there was a strike within the sugar industry because millers in western Kenya unilaterally decided to lower the price of sugar cane against the spirit of this Act. Let us be serious about this industry. Let us call a spade a spade and not a big spoon. Let us move on with the things that have been tried, tested and trusted. Since 1922 farmers have been paid based on weight, but not on sucrose content. These are alien things that we have brought to this country, because we think that we are developed and yet we are not. We do not have the equipment for that.

Mr. Temporary Deputy Speaker, Sir, the Government must come out clearly in support of the sugar-cane farmers. If we want to make the sugar industry succeed, there should be good intention and support from the Government. We should not make a law which cannot be enforced. We will be tempted to conclude that, that was a deliberate move to ensure that the sugar industry collapses. The by-products of sugar processing, like molasses, are still of no benefit to the Kenyan sugar-cane farmer. We export molasses to Uganda and then import *Waragi* instead of making our own spirits. We, in western Kenya, export portable spirits to Europe through Agro-Cane instead of using the same to manufacture spirits that we can then sell internationally.

I dare say that this Act created the composition of the Kenya Sugar Board (KSB), which has made it untenable. The KSB has failed because of its composition. The KSB is not different from its predecessor; the former Kenya Sugar Authority, which entrenched corruption in this industry. Now Parliament has a chance to look into the composition of the KSB and ensure that it is farmers' friendly. If we do not protect farmers from the interference of the KSB, then we are not doing anything favourable to them.

Prof. Oniang'o has talked about the COMESA Treaty *vis-as-vis* its benefits to the Kenyan economy. The COMESA Treaty is alright, but we must not allow corrupt individuals to take

advantage of it. We know that there are corrupt individuals who import sugar from Brazil, produce documents showing that they have imported it from COMESA countries and dump it in the Kenyan market. I have a case in point. The Minister for Agriculture and the KSB were taken to court by some unknown sugar importers against the wish of this House and Kenyans. What kind of country are we running when we allow corrupt individuals to hold us at ransom?

Mr. Temporary Deputy Speaker, Sir, if we do not address these anomalies, like the issue of taxation---

Mr. Rotino: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not wish to interrupt my good friend because he is contributing very well, but he has said that there are corrupt individuals who import sugar into this country from non-COMESA countries. Could he, kindly, substantiate that statement or withdraw it and apologise? Who are these individuals?

An hon. Member: Are you one of them?

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I have with me here a complete file of the importers who took the Minister and the KSB to court. I even have a copy of the proceedings of the court case. I can prove what I have said.

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, if the hon. Member has such documents, could he table them? They contain very important information. Alternatively, he could mention the particular individuals and all the documents he is referring to. We want those people exposed, so that they can stop importing sugar, dumping it on our market and "killing" the local sugar industry.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, these matters are in the public domain. I do not see the need to substantiate the obvious.

Mr. Temporary Deputy Speaker, Sir, the question of Miwani Zone and the 999 years lease---

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

The Temporary Deputy Speaker (Mr. Poghiso): Order, Mr. Rotino! Sit down!

Mr. Sungu: Please, let me proceed. I have only two minutes left. You can have these documents later, if you want them.

Mr. Temporary Deputy Speaker, Sir, in Miwani Zone, many miles of land are lying fallow with absentee landlords, who have leased it for 999 years.

Mr. Rotino: On a point of order, Mr. Temporary Deputy Speaker, Sir. My friend has made a very good point, but I simply want him to substantiate his remarks and give us some information. We want to know the people who import sugar from non-COMESA countries and dump it in our local market. We want to expose them. The hon. Member should be kind enough to give us that information.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I have the documents with me here. I will table them at the end of my contribution to the Motion.

An hon. Member: Table them now!

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I want to use my remaining two minutes. Are you going to add me a few minutes? I have important things to say.

The Temporary Deputy Speaker (Mr. Poghiso): Order! Order! Mr. Sungu, I hope you are not going to table a court case. That is not what we want. However, if you have proof that certain people are corrupt and have killed the sugar industry, it is okay but you cannot file a copy of proceedings of a court case.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I cannot agree with you any better than that. Thank you very much for protecting me.

Mr. Temporary Deputy Speaker, Sir, nowhere in the world has a land lease been given for 999 years. The maximum lease period for land in Kenya has always been 99 years. The case of Miwani Zone is exceptional and I would like to say here and now, that if that is not corruption then I do not

know what corruption is. When you give a 999 year-lease to land that belongs to wananchi, that is wrong.

Mr. Temporary Deputy Speaker, Sir, the issues involving this, have been adequately covered. I remember on Wednesday, July 16th, the *Daily Nation* reported that there were 27,000 tonnes of sugar lying at the port of Mombasa. What happened to these importers and the sugar? I want to say that the *East African Standard* of 16th July, also said that the Kenya Sugar Board--

I wish you could give me more time, but with those few remarks, I beg to second.

The Temporary Deputy Speaker (Mr. Poghio): Time is up, Mr. Sungu!

(Question proposed)

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion. First, I congratulate Prof. Oniang'o for bringing this Motion so that we can look critically at the Sugar Act.

When the Sugar Act was enacted in the last Parliament, the intentions were very good, but the end product was very poor. It was a good step but it did not achieve what the Members of Parliament from the sugar cane growing area at that time intended to do. At the end of the day, instead of the Act making the state of cane farmers better, it left them worse. I think it is time now to have a critical audit of this Act that was brought here with very good intentions.

We, as politicians, should give an opportunity to professionals to have a proper input so that we get a Bill that is workable and which will protect the farmers and enhance the benefits of the sugar industry.

Mr. Temporary Deputy Speaker, Sir, as rightly pointed out in the Motion, more than six million Kenyans depend on the sugar industry for their livelihood. The economies of Kisumu City, Bungoma, Kakamega and all the towns in Western Kenya, including Eldoret, depend on the sugar industry. The sugar industry indirectly provides employment to an excess of 1.5 million Kenyans. That is an industry that, as a Government, we cannot and will not let it collapse. We can only support it and make it better.

Mr. Temporary Deputy Speaker, Sir, after passing this Motion, I would like the hon. Member who has moved it to pay attention to certain salient factors that may help the fledging industry. For example, in the Act, it was promulgated and agreed that farmers be paid within 30 days of delivery of their crop. It was further provided for that penalties in terms of interest accrual be paid to the farmers in the event of default. Even the best managed sugar factory, Mumias, has not been able to adhere to that Clause.

Mr. Temporary Deputy Speaker, Sir, in my humble thinking, sugar factories are like any other industries. If you run an industry, you do not set it up to run on credit. I think that sugar factories, like any other factories, must purchase their raw materials in cash from the producers. That way, farmers will be freed from being tied by draconian rules and draconian organisations or to any specific sugar factory. Any farmer who grows sugar-cane should have the right and the will to sell it on a cash basis to any sugar factory that mills sugar. That way, farmers will be able to get their returns as soon as their crop is harvested.

Mr. Temporary Deputy Speaker, Sir, that has been demonstrated by Asians who run West Kenya Sugar Factory in Kakamega. Although, they underpay the farmers - they pay less than Mumias, Nzoia and other factories - those Asians pay farmers for the delivery of their crops after every seven days. If you deliver your crop to West Kenya Sugar Factory, you get your payment within seven days. Of course, there is a bit of swindle because they pay less than the average price paid by Nzoia and Mumias sugar companies. But it is a lot better than Nzoia Sugar Factory where you have to wait for your payment for two years. A bad deal is better than no deal at all! In amending the Act, we need to

pay attention to that.

Mr. Temporary Deputy Speaker, Sir, one of the many problems that bedevil the sugar industry is the obsolete technology that our equipment in the factories have. Some of the factories have such obsolete equipment that the extraction of sucrose from the cane is, sometimes, as poor as only 60 per cent; with 40 per cent going away as either molasses or bagasse! That loss is transferred to the farmers. If you are extracting only 60 per cent, you cannot make sufficient money to pay the farmers. The farmer ought to be cushioned by being paid his income on delivery. The law must require some basic minimum levels of extraction of sucrose from the cane, so that we have sufficient sugar production from the cane delivered.

Mr. Temporary Deputy Speaker, Sir, one other thing that we need to pay attention to, is other production lines from the sugar factories. I did go to Mauritius for something different at one time and with a lot of delight, I saw a sugar factory there with a smaller capacity than Mumias Sugar Factory. That factory co-generates 75 megawatts of power over and above the production of sugar. One of the problems that we have as my colleague, the Mover of the Motion has rightly pointed out, is the influx of cheap sugar in this country. We keep on asking ourselves: "How come sugar produced in Brazil, Mauritius and Columbia, can over and above the production cost, freight and insurance, land in Kenya at less than half our ex-factory prices?" It is simply because in some of those factories, especially in Brazil, sugar is a by-product. The principal product is the production of ethanol for use in running of motor vehicles, production of alcohol and generation of power. One would expect for example, the factory that I have talked about in Mauritius, to throw away sugar at one-third or less the price that we get in Kenya.

Mr. Temporary Deputy Speaker, Sir, we should by law demand that the sugar factories shall only be granted the licence to produce sugar if they can demonstrate amply that they can co-generate power that is enough for running their own mills and for pumping into the national grid. This will help in cutting down the cost of electricity to the average consumer. This will also help in enhancing the income profile of the companies that will in turn translate into better and timely payment to the farmer. If a factory like Mumias was to generate anything up to 80 megawatts of power even at the time when they are unable to sell as much sugar as they should, they would still be guaranteed of an income from the sale of power. Equally, production of ethanol should be encouraged so that we can be able to cut down on the heavy cost of fuel for running of our cars and for production of alcohol.

Mr. Temporary Deputy Speaker, Sir, one of the many problems we have in the sugar industry also, is the lack of proper management of outgrower organisations. We need to include in this law, ways of how to manage them.

With those few remarks, I beg to support.

Mr. Rotino: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion. This Motion is a good one. As many other Motions that we have passed in this House, this is one of the very important ones that will go a long way in assisting our own people.

Mr. Temporary Deputy Speaker, Sir, if you go through the HANSARD or go to the library, you will see some Motions of this nature. Even a similar Motion has been passed before and nothing really has taken place. This Motion has a particular emphasis on amending the Sugar Act. This Motion seeks to amend the Sugar Act, 2001 so that the Act gives a lot of strength to the farmers, so that they could be paid or given the services that they require.

Mr. Temporary Deputy Speaker, Sir, during the last election campaigns, this is one of the reasons why the NARC Government got a lot of votes in Western Province. They used this as a tool by promising the electorate that they were going to pay farmers promptly and not like the KANU Government and many of the electorate supported them. They managed to woo people into giving them votes but they were cheating them. Up to now, the farmers have not been paid and that is why

hon. Osundwa was sacked because he emphasised that point, that the NARC Government must deliver their promise. The sacking of hon. Osundwa could not solve the problem. The problem is even more escalating now. It was good hon. Osundwa resigned because if he was sacked, he will not see this Parliament next time. He saved himself. As a Government of credibility and coalition, they should stand by their promise, otherwise we are going to tell the electorate something better than what they told them last time and KANU is going to win the votes of those people from Western Province.

Mr. Temporary Deputy Speaker, Sir, sugar-cane is one of the key agricultural products in Western Province and as the Mover of the Motion has said, many of the towns in Western Province have mushroomed because of sugar-cane. If this industry is "killed" and if these farmers are not motivated or encouraged to grow this crop, we will see the economy of that region collapsing. This issue has been talked about year after year. The KANU Government, of course, talked about it and did their best. We are seeing the NARC Government now repeating the same thing that KANU did.

Mr. Temporary Deputy Speaker, Sir, as the Mover of the Motion has said, we see a lot of sugar coming into this country. If you go to hardware shops now, you will find imported products. It was just the other day that I saw cement from Egypt in one of the hardware shops in a very remote town in Rift Valley. That cement was nicely packed. You cannot compare the packing of that cement with the one in this country. I was standing there and I saw many customers rushing for that cement from Egypt. If we can get our Kenyan cement packed in a similar way, we will be encouraged to buy it.

Mr. Temporary Deputy Speaker, Sir, if you look at imported sugar that comes to this country, the way it is packed will encourage and motivate you to buy it. We should be able as a Government, to know how we are opening our markets and how our liberalisation process is taking place because if we open our markets to any Tom, Dick and Harry to come in with these imported products, we are going to "kill" our farmers. We say that agriculture is the back-bone of the economy but we are not showing this as a Government. We are not showing this as a country, that agriculture employs the biggest number of our people. The NARC Government talks of creating 500,000 jobs a year but if they are "killing" agriculture and if they are allowing shrewd importers to bring sugar into this country like the way KANU Government did, how do they expect to create those jobs? They cannot create those jobs if there is no conducive atmosphere like for example, offering subsidies to the farmers. I tend to think that some of those countries like Brazil which exports sugar at a very cheap price to this country, subsidise their farmers, apart from doing other things. They make sure their farmers are encouraged to be able to produce sugar. The Government must bring a clause on subsidies in the new Bill that it is going to enact. The Government of the day should be able to subsidise our farmers so that they can go full-blast and produce sugar.

Mr. Temporary Deputy Speaker, Sir, my colleague has talked about the small sugar factories run by some Asians. If these small factories can pay farmers less than the normal price, they have still paid them something small and yet our bigger factories cannot pay our farmers. We have seen our brothers, sisters, relatives and Members of Parliament being molested by bigger and established factories like Nzoia and Mumias Sugar by not paying farmers. If you go to those areas, many of the children there do not go to school. Many children drop out of school and yet they till farms for 12 hours a day. When their parents deliver their cane, they are not paid and mark you, all of us drink tea with sugar every single moment. There is not a single house in this country where people do not take tea with sugar! Yet we said that when sugarcane is delivered, our farmers are not paid.

*[The Temporary Deputy Speaker
(Mr. Poghiso) left the Chair]*

[The Temporary Deputy Speaker

(Mr. Ethuro) took the Chair]

It is so ironical! There should be something drastically wrong, either with the policy that the Government is trying to implement; or with its implementation. Sugar is an item that you sell from the shelves. You just go to any supermarket and you will find sugar from Mumias, Sony, and Chemelil factories. We buy this sugar and yet our farmers are not being paid! Ask yourself a simple question: "Where does this money go?" There should be something wrong in the management of these sugar factories. We keep on changing people now and then, bringing in expatriates and paying them millions of shillings. We should be able to reduce the overheads. Why should we bring in an expatriate to come and run a sugar factory like Mumias yet we have Kenyan experts? After 40 years of Independence, do we not have capable people to manage these factories?

The Assistant Minister for Foreign Affairs (Mr. Wetangula): On a point of information, Mr. Temporary Deputy Speaker, Sir. May I inform you that the Chief Executive Officer (CEO) of Mumias Sugar Factory is one renowned manager, Mr. Evans Kidero, and he is a Kenyan, not an expatriate.

Mr. Rotino: Yes, thank you very much. That is good information. But it was only last year when there was a war between the farmers and the expatriate who was being brought to this country to manage our sugar industry. If we have local experts running our factories they should be feeling the pinch more than the expatriates. How much money and allowances do these expatriates earn? How many employees are in those factories doing nothing? We, as a country, should be able to look at the overheads of those factories and how they are managed, because our ultimate aim is to ensure, as Members of Parliament, that farmers are paid their dues at the right time.

Mr. Temporary Deputy Speaker, Sir, some of us who grow maize take it to the National Cereals and Produce Board (NCPB), and we expect them to pay us. If they do not pay us, we have alternatives; we take the maize to the millers. I can take my maize anywhere. In the Act that we want to amend, we should allow people to build their own factories. We should allow more people from Asia, especially from India and Malaysia to come and put up small factories that are going to assist farmers. We do not need huge factories like Mumias. If the farmers feel that the existing factories like Mumias or Chemelil are not giving them a good deal, they can turn to other small millers. This is going to help our farmers.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support strongly.

The Temporary Deputy Speaker (Mr. Ethuro): Proceed, Prof. Maathai.

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion. It is a very important Motion especially because it touches on a very important sector of agriculture.

In looking at the possibility of amending the Act, I hope that we shall look at the problems that face all farmers in this country. The plight of the sugar-cane farmers is actually the plight of all farmers in this country, especially those who grow cash crops. Farmers in this country are the only people who produce a commodity, but do not control its sale. They deliver the commodity, and then there are many middlemen who process the commodity, sell it and then receive the payments. They pay themselves and everybody else and the farmer is at the other end of the spectrum where he receives whatever has been left behind by everybody else. All those people pay themselves not at a negotiated price, but at a price that they decide upon. The farmer has no say as to how much his commodity will cost.

We need an Act that ensures that the farmer is the owner of the commodity, not only at the production level, but also at the processing and the selling levels. Alternatively, the farmer can sell his commodity to the processor and get his full amount and it is then up to the processor and the packager to sell the commodity. It is extremely exploitative and unfair for the farmer to deliver his commodity and then wait for whatever the middlemen will bring back to him. We must empower our farmers and

protect them from this form of exploitation.

Mr. Temporary Deputy Speaker, Sir, we know that many of these farmers work through co-operative societies. Although the co-operative movement was a very nice idea borrowed mostly from Northern Europe, the co-operative movement in this country has been a conduit and an agent for exploiting farmers. It is not a secret any more that, in fact, co-operative societies have been used to rip-off the farmers. They receive the commodity from the farmer and are supposed to oversee the interests of the farmer and ensure that he gets his dues. Indeed, what we have experienced in this country is that the co-operative movement has become the agent for exploitation of the farmer. In some cases, the co-operative societies work in cahoot with the processors and those who finally purchase the commodity. They literally have turned our farmers into slaves in their own country.

We need to look into the Act and ensure that the co-operative movement is no longer used as an agent to exploit the farmers. Whatever we say and whatever will become of this Motion - and I am hoping we shall, indeed, amend the Act - we will have a new culture in this country. Sometimes, I look at this country and I wonder who owns it. What is our role in this country? Eighty per cent of our people who live in the rural areas, 40 years after Independence, continue to live as if they are managed by a foreign Government; as if we are at the mercy of a foreign Government. This is partly because we have continued to manage our country as if we do not own it. We run it as if it is owned by those who have the knowledge, technology and money who come into our country and literally we surrender to them, especially in the agricultural sector.

Mr. Temporary Deputy Speaker, Sir, we need to make a new commitment to our people. We should manage this country for the benefit of our people; our children and their children, and not for the benefit of a few people. That means that we have to genuinely and sincerely fight against corruption. The NARC Government has declared war on corruption and we are doing everything we can to eradicate corruption. This is not something that you just talk about. It is something that must be within us. We must believe in it. We must not only be seen to talk about this, but we must also act and live it, so that our people can trust us. Then they can believe that we are managing this country for them and we are not agents of corruption, so that they are ripped-off as we watch.

People are not corrupt in this country because they are poor. Even though corruption has penetrated the entire spectrum of our society, most people are corrupt because they are selfish and greedy. They do not think of their people. They do not think of the people on whose behalf we ought to be managing the affairs of this country. We need a new culture of commitment that is unselfish and does not tolerate greed, so that we can truly be seen to be leaders who serve their people.

Many of our farmers who grow cash crops put practically their whole land on the crop and when they are not paid adequately, they are not able to buy food. So, we find a lot of malnutrition especially among women and children in areas where cash crops are grown. For this reason, we need to amend the Act, so that farmers are paid adequately, appropriately and in good time. This will enable them to buy food, so that their children do not suffer from malnutrition.

I want to appeal to Kenyans to be patriotic. If we were really patriotic and wanted to support our farmers, we should decide not to use sugar from other countries. We should only buy locally produced sugar. We should adopt the saying that has been propagated by businessmen which states: "Buy Kenyan, Build Kenya". There is absolutely no reason why we buy sugar that has been produced in other countries. We should be conscious of the fact that by doing that, we support other people, create jobs in other countries and partly contribute to the failure of our sugar industry. Therefore, I would like to appeal to my fellow Kenyans to buy the Kenyan sugar even if it is not white.

In many countries in the world, people do not take the white sugar because they consider it too refined. The better sugar is the brown sugar. Quite often, I know people do not want to buy the Kenyan sugar because they say it is not white. The brown sugar is actually nutritional and even for your health, it is better. So, let us buy the Kenyan sugar and support our farmers. Although it is

necessary for us to import technology, if we do not have the technology that produces the white sugar, we should settle for the brown sugar.

Finally, we have a system, and especially in the agricultural sector, where we disempower our people. We are probably one of the few countries which do not have the indigenous people involved in decision-making processes, working as managers and, as the people in charge. Quite often, we have become so disempowered that we look for people from abroad and bring foreigners to sit in the executive positions and make decisions for us, as if we do not believe in ourselves. I think that it is very important for us to be in charge.

With those few words, I support the Motion.

Mr. Osundwa: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this Motion. Sugar is a very emotive subject and I may be tempted to talk longer than the time allocated. First, I want to thank the Members of the Eighth Parliament. Like the Mover of the Motion has said, indeed, those Members were what one would call "farmer-friendly." One of the achievements of the Eighth Parliament was to enact the Sugar Act.

When I was appointed the Chairman of the Agricultural Committee in 1999, my Committee looked at all the problems bedeviling the farmers in this country. We decided to tackle the problems head on, starting with the irrigation in Mwea. We went on to amend the Tea Act and moved on to introduce the Sugar Bill. Ironically, as we tackled these problems, the previous Government was not on our side. Indeed, when they were denied money by the World Bank and the IMF, they resorted to importing sugar massively. It is the sugar importation that ran the previous Government, at the expense of the ordinary farmer. I am saying this with a lot of bitterness.

As the previous President used to say, "nobody likes an African." I can say it again today that nobody out there likes an African farmer, and no Government likes a Kenyan farmer. The reason is that when we go there to borrow money, we are given conditions and told to liberalise our markets to imports coming from developed nations. Because we want money, we yield to their demands and sugar is imported because we need money. We need money here and that is why we say "yes." We let rice come from Pakistan yet, we have poor farmers in Mwea trying to produce rice. An imported leg of lamb in the supermarkets is sold cheaper than what is found locally. It is a shame!

The NARC Government was elected on a platform of reform. Every farmer in this country, every teacher, and all the university lecturers voted for the NARC Government. What are the returns for that? It is indeed a shame! When the President was looking for votes in Kisumu, he said that if we elected him to be the President, then, he would not allow even a kilogramme of sugar to come into the country. I was in that meeting. As I speak today, I have a 50kg Thailand sugar bag that I bought from a shop in Eastleigh. I want to be told whether Thailand is a member of COMESA.

We read in the press, both the mainstream and the gutter, that there is a pending reshuffle. Kenyans are praying that President Kibaki does them a favour by giving them a Minister for Agriculture who is "farmer friendly." We are also praying that the pending reshuffle gives us a Minister for Trade and one for Finance who are "farmer friendly."

(Applause)

We are seeing policies which are not "farmer-friendly." For example, we are told that Kenya is benefiting a lot from the COMESA market.

Two weeks ago, I had the privilege of touring Zambia, which is the seat of COMESA. I asked the COMESA Secretary General to give me figures indicating that Kenya is benefiting from the trade in the COMESA region. He told me that Kenya is benefiting and has sold goods worth Kshs1 billion now. I checked and was told that it was only a few Asians from the industrial area who export steel

and plastic merchandise to the COMESA market. The sugar cane farmers from Nyanza are then told to allow sugar-cane from Zambia into the country---

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Osundwa, you will still have five minutes.

ADJOURNMENT

Mr. Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, it is now time to interrupt the business of the House. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.