

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 9th April, 2003.

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICES OF MOTIONS

Mr. Mahamud: Mr. Deputy Speaker, Sir, I beg to give notices of the following Motions:-

ESTABLISHMENT OF MODEL SCHOOLS

THAT, in view of the perennial poor performance in the Kenya Certificate of Secondary Education by some districts in the country, occasioned by poverty, poor educational facilities and inadequate teaching staff, among other factors; this House calls upon the Government to establish fully-equipped and adequately staffed model schools in every district which has performed dismally continuously for the last ten years to serve as centres of excellence for the purpose of improving performance in these districts, and further, that these schools be fully-funded by the Government of Kenya.

ESTABLISHMENT OF LIVESTOCK STATUTORY BODIES

THAT, in view of the socio-economic importance of livestock industry to a large segment of the Kenyan population, taking note of the fact that livestock keeping is a key economic activity for many Kenyans, and aware that the development of livestock industry has not been backed by legislation similar to that of other sub-sectors in the larger agricultural sector; this House calls upon the Government to establish three statutory bodies; namely, Kenya Livestock Research Institute, Kenya Livestock Development Authority and Kenya Livestock Marketing Board, which will deal with research, development and marketing of livestock and livestock products, respectively.

ESTABLISHMENT OF COFFEE SUBSIDY FUND

Mr. Wambora: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-
THAT, aware that coffee has for many years been Kenya's top foreign currency earner, aware further that this sector started collapsing in the mid-1990s due to low international coffee prices, cognisant of the fact that the quality of coffee produced in this country has gone down due to prohibitive costs of inputs such as fertiliser and pesticides; this House urges the Government to establish a subsidy fund in order to enable farmers access the necessary inputs at affordable prices.

REHABILITATION OF FORCES MEMORIAL HOSPITAL

Dr. Ali: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-
THAT, in view of the importance of military hospitals in this country, concerned that one such hospital, the Forces Memorial Hospital, is not adequately equipped and staffed to enable it to offer services of a hospital of its kind, further aware that military personnel in need of urgent medical attention all over the country are referred to this hospital; this House urges the Government to rehabilitate and adequately equip the hospital in order to enable it provide

services worthy of its status.

Mr. Lagat: Mr. Deputy Speaker, Sir, I beg to give notices of the following Motions:-

PROVISION OF GRADERS TO CONSTITUENCIES

THAT, in view of the importance of roads in the economic development of this country, acknowledging the valuable contribution of the Kenya Roads Board in funding and maintenance of roads, aware that funds provided by the Board are not adequate and noting that 25 per cent of the funds are expended on grading roads; this House urges the Government to purchase a grader for each constituency so that the funds used for hiring graders are saved and utilised for further maintenance of the roads.

EMPOWERMENT OF NATIONAL OIL CORPORATION

THAT, in view of the vital role played by the energy sector in the economic development of this country, concerned that prices of petroleum products have continued to increase at alarming rates, aware that petroleum is scarcely available in certain parts of this country; this House urges the Government to empower National Oil Corporation of Kenya (NOCK) to trade in petroleum products and develop service stations countrywide.

INTRODUCTION OF COMMERCIAL TARGETS FOR KENYAN TRADE ATTACHES

Mr. Kagwe: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-
THAT, in view of the important role played by trade in the economic development of this country, considering that the Ministry of Trade and Industry does not have specific targets for trade officers overseas; this House urges the Government to set commercial targets for trade officers in the overseas offices and that a report on the performance of the said officers be submitted to the House Committee on Finance, Planning and Trade, every six months.

Mr. Munya: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

REINSTATEMENT OF AIR NAVIGATION SERVICE STAFF

THAT, bearing in mind that the Kenya Civil Aviation Authority is short of qualified technical personnel, aware that air navigation service staff dismissed from service on 8th April, 2002, are qualified young Kenyans aged between 22 and 35 years, noting that the dismissed staff were not given a hearing according to the rules of natural justice, and realising that they are likely to suffer irreparable harm and loss of benefits due to them if not reinstated; this House urges the Government to reinstate the dismissed navigation service staff unconditionally.

Mr. Speaker: Very well. Next Order!

ORAL ANSWERS TO QUESTIONS

Question No. 144

DEATH OF MR. KISANGI MULI IN GERMANY

Mr. Khamisi asked the Minister for Foreign Affairs:-

(a) if he is aware that a Kenyan tour guide, Festus Kisangi Muli, died under mysterious circumstances in Germany last year and his body hurriedly buried without the consent of his family; and,

(b) if he could explain the circumstances behind the death and why there was no timely intervention by our Embassy in Berlin to ensure proper investigations are made to confirm the cause of death and also ensure that the deceased's family is informed accordingly.

The Assistant Minister for Foreign Affairs (Mr. Mwakwere): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the late Festus Kisangi Muli died in Berlin, Germany, on 22nd April, 2002. His

body was buried six weeks later on 29th May, 2002. The Kenya Embassy in Berlin was informed of the death by the German Police on 24th April, 2002, after initially informing Ms. Jacqueline Ndeti, a Kenyan born in Machakos. The lady invited the deceased to Germany. The Embassy then took immediate steps and contacted the next of kin, Mr. Kivati Anthony Kimeu, through telephone No.0722353427. Further contacts were made with Mr. James Kingondu Musili.

As it will unfold, the body was not buried hurriedly but a combination of factors which I shall elaborated resulted in the unfortunate burial in Germany.

Mr. Deputy Speaker: Mr. Khamisi, do you want to go on?

Mr. Khamisi: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Okay, you can ask whatever you have as a supplementary question.

Mr. Khamisi: Mr. Deputy Speaker, Sir, this is a very serious matter that a Kenyan could die abroad in whatever circumstances and hurriedly get buried and forgotten. Could the Assistant Minister tell this House whether any investigations were undertaken, and if so, what were the results?

Mr. Deputy Speaker: By the way, Mr. Khamisi, you referred to Mr. Muli, and the Assistant Minister is talking of Mr. Musili. On the Order Paper, we have Mr. Muli. Which is which?

Mr. Khamisi: It is Mr. Musili, Mr. Deputy Speaker, Sir.

Mr. Mwakwere: Mr. Deputy Speaker, Sir, as I said, I intend to elaborate further. The late Festus Kisangi Musili died after he committed suicide by hanging himself as confirmed by an autopsy report dated 30th May, 2002; carried out by the Department of Public Prosecution of the German Government. A note found at the scene of death also alluded to suicide. As events developed, both the Embassy and the German police categorically informed Ms. Jacqueline Ndeti that it was her responsibility to take the body back to Kenya, since the late Musili was her visitor. She did not respond to the requirement as conveyed to her. The Embassy, through the Ministry, also communicated with relatives on the burial necessities.

Mr. Sasura: Mr. Deputy Speaker, Sir, we have heard of several Kenyans dying abroad and the Assistant Minister has said that, in this particular case, it was the responsibility of that lady to transport the body of Mr. Musili back to Kenya. Could the Assistant Minister tell this House the Government's policy in relation to Kenyans who die abroad and normally result in a lot of problems transporting the bodies back to the country?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, it is the responsibility of the family of the deceased to provide funds for transporting the body back to Kenya.

Mr. Sasura: How about if one has no family?

Mr. Mwakwere: If one has no family, then the body becomes the property of the state where the body lies. That is the international position.

Mr. Deputy Speaker, Sir, while the Kenyan Embassy was still waiting for clarification from the family, about the burial arrangements---

Mr. Deputy Speaker: Mr. Assistant Minister, I thought the Question was: What is the policy of the Government in relation to people who die overseas? I think that is the Question. What is the Government policy on this matter?

Mr. Mwakwere: The Government policy is that, the family of the deceased must provide funds for the body to be transported back home.

Mr. Khamisi: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that this Kamba lady, Jacqueline, was actually the girlfriend of Mr. Musili and that Mr. Musili was lured to Germany by the couple and he was killed there?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, no, I am not aware.

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

Question No.092

DEATH TOLL ON KAPENGURIA-LOKICHOGGIO ROAD

Mr. Rotino asked the Minister for Road, Public Works and Housing:-

- (a) how many lives have been lost through road accidents along Kapenguria-Lodwar-Lokichoggio Road; and,
- (b) when the Minister will have the road repaired and road signs replaced.

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

(a) Fifty-nine lives have been lost through road accidents along Kapenguria-Lodwar-Lokichoggio Road, classified A1, between 2001 and 2002.

(b) Adequate routine and periodic maintenance will continue to be administered and the road signs replaced to ensure the road is motorable throughout the year.

Mr. Rotino: Mr. Deputy Speaker, Sir, I am not satisfied with the answer given to part "b" of the Question because that road is a highway connecting Kenya to Sudan. The road has caused the loss of 59 lives and that is an alarming situation. These accidents occur many times because road signs are not there and the road is not clear. Therefore, the Assistant Minister does not need to use the word "adequate". Could the Assistant Minister ensure that the road signs are put in place urgently?

Eng. Toro: Mr. Deputy Speaker, Sir, if the hon. Member properly listened to my answer to part "b" of the Question, I said road signs will be replaced to ensure road safety.

Mr. Ethuro: Mr. Deputy Speaker, Sir, this is one important road that connects us to Sudan. The Assistant Minister has said that only 59 lives have been lost but I know that they are more than that figure. There is a section between Kainuk and Lokichar which is just about 100 kilometres long and for the Ministry to rehabilitate that road, it requires only Kshs1 billion. Could the Assistant Minister consider prioritising that road, so that we ensure there is basic infrastructure, as part of the NARC Government's plan to develop ASAL areas? It requires Kshs1 billion only and the road will be tarmacked.

Eng. Toro: Mr. Deputy Speaker, Sir, the policy in the Ministry is now changing to concessioning of certain roads and that road is being considered for concessioning, where private operators would be able to charge toll levies and maintain the road and some of these problems will be a matter of history.

Mr. Rotino: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm or deny that, since the road was done in 1984, no road signs have been replaced up to date?

Eng. Toro: Mr. Deputy Speaker, Sir, the hon. Member is aware that once road signs are put in place, they are usually removed by people for various reasons. However, I am not aware that, for 20 years, there have been no road signs.

Question No.141

TARMACKING OF GARISSA-MANDERA ROAD

Mr. Mahamud asked the Minister for Roads, Public Works and Housing when the Garissa-Wajir-Mandera Road will be tarmacked.

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Deputy Speaker, Sir, my Ministry has no plans to tarmac the Garissa-Wajir-Mandera Road. However, adequate routine and periodic maintenance will continue being administered to ensure that the road is motorable throughout the year.

Mr. Mahamud: Mr. Deputy Speaker, Sir, this is a very serious issue. You can hear the Assistant Minister is just giving us a casual answer by saying that he has no immediate plans to tarmac the road from Garissa to Mandera. This is the only road in the whole province. We do not have even one inch of tarmac road. Is this Government really serious, especially when the Head of State gave a policy Paper underlining the need to give special consideration to North Eastern Province? Is the Assistant Minister undermining His Excellency the President?

Eng. Toro: Mr. Deputy Speaker, Sir, I would like to assure the hon. Member that this Government is very serious. It is the previous KANU Government that was never serious about that road. All efforts have been made to make this road motorable. For example, in 2000, an amount of Kshs120,612,000 was used to gravel the road between Modogashe and Wajir. Between Mandera and Wajir another Kshs109 million was used. The contractor was Rabid Construction Company Limited. All this was done to make sure that the road remains in motorable condition before the actual tarmacking programme was embarked on.

Mr. Shaaban: Mr. Deputy Speaker, Sir, this is a very unfortunate answer. After 40 years of Independence, the only road connecting the entire province between Garissa, Mandera and Wajir does not have an inch of tarmac. The activities of the entire province are brought to a halt every year, whenever there is rain. Four to six months in a year that road is closed, and yet that is the heart of the entire North Eastern Province. Is the Assistant Minister serious about opening up North Eastern Province to ensure that the country is developed equally?

Eng. Toro: Mr. Deputy Speaker, Sir, the Ministry is very serious about the condition of this road. I would like to inform the hon. Member that a 40-kilometre section is earmarked for gravelling and the letter of

commencement was issued in January this year for gravelling the 40 kilometres. Previously gravelling was done from El Wak to Mandera. If the hon. Member would care to check, he can get details from my office on what has been done and what is earmarked to be done.

Dr. Ali: Mr. Deputy Speaker, Sir, we have been hearing of gravelling of roads all over the country. The fact of the matter is that this money is swallowed by the people who pretend to be doing the job when they are not doing anything. Could the Assistant Minister be kind enough and tarmac some parts of this road so that at least every year a certain number of kilometres are tarmacked, so that we can be proud of, for example, 10 kilometres to 50 kilometres of tarmac in North Eastern Province?

Eng. Toro: Mr. Deputy Speaker, Sir, as I said earlier, the policy in the Ministry is changing so that we can be able to use private consortiums to construct our roads. If we rely on the Government to do all the construction works required in order to open up Kenya to our neighbouring countries, it will never happen. That is why the issue of concessioning is being looked into, and it has become a policy. We are looking into ways of getting private concessionaires to come and build our roads, operate and then transfer them back to the Government after a certain period of time.

Mr. Mahamud: Mr. Deputy Speaker, Sir, I think the priorities of the Ministry are upside down, because the other day the Minister said that they will build a dual carriageway from Mombasa to Busia. Does it mean that people from North Eastern Province are not Kenyans and they do not deserve to be given a tarmac road when people along Mombasa-Busia Road are being given a second tarmac road?

Eng. Toro: Mr. Deputy Speaker, Sir, the people of North Eastern Province are Kenyans. The Ministry has to start somewhere. The only logical place to start from is Mombasa. There would be no need to construct roads in North Eastern Province and we leave the section from North Eastern Province to Mombasa, un-motorable.

Mr. Deputy Speaker: Next Question!

Question No.284

TARMACKING OF MWATATE-TAVETA ROAD

Maj. Madoka asked the Minister for Roads, Public Works and Housing:-

- (a) whether he is aware that the gravel put on Mwatate-Taveta Road has been washed away despite the ten year guarantee that had been given to the Government by the contractor; and,
- (b) when the road will be tarmacked.

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

(a) I am aware that the gravel on some sections of Mwatate-Taveta Road has been damaged by increased traffic making the road rough. However, the road is under a one-year and not a ten-year maintenance period. The contractor has been instructed to repair the sections in bad shape.

(b) The road has been proposed for upgrading to bitumen standards immediately, at a cost of approximately Kshs2.8 billion being sourced to fund Mwatate-Taveta Road.

Maj. Madoka: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for that answer. It is true there has been increased traffic. In fact, there is very heavy traffic. What steps is the Ministry taking to ensure that axle load restrictions are complied with?

Eng. Toro: Mr. Deputy Speaker, Sir, at the moment, we are busy trying to sort out the mess in our weighbridges. We shall increase the number of weighbridges, both static and mobile. However, there are no immediate plans to have a weighbridge along this road, for the simple reason that it is being earmarked for upgrading to bituminous standards, and the design is being done by engineers in my Ministry. However, once designs are complete and the source of funds has been identified, we will be able to move immediately and make sure that this important road is upgraded to bitumen standard.

Maj. Madoka: Mr. Deputy Speaker, Sir, could the Ministry consider redirecting this road? At the moment from Mwatate to Mwaktau it passes through an area where there are no people. Could this road be redirected to pass through Godoma-Komngwa to Mwaktau where we have a concentration of the population?

Eng. Toro: Mr. Deputy Speaker, Sir, I am sure in the new design all those considerations will be made to make that the road passes through areas where it can be of service to the people around Taita Taveta.

Mr. Deputy Speaker: Next Question!

Question No.106

EMPLOYMENT OF PRIVATE TTC GRADUATES

Mr. Manoti asked the Minister for Education, Science and Technology:-

(a) how many primary school teachers graduated from private and public colleges from 1996 to 2000; and,

(b) how many of these teachers have been employed by the Government.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, I beg to reply.

Hon. Members: Introduce yourself!

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): I introduced myself before, but I am kind of new. I am a bit nomadic. My name is Kilemi Mwiria, Assistant Minister for Education, Science and Technology, in charge of higher education. Mr. Gumo is in charge of primary education.

(Laughter)

Mr. Deputy Speaker: Mr. Assistant Minister, thank you for that information.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): The only reason I gave that information was because a lot of you have not seen me answering any Questions and most of the Questions---

Mr. Deputy Speaker: Order, Mr. Assistant Minister! You should now answer the Question!

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The number of primary school teachers who graduated from private and public colleges between 1996 and 2002 is 58,621.

(b) The Government has employed 24,718 teachers between 1996 and 2002 from both private and public colleges.

Mr. Manoti: Mr. Deputy Speaker, Sir, I was worried that I would not get an answer today again because this is the third time this Question is appearing before the House. We are grateful for the number of teachers, which the Government has trained since 1996, but very few of them have been employed. Since we started the free primary education, what is the Ministry doing to employ the balance of trained teachers which is 33,903, to cater for the increased number of students who have registered?

Dr. Mwiria: The Ministry is already doing something about this issue, but that "something" is not the employment of teachers. The Ministry is in the process of conducting a study to find out the shortfalls in all schools in the country. On the basis of that, once we know where there are gaps, then the unemployed teachers will be employed to fill those vacancies. That will not be done until this study is completed.

Mr. Shitanda: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that, in the past, when the Ministry recruited trained teachers, that exercise was normally marred by tribalism, favouritism, bribery and all manner of irregularities? Could he confirm that?

Dr. Mwiria: Mr. Deputy Speaker, Sir, I cannot quite confirm that because I do not have any evidence. But I have heard rumours to the effect that this happened under the previous regime.

Dr. Manduku: Mr. Deputy Speaker, Sir, previously, there has been discouragement against training more teachers, particularly by the private TTCs. Now that the NARC Government has come up with the system of free education, very many children are going to school and the teachers are not enough. Are you in a position to advise them to enrol more students to train as teachers?

Dr. Mwiria: Mr. Deputy Speaker, Sir, private and public colleges will be encouraged to enrol students. However, already we have a balance of more than 30,000 teachers that are not employed. We have got enough teachers, assuming that the need will not be that much greater. There will be some encouragement.

Mr. Mganga: Mr. Deputy Speaker, Sir, I heard the Assistant Minister say that they are conducting a study. Every month we have the Curriculum Based Establishment Returns in the Ministry of Education, Science and Technology from secondary schools. In terms of primary schools, we have returns which are brought by inspectors from all over the country. Is the Assistant Minister in order to mislead this House by saying that they are conducting a study and yet they receive returns at Jogoo House every month?

Dr. Mwiria: Mr. Deputy Speaker, Sir, the returns are used to do the balancing act. When the returns are submitted to the Ministry, and it is found that there are certain areas that do not have the number of teachers required while other areas or schools have more teachers, then teachers are transferred accordingly. I would just like to say this: You cannot always rely on the statistics that we got from the previous regime. As you found out

from the---

(Loud consultations)

An hon. Member: On a point of order.

Mr. Deputy Speaker: Order! The Assistant Minister must finish his reply.

Dr. Mwiria: I would like to finish by insisting that the records that were provided under the previous regime were false.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House and yet the previous regime went away on 27th December? Why is he misleading the House? We are now in April 2003. The NARC Government belongs to President Kibaki! Do not mislead the House!

Mr. Deputy Speaker: Mr. Sambu, you are being emotional. Could I hear your point of order?

Mr. Sambu: Is he in order to mislead the House when we know that the present Government is being led by the hon. beloved President Mwai Kibaki, but not Moi? Is he in order to mislead the House? He does not know in which era he lives!

Mr. Deputy Speaker: Order, Mr. Sambu!

Dr. Mwiria: Mr. Deputy Speaker, Sir, I do not know what the hon. Member is excited about. In order for one to be sure about the accuracy of statistics, one needs a duration of much longer than three months. The statistics for the last three months are accurate. We are using the statistics of the last three months to do a balancing act.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, the Assistant Minister said that they are carrying out surveys. At the same time we are aware that the monthly returns show exactly how many teachers the TSC has employed and the shortfall. He should be able to tell us how many teachers the Government will employ.

Dr. Mwiria: I cannot!

(Laughter)

Mr. Deputy Speaker: Order, hon. Members! I want order here!

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker Sir. Did you hear the Assistant Minister reply to that question by saying that he "cannot"? When one asks in this House: "Could you tell me this or that", you do not tell him that you cannot. You tell him what it is. Could he answer the question asked by that Member of Parliament?

Dr. Mwiria: Mr. Deputy Speaker, Sir, I apologise for being misunderstood. The reason I said I "cannot"---

Mr. Kajembe: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to point his hand at you every time he stands to speak?

(Laughter)

Mr. Deputy Speaker: Order! What is wrong with the House this afternoon? Yes, indeed, the hon. Member is out of order, but I excuse him because this is his first time. Mr. Assistant Minister, you do not point a finger or a hand at the Chair.

Now, hon. Members, we have got to make progress.

Mr. Mwiria: Mr. Deputy Speaker, Sir, I said that I could not answer the question because until we have the results of the study, it is not possible to determine the number of teachers that is required. So, it is only fair that we wait until we get the results of the study.

Mr. Deputy Speaker: Could you ask the last question, Mr. Manoti?

Mr. Manoti: Mr. Deputy Speaker, Sir, it is the wish of Kenyans to give their children quality education. Since the introduction of the free and compulsory primary education, a good number of children have enrolled in schools. However, schools do not have sufficient teachers. If you visit primary schools in the countryside, you will find children playing because there are no teachers to attend to them. So, could the Assistant Minister assure the House that he will replace all the primary school teachers who have passed away and those who have retired from service? He has the figures of those teachers who have passed away and those who have retired from service.

(Applause)

Mr. Mwiria: Mr. Deputy Speaker, Sir, recruitment of teachers to replace deceased and retired teachers is ongoing.

Hon. Members: Where is recruitment of teachers going on?

Mr. Deputy Speaker: Order! Order! Hon. Members, let us proceed to the next Question.

Hon. Members: Gumo! Gumo!

Mr. Deputy Speaker: Order! Order! Hon. Members, I am going to declare disorderly anybody whom I will notice making that noise. You definitely know the consequences of being declared disorderly.

Question No.098

TERMINAL BENEFITS FOR KSQCS EMPLOYEES

Mr. M. Kariuki asked the Minister for Agriculture and Livestock Development:-

- (a) why the management of Kenya Seed Quality Control Service (KSQCS), Lanet, dismissed 20 employees in March, 1999, without payment of three months' salary arrears; and,
 (b) what terminal benefits the management will pay each ex-employee.

(Dr. Ali and Mr. Omingo consulted loudly)

Mr. Deputy Speaker: Order! Order! Dr. Ali and Mr. Omingo, I would like you to be orderly.

The Assistant Minister for Agriculture and Livestock Development (Mr. Munyao): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The KSQCS, Lanet, did not dismiss any employees in March, 1999. The KSQCS, which was initially a unit of the Kenya Agricultural Research Institute (KARI), ceased to operate in 1998 after the formation of KEPHIS. Its services were subsequently transferred to KEPHIS. The KSQCS has never functioned as an entity.

(b) The said unit has never existed as an entity and, therefore, it has never been an employer. So, the issue of KSQCS paying terminal benefits to employees does not arise.

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, the answer provided by the Assistant Minister is quite unsatisfactory. We are talking of about 20 employees who have worked for the KSQCS for 20 years, and who are still housed by the organisation. He now says that the services of the KSQCS were transferred to KEPHIS. So, could he tell the House whether the employment of the previous employees of the KSQCS was also transferred to KEPHIS? Why are the said employees being housed by the organisation to date?

Mr. Munyao: Mr. Deputy Speaker, Sir, I have explained very well that the said employees, who were initially under KARI and who were subsequently transferred to KEPHIS, have never been employees of my Ministry.

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, in my Question, I have not provided the names of the 20 employees. Therefore, I ask for your permission to provide their names later on. The Assistant Minister seems to imply that the said employees do not exist when they, indeed, exist; they have worked for the organisation for 20 years. So, I request that the Question be deferred to enable me provide the particulars of the said employees next week.

Mr. Munyao: Mr. Deputy Speaker, Sir, it is very clear that the hon. Member's request is directed to the Chair. However, his not having supplied the names of the said employees is not an issue. He should have asked the right Question. He should not have waited until now to ask the Chair to give him time to bring the particulars of the said employees. That is not the tradition of this House.

Mr. Deputy Speaker: What Mr. Munyao has said is quite right. Mr. Wamwere, would you like to assist the hon. Member?

Mr. Wamwere: Mr. Deputy Speaker, Sir, I find it very difficult to understand the attitude of the Assistant Minister, particularly given that he is now in the National Rainbow Coalition (NARC) Government, which has promised to look into the problems of all Kenyans. The way the Assistant Minister is answering this Question implies that he does not care whether anybody lost his job or did not lose it. So, could he answer the Question in a manner that illustrates that he has a heart for the people who lost their jobs, and that he is not just here to give clever answers that do not solve the problems at hand?

Mr. Munyao: Mr. Deputy Speaker, Sir, I sympathise with the Questioner. I would like to assure him that the NARC Government is still committed to the welfare of workers and ordinary Kenyans. I am ready to assist the said former employees. If the Question is framed properly, I will be the first person to offer assistance. However, it is not fair for an hon. Member to bring to the House an incomplete Question and then to ask the Chair to help him.

Mr. Deputy Speaker: Hon. Members, the Questioner need not come back to the House. He can provide the Assistant Minister with a list of the names of the said former employees, and using our usual way of consultation, the Assistant Minister can resolve the matter. I believe that, that is the way forward. Is that okay with

you, Mr. Assistant Minister?

Maj. Madoka: On a point of order, Mr. Deputy Speaker, Sir. I wonder whether, in fact, the Question has been directed to the correct Ministry. Should it not have been answered by the Minister for Labour and Human Resource Development?

Mr. Deputy Speaker: The Question has been directed to the correct Minister. The KSQCS, KARI and KEPHIS are parastatals under the Ministry of Agriculture and Rural Development.

Mr. Munyao: Mr. Deputy Speaker, Sir, your advice is the right one. I would like to assure hon. Members that my Ministry is ready to help any citizen who is working with us. If the hon. Member furnishes me with the details regarding this matter, I will definitely ensure that whoever has not been paid his or her dues is paid.

Mr. Deputy Speaker: Mr. M. Kariuki, is that okay with you?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, I am appalled by the attitude of the Assistant Minister to defend conduct that is actually associated with the former regime. He does not seem to realise that he is serving a new regime. However, I am going to provide him with the details of the 20 former employees of the KSQCS, and if I am not satisfied with his action, I will raise the Question again before the House.

Mr. Deputy Speaker: Very well. Let us proceed to Mr. Kipchumba's Question.

Question No.217

AFFORDABILITY OF SEED AND
FERTILIZER TO FARMERS

Mr. Kipchumba asked the Minister for Agriculture and Livestock Development:-

- (a) whether he is aware that the cost of both maize seed and fertilizer is too high and unaffordable to many farmers; and,
- (b) what plans he has to ensure that farmers are enabled to plant crops during the coming season.

The Assistant Minister for Agriculture and Livestock Development (Mr. Munyao): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the cost of both maize seed and fertilizer is too high and unaffordable to many farmers. Since 1996, when the seed maize trade was liberalised, the Government role has been to monitor the quality of seeds and enforce seed trade rules and regulations. The high cost of seed maize can partly be attributed to that of inputs that go directly towards its production. However, there are other costs associated with the processing and packaging of seeds, which can be minimised through improvement in processing efficiency, a factor which is being looked into.

(b) In order to ensure that farmers are enabled to plant crops during the coming season, the Ministry is ensuring that quality inputs are available on the market, and that dealers have access to the necessary production technology through the field extension staff.

Finally, improvement of farm incomes envisaged through the sale of grain, especially maize, is expected to enhance farm cash flow and enable farmers to procure inputs.

Mr. Deputy Speaker, Sir, in addition, the Government is trying to revitalise the Agricultural Finance Corporation (AFC) through improvement of its lending capital base and scope. This is expected to facilitate provision of loans to farmers. Meanwhile, the Ministry encourages farmers' associations and commodity groups to pool resources and jointly procure inputs and market procedures.

Mr. Kipchumba: Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for acknowledging that the costs are very high. However, when he accepts that major inputs make the maize very expensive and yet, we know that the price of maize is very cheap, he is misleading the House.

Could he confirm to the House that he will ensure that the production of maize seed is not liberalised in view of the fact that farmers rely on seeds as a core input in production?

Mr. Munyao: Mr. Deputy Speaker, Sir, the hon. Member has thanked me for answering his Question. But then he has gone on to say that I have misled this House! I have not misled the House because the cost of maize seed per kilogram is Kshs135. You may talk about fertiliser whose price is not yet controlled. But I think maize prices are reasonably correct.

Mr. Korir: Mr. Deputy Speaker, Sir, the problem of farmers as of now is expensive seeds and fertiliser. In fact, whatever they harvest is suffocated by maize inputs.

Mr. Deputy speaker, Sir, could he tell us what he is doing to ensure that seeds and fertilisers are

affordable to the farmers?

Mr. Munyao: Mr. Deputy Speaker, Sir, the Government is making every effort towards that. But let me begin this way: The cost of maize seed is not that high. It is only Kshs135 per kilogramme. Perhaps, the hon. Member can talk about fertilisers which are handled by merchants with high profit margins. We imagine that when we revive organisations like the Kenya Farmers Association (KFA), which used to serve farmers better, they will handle chemicals and other inputs like fertilisers.

Mr. Kipchumba: Mr. Deputy Speaker, Sir, at times, we wonder whether the Government is ready to assist Kenyans on the policy of self-sufficiency in food production. I think it would be fair if the Assistant Minister could continue providing maize seed to peasant farmers as opposed to giving them food. I think that would be a better policy, so that farmers could produce enough for themselves.

Mr. Munyao: Mr. Deputy Speaker, Sir, what the hon. Member has said is exactly what is in the mind of the Government; to make sure that Kenyans can find everything affordable and of good quality. The organisations involved in making seeds will definitely continue producing quality seeds. We want to bring inputs nearer to the farmers, so that we can cut their costs.

Question No.183

ALLOCATION OF LATF MONEY TO
MARSABIT COUNTY COUNCIL

Mr. Sasura asked the Minister for Local Government:-

- (a) how much money the Marsabit County Council has received since the inception of the Local Authority Transfer Fund (LATF);
- (b) why the council flouted procurement procedures in the purchase of a vehicle, Prado KAK 600H; and,
- (c) when the books of accounts of the council were last audited.

The Assistant Minister for Local Government (Mrs. Tett): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Between 1999 and March, 2003, Marsabit County Council had received a total of Kshs26,420,825.40 from LATF.

(b) It is true that a vehicle, registration number KAK 600H, was irregularly purchased by the Clerk without following the laid down procurement procedures. As a result of that and other financial malpractices in the council, I appointed inspectors to inspect the books of accounts of the council and a report is being prepared. After the report is presented to me, I shall take the appropriate action against those involved. In the meantime, I have taken the decision to suspend the Clerk, pending further disciplinary action.

(c) The Marsabit County Council books of accounts were last audited in 2001/2002 financial year, by the Controller and Auditor-General. A routine audit inspection was also carried out this year between 10th and 23rd March, 2003, by my staff and I am waiting for a report on the findings.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Before Mr. Sasura asks his question, may I ask Members to consult quietly. There is too much noise in the Chamber!

Proceed, Mr. Sasura!

Mr. Sasura: Mr. Deputy Speaker, Sir, you realise that Kshs26 million is a lot of money in a period of five years. That is a Clerk who has been running that council like a private company. The Assistant Minister has conceded that, that vehicle, Prado KAK 600H, was irregularly purchased. She has also accepted that there are financial malpractices in the council. But she goes ahead to say that she is waiting for a report before she takes appropriate action. If she is depending on that report to take appropriate action, where did she get the facts that there is financial mismanagement?

Mrs. Tett: Mr. Deputy Speaker, Sir, in short, with regard to the car, the tenders were awarded after it was already bought. The purchase of the Prado was rectified by a tender committee meeting, Minute 332/2002, which was held on 19th March, 2000. The Prado was first purchased before the tendering procedure. We got that report and acted very fast to rectify the situation. We are not going to let that Clerk continue with such malpractices and that is why we have suspended him!

Mr. Mwenje: Mr. Deputy Speaker, Sir, the reason why LATF money is being misused by local

authorities is because the councillors and chief officers connive and decide what to do with the money, and the Ministry continues to condone that. Could the Assistant Minister assure us that when a decision is taken to use the LATF money, Members of Parliament for those particular areas should be involved, to decide what development will be done with the money?

Mrs. Tett: Mr. Deputy Speaker, Sir, we are going to do that. We have already started the procedure. We are going to tell all the Members of Parliament how much money they are going to get in their respective constituencies, so that they will open their eyes and see what the councillors are doing. We are aware of what has been happening in the past. But as you know, our Minister has been going round to see---

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has completely missed my point. Could she ensure that hon. Members of Parliament are involved in the implementation of development projects in their constituencies? Just informing us what projects have been implemented does not help us. We need to be involved in their implementation.

Mrs. Tett: Mr. Deputy Speaker, Sir, hon. Members of Parliament cannot be councillors. They can actually look into how the money has been used or misused, but cannot tell councillors what to do. Councillors have their budgets and they know what they are supposed to do. For example, in Nairobi City Council, we are meeting all the councillors, so that they can tell us what they want to do with the money. I do not know what else Mr. Mwenje wants me to say.

Mr. Sasura: Mr. Deputy Speaker, Sir, the vehicle was purchased through brokers at Kshs1.4 million, and it is reflected in the council books that the vehicle was purchased at Kshs2.5 million. Considering the fact that Marsabit County Council Clerk has become a thief, and that the council has a lot of pending bills, could the Assistant Minister consider surcharging the Clerk so that the money will be refunded to the council? The council should not spend the rest of its life paying pending bills.

Mrs. Tett: Mr. Deputy Speaker, Sir, we are putting a lot of pieces together on the ground. Surely, it will take a lot of time to clean the Ministry of Local Government. You know that this has been one of the most corrupt Ministries. We are trying our level best to stop corruption within the Ministry.

For the hon. Member's information, the vehicle was purchased at a cost of Kshs1.8 million, according to the report from Marsabit County Council. We are looking into this issue and we will not only surcharge the concerned officers, but will sack all the officers who are embarrassing the Government by engaging themselves in corrupt deals.

Question No.123

ISSUANCE OF TITLE DEEDS TO
UASIN GISHU RESIDENTS

Mr. Koros asked the Minister for Lands and Settlement when the residents of Kesses, Assururiet, Sambul and Tulwet in Kesses Division will be issued with title deeds for their land.

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Deputy Speaker, Sir, I beg to reply. Title deeds will be issued to the owners of land in Kesses, Assururiet and Sambul in Kesses Division of Uasin Gishu District once the Ministry receives applications for registration of the respective parcels of land.

As for part "b", on the registration of Tulwet Farm---

Mr. Deputy Speaker: Mr. Ojode, I cannot see part "b" of the Question.

The Assistant Minister for Lands and Settlement (Mr. Ojode): Thank you, Mr. Deputy Speaker, Sir. The Question does not have part "b".

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister had not finished answering the Question. If you listened to him attentively, he had answered the Question in respect of three divisions and he was about to answer it in respect of Tulwet Division. This is not part "b", but it is part of the Question. So, the Assistant Minister should finish answering the Question.

Mr. Deputy Speaker: I beg your pardon. The Assistant Minister referred to the second part of his answer as part "b", and that is what my attention was drawn to.

Mr. Assistant Minister, will you finish answering the Question?

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Deputy Speaker, Sir, with respect to Tulwet, the title deeds are ready. In fact, 203 title deeds are awaiting collection at the Lands Office, Eldoret.

Mr. Koros: Mr. Deputy Speaker, Sir, the Assistant Minister has not answered the Question fully. In Sambul, farmers have applied for title deeds, but have not been issued with them. In Kesses, farmers have been

asking the Ministry to assist them to subdivide the land so that they can be issued with title deeds. There are some people who have been going round frustrating the farmers. Could the Assistant Minister assure this House that he will solve this problem and will ensure that the land is subdivided?

Mr. Ojode: Mr. Deputy Speaker, Sir, land in Kesses, Assururiet and Sambul is owned by land-buying companies and co-operative farms respectively. They were supposed to arrange for the survey and the sub-division of the land to enable their members acquire title deeds. If the hon. Member can organise for the land companies to survey and subdivide the land, I will issue title deeds immediately.

Mr. Cheboi: Mr. Deputy Speaker, Sir, yesterday, the Minister for Lands and Settlement issued a Ministerial Statement about the new generation title deeds. Are the 203 title deeds belonging to the residents of Tulwet Division new or old-generation title deeds?

Mr. Ojode: Mr. Deputy Speaker, Sir, the Minister for Lands and Settlement issued a Ministerial Statement here yesterday with regard to second-generation title deeds. There is a proposal to issue second-generation title deeds. This is a proposal which will not be implemented tomorrow because we have to look for money.

Mr. Koros: Mr. Deputy Speaker, Sir, these farms were purchased through co-operative societies. Officials of the co-operative societies have sold part of the farms and are now frustrating farmers who want the farms to be sub-divided. What action will the Assistant Minister take against the officials?

Mr. Ojode: Mr. Deputy Speaker, Sir, there is a dispute over Sambul Farm. Its subdivision was stopped through a court order in case No.HCCC/88 of 2000. Once a final verdict is given, we will subdivide the land and issue title deeds immediately.

QUESTIONS BY PRIVATE NOTICE

KILLING OF CONSTABLE MWINGIRWA

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

(a) Under what circumstances was Constable Obadiah Thiaine Mwingirwa killed at Kipsing GSU Camp on 15th February, 2003?

(b) When will the Ministry compensate the family for the loss of their son while on public duty? **The Assistant Minister, Office of the President** (Mr. Tarus): Mr. Deputy Speaker, Sir, this Question was answered last week and the House was informed that this matter was still under investigation. I can only report back to the House as soon as investigations are completed.

Mr. Munya: Mr. Deputy Speaker, Sir, I have no objection with the Assistant Minister taking more time as long as the police do not continue covering up the matter.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, there will not be any cover-up. The investigations will be thorough.

(Question deferred)

ROLE OF CACCS

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

What is the purpose of Constituency AIDS Control Committees (CACCs) if the HIV/AIDS funds are now being channelled through the Community Based Organisations (CBOs)?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I beg to reply. The purpose of the CACCs is to represent the National AIDS Control Council (NACC) at the constituency level. They play the following important roles.

- (i) To supervise the activities of the CBOs, Faith-Based Organisations (FBOs) and NGOs.
- (ii) To approve HIV/AIDS proposals from CBOs, FBOs and NGOs for funding by the NACC.
- (iii) To monitor the implementation of HIV/AIDS activities and forward returns of expenditure from the organisation to the NACC.

Mr. Obwocha: Mr. Deputy Speaker, Sir, have we lost the HIV/AIDS war? I do not know whether the Chair has heard what the Assistant Minister has said. The CACCs were established when we were given Kshs25,000, while others were not given a single cent. Some committees got little money and thereafter these

committees "died". The Assistant Minister has stood here and said that the CACCs are supposed to supervise and control the CBOs and the other organisations. If this money is being given to the CBOs directly, how are the CACCs supposed to oversee the expenditure?

Mr. Tarus: Mr. Deputy Speaker, Sir, I have said that the CACCs' purpose is to co-ordinate the activities of the CBOs. I also said that the CACCs represent the NACC at the constituency level. The proposals which are prepared by the CBOs are funded, sometimes, directly by the NACC. These proposals are submitted because there are levels of funding. Funding which does not exceed Kshs350,000 by CBOs--- Proposals which are made requiring funds amounting to not more than Kshs350,000 are submitted to the CACCs, but those ones which exceed that amount of money are considered directly by the NACC.

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

Mr. Deputy Speaker: Order, Mr. Obwocha! Mr. Assistant Minister, sometimes I wonder why we do not take certain matters as seriously as they should be taken. We are talking about the HIV/AIDS which kills over 700 people per day in this country. Mr. Assistant Minister, would you address yourself to this question because most hon. Members here were once Chairmen of these committees and the fact of the matter is that they do not exist? Could you tell the hon. Members what is happening? This is because you cannot tell them to oversee the expenditure of the money, when they do not know how much it is and where it comes from. Mr. Assistant Minister, will you address yourself to this problem because it is a serious matter?

Mr. Tarus: Mr. Deputy Speaker, Sir, the information I have given this House is the one received from the NACC. I do know that there might be problems associated with the management of the CACCs. These problems emerged as a result of the constitution of those particular committees. In fact, those problems were experienced because of the fact that Members of Parliament were Chairmen of those particular Committees.

Hon. Members: No! No!

Mr. Tarus: Let me finish!

Mr. Nyachae: On a point of order, Mr. Deputy Speaker, Sir. When these committees were set up, the Office of the President sent a circular which stipulated the mandate of these committees in each constituency. Confusion arose when the hon. Members joined these committees. Committees of areas which were considered anti-KANU were scrapped and KANU set up separate committees. That was the beginning of the confusion. The mandate was ignored and those Committees whose hon. Member of Parliament was seen as not being in KANU, and I was one of them, did not receive a single cent in their constituencies. Can we now go back? We want an answer as to whether the original mandate is being followed or not. We also want a list showing how much money each constituency was given.

(Applause)

Mr. Tarus: Mr. Deputy Speaker, Sir, I do appreciate the sentiments which have been expressed. I undertake to confirm this matter because the--- Just a minute, Mr. Deputy Speaker, Sir.

(Laughter)

Mr. Deputy Speaker: Order! Mr. Assistant Minister, continue!

Mr. Tarus: Mr. Deputy Speaker, Sir, the issue of HIV/AIDS is, indeed, a national problem and it does not know a party. It is regrettable if, indeed, certain areas were not given funds because of their party affiliation. I undertake to check and provide a list here showing the areas which were not given the funds. I would also like to provide information as to what exactly happened, and the *status quo* regarding the CACCs.

Mr. Deputy Speaker: Hon. Members, as I have said, this is an important Question. I remember that there were similar Questions which were deferred before the Eighth Parliament was dissolved. Therefore, I will give the Minister a few more days to do more research and bring a better answer to this House.

(Applause)

So, Mr. Assistant Minister, you will answer this Question on Tuesday, next week. Carry out your research and bring a comprehensive answer to this House!

Mr. Kagwe: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Trade and Industry the following Question by Private Notice.

(a) What urgent measure is the Minister taking to find alternative markets for Kenyan exports that have been adversely affected by the Iraq war?

(b) Given that Kenyan imports from Iraq have also been affected by the war, what alternative sources of these imports has the Minister put in place?

(c) What impact, in terms of volumes and trade, has this war had on Kenya's economy?

The Minister for Trade and Industry (Dr. Kituyi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Trade between Kenya and Iraq over the past decade has been very minimal. In the last five years, Kenya's exports to Iraq totalled a mere Kshs1.7 million, emanating from isolated export items. The exports during the same period consisted of guavas, Mangoes, wood products and petroleum jelly. The value of these exports does not warrant the Government to look for alternative markets.

(b) The imports from Iraq during the same period amounted to Kshs14 million. They mainly consisted of one motor vehicle, some quinine, a few tractors, wax products and sodium hydrochloride. Since these imports are not restricted and can be sourced in open markets internationally, there is no need for the Government to look for alternative sources.

(c) Arising from parts "a" and "b" above, the impact of the war in terms of the volume and value of physical trade on Kenya's economy is negligible.

Mr. Kagwe: Mr. Deputy Speaker, Sir, the situation in Iraq is one to empathise with. Indeed, it was shown on Cable News Network (CNN) television that British and American companies and other interested parties are already fighting over the business available as a result of the war in Iraq.

Could the Minister tell us whether there is any way in which Kenyans can "take advantage" of the war situation and actually export some tea, coffee and other items required there even as the war continues and we wait for it to end?

Dr. Kituyi: Mr. Deputy Speaker, Sir, I do not think anybody can export tea and coffee to Iraq while that war is going on. Indeed, even America cannot do that. However, if we want to be vultures and celebrate on the graveyard of war, we could say there have been substantial exports of bottled water from Kenya every time there is a crisis in the Gulf. However, when peace returns to Iraq, the traditional market of Kenyan tea that was in Iraq which disappeared when the United Nations suspended trade between most countries and Iraq, will be reclaimed. So, we can look forward to returning to the trade that was there before the Iran-Iraq war after the end of this war, and build greater bilateral relations on the basis of that.

Mr. Twaha: Mr. Deputy Speaker, Sir, is the Minister aware that in 1987 when Kenneth Kaunda told the IMF and World Bank to go to hell, it was Saddam Hussein who saw him through that difficult period? The reason why I am asking this question is because it appears hon. Kalonzo Musyoka was not aware of this fact.

(Laughter)

Dr. Kituyi: Mr. Deputy Speaker, Sir, as to whether what Kenneth Kaunda did was right or wrong, the people of Zambia can judge him and I think harshly. However, to be aware of that has no bearing on the immediate business prospects of Kenya in Iraq.

Mr. Kagwe: Mr. Deputy Speaker, Sir, whereas I agree that currently it is very difficult to export items to Iraq especially as the war goes on, the issue is one of preparing ourselves to take advantage of the situation as soon as the war comes to an end. We are asking the Minister to be proactive in the situation and hopefully reap some benefits for the Kenyan business community.

Dr. Kituyi: Mr. Deputy Speaker, Sir, over the past decade Kenya has been evolving as a significant player in the export of natural persons for services particularly in the tourist industry, accounting and Information Communications Technology (ICT). My Ministry is actively involved in negotiations on the Singapore issue which is the regimes of movement of persons for services internationally. We hope that under the World Trade Organisation (WTO), if we find an agreeable solution on the protection of the rights and interests of persons travelling across borders because of the export of services, that benefit will be pecked into our relationship with the Middle East and the Gulf region, including Iraq after the war.

Mr. Billow: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order when answering part "c" of the Question to suggest that there is no impact on Kenya's economy by the war in Iraq when, in fact, we know that there is a significant impact on tourism? There is a potential impact on the world economic recession which is also going to impact on Kenya's economy. There are many other effects that have been predicted by

economists all over the world. In fact, oil prices are some of the effects. The price of oil soared to Kshs61 per litre immediately the war started.

Dr. Kituyi: Mr. Deputy Speaker, Sir, my understanding on the question about impact on volume of trade and value, was that it is a bilateral question. If we were talking about the international consequences of America and Britain going to war in Iraq, that becomes a different matter. It is true that the suppression of anticipated up-turn in our tourist industry, the significant reluctance of investors and potential investors to look at new destinations of fresh private capital are issues that are affecting us. The price of petroleum products is also an issue that is affecting us, but I thought that that is in the purview of another matter.

DESTRUCTION OF LIETA
SECONDARY SCHOOL CLASSROOMS

Dr. Awiti: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education, Science and Technology the following Question by Private Notice.

(a) Is the Minister aware that Lieta Secondary School had three classroom roofs blown off by a strong wind?

(b) Is he further aware that due to the calamity, over 100 students are being taught under a tree?

(c) What measures is the Minister going to take to ameliorate the situation especially with the coming of the long rains?

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Lieta Secondary School had three classroom roofs blown off by a strong wind on 11th March, 2003.

(b) I am also aware that due to the calamity, students are being taught under a tree.

(c) In view of this, the Board of Governors (BOG) of Lieta Secondary will co-ordinate the community, parents and other stakeholders to carry out repairs of the roofs.

Dr. Awiti: Mr. Deputy Speaker, Sir, you have heard what the Assistant Minister has said; that the BOG and the Lieta community should organise those arrangements without help from the Ministry. I have asked the Ministry this Question because these people are very poor and they have spent all the money they have in building that school, and this is now a calamity which the Ministry should assist. Does the Ministry have some social funds that could be used to alleviate this emergency case?

Dr. Mwiria: Mr. Deputy Speaker, Sir, while the Ministry would be very much willing to assist, the amount of money that is usually voted for development projects in education has run out partly because a lot of it was spent before December last year. So, we will have to wait until more money is voted for this kind of programmes from June.

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, given the fact that it is against the Government policy to hold Harambees, could the Assistant Minister consider this very desperate case of this school, and find some little money to help it because the Questioner is not able to hold Harambees which he would have done previously?

Dr. Mwiria: Mr. Deputy Speaker, Sir, let me say that we appreciate the problem they are going through in this school and that we shall consult with the Minister and other senior officials at the Ministry to see that some money is found to assist this school.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, we had a similar Question some time ago and hon. Gumo answered it in a much better way than it is being answered today.

Mr. Deputy Speaker: Professor, but you know hon. Gumo is not in charge of higher education at all.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, but we are still talking of children learning under a tree and a school whose roofs have been blown off by a natural calamity and what the Ministry should do about it and yet the NARC Government wants to do away with Harambee. We need a better answer than this and we do not want our children to be taught under trees.

Dr. Mwiria: Mr. Deputy Speaker, Sir, if the Professor wants me to promise money which is not my habit, all I can say is that every effort will be made to see that some money is found to support this school.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that he does not have funds to attend to this calamity when, in fact, we voted Kshs268 million for grants to secondary schools and again we have got relief money in the Office of the President worth more than Kshs160 million which should be used to attend to this type of calamity?

Dr. Mwiria: Mr. Deputy Speaker, Sir, I said that every effort will be made to find some money to support the construction of that school. But, secondly, I would like to say that the money that is in the Office of the

President is not controlled by the Ministry of Education, Science and Technology.

Dr. Awiti: Mr. Deputy Speaker, Sir, could the Assistant Minister undertake to give us a time-frame within which this money will be available because those students are suffering now and they are expected to do the same examination, which other students are going to do?

Dr. Mwiria: As soon as possible, Mr. Deputy Speaker, Sir.

Hon. Members: When?

Mr. Deputy Speaker: Order! Next Question, Mr. Wario!

AMENDMENT OF NOMINATED COUNCILLORS' LIST

Mr. Wario: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Why did the Minister amend the list of nominated councillors submitted to him by the Electoral Commission of Kenya (ECK) for gazettelement?

(b) What is the legality of the councillors who were not vetted by the ECK?

(c) What action has the Minister taken to address the anomaly?

The Assistant Minister for Local Government (Mrs. Tett): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Following dissatisfaction by interested parties with regard to the gazettelement of nominated councillors, I sat down with all those concerned and went through the list once again. After everybody was satisfied, I gazetted the names which had been omitted. If there are any more complaints, I am ready to look into them and take necessary action.

(b) Arising from my answer in part "a", the issue does not arise.

(c) As I have already said, I have issued a Gazette Notice to that effect.

Mr. Wario: Mr. Deputy Speaker, Sir, my Question has not been answered. This House remembers very well that the first day I put this Question, the Minister requested the Speaker to defer this Question so that he could answer it himself. He came to this House and said that he was unaware that he had amended the list of nominated councillors submitted to the ECK. As if that is not enough, today, the Assistant Minister is, again, misleading this House by saying that part "b" of the Question does not arise. May I ask the Assistant Minister to lay on the Table the letter from the ECK which legalised the nomination of Nuru Madilali and Said Athuman of Tana River County Council?

Mr. Deputy Speaker: Before the Assistant Minister replies, the last time this Question came to the Floor of the House, the Chair ruled that the list from the ECK be brought in order that a comparison may be made with the list from the Minister. That is what the HANSARD says. Could we start from there, Assistant Minister?

Mrs. Tett: Mr. Deputy Speaker, Sir, they came to the office---

Hon. Members: Who came?

Mrs. Tett: All those who were dissatisfied came to the office and they spoke with the Minister, and this issue was resolved.

Mr. Deputy Speaker: Order, Assistant Minister! For your information, the Question is the property of the House and you cannot do private treaties outside the House. Because the Question was properly brought to the House, the Chair did make a ruling and any deals outside the House cannot be accepted. We want an answer to be given here in this Chamber because the Question is the property of the House. Therefore, if you do not have a proper answer, you could ask for the Question to be deferred so that you can consult further. What is the position now?

Mrs. Tett: Mr. Deputy Speaker, Sir, we thought that everything was resolved and everybody was happy.

But if they are not happy and they are still dissatisfied, then we can defer this Question for a week, or so.

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. Defying orders of the Chair is one of the most serious offences in this House. You ruled, and I do remember, that the two lists be tabled here so that we can compare whether what we are being told is true. I appeal to the Chair to stand by its ruling that we have the two lists tabled here. Therefore, the Question should be deferred until we have got the two lists.

Mr. Deputy Speaker: Very well! The Chair has ruled that the Question be deferred and that the Minister---

Mr. Billow: On a point of order, Mr. Deputy Speaker, Sir. The ruling from the Chair was that the Clerk was instructed to obtain a certified copy from the ECK. We understand that, that list has been obtained. Could that list and the Gazette Notice be tabled so that we can compare and find out whether the Minister did alter

the list, so that we can make a ruling against him?

Mr. Deputy Speaker: So, in that case, if the list is already here, then the best way is for the Clerk to make this list available to hon. Members, and then the Question will be deferred to next week so that you can raise whatever issues that would have arisen from the list you will be comparing. So, the Question is deferred to Tuesday next week.

Mr. Muturi: On a point of order, Mr. Deputy Speaker, Sir. In view of the gravity of the matter because it touches on the possibility of the Minister having given false information to the House, would I be in order to suggest that you direct that the Minister does personally come and appear in the House?

Mr. Deputy Speaker: I do not know why you are drawing that conclusion, that it is likely that a false answer was given. Why are you drawing that conclusion when we have not looked at the documents? The definition of a Minister, if you look at your Standing Orders, includes an Assistant Minister. It does not matter who comes here provided we get a satisfactory answer. So, the matter is ruled as such. The Question has been deferred to next Tuesday afternoon.

(Question deferred)

POINT OF ORDER

MISTREATMENT OF WORKERS IN FLOWER FARMS

Mr. Wamwere: On a point of order, Mr. Deputy Speaker, Sir. Two weeks ago, I sought a Ministerial Statement from the Minister for Labour and Human Resource Development with regard to the treatment of workers in flower farms who are being dismissed everyday. They are also not being given their allowances and the Ministry of Labour and Human Resource Development has not come to their defence. I demanded that Statement twice because I wanted to know what role the Ministry of Labour and Human Resource Development plays with regard to such problems. Upto now, I have not received this Statement. Could the Chair advise me on what I should do in order to get this Statement from the "sleeping" Minister for Labour and Human Resource Development? I think he is asleep and it is terrible to have Ministers asleep---

Mr. Deputy Speaker: Order, Mr. Wamwere! I did actually mention yesterday that we have a problem with the Ministry of Labour and Human Resource Development. Mr. Wamwere did ask for a Ministerial Statement two weeks ago---

Mr. Wamwere: And the Ministry is hoping that this matter will just be forgotten!

Mr. Deputy Speaker: Mr. Vice-President and Minister for National Reconstruction, could you address the problem of the Ministry of Labour and Human Resource Development because we seem to have a problem?

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Mr. Deputy Speaker, Sir, I had a word with the Assistant Minister yesterday and told him he must always be here, and also, to issue all the Ministerial Statements that have been asked for. I think, I will personally and physically make sure he is here everyday.

Mr. Wamwere: Mr. Deputy Speaker, Sir, there is no word as to whether I will get this statement or not from the Ministry.

Mr. Deputy Speaker: There is a word because the Chair has just made a ruling in concurrence with the Leader of Government Business. The ruling is that this particular Ministerial Statement will be produced here tomorrow afternoon.

Mr. Wario: Mr. Deputy Speaker, Sir, I rise to seek the indulgence of the Chair because I remember when I brought up this question, the Minister for Local Government asked the Speaker to defer it so that he could personally deal with it. On the same note, may I request, through the Chair, that the Minister himself comes in person to answer my Question.

Mr. Deputy Speaker: Surely, I do not really know what I can tell you, Mr. Wario. Is it on the same Ministry of Labour and Human Resource Development because the Leader of the Government Business has undertaken, in front of all hon. Members, to see to it.

Mr. Wario: Mr. Deputy Speaker, Sir, I am talking about the Minister for Local Government and not the Minister for Labour and Human Development.

Mr. Deputy Speaker: About what?

Mr. Wario: Mr. Deputy Speaker, Sir, you remember the Minister asked the Chair to defer my question so that he could personally deal with it.

Mr. Deputy Speaker: Which Question?

Mr. Wario: The last Question on the Order Paper!

Mr. Deputy Speaker: Order! Mr. Wario, once the Chair has made a ruling on a matter and we have

even moved on to another matter, you cannot go back to it. Hold your peace until Tuesday, next week.

Mr. Wamwere: On a point of order, Mr. Speaker, Sir. It is about the Ministry of Labour and Human Resource. I am not going into any other matter. I am just asking a simple question. Since we have been so frustrated by the Acting Minister for Labour and Human Resource Development, suppose tomorrow, he does not deliver the statement, shall we name him?

Mr. Deputy Speaker: Order! Could you, please, sit down? Ask that question tomorrow when it happens.

OPERATIONS OF IPPS IN THE COUNTRY

Mr. Muturi: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Ministry of Energy. Could he issue a statement to indicate how many Independent Power Producers (IPPs) are there in Kenya, showing, *inter alia*, their respective shareholders and directors, the quantity of power sales by each IPP and the unit cost per kilowatt hours, giving explanation for any variations, the quantity of power sales by KenGen and the unit cost per kilowatt hour to the KPLC; when the contract between the KPLC and the IPPs will be reviewed and whether KenGen has the ability to engage in projects similar to those of the IPPs and if so, whether the Government can consider availing funds to KenGen for that purpose.

Mr. Deputy Speaker: Very well.

MINISTERIAL STATEMENTS

RETIREMENT AGE FOR THE ATTORNEY-GENERAL

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Deputy Speaker, Sir, on Tuesday, 1st April, 2003, Mr. Muturi, Member for Siakago, rose on a point of order seeking a Ministerial Statement from the Minister for Justice and Constitutional Affairs, regarding the law under which the Attorney-General who is described in Section 26(1) of the Constitution as "a public servant" attends Cabinet Meetings and flies a Ministerial Flag on his official car. He also sought to know when the Government intends to introduce legislation to fix the retirement age of the Attorney-General and the Controller and Auditor-General.

Mr. Deputy Speaker, Sir, the office of the Attorney-General is a creature of Section 26 of the Constitution of Kenya. Subsection 1 of that Section establishes the office of the Attorney-General as an office in the Public Service. Subsection 2 provides that the Attorney-General shall be the principal legal adviser to the Government. Subsection 3 confers upon the Attorney-General powers to institute and undertake criminal proceedings, to take over and continue such criminal proceedings and to discontinue them.

Section 36 of the Constitution makes the Attorney-General an *ex-officio* Member of Parliament. The Attorney-General being the Principal Legal Adviser to the Government of Kenya sits in the Cabinet in order to provide legal guidance to the Cabinet as it deliberates on policy matters, most of which have legal implications. Although the Cabinet has several other Members who are qualified lawyers, it is also entitled to independent professional legal advice from the Attorney-General. The Attorney-General also sits in the Cabinet as of right in his capacity as a Minister. This is because Section 2 of the interpretation of the General Provisions Act, Chapter 2 of the Laws of Kenya, defines the word "Minister" to mean a person appointed a Minister of the Government Kenya under the Constitution or the President or the Vice President or the Attorney-General. So by this definition, the Attorney-General is a Minister.

Mr. Deputy Speaker, Sir, the Attorney-General has over the years been responsible, as a Minister, for 31 laws in this country. I do not want to read all of them, but they include the Advocates Act, the Civil Procedure Act, the Evidence Act, the Hire Purchase Act, the Companies Act, among others.

Regarding the question of retirement, it is true the current Constitution does not provide any retirement age for the Attorney-General and the Controller and Auditor-General. It says that the retirement age shall be fixed by Parliament. Over the years, Parliament has not passed any Motion or legislation fixing the retirement ages of these two constitutional offices. Which means unless something is done, they could be offices for life.

This matter is now being addressed through the comprehensive review of the Constitution. The Draft Constitution prepared by the Commission does provide that the office of the Director of Public Prosecutions be the office to be entrenched in the Constitution rather than the office of the Attorney-General, and that the retirement age of the Attorney-General and the Controller and Auditor-General be fixed at the age of 65 years. When the new Constitution is in place, this will be the retirement age of the Attorney-General and the Controller and Auditor-General.

Mr. Muturi: Mr. Deputy Speaker, Sir, I wish to thank the Minister for the attempt he has made to explain the inability of the Government to bring legislation for this House to fix the retirement age of the

Attorney-General and the Controller and Auditor-General. But you may have also noticed that the otherwise very eloquent Minister for Justice and Constitutional Affairs had difficulties---

Mr. Deputy Speaker: Mr. Muturi, seek your clarification.

Mr. Muturi: Mr. Deputy Speaker, Sir, the eloquent Minister for Justice and Constitutional Affairs had difficulties in trying to explain the circumstances under which the Attorney-General attends Cabinet meetings.

Mr. Deputy Speaker, Sir, I would like to seek clarification from the Minister as to whether he is now admitting that actually, what has happened has been unconstitutional because the interpretation of the General Provisions Act is subservient to the Constitution, whether or not it defines the Attorney-General as a Minister. He is not defined as such in the Constitution and he obviously does not qualify.

By virtue of the fact that the Minister says that these issues are being addressed in the draft Constitution, is it an admission on his part that actually, what has been happening is illegal?

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Thank you, Mr. Deputy Speaker, Sir. I think the law as I read it is quite clear. It is true that the Constitution has very clear provisions regarding the office of the Attorney-General, including making him an *ex-officio* Member of Parliament. It is true that there is no direct reference in the Constitution which requires the Attorney-General to attend the Cabinet meetings. But as I said, it is necessary for him to attend the Cabinet meetings so that he can give legal advice to the Ministers as they are making policies. He discharges his functions as the principal legal adviser to the Government. So, I do not see any contradiction in this particular matter.

Mr. Muite: Mr. Deputy Speaker, Sir, you know the retirement age for judges is 74 years. In the draft Constitution, we are talking about 70 years, in respect of the President. Is there not a need, if I may ask Mr. Murungi, through the Chair, to make the retirement age uniform? The retirement age for judges is 74 years, and now with regard to the Attorney-General, he is talking about 65 years, and for the President, it is 70 years. Why can we not agree on a uniform retirement age for all the important officials to go and look after their grandchildren? If it is 74 years, let us agree it should be 74 years for everybody to retire!

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Deputy Speaker, Sir, I would like to agree with the hon. Member that it is necessary to have a uniform retirement age for all constitutional office bearers. I believe when we meet at the National Constitutional Conference, this matter will be discussed thoroughly and an agreement will be arrived at.

Mr. Deputy Speaker: I now call upon the Assistant Minister for Health to give a Statement in relation to SARS.

SEVERE ACUTE RESPIRATORY SYNDROME (SARS)

The Assistant Minister for Health (Mr. Konchella): Mr. Deputy Speaker, Sir, I would like to make a Ministerial Statement on Severe Acute Respiratory Syndrome (SARS).

The World Health Organization (WHO) issued a global alert on SARS as a new infectious disease, which causes an unusual type of pneumonia. The alert was issued on the 12th of March, 2003. The first case was reported on 27th November, 2002, in Guangdong Province in China. The Chinese Government delayed to notify the WHO of the new infection. The reasons for the delay are not clear yet. Since November, 2002, a total of 2,601 cases have been reported worldwide. The majority of the cases have been reported from China, Hong Kong, Singapore, USA, and Vietnam.

Mr. Deputy Speaker, Sir, as of 7th April, 2003, 98 deaths had been reported following this new infection. As of today, one suspected case is being investigated in South Africa.

(Loud Consultations)

Mr. Deputy Speaker: Order, hon. Members! The Assistant Minister for Health is giving a very important Statement, and I believe it is in the interest of every hon. Member to listen.

The Assistant Minister for Health (Mr. Konchella): Indeed, everybody should be attentive because this matter concerns their lives, and therefore, they should take care.

As of today, one suspected case is being investigated in South Africa and it is yet to be confirmed. Two new cases have been reported in Beijing. Right now, we have some Provincial Commissioners in Beijing and they are coming back tomorrow.

Mr. Deputy Speaker, Sir, the current information has confirmed that SARS is caused by a virus which is similar to that of a common flu. Further investigation and research is going on to establish the origin of the virus. However, it has an unusual history in entomology; there is no cure or treatment for this infection as of today. Low information on the cure of this disease continues to emerge daily.

On transmission, it has been established that transmission is through direct contact with an infected

person, through sneezing or coughing. Those travelling by aircrafts and are infected can transmit the disease. The period between exposure to the time when signs appear, that is the incubation period, is between two and seven days. Those who develop the disease may die within three to 10 days.

The main symptoms and signs include high fever, dry cough, difficulty in breathing, headaches and muscle pain. The patient may eventually die from respiratory failure.

The Ministry of Health took action by issuing a national alert to all health workers on 15th of March, 2003, about SARS. Health workers were instructed to be on the look out and prepare for barrier nursing in case of handling suspected cases.

Secondly, national guidelines were developed and surveillance initiated at international entry points. Surveillance is on persons travelling from far East, China, Singapore, Thailand, Indonesia, Hong Kong and Vietnam.

Thirdly, the Ministry has put an alert on all hospitals in Nairobi and provincial hospitals to prepare for handling any cases that may be detected in Kenya.

Fourth, the Ministry has set up a national task force that meets weekly and has relevant stakeholders including the travel industry, immigration, Office of the President disaster centre, World Health Organization, Centre for Disease Control, KEMRI, University of Nairobi, Red Cross, Amref, Doctors Without Borders and the Kenya Airports Authority.

The Ministry has released travel advice to all travellers and airlines. All persons planning to travel to these affected areas should seek advice from the Ministry of Health. In-coming passengers from various areas reporting such cases like China, Hong Kong, Singapore, Thailand and Taiwan are expected to declare at the immigration desk at the port of entry, upon which they should be screened for SARS. The Ministry of Health, further appeals to all travellers and airlines to co-operate in this endeavour.

On the Kenya Rugby Team, it comprised 12 players and three officials who travelled to Hong Kong just before the alert. On arrival in Hong Kong, the match was put off and the players were confined in one hotel. Information on SARS was availed to them. Their movement was restricted and at the same time, there was a doctor who kept checking on them. The team arrived in Kenya on the 1st of April, 2003, and were subjected to surveillance procedures at the Kenya Rugby Association Club.

There was confusion on arrival time and the aircraft carrying the players. The plane arrived at 12.30 p.m., earlier than expected. Because of this, the players managed to go through the Airport and were only screened three hours later. Since then, 10 days have elapsed and the rugby players have been declared free from infection.

Concerning treatment, there is no known cure or treatment for this new disease. There is no vaccine available yet. However, the affected persons are given supportive care and barrier nursing.

With regard to continued surveillance, the Ministry remains alert and continues to carry out surveillance at the international entry points. Up to now, no suspected case has been reported in Kenya. However, the Ministry would like to appeal to the travelling public and all airlines to co-operate in this endeavour to prevent introduction of SARS into the country. The Ministry would like to appeal to airlines and travellers to access the available information and co-operate with the screening officers. All intended travels to areas reporting those cases, especially China and Hong Kong should be deferred until further notice.

Mr. M'Mukindia: Mr. Deputy Speaker, Sir, first of all it has taken a long time for the Ministry of Health to respond to this very urgent matter. I have the greatest respect for the Minister for Health, but in this particular case she did not act as fast as we would have expected.

Having said that, it is even more worrying that there is a case that has been identified in South Africa, which is the very first one in Africa. I hear that people are still continuing to enter this country without being screened at the entry points and not just at the airports but also at the sea ports and border crossing points. Also, apparently, there are no health officers stationed at the airport, and there is no co-ordination between the health officials, the airlines and shipping agencies. So, the whole exercise does not seem to be full proof. What assurance can the Assistant Minister give this House and the country at large that this case of SARS will not be introduced into this country?

We are happy that the Kenya rugby team is free of it, but that is not enough.

Mr. Deputy Speaker: Seek your clarification!

Mr. M'Mukindia: Mr. Deputy Speaker, Sir, could the Assistant Minister assure this House that no cases of SARS will be reported in this country because you have put in place foolproof methods of preventing anybody who is infected to come into this country? Could he also tell the House whether cockroaches are also able to transmit the disease?

The Assistant Minister for Health (Mr. Konchella): Mr. Deputy Speaker, Sir, the case of South Africa is simply a suspect. It has not been confirmed yet whether that person is actually suffering from SARS.

Mr. Deputy Speaker, Sir, the Ministry has issued guidelines and travel advisory notes to all travellers outside Kenya. It has also issued national guidelines to our hospitals on how to deal with the cases. We have also

set at the airport facilities or areas where suspected cases will be taken. Once they report to the immigration office, before their passports are stamped they are checked where they originated from and advised to go to a place where they fill forms to confirm their movement for the last ten days. The Ministry ensures that they monitor those people for the next ten days, so that if they have any signs and development of the disease, they are immediately advised to go to see a doctor who would be waiting for them.

Mr. Sungu: Mr. Deputy Speaker, Sir, I do not think the Government is taking this matter seriously. It is a fact that the national rugby team came from Hong Kong which is very near the hub where this disease started, and they were never checked.

I would like to know from the Assistant Minister how many quarantine facilities have been set aside for this emergency? This is a very serious matter and if this disease reaches this country with poor facilities very many people will die.

The Assistant Minister for Health (Mr. Konchella): Mr. Deputy Speaker, Sir, when the national rugby team travelled, they were supposed to travel in a particular air carrier, but they changed and travelled in another one. That was the reason they arrived in the country earlier. The officer who was ready to check on them went there on the pre-arranged time of arrival but found when they had left the airport because of the change of the aircraft. The Ministry is serious about this issue. In all our district and provincial hospitals and the airport, we have isolated rooms that will wait for any case to be admitted. In the airport we already have enough doctors. This is a team that comprises of not only our doctors, but other stakeholders to monitor this disease.

Dr. Kuti: Mr. Deputy Speaker, Sir, this being a very serious case, could the Assistant Minister clarify how prepared KEMRI is in terms of diagnosing this virus? A delay in diagnosis will delay the treatment. Also, how prepared are the hospitals?

The Assistant Minister for Health (Mr. Konchella): Mr. Deputy Speaker, Sir, since no case has been reported in Kenya, KEMRI is at the moment simply receiving information from the rest of the world and CDC to monitor the situation. If any case is reported, they will come out in full force to find out what can be done.

Mr. Deputy Speaker: Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman took the Chair]

THE NATIONAL ASSEMBLY REMUNERATION (AMENDMENT) BILL

*(Resumption of consideration interrupted
in Committee on 8.4.2003)
Clause 6*

Mr. Chairman: Hon. Members you will recall that this is a continuation of the business of the Committee of the Whole House that was interrupted yesterday.

Hon. Members, we have received a notice of amendment of Clause 6 by Mr. Angwenyi. Proceed, Mr. Angwenyi!

Mr. Angwenyi: Mr. Chairman, Sir, I beg to move:-

THAT, Clause 6 be amended by deleting part "a".

(Question of the amendment proposed)

Mr. Sungu: On a point of order, Mr. Chairman, Sir. I have a copy of the HANSARD here, and as at yesterday Mr. Angwenyi had proposed an amendment to Clause 6 that we delete sub-sections "a" and "b", Item

(i) of the Second Schedule, and Item (ii) of the Second Schedule and the words "and" between words "Ministers"

and "Assistant Ministers" and add--

Mr. Chairman: Order, Mr. Sungu! I also have a copy of the HANSARD, and definitely the proposer of this amendment is Mr. Angwenyi. So, are you trying to force him to make another amendment?

Mr. Sungu: Mr. Chairman, Sir, what I wanted to know was whether we are going back to the same issue or not. Are we going back to the same issue?

Mr. Chairman: The first one has been left out, because in any case we did not put the Question. Immediately after that, we reverted to the Minister and then we reported progress. So, we are going back to the proposal by Mr. Angwenyi.

Mr. Sungu: Thank you, Sir.

*(Question, that the words to be left out
be left out, put and agreed to)*

(Clause 6 as amended agreed to)

(Clause 1 agreed to)

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the National Assembly Remuneration (Amendment) Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Deputy Speaker in the Chair]

REPORT

THE NATIONAL ASSEMBLY REMUNERATION (AMENDMENT) BILL

Mr. Muturi: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the whole House has considered the National Assembly Remuneration (Amendment) Bill and approved the same with amendments.

The Minister for Finance (Mr. Mwiraria): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said report.

The Assistant Minister for Finance (Mr. Katuku) seconded.

(Question proposed)

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, I want to move an amendment that this Motion be amended by adding the following words at the end:
"Subject to the re-committal of the Bill in respect of Clause 5"

You will remember yesterday the Minister tried to move some amendments to the Schedule and we would want that done. I appeal to the House that this Bill be re-committed again to the Committee of the Whole House so that we can look at that Schedule.

I beg to move.

Mr. Deputy Speaker: Order, hon. Members! Let me first of all explain. In accordance with Standing Order No.109(2) if there is a matter that was passed by the Committee, the Minister, who is the owner of the Bill, may wish to recommit it to the Committee for reconsideration. What this means, therefore, is that if this is approved, we will briefly go back to the Committee of the Whole House again and consider only that particular Clause. That is today, just now. I will now proceed to put the question.

(Question put and agreed to)

Hon. Members: No! Division!

Mr. Deputy Speaker: Order, hon. Members! Do you have the requisite numbers for a Division?

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

You have the requisite numbers for a Division and I, therefore, order that the Division Bell be rung.

(The Division Bell was rung)

Mr. Deputy Speaker: Order! Order! Hon. Members, please, resume your seats.

An hon. Member: Cancel the Division!

Mr. Deputy Speaker: No, I cannot cancel the Division. The Standing Orders do not allow the cancellation of a Division once it has been granted. So, I will proceed and explain the procedure that is supposed to be followed in a Division.

Could the doors be locked and the Bar drawn?

(The doors were locked and the Bar drawn)

For the purpose of this Division, the tellers for the Ayes will be Messrs. Keter and Kaindi, while those for the Noes will be Messrs. Serut and Wamwere.

Hon. Members, I am going to put the Question again. Once I do so, those who wish to vote for the Question, or say "Aye" will proceed to the lobby to my right, and those who wish to vote against it, or say "Nay" will proceed to the lobby to my left. If any hon. Member does not wish to vote for or against the Question, he or she may abstain and register his or her name with the Clerk-at-the-Table.

The Minister for Lands and Settlement (Mr. Kimunya): On a point of order, Mr. Deputy Speaker, Sir. I believe that there is still confusion. Could we know what we are going to vote for or against?

Mr. Deputy Speaker: Very well. I will explain. The Question was that Clause 5 of the Bill be re-committed to the Committee for further consideration. When I put the Question, there were both "ayes" and "noes". There then arose a dispute as to whether the "ayes" had it. A Division was called for by many hon. Members, and I granted them the Division.

Hon. Members: Cancel it!

Mr. Deputy Speaker: Hon. Members, the Standing Orders do not allow for the cancellation of a Division once it has been granted. However, there is a very simple way of dealing with this matter. If all of you are now opposed to the Division, proceed and vote for "Ayes". So, I will put the Question.

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): On a point of order, Mr. Deputy Speaker, Sir. It may be quite possible that most hon. Members have not understood exactly what we are going to vote for or against. In the Cockar Report, the allowances for extraneous duty for the Vice-President, Ministers, Assistant Ministers, Members of the Parliamentary Service Commission and those of other Members of Parliament are all set out. The Bill contains a typographical error, which awards everybody the same amount of money in respect of extraneous duty allowance.

Hon. Members: No! That is not correct!

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Mr. Deputy Speaker, Sir, at least, from the level of Assistant Minister downwards, the Bill, erroneously, seeks to award everybody the same amount of money in respect of extraneous duty allowance. Voting for this obvious typographical error, which the Minister seeks to correct, would be, in a way, amending the Cockar Report upwards. The passage of this Bill in its present form will occasion extra expenditure, which the Report did not contemplate. I realise that the mood in the country is already so much against us. So, going further and amending the Report upwards is tantamount to digging our own graves. Therefore, I appeal to the House to re-consider this matter. Let us vote for what is contained in the Report, and nobody will quarrel us.

Mr. Deputy Speaker: Hon. Members, I am going to put the Question again. Once I do so, those who wish to vote for the Question will proceed to the lobby to my right, and those who wish to vote against it, will proceed to the lobby to my left.

Order, hon. Members! You have 15 minutes in which to vote! Your vote must be taken or you come and record your abstention! Let it be very clear that, in accordance with our Standing Orders, we have to record the voting of every Member in the Chamber. Therefore, you either say yes or no or abstain. So, you have to vote yes or no or abstain! Those who have not voted have only five minutes to do so!

DIVISION

(Question put and the House divided)

(Question carried by 124 votes to Nil)

AYES: Messrs. Abdirahman, Achuka, Akaranga, Dr. Ali, Mr. Angwenyi, Dr. Awiti, Messrs. Bahari, Bett, Bifwoli, Billow, Boit, Cheboi, Mrs. Chelaite, Messrs. Chepkitony, Dahir, Ethuro, Gachagua, Dr. Galgallo, Mr. Gitau, Dr. Godana, Messrs. Kagwe, Kagwima, Kaindi, Kajwang, Kamotho, Kariuki G.G., Kariuki M., Ms. Karua, Messrs. Katuku, Kembi-Gitura, Kenneth, Keter, Dr. Khalwale, Messrs. Khamisi, Khaniri, Kibunguchy, Ms. Kilimo, Messrs. Kilonzo K., Kilonzo M., Kimathi, Kimeto, Kimunya, Kingi, Koech J.K.A., Kombe, Konchella, Korir, Kosgey, Kuti, Lesrima, Ligale, Prof. Maathai, Dr. Mchache, Maj. Madoka, Mr. Maitha M.M., Dr. Manduku, Prof. Mango, Messrs. Manoti, Marende, Masanya, Mbai, Mbau, Ms. Mbarire, Messrs. Mganga, Miriti, M'Mukindia, Mohamed M.A.H., Moroto, Muchiri, Muite, Mukiri, Mungatana, Munya, Munyes, Muriuki, Muriungi, Murungi, Mutiso J.P., Muturi, Mwangi, Mwanicha, Mwanzia, Mwenje, Mwiraria, Dr. Mwiria, Ms. Njoki, Messrs. ole Ntimama, Nyachae, Nyagah N.G., Nyagah J.N., Eng. Nyamunga, Dr. Oburu, Messrs. Ochilo-Ayacko, Ogur, Dr. Ojiambo, Messrs. Ojode, Okundi, Prof. Olweny, Messrs. Omamba, Omingo, Prof. Oniang'o, Messrs. Onyancha, Opore, Osundwa, Owidi, Owino, Rai, Prof. Saitoti, Messrs. Samoei, Shaaban, Dr. Shaban, Messrs. Shakombo, Sudi, Sugow, Syongoh, Tarus, Too, Wamalwa, Wamunyinyi, Wamwere, Wanjala, Wario and Were.

Tellers of the Ayes: Messrs. Kaindi and Keter.

NOES: Nil.

Tellers of the Noes: Messrs. Serut and Wamwere.

Abstentions: Messrs. Kamama, Kipchumba, Koros, Muiruri, Ngoyoni, Rotino, Salat, Sasura and Sungu.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman took the Chair]

THE NATIONAL ASSEMBLY REMUNERATION (AMENDMENT) BILL

Mr. Chairman: Order, hon. Members! We are back in the Committee of the whole House and in accordance with Standing Order No.109(2), this Committee will only consider Clause 5.

Clause 5

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, I beg to move:-

THAT, the First Schedule of Clause 5 be amended to reflect the allowances awarded by the Cockar Tribunal.

Mr. Chairman, Sir, I must start off by apologising to the hon. House for the printing mistakes made where the house allowance column was copied also with mistakes for extraneous duty allowance because in this we are, in fact, providing earnings per annum and not earnings per month as in the Cockar Report. That is what explains the mistake and I will now say this: When we noticed the mistakes in this Bill, I ordered for the printing of a fresh Bill, but by the time I brought that, I was informed that if I insisted on exchanging, this issue was going to take much longer because we were going to lose two days. So, I thought it would be easier to go ahead with the old Bill and then I move the amendment and I am sure hon. Members who were here yesterday can attest to that. I tried to move that amendment, but I must have done it at the wrong time and when it came to the right time, we were moving too fast.

Mr. Chairman, Sir, for the hon. Members, I think we have all agreed that we are following the Cockar Report and that is why we are amending the Bill to get to the figures which were allowed. It would be improper for

us to increase our own allowances. So, may I now read out the amendments?

Mr. Chairman: Yes, please.

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, on the column of the extraneous duty allowance in Kenya shillings *per annum*, for the Vice-President and Minister for National Reconstruction, you delete the figure Kshs3.6 million and replace it with Kshs2.4 million. For the Speaker, you delete the figure Kshs3.6 million and replace it with Kshs2.4 million. For the Deputy Speaker, you delete Kshs1.2 million and replace it with Kshs960,000. For the Minister, you delete Kshs1.2 million and replace it with Kshs960,000. For the Leader of Official Opposition, you delete Kshs1.2 million and replace it with Kshs960,000.

Mr. Chairman, Sir for the Assistant Minister, you delete Kshs960,000 and replace it with Kshs600,000. For Parliamentary Service Commissioner, you delete Kshs960,000 and replace it with Kshs600,000. For a Member of Parliament, you delete Kshs840,000 and replace it with Kshs360,000.

Hon. Members: No!

Mr. Chairman: Order, hon. Members! Let the Minister finish and then you can speak if you wish!

The Minister for Finance (Mr. Mwiraria): Mr. Chairman Sir, for the Government Chief Whip, you delete Kshs1.2 million and replace it with Kshs960,000. For Deputy Government Chief Whip, you delete Kshs960,000 and replace it with Kshs600,000. For Opposition Whips, you delete Kshs960,000 and replace it with Kshs600,000. For Member of Chairmen's Panel, delete Kshs960,000 and replace it with Kshs600,000 and for other recognised Whips, delete Kshs840,000 and replace with Kshs600,000.

Mr. Sungu: On a point of order, Mr. Chairman, Sir.

Mr. Chairman: Order, Mr. Sungu! The Minister is moving the amendments and you will have an opportunity to contribute if you wish. Mr. Minister, could you go on!

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, on Column 7 on entertainment allowance for the Vice-President and Minister for National Reconstruction, delete Kshs3.6 million and replace it with Kshs2.4 million and for the Speaker, delete Kshs3.6 million and replace it with Kshs2.4 million.

Mr. Chairman, Sir, the other figures remain as they were and once again, I do apologise for the mistakes made by the officials and the printers on the recommendations shown on Page 101 of the Cockar Report.

Mr. Chairman, Sir, I beg to move that the First Schedule be amended as I have stated.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

Mr. Sungu: Thank you, Mr. Chairman, Sir. I do approach this matter with a very heavy heart because it involves monies from the Treasury. This thing has been discussed on the Floor of this House many times and I do not see why Members of Parliament should get Kshs360,000 when others, like Commissioners and Assistant Ministers get Kshs600,000. The difference has been discussed with the Minister, and I believe he is reckoning his promise. I would like him to move that amendment before we vote.

Mr. Haji: Mr. Chairman, Sir, we must be sensitive to the needs of the people of this country. We know how poor Kenya is and, therefore---

Hon. Members: No! PC, sit down!

Mr. Chairman: Order! Order, hon. Members! If you do not like what Mr. Haji is saying, just hold your peace, stand up and I will give you a chance.

Proceed, Mr. Haji!

Mr. Haji: Mr. Chairman, Sir, I would like to propose a further reduction in this manner---

Mr. Chairman: Order, Mr. Haji! You are out of order. Mr. Haji, I do not have any notice from you.

Mr. Obwocha: Mr. Chairman, Sir, I would like the Members to listen to me. What we are discussing is a matter of principle. Some hon. Members may not like what I am going to say, but it is a matter of principle. We agreed that our terms be decided by somebody else. The Press and members of the public have been fighting us. When we are adopting a Report of this House---

(Loud consultations)

You may not like what I am saying, but you--

Mr. Chairman: Order! Order! If hon. Members persist, I am going to invoke a serious order and someone will go out. So, let us have silence. This is an important matter.

Proceed, Mr. Obwocha!

Mr. Obwocha: Mr. Chairman, Sir, when we were debating this matter, we agreed that we were going to take what the Tribunal decided. This amendment says a Member of Parliament should take Kshs360,000. That brings us to the much talked about Kshs485,000, which to me is not an increase because when you remove the tax of Kshs65,000 and pension deduction, you end up with Kshs392,000. This is less than what we are earning and yet out there we are being bashed. I am going to blame the Minister for doing what he did. He should have got his facts right instead of ridiculing us and making us go to division for nothing. Hon. Members do not understand why we went to this division. We accept this amendment because it will bring the salaries exactly to what the Tribunal recommended.

Mr. Chairman: Before I put the Question, I want to say that I have a notice from Mr. Samoei of a proposed amendment to reduce or to amend further the proposal by the Minister.

Hon. Members: On what!

Mr. Chairman: It is Mr. Samoei's right.

Mr. Samoei: Mr. Chairman, Sir, while I quite agree with the Minister for Finance that we should be sensitive to what other Kenyans feel, and we should take into account the status of the economy of our country, I propose further to the amendments proposed by the Minister that the First Schedule be amended as follows:-

THAT, the figure for the Vice-President be reduced from Kshs2.4 million to Kshs---

Mr. Chairman: Order! Order! This is Column VI on Extraneous Duty Allowance.

Mr. Samoei: Mr. Chairman, Sir, I beg to move a further amendment to the First Schedule as follows:-

THAT, the figure proposed for the Vice-President be further reduced from Kshs2.4 million to

Kshs1.4 million. The one for the Speaker be reduced from Kshs2.4 million to Kshs1.4

million and for the Deputy Speaker from Kshs960,000 to Kshs500,000. The figure for the Minister be reduced from Kshs960,000 to Kshs800,000; for the Leader of Official Opposition be reduced from Kshs960,000 to Kshs500,000; for the Assistant Minister be reduced from Kshs600,000 to Kshs380,000; for Parliamentary Service Commissioners be reduced from Kshs600,000 to Kshs380,000 and Members of Parliament stay at Kshs360,000. I propose that the figure for the Government Chief Whip be reduced from Kshs960,000 to Kshs500,000; for the Deputy Chief Whip be reduced from Kshs600,000 to Kshs380,000 and for the Opposition Whip be reduced from Kshs600,000 to Kshs380,000.

Hon. Members: No! No!

Mr. Chairman: Order! Order! Mr. Samoei, you have not finished.

(Loud consultations)

Order, hon. Members! Order, Mr. Kajwang! Mr. Samoei, still you have not moved the column on entertainment allowance.

Mr. Samoei: On entertainment allowance, Mr. Chairman, Sir, I am proposing that the figure be reduced from Kshs2.4 million to Kshs1.4 million for the Vice-President and the Speaker. For the Members of the Chairman's Panel, I am proposing that---

Mr. Chairman: Order! Order, Mr. Samoei! You have already given the proposal as per the paper I am holding. Could you leave it at that so that I propose the Question?

Mr. Samoei: Mr. Chairman, Sir, I beg to move that amendment.

(Question of the further amendment proposed)

Mr. Sasura: Mr. Chairman, Sir, it is clear that is a very sensitive matter even in the eyes of the public and more so, in the eyes of the Press. It is not fair for Members of Parliament to be crucified for a paltry Kshs25,000 increase in this new package. For the sake of this country and the ailing economy, which the NARC Government is always crying about, it is only fair to reduce this as Mr. Samoei has proposed.

I beg to support.

(Applause)

The Minister for Energy (Mr. Ochilo-Ayacko): Mr. Chairman, Sir, it is very surprising that we have a change of heart from the KANU side. But it does---

Hon. Members: No!

Mr. Chairman: Order, Members!

The Minister for Energy (Mr. Ochilo-Ayacko): It does appear, Mr. Chairman, Sir, that what the Mover clearly targets is the Front Bench of the Government. If we are talking about reduction, then it would not even be proper to make this increment. We should stay on our old salaries, if they want it that way.

Mr. Chairman: It is perfectly in order. What the Chair will not accept is an increment. But with a reduction, it is perfectly in order.

(Applause)

Order! Order, hon. Members! Mr. Samoei, I just want to draw your attention that there was a second page on the Schedule. I have already proposed the Question. What do you have to say?

Mr. Samoei: Mr. Chairman, Sir, I had given notice on that particular issue, and I wanted to correct the typographical error because I was writing it. Otherwise, I was proposing that the Extraneous Duty Allowance for Members of the Chairman's Panel, be reduced from Kshs600,000, as proposed by the Minister, to Kshs360,000; and that of the other recognised Whips be reduced from Kshs600,000 as proposed by the Minister, to Kshs360,000.

Mr. Chairman: Hon. Members, for the purpose of procedure, I want to note that Mr. Samoei had already made a proposal and I had actually removed an amendment and put a proposal. But we have allowed that, and he had accepted that at some stage there was an omission. Therefore, we accept that one, in as far as it concerns Members of the Chairman's Panel and other recognised Whips, as it was an omission. Is that correction okay, Mr. Samoei?

Mr. Samoei: That is correct, Mr. Chairman, Sir.

(Applause)

Mr. Kajwang: Mr. Chairman, Sir, I want to thank hon. Samoei very much. He has been very busy here in the House of late, but today, he made a very brilliant presentation.

(Applause)

Mr. Chairman, Sir, if you look at it, Mr. Speaker can entertain, but hon. Members, Commissioners and Assistant Ministers also entertain. In fact, Mr. Samoei, I would have suggested that you should have made it all Kshs360,000 across the board.

(Laughter)

I accept and support your amendment.

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, I want to say that I have not seen our Parliament become so constructive before. If that is your will that we lower the allowances. I am sure it will save us some money, and I support it.

(Applause)

(Question of the further amendment, that the words to be left out be left out, put and agreed to)

(Question of the further amendment, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 5 as amended agreed to)

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the National Assembly Remuneration (Amendment) Bill, 2003 in respect of Clause 5, and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Deputy Speaker in the Chair]

REPORT CONSIDERATION OF REPORT AND THIRD READING

THE NATIONAL ASSEMBLY REMUNERATION (AMENDMENT) BILL

Mr. Muturi: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole House has reconsidered the National Assembly Remuneration (Amendment) Bill in respect of Clause 5 and approved the same with amendments.

The Minister for Finance (Mr. Mwiraria): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Finance (Mr. Mwiraria): Mr. Deputy Speaker, Sir, I beg to move that The National Assembly Remuneration (Amendment) Bill, 2003 be now read a Third Time.

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa) seconded.

(Question proposed)

Mr. G.G. Kariuki: Mr. Deputy Speaker, Sir, I rise to support this Bill because the Opposition side of the House have saved this country quite a lot of money.

I beg to support.

(Question put and agreed to)

*(The Bill was accordingly read
the Third Time and passed)*

MOTION

REMUNERATION FOR THE PRESIDENT

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Mr. Deputy Speaker, Sir, I beg to move:-

THAT, this House resolves that with effect from 1st January, 2003, the salary and allowances of a serving President shall be as follows:-

	<u>Kshs</u>
Salary	700,000 per month
Extraneous	
Duty Allowance	600,000 "
Entertainment	
Allowance	600,000 "
Constituency	
Allowance	100,000 "

Mr. Deputy Speaker, Sir, in moving this Motion, I am complying with provisions of Section 13(1) of the Constitution which reads as follows:

"The President shall receive such salary, allowance and benefits as may be---"

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! We do not want you to come and say you did not understand. Would you listen, please?

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Mr. Deputy Speaker, Sir, I had just said that in moving this Motion, I am complying with the provisions of Section 13(1) of the Constitution which reads as follows:

"The President shall receive such salary, allowance and benefits as may be determined by a resolution of the National Assembly."

Mr. Deputy Speaker, Sir, this is a matter that this House will debate and resolve upon. We shall not go through the Committee Stage and all that. A simple resolution is enough. Let me start by paying tribute to Members of this august House, in this case, on a matter engineered by the loyal Opposition to the Kenya Government, which has seen virtue in frugality and recommended that the allowances proposed by the Cockar Report were rather excessive, and reduced them accordingly. The office of the President is the number one national office and the holder of that office must at all times be financially comfortable in terms of entertaining visiting heads of States, *wananchi* who go to visit him and all that.

Therefore, in my opinion, this office deserves the salary and allowances that were recommended by the Cockar Report. This is especially so because at the moment, the current occupant of State House does not receive any briefcases as gifts.

We hope that all future occupants of the Office of the President will be honest people who will try to live within their means. A salary of this nature is deemed to be fit for a hard working President who depends purely on his salary and no other perks.

With those few words, I beg to move.

The Assistant Minister for Finance (Mr. Katuku) seconded.

(Question proposed)

Mr. Maore: Mr. Deputy Speaker, Sir, I wish to support the Motion as moved by the Leader of Government Business. However, I would like to state that once you are awarded this kind of salary, you are supposed to work very hard and justify it.

Mr. Deputy Speaker, Sir, I heard the Vice-President and Minister for National Reconstruction say that the current occupant of the Presidency does not receive briefcases. We are not privy to what goes on behind the gates of State House. However, we have heard rumours about Ministers receiving briefcases. So, as we pass this resolution, we call upon the President to reign in on his Ministers, who lean towards receiving briefcases.

The Minister for Lands and Settlement (Mr. Kimunya): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to impute improper motive on the person of the President?

Hon. Members: He has not!

The Minister for Lands and Settlement (Mr. Kimunya): Mr. Deputy Speaker, Sir, the hon. Member has just said that we do not know what kind of briefcases pass through the gates of State House.

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

Mr. Deputy Speaker: What is it, Mr. Mganga? Do you want to respond to these deliberations on my behalf?

Mr. Mganga: No, Sir.

Mr. Deputy Speaker: My ruling is that I did not hear Mr. Maore say anything injurious to the person of the President.

Could you continue, Mr. Maore?

The Minister for Finance (Mr. Mwiraria): On a point of order, Mr. Deputy Speaker, Sir. Could the hon. Member on the Floor tell us which Ministers have received briefcases? Otherwise, he should withdraw the statement and apologise.

Mr. Maore: Mr. Deputy Speaker, Sir, it is in the public domain that Mr. E.K. Maitha returned a briefcase. We do not know whether other Ministers solicit for briefcases, and do not return them.

(Laughter)

The Minister for Energy (Mr. Ochilo-Ayacko): On a point of order, Mr. Deputy Speaker, Sir. There is a difference between "receiving" and "returning". So, could the hon. Member say whether he has used the word "return" to mean "receive"? There are very few Ministers in this House.

Mr. Maore: Mr. Deputy Speaker, Sir, I am not quoting any sources other than the Minister of State, Office of the President, who is in charge of internal security, and who knows all our secrets. He did say that some Ministers were receiving money through their bank accounts. Let us now leave the issue of Ministers receiving briefcases. That was even confirmed on the Floor of this House.

Mr. Deputy Speaker: Mr. Maore, could you now proceed with the debate before the House?

(Laughter)

The Minister for Justice and Constitutional Affairs (Mr. Murungi): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for my friend, Mr. Maore, to mislead the House that Dr. Murungu said that money had been put in bank accounts of certain Ministers when, in fact, what the Minister said was that there was a plan by some criminals to put money in Ministers' accounts?

(Applause)

Mr. Deputy Speaker: Order! Order! Hon. Members, I believe that what Mr. Maore has said are things which are known to all of us; they have been said publicly. So, why should we dwell on the matter? You know, the more you talk about it, the more you make it appear to be an issue.

The Assistant Minister for Lands and Settlement (Mr. Ojode): On a point of order, Mr. Deputy Speaker, Sir. We are setting a bad precedent. A ruling has been made in this House that we cannot go by newspaper reports. If that is what we are going by, it is wrong for the House to acknowledge what Mr. Maore has said; he should be asked to substantiate.

Mr. Deputy Speaker: Order! I now rule that Mr. Maore should continue!

Mr. Maore: Mr. Deputy Speaker, Sir, I do emphasise that we must see the fruits of the money that we are going to allow the Consolidated Fund to release every month to the holder of the Office of the President. We do not want to use this resolution as a way of debating the conduct of the President or other details that may not be intended.

With those few remarks, I beg to support.

The Minister for Water Resources Management and Development (Ms. Karua): Thank you, Mr. Deputy Speaker, Sir. I rise in support of the Motion. Kenyans have just voted in the newspapers through a poll and 70 per cent are convinced that the NARC Government is performing its duties. The jury out there is convinced that we are doing our work properly; that we are combating the legacy of corruption that was left by the KANU regime. Let us not use this House to make malicious statements. If any Member knows of a corrupt Minister or, indeed, of a corrupt Member of Parliament - because they are not also beyond probity - let somebody substantiate or bring a substantive Motion. Blanket allegations and insinuations are not the way for leaders. Let us be serious! Let us treat this House seriously.

Hon. Members: Just support!

The Minister for Water Resources Management and Development (Ms. Karua): I know of only one Mr. Deputy Speaker and not a mob!

With those few remarks, I beg to support.

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, first of all, I want to support the resolution of the

allowances and remuneration for the President. I think I am rather worried that we are going a little bit too far in all the insinuations that we are making against the Front Bench. I do not think it is right to come here and say "I have heard or the newspapers have written"! We need proper substantiation because we are actually smearing the names of the people in front here. In fact, as a matter of fact, in my own opinion, these people, especially in the NARC Government have shown that they are fighting corruption. We should not create a gimmick--- I think the hon. gentlemen on the other side of the House, as much as they would like to humiliate some of us and even the Ministers, I would really have liked to--- I would not like to go back there! We want these people to be free of corruption. The only way to do that is to give them allowances. If you chop the allowances, then you are opening up a problem. They might say they do not have enough allowances. What I really do not like is a person to stand on the other side of the House and say: "I have heard through the newspapers that a briefcase was returned!" They must learn to substantiate such things.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Is there anybody wishing to oppose?

The Minister for Roads, Public Works and Housing (Mr. Raila): On a point of order, Mr. Deputy Speaker, Sir. I do not want to oppose, but I would like to draw the attention of the House to a very serious omission. Whereas we are now talking about the salary of our President, we have not included that of our retired President! Whereas the Report contains proposals for remuneration of a retired president, the Bill is silent about it. This is a strange precedence. We are going to have retired presidents. What is going to be happening when presidents retire? I want to urge the Minister for Finance to probably make a Statement on that. If that is not possible, a Bill---

The Minister for Justice and Constitutional Affairs (Mr. Murungi): On a point of information, Mr. Deputy Speaker, Sir. I want to inform Mr. Raila that the Constitution of Kenya requires a Bill to be brought before the House to set the allowances for a retired President. So, a separate Bill has to be brought before the House, and when it is brought here, hon. Members will have an opportunity to discuss it and support it.

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. That is not the correct position as explained by the Minister for Justice and Constitutional Affairs. Section 13(1) of the Constitution talks about a serving President, and Section 13(2) talks about a retired President. If you want me to read out this section I can do so.

Hon. Members: Read it!

Mr. Obwocha: Mr. Deputy Speaker, Sir, the Vice-President and Minister for National Reconstruction has read out Section 13(1), so I will read Section 13(2), which states:

"Where the President ceases to hold office, he shall be entitled to receive pension, gratuity and other allowances together with such other benefits and facilities, including adequate security, office, staff and travel allowances, as may be prescribed by or under an Act of Parliament".

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Deputy Speaker, Sir, in the interest of transparency and accountability, I want us to admit that this is an omission on our part, rather than saying that we will bring a separate Bill on the issue to the House. It is stated in this Bill that these increases and additional allowances are based on the recommendations contained in the Report of the Tribunal appointed by the Parliamentary Service Commission (PSC) to make recommendations. Recommendations have been made in the Report in respect of remuneration of a retired President. Therefore, the issue should have been contained in this Bill. This is an omission, and I hope we shall correct it.

Mr. Billow: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister for Justice and Constitutional Affairs, therefore, in order to mislead the House? Could he apologise for misleading the House? Recommendations have been made in the Report of the Tribunal as explained by Mr. Raila.

Mr. Deputy Speaker: Mr. Billow, Mr. Obwocha has read out a section of the Constitution, which states that an Act of Parliament should deal with this issue. The Minister has said that he will bring a Bill on the matter to the House.

Mr. Billow: Mr. Deputy Speaker, Sir, the whole of the Cockar Report should have been contained in the Bill and not parts of it.

The Minister for Energy (Mr. Ochilo-Ayacko): Mr. Deputy Speaker, Sir, I want to say straightaway that I am in support of the Motion before us, but I want to make a small observation.

Serious allegations have been made in this House about the impropriety of certain alleged hon. Members of the Front Bench. That may pass with this debate and may not alter anything, but in certain jurisdictions in the Commonwealth where debates of this kind take place, I know that it is against the Powers and Privileges Acts of

those Parliaments. I believe that it is even against the Powers and Privileges Act of this House to make allegations that would be scandalous to your colleagues. I support the Motion but I urge the Chair to, in future, be more vigilant and stop the making of such allegations.

Mr. Deputy Speaker: Order, Mr. Ochilo-Ayacko! I will respond to that!

Dr. Godana: Mr. Deputy Speaker, Sir, I want to support the proposal before the House. I also want to appeal to my colleagues, some of whom I know are lightly offended when they think aspersions are being cast against them. It is the nature of Parliamentary debate that hon. Members on opposite sides tend to seize any opportunity to prick each other. The statements which Mr. Maore made were fairly general. I do not think they should have deserved these kind of passionate responses. You are actually giving credibility to these allegations to the media, which is not very necessary.

(Applause)

But obviously, this side of the House will feel that it is failing in its duties if it failed from time to time to do that. Beyond that, I do not think we should really convert this debate on the President's emoluments into a debate on other matters. We should end up the matter and look for the unanimous support for the Motion before the House. We should get on with business.

The Minister for Education, Science and Technology (Prof. Saitoti): Thank you very much, Mr. Deputy Speaker, Sir. I would like to support fully this resolution. At the same time, I would like to say that it is most fulfilling to know that, indeed, a Bill will come which will give effect to the various benefits which accrue to a retiring President. I made emphasis on that issue but, unfortunately, for a long time we have been unable to recognise the institution properly. We must be one of the very few countries where, for example, the institution of the Presidency is not well defined. We have not defined the retirement benefits for a President. Many years after being an independent country; for almost 40 years, we do not have the retirement benefits even for the Vice-President. We also do not have retirement benefits for the Speaker of this House.

Mr. Deputy Speaker, Sir, if you visit other countries in the Commonwealth, including our two neighbouring countries namely, Uganda and Tanzania, you will find that they have an Act of Parliament for constitutional office holders. All the holders of constitutional offices, including the Attorney-General and others are well defined in all the countries. We have been the only country which does not recognise the services of people who hold what we call "Constitutional Offices".

Finally, I think we need to conduct our business in accordance with our Standing Orders. I know that one of the most important Standing Order is the one which says that a Member of Parliament will not cast any aspersions to another hon. Member. Indeed, notwithstanding what Dr. Godana has said, Mr. Maore did say or impute improper motives to the Front Bench here that we have been collecting briefcases. I think that is wrong. This is the time we are fighting corruption. I appreciate the passion which has been expressed by the Front Bench here, and other hon. Members about improper reference of the Front Bench collecting briefcases. If there is anybody who has been collecting briefcases, name him. There are things to be wished away. This is the time we are fighting corruption.

Hon. Members: Toboa! Toboa!

The Minister for Education, Science and Technology (Prof. Saitoti): Mr. Deputy Speaker, Sir, I do not think it will cause Mr. Maore any harm to say that he never meant to offend anybody. He can withdraw his remarks, as an hon. Member, and he will be a very happy person.

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

(Loud consultations)

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

Mr. Deputy Speaker: Order, hon. Members! You are out of order!

Mr. Maore: On a point of order, Mr. Deputy Speaker, Sir. I think for the record, if you remember, I was responding to the insinuation made by the Vice-President and Minister for National Reconstruction. I did not initiate the debate.

Mr. Deputy Speaker: Hon. Members, I want to say this: Mr. Ochilo-Ayacko made a statement to the effect that in future the Chair should be more careful. I take great exception to that statement.

(Applause)

First and foremost, the issue of briefcases came from the Government side of the House. Secondly, when Mr. Maore mentioned about Ministers receiving briefcases, he was challenged and he did say that Mr. E.K Maitha has said that a briefcase full of money was presented to him as a bribe.

(Applause)

Thirdly, there was the issue of money in the accounts. Again, that was said by a Minister. So, I do not think you should challenge the Chair to ask Members to substantiate things that you bring forward. For that reason the matter now rests there. I will now put the Question.

(Applause)

Hon. Members: The Mover of the Motion has not replied yet!

Mr. Deputy Speaker: Mr. Vice-President and Minister for National Reconstruction, I beg your pardon. Go ahead!

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Thank you, Mr. Deputy Speaker, Sir. Let me take this opportunity to thank all the Members who supported this Motion because in spite of supplementary matters that arose, I think they are totally relevant to the Motion as it is before the House. I would like to thank all those who spoke and even those who did not get a chance to speak, for supporting this Motion.

With those few words, I beg to move.

(Applause)

(Question put and agreed to)

Mr. Deputy Speaker: Next Order!

**MOTION FOR THE ADJOURNMENT UNDER
UNDER STANDING ORDER NO.18**

UNSATISFACTORY ANSWER ON
IMPORTATION OF SUGAR

Mr. Deputy Speaker: Hon. Members, there is no time for Order No.9. We will move straight on to the Notice down there on the Order Paper which is the Adjournment Motion. Pursuant to Standing Order No.18, I now ask the Minister for Agriculture and Livestock Development to move the Motion for the Adjournment.

The Assistant Minister for Agriculture and Livestock Development (Mr. Osundwa): Mr. Deputy Speaker, Sir, I move that the House do now adjourn.

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): seconded.

(Question proposed)

Mr. Deputy Speaker: Could Prof. Oniang'o go on! This matter will go on up to 7 o'clock and, therefore, it will take 30 minutes only.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, I sought a Motion for the Adjournment to discuss the crisis in the sugar industry, arising from---

Mr. Deputy Speaker: Order, hon. Members! Those who wish to withdraw from the Chamber, may do so quietly.

(Loud consultations)

(Several hon. Members withdrew from the Chamber)

Prof. Oniang'o: Thank you, Mr. Deputy Speaker, Sir. I sought a Motion for the Adjournment to discuss the crisis in the sugar industry arising from what I considered to be an unsatisfactory answer that was given by the Minister on 19th March, 2003, in response to a Question by Private Notice by Prof. Olweny concerning importation of sugar into the country in the past two months.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the whole issue of the crisis in the sugar industry affects so many Kenyans and their lives. I think we underestimate the number of people who rely on the sugar industry. Estimates have put it at 2.3 million, constituting about 8 per cent of the Kenyan population. I do not think these statistics are correct because, I believe if you take into account all the sugar companies that we have around; Nzoia, Sony, Muhoroni, Mumias, Chemelil, Miwani and even Ramisi, which closed down, there are very many Kenyans who depend on the sugar industry for their livelihood as farmers and as workers. If you look at the consumer side, then we truly have many Kenyans who depend on this industry

Mr. Temporary Deputy Speaker, Sir, there have been many problems which date back to the year 2000, when already the sugar industry was beginning to feel a pinch as some of the companies went under receivership. We tend to forget the impact of this at personal level. This led to a number of hon. Members from the sugarbelt to work on a Bill, which then led to the Sugar Act of 2001. The Sugar Act was meant to empower farmers and give them more voice, flexibility and information. It was, also, to be gender sensitive recognising the problems that were within that industry, and to give them a position where they could determine how much they were going to be paid for their sugar-cane. In spite of the enactment of the Sugar Act, we still have the same problems that were existing before the Act came into place and they have even become worse.

I will try to move on quickly so that I can give my colleagues a chance to contribute to this Motion. What has happened is a situation where we heard the NARC Government during its campaign pledges promising to protect the sugar industry against cheap and illegal imports. They also promised to rehabilitate the collapsed companies. Unfortunately, it is just one of the many pledges that the NARC Government has not fulfilled or attended to now that they are in power. So, we continue to hear a lot of cries from the sugar-cane areas, from officials who are involved and indeed, from the Members of Parliament who come from those areas. I just felt that it be best that we bring this issue to the House.

Mr. Temporary Deputy Speaker, Sir, recently, in March, 2003, we heard some Ministers of the NARC Government telling sugar-cane farmers that nobody is forcing them to grow sugar-cane. They can switch to any crop as they wish. We are talking of people who have invested in sugar-cane growing and who have committed all their land to sugar-cane growing; farmers who are poor and who can hardly afford school fees for their children. They can hardly afford livelihood and we are telling them to just switch from sugar-cane and grow something else. I thought it was irresponsible of Ministers of the NARC Government to do that. We have also witnessed Ministers themselves contradicting each other, in fact, where Assistant Ministers in the same Ministry are contradicting their own Minister. We have also seen the Minister for Agriculture and Livestock Development say that his hands are tied. He cannot solve or manage the sugar crisis and quoting the COMESA and the WTO's regulations, to which Kenya is a signatory. From my point of view, I think we have not understood what is contained within the agreements in COMESA and the WTO. If you look at what countries such as America, or countries in Europe are doing, they have protectionist regulations and laws within these agreements, which protect their own farmers. They have quotas where they restrict imports from outside into their own countries. In essence, they are actually invoking protectionist laws. Why is it that Kenya and many other African countries do not sit to study these agreements and whatever is going on that they have been signatory to in order to protect their own farmers? I just feel that I have an interest in this issue as well because I come from a sugar-cane growing area. But, as I said, it is a matter of national interest. I think all of us should decide on what can be done about it in order to save the farmer, the workers and show that, in fact, the ball is in the court of the NARC Government which is in power right now. The Government should actually manage this crisis.

Mr. Temporary Deputy Speaker, Sir, putting the blame on the previous Government and talking about political interference is something of yester years and we will not let you get away with it. So, this should actually come to the House so that we can begin to address this issue in a very serious manner and also make sure that farmers' money deposited in Euro Bank--- We have actually forgotten this; farmers lost about Kshs56 million in Euro Bank. They pay levies and taxation to the extent that local sugar costs more than imported sugar. We keep

on asking, why is the production of local sugar more expensive than imported sugar? This is exactly where the problem is and the NARC Government is in power right now. It should sort out the issue of taxation, levies and good governance to make sure that farmers have their voice and that, in fact, we implement the Sugar Act, 2001.

Mr. Temporary Deputy Speaker, Sir, the Sugar Act, 2001, is flawed, with a lot of problems. Like many other Acts, it does not really mention the farmer anywhere but talks about the Board, the Executive Committee, and what their allowances should be and how they could regulate things. Truly, they do not give their farmers adequate voice; they do not empower the farmers to manage their own affairs and, we feel that it is just about time this happened.

Mr. Temporary Deputy Speaker, Sir, I decided to bring this issue to the Floor of this House and I am not sure that something will come out of this. But, indeed, something must come out of this because we have many Kenyans who are affected by this issue, and we keep on saying that the issue is addressed through Press statements, as if we cannot address it properly in the House. I am hoping that my friends and colleagues in this House will actually contribute to this issue and the Ministers will actually take time to address the issue, so that we can move forward.

With those remarks, I beg to move.

Mr. Wakoli: Mr. Temporary Deputy Speaker, Sir, I would like to support the issue which Prof. Oniang'o has brought before this House. I would not want to join her in blaming the current Government and exonerating the previous Government over what is happening in the sugar industry. I want to say that the mistakes and problems we have in the sugar industry are as a result of mismanagement by the KANU Government. That is true. But I want to take head on the Minister for Agriculture and Livestock Development, that he is actually against sugar-cane farmers in this country. How dare he reduces the price of sugar-cane from Kshs2,000 to Kshs1,800. He is simply out to kill the sugar industry in this country!

Mr. Temporary Deputy Speaker, Sir, there is a lot of talk. People are talking a lot everywhere, saying that the KANU Government was better than the NARC Government because they never reduced the price of sugar-cane. The Act is very clear, that if the Minister for Agriculture and Livestock Development had seen a dispute in the sugar industry, he would have appointed a tribunal, but not just to go ahead and reduce the price of cane without following the laid down rules. When you look at what the Minister is doing, he is simply out to destroy the sugar industry. There are so many farmers who depend on sugar-cane and many other people employed by the sugar factories. Where are they going to go? The truth of the matter is, you cannot reduce the price of sugar-cane when you have not reduced the price of farm inputs on the production of the same sugar-cane. Fertilizer is costly and tractor owners are also charging farmers very highly. When it is sugar-cane harvesting time, the cane usually falls on the road. All these costs are carried by the farmer. We are asking the Minister for Agriculture and Livestock Development to look into the issue and reinstate the price of cane to its previous level.

Mr. Temporary Deputy Speaker, Sir, most sugar factories are Government parastatals. We have seen the Government paying debts for some collapsed projects in this country. After all, most of those debts were incurred as a result of duty and other taxes. These are the levies which Mumias Sugar Factory, or Muhoroni Sugar Factory were supposed to pay to the Kenya Government. There is nothing tangible the Government is going to lose if they wrote off the debts which the sugar industries are having. We are asking the Minister to look for a way out so that those debts are written off and our factories are set free to start operating under the good governance of the NARC Government. We know everything is going to be possible with the able leadership of the NARC Government. We have moved out of the corrupt system. Why should the Minister reduce the price when we are expecting good returns and workmanship in this country?

Mr. Temporary Deputy Speaker, Sir, with regard to the importation of sugar, it is true that competition is a healthy game, but you cannot compete if you do not have the ability to compete. The sugar industry in Kenya cannot compete with the sugar industries in other countries. So, there is nothing wrong with stopping this importation. If you look at the people who are importing sugar, they are those able Kenyans.

I beg to support.

Prof. Olweny: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to thank my colleague, Prof. Oniang'o for bringing up this matter. This is an issue which affects 6 million Kenyans in this country. It is an issue which is so painful to us when the Government ignores. Six million Kenyans are crying for attention, but the Government is not responding. Instead of a positive response, the Government makes cosmetic responses by first reducing the price of cane by over Kshs200 and also by appointing another cosmetic task force of unqualified teachers to look into the problems of the sugar industry in this country. The problems facing the sugar industry are so technical that I just cannot imagine a teacher from Trans Nzoia having the ability to look into them. The sugar industry has problems which are so technical that someone cannot just ask a colleague in a political party to look into them. We have adequately qualified and well trained people in this country who can look into those problems.

The Minister said that we do not produce enough sugar. Kenya used to be a major exporter of sugar, wheat and rice. What happened in this country? The reason for this is that the Ministry of Agriculture and Livestock Development is not giving the agricultural sector the attention that it deserves. All agricultural commodities are going down-hill. I hope the Ministry is aware of this. That is the trend in all agricultural activities. There is no way we can expose our farmers to external competition while they do not have the capability to deal with that kind of competition.

We talk of cheap sugar from the world market. Any agriculturalist knows very well that cheap sugar in the world market is actually bought from the sugar industries of these governments. It is then dumped into the world market. Every agricultural sector is subsidised and supported by the respective government. Why is our Government not doing this to the various sub-sectors of our agricultural industry? Why is our Government not giving the necessary support to the sugar-cane farmers?

Our sugar-cane farmers have been turned into the poorest cash crop producers in this region. When you go to the sugar growing areas, you will find that the farmers are begging. They cannot afford to educate their children. They do not even have money for health care. We have a high death rate in Western and Nyanza Provinces. We have pleaded with this Government and the former Government to assist the sugar-cane farmers and nobody pays attention. What else does this Government want in order to be alerted to the fact that we need to develop our agricultural sector fully? Sugar-cane is a commodity of the agricultural sector.

If the people in Kilimo House are not aware of this fact, they are wasting time. Why should they tell us that sugar has got no potential? Why should they tell us that we cannot compete with the outside world while sugar has got so many by-products which could make it pay off in terms of production costs? We have molasses which can be used to produce gasohol. It is also livestock feed. We have bagasse which can be used to produce enough electricity for this country so that we do not import it from Uganda. We can produce a lot of other by-products from sugar.

It is my feeling that we should put more pressure on the Minister for Agriculture and Livestock Development.

The Temporary Deputy Speaker (Mr. Ethuro) Your time is up, Prof. Olweny.

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, I beg to support.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, it is now time for the Official Government Responder to reply.

The Minister for Trade and Industry (Dr. Kituyi): Mr. Temporary Deputy Speaker, Sir, I would like to donate the first two minutes of my time to Mr. Kimeto.

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, I thank the Minister very much.

Mr. Temporary Deputy Speaker, Sir, reducing the price of sugar is not enough. A reduction in the price of sugar will lead to the fall of the prices of other agricultural produce throughout the country. The people who rely on the sugar industry will not have money with which to buy maize or milk from Sotik Constituency and from other parts of the country. So, various agricultural sub-sectors are inter-related. If sugar-cane growers in Western Province earn good returns from their produce, they will have money with which to purchase other agricultural produce. That way, we will be exchanging our agricultural produce.

Therefore, I would like the Minister to realise that when he reduces the price of sugar, he will not only be killing the sugar industry but also other agricultural sub-sectors such as maize and tea.

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order! Mr. Kimeto, the two minutes that the Minister has granted you are over.

The Minister for Trade and Industry (Dr. Kituyi): Mr. Temporary Deputy Speaker, Sir, first of all, as a matter of procedure, under the relevant Standing Order under which this Motion was brought, dissatisfaction was expressed with the reply to a Question about anti-dumping measures executed by the Government in dealing with either substandard, dumped or uncustomed sugar getting to the Kenyan market. Unfortunately, half of the deliberations so far have been about policies by the Ministry of Agriculture and Rural Livestock Development. So, as the Minister for Trade and Industry, I am constrained to answer only as the Minister in charge of turning down the valve at the entry point of sugar from outside the country.

Prof. Oniang'o: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Question was unsatisfactorily answered by the Minister for Trade and Industry. However, the additional information that I sought was more specific to the Minister for Agriculture and Livestock Development. So, if the two Ministers did not sort themselves out, really, that is not my problem.

The Minister for Trade and Industry (Dr. Kituyi): Mr. Temporary Deputy Speaker, Sir, I am not saying that, that is the problem of the hon. Member. I am only informing her about a parliamentary procedure. I

am saying that when an hon. Member brings a Motion of this nature to debate a matter of unsatisfactory reply to a Question, the Motion should be directed to the Minister who answered the original Question. That is for the information of the gracious lady.

Mr. Temporary Deputy Speaker, Sir, I come from a sugar-cane growing area. So, I share the frustrations of the sugar-cane farmer. However, I also share a certain conviction, that the responsibility of leadership is not just about grandstanding, or saying things that will be applauded by the farmer, but rather about appreciating the environment in which the farmer operates, what is impairing competitiveness and how to address that problem. If you find that you cannot sufficiently address incompetiveness, you should advise the farmer to diversify. It is important that we start from that point. We are not in a popularity contest. We are dealing with the reality at the market place. As leaders, we are supposed to find out ways of dealing with the situation.

One of the realities in the market is that Kenya is a member state of the Common Market for Eastern and South African (COMESA) region. As I said earlier, Kenya accounts for 37 per cent of the export value to COMESA member states. It is by far the most important beneficiary of the COMESA trade. Therefore, Kenya is not about to withdraw from the COMESA trade. Under the COMESA, there are procedures which can be used to stop the importation of goods from other COMESA countries. However, those procedures are timed; they are provided for, for only one year. In fact, we created certain excuses to extend by one year the safeguard measures that were put in place to bar free movement of sugar from COMESA countries into the Kenyan market. So, as I informed hon. Members earlier, as a starting point, at the end of this year, Kenya will be forced to stop barring sugar from Sudan or Egypt from coming into the country. Those countries will bring into the country as much sugar as they wish.

So, given that those are the constraints, the challenge to us as leaders is what we can do to redeem the sugar sector. We must address competitiveness, and doing so involves two different things, namely, what can be done by the Government and the sugar factories and what can be done by the sugar-cane farmer. We cannot expect Kenyan sugar to be more competitive than it is by increasing the amount of money payable to the farmer for cane delivered to the factory. You can only increase what you pay the farmer if you have so substantially reduced the cost of other things. As it is now, the factory gate price of sugar declines even as the farm gate price of sugar-cane increases. These are the areas we should address. That is one of the areas we have been talking about. The hon. Professor from Muhoroni mentioned something very important. Unlike all the other competition, Kenya is not addressing how to produce a parallel product to diminish the cost of producing sugar. There is a world glut of sugar. There is a surplus of sugar in the world. We are among the least competitive because we produce sugar only from cane. Egypt is now dominating the Kenyan market of toilet paper because it takes bagasse from cane and converts it into toilet paper for export under COMESA to Kenya and yet, in our factories, bagasse is a waste and we spend money to dispose it! A small factory in Mauritius, smaller than Mumias Sugar Company which crushes 6,000 tonnes of cane per day sells 74 megawatts of electricity. That is equivalent to 14 per cent of consumption of electricity in Kenya. If Mumias Sugar Company was producing that, the cost of crushing cane, transportation, maintenance would be covered from the sale of electricity and, therefore, it would have been possible to contain the cost of the farmer without increasing the price of sugar.

Prof. Oniang'o: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am just finding it so difficult to allow the Minister to go on misleading Kenyans. Could he just tell us what he is going to do for Kenyans who are affected by the sugar industry?

The Minister for Trade and Industry (Dr. Kituyi): Mr. Temporary Deputy Speaker, Sir, the gracious lady does not know what a point of order means. We will help you slowly to understand some of these things. You do not ask me what I have to tell Kenyans. I am saying what the reality in the market place is. I am not really indulging in debate about misleading Kenyans on what I am going to do for them. What I am going to do for them is, first of all, to inform their leaders on populist talk about increasing sugar-cane prices for farmers, without addressing the costs, distortions, incompetence and inefficiency. You cannot run away from investment in more efficient technology in the utilisation of by-products or other marketable products. It is not about the Minister doing things for the farmers. It is about the country as a whole addressing the reality; that, you cannot just deliver things to farmers as a solution to the crisis in the sugar industry.

Mr. Syongo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to convert this very important opportunity to a lecture? If it is a question of maximisation of the utility value of our sugar industries, there are people in this House who are better qualified to deal with those issues. Just give us a chance!

The Temporary Deputy Speaker (Mr. Ethuro): You are out of order!

The Minister for Trade and Industry (Dr. Kituyi): Mr. Temporary Deputy Speaker, Sir, I am glad to

hear an application for somebody to be given a chance to contribute. Please, look for the right place and contribute. It is very important. We want people like you to contribute. That is not a problem. What I am saying is that the solution for the sugar industry in this country is not about further tariffs. It is not about the Government dictating the farmgate prices of cane. It is a reality that we belong to a liberalised world which is dilatorious to the farmers, but to adjust to it requires sacrifice and targeting the right things about efficiency. It is not about unilateral Government command for economics. That is behind us and it will never come back.

Mr. Temporary Deputy Speaker, Sir, having said that, I wish to say two things. I agree that it is about time as a Government, to pay a bit more attention to the costing of inputs and the quality of inputs as part of addressing the efficiencies in that sector. There has been sufficient attention to research and development of new sugar varieties. There has been insufficient attention about cheaper costs of traction and ploughing for farm preparation. There has been insufficient attention to monitoring the distortions of prices on the basis of a monopoly of the factory buying the cane and contracting who transports at prices set by the factory and passed on to the farmers. Those are issues that the Government has to address.

But as leaders, we also have things to embrace and which have nothing to do with what the Government can do. The Government is saying that we have a challenge. The Government is saying that the simple options of grand standards are not going to work.

At the end of the day, I would like to say the following. There are some areas where cane production is not competitive and it is true that farmers are not to be sentenced to a monolithic crop called sugar-cane. We should be ready as leaders to tell them. I tell the farmers of Western Kenya that they were not sentenced to be sufferers of sugar-cane alone. You can produce from cane. You can diversify in addition to cane and find food security in alternative crops. They should find value in alternative crops. In some of those areas like Busia, instead of expanding everything into cane production, they should share between growing cane and going into other industrial crops like cotton, which have an emerging market and are going to be competitive for a while to come.

Those are realities of a liberalised world, which have nothing to do with just making statements that please people, even when they are not tenable.

Thank you very much, Mr. Temporary Deputy Speaker, Sir.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! It is now time to interrupt the business of the House. The House is, therefore, adjourned until tomorrow Thursday, 10th April, 2003, at 2.30 p.m.

The House rose at 7.00 p.m.