

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 19th November, 2003

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

DISAPPEARANCE OF POLICE
CONSTABLE ANDREW NYANG'AU

Mr. Obwocha: 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 did Police Constable Andrew Mang'oa Nyang'au (Force No.48629) disappear from his work place, Makongeni Police Station, since April, 1994?

(b) Could the Government compensate his family and help educate his children?

Mr. Deputy Speaker: Is the Minister of State, Office of the President, around? Hon. Members, I beg your pardon. I skipped the first Question by Private Notice, but since we have already started, let us go by that order.

Mr. Tarus!

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, may I request that the other Questions be answered first and then we come back to this one because I have not got the answer to it. However, I will be able to answer it in a few minutes' time.

Mr. Deputy Speaker: But you are here and so is the Questioner!

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, that is correct, but I was saying---

Mr. Deputy Speaker: What is the problem?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I had a few changes on the answers I have.

Mr. Deputy Speaker: So, you do not have the answer for this particular Question?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I do not have it now, but I will be able to answer it in a few minutes' time.

Mr. Deputy Speaker: Well, but it looks like we are running into problems. Next Question by Dr. Galgalo!

ETHIOPIAN MILITARY
INCURSIONS INTO MOYALE

(Dr. Galgalo) to ask the Minister of State, Office of the President:-

(a) Why has the Government failed to stop military incursions by the Ethiopian military into border villages of Obbu and Uran divisions of Moyale District?

(b) Why were the Administration Police Posts at Hambalo, Rawana and Bori closed down?

(c) Could the Minister re-open the Police Posts and also increase the number of security personnel at Dambala

Fachana, Madho Adhi, Uran and Galole posts to protect *wananchi* against the Ethiopian military?

Mr. Deputy Speaker: Dr. Galgallo is not here? I have just been informed that he is late but that is no excuse. Therefore, I will have to drop this Question very reluctantly. The Question is dropped.

(Question dropped)

Mr. Deputy Speaker: Let us go to the next Question by Private Notice, by Mr. Obwocha.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, it is the same thing. I will ask for more time.

(Mr. Ojode stood up in his place)

Mr. Deputy Speaker: Order, Mr. Ojode! The Assistant Minister is on the Floor and I want to hear him.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, is that Dr. Galgallo's Question?

Mr. Deputy Speaker: It is Question No.2 by Private Notice of Mr. Obwocha.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I said that I would request that the other Questions be answered and then we come back to this one later.

Mr. Deputy Speaker: Next Question by Private Notice by Mr. Cheboi!

RECONSTRUCTION OF BOCHEGE PRIMARY SCHOOL

Mr. Cheboi: 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 Bochege Primary School in Kuresoi Division, Nakuru District, had its three classrooms and beaming materials destroyed by fire?

(b) What is he doing to ensure that the school is assisted?

(c) How much money has been earmarked for its construction?

Mr. Deputy Speaker: The Minister for Education, Science and Technology is not here? We will leave the Question until the end. I will make another attempt later, on Questions by Private Notice. I will now go to Oral Answers to Questions.

ORAL ANSWERS TO QUESTIONS

Question No.560

COMMISSION TO INVESTIGATE INSECURITY AMONG ASAL COMMUNITIES

Mr. Deputy Speaker: Is Dr. Kuti not here? Do I have an alternative? No. I will drop the Question.

(Question dropped)

Next Question by Mr. Kagwe!

Question No.912

KENYA'S JOINING OF
MILLENNIUM CHALLENGE ACCOUNT

Mr. Deputy Speaker: Is Mr. Kagwe not here? Do we have an explanation for this absence of hon. Members? I really do not understand. It is very unusual.

Mr. Sasura: Mr. Deputy Speaker, Sir, Dr. Galgalo is on the way. Maybe, the best explanation to give for this absence of hon. Members is that you are aware there is a strike by all public transport vehicles and there are excessive personal vehicles on the roads and most of the Members of Parliament are stranded in the traffic jam. Maybe, the other explanation is that the Saboti and Kajiado North by-elections are taking place and that is why hon. Members, especially on the Government side are not here because of the campaigns.

Mr. Deputy Speaker: Order! Order!

Mr. Waithaka: On a point of order, Mr. Deputy Speaker, Sir. Is Mr. Sasura in order to come to this House as a Member of the Opposition and explain the whereabouts of Government Ministers? Is he trying to talk on behalf of the Ministers? Is he in order to do that?

Mr. Deputy Speaker: Order, hon. Members! We are wasting very valuable time of this House and I do not think I want these exchanges. If an hon. Member is late, you know that the House cannot wait until he or she comes. So, we go by the rules. So, Mr. Kagwe is not there and I drop the Question.

(Question dropped)

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. I thought that for ordinary Questions, you would just run through them and then go for them for the second round. You normally do not drop them on the first instance.

Mr. Deputy Speaker: Mr. Obwocha, that has been the practice, but as you recall, in an effort to make hon. Members be coming on time, we did say we are going to drop this practice. This will make Members who have Questions come punctually so that we do not have to go for the second round. However, be that as it may; in view of, perhaps, what Mr. Sasura explained of the problems on the roads, I will probably this time come to the second round. However, let hon. Members note that the practice of going back for the second round is not going to hold water. At least for me, I do not think it is appropriate. So, I will, therefore, proceed and see how it develops as we go on.

Next Question by Mr. Mukiri!

Question No.530

AMBULANCE FOR MOLO DIVISIONAL HOSPITAL

Mr. Deputy Speaker: Is Mr. Mukiri not here? We will leave his Question until the end.

Let us move to the next Question by Mr. Ojaamong.

Question No.755

REVAMPING OF HEALTH SERVICES
IN TESO DISTRICT

Mr. Deputy Speaker: Is Mr. Ojaamong not here? We will leave his Question until the end. Let us move to the next Question by Mr. Mbai.

Question No.753

COMPLETION OF KITHYOKO
TELEPHONE EXCHANGE PROJECT

Mr. Mbai asked the Minister for Transport and Communications:-

(a) whether he is aware that Kithyoko Telephone Exchange was halfway done and the project abandoned; and,

(b) what urgent measures he is taking to ensure that the project is completed.

Mr. Deputy Speaker: Is Mr. Michuki not here? We will leave this Question until the end. Let us move on to the next Question by Mr. Shitanda.

Mr. Mbai: Mr. Deputy Speaker, Sir, what have you said of my Question?

Mr. Deputy Speaker: Mr. Mbai, I did say earlier that I will proceed to the end and then come back to it later for the second round, in consideration of the transport problem.

Question No.583

PAYMENT OF SUBSISTENCE ALLOWANCE TO
MALAVA TOWN COUNCIL WORKERS

Mr. Deputy Speaker: Mr. Shitanda is not here?

The Assistant Minister for Local Government (Mrs. Tett): Mr. Deputy Speaker, Sir, I would like to beg the indulgence of the House that this Question be deferred.

Mr. Deputy Speaker: But it has not been asked. It is not before the House and so, we cannot defer it until it is asked. We will leave Mr. Shitanda's Question until the end. Let us move to the next Question by Mr. Koros.

Question No.890

WATER SUPPLY TO KESSES DAM RESIDENTS

Mr. Koros asked the Minister for Water Resources Management and Development:-

(a) whether she is aware that Moi University has its water source from Kesses Dam in Eldoret South Constituency; and,

(b) what urgent measures she is taking to ensure that people of Kesses, Bindura, Ketiplong, Tulwet and Assururiet farms who donated part of their land for the construction of the dam, are supplied with water.

Mr. Deputy Speaker: Is the Minister for Water Resources Management and Development here? We will leave that Question until the end.

Next Question by Maj. Madoka!

Question No. 749

TREE PLANTING IN MWAMBIRWA FOREST

Mr. Deputy Speaker: Maj. Madoka is not there. I will go for a second round as I had promised, so that these Questions can be properly dealt with.

The Assistant Minister for Lands and Settlement (Mr. Ojode): On a point of order, Mr. Deputy Speaker, Sir. Now that the House has been informed that there is a transport hitch, would I be on order to ask the Chair to defer all the Questions which are on the Order Paper today?

Mr. Deputy Speaker: I will not do that. The Chair will not defer Questions because other hon. Members are here. We expect hon. Members who are supposed to ask and answer Questions today, to be in the House on time.

So, now, I will call the Questions for a second time!

Question No.560

COMMISSION TO INVESTIGATE INSECURITY
AMONG ASAL COMMUNITIES

Mr. Deputy Speaker: This Question will now be properly dropped.

(Question dropped)

Question No.912

KENYA'S JOINING OF
MILLENNIUM CHALLENGE ACCOUNT

Mr. Deputy Speaker: Mr. Kagwe is still not there? The Question is dropped!

(Question dropped)

Question No.530

AMBULANCE FOR MOLO
DIVISIONAL HOSPITAL

Mr. Deputy Speaker: Mr. Macharia Mukiri is still not there? The Question is dropped!

(Question dropped)

Question No.755

REVAMPING OF HEALTH SERVICES
IN TESO DISTRICT

Mr. Deputy Speaker: Mr. Ojaamong is still not there? The Question is dropped!

(Question dropped)

Is Mr. Benson Mbai in? I beg your pardon, Mr. Mbai, I am calling your name.

Mr. Mbai: I apologise because I was consulting with my hon. colleagues here.

Question No. 753

COMPLETION OF KITHYOKO
TELEPHONE EXCHANGE PROJECT

Mr. Mbai asked the Minister for Transport and Communications:-

(a) whether he is aware that Kithyoko Telephone Exchange was halfway done and the project abandoned; and,

(b) what urgent measures he is taking to ensure that the project is completed.

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Deputy Speaker, Sir, I am sorry for coming late. However, I beg to reply.

(a) I am aware that Kithyoko Telephone Exchange was not completed after work had began.

(b) The provision of services at Kithyoko is included in the 2003-2006 Telecommunications Development plan of Telkom Kenya Ltd. In its restructuring process, the company has plans including, where viable, replacement of all the existing manual exchanges with new digital technology. We do trust that this market shall be covered then.

Mr. Mbai: You have heard what the Assistant Minister has said. He has not given a definite date as to when he will restart the construction of this telephone exchange project in Kithyoko. Could the Assistant Minister tell this House how soon he will start reconstructing the telephone exchange?

Mr. Ligale: Mr. Deputy Speaker, Sir, the project falls within the 2003-2006 plan period. We shall endeavour to have it started as soon as possible.

Mr. Waithaka: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House, if at all there was proper planning, why was the project started and abandoned halfway? Was it because there were no funds earmarked for it, or were the funds diverted to other projects? What happened?

Mr. Ligale: Mr. Deputy, Speaker, Sir, the funds were not diverted. There was some political interference. The project was started in 1994 and a 79-manual exchange and a single-channel radio were initiated by the then departmental post office in Machakos. In September, 1997, engineers from Machakos approached the then area councillor, a Mr. Mapata, and asked him to approach the shop-owners in the market to identify suitable premises for this project. A Mr. Muthoka's building was identified and found suitable because it had electricity and other facilities. Two weeks after inspecting the building, the Kenya Posts and Telecommunications (KPTC) engineers moved to the site, surveyed it and initiated development plans.

Preparations and tests were carried out successfully between Donyo Sabuk Hills and Kithyoko Market. As a result, a single channel radio and manual switchboard were identified for installation. Construction work did start on the triple mast and it was erected, including other infrastructure. But after completion of 50 per cent of the work, the then area Member of Parliament,

hon. Col. Kiluta, stopped the project, claiming that Mr. Muthoka was his political opponent. So, the KPTC officers went on to meet Col. Kiluta, but he was adamant. He tried to identify an alternative building belonging to a Mr. Kivuva.

Unfortunately, Mr. Kivuva's building did not have the services required to allow the implementation of this project. After a long protracted discourse that went on between the councillor and the Member of Parliament, the KPTC personnel pulled out and waited until the saga was settled.

Mr. Deputy Speaker, Sir, that is how the project was abandoned halfway.

Mr. Mbai: Mr. Deputy Speaker, Sir, you have heard what the Assistant Minister has said. There has been a lot of political interference in this project. Could the Assistant Minister, since the former regime was defeated by NARC, give an indication as to when he will restart the project? How much has he set aside for the project.

Mr. Ligale: Mr. Deputy Speaker, Sir, I have given an undertaking that we shall start this project as soon as possible. I cannot, at this particular moment, give the amount of funds involved. However, I can assure the hon. Member that we shall have sufficient funds to ensure that the project is completed.

Question No.583

PAYMENT OF SUBSISTENCE ALLOWANCE
TO MALAVA TOWN COUNCIL WORKERS

Mr. Deputy Speaker: Is Mr. Shitanda in the Chamber? This is the second time I am calling the Question, but the hon. Member is not there. The Question is, therefore, dropped!

(Question dropped)

Question No.890

WATER SUPPLY TO KESSES DAM RESIDENTS

Mr. Koros asked the Minister for Water Resources Management and Development:-

- (a) whether she is aware that Moi University has its water source from Kesses Dam in Eldoret South Constituency; and,
- (b) what urgent measures she is taking to ensure that people of Kesses, Bindura, Keptilong, Tulwet and Assururiet farms who donated part of their land for the construction of the dam, are supplied with water.

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Deputy Speaker, Sir, I apologise for coming late. However, I beg to reply.

(a) I am aware that Moi University has its water source from Kesses Dam in Eldoret South Constituency. The Ministry completed the design of the water project to serve the people in the farm from Kesses Dam as follows: Kesses, Keptilong Water Project in 1993; Tulwet, Samburu Water Project in 2001; Bidura farm Water Project in 1994 and Assururiet farm Water Project has not been designed because of the ongoing subdivision of the farm.

The water projects were estimated to cost a total of Kshs28 million, but due to financial constraints, the projects were not implemented. The Ministry intends to update the project designs

and cost estimates. Once that is done, we hope, by March, 2004, budgetary provisions for the construction of the project will be included in the next financial year.

Mr. Koros: Mr. Deputy Speaker, Sir, when is the project design work going to start?

Ms. Karua: Mr. Deputy Speaker, Sir, it is ongoing. It is currently being looked at and we hope to complete it by 2004. We are merely updating the designs that are already there.

Mr. Koros: Mr. Deputy Speaker, Sir, I thank the Minister for the answer. I hope the project will be completed as she has promised.

Mr. Deputy Speaker: That is not a question, Madam Minister, unless you want to say something.

Ms. Karua: Mr. Deputy Speaker, Sir, I just want to reassure him that we are serious. He can also keep checking with us, but we shall be on time.

Mr. Deputy Speaker: Maj. Madoka's Question, for the second time!

Maj. Madoka: Mr. Deputy Speaker, Sir, I apologise for coming late.

Question No.749

TREE PLANTING IN MWAMBIRWA FOREST

Maj. Madoka asked the Minister for Environment, Natural Resources and Wildlife:-

(a) whether he is aware that Mwambirwa Forest in Ronge Juu has on several occasions been set on fire; and,

(b) what measures he has taken to have trees re-planted in the forest.

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Mwambirwa Forest in Ronge Juu has on several occasions been set of fire.

(b) My Ministry is already taking action in re-afforesting those parts which have lost the forest cover. The latest batch of tree seedlings was dispatched to Mwambirwa Forest on 28th October, 2003. The batch had a total of 12,000 tree seedlings. In addition, my Ministry, in liaison with other arms of the Government, notably, the Provincial Administration, has advised the local community to desist from burning fires which can easily spread to the forest. I have also initiated the process of strengthening the Forestry Department by equipping it and having well trained personnel attached to it to improve the forest cover of the country's forests, including Mwambirwa Forest.

Maj. Madoka: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that answer. There are many dead trees in that forest as a result of these fires. Many trees are fallen. Could the Assistant Minister consider granting the local people permission to go and fetch the dry wood for firewood?

Prof. Maathai: Mr. Deputy Speaker, Sir, I would like to advise the local community to approach the District Commissioner (DC) or a representative of the Provincial Administration. I am quite sure that if there is sufficient surveillance to ensure that trees are not cut down, that will not create a problem.

Maj. Madoka: Mr. Deputy Speaker, Sir, last year, I wanted many seedlings to plant in some of my areas, and I could not get any. Could the Assistant Minister tell us what she is doing to ensure that we have enough seedlings? We should have enough seedlings, particularly early next year when the heavy rains come, so that we can plant trees everywhere.

Prof. Maathai: Mr. Deputy Speaker, Sir, our foresters have standing instructions to produce seedlings at all times. Based on the experience I had before I came to this House, we are encouraging communities to grow seedlings. I would like to encourage hon. Members to encourage their constituents to produce seedlings.

While the Ministry has not committed itself to purchasing those seedlings, I know that there are some organisations, such as the Green Belt Movement, which would purchase them from the communities, then they would be distributed to any person who is interested. These activities are going on and so, I do not foresee any problem of having seedlings, come the next rains.

Mr. Deputy Speaker: Mr. O.K. Mwangi, I thought that was the last question? Do you want to give it another go?

Mr. O.K. Mwangi: Mr. Deputy Speaker, Sir, I want to pursue what the Assistant Minister has said about seedlings.

Mr. Deputy Speaker: Okay, go ahead.

Mr. O.K. Mwangi: Mr. Deputy Speaker, Sir, the Assistant Minister has said that the Government is encouraging re-afforestation, particularly where forests have been destroyed. In my constituency, a forest on the slopes of the Aberdares is almost destroyed. Members of the community around the forest are growing seedlings on their farms. Will the Ministry buy those seedlings so that they can be used to re-afforest the destroyed forests, or what will happen? I do not expect my constituents to re-afforest Government forests.

Prof. Maathai: Mr. Deputy Speaker, Sir, I am not in a position to commit the Ministry and say that it will purchase the seedlings. These discussions are going on in our Ministry. We are in consultation with some of our development partners to see if we can get sufficient funds to buy seedlings from communities, especially those who live near the forests and who can produce seedlings.

In the meantime, we should contact Non-Governmental Organisations (NGOs) such as the Green Belt Movement, which have been doing this. However, I know that they do not have adequate funds to buy all the seedlings in the country, if we were to say: "Produce seedlings, the Government will buy them".

Mr. Deputy Speaker: Questions by Private Notice for the second time!

QUESTIONS BY PRIVATE NOTICE

ETHIOPIAN MILITARY INCURSIONS INTO MOYALE

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

(a) Why has the Government failed to stop military incursions by the Ethiopian military into border villages of Obbu and Uran Divisions of Moyale District?

(b) Why were the Administration Police posts at Hambalo, Rawana and Bori closed down?

(c) Could the Minister re-open the police posts and also increase the number of security personnel at Dambala Fachana, Madho Adhi, Uran and Galole posts to protect wananchi against the Ethiopian military?

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

(a) The armed incursions into the border divisions of Obbu and Uran Divisions have been by Ethiopian militia and not the military. The Governments of Ethiopia and Kenya are working on ways of strengthening security along the common border.

(b) The Administration Police posts at Hambalo, Rawana and Bori were closed down after the makeshift houses the officers were staying in collapsed.

(c) The posts will be re-opened once the facilities are improved. Security services at Dambala Fachana, Madho Adhi, Uran and Galole are enforced by the Kenya Police Reservists. The Kenya Army has intensified border patrols also.

Dr. Galgalo: Mr. Deputy Speaker, Sir, you heard the Assistant Minister say that the incursions are by the militia and not by the military. What is he saying? The gist of the Question is that a foreign military power is invading Kenyan territory and killing Kenyans. Since I filed this Question, there have been about three other incursions, one in which three Kenyans were killed.

How does the Assistant Minister expect me to believe that he is serious about the security of my people? These incursions are continuing, the Assistant Minister knows that they are by the military, and we have a military that does not bother.

Mr. Tarus: Mr. Deputy Speaker, Sir, it is the militia that have in the past made incursions through our borders. Other than using our military personnel to patrol the border regions, we have also taken up the issue with the Ethiopian Government to strengthen the security of the common [Mr. Tarus]

border. So, we have gone beyond the border patrol. We are also having discussions with the Ethiopian Government to ensure that its people do not cross to Kenyan soil.

Mr. Deputy Speaker: Mr. Assistant Minister, I want to understand what you are saying. The hon. Member says that whether it is militia or military - you have emphasised that it is militia - it a foreign group of people coming into Kenya. Are you implying that because they are militia and not military, you cannot pursue them? This is what is causing concern.

Mr. Tarus: Mr. Deputy Speaker, Sir, you are very right. Whether militia or military groups, we are supposed to ensure that they do not enter into Kenyan soil. First of all, we will ensure that we have improved patrols within our borders. Secondly, we will also seek the co-operation of the Ethiopian Government to assist us pursue them even when they cross the border.

Mr. M.H. Mohammed: Mr. Deputy Speaker, Sir, we know that these incursions have been going on for many years. As a result, many Kenyans have lost their lives. We have never heard the Kenyan Government protesting against these incursions. What action will the Assistant Minister take to stop this problem? We have never heard of Kenyan forces crossing the border to kill people in neighbouring countries. What action will the Assistant Minister take to ensure that these killings stop?

Mr. Tarus: Mr. Deputy Speaker, we are approaching this issue in a more broader way. First of all, we must ensure that our police posts at the borders are functional and they are equipped with the necessary facilities. Secondly, we are also making sure that other police units work together to ensure that there is security for the Kenyan people. Thirdly, as I said, we are also making sure that we address this as a problem of the two countries.

Mr. Manoti: Mr. Deputy Speaker, Sir, most of the time, our military personnel do not have work to do despite the fact that they are well trained and have got very good equipment. Could they be engaged in repairing roads, especially along our borders?

Mr. Tarus: Mr. Deputy Speaker, Sir, definitely, that is out of the context of this Question.

Mr. Poghiso: Mr. Deputy Speaker, Sir, this is not the time for standard answers to Questions. This is a very serious situation where people are being killed by armies from another country. The Assistant Minister says that they are working with the Government on the other side. I have similar situations. I live along the Kenya-Uganda border. When we report incidents like this, no action is taken. The Government is paying lip service. Could the Assistant Minister tell us the last time he spoke to an official of the Ethiopian Government? Who was that particular official

dealing with this issue?

Mr. Tarus: Mr. Deputy Speaker, Sir, we have several organs of Government. We have the Ministry of Foreign Affairs, which deals with our relations with other countries. We have also the Office of the President. Therefore, the issues that concern our relations with other countries are dealt with by the Ministry of Foreign Affairs.

Mr. Deputy Speaker, Sir, I am not giving standard answers as alleged by the hon. Member. I am sure some hon. Members were used to standard answers from the previous Government. However, we know the problem and we appreciate that, indeed, it will be sorted out. I beg the understanding of the House as we address these problems.

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

Mr. Deputy Speaker: Mr. Angwenyi, we have agreed that when you want to speak, just stand up in your place and you will catch the Speaker's eye. What is your point of order?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to tell this House that he has not given a standard answer to a special Question, when, in fact, he has not given any answer?

Mr. Deputy Speaker: Mr. Angwenyi, I did not get your point of order.

Mr. Muchiri: Mr. Deputy Speaker, Sir, this House is surprised that there are some police posts that have been closed down when we are struggling to build others in other areas of this country. What is the policy of the Government in regard to creating police posts in all insecurity-prone areas of this country?

Mr. Tarus: Mr. Deputy Speaker, Sir, our policy is very clear. It is to create police posts where necessary, strengthen the existing ones and make sure that they have adequate personnel with adequate facilities.

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. The Departmental Committee on Administration, National Security and Local Authorities will be visiting this area next week, on 24th November, 2003. Would the Assistant Minister be kind enough to accompany us to ascertain the truth on the ground?

Mr. Deputy Speaker: Mr. Mwenje, that is a good point, but certainly, it is not a point of order. In fact, you just informed the Assistant Minister that you will be visiting that area.

Mr. Sasura: Mr. Deputy Speaker, Sir, while answering part "b" of this Question, the Assistant Minister said that the police post at Hambalo, Rawana and Bori were closed down after the temporary structures fell down. It is very shameful for the Assistant Minister to say this when we have uniposts and unihuts (?) with the military and the police available at any given time. When Kenyans are being slaughtered in town, with a lot of contempt for the Kenyan military, by rag-tag militia from Ethiopia. We have temporary structures there. Could he tell us when he will avail these uniposts and unihuts if that is the only excuse as to why he has closed down the border police posts? If these border posts were there, this attack would not have been that intense.

Mr. Tarus: Mr. Deputy Speaker, Sir, we shall reinstate these police posts immediately.

Dr. Galgallo: Mr. Deputy Speaker, Sir, with due respect to the Assistant Minister, he has not done justice to this Question. He talks of military patrols. In the last incident in which three Kenyans were killed, the military actually withdrew from that particular area back to Moyale base. It is also not true that these police posts were closed down because the houses in which the officers were staying had collapsed. Those houses are still there. If the Assistant Minister could take the challenge and accompany me to Moyale District, he will see that these houses are still there. Could he also undertake to reopen them immediately?

Mr. Tarus: Mr. Deputy Speaker, Sir, I have confirmed that the police posts will be reopened. Secondly, I will make the necessary arrangements to visit the area. However, before that,

we will beef up the security in those areas to avoid further suffering. Therefore, I take the sentiments.

Mr. Deputy Speaker: Very well. Next Question, Mr. Obwocha!

DISAPPEARANCE OF POLICE
CONSTABLE ANDREW NYANG'AU

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

(a) Under what circumstances did Police Constable Andrew Mang'oa Nyang'au (Force No.48629) disappear from his work place, Makongeni Police Station, since April, 1994?

(b) Could the Government compensate his family and help educate his children?

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

(a) Police Constable Andrew Mang'oa Nyang'au left Makongeni Police Station, where he was attached, for sports practice at Nairobi City Stadium on 13th April, 1995. After practice, Constable Nyang'au did not return to the station together with other officers. None of the officers at the station [**The Assistant Minister, Office of the President**] was aware of his whereabouts. After expiry of 21 days without reporting on duty, Constable Nyang'au is deemed to have absconded duty. The efforts to trace the missing constable have been fruitless.

(b) The family of Constable Nyang'au are advised to report to the OCPD, Buru Buru, to cause an inquest/inquiry file to be opened and placed before a magistrate for a decision to be made on payment of any terminal dues, due to the family.

Mr. Obwocha: Mr. Deputy Speaker, Sir, it is a pity that the Government has to wait for eight years without conducting any enquiry, waiting for one Mr. Obwocha to come and ask a Question, for an officer who was working for the Government! Mr. Mango'a disappeared in April 1994, and not April 1995. In fact, since -then even more of tragedy - his wife has died. He left three children, Joel Ontiri, Jerentia Moraa, and Millicent Gachuki. The Kenya Television Network (KTN) aired this incident in their programme, "*Dear Mr. President.*"

An hon. Member: (Inaudible)

Mr. Obwocha: Shut up! It is a very serious matter.

Mr. Deputy Speaker: Yes, I realise that it is a serious matter. I just heard you tell a Member "shut up!" Will you withdraw that remark? Order! Will you withdraw the words?

Mr. Obwocha: Which ones?

Mr. Deputy Speaker: The words "shut up."

Mr. Obwocha: One Member here was trying to become the Speaker and I do not know who he is.

Mr. Deputy Speaker: Mr. Obwocha, that does not justify that.

Mr. Obwocha: Whoever he is, I am a civil man, and I want to withdraw that.

Mr. Deputy Speaker: Very well. Continue and move fast.

Mr. Obwocha: Mr. Deputy Speaker, Sir, when someone goes missing for at least seven years, he can legally be declared dead. Would the Government do this so that we can have a neighbour or the next of kin administering the education of the children?

Mr. Tarus: Mr. Speaker, Sir, that is the reason why we gave instructions that it would be better if this matter was reported to court so that the inquest can commence. I think that would be very fair to the family.

Mr. Deputy Speaker: Mr. Assistant Minister, I heard the Member say that Mr. Mang'oa's wife has died and that he has three children. This was an employee of the Government. I think that is the point that Mr. Obwocha is trying to raise. An employee of the Government disappears and the next of kin, who is the wife, is dead. Would you let the matter rest simply because the next of kin is dead?

Mr. Tarus: Mr. Deputy Speaker, Sir, definitely, we would not let it just rest. That was in the assumption that Mr. Mang'oa has other relatives, apart from his nucleus family. We shall follow up this matter accordingly.

Mr. M. Kariuki: On a point of order, Mr. Deputy Speaker, Sir. I think that Assistant Minister is misleading this House. A report on an inquest cannot be made to the police unless there is evidence of death. Therefore, when he tells the family to go to the police for an inquest to be carried out, that is certainly misleading. The Assistant Minister should be telling the police to carry out an investigation, to establish whether this person is alive or dead. An inquest cannot be carried out when death has not been established.

Mr. Tarus: Mr. Deputy Speaker, Sir, if the hon. Member was listening, I said that in view of the information that has been brought forward, we plan to take up this matter and investigate it accordingly.

Mr. Mwandawiro: Bw. Naibu Spika, maisha ya kila binadamu ni muhimu. Kumekuwa na hali ambayo maisha ya watu, hasa watu wa kawaida, wakati wanapokufa, ambao ni wengi sana, hakuna mtu anayetilia maanani. Watu huulizia kwa polisi, watu hulalamika, na haitiliwi maanani mpaka awe ni mtu mashuhuri. Je, ni siku gani Serikali itaanza kutilia maisha ya watu wote maanani hata wawe namna gani?

Mr. Tarus: Mr. Deputy Speaker, Sir, this Government is more sensitive than any other. I want to say that we shall investigate this particular matter. We consider every Kenyan to be valuable and whenever problems arise, we do not do as the hon. Member has said; that only the prominent people are taken care of.

Mr. Deputy Speaker: Last question, Mr. Obwocha!

Mr. Obwocha: Mr. Deputy Speaker, Sir, in view of what the law says, this police officer disappeared for more than seven years ago. Could the Assistant Minister issue a death certificate based on that, because the law says that if someone disappears for more than seven years, he or she is considered lost or dead, so that the inquest can be held and the Government can take over the education of the orphaned children? The mother is not there and their father who was working for the Government is not there.

Mr. Tarus: Mr. Deputy Speaker, Sir, I think that it is only fair for us to do investigations thoroughly, to ascertain that Mr. Mang'oa died, rather than issuing a statement that we will issue a death certificate and then tomorrow, only to learn that he is alive, just like "Gen. Mathenge."

Mr. Waithaka: On a point of order, Mr. Deputy Speaker, Sir. I do not think that the Assistant Minister is in order about this issue. If it is true what hon. Mr. M. Kariuki said about death inquests, and also presumption of death--

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

Mr. Waithaka: The point of order is, since the Government had employed this person, and he has disappeared for seven years, could the Government apply to the court for this person to be presumed dead?

Mr. Deputy Speaker: Mr. Waithaka, that is a question. I had said that Mr. Obwocha was asking the last question. The question has been given very fair hearing and time, and I believe that what the Assistant Minister has told the House, that he will investigate this particular matter, should hold.

Next Question by Mr. Cheboi!

RECONSTRUCTION OF BOCHEGE
PRIMARY SCHOOL

Mr. Cheboi: Mr. Deputy Speaker, Sir, I apologise for coming in too early.

I beg to ask the Minister for Education, Science and Technology the following Question by Private Notice.

(a) Is the Minister aware that Bochege Primary School in Kuresoi Division, Nakuru District, had its three classrooms and beaming materials destroyed by fire?

(b) What is he doing to ensure that the school is assisted?

(c) How much money has been earmarked for its reconstruction?

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, I must apologise for not being here when he asked the Question for the first time, but I now beg to reply.

First, I would like to say that in view of your advice last week, that we should come up with a policy on this kind of emergency cases, it was taken very seriously. We are doing the relevant consultations at the Ministry to come up with a well-thought policy on these kind of matters. Meanwhile, there is a Question to answer.

(a) Yes, I am aware that three classrooms of Bochege Primary School in Kuresoi Division were burnt by fire on 25th September, 2003, at around 9.00. p.m.

(b) Under the free primary school education, the Ministry has sent a total of Kshs24,156.00 for repairs, maintenance and improvement, while the local community raised Kshs88,000 on 7th October, 2003, towards the repair of the classrooms.

(c) Unfortunately, the Ministry does not have a specific fund or Vote for assisting such cases. However, the case will be looked at with a view of assisting the school.

Mr. Cheboi: Mr. Deputy Speaker, Sir, I am not totally satisfied with the answer. You will realise that the amount which was sent to the school for repairs, maintenance and improvement is Kshs24,166. The amount has been utilised for the repairs, maintenance and improvement of the existing classes. I am asking about the classes which were burnt down. The community managed to raise Kshs88,000 for the construction of the classes. Kshs24,000 cannot assist to build even half a classroom. What do you have to give to the school because this Kshs24,000 is given to every other school under the free primary education programme? What do you have over and above the others?

Dr. Mwiria: Mr. Deputy Speaker, Sir, I must say that, that amount that is given for repairs and maintenance is sometimes used in times of emergencies. I am also aware that it is not a lot of money. We have made it very clear before that the situation as of now is that of cost-sharing with the communities. You will appreciate that the Ministry of Education, Science and Technology is not the only Ministry that has to be supported by the Government in terms of resources. Sometimes we tend to forget that. Communities are expected to support Government initiatives with regard to the provision of education. I did also say that we are looking into the matter with a view of seeing whether we can assist this school financially.

Dr. Galgallo: Mr. Deputy Speaker, Sir, this question of classrooms having their roofs blown off or burnt down is very rampant. This House has always been urging this Ministry to set up a disaster fund. Could the Minister consider doing that in the next supplementary budget, and we shall support him?

Dr. Mwiria: Mr. Deputy Speaker, Sir, I hope all other hon. Members will support me like the last speaker. Certainly, the new policy that we are developing will look into issues of setting a

fund, insurance, the quality we expect when schools are constructed and what to do with schools that are built in very open grounds. Do we have to plant trees and so on? So, the policy will consider a variety of factors, including the possibility of setting up such a fund.

Mr. Cheboi: Mr. Deputy Speaker, Sir, the parents of the school and I managed to raise Kshs88,000 under very difficult circumstances because we had to contend with the new rule of no Harambees. Could the Assistant Minister confirm unequivocally that in this new policy which he says he has taken very seriously and is coming up with, that Bochege Primary School will be given a certain amount out of that money so that you do not consider the Kshs24,000 as final?

Dr. Mwiria: Mr. Deputy Speaker, Sir, I am very surprised that the hon. Member for Kuresoi could only raise Kshs88,000 after a lot of hard work!

(Laughter)

(Mr. Cheboi stood up in his place)

Mr. Deputy Speaker: Order, Mr. Cheboi! The Assistant Minister has a right to reply. He gave you time to ask your question.

Dr. Mwiria: Mr. Deputy Speaker, Sir, my reply does not have to be only what Mr. Cheboi likes. I know it is difficult, but we have already pledged here that we would be very happy to see what we can do for this school. However, I cannot confirm because a lot depends on whether there are still some resources, but we are very keen on assisting this particular primary school.

Mr. Deputy Speaker: Mr. Assistant Minister, you did refer to the policy statement that the House is expecting? Could you give the House an indication as to when it will be ready because this is a very important statement that we are expecting? I did direct that the statement be forthcoming to save the House valuable time of asking about roofs being blown off. Can you give an indication as to when that statement will be given?

Dr. Mwiria: Mr. Deputy Speaker, Sir, we have two weeks before we go on recess. I would like to pledge for sure that in January, we will give this statement.

(Loud consultations)

It is only two weeks and making a policy takes time. To develop a good policy is not a matter of just us agreeing that we need to do that. I am just asking for some time so that we do a policy that is sensible and acceptable.

Mr. Deputy Speaker: That is the end of Question Time.

POINTS OF ORDER

MATATU STRIKE CRISIS

Mr. Ndolo: Mr. Deputy Speaker, Sir, I stand to demand a Ministerial Statement from the Minister for Transport and Communications on the current crisis of the *matatu* strike in this country.

This morning, the whole of Nairobi was at a standstill. Children going to school were walking on the roads. I think even the drivers of our Members of Parliament have not reported. I raised this issue three weeks ago and I was promised that stern measures will be taken, and the Government will talk to *matatu* owners. I think our Government should be firm on this issue of *matatus*. We cannot be taken just like people who do not---

Mr. Deputy Speaker: Mr. Ndolo, I thought you were asking for a statement. Now, what is happening?

Mr. Ndolo: Mr. Deputy Speaker, Sir, I would like the Minister to issue a statement on this strike by the *matatus*.

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Deputy Speaker, Sir, we shall endeavour to give a statement tomorrow afternoon.

MURDER OF FORMER MEMBER
FOR BOMACHOGE

Mr. Angwenyi: Mr. Deputy Speaker, Sir, a few months ago, the hon. Member for Bomachoge asked a Question regarding people who murdered the former MP for Bomachoge. The Minister of State, in charge of internal security, said they would be apprehended and charged in a court of law. To date, none of those murderers have been apprehended and they are walking freely in the area where they committed the murder. Could the Minister give us a Ministerial Statement regarding that case?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, we shall give the statement on Tuesday next week.

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. Although the Assistant Minister for Transport and Communications says he will issue a Ministerial Statement tomorrow, you are aware that our people are really suffering on the road. In view of this, could he issue the statement this afternoon, because the roads are in a mess and our children are not going to school? The whole City is now in a total mess because the *matatus* have gone on strike. The Minister has been playing around with the *matatu* sector. So, could he issue the statement this afternoon and not tomorrow?

(Applause)

Mr. Deputy Speaker: Mr. Mwenje, when the Assistant Minister said that he would give it tomorrow, why did you not stand immediately? Why did you wait until another Ministerial Statement is sought and then you stood up?

Mr. Mwenje: Mr. Deputy Speaker, Sir, I was sitting at the front. That is why I had to come behind and you had already given that opportunity to another hon. Member.

Mr. Deputy Speaker: Mr. Assistant Minister, what do you have to say? I will allow the Assistant Minister to comment on what Mr. Mwenje has said, in view of the seriousness of the matter.

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Deputy Speaker, Sir, I have undertaken to give a Statement tomorrow afternoon. However, I will try and see if it is possible to give some indication this afternoon.

Mr. Deputy Speaker: Very well. Next Order!

MOTIONS
PAYMENT OF COUNCILLORS' SALARIES
BY CENTRAL GOVERNMENT

THAT, considering the significance of local authorities in the development of our country; aware of the rampant misuse of revenue collected from the authorities under the pretext of remuneration for councillors; this House urges the Government to amend the Local Government Act, Cap.265; in order to pay salaries and pensions

of councillors from the Vote of the Ministry for Local Government and that 10 per cent of all council revenue collected in the country be remitted to the Central Government.

(Mr. Sasura on 12.11.2003)

*(Resumption of Debate interrupted
on 12.11.2003)*

Mr. Deputy Speaker: Prof. Kibwana, you were on the Floor. You have five minutes remaining.

The Assistant Minister, Office of the President (Prof. Kibwana): Thank you Mr. Deputy Speaker, Sir. As I stated last Wednesday, this is a Motion that must be supported by all people of goodwill because, since Independence, councillors have not been paid. They have merely been given allowances and those allowances are peanuts. Therefore, this is an area which must be rationalized. The Motion, as amended, is seeking for the Local Government Act to be amended so that it is clear that, henceforth, councillors will be paid salaries, pensions and appropriate allowances.

Mr. Deputy Speaker, Sir, it is very necessary for us to secure the Local Government movement so that actually the country benefits from devolution of power. It is not possible to have devolution if officers in the Local Government movement are not appropriately compensated. This is because if they are not compensated, they cannot work, and we cannot have proper devolution of power.

Mr. Deputy Speaker, Sir, I think it is clear that, as matters stand, we are not able to pay councillors properly, and this is why we want the law changed. This should be a pointer that as we review our Constitution by June, we must be realistic in terms of the levels of devolution, so that we do not have levels of devolution that we cannot pay for. I am happy Mr. Nyachae is on record as saying: "Let us cost devolution so that we do not have institutions that we cannot pay for". Mr. Deputy Speaker, Sir, as we think about how we will secure our Local Government movement, it is also necessary that the officers; the clerks, the treasurers and the rest of the officers are also subordinated to the elected councillors. As matters stand, those officers come from the Central Government, and sometimes they act as if they are above councillors. I would even begin to say that when the Minister is appointing those officers, it is necessary to ask for advice from those councillors so that they are able to input, and also so that they have people who they can work with. It is common knowledge that some of the officers act in defiance of elected leaders, and that does not augur well for a system of Local Government that delivers to our people.

Mr. Deputy Speaker, Sir, it is also very important, as we consider this Motion, to also ensure that the monies that are given to local authorities so that they can be used in development, for example LATF, are used properly. Hon. Members and councillors should be involved in the budgeting of this money. Previously, councillors were engaged in corruption regarding this money, and one of the reasons was that they were not being paid. Sometimes they would use some of that money to pay themselves, but it is now necessary to begin to co-ordinate development at the local level by the hon. Members and the councillors using monies that go to the constituencies. These monies are LATF as well as the Constituency Development Fund which we are anxiously waiting for. We want all those monies that now go to the constituencies to be pooled and used, so that councillors on one side do not use money on their own, while hon. Members also use money on their own. As a result, the monies do not make the appropriate impact at the constituency level.

Mr. Deputy Speaker, Sir, I support the amendment proposed to the Local Government Act so that councillors, henceforth, are enabled to earn appropriately so that they can do the necessary work, and so that we can strengthen devolution.

Thank you, very much.

Mr. Deputy Speaker: Hon. Members, there is a proposed further amendment by Mr. Bahari. Therefore, I ask Mr. Bahari to move the amendment.

Mr. Bahari: Mr. Deputy Speaker, Sir, local authorities are very important departments in running this country, if we are to achieve any meaningful development.

Mr. Deputy Speaker, Sir, I support the spirit of this Motion, but I would like to propose a further amendment on the sixth line. I would like to delete the words, "and that 10 per cent of all council revenue collected in the country be remitted to the Central Government".

This is because it is common knowledge that local authorities are facing serious financial difficulties, and I do not think it is feasible that this should be allowed to go on.

Mr. Deputy Speaker: Mr. Bahari, I do not think you were very clear on the proposed amendment, because you said it is on the sixth line, but I notice that it is on the fifth line. Could you say which words you want to be deleted on that line so that it is clear to hon. Members?

Mr. Bahari: Mr. Deputy Speaker, Sir, I thank you for that correction. It is line five, and I would like the words, "and that 10 per cent of the council revenue collected in the country be remitted to the Central Government", to be deleted.

Mr. Deputy Speaker: For clarity, I would like to state that it is on the fifth line after the word "Government". A full stop should be put after the word "Government", and the rest of the words should be deleted. Is that what you have said?

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

Mr. Cheboi: Mr. Deputy Speaker, Sir, I beg to second the further amendment.

As my colleague has said, asking the local authorities to remit 10 per cent of their council revenue to the Central Government is not feasible at all. It is not feasible because, as things stand at the moment, the local authorities are not even able to pay their own employees. Even the amounts that are sent to the local authorities under the LATF and LASDAC programmes have not even been able to go to the right development projects because they have been converted to paying salaries.

With those few remarks, I beg to second.

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

The Assistant Minister for Energy (Mr. Kiunjuri): Thank you, Mr. Temporary Deputy Speaker, Sir. Nobody can question the work done by councillors in this country, being the managers of the local authorities, and also the significance of local authorities in this country.

Mr. Deputy Speaker, Sir, we also consider the remuneration of councillors who are really miserable. We really sympathise with them, because whenever we go home, the councillors are among other people lining up for assistance. This applies particularly to those coming from the county councils. Over 90 per cent of the county councils are not able to pay the councillors. Those councillors in the cities and in some of the rich municipalities in this country are lucky because they can at least get their salaries.

Mr. Deputy Speaker, Sir, nobody is opposed to the increment of councillors' salaries but, if you look at the way the local authorities are managed, and the conflict of interests between the councillors and the chief officers in the councils, it results in rampant misuse of council revenue.

Considering that accounting officers are supposed to manage the councils and the councillors are supposed to be part of that management, there arises a big conflict of interest. That is one of the issues that we should be able to highlight in the amendment to Cap.265 of the Local Government Act.

Mr. Deputy Speaker, Sir, you recall that, at the Bomas of Kenya, one of the contentious issues was the devolution of power. We were discussing how to come up with either a three-tier or five-tier system, that will run this Government. The biggest question of the day was the cost of that devolution. We stated that the local authorities should raise funds and cater for the salaries of those who man them, including the councillors. That means that, even if we pass this Motion today, we shall, in a few months, come up with a new Constitution that will go against it.

Mr. Deputy Speaker, Sir, if you look at the constitutions of the current councils in this country, you will wonder how they were done. I would like to assure you that they were politically-drafted. The councils that we have today have over 3,000 councillors. If you look at the way they were demarcated, we do not require the 3,000 councillors. We should, first of all, deal with that question. We are about to come up with a commission to look at the boundaries that will settle that issue. It will demarcate the whole country, so that we can have the of councils that we can manage. The commission on the boundaries will give us the solution. Even if we say that the Government will pay the councillors, how many are we going to pay? Have we really looked at how much we shall pay those councillors and who is going to pay? The taxpayers? We should not refuse to pay. Let us pay from the Consolidated Fund but, first of all, let us re-draw the map. Let us establish the commission to deal with boundaries and determine whether we really need those councils.

However, in determining all that, the key factor is to look at the current Constitution and the constitutional review process at the Bomas of Kenya. We should determine whether we still want to follow the provincial boundaries. Do we still want to follow the district boundaries? Do we want to work for the interest of the nation? We should not look at Mwingi, and because it borders Kangundo and Kirinyaga, say that the boundaries should be drawn along ethnic lines. If we have arrived at a conclusion on how to manage this country, devolve power and establish a commission to look at the boundaries, we should support this Motion. This Motion needs to be re-drafted once again. I want to be very clear that I am not against paying councillors from the Consolidated Fund. But, first of all, we must re-draft this Motion once again, do the costing and come up with a viable number of councils that we can manage in this country. With those few remarks, I beg not to commit myself to the Motion.

(Question of the first part of the amendment, that the words to be left out be left out, put and negatived)

(Debate on the original Motion resumed)

Mr. Kajwang: Mr. Deputy Speaker, Sir, when you speak of payment of salaries and pensions to the councillors, you must, first of all, think about the constitutional basis under which the local authorities are anchored. The local authorities were, in fact, local governments and, on the basis of the Constitution that we have now, they were supposed to survive from local resources. Councillors were not supposed to be employees. That is the theory of it. When you speak of salaries, you are speaking of an employee. When you speak of a pension, you are speaking of a permanent employee who is pensionable. So, on what basis was the Local Government based in the first place, when we drafted our Constitution which we still have now? The suggestion was that the local

authorities, as they were then known, would be run by councillors who were generally elders respected in areas they come from, and who would have businesses and doing their jobs as farmers and teachers. Once in three months, they would convene, meet, listen to the chief officers, look at the budget and, in those three months, make certain resolutions, go home and after three months again, meet and check on how the chief officers had progressed with the work that they had been given by the councillors. If you look at the way the work of a councillor was envisaged and the way it works all over the world, a councillor is not an employee. He or she is an elder who has another job. He or she goes to the council once in three months to make certain resolutions, and goes back to his or her business.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, in town councils, for example, they could meet, maybe, once a week. After they have done their jobs in their respective businesses, they would then look at the progress made in the councils as advised by the chief officers. That was the structure of the councils. It was never intended that councillors would be employees. That situation stayed for a long time. In fact, when I was still in high school, I remember that teachers were councillors. They would be teaching us and, once in three months, they would take leave to go to a meeting and come back to teach us as usual. Whenever they went to meet, they would get sitting and transport allowances. That is how it was conceived and we have not changed. When you bring such a Motion, you must, first of all, persuade us that the situation as it was at Independence, when the Local Government Act started operating, should now change, so that councillors could now be employees to be paid salaries and pensions.

Mr. Temporary Deputy Speaker, Sir, it was a different thing when you look at how Parliament was conceived. Parliament was conceived as a full-time engagement, so that if you are elected as a parliamentarian, you would not hold another job. If you are elected for five years on a day-to-day basis, except when there was a break in Parliament, you would be here to do a job. Councillors are now saying: "Why is it that parliamentarians are paying themselves salaries from the Consolidated Fund and we councillors, who do a lot of work on a day-to-day basis in our councils, are not being paid salaries?" They are now saying that the same job that the parliamentarians are doing at the national level is what they are doing at the council level. So, we must convince ourselves first that the philosophy has changed and now, we want councillors who are employees. You can now then talk of salaries.

I thought that the drafter of this Motion should have first started by urging the Government to change the system of local government, and make the job of councillors salaried employment. After that, he would then say: "How do we pay them?"

But to suggest that we just pay salaries before we solve the basic problem as to whether they should be employees or they should still be councillors the way they were supposed to be; because they were part-time elders who would come and advise their councils, be given a sitting allowance and go back home and do their jobs--- But that situation of making teachers councillors ended sometime back, maybe, after 1969. Teachers were prevented from being councillors and they never cared again whether the person who wants to be a councillor owns land or earns a certain amount of money, because that was a criteria to make you a councillor. You had to be a person who owned some property or doing some business to be a councillor. Later on, that requirement was removed.

Now, councillors run for seats like Members of Parliament. They are elected the same day as the MPs and the President and they are basically politicians. So, if that is what Kenyans want, then we must debate it and agree that we want to change the structure of our Government so that councillors will be full-time employees of the councils from which they operate. But you cannot have it both ways. You cannot have councillors who are still elders, who advise once in three months and then pay them a salary. So, it will depend on how Kenyans will agree. You cannot bring this issue by way of an amendment to the Local Government Act. It will require an amendment to the Constitution so that, within the Constitution, we shall now have the theory of Government in which the councillors will be elected and salaried.

With those remarks, I beg to oppose the Motion.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir. This is a very important subject. We are in the process of rewriting our Constitution and creating some institutions for this country to ensure that democracy and good governance is attained. The major issue we are dealing with at the Bomas of Kenya is that of devolution; to spread out political power to the grassroots. I cannot imagine how we can achieve what we intend to achieve in Bomas of Kenya if we are not able to take care of one more level of governance. Local Government is the grassroots political governance of this country. Since 1974, councillors have been full-time politicians, making laws and by-laws of our councils. I know that, at one point, the Minister for Local Government abused the powers given to him to start new councils, so that every market and location was made a council. That cannot void the need to support this grassroots level political system.

If we really want to have good governance in this country, we should include councillors to be paid from the Exchequer. What is it that a Member of Parliament does that is not done by the Mayor of Nairobi? In fact, sometimes, the Mayor of Nairobi does more work than a Member of Parliament from one constituency in Nairobi. In fact, he is more occupied than a Member of Parliament from one of the constituencies in Nairobi or any other constituency in the country. So, we cannot say that these people are not full-time politicians working to make laws and manage our people politically. We should go ahead and pay them from the Consolidated Fund. After all, today, we are dishing out money that has been allowed by this Parliament, to the tune of Kshs1.5 billion a year in the form of Local Authorities Transfer Fund (LATF). Why can we not regularise that amount, which we are paying indirectly, and pay it directly from the Consolidated Fund as salaries and pensions? If we gave them an average of Kshs50,000 per month, it would only cost us Kshs1.2 billion per year. This is a fifth of what we are pumping into the National Bank of Kenya for mismanagement. Besides, this money will go to the grassroots and people will spend this money at the grassroots level. In addition, it would improve governance in our country. Instead of the councillors waiting for revenue collection from markets and other rates, they would be getting their salaries and revenue collection would be better managed by the officials of the councils.

We are not saying that we are full-time employees of Parliament. Parliament has got its employees, the same way the councils have their own employees. But to enhance democracy and to promote good governance, let us support these people, otherwise we may look like being selfish in that, we want to pay ourselves but we do not want other politicians to be paid even if they deserve that pay. To amend Cap. 265 is our function. This Parliament can amend that Act. If we do not do it, it is our failure, not the failure of the councillors; it is us who will not have done our job. So, we cannot blame the councillors because we have not done our job. All we need to do is to reduce the number of councils by one-third and also reduce the number of councillors from maybe, 3,000 to 2,000 and have some reasonable and viable councils which can make laws and by-laws to be followed at the grassroots level. This Parliament must rise up and do things for other people, instead of doing things for itself all the time. We are now demanding an increase in our pensions and

surveillance amounts, and yet, we do not want to consider these other politicians. These are people who are elected on the same ticket like us, people who do essentially the same work like us, but at the grassroots level. They are in touch with the people at the grassroots level.

With those remarks, I beg to support the Motion.

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Members! I do not see the official Government Responder here. So, maybe, we will use a little more time.

The Minister for Roads, Public Works and Housing (Mr. Raila): Thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity. This is a subject over which I feel I have very strong feelings. As the Mover has said, and as all the other Members who have spoken here have said, the way the local authorities are currently constituted is an impediment to service delivery. Local authorities are supposed to provide services, but they are not doing so. This has to do with the way our laws have been changed since Independence. When we did away with the regional assemblies and created the Ministry of Local Government and transferred powers from the local authorities to the Central Government, we made the local authorities almost impotent. So, Cap. 265 was brought in and if you read that piece of legislation, it has taken all the powers of the local authorities and vested them in the Minister for Local Government. This has made them a mere extension of the Central Government.

Mr. Temporary Deputy Speaker, Sir, their revenue base was completely eroded, or undermined by the removal of the GPT. Therefore, we now have a situation where we are coming up with this kind of Motion. If this Motion is passed the way it is, we will basically convert these local authorities to departments of the Government. Why should councillors, who are elected to run local authorities, be paid salaries by the Central Government? What is local about them if they are paid salaries by the Central Government? There is nothing local. Why should we say that we want councillors to be paid salaries by the Central Government? The Government is retrenching civil servants, and yet we want to create employment opportunities at the local level.

Councillors all over the world are paid allowances and not salaries. This is because they are not employees of the Government. I agree that we cannot borrow entirely from other countries. We should come up with some measures which address the problems we have in this country. I agree with the suggestion that we are trying to put the cart before the horse. Right now, we are reviewing our Constitution at the Bomas of Kenya. One of the subjects which is being discussed at the Bomas of Kenya is the devolution of power which will end up with a completely different structure of local authorities.

We need to have local authorities which will be empowered financially in order to provide the services for which they have been established. For example, we need to have chairmen and mayors of local authorities who are elected directly by the people as chief executives. At the moment, a chairman of a local authority is just an ordinary councillor. He is elected by his fellow councillors. A new mayor is elected after every two years. Therefore, the mayors do not get the respect they deserve.

Secondly, we have a situation where chief officers of local authorities are appointed by the Central Government. Therefore, they are not subordinate to those local authorities. We would like to have a situation where local authorities have a right to hire and fire chief officers so that these officer are directly responsible to them. These are some of the issues which must be discussed at the Bomas of Kenya now so that we can end up with a completely reformed Local Government Act, CaP. 265. If this is done, it will enable us to have local authorities which are run efficiently. This is because most local authorities do not deliver service to our people. If you visit most of our urban centres, you will find potholed roads, the sewerage systems do not work, the water supply is non-existent and no street lights. So, we have a major task to perform and I do not think--

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

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Could you settle down?

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, I do not think that a mere piecemeal amendment to the Local Government Act will do.

I agree with the sentiments expressed by the Mover of this Motion. I fully understand and sympathise with the councillors, but I do not think that two or three months is too much time to wait. I agree that we should amend this Act. In fact, I will support any proposal to have this Act amended. But, basically, this is just to satisfy the temporary situation. All of us should agree that we need to overhaul the Constitution. We need a complete constitutional dispensation which will enable us to put the local authorities on a new footing so that they can have a proper revenue base. This measure will ensure that they do not have to depend on the Central Government, or pass a resolution and wait for it to be approved by the Minister for Local Government before they can implement it. Local authorities should be autonomous. That is the meaning of the word "local", as opposed to "central". Local authorities should be completely autonomous, collect their revenue, budget and provide services to our people. If they do not provide services to our people, all of them should be voted out in the next election.

The mayors and the chairmen of local authorities should be directly answerable to the people and not the councillors who are hoarded when elections are held. They are all taken and hidden at a place for a while until the election day. During the election, they are then ferried back to the voting hall to vote for "Mr. So-and-so". After two or three months, again, they are in a group of 35 or ten. This way, we cannot have stability in the local authorities in order for them to provide services. We need to have some kind of continuity and somebody who is directly elected by the people and is answerable to them during his or her term.

With those remarks, I oppose the Motion as moved here.

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! I will now call upon the Government Responder to reply in about 12 minutes.

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Speaker, Sir, the Government appreciates this Motion, but it finds it so difficult to accept it the way it is. The reason for that is that the Mover of this Motion had in mind the law being changed so that councillors' salaries could be included in the Local Government Act. The contentious issue of the Local Government Act, according to the Mover of this Motion, is Section 150. It allows a chairman and a mayor to earn allowances, but the councillors are not even mentioned in the Act.

It was the duty of the previous Government to amend some Sections of the Local Government Act which were bad. In fact, it agreed to amend those sections. This House has authority to amend the laws. If you look at the Local Government Act, Cap 265, you will find that most of the sections are defective. Some of them are not even there. This is because a councillor of a local authority is not defined in the Act. That is why most councillors in local authorities are not being regarded by chief officers. According to the Local Government Act, the town clerks or the town treasurers are the chief executives of local authorities and not the councillors who are ceremonial chief executives. So, the Government should change the whole Act. But because this is a constitutional issue changing this Act will also necessitate the Constitution to be changed. The Mover of this Motion must have found himself in a terrible situation when he said that he wanted to

change only one section of the law. We are looking at many sections of the law because we have councillors who are not mentioned in the law. At the moment, councillors are not supposed to get allowances. The law only talks of the "Mayor and the Chairman". We want councillors to be provided for in the law and this is an essential issue.

We want councillors to become executive because they are ceremonial at the moment. We are also looking at how they can get revenue and enhance it in their local authorities. As the law is now, councillors can pay themselves up to Kshs500,000 if they want. However, the law also says that they must collect revenue in their local authorities. That is why we increased their salaries by between 25 and 100 per cent the other day. They sat in their local authorities, made their budgets and showed the Ministry how much money they wanted to increase for themselves. The law allows the Minister for Local Government to approve that. We approved it but there was a lot of discontent from councillors. This is because a councillor from Mandera who was getting Kshs10,000 was now getting Kshs20,000 and a councillor from Nairobi was getting Kshs200,000. Councillors thought that the Government was going to effect a uniform salary increment. I agree that there must be an amendment to the Local Government Act so that councillors have a uniform salary in the whole of this country. This is a constitutional issue where the Exchequer will be expected to pay all councillors in a uniform manner. However, the way the Mover has put the Motion, unless he changes it, the Government is not going to accept it. It has looked at only one section of the law yet we want the whole Local Government Act to be changed. We are looking into the plight of the councillors. We are looking at how councillors can enhance revenue within their local authorities.

Recently, the Cabinet came up with a committee which was given 30 days to look into all the issues affecting councillors and councils. The committee has finished its work and done its recommendations. The report is ready and it is going to be tabled before the Cabinet. Let me mention that we have the spirit of making councillors happy as all of us in this House depend on them. Some of the Members of Parliament here may not agree with me, but councillors may be powerful in their areas. They can even campaign for a Member of Parliament to get votes. That is why everybody is looking at a councillor as a very important person. However, we cannot cheat him today that we are going to amend only one section of the Act. Let me give an example. Last year, His Excellency the President went to Kisumu and announced that it must become a City, yet it is not provided for in the law. He also went to Mombasa and declared the same. When we come here and say that we want to change only one section of the Act because of salaries, councillors will not be happy. They are now still ceremonial. They will be chased away by town clerks and treasurers from their offices and will be treated like small children. The Government would like to give councillors a good deal.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, and unless the Mover wants to change his Motion, I beg to oppose.

Mr. Wario: Bw. Naibu Spika wa Muda, ahsante kwa fursa ulionipa ili niweze kuchangia Hoja hii. Ninachukua fursa hii kumshukuru aliyeleta Hoja hii kwa sababu madiwani katika nchi hii wamedhulumiwa kuliko watu wengine wote. Wao wanafanya kazi saa 24. Si watu wa kulipwa marupurupu. Leo ninashangaa kwa sababu kura iliyomchagua Rais na Mbunge ndiyo iliyomchagua diwani. Tulipokuwa tunachangia Hoja ya mishahara yetu, tulizungumza maneno matatu ili kujipatia pesa nyingi sana. Lakini leo nimeshangaa na nimeshtuka kuuona upande wa Serikali ukipinga Hoja hii. Ni kwa nini tulikaa ndani ya Bunge hili---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Mmembers!

Mr. Wario: Bw. Naibu Spika wa Muda, tuliketi katika Bunge hili na kupitisha mishahara ya Wabunge na Rais na kura ni ile moja iliyowachagua wao na madiwani. Ninashangazwa na Wabunge wa NARC nikiwaona wakismama wima na kushikana kuja kuwagandamiza madiwani.

(Applause)

The Minister for Roads, Public Works and Housing (Mr. Raila): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Si sawa kusema kuwa upande huu unapinga Hoja hii. Je, ni sawa kwa mhe. Mbunge kulipotosha Bunge hili kwa kusema eti upande wa Serikali unapinga Hoja hii na sisi tumesema ya kwamba tunataka muda ili Katiba irekebishwe?

Mr. Wario: Bw. Naibu Spika wa Muda, Waziri aliyesimama kwa jambo la nidhamu na Waziri wa Serikali za Wilaya waliutoa msimamo wa Serikali. Walisema kwamba Serikali inapinga Hoja hii.

The Minister for Local Government (Mr. E.K. Maitha): Bw. Naibu Spika wa Muda, haifai mhe. Wario kulipotosha Bunge kwa ajili ya kuona kwamba ataungwa mkono na madiwani. Ningetaka kumwambia kuwa Serikali haijapinga Hoja hii. Imeeleza upande wa Upinzani kuwa Hoja hii ni ya Katiba na ni lazima walete Hoja ya kurekebisha Katiba ipitishwe pamoja na Hoja hii.

(Applause)

Mr. Wario: Bw. Naibu Spika wa Muda, ninaomba msaada kutoka kwa Kiti kwa sababu ninataka HANSARD ituambie vile upande wa Serikali umesema kuhusiana na Hoja hii. Ni dhahiri kwamba Serikali imepinga Hoja hii. Ni jambo la kusikitisha kuona Serikali ikiunga mkono dhuluma dhidi ya watu wanaofanya kazi saa 24.

Wajibu wa madiwani na Serikali za Wilaya hauwezi kudhihirika nao hawawezi kutekeleza wajibu wao ikiwa madiwani wetu ni waombaji. Wajibu wa Serikali za Wilaya na madiwani utaonekana iwapo wale madiwani watajimudu kiuchumi. Hivi tu ndivyo wataweza kutekeleza kazi yao inavyopaswa. Lakini leo madiwani wetu ni waombaji. Hawana kitu cha kutegemea maishani mwao. Katika sehemu ninayotoka, madiwani wangu wanalipwa Kshs7,000. Kwa hizi pesa, watalipia nyumba au watasomesha watoto wao? Nimesimama wima kuunga mkono Hoja hii. Demokrasia katika nchi hii haitaweza kunawiri na kufaulu ikiwa hatutawasaidia madiwani wetu wajimudu kiuchumi.

Kwa hayo machache, ninaunga mkono Hoja hii ili madiwani waongezewe mishahara.

(Applause)

The Temporary Deputy Speaker (Mr. Poghishio): Order, Members! I will now call upon the Mover to reply.

Mr. Sasura: Mr. Temporary Deputy Speaker, Sir, with your kind permission, I would wish to donate four minutes of my time to Mr. M. Kariuki.

Mr. M. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion. This is not the time to divide ourselves along party lines. This is a time to appeal to reason. The Motion basically seeks an amendment to the Local Government Act. The NARC Government says we need reforms in all sectors of our society. Why are we taking so much time to amend an Act that is already outdated?

Mr. Temporary Deputy Speaker, Sir, the theory of local government has changed over time. Indeed, today, in Europe, the meeting time for local government is 6.30 a.m. because everybody is

busy doing their own things. However, we know that we have drastically changed ourselves. We have people who are popularly elected. Previously, the local authorities were clubs of rate payers; people who owned property within the urban areas. They were basically representatives of the propertied class. Now, that theory is out of place as far as we are concerned.

Councillors are popularly elected in the country. We know that our local authorities have serious financial problems that cannot be discussed in this particular Motion. For example, the wage bill for most of the local authorities is not possible to meet under the current circumstances. In Nakuru Municipality, for example, the wage bill is Kshs18.7 million every month, but they are not able to raise that level of revenue. The temptation for councillors in applying for their allowances is very high. They ask the clerk or treasurer to give them some advances. That promotes some form of corruption.

I think that this is the right time to call for an amendment to the Local Government Act. If the councillors are idle, we will certainly amend the Act and give them some job to do. We have by-laws in every council. They can be sitting the way Parliament sits to discuss those by-laws in their respective local authorities. That will keep them busy. If you look at the local authorities now, they have about four meetings in a year. That does not keep them very busy.

Since I do not have much time, I would like to appeal to all hon. Members across the parties to put the interest of this country first and support this Motion. I am told that there are fears that if we pass this Motion, the International Monetary Fund (IMF) will not give us money. This is the greatest shame that any one Government can commit to its people. We will not run this country on the dictates of IMF. We will run it for the interest of our people. As I support this Motion, let us learn the lesson that Thailand learnt in the recent past. Thailand has disengaged itself from IMF and World Bank. If we want to be a sovereign and respectable State in this world, we should stand on our own. Let us promote local investment.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support and urge all hon. Members to support this very important Motion.

Mr. Sasura: Mr. Temporary Deputy Speaker, Sir, I would like to begin by thanking the last speaker who has been very eloquent and reasonable. Without mincing his words, he has spoken like himself. Also, I want to thank all the hon. Members who have been supporting this Motion, until this morning. This Motion was moved on Wednesday last week. All of a sudden there is a very interesting change of heart for the last one hour. However, I am not surprised in the light of what Mr. M. Kariuki has said. However, there was consensus last week, and even up to this morning, that our county councils' performance is dismal. There was consensus also on the plight of our councillors; that they are paupers. There was also consensus that the Local Government Act is not giving enough freedom to the councillors and chief officers to perform their duties.

Mr. Temporary Deputy Speaker, Sir, I concur with the Minister for Local Government that there is need to amend the Local Government Act. However, the spirit of this Motion is to amend the Local Government Act to provide for the payment of salaries to councillors which is not provided for in Section 150 of that Act now. I do not see the reason why we should not amend Section 150 now and bring the larger amendments in future. Hon. Members should note that the backbone of the political support of hon. Members of this House are councillors. They will be judged by history. We should put the interest of councillors first and not the interest of the World Bank or IMF. We have been depending on these two institutions too much. They are giving us conditions every morning, afternoon and evening. I want to urge the hon. Members now to come up and support their councillors. They are listening to them.

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

(Question put and agreed to)

Hon. Members: Division! Division!

The Temporary Deputy Speaker (Mr. Poghiso): Order! I have seen you have the numbers. A Division has been called, so we will proceed with the rules of Division. So, ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Poghiso): Order! Order, hon. Members. I now order that the doors be locked and the Bar drawn.

(The doors were locked and the Bar drawn)

(Several hon. Members stood up in their places)

Order! Order! Hon. Members, I wish you counted how many times I shouted "Order" just to have you seated. It is taking a long time. I want to remind you that, usually, after you have called for division, you are only given five minutes to lobby when the Division Bell is rung. At the end of that five minutes, business must continue. You cannot continue to mill around and wait to be told to resume your seats. You should resume your seats after the Division Bell stops ringing. The first "Order!" is to remind you that five minutes are over.

The Tellers for the "Ayes" will be Messrs. Mwenje and Mohamed A.C., while those for the "Noes" will be Messrs. Nderitu and Maore.

I will put the Question again after which those who want to vote for the "Ayes" will proceed to the Lobby on my right. Those who want to vote for the "Noes" will proceed to the Lobby on my left. It is not compulsory for any one to vote. However, those who want to abstain will register their names with the Clerk-at-the Table. As soon as I put the Question, you will proceed to the lobbies. Fifteen minutes after I put the Question, you cannot vote any more. So, those who want to vote must proceed to the lobbies very quickly and do so.

Order, hon. Members! We are about to close the lobbies. If you have not gone there, you have five minutes to do so.

DIVISION

(Question put and the House divided)

(Question negated by 43 votes to 33)

AYES: Mr. Abdirahman, Dr. Ali A.I., Messrs. Angwenyi, Biwott, Cheboi, Chepkitony, Dr. Galgallo, Mr. M. Kariuki, Dr. Keino, Messrs. Kipchumba, Koech S.C., Koros, Kosgey, Dr. Kutu. Messrs. Leshore, Lesrima, Magugu, Maitha L.B.M., Manoti, Messrs. Mohamed H.M., M.K. Haji, Mohamed A.C., Muturi, Mwandawiro, Messrs. Ngoyoni, Omingo, Onyancha, Owidi, Rotino, Sambu, Sasura, Sugow and Wario.

Tellers of the Ayes: Mr. Mwenje and Mr. Mohamed A.C.

NOES: Mr. Akaranga, Dr. Awiti, Messrs. Dzoro, Gitau, Kagwe, Kajwang, Ms. Karua,

Messrs. Kembi-Gitura, Kenneth, Prof. Kibwana, Messrs. Kingi, Kiunjuri, Kilonzo C., Mrs. Kihara J., Prof. Maathai, Messrs. Maitha E.K., Ms. Mbarire, Messrs. Muchiri, Mungatana, Mwangi O.K., Ms. Mwau, Mrs. Mwendwa, Messrs. Mwenje, Mwiraria, Nderitu, Ngozi, ole Ntimama, Nyagah, N., Dr. Oburu, Prof. Olweny, Messrs. Omamba, Oparanya, Mr. Raila, Prof. Saitoti, Messrs. Sungu, Syongoh, Tarus, Mrs. Tett, Eng. Toro, Messrs. Wambora, Wamwere, Wanjala and Weya.

Tellers of the Noes: Mr. Nderitu and Mr. Maore.

The Temporary Deputy Speaker (Mr. Poghisio): Next Order!

(Loud consultations)

Order, hon. Members! If you are withdrawing, please, do so quietly since we have a Motion to debate.

Proceed, Dr. Awiti!

REVIEW OF COTTON ACT

Dr. Awiti: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, being aware of the fact that agriculture is the backbone of our economy and in view of the need to jump-start economic growth, reduce poverty and create 500,000 job opportunities annually; convinced that a revived cotton industry provided with sufficient and affordable funding and given guaranteed fixed prices annually will increase the income levels of many small-scale farmers; this House urges the Government to urgently revive the cotton industry and also review the Cotton Act in order to enable the Government play its role in the industry and empower farmers to participate actively in the decision-making process affecting the industry.

Mr. Temporary Deputy Speaker, Sir, agriculture is the backbone of our economy in this country. Our economy is based on agriculture and this country needs to put a lot of importance on the development of agriculture.

The importance of the cotton industry in this country cannot be overemphasised. We know that, in the past, cotton was grown in this country and farmers were benefitting a lot from the proceeds of cotton. I and a number of people from Nyanza Province, Coast Province and some parts of Ukambani, benefitted from the crop industry because it was through growing cotton that we were able to pay school fees for our children. Now that the production of cotton has declined significantly in the past years, people in the cotton growing areas have been affected. The poverty levels in these areas have greatly increased, unemployment has equally increased and there is need to revive the production of cotton.

Mr. Temporary Deputy Speaker, Sir, we know that cotton is a unique crop. It grows in some of our marginal land areas. If cotton is not grown, the massive land areas will not be utilised and this country will lose tremendously. The policy of liberalisation, which took away the Cotton Board, I think, was applied indiscriminately in this country, without due consideration being given to the effects it was going to have on the cotton industry.

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

[The Temporary Deputy Speaker

(Mr. Ethuro) took the Chair]

Mr. Temporary Deputy Speaker, Sir, when I was the Minister for Planning, I went to India to study how the people of India were dealing with cotton. India is one of the most liberalised economies in the world. In India, the Government has a policy which stipulates that each year the Government provides the price of cotton. The price of cotton is arrived at after the calculation of the cost of production of cotton plus a reasonable margin being given to the farmer. When cotton from India gets into the world market, and if the world market price for cotton is higher, the Indian farmers get a bonus. On the other hand, if the world market price happens to be lower than the prices which were paid to the farmers, then, the Government tops up the payment for farmers. In other words, the Government of India is protecting the farmer. Again, the international free market economy is generally established world over. If economies like the American economy, which is very advanced, protects the farmers and even pays them for not producing, what about farmers in Kenya? We did liberalise without due regard to how we were going to protect our farmers.

Mr. Temporary Deputy Speaker, Sir, I consider that in order to improve the production of cotton, which will help to reduce poverty and increase employment, we need to have affordable credit to the farmer. The credit should attract reasonable interest rates that the farmer can afford. At the moment, the farmer is only producing from his own resources and as we know, the small-scale farmers do not have capital and they are only able to produce in small quantities; they are not able to get fertilisers, pesticides and so on. Therefore, their production is much lower.

Mr. Temporary Deputy Speaker, Sir, the price which the farmers are given now is below the production cost. This explains why there is a decline in production. From what has been going on, farmers take their little cotton to the ginneries and they are not paid on delivery. Sometimes, it takes as long as a year before the farmer is paid for his cotton. These are some of the things which have made the farmer not to produce cotton. We would like this to be improved. Even if the price of raw cotton is increased, it will not be sufficient. It is important that farmers own their ginneries. In our part of the world, during the time of liberalisation, ginneries were taken away from co-operative unions in Kenya. The manner in which these ginneries were taken away was not legal. They were taken because there were some loans which the co-operative union owed the Co-operative Bank of Kenya.

If loans owed by the coffee farmers, the Kenya Co-operative Creameries (KCC) and the Kenya Meat Commission (KMC) are being waived, it is important that the loans owed by cotton co-operative societies to the Co-operative Bank of Kenya are equally waived, so that when we mobilise farmers to produce cotton, they will start afresh. I know that there are some arguments that the co-operative unions were corrupt, inefficient and were not delivering, but the small-scale farmers cannot benefit without the co-operative movement. We need to address the issue of how we can improve the rules that govern the co-operative movement. Through the co-operative movement, farmers could own ginneries and through the ginneries, the value added would benefit them. The Government left the farmers on their own. We know that recently, many private entrepreneurs have been buying cotton from Uganda or Tanzania and when this cotton is brought into the country, it is ginned together with the locally-produced cotton. The seeds which come out of this process are not classified according to where the raw cotton comes from. When the seeds are mixed up and the farmers get them, you will find that a farmer from Nyanza will get some seeds from Uganda. When he plants them, some of them grow so tall, do not flower and the farmer wonders what is happening. So, there is need to have a system that will control the ginning and classify the seeds according to where they are produced.

Mr. Temporary Deputy Speaker, Sir, it is time the Kenya Government re-examined its role

in this industry. It would be necessary to form a cotton development authority to regulate this industry. Without a regulatory authority, we will not produce more cotton. We will not even benefit from the Africa Growth and Opportunities Act (AGOA), which is an enormous American market. It is time the Cotton Act was revised, so that we create a regulatory authority to regulate the industry from the time of production, marketing and processing. In this way, our farmers will benefit. We know the economy of this country depends on agriculture. Therefore, it is my plea to the Government to come up with measures that will help revive the cotton industry.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to move and ask Mr. Mwandawiro to second this Motion.

Mr. Mwandawiro: Asante sana, Bw. Spika wa Muda kwa kunipa fursa hii. Kwanza ningependa kumshukuru sana mhe. Awiti kwa kuwasilisha Hoja hii ambayo ni ya maana sana. Pia ningependa kutoa masikitiko yangu kwa sababu hapa Bungeni kuna Mawaziri wachache wakati huu tunapojadili Hoja hii ambayo ni muhimu kwa ufufuzi wa uchumi wetu na utengenezaji wa nafasi za kazi zaidi ya 500,000 kila mwaka, kama vile Serikali hii ilivyowaahidi wananchi. Hata hivyo, ni masikitiko makubwa kwa sababu Waziri wa Kilimo hayuko hapa nasi.

The Assistant Minister for Agriculture (Mr. J. Nyagah): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to imply that the Minister for Agriculture is not represented here when I am here?

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Mwandawiro, the Minister for Agriculture is represented here by the Assistant Minister!

Mr. Mwandawiro: Bw. Naibu Spika wa Muda, umuhimu wa viwanda vya nguo ambavyo vinahusiana na kilimo cha pamba ni wazi kwa kila mtu. Hata tukichunguza mataifa ambayo yameendelea kama vile Uingereza na Marekani, msingi wao ni kilimo cha pamba. Walitumia pamba

[Mr. Mwandawiro]

kutengeneza nguo. Zao la pamba ni msingi thabiti ambao unaweza kufufua uchumi wetu.

Bw. Naibu Spika wa Muda, ninaiomba Serikali hii ihakikishe ya kwamba wananchi wetu wanajitegemea katika mahitaji yao ya kila siku. Mahitaji haya ya kimsingi ni kama vile mavazi, chakula na nyumba. Tukiweza kufufua viwanda vyetu vya kutengeneza nguo na chakula, tutaweza kuimarisha uchumi wetu. Tunahitajika pia kujenga nyumba nyingi ili wananchi wetu wapate makao mazuri.

Bw. Naibu Spika wa muda, kama tunavyokumbuka miji ya Kisumu, Thika, Mombasa na Ruiru iliendelea sana kwa sababu ya viwanda vya nguo. Viwanda hivyo viliajiri maelefu ya watu. Viwanda vya nguo vina uhusiano na kilimo cha pamba ambacho kikifufuliwa na kuendelezwa, kitaongeza ajira katika sehemu za mashambani. Kinaweza kuondoa umaskini, na watu wanaweza kuendelea kupata mapato mengi zaidi. Ndio maana naunga mkono umuhimu wa hoja hii, kuwa kweli, ndio msingi wa kujaribu kutengeneza uchumi wetu huru.

Hivi sasa, tumekuwa na maoni katika nchi hii kwamba hatuwezi kuendelea bila misaada. Kulingana na sera katika Benki ya Kimataifa, na Shirika la Fedha la Dunia, hatuwezi kuendelea bila ya kupiga magoti kwa mabeberu. Sababu yake ni kuwa sisi kama taifa, hatujafanya mipango yetu kutegemea raslimali tulizonazo, na kutegemea kutengeneza mahitaji yetu ya kimsingi sisi wenyewe.

Bw. Naibu Spika wa Muda, kama unavyojua, nchi hii hutegemea mitumba. Mitumba ni sababu kubwa ya kutaka kupiga vita kilimo cha pamba na viwanda katika nchi hii yetu. Bila kuwa na sera madhubuti za kupambana na kuondoa mitumba kwa kiasi fulani katika historia yetu, kwa kweli, hatuwezi kusema kuwa tuko na pesa za kulinda viwanda vya nchi yetu na kuwa tuna sera za kulinda kilimo katika nchi yetu. Kweli, nakuhakikishia ya kuwa zile fedha zinazotumika kulinda na kuendeleza kilimo chetu, viwanda vyetu, biashara zetu, kwa kweli haziwezi kufanya tuwe na

uchumi ambao utakuwa huru, ambao utaweza kutengeneza ajira. Mambo hayo yote, ahadi hizo zote ambazo tunasema kwasababu tunataka kufufua uchumi na hatulengi mambo ya kimsingi, hayawezi kuleta maendeleo.

Ni wazi katika nchi yetu kwamba ukitembelelea mitaani, utaona mitumba ya kila aina ambayo hutokana na pamba ya kutoka nchi za nje. Ukiangalia viatu vinavyotoka nchi za nje, utaona kuwa hakuna njia yoyote ambayo tunaweza kuendeleza biashara katika nchi hii yetu ya Kenya. Wakati ninapoendelea kuunga mkono Hoja hii, msingi ni kwamba tufikirie tunapolima. Tufufue kilimo cha pamba ili kiwe na uhusiano na viwanda vya kutengeneza nguo, na biashara ya nguo katika nchi yetu. Tukisema kuwa ni uchumi unaoumia, kila mtu ataleta kila ghasia katika nchi hii yetu. Bw. Naibu Spika wa Muda, bila kuweka *standards* katika biashara ya nguo, hatutakuwa tunawasaidia wakulima katika nchi hii yetu. Ndio maana tukikumbuka sehemu za Taita Taveta, sio Mkoa wa Nyanza peke yake, sehemu za Kishushe, Galole, wakulima walikuwa wanapata mapato kutoka pamba kwa wingi. Ukienda sehemu za Ukambani, huko Wote, utaona vile mashini za kuchambua pamba au *ginnyery* zimelala. Kazi zote zilizokuwa hapo zimekufa. Wakulima sasa wanategemea tu viumbe kama vile ng'ombe, mbuzi, na kilimo cha kubahatisha. Ingefaa kuwe na fedha maalum ambazo zingehakikisha kwamba mkulima anasaidiwa kupata mbegu safi. Mkulima anafaa kusaidiwa na utaalumu wa kilimo bora cha pamba. Kisha inatakikana kuwe na sera za soko ya pamba ili wakulima wajue mahali pa kuuza pamba zao. Pia kunatakikana kuwe na sera ambayo inajiona kwamba sisi kama nchi tunataka kujikwamua kutoka kutegemea watu wengine. Kwa hivyo, lazima tutengeneze mahitaji yetu. Nguo ni kitu cha msingi ambacho kinategemewa na kila mtu. Tukianza na nguo tutatengeneza kazi nyingi zaidi na tutakuwa na ujuzi mwingi zaidi. Kutegemea mitumba haiui tu kilimo cha pamba peke yake, lakini hata ujuzi wa kutengeneza nguo. Mitumba inaua maarifa ya kutengeneza nguo ambazo tunaweza kuvaa kwa sababu tunavaa nguo kutoka nje.

Bw. Naibu Spika wa Muda, kwa hivyo, ningepomba kwamba Hoja hii iungwe mkono na ifikiriwe kwa makini na Serikali. Kama Serikali ina nia ya kutengeneza ajira katika nchi hii, lazima iunge mkono Hoja hii na pia iiweke katika sera zake madhubuti na itekelezwe. Bila kujikwamua kutoka kwa mawazo ya kukubali kutengenezewa hata mahitaji ya kimsingi na watu wengine kutoka nje, hatutaendelea mbele wala hatutakuwa na viwanda katika nchi hii. Tunaua viwanda vyetu sisi wenyewe. Hoja hii inalenga kutupatia njia ya kufikiria kuhusu sera za kujitegemea, kujenga viwanda katika nchi yetu na kuondoa umasikini katika sehemu za mashambani na kuongeza kazi kwa watu mijini.

Kwa hayo machache, ninaunga mkono Hoja hii.

(Question proposed)

Mr. Sungu: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to congratulate the hon. Member for Karachuonyo for bringing this important Motion to the Floor of the House. If we were to be interested in reviving the economy of this country, we would revive the cotton industry. This is because cotton is a three month crop only. You only grow it for three months and you have money in your pockets. You can actually grow four crops in one year. What an excellent way of getting money into the pockets of our people and in the hands of the Government! This can only work if the Government takes this matter seriously and the farmers are paid for their work.

The failures that have affected the cotton industry must be traced to the failures of the former Cotton Lint and Seed Marketing Board. Farmers used to plant their crops, go through all the processes of planting, weeding and applying fertilizers and picking the cotton. After that, you would find that once they delivered the cotton to the ginneries, they were never paid, sometimes for as long

as three years. That alone, has had the effect of taking Kenya backwards many years.

Mr. Temporary Deputy Speaker, Sir, cotton is a very labour intensive crop and one way of creating employment in our country is to ensure that our people can have something to do in their farms. The Mover of the Motion said that many pieces of land in the cotton growing areas are now lying idle because this crop has not been properly supported by the Government, and farmers have abandoned the crop. Even the ginneries that were used to process this cotton have been abandoned. There are many of them which are lying idle in the rural areas, which could be used to employ our people. As a result of this, we have become a *mitumba* country like my colleague has said.

In fact, I remember in the last Parliament, the former President once said in a public rally that even his Ministers were wearing *mitumba* clothes. That is a fact and the Minister who is now taking notes will bear me witness, because the former President was aired on television saying that his Ministers used to wear *mitumba* clothes. It is a shame for us to accept that we are a *mitumba* country, because we have the capacity to ensure that we have our own cotton.

Mr. Temporary Deputy Speaker, Sir, let me remind the House that in my constituency there is a place called Kibos Cotton Research Station, popularly known as Kawat. This station was built in the 1940s. During the colonial times, it was functional. As a small boy when I was going to school, I used to see cotton being irrigated for research purposes. This one has also now collapsed. All the qualified research personnel who were doing good work are now idle, because the cotton industry is in doldrums.

Mr. Temporary Deputy Speaker, Sir, one way of ensuring that the cotton industry is revived, is to ensure that we also revive research. Such facilities have been used before. For example, there was a time when we had water hyacinth in Lake Victoria, and the Kibos Research Station was utilised to undertake research on the biological aspect of controlling the hyacinth weed at the station. All this is going to waste because the Government has not given enough support to this industry to ensure that even the research aspect is taken care of. It is a shame that, in fact, Kenya as a proud country can import cotton from Tanzania, Sudan and even as far as Egypt when we have all the fertile land, labour and capacity to ensure that we produce our own cotton, so that our industries can survive.

Mr. Temporary Deputy Speaker, Sir, because we are importing cotton from other countries, the effect is that the raw cotton is quite expensive. This has led to the collapse of our industries. I can name many of them. One of them is the Kisumu Cotton Mills (KICOMI) in my Kisumu Town Constituency. The Kisumu Cotton Mills used to employ 3,000 people, but right now, it is just lying idle. The entire mills, the spinners and the weavers are all just lying idle. In Eldoret, two major industries have collapsed. RIVATEX collapsed since the collapse of the cotton industry. The former Raymond Woollen Mills, now known as Heritage Woollen Mills has also collapsed. The net effect is that so many people lost their jobs. When one person loses a job, it means that there are ten other people who have also lost a means of livelihood and cannot find something to eat. It also means that ten people have lost school fees and ten others have lost their means of transport to wherever they want to travel. The net effect on the economy is unthinkable. That is why we say that, "a stitch in time saves nine". If the previous Government had acted in time to save this industry, we would not be facing some of the economic difficulties that we are facing in this country now.

Mr. Temporary Deputy Speaker, Sir, we should not forget, for example, Kenya Textile Mills (KTM) in Thika. It was similarly affected like the others we have talked about. I am by training, an insurance loss adjustor. There was a time I used to inspect export goods going to other countries. I used to inspect suiting materials from Raymond Woollen Mills going to as far as Zimbabwe and the United Kingdom (UK). We know the Kenyan way of thinking that foreign things are better. If you put goods on the supermarket shelves labelled: Made in Israel or South Africa, Kenyans would buy

them rather than those made in Machakos or any other part of this country. We used to have a former Minister who was a great friend of Mr. G. G. Kariuki! He used to love foreign suits embedded with his initials. One day, he went to the Oxford Street and bought a similar suit, thinking that it was a foreign suit. He was disappointed one day when he came home and realised that in the lining, it was written: Made in Kenya! Look at that kind of situation! We should not love foreign things as opposed to our own things. It is important to be proud of our own products, so that this country can grow again. We should not be looking at imported things when we have the capacity to produce our own and be proud of them, instead of wearing *mitumbas*!

Mr. Temporary Deputy Speaker, Sir, another element of it is that at a time when foreign exchange was a problem, those products used to earn it for us. I will give you another example. The United States of America (USA) Government has enacted a very important thing called the Africa Growth and Opportunity Act (AGOA). That Act is supposed to encourage export of textiles to the USA market. I have had the honour of travelling to the USA, at least, once. When I went round the shops, most of the clothes that you buy in the USA are not even made in that country. Some are made in Cambodia, Colombia, Korea, Mexico and other countries.

Mr. Temporary Deputy Speaker, Sir, why can we not take advantage of that opportunity that has been given to us as a country? If you go to the Export Processing Zones (EPZs), you will find that those who are now taking advantage of that opportunity are actually foreigners. If we want to grow cotton and empower our farmers to revive our ginneries and factories like KICOMI, RIVATEX, KTM and Raymond Woollen Mills, we should take full advantage of that Act. We know of cases where clothing brought from other countries is re-labelled: "Made in Kenya," to take advantage of that opportunity in America. They are taking the quota that is allowed for Kenya.

Mr. Temporary Deputy Speaker, Sir, I would like to urge this Government to take this matter seriously because there are funds available. If the Government does not have funds, what about STABEX funds? Is the Minister listening? STABEX funds are available. The European Economic Union availed those funds long time ago and cotton, as an export crop, qualifies for funding under that facility. Kenya only needs to satisfy certain conditionalities and the money is availed to revive that industry. So, why do we not utilise the available resources both in Kenya and abroad to make sure that we revive that industry?

Mr. Temporary Deputy Speaker, Sir, let me recap by saying that the linking effect of reviving that industry will ensure that we create the 500,000 employment opportunities that the NARC Government promised during the election campaigns. It will mean that the agricultural sector will be treated with the respect that it deserves. It means that we are going to reduce poverty. Our people are suffering! They are poor and cannot afford food. We will be creating employment in our industries because we will be able to revive the economy.

Mr. Temporary Deputy Speaker, Sir, when we review the Cotton Act and empower the farmers, we must ensure that we pay the farmers in time. There is no farmer or worker who can work for 30 days without being paid. Cotton farmers in this country have been cheated for too long. They worked on their farms, grew their crop, applied fertiliser and used their money to ensure that the crop grew. When they harvested and took their cotton to the Cotton Lint and Seed Marketing Board, they were never paid!

With those few remarks, I beg to support.

Mr. Wario: Asante sana, Bw. Naibu Spika wa Muda, kwa fursa ulilonipa niweze kuchangia Hoja iliyo mbele yetu.

Ukiangalia upande wa kushoto wako katika Jumba hili, nimebaki pekee yangu. Nimebaki pekee yangu kwa sababu alivyosema Khamenei, kwamba itakapodhihiri dhuluma, kunyamaza ni hatia. Wakulima wa pamba katika nchi ya Kenya wamedhulumiwa miaka nenda, miaka rudi. Hii

ndio baadhi ya sababu ilionifanya nisimame kuunga mkon Hoja hili. Hata hivyo, inaonekana Jumba hili halitilii umuhimu Hoja ya Kibinafsi. Hoja iliyo mbele yetu ni muhimu sana. Nilifikiri leo Waziri wa Kilimo atakuja na maafisa wanaohusika na haya mambo, licha ya kuwa kwa Waziri hapa. Lakini ninasikitika kuona kwamba kuna nafasi kubwa kule na hakuna ofisa yeyote amekaa pale. Hii inamaanisha kwamba Serikali haitilii umumimu Hoja ya kibinafsi. Ningeomba---

The Assistant Minister for Agriculture (Mr. J. Nyagah): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that the Government is not serious about private Members' Motions when I am here to represent the Ministry with some Cabinet ministers, some of whom serve in agricultural committees where cotton matters are discussed? In fact, we are taking this Motion very seriously.

An hon. Member: You are "half" a Minister!

Mr. Wario: Bw. Naibu Spika wa Muda, ingawa sitaki kumuita Waziri nusu vile mwenzangu alivyomuita, Hoja hii inataka umuhimu kubwa---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Wario! The Assistant Minister has just said that the Government is represented here and according to our Standing Orders, for the purposes of the House, both Assistant Ministers and Cabinet Ministers qualify. So, the Ministry is fully represented.

Mr. Wario: Bw. Naibu Spika wa Muda, nimeondoa madai hayo na naomba kuendelea.

Kilimo ni uti wa mgongo wa nchi hii. Ninatoka sehemu yenye ukame. Katika sehemu hizi, tukifanya unyunyizaji wa maji kwa mashamba yetu, mimea ya pamba inafaulu. Mimea ya pamba ilikuwa tegemeo kubwa la wakaaji wa eneo la uwakilishi Bungeni la Bura. Watu wangu waliweza kuelimisha watoto wao kwa sababu ya mimea hii na waliweza kupata hakikisho ya chakula. Hiyo ndiyo sababu ilinifanya nibaki sehemu hii ya Jumba peke yangu leo, ili niweze kuunga Hoja hili mkono.

Lakini katika sehemu hii wakati huu, tuko na umaskini uliotanda. Licha ya karakana iliowekwa ya kuwezesha uzalishaji wa mimea ya pamba katika eneo hilo, leo hiyo shamba imekufa, uzalishaji wa mimea hii hauko tena na vile viwanda vilivyokuwa vinaajiri watu kwa minajili ya kuendesha shughuli ya mimea ya pamba leo, hazimo tena na sisi. Mimea hii inachukua miezi mitatu peke yake, vile mwenzangu aliposema. Hebu fikiria, ni pesa kiasi gani tungeweza kutengeneza baada ya kila miezi mitatu? Fikiria, ni nafasi za kazi kiasi gani tungeweza kutoa kwa watu wetu baada ya kila miezi mitatu? Baadala ya kuboresha uzalishaji wa mimea ya pamba ili itoe ajira kwa watu wetu, ili iboreshe hali ya uchumi wa taifa letu, Serikali imeamua kutoa fursa kwa wafanyi biashara wa kibinafsi kuleta mitumba kutoka nchi za nje. Kuletwa kwa mitumba kumeharibu ujuzi, hari, hamu na motisha ya wakulima wetu, na tusipoweza kusimamisha jambo hilo, hatutaweza kufaidi kutokana na bidii ya wakulima wetu.

Tunataka sera mahususi ya Serikali kupiga maarufuku kuleta nguo za mitumba na baadala yake, iwezeshe wazalishaji wa mimea ya pamba ili waweze kutoa hakikisho ya nguo kwa jamii za nchi hii. Ni kwa sababu ya ufisadi uliotanda ndio sekta hii ilikufa. Viwanda hivi, mashamba haya, leo hakuna moja ambayo inategemewa katika nchi hii. Ni vipi tutaweza kutoa huu ufisadi? Tutatoa ufisadi iwapo tutawezesha wakulima waweze kusimamia miradi hii wao wenyewe. Leo, tunaleta watu kutoka nje kuja kusimamia Bura. Anawapa atakachowapa leo, kesho anaenda zake na kuacha shamba kama imekufa. Tutaweza kuzalisha pamba nyingi katika nchi hii kama wakulima watasimamia shughuli zote za pamba. Leo, tuna nafasi ya kuuza nguo katika Marekani kupitia Africa Growth Opportunity Act (AGOA). Makubaliano hayo yamebuni soko kubwa kwa zao la pamba katika nchi ya Kenya. Kwa hakika, sijaona kitu kizuri kwa Wamarekani isipokuwa AGOA. Kitu kizuri ambacho ninaweza kuwaelezea watoto wangu kwamba kimetoka Marekani ni AGOA. Hakuna kitu kingine kizuri ninaweza kuzungumzia kuhusu Serikali ya Marekani. Kwa nini

hatutumii fursa hii?

Bw. Spika wa Muda, wakati wa kampeni, wenzetu waliahidi Wakenya kwamba watabuni nafasi 500,000 za kazi kila mwaka. Ninasikitika kwa sababu ni taabu hata kubuni nafasi 20,000 za kazi kila mwaka. Kama Serikali inataka kubuni kazi kwa Wakenya ni lazima wafufue viwanda vya kilimo, hasa vile vya pamba. Watu wetu watapata kazi na kujimudu kiuchumi.

Kwa hayo machache, ninaunga mkono.

The Minister for Roads, Public Works and Housing (Mr. Raila): Ahsante, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili niichangie Hoja hii. Kwa sababu Bw. Wario ameongea kwa lugha ya Kiswahili, nitafuata nyayo zake.

(Applause)

Nilisikiliza kwa makini wakati Bw. Wario alikuwa anaongea juu ya shida ambazo zinaikumba sekta ya pamba. Bw. Wario amekiri kwamba makosa mengi yalifanywa na Serikali iliyopita. Pia, amegusia juu ya ufisadi ambao uliathiri ukuzaji wa pamba katika nchi yetu.

Wakati tulikuwa vijana, pamba ilikuwa inakuzwa kwa wingi katika nchi hii, hasa, katika wilaya yangu na wakulima walikuwa wanalipwa vizuri. Wakati huo, mkulima alipopeleka pamba yake sokoni siku ya soko alipata wanunuzi ambao waliipima na kumlipa pesa taslimu papo hapo. Jambo hili liliwapa wakulima motisha wa kupanda pamba kwa wingi.

Shida ilitokea wakati tulipounda Cotton Lint and Seed Marketing Board. Watu walioajiriwa kusimamia shirika hilo hawakuwa na ujuzi kama vile ilivyokuwa katika mashirika mengine. Watu wengine walijiriwa kwa sababu walifahamu mtu fulani au walikuwa watoto wa shangazi ama marafiki au walisoma ama kutahiri pamoja na mtu fulani. Pia, watu wengine walijiriwa kwa sababu waliunga mkono mtu fulani kisiasa. Jambo hili liliathiri ukuzaji wa pamba kwa sababu Halmashauri hiyo ilishindwa kuwalipa wakulima kwa miaka mingi. Hali hii pia iliathiri wanafunzi wa shule ambao walifukuzwa shule kwa sababu wazazi wao walikosa karo ya shule. Hili lilikuwa pigo kubwa kwa sekta ya pamba kwa sababu wakulima hawakuwa na hamu tena ya kukuza pamba. Mitumba ilikuwa ikiletwa katika nchi hii na watu ambao wanajulikana na wengine wao ni Wabunge katika Bunge hili. Kwa hivyo, tunasema kuwa yale yote sasa yalipita. Yaliyopita si ndwele; tunaganga yaliyomo na yajayo.

Mr. Wario: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Umemsikia Waziri akisema kuwa wale wanaoiendesha shughuli ya pamba ni watu wanaojulikana, haswa Wabunge. Kwa nini asiwataje ili hatua ichukuliwe dhidi yao?

The Minister for Roads, Public Works and Housing (Mr. Raila): Bw. Naibu Spika wa Muda, Bw. Wario anawafahamu kwa kuwa wengine ni majirani wake. Kwa hivyo, sina haja ya kuwataja. Mhe. Mbunge ametaja mambo ya miradi ya unyunyizaji maji ambayo ilisimama kama vile Bura Irrigation Scheme. Alisema kuwa inafaa hii miradi ipewe wakulima wenyewe ili waiendeshe.

Ukiangalia ulimwengu mzima, ukichukua miradi kama hii ya unyunyizaji maji na kuiweka mikononi mwa wakulima, hivyo ndivyo utawafanya wasiendele kabisa. Ukiangalia katika sekta ya kahawa, wanawachagua viongozi ambao hawana ujuzi ila wanaojua kupiga kelele. Kitu kinachotakikana ni kujaribu kuona kama kila sekta itakuwa ya kibinafsi. Pia, ni vyema kuhakikisha kwamba miradi hii inaendeshwa vyema.

Pia, kuna shida katika sekta ya pamba. Viwanda vinavyonunua pamba vina uwezo wa kuleta pamba kutoka Tanzania au Uganda. Ikiwa bei ya pamba hapa itakuwa juu zaidi, basi hakuna kitakacho wazuia kuleta pamba kutoka nchi jirani. Suluhisho ni kuona kwamba wakulima wamepewa hisa katika vile viwanda vinavyosafisha pamba viitwavyo *ginneries*. Hii itawafanya

wasiwe tu wanauza pamba bali pia wafaidike kutokana na *value adding*. Hii ndiyo imekuwa suluhisho katika nchi zingine na ndivyo tukavyoweza kufanya katika nchi yetu. Kwanza, Serikali ina nia na sababu ya kujaribu kufufua sekta ya pamba. Nia kubwa ni kwamba tunataka kuondoa uchafu wote ulioletwa na Serikali tuliyoiondoa. Ya pili ni kwamba tuliahidi Wakenya kuwa tutatoa nafasi 500,000 za kazi kila mwaka na hii ni njia moja ya kutoa nafasi hizo. Kwa hivyo, Waziri atasema hapa ile mipango ambayo tuko nayo kabambe ya kujaribu kufufua sekta ya pamba. Kwa mfano, tuna nia ya kuanzisha viwanda tukishirikiana na wale wanaotoka nje. Kama mnavyojua, tumeanza kufufua viwanda vingine. Viwanda vya Raymonds kule Eldoret na Kicomi huko Kisumu vimeanza kufanya kazi. Kuna RIVATEX na TITEX ambavyo vitaanza kufanya kazi.

Tunajaribu kusafisha ule uchafu uliofanywa na Serikali iliyopita iliyokuwa ikiuwa viwanda. Ilikuwa ni kama yule mbwa ambaye anazaa watoto na kisha kuwala. Serikali ya NARC inajaribu sasa kufufua viwanda hivi ili iweze kuwapatia kazi wananchi wa Kenya. Jambo la muhimu zaidi ni kuwa na soko. Mhe. Mbunge amesema kwamba anafurahia sana mambo ya AGOA. Hili ni soko lililowazi, maanake Serikali ya Amerika inatafuta soko upande huu. Hii ni vuta nikuvute. Sisi tumepewa soko kule Amerika na ni lazima tuone ya kwamba tuna vifaa ambavyo tutauza katika soko hilo. Hii ni kwa sababu siasa inaweza kubadilika wakati wowote.

Kwa hivyo, Serikali yetu inachukua hatua za haraka kuona ya kwamba tunalitumia soko hilo iwezekanavyo. Kwa upande mwingine, hatuhitaji mitumba sasa kwa sababu tuko na viwanda vya kutengeneza nguo. Hata hivyo, kuna yale madhara ambayo yalisababishwa na vitendo vya Serikali iliopita. Serikali yetu itachukua hatua mwafaka za kurekebisha madhara hayo yote. Tumejaribu kuviwezesha vyama vya ushirika kufanya kazi. Waziri wa Vyama vya Ushirika yuko hapa na atazungumza juu ya mambo ya ushirika. Serikali hii inajaribu sana. Si jukumu la Serikali tu kuleta maendeleo. Wakulima wanastahili kufanya juhudi wawezavyo ili kuleta maendeleo katika nchi hii. Ni lazima wakulima wetu wajaribu kupanda mbegu za kisasa, yaani *genetically improved varieties* ambazo zimetokana na utafiti. Tusiseme ya kwamba hatuwezi kuzitumia hapa nchini. Nchi kama Mozambique, Egypt na Sudan vilevile zinatumia mbegu hizo. Wakulima wetu wanahitaji kutumia mbegu ambazo zitawaletea mazao mara dufu.

Bwana Naibu Spika Wa Muda, kwa hayo machache, ninaunga mkono Hoja hii.

The Minister for Co-operative Development (Mr. Ndwiga): Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I would like to thank the hon. Member who brought this Motion to this House. He could not have brought this Motion at a better time than this. This Government, in its manifesto, promised Kenyans that it will create 500,000 jobs every year. The easiest way to create these jobs is by focusing on the agricultural sector, especially the cotton sub-sector. Cotton is a key commodity. I am rather disappointed that this House is not packed because this Motion is very important to this country. It requires input from all hon. Members of this House. We do not want to go back into history and dig graves, but we know where we have come from. Let where we have come from be a lesson, so that we do not repeat the mistake of the past.

In the past, this country used to produce such high quality cotton. I listened to the hon. Member for Bura Constituency and I can confirm to this House that up to today, the highest quality cotton in the whole world comes from Bura. You cannot get that kind of cotton anywhere in the world. However, the Hola and Bura irrigation schemes are dead. I would like to announce that in a week or so, the Minister for Agriculture, the Minister for Water Resource Management and Development and I, will be visiting Bura and Hola irrigation schemes to see how we can revive them. In Nyanza Province and western Kenya, we have already repossessed the Ndere Ginnery in Siaya District and given it back to the co-operative societies. We have also handed over Malaba/Malakisi Ginnery to the co-operative societies in the area.

Mr. Temporary Deputy Speaker, Sir, I urge hon. Members to encourage people on the

ground to grow cotton. Right now, we have a big market for cotton. We cannot even satisfy the American market provided for under the Africa Growth and Opportunity Act (AGOA). It is a shame that so many years after the inception of the AGOA, we are still importing cotton. Most hon. Members have not looked at the AGOA arrangement. As it is now, it is foreigners who are benefiting from this arrangement. They came with their equipment and we gave them Export Processing Zone (EPZ) status. They now import cotton from where they came, produce garments and export them as Kenyan commodities. So, apart from getting employment, Kenyans are not benefitting from the AGOA arrangement; unless we wake up. This is a wake-up call.

In fact, I wish to congratulate Dr. Awiti for bringing this Motion at this time. This is wake-up call for this country. Those of us who come from cotton-growing areas should sensitise our people to start growing cotton. My Ministry is already on the ground in all those areas. My officers have firm instructions to work with hon. Members to revive the industry. I am sure that hon. Members will bear me witness that, that is happening on the ground. So, let us all go back to the ground and ask our people to start growing cotton. There is a ready market for the produce.

Those of us who are a little old would remember that in yester-years, if you asked somebody who was going abroad to buy for you a suit in London, chances were that he would bring you a suite labelled "Raymond. Made in Kenya". What is happening today? We are getting all sorts of *mitumbas*. Some of us remember with nostalgia that in the past, instead of the hawkers in the shopping centres, we used to have sewing machines. Kenyans never used to mind their economic status. Come Christmas time, you would see families trooping into shopping centres to buy new Christmas clothing, and they would afford it. That is where we want to get this country to.

Mr. Temporary Deputy Speaker, Sir, I would like other hon. Members to contribute to this Motion. I believe I have made my point. Let us go back to the ground and motivate our people to go back into cotton production. We have arrangements with very good friends in the United States of America (USA). We have ginneries which we can avail to areas where there are no ginneries, but there are co-operative societies producing cotton.

With those remarks, I beg to support.

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, historically, if you bought *Nytil Jinja*, that was the best cloth you could find in the market in East Africa and the rest of the world. If you did not like somebody, you would threaten to sell to him a cloth from Korea or Japan. In fact, clothes from Japan were used for burying people. They were clothes of the least quality you could find. *Nytil Jinja* clothes were for Christmas. So, you can see that, at one time, East Africa produced the best apparel in the whole world. Korea, Japan and American Khakis were the worst in the international market. But now, the world has gone round and East Africa is at the bottom and Korea, Japan and the United States of America (USA) are at the top. Why has that happened? Historically, cotton was doing very well. But there reached a time when nylon, which is made out of petroleum products, and polyester came into fashion and the market respectively. For a while, people thought that nylon and polyester were much better than cotton. So, the production of cotton went down. The farmers could not get good prices and the Government was unable to subsidise that sector. So, farmers were discouraged and the entire infrastructure of cotton production collapsed.

But now, the environment has once again changed in favour of Africa, East Africa and Kenya. Now, the world is moving towards cotton and sisal. They want to forget about nylon because it is injurious to the environment. So, we have the best opportunity and when environmentalist say: "Go natural", we can grow cotton and sisal naturally. I can tell you that my constituency has the best environment. That is because researchers have found out that the Lake Victoria basin areas, up to Tanzania and Uganda, are the best areas to grow cotton. The cotton has the longest lints in the world. Therefore, the environment and environmentalists all over the world

have made that area a beautiful place for me to stay; that is, Suba District, Mbita Constituency. But how am I going to exploit that new environment? I cannot exploit it because the farmer, although he produces some cotton, was told the following:- We do not have good seed. We do not have market for the cotton we produce. Even if there is a market, it does not give us enough money to compensate us for our efforts. The consequence is that no farmer is going to grow cotton, although it is the best thing to grow in the world. A Government that cannot seize an opportunity like that, is not a serious one. This is the best opportunity for the Government to encourage cotton farming. What is likely to happen?

Many people have talked about the Africa Growth and Opportunity Act (AGOA), but let me put it this way: The AGOA has only given us a window for four years. If the people we have given factories in the Export Processing Zones (EPZs) do not use Kenyan cotton to produce the apparels in four years, they are not going to have access to the AGOA market. So, we are creating jobs, money and dollars but, in four years, we are going to lose that opportunity! Yet, we are not preparing to take over. The dollars will go and the jobs will go with the dollars and yet, the Government has not seized that opportunity.

When you look at the Budget that was brought the other day, there is no mention of cotton. The Cabinet has, of course, been telling us: "Cotton is good and we are reviving the industry!" You cannot revive anything without investing in it! How much money has the Government put in the cotton industry? How much money has it put in the Cotton Lint and Seed Marketing Board? Even as we are talking now, there is no Cotton Lint and Seed Marketing Board. It is only there in the law, but the Minister for Agriculture has not even thought of naming people who have an interest in developing the cotton industry to revive it.

Mr. Temporary Deputy Speaker, Sir, this is a beautiful moment for me because I have been talking about cotton in funerals and Harambees, where I am not heard! I should not be talking about cotton in such venues. But now, I am talking from Parliament! I am saying that if this Government is serious about the jobs they are talking about, the AGOA market and dollars which come with it, if it is interested in the technology which comes with agro-industry, then we must put money where we want it. I suggest that in the next budget, we want to see Kshs1 billion given to the Cotton Lint and Seed Marketing Board, so that it can do the following: Put some money in research, fertilizers, credits, insecticides---

With those few remarks, I support.

(Applause)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Kajwang! Your time is up! But you still have five minutes to contribute when the debate resumes.

Hon. Members, it is now time for the interruption of business. The House is, therefore adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.