

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 13th December 2017

The House met at 9.43 a.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

Hon. Speaker: Hon. Members, it looks like one side of the House, other than Hon. Tim Wanyonyi, is not present.

Hon. Ng'ongo: They are resisting.

Hon. Speaker: Hon. Mbadi, have you said that they are resisting? This is very interesting. Maybe they have left Hon. Tim Wanyonyi to hold the fort for them. It is quite clear that there is still no quorum.

As Hon. Mbadi would recall, when we met as the House Business Committee, there were certain procedural matters that we needed to resolve this morning before the next meeting in the afternoon. I am told the Selection Committee is supposed to meet this afternoon and resolve other procedural issues.

Hon. Ng'ongo: *(Spoke off record)*

Hon. Speaker: That is going on very well. Would that be the cause of the apparent resistance?

(Laughter)

Hon. John Mbadi you have quite a number of Members: a whole legion.

(Loud consultations)

QUORUM

Ring the Quorum Bell.

(The Quorum Bell was rung)

Hon. Kilonzo: On a point of order, Hon. Speaker.

Hon. Speaker: Member for Yatta, you cannot claim to raise a point of order when there is no quorum.

(Laughter)

I am the only one required to ensure that there is quorum.

Hon. Kilonzo: *(Spoke off record)*

Hon. Speaker: There is no quorum. This may not be very usual in the constituency. I must certify that there is quorum before I allow you to proceed on your point of order.

Yes. Stop the bell. Hon. John Mbadi, we now have quorum. You may be able to do one or two things when we get to Motion No.8. We can commence.

Hon. Speaker: Before we go to the next Order, the Member for Yatta had indicated that he had something burning, if we could give him the opportunity to raise his...

Hon. Kilonzo: Thank you, Hon. Speaker. We were just about to send the Serjeant-At-Arms to look for you because the Chair was missing. That said...

Hon. Speaker: What did you say?

Hon. Kilonzo: That said, Hon. Speaker...

Hon. Speaker: What?

Hon. Kilonzo: I was saying that we were about to look for the Serjeant-At-Arms to trace your whereabouts but luckily you showed up.

The proceedings of the House are so important that not even a policeman can stop you when coming for the business of the House. I am asking for the ruling of the Chair because it is totally out of order for the Government to miss business and totally be absent from the proceedings of the House. I am aware that they are having serious troubles within themselves but there should be no parliamentary party meeting during the proceedings of the House. That is the ruling I am seeking from you as the Chair.

Hon. Speaker: I do not need to adjourn that. Firstly, it is within the purview of the Speaker to allow the bell to ring for periods in excess of five minutes prior to the commencement of the House, so you did not have to have any worries about the whereabouts of the Speaker. He was fully in charge and allowed for that to happen.

Secondly, Hon. Kilonzo, under the current constitutional dispensation, we do not have Government in the House. Hon. John Mbadi has raised this issue so many times. I am unlikely to come to your aid with regard to your point of order, which is asking me about Government since it is not here in the House. If you look at the Constitution and the Standing Orders, they recognise parties forming Government or parties not forming Government. They are the only parties in addition to those like you, the independents. So, about Government, I am unlikely to make any direct intervention but of course, any party has liberty to hold their meetings anytime wherever they choose to, except that of course, if it is within the precincts of the Chamber, it must be with the leave of the Speaker. If you decide to hold your meetings at a time when the House is sitting, you actually do yourself disservice by not being available in the House and to participate in the proceedings. That is the furthest we can go at this point. Obviously, as you can see, the Member for Dagoretti North has ably assumed some position, perhaps, we can address him in his appropriately newly acquired title.

(Laughter)

We had already said that this is going to be moved by Hon. John Mbadi, not the Member for Dagoretti North.

Hon. Mbadi.

PROCEDURAL MOTION**EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)**

Hon. Ng'ongo: Thank you very much, Hon. Speaker. The issue that was raised by the Member for Yatta makes some sense. Probably, going forward, it is something that needs to be looked into critically, whether we should hold our parliamentary group meetings on days that the House is sitting. It takes us to a very fundamental question of whether this House is really independent, as it should be, from the Executive. I have a feeling that there is some control from the Executive that may not be very healthy. Having said that, let me do the responsibility that I have this morning of moving this Procedural Motion on Order No. 8.

Hon. Speaker, I beg to move the following Procedural Motion:

THAT, this House orders that the business appearing as Order No.9 in the Order Paper be exempted from the provisions of Standing Order No.40(3) being a Wednesday Morning, a day allocated for Business not sponsored by the Majority or Minority Party or Business sponsored by a Committee.

I want to ask this House to allow debate on the Motion appearing as Order No.9 which is basically to adopt the Report of the Parliamentary Select Committee on the election of Members to the East African Legislative Assembly (EALA). As we all know, Wednesday mornings are set aside for Motions and Bills that are not sponsored by Majority or Minority Party or business sponsored by a Committee. This was for a very good reason. We are all aware that we also have to allow individual Members of this House to have their businesses; Motions and Bills sponsored by them to be debated, otherwise, if you just leave it open for the House Business Committee (HBC) which is usually controlled by what is required to be transacted by the Majority and Minority Party and Committees, a time comes like this one when you would want to transact some business on a Wednesday morning, that is not falling outside the three categories that are outlined here. This is one of them. This morning, we need to conclude debate on the Report by the Joint Parliamentary Select Committee on the Election of Members to the East African Legislative Assembly. This is because tomorrow, we are all aware that we need to make a decision as a Parliament, both the National Assembly and the Senate. We need to decide on our representatives to the regional assembly. We all know that this is long overdue. We all know that we are holding back all the other partner states in the EALA. The earlier we dispose of this matter, the better for us and our reputation as a country. Otherwise, we will be seen by our partners not to be cooperative. We only have tomorrow, that is why we created an extra sitting tomorrow morning so that we can dispose of this matter. We have our nine representatives who should join their colleagues to be sworn in and transact business on behalf of Kenya.

I do not intend to belabour the point. We all understand why there is a request that we exempt the business of the House today, so that we can conclude the Motion which was progressing very well and it is just about to be concluded. Therefore, I urge my colleagues that you support the Motion appearing as Order No. 9 to be exempted from the requirements of Standing Order No. 40(3) of our Standing Orders.

I beg to move and ask the Deputy Minority Whip, Hon. (Dr.) Wamalwa to second.

Thank you, Hon. Speaker.

Hon. Wakhungu: Thank you, Hon. Speaker. I rise to second this Procedural Motion. We do know very well that every Wednesday morning is a day reserved for Private Members' business, whether it is Motions or Bills. This Report is not sponsored by Private Members and

that is why we are seeking this Procedural Motion, so that we allow this House to continue debating this particular Motion.

We do know very well that as Kenya, we are holding back the process because it cannot move without a member committee, and we have not done the elections. So my humble request is for Members to support this Procedural Motion so that we exempt it, not being a Private Members' Motion so that we can handle the matter that will help us in terms of expediting the process of EALA elections.

Thank you, Hon. Speaker. I second.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: My understanding, Members, is that everybody heard Hon. John Mbadi and Hon. Wamalwa clearly. I therefore put the Question.

(Question put and agreed to)

Hon. Members, having gone over that Procedural Motion, let me draw the attention of the House to how far we have gone with this matter. The co-chair, Hon. Katoo ole Metito moved. He was seconded by Hon. Florence Mutua who also, as the record shows, was making her maiden speech, which is a bit strange because she is doing her second term. How can she be making her maiden speech unless the other four-and-a-half years she was not in the House? I remember her contributing actively. That is what the record says. Then Hon. Dennitah Ghati made her contribution, followed by Hon. Tong'i Nyagaka. It was at that point that one Osotsi Geoffrey claimed that there was no quorum in the House, and the House could not raise quorum.

The person that was interrupted was Hon. Tong'i Nyagaka. If he is around, he may continue. It looks like he is one of those that have chosen to be absent, not desiring to be present this morning. So it is open to any Member.

Read the order.

MOTIONS

ADOPTION OF REPORT OF THE JOINT PARLIAMENTARY SELECT COMMITTEE ON ELECTION OF MEMBERS TO EALA

THAT, pursuant to the provisions of Article 50 of the Treaty for the Establishment of the East African Community and Rule 13(5) of the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017, and notwithstanding the provisions of Standing Order 47(1), this House adopts the report of the Joint Parliamentary Select Committee on its consideration of the nominees for election as members of the East African Legislative Assembly, laid on the Table of the House on Thursday, 7th December 2017, and further resolves that the election be held on Thursday, 14th December 2017.

(Hon. Katoo on 7.12.2017)

(Resumption of Debate interrupted on 7.12.2017)

Hon. Speaker: Yes, Hon. Wamalwa.

Hon. Wakhungu: Thank you, Hon. Speaker. The matter that is appearing under this Motion has nothing new. Because of the urgency of the matter and looking at the serious business coming under Order No. 10, in line with Standing Order 95, I move that the Mover be called upon to reply so that we move on. There is nothing new. We are just repeating ourselves. Because of the urgency of the matter, I do not see anything new that will add any value.

Thank you.

Hon. Speaker: The record shows that there is a balance of two hours and ten minutes. Hon. Wamalwa, it is only those four Members that spoke. If you were present or have had occasion to look at the report, there are certain issues that the Mover did raise with regard to certain nominees, which some Members might need to be explained. It is not that anybody is denigrating the Motion by Hon. Walter Owino. If we can conclude this, and as explained by the Leader of the Minority Party, there is need for us as a House to conclude this matter, possibly tomorrow morning, so that at least Kenya can be represented at the EALA. Remember also that whatever we do must also be done in the other House. Nevertheless, I think there may be need for some who may wish to contribute to this to say something.

The Member for Kitui Central.

Hon. Mulu: Thank you, Hon. Speaker. I have a lot of respect for my friend Hon. Wamalwa, but I think saying that this is not an important matter and Order No. 10 is more important is not being fair. As you have rightly put it, this matter was debated by only four Members, after the Mover and the seconder concluded their remarks.

As we are all aware, EALA is a very important Assembly. The importance of that Assembly was even demonstrated by the number of applicants. When Hon. Katoole Metito was moving this, he indicated that a total of 208 people expressed interest in this Assembly. And they were able to shortlist only 31. Out of that 31, 15 were proposed by Jubilee and 12 by NASA coalition.

Looking at the names of those who applied, we do agree that the composition of the applicants demonstrates a lot of experience, regional balance. I want to support this list because out of the proposed names, we have experienced Kenyans. We have four Members of Parliament who are quite experienced in matters of legislation. As a result of that, I see a lot of experience being brought on board.

At the same time, we have young Kenyans, some of whom are below 30 years, meaning this team, once elected by this House, will bring to the table energy and new ideas on how to do things, because these are young Kenyans who went to school just the other day. I am sure they have a lot of ideas which can move this Assembly forward.

The other critical thing is the issue of gender. When the Mover was moving, it was indicated that on the Jubilee side we will elect five members and out of those five two must be ladies. And on the side of the NASA coalition, we will elect four members, one of whom must be a lady. That implies the issue of gender has been factored in the whole process of shortlisting.

What is critical when we conduct the elections is to look at the work of the Assembly. Looking at the EA countries, you realise that what we need more is to enhance trade so that as partner countries we are able to do more trade.

At the same time, the other thing we need is to ensure that we strengthen and deepen the integration. This is because there are signs that there are internal small differences between countries and I think it is the work of this Assembly to make sure that they are sorted out so that at the end of the day, we have a stronger East African Community (EAC).

Hon. Speaker, the other thing that is very important is the issue of the Assembly coming up with legislation which would help EAC. We realise that some of the issues to do with trade policies must be anchored on strong legal frameworks and if it is not done then we will continue weakening this important Assembly and bloc of countries. Even as we do our elections, I know there are interests and there have been a lot of campaigns. Actually, if you go to the place we usually take our tea, you will realise that people are already campaigning to join this Assembly. Despite the campaigns, as Hon. Members, we need to look at the experience, gender and include young Members of that Assembly so that at the end of the day, it is a whole inclusive Assembly.

As it has been said earlier, this matter delayed a lot. We are supposed to have completed this matter in the 11th Parliament but it was not possible basically because of politics in this exercise of electing Members. I hope the 12th Parliament will make sure that we get these Members elected so that they are sworn in as soon as possible. This will also ensure that countries like Uganda, Tanzania and Rwanda who have already elected their Members and have been waiting can finally allow the Assembly to start its work.

With those remarks, I support this Motion.

Hon. Speaker: Member for Ugunja, the Floor is yours.

Hon. Wandayi: Hon. Speaker, thank you very much. I also wish to support this Motion. It has been noted by many of us that really this Motion needed to have come fairly early enough for Kenya to conclude this process of electing its representatives to East African Legislative Assembly.

Hon. Speaker, it is known fairly well that Kenya is the leading nation in the East African region. Kenya is leading in various aspects economically, militarily and even democratically. Therefore, it is a sad state of affairs that Kenya should be lagging behind when it comes to very basic and ordinary matter such as electing its representatives to EALA. Indeed, it is a big indictment on the 11th Parliament that it was unable to undertake this very basic and noble duty of carrying out this election. And now that the elections are here with us in the 12th Parliament, those of us who are lucky to have crossed over from the 11th Parliament and those of us who have joined us in the 12th Parliament, it is our patriotic duty to rise to the occasion and complete this election.

Hon. Speaker, the importance of EALA cannot be overemphasised and more so at a time like this where in the entire world countries come together in regions as blocs for purposes of enhancing their economic leverage. This House can only do Kenya good by carrying out this mandate conclusively.

Hon. Speaker, it is clear from the nominations that have been undertaken by the Committee that was in charge of this exercise that quite a lot of Kenyans were really eager and interested to go to EALA. However, as it has been noted by my other colleagues, since we only have nine slots in EALA, as we vote tomorrow, it is important that we ensure that we end up with a blend of Kenyans of diverse backgrounds including age, gender, professional underpinning and regional balance so that whoever ends up in EALA has the true mandate to represent Kenya. It must also be noted that once we do this election tomorrow, the nine men and women who will be representing Kenya in EALA will no longer be representing their political parties. I see a lot of attention being paid to issues of parties on matters as serious as

representation to regional bodies. It is really missing the point. Once we carry out the election tomorrow, those nine women and men will be representing Kenya in that august Assembly. Therefore, it is incumbent upon all of us that as we do that election, we take into cognisance the fact that we should pay attention to the qualities of these men and women.

As I can see from the list, the 25 of them are really good choices. The list has people with experience like Hon. Dr. Oburu Oginga and Hon. Hassan Nooru. These are people who have served Parliament and this country in various capacities over the years. We also have youthful Members in that list who include Hon. Abdikadir, Hon. Simon Mbugua and many others. We also have distinguished women in that list like Hon. (Ms.) Wanjiku Muhia, Hon. (Ms.) Fatuma, Hon. (Ms.) Beth Syengo and many others. Tomorrow we will be spoilt for choice as we set out to cast our votes. I can only pray that once the exercise is completed tomorrow, Kenya will have done its part and, therefore, the East African Assembly will be able to commence its work.

Hon. Speaker, without further ado, I support.

Hon. Speaker: Member for Kilifi North, the Floor is yours.

Hon. Baya: Thank you, Hon. Speaker. I stand to support this Motion. I would also like to congratulate the Joint Parliamentary Select Committee that did this job and I think they did a fantastic Report which was very detailed. We understood a lot of things that came out of the Report. It is important at this time to realise that Kenya has been delaying the EALA process. And I think to do justice to the other Members of the region, we really need to hasten this matter and put our team there so that the interests of Kenyans are taken care of.

Having come from the Coast, we have a lot of interest in EALA because we share a border with Tanzania and a lot of these protocols that have been going through the EALA Assembly affect us and also the trade that goes on there. As Kenyans, we have done our part. I think the road to Taveta is now very good. Tanzanians have been complaining but we now have a marvellous road there that can make trade easy. The people of the Coast have immensely benefited from the protocols that have gone through EALA and, therefore, for me I would really support that tomorrow we select a team of ladies and gentlemen that will give Kenya its rightful place within the EALA.

The Committee did a very good job in terms of regional balancing. However, this regional balancing is likely to be distorted here in the Assembly. Looking at the names that were given, I think the National Super Alliance (NASA) Coalition balanced the regions and at least gave one person from each region opportunity. As we vote, I just hope that Members will also look at that regional balancing that was maintained by the Committee and also maintain it within the Assembly so that we do not have Members from one region going to EALA.

Hon. Speaker, I have seen the way the campaign has been going on as we took tea. There are very strong candidates that would come from one region and end up in EALA. That will be very unfair. I do not know the wisdom of the Hon. Speaker in guiding this process so that we attain regional balance.

Secret ballot is not guided democracy. We need guided democracy in this matter to ensure that the region I come from also has a Member within EALA because of the interests the Coast region has within EALA. Looking at the way the campaigns are going on, I am scared that my region may not be represented. That will make me a very sad person.

I call upon the Members of this House to look into that important aspect. I have heard the names being fronted by both NASA and Jubilee coalitions. Regions that are very important within the EALA concept might be left out. Therefore, as I support this Motion, I would urge that we elect serious candidates. However, we should be careful not to throw away through the

window the aspect of regional balance. Regions that have a bigger stake within EALA, such as the Coast region, should be represented. If we do not have a candidate there in the next five years I will remain a very sad person. I urge this House that as we go to the election, and as the coalitions' leaderships whip hon. Members to vote, we ensure that we have regional balance.

Thank you, Hon. Speaker. I support.

Hon. Speaker: Of course, I was a bit worried when you said you were wondering about the wisdom of the Speaker to direct. If you look at the treaty and the regulations, you will appreciate that the Hon. Speaker's role is that of a returning officer. Behind you is Hon. Otiende Amollo. They have just been in court doing some things. As a returning officer, even to exercise that wisdom would be a bit tricky because I would be going against the same rules that were passed by this same House.

The EALA has been there for some time. I agree with what Hon. Opiyo Wandayi just said. If you look at the list, the Committee appears to have looked at the issue you have addressed – regional balance – and the parties are aware who have been there in the past. It looks like it is something the parties have considered. Of course, at the end of the day, the regulations require that the candidates should be afforded an opportunity to campaign.

I am glad that Hon. Baya has confirmed to me that they have been campaigning. That is very good. Nobody can say that there had been no campaign. You have confirmed that they have been campaigning, which is very useful. Certain processes that have been adopted by the Kenyan Parliament have been questioned at the East African Court of Justice, challenging whether what we did was an election. Of course, we are where we are today because of the inadequacies of the original regulations, but we hope to move forward in that direction.

Member for Westlands, I can see you.

Hon. Wetangula: Thank you, Hon. Speaker. I also want to contribute to this Motion.

As we go to the election of the EALA Members, we should look at various issues, including regional balance. We have some nominated Members who were in the last Parliament. We know their capacity. We know those who have been nominated, both men and women. Most of them have made it to this list. I must congratulate them.

Whoever will make it to the EALA will be representing this country. They will not be representing themselves or their regions or those who nominated them. Once they make it to the EALA, they will be representing this country and the East African community at large. We must be thorough as we debate the issue of the people who will make it to that list. As we look at various aspects, we should not put merit on hold. We should look at experience, the performance and integrity of these Members as required by the Constitution. Some people may look at it in terms of so-and-so originating their region. However, I would like us to look at this issue from the wider perspective of looking for people who can represent the country in the best manner possible.

I can see that amongst the people who have made it to this list are a former Clerk of the National Assembly and former Members of Parliament who have served for many years, such as Dr. Oburu Odinga as well as youthful Members like Hon. Abdikadir. I am very sure that if these hon. Members are given a chance, they will do a good job for us. I also congratulate the Committee that did the short listing. They have done a good job. It is now for us to do the honour of electing Members who will represent us well at the EALA.

Hon. Speaker, I emphasise that the EALA is not second hand. It is a legislative assembly, just like this august House. The people being elected to sit there must be equal to the task. We do not want it to be a dumping place for joyriders. It is a House which deals with serious business.

We have interacted with some of the Members who have served there and they have shown that if you are not up to the task, you will not deliver. We do not want to nominate people because they are looking for jobs. We are looking for people who can do the necessary representation for the respective countries.

Other countries have done their bit. We, as a nation, are lagging behind but we now need to finalise this process. Tomorrow, we must put aside our parochial interests and do our job.

With those remarks, I support.

Hon. Speaker: Put aside parochial interests. Well spoken, Hon. Wanyonyi.
Member for Homa Bay.

Hon. (Ms.) Nyasuna: Thank you, Hon. Speaker. I rise to support this Motion.

First, I would like to congratulate the Committee led by Hon. Katoo ole Metito for the good job they have done in compiling this Report, given the massive interest that these positions have elicited. This Committee deserves commendation because we have not had any complaints of unfairness or discrimination. We have Members here who are campaigning to have their seats, but nobody says they were discriminated against or thrown out. The Committee did an objective job. We thank them for that.

As it has been said, the Members who have been nominated to go to the EALA are well qualified. The Bible says “All things work together for good.” In the 11th Parliament, we had an opportunity to elect EALA Members but we did not for one reason or another. Now, with hindsight, I realise that we have an opportunity to elect much better Members to the EALA with this nomination than we did in the last Parliament. We have a lot more experience and quality coming in. We are actually spoilt for choice.

There is an issue which has come up concerning independent candidates. Many Members came in as independents, but they were disqualified as per the law. One of the strong recommendations of the Committee is that ahead of the next East African Legislative Assembly elections we should look at the regulations and make it clearer on the actual procedure for independent candidates who are many in this House. Are there slots for independents with regard to election for EALA membership? This needs to be looked at before the next election for EALA membership.

As has been said, the issues of gender and also experience need to be taken care of. We must balance between the old who are very experienced and the young. I know that our voices on this matter will be heard tomorrow when we conduct the election on the Floor. As has been recommended by the Committee, we have the opportunity to vote for anybody we want. On the Jubilee side they should in earnest vote for three men and two women and the NASA side should vote for three men and at least one woman. Members should not vote in five men because that will create confusion. The issue of regional balance has been laid squarely on our hands. The nominations give us regional balancing, but we now have the opportunity to ensure that as we vote we show that we are cognisant of regional balancing.

I support this Motion and wish all the candidates the very best. May the best candidates get the slots. Thank you, Hon. Speaker.

Hon. Speaker: Member for Makueni.

Hon. Maanzo: Thank you, Hon. Speaker for giving me an opportunity to contribute to this very important Motion. I am one of the Members of this Committee and I thank you for having nominated me.

There have been issues regarding independents. What happened is that after a search was done, it turned out that most of them belong to political parties or were registered members of a

political party. On that ground, most of them failed to qualify. The only one who did not appear in any political party did not tender the 1,000 signatures required by the Independent Electoral and Boundaries Commission (IEBC) and so, he lost the chance. The Committee considered the issue of independents and did its level best to follow the law as it is written so that we could have a fair report that takes care of everybody.

When it comes to the political parties, on the Jubilee side, 15 candidates were shortlisted. One individual was disqualified because he is still a public officer. The same was the case with NASA. Therefore, the number of candidates reduced by one, on the NASA side as well as the Jubilee side. This did not affect any imaginations of the law or the way the law is written and, therefore, there was no need to replace the two candidates because everything else was correct, including regional balance, gender and age. The ballot paper will reflect a balance such that you will be able to see gender, age and counties easily. There will be no confusion. We had proposed that there should be a little bit of voter education so as to avoid having spoilt votes. The moment somebody votes for more than nine candidates or marks out of the box then that vote will be a spoilt vote. I believe we will do voter education at the place where we take our tea. Spoilt votes can really change things. The regions will be in accordance with the former eight provinces and of course, we have one extra person to represent the youth.

We placed the candidates by their counties. For example, Simon Mbugua from Nairobi County; Adan Mohamed Noor from Mandera County and so on. There is one person each from Nyeri and Nyandarua counties on the Jubilee side. We have Abdulaziz Ali Farah from Mandera County and also a former Member of this House. There are quite a number of former Members of this House like Wanjiku Muhia. There is also the name of Eunice Wanjiru Karanja. That shows we have considered gender. We also have Hon. Aburi and Mr. Justin Nthiri Bundi the former Clerk of this House. He was the first Clerk of the EALA. Many Members may not know that he served as the Clerk of EALA.

On the NASA side, we have Hon. (Dr.) Oburu Odinga and Mr. Kennedy Musyoka Kalonzo, a young lawyer from Kitui County. We also have Fatuma Ibrahim Ali from Wajir County. You can get a shade of the whole county in the nomination lists. As we choose five candidates from Jubilee they should comprise two ladies and three men. With regard to NASA, the four to be elected should comprise three men and one lady. Definitely we should also bear in mind the issue of regional balance and gender which are requirements of the Constitution. The team we choose should be able to best represent us in EALA. You will also note that we do not have any former Member of EALA in the list.

Hon. Members: Hon. Zein!

Hon. Maanzo: Hon. Zein, indeed. I apologise for that. You realise that Mr. Bundi is also quite familiar with what happens in EALA. Therefore, the two will be in a position to show the rest what happens at EALA and the culture there. I urge Members to support this Report. I believe the voting scheduled for tomorrow will be free and fair.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Maanzo has talked about the need for voter education. The voters in this case are Members of Parliament. If you look at the Constitution in Article 88, the responsibility to do voter education is vested with the IEBC. I was just wondering whether he will bring IEBC to educate these voters to avoid any votes being spoilt. Hon. Maanzo, having been a Member of this Committee, you should actually be the one to do that voter education. Now that you are actually addressing these voters, it is important that you take on board what you have just said concerning the issues of gender, regional balance, youth and experience.

Indeed, Hon. Maanzo you have a big role to play between now and tomorrow when these voters cast the ballots. They say in Kiswahili, *kazi kwako*.

Member for Bondo.

Hon. Ogolla: Thank you, Hon. Speaker. I rise to support the Motion. However, I want to indicate that the Committee has given us a very difficult task of going through an election where those of us who served in the last Parliament have personal knowledge of more than seven candidates. It is a very difficult task in terms of choosing who goes into the list of the nine. Remember we have the former Clerk of the House in the list and also close to six or seven candidates whom we had personally interacted with.

I think the task in front of us is very difficult. However, I want to say at the outset that I am going to have a very patriotic vote tomorrow because in the list is a very senior voter from my constituency, who has a lot of experience. In terms of the legislative corridors, he has been here for over 30 years. I believe there is quite a bit of work that he is going to help do at the EALA when he is elected. I want to say right away that mine is going to be a very patriotic vote.

While it is very clear cut in terms of what the EALA does, I want to believe that we have done a lot in terms of issues of trade and movement of commodities and people. However, there is a big problem in the region in terms of issues of shared resources. I think we do not have enough guidance or legislation in terms of how we are supposed to handle our joint resources. A good example is Lake Victoria. This is an area that EALA must move forward to see how we can handle issues of resources in Lake Victoria. This is a joint resource and it is never looked at as international waters yet it is really international. A lot of problems that we have with Uganda and our people in Tanzania are issues to do with the flora and fauna in the lake, which does not respect the issue of the boundaries and yet we have to go through artificial boundaries in terms of how to exploit these resources. That is exactly why we constantly have problems with Uganda. They have their own set of legislation in terms of how they handle resources in the lake, which are completely different from Kenya's and Tanzania's legislations. The process of harmonising all this will be very useful for purposes of exploiting joint resources. As we have seen in the recent past, even livestock are required to respect artificial boundaries. If we are not careful, we will soon say that we must have legislation on how to handle the issue of wild beast migration that happens in the Maasai Mara. This migration does not respect the artificial boundaries that we have. These are resources that we share. When we say that our livestock, chicken and whatever must not cross to the neighbouring country, then what happens to our wild beasts and fish? I believe there is a well cut out job for Members of the EALA. The earlier we do this, the better.

I support the Motion.

Hon. Speaker: Member for Vihiga County.

Hon. (Ms.) Adagala: Thank you, Hon. Speaker. I rise to support the Motion, noting that Kenya has really delayed the EALA.

As we vote, I wish to urge members to mind about women. We have women in both parties; the Jubilee Party and NASA. We want to see women and people living with disabilities being elected to the EALA. As Hon. Maanzo said, we should not have spoilt votes. It is my prayer that as we vote tomorrow, we must not spoil our votes or abstain from voting. From the look of things, operations at the EALA have been delayed, and the blame is on Kenya. We want this process to go on smoothly and very fast tomorrow so that we get members who will be representing Kenya, and not members who will be represent parties.

Therefore, tomorrow, we need to work as the National Assembly that is representing the whole of Kenya. The people we are going to elect to sit at the EALA should work for the whole country and also bring peace to the entire region. On that list, we have strong women like Jane Moronge and Beth Syengo, among others. I kindly urge the men in this House to support the women, and support each other, during the noble exercise of voting tomorrow.

With those remarks, I support the Motion.

Hon. Speaker: Member for Nambale.

Hon. Bunyasi: Thank you, Hon. Speaker. I rise to support the Motion.

The East African Community is a critically important regional organisation. It is an institution that is intended to help drive the economies of the member countries in this region. It has suffered setbacks from time to time over the last 40 to 50 years. It is, again, beginning to struggle. We can see the political orientation of the Heads of State of the member countries. They do not always seem to pull in the same direction. That should be a cause for worry for future generations in the region. A powerful East Africa will not only provide a strong common market for the member countries but also an expanded regional market that will count in the global economy and make a difference in terms of how fast we can raise the incomes of our member countries.

My frustration on this debate is that we have been preoccupied with who goes in. We should be thinking of not just about the face of Kenya and that kind of balance. We should also be thinking of who can best contribute to the national and regional interest in terms of how to drive the economy of East Africa as rapidly as possible.

Among the countries in the region, Kenya plays a central role. It has always played a central role. We need to move to a situation where the regional agenda closely matches our national interest. Kenya's economy is private sector-driven, minus issues of bad governance based on broken considerations. However, we are an economy that has the best opportunity to drive this region. The Members we are going to elect to the EALA must be people who can help us to bring convergence between the interest of Kenya and the interest of the region because Kenya is in the driver's seat. If we slacken, the development that is expected for the region will not occur.

The perpetual and recurrent delay by Kenya to nominate members to the Assembly is highly regrettable. We must move to a point where nominations to the Assembly from Kenya are first on line. This has happened in several parliaments before. This is completely unfortunate. This happens largely because of our internal politics.

I note that this time round, like during the last Parliament, there is interest in the nominations to the Assembly. There was a significant infighting to try and get first in line. I urge that the administration of the process of selecting candidates must be proved. If you read the Report, there are a number of candidates who got messages a day before, or on the same day. That kind of thing can subvert justice. It is critically important that a clear notification of the requirements is published in the newspapers. I heard during the discussions, there were complaints that the documents that were being asked for had not been specified in the application form. Sometimes it appears like a matter of withholding information that is required by candidates. That reduces the quality of the process and, therefore, disadvantages some candidates.

It is critically important that we get clarity with regard to the requirements, processes and documentation that are required by our candidates who seek to go to EALA. Given that background, particularly the fact that the principal objective of the Community is to drive the

economies of the member countries in which Kenya was a founding and active member, I am quite encouraged that we have the talent and level of experience of people who will be able to contribute to this. We have people who have seen this from the beginning, particularly the last 50 years from the mid-1960s, when we moved from the East African Common Service Organisation to what has now become the Community. People like Hon. Oburu Oginga will be able to give a perspective not only of institutional memory but also solid thinking that should help drive what should be the major economic interest of this region.

Some colleagues have mentioned the apparent restrictions of livestock and persons in crossing borders which is inimical to the interests of the Community. I hope that the people that are finally elected tomorrow will be broad-minded, not just about Kenya but East Africa. Once they get in, they will be representing the Community much more than just individual countries. If we get people who go in to narrowly speak for the interests of their countries, we shall not get the synergy that is needed to be able to drive this Community forward. This Community will only move at the pace at which Kenya drives it. We seem to have the greatest zeal in driving the Community. It is also because we are the ones with the economy that seeks to reach out much more aggressively than the other countries. We all know that if we seek out the rest of East Africa; and as East Africa, seek out the rest of Africa and the world; then the economy of Kenya, being an anchor economy of this region, will greatly benefit.

When we talk about diverse representations, those considerations should be subservient to the capacity to contribute effectively to the Community in a way that ultimately benefits Kenya. When it benefits Kenya, it will create and give us opportunities for more employment creation in the region and with Kenya having an increased share because we are the largest and most dynamic economy. If we optimised our growth potential in Kenya, we would be very far ahead - not of the Community but with the Community. As I said, we are in the driver's seat. Sometimes we forget to think about the fact that what is important for our political administrations is to move economies in stable political environments, which can be done. Despite the turbulence and turmoil that Kenya seems to produce every time that we have elections, we still provide the greatest relative political stability which can drive the economic objectives that we have.

I am confident that we have a selection of persons that will take this process a long way. I do not want to get into all of the names but I mentioned people with solid experience and capacity. I have served with Hon. Oburu Oginga and Hon. Abdikadir. They are people who can think through and help us go very far. While we are proposing both Jubilee and NASA candidates, I hope that they will become one once the nine are selected and will presumably have a leader of the team who will pull them together so that jointly, they can become a formidable force. I hope that is the last round that we put in candidates as late as we have done. We must and can do better. We should not perpetuate it every year.

Hon. Speaker: Let us have the Member for Kilifi County.

Hon. (Ms.) Mwanyanje: Thank you, Hon. Speaker. I rise to support the Motion.

I am a disappointed Member of Parliament due to the Jamhuri Day speech of the President yesterday. As much as we are campaigning for regional balance for the Members to EALA - and much has been said about the gender balance - as much as we are fighting for gender balance, we need everything in the country to be balanced. We are looking into ensuring that more skilful ladies are elected. We are looking into not more than two-thirds of either gender being elected into the EALA. I will be celebrating tomorrow after the election if more smart ladies like the ones I have seen campaigning outside here are elected to the EALA.

As I said, I am disappointed. The speech yesterday by President Uhuru Kenyatta was not balanced. He spoke about reviving factories. We from the Coast and particularly from Kilifi County have factories which have not been revived and died over 15 years ago such as the Kenya Cashew Nuts Limited. The President only mentioned the RIVATEX East Africa Limited and other factories that deal with coffee and tea but not coconuts or cashew nuts in the Coast. We are looking into people who will defend the trade between Kenya and other countries for us to have some balanced commodities throughout the country.

I support this Motion.

Hon. Speaker: Let us have the Member for Seme.

Hon. (Dr.) Nyikal: Thank you, Hon. Speaker for giving me the opportunity to contribute to this Motion.

As we discuss membership to EALA, the most basic issue that we are talking about is the East African Community and the cooperation. This is such an important concept that, in my mind, as we go on with many discussions and protocols, it does not look to me that we are really getting to the place where the Community will meet the needs of the people of East Africa. The people are far ahead of the leaders in their need to be integrated to live as one unit.

The delay in Kenya appointing Members to the EALA has put us in bad light in terms of the consideration for the cohesion and integration of East Africa. The factors that we seem to have been considering were either selfish personal interests or just political interests and not the interests of the East African people who wish to live together. The process of integration has been so slow that sometimes I think it will never be achieved. I do not think it will not be achieved because the people are not willing to live together but because the leaders that are driving this process are not fully committed to the integration and cohesion of East Africa.

Looking at where the East African cooperation and integration as a Community is, apart from the other members that have come in like Rwanda and South Sudan, in reality we are far much behind where we were in the early 1960s. Looking at the area of movement of people and the issue of passports and identity cards, we still cannot move across East Africa as smoothly and easily as we were able to do in the 1960s and 1970s. Our people cannot move as they wish. We had one movement or identification document at that time. I know we have a protocol regarding currency but you do not see these protocols moving to the point where we can have one currency in East Africa. Some of us here may not actually realise that at one time there was a single currency for East Africa. You could move from as far down as Mtwara to as far up as Gulu with one currency.

Hon. Speaker, we are still talking about the protocol. We are not moving to get the currency at the East African Legislative Assembly. I see some reluctance. As you get Members there, they should see the basic need for integration and cohesion. We used to have common services in the area of transport like the East African Road Services and East African Airways. We also had East African Research Institute and East African University. Many here may not realise that we had the university of East Africa. This has moved on including the professional bodies. We need to harmonise the regulatory authorities of East African Community. I know there is an effort to do that in law and the medical profession. These are things that are delaying. As we elect people to EALA, I do not know whether they put enough emphasis to move us forward, or we just retain the EALA where we discuss from time to time. Then we come up with a protocol, and we have council of ministers and the summit, but you do not see something that is tangible.

We have the Customs and Excise Protocol but there is still a lot of limitation on trade. People of East Africa found themselves where many Africans found themselves when they were divided by those boundaries that were a bit arbitrary. Some of the Maasais do not see why some are Tanzanians and some are Kenyans. When you go across the border in Busia, we have Kenyans who are politicians, ministers, and some are aspiring to be presidents in Uganda. We need to move forward with East Africa so that we get the benefit of getting people there. The basic issue that is required is that the people of East Africa can live, cooperate, trade, move across and are cohesive. If we look at the way things are going, the initial desire of the people of East Africa of political integration looks like it is getting further apart as we seem to be putting on more structures. When we look at the structures of Government and the Constitution that we have put in place, are we going in that direction? I do not think so. In reality, the ultimate objective should be political integration. If we had political integration, it would have literally killed ethnicity. We would have such a large single unit that it would be impossible for any lobbying on tribal groups. That would have gone a long way.

As we elect people there, we should look at the basic reason why we need the Community to be there. These people should work on that. I like the Report. It has given us the opportunity to look at whether the processes have been adhered to. It has given us an opportunity to look at the gender issues and regional representation. As a Kenyan, you should not ask whether Kisumu County is represented. You should stop thinking about that when you get there. You should see the bigger picture of EAC. That should be your concern but not whether my village in Seme is represented in EALA. I do not think that is the direction we need to go. I support the Report. It has given us good opportunity to have regional, experience, age and gender balance. All these are important. When we will be voting tomorrow, we will be very patriotic. My colleague, Hon. Ochanda, said they will be patriotic, but I think he will be more patriotic starting with charity begins at home.

With those few remarks, I support the Report.

Hon. Speaker: Member for Mwingi Central

Hon. Mulyungi: Thank you, Hon. Speaker. I rise to support this Motion which is very important. As we all know, this matter of EALA was derailed and carried forward from the 11th Parliament. Therefore, it has immobilised the EALA and frustrated the intentions of EAC. It has dented the image of Kenya within the region.

It is important we dispense with this matter by tomorrow and get back to good books within the region. I have looked at the shortlist which is very good and well balanced. It manifests competence because it includes legislators from the 11th Parliament. It also includes well-schooled and experienced people. It also manifests gender balance. It cuts across age brackets from the age of 30 to the age of 74 which is very well balanced from the young to the old. It also manifests party and regional balance. Therefore, that shortlist is very good. I support it. I urge Members not to look at who is related to who but look at competence, youth, gender and regional balance, so that everybody feels accommodated. For those who were shortlisted, I congratulate them and wish them good luck. May the best candidate win.

I support the Motion. Thank you, Hon. Speaker.

Hon. Speaker: Member for Kwanza

Hon. F.K. Wanyonyi: Thank you very much, Hon. Speaker, for giving me the opportunity to contribute. I also want to support the Motion.

First of all, we, as a country, should apologise for this delay. It is very important. We should have done this exercise in the last Parliament, as my colleague has just mentioned. We

delayed because of democracy in this country. We are very mature unlike others who may have just selected their members. As we forward names, we should apologise for the delay because it was not necessary for other member states. From the list I have just seen, I am sure the candidates are up to the task. We will not vote for candidates because they will get jobs, and they lost their seats in the last election. I know my previous colleagues in the 11th Parliament who lost their seats. I see quite a number of them on the list. We want to warn them that they are not going to EALA because they are looking for jobs. We want them to go and do serious business for this country. As you know, we have had conflicts with member states. Most recently, the Maasai lost their cattle. They were auctioned in our member state in Tanzania. We have had some quarrels with Uganda but not so much with Rwanda. However, there is a complaint of tariffs when we trade with Rwanda and Burundi. Therefore, members who will go to EALA will not go there to look for jobs but to do serious business on behalf of our country.

Thirdly, I am also hoping with the memory of EAC which was very good cooperation, we will work as state partnership cooperation in the East Africa because most countries...

(Loud consultations)

Hon. Speaker, protect me from the noises from my neighbouring Members. They are consulting very loudly. I am not able to listen to what I am saying. It is important, and it will affect them. Most regional blocs like European Union have a common currency. We are also looking forward to member states sitting to come up with a common currency like the East African Shilling which we had in the past. It was good and was accepted across the borders. It will ease trade among the countries in the union. For example, in Europe, they have the Euro and in the southern African countries, the Rand. So, it is acceptable. When we will have a common currency, it will be accepted in other countries as far as Europe and America.

Last but not least, we hope that they will have a committee, as I mentioned earlier, to deal with conflicts in the region. The committee should be composed of a few Members from Kenya, Uganda, Tanzania and Rwanda to deal with problems that come up all the time.

With those few remarks, I support the Motion. I hope we will finish this exercise tomorrow and forward the names with an apology because of the delay. We have taken a very long time on this particular exercise.

Thank you for the chance.

Hon. Speaker: I now give the chance to the Whip of the Minority Party, Hon. Junet Mohamed.

Hon. Nuh: Thank you Hon. Speaker for giving me an opportunity to contribute to this Motion. I support the Motion.

Today, I am a very happy man. I am very delighted this morning because I walked into the Chamber and found that the Speaker is presiding over a sitting that consists of only NASA Members. I have been told many times that Parliament can move on without NASA. I have confirmed today that Parliament must move on with both sides present. I do not know where the other side has gone. Information reaching me is that they have gone to agree on the chairmanship of committees. If they do not bring us the right chairmen and chairladies, we shall reject them. We also have the numbers to do that.

Hon. Speaker, you have seen the way the NASA side has very good debaters without parochial issues or side shows. They are right to the point. I can see that you are very happy to

listen to NASA Members. Your face is brighter today than it has been in other days. I am very delighted.

The exercise we are going to engage in tomorrow is very important. I participated in the last election of persons to EALA. I wanted to be elected to the EALA but unfortunately, I was defeated. The ODM had five slots and I was number six in the election. I would like to inform the new Members that this is a very serious election. I remember I was glued on television the whole day waiting for results to be announced by the returning officer at the end of the election. This time it has even gone a notch higher. Candidates have printed posters like it is done in a general election. Some of them have posted them on WhatsApp and some almost posted them on the notice boards of the National Assembly. They are campaigning. This is a very serious matter. I have even seen some of them walking around with brown envelopes as if it is a general election.

(Laughter)

They are all out to make sure that they are elected.

The EAC is a very important organ for Kenya, Tanzania and the other countries that constitute the community. Recently, we witnessed Tanzania burning chicks from Kenya and auctioning cattle of the Maasai of Kenya. If EALA were active, those issues would have been addressed. The representatives of Kenya in that Parliament would have raised those issues in the Assembly and would have told the Tanzanian Government, in no uncertain terms, that they cannot take that approach because there are many Tanzanian investors in this country who need to be protected.

The only thing that I get worried about EALA

Hon. F.K. Wanyonyi: On a point of clarification.

Hon. Speaker: Member for Kwana, before you rise. I have seen you trying to raise your hand. You have also shouted, "point of clarification." We do not have that. When another Member is on his feet contributing, you can only claim to inform him. He has also to accept that he needs to be informed by you in particular. So, you cannot just talk about clarification. Who are you clarifying to? Are you making a clarification to yourself?

Proceed, Hon. Junet.

Hon. Nuh: Thank you Hon. Speaker for protecting the Whip of the Minority Party. When the Member was contributing, he said that he participated in the formation of the East African Community in 1977. That means that he is old. Age has caught up with him, but that is on a light touch.

The EAC is very important. If we open our borders for trade, we are going to have over 100 million people to do business with. Kenya has everything to benefit from the EAC because we are ahead of the other countries in terms of the economy, industrialisation and other things. There are some countries within the region that belong to the Southern African Development Community (SADC) or the Common Market for Eastern and Southern Africa (COMESA) and do not give the EAC priority. That is why they auction people's cows and burn chicks. One feels insecure as a Kenyan sometimes to be in Tanzania or Uganda. That hostility must end. We need one another as member states of the EAC in order to prosper economically, socially and politically. Our vision is to have a political federation of one country with one president. The new generation passport being issued now is labelled "East African Passport". It is no longer

labelled “Kenyan Passport”. It is Kenyan, yes, but it is acceptable in the region. That tells us where we are headed and also the vision that the founders of this initiative had.

As Members of Parliament, we are accountable to the people who elected us. They watch and see what we do and how we perform on behalf of the country in the National Assembly. When these nine members are elected to EALA, they become accountable to themselves. I do not know whether we should amend the regulations or the Act so that they are made accountable to this parent Parliament that elects them. How do we elect people and our mandate ends the day we elect them? They go to EALA and get more salaries and allowances than the Members of the National Assembly. That is why people are killing each other to be elected. Nowadays, we cannot take tea in the lobby. The moment you are served tea someone nudges you to vote for them. I am happy that this is ending tomorrow. We must come up with a mechanism on how to make them accountable to Kenyans either through Parliament or other means that we shall come up with. They should be accountable to the country that sent them to EALA.

With those few remarks, I end my contribution because my colleagues also have something to say. I am asking for votes for one old man and one young man: Dr. Oburu Odinga and Kennedy Kalonzo, who is taking care of his mother in German. We should vote for those two in the spirit of Kenyan nationhood. Others can follow them. I have their names but will not mention them. They will be voted in secret ballot.

Lastly Hon. Speaker, I would like you to guide us or make a ruling on the dress code of Hon. Otiende Amolo. Make a ruling whether it is the Indian Parliament or the Kenyan Parliament that allows Members to dress like that. You must address that matter. He is dressed like a Member of the Lok Sabha. That is Indian dress code. I do not know if it can be allowed here.

Thank you very much.

Hon. Speaker: Whether it is in the Lok Sabha or Rajya Sabha, it does not matter. I confirm that the Member for Rarieda is decently and very well dressed.

Hon. Members, there is the desire that we bring this matter to a close, but I still have some requests. Indeed, one of them is from the Member for Rarieda. Before him, let me hear the Member for Magarini.

Hon. Kingi: Thank you very much, Hon. Speaker, for giving me this opportunity to contribute to this important Motion.

First, most Members have talked about voting for Members of the EALA based on experience. As you will find out, there are some youth who have no legislative experience in such matters. I urge Members to give opportunity to such youth because to become a good legislator, one does not need to have legislative experience. You need to understand the issues that affect the community around you. Once we do this, we will be able to nurture leaders who will be of importance to our nation.

The other thing that we should consider, apart from regional balance, is the special groups like the minority groups and people living with disabilities. As we vote tomorrow, I urge Members to consider all these groups. Once this is done, we will make sure that there is good balance in the EALA. Let us not vote based on our party affiliation. Let us vote, knowing that these people are going to the EALA to represent our country. They are not going there to represent their political coalitions. Once this is done, we will have the best people in the EALA.

With those remarks, I beg to support.

Hon. Speaker: Many of you, hon. Members, are insisting that you must contribute. Let me give the Floor to the Member for Suna West, who claimed to have lost his card. He has

shown me evidence that he has paid for the new one. Otherwise, he would not be given a chance to speak.

The Member for Suna West (Hon. Peter Francis Masara): Thank you, Hon. Speaker. I rise to support this Motion. Before that, let me draw your attention to the fact that I want to make my maiden speech since this is the first time I have got the opportunity to speak in this House.

First, I thank the people of Suna West for giving me an opportunity to represent them in this House. Allow me to give you the brief history of Suna West Constituency. This is one of the marginalised constituencies. This is a constituency that does not have even one police station. We do not have even one regular police officer. We have only two Government vehicles; one for the Deputy County Commissioner (DCC) and the one for the Administration Police (AP) Commandant.

Hon. Speaker, as I am in this Parliament, I request you to be supporting me so that I can support my people back at home. As somebody who has been elected as an independent Member in an ODM zone, it means those people have a lot of faith in me. Therefore, I am going to work for them as I promised them during my campaign. It was a very vigorous campaign. It was a very serious contest but through the mercy of the Lord, I managed to win. I am now here representing them. I am going to support them. I am going to work for them so that at the end of my five-year term, Suna West Constituency will be one of the constituencies which will appreciate electing a young Member of Parliament.

If each constituency can be given equal opportunity in terms of development, many people will not fight over issues concerning the national cake. Areas like Suna West have been marginalised. We are up to the task. Suna West is one of the constituencies where cattle rustling very rampant between the Luo and the Kuria communities. As I mentioned earlier, in terms of security, we do not have many officers there.

In terms of roads, Suna West has only one tarmac road – Road C13. I do not know whether it has been upgraded to another but I will know with time. We have very bad roads. Unfortunately, most of the roads were taken away from the ambit of the national Government and put under the county governments. I hope we will work together with them so that we get good roads in Suna West.

Water is a big issue. Women are struggling and suffering. I will work hand-in-hand with all the stakeholders concerned in that field so that people can get water for domestic use.

In terms of employment, the majority of the youth in Suna West Constituency are not employed. Some graduates are riding boda boda, while some are doing manual work. Some of them have masters degrees. I believe that if we get a good Government, we will create employment opportunities for the youth.

Back to the Motion, I support it with a few reservations. As an independent Member, I have realised that so many independent applicants were rejected. The number is almost 13. The remarks given there is that there was lack of signature. They did not get this information on time. That is why they were rejected. I request that we change some of the Standing Orders so that independent candidates can get their specific slots during campaigns. For the EALA, I am requesting Members that we consider people living with disabilities so that they can be represented in the EALA.

As well, let us give the youth opportunity. The animal called “experience” is denying the youth opportunity to get jobs. If you apply for a job anywhere, you are told you must have five years’ experience. If you just graduated the other day, you will not be given work. Where will you get this opportunity? When you say that we elect former Members of Parliament, for those

who have never got an opportunity to be elected but they are experienced, where will they get the opportunity to be elected as Members of EALA? Therefore, I want us to protect all because that is what the Constitution says. We must also give young people opportunity to get employed and have an opportunity to represent their interests. The interests of young people are understood better by young people. For example, I can go to disco the same way other young people can go to disco. You cannot get represented by an old man because maybe during their time, discos were restricted but it is now allowed.

Hon. Speaker, I do not want to consume much of your time. I am new but I will be guided in terms of the time for campaign for the Members of the EALA. We do not know them. We are voting tomorrow. There should be a clear guideline on how people should campaign. I am requesting you to allow us the whole night, you pay for us a hotel, so that these people can come and sell to us their ideas so that we can understand them. We should not just vote like cows. We have 25 candidates but we are supposed to elect only nine. I have two votes which I cannot change. I have one for Dr. Oburu Odinga and another one for Kalonzo Junior to balance the old and the young from the NASA team. I have never met the rest of the candidates. How will I vote?

Maybe, Hon. Junet, who is my neighbour back home, will give me a list of people to be voted for and then I will vote. However, next time, I will request that we get opportunity to understand and interrogate the candidates because we were given hard tasks back at home. I campaigned for six years. I started campaigning in 2011 and I was elected in 2017. Just imagine! There is someone who just came the other day for two days and is being elected. We then earn the same salary. When he goes to the EALA, nobody will bother him with issues of representation. For me, I have to go back every weekend for funeral and *Harambee* gatherings. Even when a young boy or girl dies, I have to be there. You are also required to resist when time arises, yet the salary is the same. Therefore, these people need to be given opportunity to campaign. We need to know what they are capable of doing.

Thank you for allowing me to speak today, Hon. Speaker.

Hon. Speaker: You still have two minutes and 47 seconds. You are not taking much of my time; it is actually your time. The 10 minutes are yours. They are allocated to you. Nobody interrupted you because you were making a maiden speech.

Secondly, there is a treaty and the rules regarding elections into EALA. If you have not read them, you can only blame yourself because they say ignorance of the law is no defence. It says they campaigned. How they campaigned, it is just like you saying you campaigned for six years. You did not get the people of Suna West in some hotel, you visited them in their various places of abode. So, Member for Suna West, you do not have to worry, they will approach you. You have heard Hon. Junet saying that they are not having peace when they are having tea. So, the campaigns are happening. Just wait, they will look for you, if they do not, do not vote for them or make whatever decision you decide on.

Hon. Members, let me now give this opportunity to the Member for Rarieda.

Hon. (Dr.) Otiende Amollo: Thank you, Hon. Speaker. Thank you for educating our Minority Whip in the manner of dressing. I am wearing a full collared mandarin suit which is fully acceptable in this House. I am sure Hon. Junet is now aware.

I rise to support this Motion and thank the Committee. First, I realise that as a country we are late in forwarding these names. These names were to be approved by the 11th Parliament. From my part I am happy at that default because it has now given me the opportunity to elect Members of EALA. They say every cloud has a silver lining. Speaking for the rest of the new

Members, we would have missed out on that opportunity. I am also grateful that we have come a long way. Eleven years ago, Members of EALA were undemocratically selected by the then Democratic Party, and I had the opportunity together with two of my colleagues, Hon. T. J. Kajwang' and Hon. Daniel Maanzo to go to the East African Court of Justice (EACJ) and challenged what at that time was not believed to be possible that we could challenge the decision of the country. Happily, the EACJ nullified that list and gave guidance on how Members should be elected. That is what has brought us where we are.

In this election process, you are the returning officer. As the returning officer, I am quite sure that you will do a better job than the IEBC has ever done in this country. The IEBC has failed miserably but we are confident that you will succeed in this election. While serving as the returning officer, I think it is right to bring to the attention of the Members the requirements of Article 81(b) of the Constitution which requires that Members of any elective public body must consist of at least one-third of the opposite gender. I think it is important to let the Members know that this is mandatory not merely advisory. It appears to me therefore that as we exercise our right to vote by secret ballot, it would be important that every Member knows that of the nine Members, at least if you wish to vote many men, then vote at least three women and if you wish to vote many women, vote at least three men. I think a suggestion was made which sounds good that of the Jubilee team, at least two women and of the NASA team at least one should be a woman. This might result in nullification if it is not observed. If we exercise our right to vote by secret ballot and the entire team that arises does not comply with Article 81(b), we might end up in a situation where we are forced either to recall the list or to vote again. Members will be aware that as it is as Members of this House, there is already a Petition that is pending challenging the constitutionality of this House. We do not want to get to the situation where even those we vote for also end up in that situation.

Lastly, I wish that the team will be elected well. I hope that they will go and represent us well and that they may be able to solve some of the things which our Government, the Executive has not been able to solve, principally, issues of boundaries, issue of Migingo and determining at that level where those boundaries are located. Where I come from in Rarieda, fishermen are constantly arrested, some in Migingo, some fishing, some are taken to Jinja and it becomes a nightmare. I hope that these are some of the issues that the elected Members will be able to solve. I support the Motion.

Hon. Speaker: Member for Nyatike.

The Member for Nyatike (Hon. Tom Mboya Odege): Thank you, Hon. Speaker. Allow me to first make my maiden speech. I know it has been long, but after resisting, I had a number of petitions in Homa Bay which have interfered with my being here. Nyatike is a constituency bordering Tanzania and Uganda, in the lake. I am happy with the Motion that is here today because Nyatike, being one of the constituencies bordering these two countries, has a number of challenges. Our main preoccupation or source of livelihood has mainly been fishing, but the industry is currently dead because of interference from our bordering countries, mainly from Uganda. I wish to inform this House today that Nyatike is the only constituency in this country where we raise two flags of two different nations every morning. Uganda is claiming part of Nyatike and Kenya is also authoritatively claiming it. That is why I am in this House here today.

I want to assure my people that during the period I am going to represent them here, I will do my best to make them proud as Kenyans and ensure that the flag of Uganda will no longer be in my constituency again. I want to pray that the boundary of Kenya and Uganda be clearly marked, the way my brother Amolo Otiende has said. It is a real problem because our

fishermen in Nyatike have their sale in Uganda not in Kenya. The Kenyan police have really failed to bring sanity in the lake.

(Hon. T. J. Kajwang' rose on a point of order)

Hon. Speaker: What is your point of order Member for Ruaraka?

Hon. T.J. Kajwang': Hon. Speaker, I do not want to interfere with the Member who has risen to give a maiden speech but I beg your indulgence that you may consider interventions I want to make after the Member has finished what he wants to say.

In view of Standing Order No. 95(1), I feel that this Motion despite the Member for Nyatike contributing has been well articulated. We have been here since morning and we have said as much as we could on this Motion, having heard from veterans like the Member for Rarieda and having heard from people who have knowledge in this subject like the Whip from the Minority Party. I feel that most of the issues which ought to have been brought have been raised. I was asking in line of that Standing Order, that the Mover be now called upon to reply, subject to your ruling on this matter.

Thank you.

Hon. Speaker: Very well. I agree but we will allow the Member for Nyatike to finish his maiden speech.

The Member for Nyatike (Hon. Tom Mboya Odege): Thank you, Hon. Speaker. When you come to our land, you will find majority of our people now have been pushed out of the fishing industry and are now going to peasant mining. There is a disorganised industry which I would request the Government to bring sanity so that the middlemen who are fleecing our people there can be stopped. We have lost a number of people in that industry because we are still using mercury to separate gold from dirt.

Before I stop, let me go back to the Motion before us. When you look at the East Africa currently, those who can come out and help us to redraw our boundaries or bring sanity within our boundaries are the EALA members we are electing tomorrow. I know people have been campaigning for their colleagues or people coming from their constituencies, but I would insist that we look for competency so that we have people who will defend the country and not people who are going to represent their personal interests. If we do this, we will be proud as Kenya, we will be proud in East Africa and we will be the driving force in EAC. But if we fail and award people who are going there purely to earn a salary, we will be a disgrace to this country.

Currently if you look at East Africa as a whole, we used to be in the driving seat but our seat is now being threatened. And we can only regain it if we elect people who will know how to fight or lobby for this country so that we go back and have a reputable reputation in the EAC, or else we will end up being thrown back and being forced to be passengers in a *matatu* we are supposed to be driving.

I support, Hon. Speaker. Thank you.

Hon. Speaker: Hon. Members, I think it is fair that we address ourselves to the issue raised by Hon. Kajwang', also bearing in mind that the other step after whatever decision you take on this Motion will be that the names will have to be gazetted for them to come to the House tomorrow for the other exercise.

(Question, that the Mover be now called upon to reply, put and agreed to)

Hon. Maanzo, you are a member of the committee.

Hon. Maanzo: Thank you, Hon. Speaker, for giving me an opportunity to reply to this Motion on behalf of the joint committee and on behalf of Hon. Katoo ole Metito who was co-chairperson of that committee with a member from the Senate.

First of all, I want to thank all the Members who have contributed to this Motion in support of adoption of the report of the joint committee and also thank the 10 members of the committee who attended without fail; there was no one time a member was missing every time we were called by the two Clerks. I also want to thank both Houses of Parliament for debating this Motion. The debate has gone very well here and in the Senate. We are looking forward to the election of members to EALA as our representatives despite the delay.

I would also want to request and urge Members to adopt this report and pave way for the election of members of EALA tomorrow. I am happy that the Jubilee members are here now. It would be very important that we elect the nine members, five from Jubilee and four from NASA: three members of Jubilee being men and two women, three members of NASA being men and one woman. The way the ballot paper will be designed will be such that you can see gender, regional balance because of the counties, expertise and experience in terms of age. Most of the members who will be there are former Members of this House and therefore competent to handle matters of EALA in Arusha. We also have youth and experience in terms of men and women who have served Parliament for many years.

I therefore urge Members that if you tick the ballot paper more than nine times then that ballot paper will be spoilt. So I urge Members to observe what we have guided as a committee so that we have no spoilt vote. In the event there is such, the election will have to be repeated. We really want to vote once tomorrow. It would be good for our country to be represented in EALA.

Hon. Speaker, I beg to reply. I thank you and the House.

Hon. Speaker: Hon. Members, debate on this Motion has been concluded and what remains is for me now to put the Question. I have confirmed that the House has the requisite quorum. It is for the adoption of the report of the Joint Parliamentary Select Committee on Election of Members to EALA. Therefore, I proceed to put the Question.

(Question put and agreed to)

It means that the names of the nominees may now be gazetted. For those who have just arrived, it has been confirmed that the voters are yourselves and we may not invite IEBC to conduct voter education in terms of Article 88 of the Constitution. You are deemed to be sufficiently educated in matters of casting ballots.

Next Order.

REGULATIONS ON LICENSING OF NEW SUGAR FACTORIES

Hon. Speaker: Is Hon. Walter Owino in the Chamber?

The Member for Awendo (Hon. Walter John Owino): Thank you, Hon. Speaker. This being my maiden speech, I want to take the opportunity to first of all thank the people of Awendo Constituency for giving me the privilege to represent them in this honourable House. I want to assure them that I am going to do everything possible to ensure that all the pledges made during our campaigns are fulfilled.

[The Speaker (Hon. Muturi) left the Chair]

*[The Temporary Deputy Speaker
(Hon. Omulele) took the Chair]*

Hon. Temporary Deputy Speaker, the Awendo constituents whom I represent are dependent on sugar for their livelihood. I represent sugarcane farmers, South Nyanza (SONY) Sugar Company and its employees. These people are directly affected by challenges in the sugar industry and this formed my decision to present this Motion on regulating licensing of new sugar factories.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Omulele): Hon. Members, kindly can we contain our consultations so that the Member for...Hon. Gikaria and Hon. Simba Arati, could you contain our consultations so that the Member can proceed to move his Motion?

The Member for Awendo (Hon. Walter John Owino): Hon. Temporary Deputy Speaker, sugarcane and table sugar production has reduced significantly in the past year, that is from 50,000 metric tonnes to less than 15,000 metric tonnes per month. I believe this has been attributed to high cost of production, cane poaching by some millers, absence of sugar industry agreement binding all growers, millers and other stakeholders, weak regulatory framework and enforcement mechanisms, import dependency, collapsed sugarcane growers institutions among others. The drop in sugarcane and table sugar production has resulted in shortage which has increased poaching and other incidences of violent conflicts.

Hon. Temporary Deputy Speaker, the poaching done by private millers has negatively affected the Government-owned millers to an extent that some of them have closed down. Cane growers are vulnerable to poachers, milling plants have shut down, there is weakening of publicly owned millers' balance sheets and employees layoffs due to lack of work. It is also worth noting that some private millers import workers from their respective countries and this has rendered our locals jobless.

Hon. Temporary Deputy Speaker, traditionally, the Kenya sugarcane growing is operated on small scale out-growers model where farmers are supported with inputs and services on credit to grow contract sugarcane on their farms by State-owned millers. The millers thereafter recover cost of production from farmers after harvest and delivery to their mills. State-owned millers lose heavily in events where canes developed by themselves are poached by millers who never spent a penny to develop the sugarcane. The genesis of the current extended poaching is attributed to weak non-adherence to sugar regulations, cane growing contracts and best practice in regard to licensing of sugar mills.

Hon. Temporary Deputy Speaker, I therefore, urge the Government through State Department of Agriculture and Agriculture and Food Authority (AFA) to consider reintroducing Sugar Development Levy to revive small out-growers companies; to immediately gazette sugar regulations regarding licensing of sugar factories and compliance requirement to ensure sugarcane supply contracts are provided as proof of availability of adequacy of sugarcane supply and are adhered to as a precondition for annual licensing of cane millers; and that cane contractual agreements by both cane millers and farmers are honoured. I would also like to

request the Government to review sugar tribunal for contract dispute resolutions which is unlike using the courts which take a longer time to settle disputes.

I would also like to request the Government to clarify the role of AFA and county governments in licensing of sugarcane production. The Government should also re-look at the proposed sale of State-owned sugar mills and ensure that the interest of the farmers and workers at those factories are considered. The 24 per cent allocation given to two parties, I believe is not adequate enough. I will request Hon. Paul Obuor to second my Motion.

Thank you very much.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Paul Abuor, please proceed.

Hon. Abuor: Thank you very much, Hon. Temporary Deputy Speaker. I rise to second this Motion. This Motion is important as it intends to bring regulations in establishment of sugar industries. At least, the Motion will also help in organising the sugar sector which is ailing. As you all know, farmers' payments are delayed and there is also inadequate cane being harvested from the farms. As a Member of Parliament for Rongo Constituency which is a sugarcane growing area, I know the suffering of my people. I can compare with 1980s when sugarcane farmers used to have a lot of income which is not the case now. During the 1980s farmers were paid on time but right now farmers' payments are being delayed and they are suffering a lot due to that.

Hon. Temporary Deputy Speaker, some new millers joined the industry without proper planning on how they are going to harvest their cane. You will find that they do not have enough contracted farmers and cane to run their mills and in the process there is a lot of cane poaching from other factories. This cane poaching makes farmers harvest their crops even before they are mature enough and thereby sell them when they are not ready hence lose a lot in the process.

Hon. Temporary Deputy Speaker, we all know that the sugar industry is surviving at the mercy of the COMESA safeguards. The cost of production of sugar in Kenya is very high. I think the cost of production in Kenya is among the highest in the world. So, even as we consider putting in regulations for new entrants to the market, let us also see how we can rehabilitate our sugar mills and make them more efficient so that they can produce sugar at a more affordable price so that the cost of production is reduced.

Hon. Temporary Deputy Speaker, we also know that in the country we have a lot of sugar deficit in the sugar production and some people in the Government have been taking advantage of the situation to allow sugar importation. We are requesting that as we move this Motion, this thing should come to an end. We should only allow imports when there is a real shortage and nothing in excess of what we have as a shortage every year.

Hon. Temporary Deputy Speaker, it is very ironical and sad that as much as the Government at times tends to bail out the sugar industries of their debts, the same Government at times allows excess importation of sugar. So, as we move this Motion, these are the things that should come to an end.

Hon. Temporary Deputy Speaker, on privatisation of sugar mills, I would like to say that I am happy that 24 per cent of the shares are going to be allocated to farmers from every region, which is a good step. The only thing I would like to explain is that 24 per cent that is supposed to be given to the national Government, I think should be left out for the county governments in the regions where sugar industries are. I know there is a dispute between the national Government and the county governments on the allocation of that 24 per cent. I know that dispute has been referred back to Intergovernmental Budget and Economic Council (IBEC). I would like to assure Members that this is not the IEBC of Mr. Chiloba and Mr. Chebukati. This has been referred to

IBEC to try and resolve disputes within the national government and the county governments on who is supposed to get that 24 per cent.

This is a good Motion and with those few remarks, I beg to support.

(Question proposed)

The Temporary Deputy Speaker (Hon. Omulele): We shall have Hon. Oundo Ojiambo, who is on top of the list of the Members who are interested in speaking now, to start as off.

Hon. (Dr.) Oundo: Thank you, Hon. Temporary Deputy Speaker.

I come from a region that tried to embrace sugar farming, and a county that has been promised a sugar factory many years back but which has not been established. In my previous work as a consultant, I was involved in the report concerning privatisation of the five publicly owned sugar factories. This is a country that operates on discrimination and isolation.

For many years, we have been told that the Jubilee Government would revive the sugar industry. Those sentiments are highly echoed towards election and nothing happens thereafter. People are left to suffer as they usually do. As I speak, Mumias Sugar Factory is almost on total collapse and yet for many years, there were many endless trips by the Jubilee leaders to the region, purporting to give the factory money for its revival. We have had many cases of managers being intimidated. Some have fled the country. As my colleagues said earlier, other sectors have benefitted heavily from investments. Examples are the coffee and tea industries, where loans are continuously written off and yet the sugar factories are never bailed out.

Obviously, locally produced sugar is more expensive than imported sugar. This is indictment on our sugar production process. The Motion is timely and we request the Government to take urgent action, call a stakeholders meeting to look at the sugar sector as a whole. The people of Funyula Constituency wanted to venture into sugarcane production but the poor state of the sugar factory, and the sugar sector as a whole, has continuously discouraged them. The promised Busia Sugar Factory has never taken off almost 15 years down the line, yet we had been promised to have it established.

The common story that comes out of the sugar sector is about the imports, the shut down and the endless blame game on exactly who is the cause of the problem in the sugar sector. It is time for the Government of the day to stop taking sugarcane farmers for granted. The sugar sector is being sabotaged so that some well-connected people can have a free ride to import duty free sugar into the country. We cannot continue with this approach because sugar farmers are Kenyans by right and deserve all the protection accorded to other citizens of this country.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Omulele): Very well. We shall have Hon. Tuwei. The Member for Mosop. Not in Chamber? Not desiring to speak to this? Let us have Hon. Sankok.

Hon. ole Sankok: Thank you, Hon. Temporary Deputy Speaker. First of all, I wanted to raise a point of order because the hon. Member was campaigning against an administration that is not directly involved in the running of sugar factories. I do not remember the Jubilee administration running to western Kenya only during the campaign period. The first time that money was given to the same sugarcane factories was way back in 2014, and there were no campaigns then. Therefore, the Hon. Member was out of order to insinuate that the Jubilee Government only campaigns with sugarcane farmers.

For sure, all farmers in this country are suffering from cartels which have monopolised certain sectors of agriculture, especially the sugarcane sector. We will support any Motion that will come to the Floor of the House to improve the sugar industry and the lives of sugarcane farmers. As earlier said, much as we would pump taxpayers' money into sugarcane factories, we the directors and CEOs of those factories need to account for the money they receive. I understand that there are sugarcane factories that are privately owned, which rarely pay farmers. As much as we debate the issue of sugarcane farmers, those factories must pay promptly. There was a Bill which stated that farmers should be paid within 14 days of delivery of cane to factories. I differed with that Bill, and I still differ with it. We want sugarcane farmers to be paid on cash-on-delivery basis. That is the best mode of payment. Farmers who grow potatoes, for example, are paid upon delivery.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Sankok, you have been consistent on this matter. I remember your contribution to the Motion at that time. We will have Hon. Kiti Chonga, the Member for Kilifi South. He does not desire to be present? We will then have Hon. Oyoo Onyango, the Member for Muhoroni.

Hon. Oyoo: Thank you, Hon. Temporary Deputy Speaker, for considering me at this opportune moment because sugarcane growing and processing is the domain of Muhoroni Constituency. We grow a lot of sugarcane.

We are home to the main sugar factories and if they are effectively run, there would be no cause for alarm with regard to sugar shortages and, therefore, no opportunities for the ever-emerging cartels in our nation. It would suffice for this House to know that recently we had a caucus of leaders from the sugarcane-growing areas meeting in Kisumu. We deliberated on most of the issues which have been articulated in this Motion. I want to report that I was elected as the interim Chairman of the Sugar Caucus and my colleague the Member for Parliament for Tinderet, Hon. Kibiwott Melly is my secretary. Most of the fears which have been articulated in this Motion have been addressed.

I want to inform Members that last week, Hon. Melly and I paid a courtesy call to the Cabinet Secretary (CS) for Agriculture, Livestock and Fisheries and we found out that he is on the verge of effectively addressing some of the fears in this Motion. This will be done when the Sugar Regulation Act is gazetted. When we were in Kisumu the CS assured us that he was going to gazette the Act. When he took time, we called on him last week and we realised that he had bumped into some hitch. He said he would also include those issues in the Commodities Bill. Again, some farmers had taken the Government to court because they did not want the Act regarding the coffee industry to be gazetted. The CS agreed that he was going to pull out and make sure that the Sugar Act was gazetted solely as such. I believe that is still the case because he has not come back to us to tell us that he is encountering any encumbrances or hitches.

Once this is done, most of the challenges which have been articulated in this Motion will be addressed. It is going to deal with the sugarcane poachers because the new Act will act effectively on zoning. This will stop the helicopter farmer or miller from Awendo from going to Muhoroni to buy sugarcane at a determined cost to the detriment of the local millers. The zoning will ensure that the new licensed factories take into consideration the fact that they are far away from farmers and that they are enthusiastic in developing their own sugarcane. In the past we have had many fully fledged privately owned factories drawing money from the Sugar Board of Kenya ostensibly for sugarcane development. They have not been using the money to develop any cane or to contract farmers. All they do is pay farmers frivolously, take their sugarcane, mill

it and keep their money which they pay when they want. So, that is one of the issues that will be addressed.

I will mention the challenges to this House through the caucus I have talked about. Our efforts could be thwarted if Members from the sugarcane-growing zones are not steady with regard to the issue of careless sugar imports. There is forever an excuse that we cannot produce enough sugar to sustain the local demand. I wonder because the same people who are forever expressing this fear to us are the ones who come up with ideas of making sure that... If we had sugar challenges in 2014 then, in 2015 we ought to have developed regulations that would have promoted sugar production so as to beat the challenge. It is unfortunate that for a long time now we have been treated to comments such as, 'We do not have enough tablespoon sugar and so we have to import'.

Initially, during Kenya African National Union's regime we used to have a situation whereby all the factories were closed for annual repairs for a whole month. During this duration, sugar would be imported. Well-wheeled businessmen in the KANU regime would then be given an opportunity to import sugar which was meant to fund KANU campaigns. I thought that KANU died! If there is any blame to be put on KANU for what it was not doing right, let us note that KANU went and what it did lies in past memories. Nowadays, we have businessmen and cartels walking in and out of government offices and more so the Ministry of Agriculture, Livestock and Fisheries and certain influential offices of top Government officials. They do not have any steady offices or locations and are forever carrying briefcases. You will realise that these are the people who are forever importing sugar which is supposed to come and fill the void prompted by lack of enough sugar to meet the needs of this country. We need to sit as Members of the sugarcane-growing areas and ensure that we follow up on this matter politically. We should determine who these people and their supporters are and how we can stop them. They are bulging in wealth. They are making a lot of money out of sugar, while our farmers die of poverty because they do not get paid. They no longer enjoy the facilities they used to because they are not paid in time. Again, there is no room for sugarcane development and our people are forever poor and are going to die poor unless we stop this attitude of some millers.

Muhoroni is home to many of the millers and I want to tell you for free that sometimes I hear that very important guests have passed by my constituency and have been hosted by a miller without my knowledge. Some even come on Sunday's when they are supposed to go to church. As the Member of Parliament, I am sometimes not aware or informed of such visits and so I am unable to monitor their activities. These companies take money from the Sugar Board of Kenya to develop sugarcane growing which they do not. They are forever flourishing and diversifying while the public factories which were set up using public money are dying.

These people have the advantage and now we have just realised that instead of most of the private millers developing sugarcane they take money to diversify their industries. They have of late become the real importers of sugar. We are left to wonder! If a miller has been given a licence to import sugar, what is his business being there? For any valuable reason, would he mind about the farmers? I said during an interview on television that sugar importation is not easy. One should not wake up in this House and accuse a Member of Parliament or a small businessman outside there of being a member of a cartel in the sugar industry. To belong to a cartel in the sugar industry, you need to be very well protected. In fact, this business is done at a higher level because what they are eating as profit is Government taxes which they are evading. For one to make money out of sugar importation you must be well-protected so that you import

sugar and evade taxes and then bring it here so that it is cheaper than the locally manufactured sugar. That way, you make more money.

If that is the scenario then this House, more so my colleagues who come from the sugarcane-growing zones, should know who then brings the sugar industry down. It must be somebody who is protected by authority to import sugar and evade paying taxes. Therefore, the sugar would land here cheaply and sell fast because it is slightly better done than ours. These are the people who are, in fact, killing the sugar industry. We want the Government to be serious and protect sugarcane farmer and ensure that the sugar industry is well regulated just like any other.

Very soon, we are going to call these Members to a caucus. This Motion should continue, but most of the challenges will be addressed by the CS's Regulatory Act which will be gazetted very soon. Otherwise, I support it because it is a good step. As Members, we need to do much more and avoid visiting those privately-owned companies, more so over the weekends for brown envelopes which confuse us at the alter of killing our farmers.

Thank you, Hon. Temporary Deputy Speaker, I support.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Oyoo, who visits these companies? We shall have Hon. Nyoro Ndindi, Member for Kiharu.

Hon. Nyoro: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion.

Like many cash crop industries in Kenya, one of the major issues we have in terms of the undoing are the brokers in between from the farmer to the point where the farmer receives the money. Coming from an area where we have coffee as a cash crop, I believe most of the problems that bedevil any other cash crop industry cuts across all the others. The Motion before us today dealing with the sugar industry is very timely and, as the members from those sides, I support it. We need to relook at the management of the sugar industry very well because most of the time, we find that when we need people to manage, especially the sugar factories, the same members who come from the sugar belt are always up in arms demanding for one of their own to lead the sugar companies. For the efficient management of those companies, we need to recruit and get top notch people to run the factories because I believe that is one of the problems we have in terms of the management of the sugar industry in Kenya.

However, as the other members have said, I believe that the people in between, that is, the brokers; take most of the benefits and sweat of the farmers yet they work the least. I believe we can do much more in terms of putting up this registration and passing this Motion so that we can attempt to bring about the efficiency that we need in the sugar industry.

With those every few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Nyoro, I was hoping that you would enlighten us on how the coffee industry has managed to cut out the middlemen who seem to fatten on the fat of the land rather than the farmer himself. I am sure you will do that some other time.

We shall now have Hon. Naicca, the Member for Mumias West.

Hon. Naicca: Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to support this very important Motion about the decline of sugarcane production.

My colleagues have pointed out a few issues. As you are aware, the decline is as a result of the Government having no interest at all in ensuring that there is production because they want to import more sugar. As you are aware, Hon. Temporary Deputy Speaker, the production as it stands now is about 450 metric tonnes per year yet consumption of sugar in the country is over 800 metric tonnes. The difference is what the Government always tries to import. Importation is done through the same private sugar companies, and this is hurting the farmer so much.

Farmers in Mumias are interested and willing to do cane farming. Right now, as my colleagues have said, the company is almost on its knees but I want to assure this House that there is hope at the end of the tunnel, if only the Government can improve and fund that company. I was shocked when it was said that the Jubilee Government used almost Kshs3 billion campaigning in Kakamega County. If they had given that money to Mumias Sugar Company to improve cane farming, maybe they would even have got more votes than what they got. They used over Kshs3 billion, but they did not even get 40,000 votes. You can see how miscalculations are done.

Hon. ole Sankok: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Naicca, I see an intervention from Hon. Sankok but I know what he wants to say. The question would be whether national investments are premised on the number of votes that people are going to get. I think you should desist from that line. Is that what you want to say, Hon. Sankok?

Hon. ole Sankok: --- (*off record*)

The Temporary Deputy Speaker (Hon. Omulele): Let us debate and avoid that issue.

Hon. Naicca: Thank you, Hon. Temporary Deputy Speaker, but the honourable gentleman is also very new in this House. He should give us time. We are suffering. He does not come from a sugarcane-growing area.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Naicca, we shall avoid personalising the issue. We should debate with decorum.

Hon. Naicca: Thank you, Hon. Temporary Deputy Speaker. I said it has been said that the Jubilee Party used that amount of money for campaign. I never said that the Jubilee Party used that money. I said "it is said." So, sometimes it is good to get grammar right. I do not need interruptions.

(Several Members pressed the intervention button)

The Temporary Deputy Speaker (Hon. Omulele): Hon. Members, I see a lot of interventions. I have given Hon. Naicca this opportunity for him to speak to this matter because he is the member for the constituency where Mumias Sugar Company is located.

Hon. Naicca: I am the Member for Mumias West Constituency, where the factory is situated. I know where the shoe pinches.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Naicca, you will listen to me for a moment before you proceed. I would like you to use your time constructively because your constituents are the most affected by matters sugar in this country. So, kindly use your time so that you can make your representations very well. Hon. Members, kindly let us allow him so that we can move on. We have little time.

Hon. Naicca: Thank you, Hon. Temporary Deputy Speaker. I stand guided. I will come back to pricing. One thing that has actually discourages farmers is pricing. I was looking at the India case where a farmer is paid between Kshs80,000 and Kshs90,000 per tonne of sugarcane. When you come to the local areas, they pay between Kshs2,500 and Kshs3,000. That is very discouraging. This is because of unnecessary deductions. I am not very much worried about zoning. It is just like shops. If we pay farmers well, and we show them how to plant and assist them to access cheap fertilizers, they will do well. Competition is allowed. I am so shocked about Mumias Sugar Company. It is the Government which actually determines who the chairman is of the Board is. This company has always been on its knees. This tells you that it is

purposely punishing the two million residents of Kakamega County. Rather than encourage locals, they want to encourage foreigners to put a few things here and there. Like my colleagues said here, some of us compromise on that.

Hon. Temporary Deputy Speaker, on the side of Mumias Sugar Company, I assure you that we now have a new management team. We have a very good managing director who joined the company recently even though he had been working in that company for a very long time. Somehow, people have started being paid on time. The other day, the President said he would manage the whole country fairly. There is no need to import sugar when we can produce it locally. That is all I wanted to say.

Thank you very much.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Iringo

Hon. Kubai Iringo: Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this Motion. Before I go ahead and support it. I will request that when we come to contribute to debate in this House, we need to get our facts right. If we do not have the facts, we should not impute improper motive on other people.

When a Member talks of Kshs3 billion, I do not know where he got those statistics from or who told him that money was spent. Therefore, it is unfair to tell us that the Jubilee Government spent so much money in a certain region whereas you do not have any facts. I do not find that to be in order.

I stand to support this Motion, especially when we talk of cash crops which are the main income earners for our farmers and the country. It hurts me so much, especially when we talk of sugarcane. Sugar is never enough in Kenya but we have so many factories. Unfortunately, those factories, *shambas* or farms have been grossly mismanaged and have become cash cows for individuals who are entrusted by the public and farmers to run the same. We know of so many people who have become multi-billionaires having worked in those factories. The farmers become the workhorses for those people. The issues of the Government assisting, factories being rebuffed and getting more sugarcane from farmers should be addressed by people charged with the same job and have integrity. A farmer is keen on when he or she delivers. Why do you take a month, two or six months until you accumulate millions of shillings in debt whereas you sold the sugar?

Another problem we have in this country is how we prioritise, especially with regard to the cost of production. Why should a bag of sugar from Brazil, having crossed the Atlantic Ocean up to Mombasa, once it lands in Nairobi cost less than a bag of sugar which was manufactured in Mumias less than 300 kilometres away? It means that we do not use our expertise properly so that we do proper costing and get enough sugar for our people. Even domestically, we cannot meet the demands. We have better land, good soils and more rainfall than our brothers in Sudan. Sudan is an exporter of sugar. They just rely on the River Nile which passes through a desert. But when you talk of western Kenya, Nyanza and the Coast, we have enough water and land but there is no proper management.

In as much as we want to put this law in place, it will be unfortunate if those people who sit in those factory offices and engage in marketing, procurement and overseeing the sale of sugarcane, do not do it prudently or do proper costing, we shall sing this song until the cows come home. It is unfortunate. People get employed there, run out with the money then they come and look for political positions using the same money whereas the farmers are languishing in poverty and their children are not going to school and many other things. Before we talk about money or how to put money into the sugar industry, let us restructure the management of the

sugar industry and especially the bureaucracy, cartels and the like which should be wiped out. In the process, we look for a way of streamlining the same, then we pump in money where we can realise the benefits.

Look at Uchumi Supermarket. Every year there is a budget to rekindle that supermarket but it is still going down. This is because you just put in money and employ somebody to take that money. Once he is through with the money, you remove him and there is no money. You put in more money and bring another person to siphon the same money. We are heading nowhere. It is the shoe wearer who knows where it pinches. The leadership of the sugar belts should sit down and before they come crying to the Government, they should first of all remove what is eating them from inside.

I support the Motion.

The Temporary Deputy Speaker (Hon. Omulele): Let us have Hon. Nyamita Ogolla, Member for Uriri.

The Member of Parliament for Uriri (Hon. Mark Ogolla Nyamita): Thank you, Hon. Temporary Deputy Speaker.

Before I contribute to this Motion, let me take this opportunity to make my maiden speech to thank the great people of Uriri for seeing it wise to send me to this great House to represent them. The constituency I come from is sharply divided along clan lines and historical voting which has left it more divided than united. But for the first time in history, someone like me whose clan members are not even enough to fill one polling centre was able to get this opportunity. When I looked at how the voting was done, of 110 polling stations, I won in 106 showing the level of confidence they have. The people of Uriri have risen beyond clan politics. My constituency is composed of Luhyas, Somalis and Kikuyus and they have sent a great message. How I wish the rest of the country would copy the very good example of the great people of Uriri in terms of when we go to elections, we vote for people irrespective of where they come from.

Having said that, I hope that over the next five years, my colleagues from either side can rise above where we come from and contribute in this House. Today, in the morning when we arrived, we realised that our colleagues of the Jubilee Party side were away. They were being guided on how to be Members of Parliament. I hope that the guidance is full of wisdom and that they will not turn themselves into voting machines without thinking. Sometimes when they are told to oppose they just do so without even knowing what they are opposing. The same applies to colleagues on the side that I sit.

In this House, I have seen and met my colleagues from either side. This House has a very rich composition of people from different backgrounds. I have seen musicians. I hope they will not come here to dance to the tunes of their bosses and continue to dance to the tunes of people who have been killed in this country, who had only come out to express different opinions. I have seen businessmen. I hope that they have not come to do business with Kenya and continue to champion this theory that is now becoming common that the end justifies the means. I hope that they can use their business acumen to take this country to greater heights. I have seen a few hustlers in the House. I do not know where they get their inspiration from but I hope that whichever way they get the inspiration, they will not take it the wrong way.

Whether we like it or not, this is a transition Parliament. For sure, in 2022, we will have a change of regime and hopefully a democratic one. Whatever laws we will pass should strengthen our country.

On this Motion, my constituency borders Awendo Constituency which hosts the South Nyanza Sugar Company. I rise to support this Motion on the following grounds: Today, SONY Sugar Company is only crushing 40 per cent of its capacity and only producing about 35 per cent of sugar. In fact, if it were not that the Government continues to send money to SONY Sugar Company, they would probably have closed shop. Many people from the area derive their livelihoods from the SONY Sugar Company and many other sugar factories. It is quite amazing when you look at the people who have invested in the private sugar sector – the private sugar millers- the same investors now claim to have expertise in sugar milling.

We saw the same investor in paper production the other day. He bought Webuye Paper Factory. It is the same particular group. I am talking from a point of information. About three or four weeks ago, one of the private sugar millers which is bordering my constituency sent away employees, and locked the factory under the guise that they are doing maintenance. We have evidence. Many lorries that were going in there had sugar which we suspect was imported, and then repackaged for local distribution. This is the very factory that is very notorious for sugarcane poaching. The owners reap where they have not sown.

Hon. Temporary Deputy Speaker, I want to support this Motion fully. It was raised by my colleague who is the Chair of the caucus and we are waiting to come up with an Act which will be implemented. We want to urge the Government to move with speed to investigate some of these guys who are setting up factories to hoodwink us, but turn out to be a very heavy cartel of big people in this country and very highly placed in this Government who import sugar, bring it to the factories, repackage it and supply it to the local market.

I want to support this Motion and urge my colleagues from the sugar industry to work very closely, and ensure that there is a Bill that will help us in this regulation. If the Government delays, some of our constituents will be affected by this regulation. We might at some point be forced to close these factories, especially the private millers. If they are not using the licence which they obtained to carry out sugar milling, perfecting the art of sugar importation and killing the local industries and render our farmers poorer and our youths jobless, we might be forced to take extraordinary measures.

With those very many remarks, I beg to support the Motion, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Omulele): We shall have Hon. Nassir, Member for Mvita.

Hon. Nassir: Asante sana, Mhe. Spika wa Muda. Ningetaka kuwakumbusha wenzetu ya kuwa tunaanza kuzungumza kuwa Kenya ni yetu sote. Mambo ni namna hii. Lazima wengine kutoka Pwani wazungumze.

Nataka kuwakumbukusha wenzangu hivyo hususan wale kutoka sehemu za mimea ya sukari. Wanasema kule kwetu hakuna sukari lakini iko katika Ramisi.

Pili, nataka kutoa mfano wa mtu anayetumia kapu lililotengenezwa na miyaa, kuti ama pakacha na kila siku kwenda katika kisima na kujaribu kuchota maji, hayataweza kuchoteka na mwisho, wale wenye kuhitaji yale maji wataja kujigundua. Ndipo tunaingia sisi kama Wapwani. Kila mwaka, sekta hizi zinazidi kupatiwa fedha. Wakulima wanaambiwa hawawezi kupatiwa amana hizi. Katika sekta hii, deni zote zinakaribia takriban Kshs 12-15 billion. Deni ya viwanda vyote vya umma ni Ksh 12 – 15 billion. Ikiwa tutahitaji hivi viwanda vijiendeleze tena, basi itabidi mifuko ya Wakenya itapike tena Ksh 12-15 billion. Nataka kutofautiana na wenzangu. Suluhisho ni kupatia viwanda hivi watu ambao wako na uwezo wa kuendesha kazi hii. Serikali haiwezi kufanya kila kitu.

Jukumu la Serikali ni kupitisha sheria na kanuni zitakazofaa ili wenye kustahili ambao ni wenye viwanda nchini wapewe nafasi. Kwa mfano, thamani ya kampuni ya Safaricom ni mabilioni ya pesa. Ilipozaliwa ilikuwa inamilikiwa na serikali. Baadaye ilibinafsishwa. Leo nataka tujiulize swali katika Bunge hili na tulijibu kiukweli ndani ya nafsi yetu: lau Safaricom ingekuwa bado ni mali ya umma, kisha tungojee Rais achague mkurugenzi wake, je, tungekuwa tunailipia madeni na kusema wafanyikazi wake walipwe mishahara? Nia na madhumuni yangu ni kuwasih wenzangu tusiwe tukiangalia na kusema kila siku Serikali ifanye jambo hili ama lile ama itoe amana.

Hata sisi kule Pwani tunayo sekta ya uvuvi na korosho lakini hatujaona Serikali hii ilioko na zile zilizopita zikitufanyia jambo lolote. Tunayo vilevile sekta ya chumvi. Hakuna yeyote anayeweza kuishi bila chumvi. Lakini hatujaona yeyote ambaye amefanya jambo lolote kuhusu sekta hiyo. Kwa nini? Ni kwa sababu kuna watu binafsi wanaoweza kufanya hiyo kazi sawa sawa. Pesa zetu hazitaliwa kiholela.

Ahsante sana, Mhe. Spika.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Nassir, I would like to inform you that if next time you will not have your card, you will not speak in the House.

Hon. Shabbir, it is now your opportunity to have your say.

Hon. S.S. Ahmed: Thank you, Hon. Temporary Deputy Speaker. It is not Hon. Nassir's fault, it is yours. The Speaker himself

The Temporary Deputy Speaker (Hon. Omulele): Hon. Shabbir, the direction you are going to, you will be out of order. I have given you an opportunity to speak. I have advised Hon. Nassir what to do.

Hon. S.S. Ahmed: Hon. Temporary Deputy Speaker, this is a House of rules and we must follow the procedures. We must also

The Temporary Deputy Speaker (Hon. Omulele): Hon. Shabbir, I will not argue with you. Proceed.

Hon. S. S. Ahmed: Hon. Temporary Deputy Speaker, matters to do with sugar have to do with cartels. I stand to support the rationalisation regarding the licensing of new sugar factories. However, the problem with them is that they are, as one of my colleagues said, a front for cartels. I am aware that at this moment thousands of tonnes of sugar have been illegally imported into the country and they have been transported by some politicians who may be governors. Nearly 600 lorries of sugar have been imported. The sugar factories themselves are cartels of sugar barons. The people who suffer are my constituents or those in the sugar belt who are treated as slaves. They work like slaves in their farms but hardly get anything from what they grow. They wait for it and at the end, instead of being paid after a long time, they are given a bill that they have not paid this or that.

The basic problem in the sugar industry is that our sugar industry is very unproductive. Whereas in some other states like in South East Asia they harvest cane twice in 18 months, our sugarcane farmers harvest once. The sugar content in the sugarcane in those countries is double the amount of that found in ours.

So, the problem is also the sugar content. The sugar boards are corrupt. They have been together with the sugar cartels. There are roads that were meant to be repaired using the Sugar Levy Fund, money given to sugar factories but the factories use the machinery to build roads to suit themselves, not to suit the farmers.

In the last Parliament, the Departmental Committee on Agriculture, Livestock and Development looked into the issue of sugar. We looked at the issue of Mumias. What happened?

We discovered that billions of shillings were lost at Mumias. For some reason, it faded out. I know the Government has given Mumias Kshs1.2 billion which is not going to help anybody. The Government needs to recover money from the factories that have swallowed all that money. Some of these guys are here. We know them. We know how many billions of shillings they have spent. We want that money recovered. The President says that his Government would go after corrupt people. Let us start with the sugar factories. Let us make sure that the sugar factories that have squandered our money return it; be it Mumias, Muhoroni, Chemelil or Miwani sugar factories.

Finally, I want to console with the 70 victims that we have lost in 72 hours. We pray for their families.

With those few remarks, I thank you.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Omulele): Hon. Members, the time being 1.02 p.m., the House stands adjourned until this afternoon, at 2.30 p.m.

The House rose at 1.02 p.m.