

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 24th June, 2003

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Statement on Vote on Account, (Recurrent and Development) for the Financial Year 2003/2004.

Estimates of Revenue for the year ending 30th June, 2004.

(By the Minister for Finance)

NOTICE OF MOTION

VOTE ON ACCOUNT

The Minister for Finance (Mr. Mwiraria): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, in accordance with Section 101 of the Constitution of Kenya, the withdrawal of Kshs109,206,517,915 representing one- half of the total net estimates of Recurrent and Development Expenditure made up in the manner set out in the Vote on Account schedules laid in the House, be authorised for the purpose of meeting expenditure necessary to carry on the services of the Government of Kenya during the year ending on the 30th June, 2004, until such time as the Appropriation Act for the year comes into operation.

*(His Excellency the President has given
his consent to this Motion)*

COMMUNICATION FROM THE CHAIR

DEFERMENT OF QUESTIONS TO MINISTRY OF AGRICULTURE

Agriculture, Mr. Kipruto arap Kirwa. He is out of the country, as the House is probably aware. In fact, there are three Questions on the Order Paper this afternoon for the Minister for Agriculture, and I request that they be deferred. I have a letter from the Minister for Agriculture seeking that these Questions be deferred.

So, in the absence of the Minister, and due to his communication, it is ordered that these three Questions; that is Question No.058, and Questions No.2 and No.3 by Private Notice, be deferred till Thursday.

Therefore, we now go to Question No.285.

ORAL ANSWERS TO QUESTIONS

Question No.058

ALLOCATION OF KIMWANI ADC FARM

(Question deferred)

Question No.285

WILDLIFE MENACE IN
THARAKA CONSTITUENCY

Mr. Kagwima asked the Minister for Environment, Natural Resources and Wildlife what urgent measures he is taking to safeguard the people of Tharaka, whose livelihood is threatened by wild animals which attack area residents and destroy their crops, particularly along Tana River, Kathita, Nkarini and Kiuguru.

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

Two cases in 2002 and two cases since January, 2003, of human-wildlife conflict have been reported to the KWS from Tharaka Constituency. This is because the KWS has put up an 11-kilometre two-strand fence from Murera Gate to Kindani along part of the boundary which is a river, and there is an intention to fence the rest. This will safeguard the communities from wildlife menace.

I am aware of the seasonal threats that are experienced during the rainy season along the Kathita River. When the rains begin, the river swells forcing hippos to move out of the water. The last incident was reported to the KWS and was attended to on January 14th and 15th, 2003. The KWS has established a temporary patrol team to address the problem within the area.

Mr. Kagwima: Mr. Deputy Speaker, Sir, unfortunately the Minister is misleading the House because there are very many more cases than the ones he is quoting. He is referring to the National Park alone and yet there are crocodiles along Tana River. In the last one year, they have killed two human beings leave alone destroying crops. There are also baboons which are now threatening to eat babies, leave alone the goats and chickens that they have eaten.

Mr. Deputy Speaker, Sir, could the Minister ensure that he opens a KWS office at Marimanti which is the district headquarters so that we can report the cases? The national parks are too far and we do not have an office to report to. Otherwise, as we speak now, the cases are very many and more children face the danger of being eaten by baboons. Could he establish an office?

Dr. Kulundu: Mr. Deputy Speaker, Sir, the cases I talked about are those that were recorded at the Tharaka station. The Kenya Wildlife Service (KWS) has received a grant of 10 million Euros from the French Government, towards the rehabilitation of Meru National Park, which should be spent within a period of four years. Out of that amount, 420,000 Euros will go towards community projects. These include irrigation, boreholes, tourism development in Kina and education on water management along the western boundary. The money will also go towards the erection of a 55-kilometre electric fence, from Ura to Kina and I suppose that will take care of the baboons.

Mr. Ndambuki: Thank you very much, Mr. Deputy Speaker, Sir. Could the Minister tell us what policy he has because, currently, we have so many wild animals moving all over? Recently, a buffalo was killed in my constituency and there is one which is sly in Kako Location, in Makueni Constituency. What is the Minister doing about this, because these animals are harassing people?

Dr. Kulundu: Mr. Deputy Speaker, Sir, the problem of wild animals harassing people is perpetual. I am sure the hon. Member knows, from his days on the Government side, that the problem used to be there. However, as a new NARC Government, we are putting a lot of emphasis on erecting electric fences where there is high human settlement, to ward off this human-wildlife conflict. I do not know which area the hon. Ndambuki was referring to, but I assure him that it is the intention of this Ministry to ensure that where there is high human settlement adjacent to game parks, electric fences will be installed.

(Mr. Ndambuki stood up in his place)

Mr. Deputy Speaker: Order, Mr. Ndambuki! I just gave you the Floor. I give the chance to Maj-Gen. Nkaisserry.

An hon. Member: *Simba! Simba!*

Maj-Gen. Nkaisserry: Mr. Deputy Speaker, Sir, I would like to ask the Minister to clarify the situation in Kitengela area with regard to the killing of Maasai animals by the lions. Since the Minister has issued a threatening legal action against the Maasai people, we would like to know what law the lions are breaking by consuming the Maasai animals.

We would like you to tell us the situation regarding the Kitengela lions saga.

(Applause)

Dr. Kulundu: Mr. Deputy Speaker, Sir, probably, that is slightly different from the Question I am answering now. I would request the hon. Member to put it to me, so that I can make a Ministerial Statement regarding Kitengela.

An hon. Member: It is about wildlife!

Dr. Kulundu: I know it is about wildlife, but it is broad. In brief, if you want hear from me---

Mr. Deputy Speaker: Mr. Minister, the best thing would have been that, if you consider issuing a Ministerial Statement, you could inform the House that you will be making this statement rather than asking the hon. Member to put the question in another way.

Could you undertake to issue a Ministerial Statement on the *simba* problem?

Dr. Kulundu: Mr. Deputy Speaker, Sir, I can even issue it now.

At this time of the year, wild animals from Nairobi National Park normally migrate towards Kitengela because of the lush green grass, which apparently the wild animals do not like to eat. Since 1998, we have lost 87 lions.

Hon. Members: What about now?

Dr. Kulundu: We have lost 87 lions since 1998, because they strayed into people's homesteads and killed cows, goats, sheep and donkeys. In the year 2002, we lost ten lions. Last year, we lost two lions and this year we have lost 10 lions. So, this is a yearly occurrence. We intend to find a permanent solution to this problem and we have started by mapping out the area, where we shall install an electric fence that will keep off these wild animals from straying, especially into Kitengela area.

Mr. Deputy Speaker, Sir, however, it must also be pointed out that over the years, people have put up buildings in the corridors of these animals---

Mr. Deputy Speaker: Order, Mr. Minister! I want to guide you. If it is a Ministerial Statement, there will be time for that. Since it is Question Time, may I plead with you that you prepare a Statement to the House on that issue. When can you bring it, so that we finish with this matter? You have now taken 15 minutes dealing with the issue.

Dr. Kulundu: I am sorry, Mr. Deputy Speaker, Sir, but the hon. Members had demanded the statement.

Mr. Deputy Speaker: Yes, but the Chair is asking that you issue a Ministerial Statement! When can you do this?

Dr. Kulundu: I will issue it tomorrow, afternoon.

Mr. Deputy Speaker: Very well, last question, Mr. Kagwima!

Mr. Kagwima: Mr. Deputy Speaker, Sir, the main issue is the unavailability of the staff of KWS in the constituency, to enable us report the cases. The Minister explained that only two cases have been reported to him. This may be true because the KWS staff are not available.

Mr. Deputy Speaker, Sir, could the Minister ensure that a KWS office is established at the district headquarters of Tharaka, so that we can report the cases there?

Dr. Kulundu: Mr. Deputy Speaker, Sir, these cases do not have to be reported to the KWS Station in Tharaka only. Any casualty or victim of human-wildlife conflict can also be reported to the nearest District Officer (DO), chief or District Commissioner's office and we shall take up the matter.

Question No.288

WITHDRAWAL OF KWS OPERATIONS
FROM NEP

Mr. Deputy Speaker: Mr. Sugow not here? I am not coming back to the Question because I am going straight to Questions by Private Notice.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

SETTLEMENT OF THARAKA/TIGANIA
BORDER DISPUTE

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

(a) Is the Minister aware of the existence of a protracted border dispute between Tharaka and Tigania East constituencies that has occasioned loss of lives and property and disrupted development in the area along the border?

(b) What action is he taking to settle this dispute?

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

(a) Yes, I am aware.

(b) The following measures have been taken to settle the dispute:-

1. A buffer zone has been created between the two warring communities and security personnel deployed in the area to prevent the recurrence of the clashes until an amicable solution is found.

2. Several reconciliation meetings have been held, leading to some families returning to their

homes.

3. One school, namely Riamikuu Primary, has since been re-opened while Kiembe Primary School has temporarily been re-located to Kanjoro.

In addition to the above measures, the Government has involved the *Njuri Ncheke* elders to arbitrate the dispute between the Tharakas and the Merus. The process of arbitration by the elders is expected to bring the two communities to a consensus.

Mr. Munya: Mr. Deputy Speaker, Sir, this answer is misleading and unsatisfactory because it is dealing with the dispute between Tharaka and Igembe constituencies. My Question relates to Tharaka and Tigania East constituencies. I pointed out this to the Minister and that is why the Question was postponed, but he has given the same answer. The Ministry is not taking this dispute seriously; yet, it has disrupted development along the border between Tharaka and Tigania people for a long time. I need a specific commitment from the Ministry.

First of all, there are no elders dealing with the issue right now. Could the Minister assure this House that he will commission the council of elders, who used to deal with the matter two years ago, to sit down again and deal with the matter? Could he also tell this House that he will facilitate these elders to carry out the exercise of pointing out the border between the Tharaka and the Tigania East people? Could he also give a commitment that once a boundary is pinpointed by the elders, the Ministry will facilitate the pinpointing of the boundary to the people, so that they can live in peace?

Mr. Tarus: Mr. Deputy Speaker, Sir, I would like to confirm to the House that there is a boundary dispute between Tharaka, Igembe and also Tigania East. The Ministry, through the Provincial Administration; the DCs, will facilitate the formation of the council of elders commonly, called *Njuri Ncheke*, to hold discussions with a view to finding a solution to the problem.

Mr. Sasura: Mr. Deputy Speaker, Sir, it has become a habit for this Ministry to always pass the buck to the village elders and the village committees. The disputes between those communities are over constituency boundaries; from the look of the Question. Over the years, those disputes have resulted into bloodshed in this country. What will it cost this Assistant Minister to solve those disputes through the rightful institution, which is the Electoral Commission of Kenya (ECK), which marked out the electoral and constituency boundaries, instead of dealing with those elders who are not paid?

Mr. Tarus: Mr. Deputy Speaker, Sir, if one was to trace the origin and the creation of new districts, it emanates out of requests from the communities concerned. While I agree with his suggestion to involve the ECK, we cannot rule out the involvement of the community being the members concerned.

Mr. Muriungi: Thank you, Mr. Deputy Speaker, Sir. The boundary dispute between Tigania East and Igembe is very serious. Early this month, there was a request to provide security in certain parts of Igembe and reconstruct schools. This might lead to clashes. Could the Assistant Minister tell us what he is doing to make sure that there are no disputes over the area of Igembe which is alleged to belong to Tharaka by the Member for Tharaka? Could he also make sure that the people of Igembe are allowed to build schools there? What is the Assistant Minister doing to end clashes between Igembe and Tharaka communities?

Mr. Tarus: Mr. Deputy Speaker, Sir, definitely, the first action is to provide security. Secondly, we will involve the communities concerned because, without their goodwill, it will be difficult to maintain relations even after the boundary has been fixed.

So, it is important that elders from the communities participate in resolving the boundary dispute.

Mr. Munya: Mr. Deputy Speaker, Sir, as I pointed out, the Ministry does not seem to appreciate the seriousness of this dispute which has claimed many lives and property. I would want to get specific commitments from the Assistant Minister. Within what time frame are the elders going to

deal with the dispute?

Mr. Deputy Speaker, Sir, could the Assistant Minister also assure the House that he will report back to this House once the elders have marked out the boundary and deploy security officers there to guard the boundary?

Mr. Tarus: Mr. Deputy Speaker, Sir, could I also get a commitment from the hon. Member that he is going to facilitate a meeting of the elders, also, together with the Government?

Mr. Munya: He has not answered my question!

Mr. Deputy Speaker: Order, Mr. Assistant Minister! Could you respond to the Member's question? You did not respond to it. We cannot answer a question with another question!

Mr. Tarus: Mr. Deputy Speaker, Sir, I do confirm that the Ministry will facilitate the formation of a council of elders to resolve the boundary dispute. But I was just asking the hon. Member, also, to **[Mr. Tarus]**

assist the Ministry at the constituency level to resolve this problem.

Mr. Deputy Speaker: That is very well put. The next Question by Mr. Oparanya is deferred. Also, the Question by Prof. Olweny is deferred.

The last Question by Mr. Wambora was answered last time.

CLOSURE OF MUMIAS SUGAR FACTORY

(Mr. Oparanya) to ask the Minister for Agriculture:-

(a) Is the Minister aware that Mumias Sugar Company has been closed as a result of a strike by the tractor drivers and the reduction of sugar-cane price from Kshs2,015 to Kshs1,750?

(b) What action is he taking to ensure that the factory is opened?

(c) Who will compensate the farmers for the sugar-cane which has already been harvested and was not collected?

(Question deferred)

PURCHASE OF MIWANI SUGAR COMPANY SHARES

(Prof. Olweny) to ask the Minister for Agriculture:-

(a) Is the Minister aware that the Managing Director of Miwani Sugar Company has deducted over Kshs40,850,457.95 from the farmers' dues for purchase of shares from the company?

(b) Is he aware that the records available in February this year indicate that over Kshs27 million deducted from farmers in the month of February, March, June, October and November was never banked in the shares account?

(c) Who are the signatories to the shares account?

(Question deferred)

TERMINATION OF KAVANDA'S SERVICE

(Mr. Wambora) to ask the Minister for Transport and Communications:-

(a) Is the Minister aware that Mr. Elias Njagi Kavanda, a senior security officer with Kenya Railways Corporation, has been notified of pending termination of service from the Corporation without being given any valid reasons?

(b) Is the Minister also aware that Mr. Kavanda, in his capacity as a senior security

officer, disclosed various irregularities in the corporation, such as, irregularly sold railway plots and houses, as well as disclosure of theft of sugar under the care of the Corporation?

(c) Could the Minister assure the House that Mr. Kavanda will not be victimised?

(Question withdrawn)

Mr. Omingo: On a point of order, Mr. Deputy Speaker, Sir. It is a known fact that when a Question appears on the Order Paper, it is the property of the House. I feel it is important to be notified why this is being done.

Mr. Deputy Speaker: Order! Mr. Omingo, you came late. I did explain, and I did even indicate that there was a letter from the Minister for Agriculture and those who came early can attest to that fact. So, the last Question was answered sufficiently last time and it is on the Order Paper by error.

CONSIDERED RULING

MINISTER CANNOT ANSWER QUESTIONS BEFORE TAKING OATH

Mr. Deputy Speaker: Before we come to the points of order and Ministerial Statements, I want to make the following communication.

Hon. Members, you do recall that on Thursday, 19th June, 2003, a Question by Private Notice by Mr. Oparanya, was scheduled to be answered by the Minister for Agriculture and Livestock Development. A former Assistant Minister in the former Ministry of Agriculture and Livestock Development, Mr. Munyao, who had been elevated the previous day to the newly-created Ministry of Livestock Development, stood up to answer the Question. However, hon. Members did raise objections to the Minister answering the Question on the basis that his oath of office, as an Assistant Minister, had lapsed with the new appointment and yet he had not subscribed to the oath of his new office, as Minister as stipulated by Section 21 of the Constitution which states as follows:-

"A Minister or Assistant Minister shall not enter upon the duties of his office unless he has taken and subscribed to the oath of allegiance and such oath to the execution of his office as may be prescribed by Parliament."

Hon. Members, consequent to the foregoing, the House did request the Chair to rule on whether it was appropriate for the elevated Assistant Minister to respond to a Question that pertained to his former office before subscribing to the oath as a Minister. I have perused various authorities which include the Constitution of Kenya and the Promissory Oath Act, Cap.100 of the Laws of Kenya, but as you may anticipate, specific legal provisions or precedents are not available. I would, therefore, proceed to give guidance based on the general application of the principle and philosophy of an oath and its obligations.

An oath is a solemn pledge by a person to a particular obligation. Mr. Munyao subscribed to an oath to do certain things as an Assistant Minister following his appointment by His Excellency the President. This oath is prescribed in the Schedule to the Promissory Oath Act, (Cap.100) Laws of Kenya. Once the appointment of an Assistant Minister was quashed, it meant Mr. Munyao's obligations and the oath to that office were effectively nullified.

To all intents and purposes, therefore, the Office of the Assistant Minister for Agriculture became vacant pursuant to provisions of Section 19(2) of the Constitution of Kenya. In essence, therefore, until the former Assistant Minister subscribes to the oath as a Minister, he cannot purport to

answer Questions on behalf of the Cabinet.

(Applause)

Hon. Members, I have had time also to look at the HANSARD where arguments for and against Mr. Munyai's competence to answer the Question on account of not having been sworn in were raised. Dr. Godana is reported to have said:-

"I sat on that Chair for five years having been unanimously elected by the first multiparty Parliament and I know the rules."

This statement smacks of arrogance on the part of the hon. Member and can only be interpreted to be geared towards intimidating the Chair. That is totally unacceptable and will not be tolerated. It is honourable for Members, whenever they have points of arguments, to advance them in a civil and dignified manner. The Chair takes great exception to the utterances made by the Member.

I take this opportunity, therefore, to warn Dr. Godana and other Members that such attacks aimed at intimidating the Chair are not only totally unacceptable, but will, in future, be dealt with firmly. The Chair expects hon. Members to conduct themselves with decorum in order to maintain the dignity of the House.

Thank you.

(Dr. Godana stood up in his place)

Order, Dr. Godana! I have a request for a Ministerial Statement from Mr. Ethuro.

POINTS OF ORDER

INSECURITY IN TURKANA DISTRICT

Mr. Ethuro: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement on the state of insecurity in Turkana District. Right now, there is a lot of fighting on the border of Lokichoggio Town. Over the weekend, there was also serious fighting between the refugees and the local community in Kakuma.

I beg the Minister responsible to provide a Ministerial Statement. The Government should take urgent steps to beef up security.

[Mr. Deputy Speaker left the Chair]

[Mr. Speaker took the Chair]

(A mobile phone rang in the Galleries)

Mr. Speaker: Order! Could the Sergeant-at-Arms find out which stranger has a mobile phone up there and deal with him or her appropriately at once?

CANCELLATION OF BRITISH
AIRWAYS FLIGHTS

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. I rise under Standing Order No.20 to raise an issue of national importance, concerning the cancellation of British Airways flights to Nairobi. As you will appreciate, that has caused a lot of suffering to our people, particularly the tourism sector. I would like the Chair to allocate time, under Standing Order No.20, for this House to discuss such a grave matter.

Mr. Speaker: Order! Members must understand the rules in order to benefit. You know the provisions of Standing Order No.20. If you want to bring a Motion for the adjournment of the House, you should bring it two hours before the sitting of the House. You do not stand on a point of order to demand it. In any case, we are on the Budget and we are not likely to reach you.

I hope the Minister will address that other very serious issue raised by the Member. Is there a Minister to respond to it? Mr. Tarus? Let me see whether we can get some assistance for the people of Turkana from the Front Bench. It is a serious issue and we want to see if we can get somebody to help them. Is there a Minister to respond to that? Mr. Tarus?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, I learned this afternoon that there is fighting going on in Lokichoggio. This morning we were informed that action had been taken.

(Loud consultations)

Mr. Speaker: Order! I think it is about time Members considered Kenyans from all parts of this country as equal. We are hearing in this House that part of this country is under attack and Kenyans are suffering. yet, Members will not even listen to it. I think the people of Turkana, being Kenyans, deserve to be heard here. It is my duty to ensure that they are heard. So, could we get some response from the Government? This is a serious issue; a part of Kenya is under attack! Is there a Minister ready for it?

Mr. Tarus, you were saying something. Meanwhile, Mr. Maore, could I hear him? Please, proceed!

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, I was informing the House that I am aware of the problem and we shall issue a Ministerial Statement on the same issue tomorrow morning.

Mr. Speaker: Tomorrow morning or in the afternoon?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, it would be tenable in the afternoon and not in the morning.

Mr. Ethuro: Mr. Speaker, Sir, the Assistant Minister has already accepted to issue the Ministerial Statement tomorrow morning, and since lives are being lost, it should even have been yesterday.

Mr. Speaker: We all know that distance is involved. But this is a time of Information Technology (IT) and communication is quite easy these days. I hope he will be able to reach Turkana and give us the Ministerial Statement. To be fair to all, let me give the Assistant Minister until tomorrow afternoon, so that he will have received all the requisite information to this House, and also, give him time to take the necessary action to restore peace and tranquillity in that area. I hope tomorrow, when the Assistant Minister comes, he will tell us that things have been sorted out.

Mr. Maore: On a point of order, Mr. Speaker, Sir. The point we are raising is a bit serious. We are talking of foreign invasion and not the local law and order by the Minister in charge of internal security. This concerns the Minister in charge of defence and the Commander-in-Chief. Today, the President and the Vice-President are not around. Who is the Commander-in-Chief?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, the Government of Kenya has systems in place and this matter will be handled.

GOVERNMENT REACTION TO
TERRORIST THREATS

Mr. Sasura: On a point of order, Mr. Speaker, Sir. I would like to seek a Ministerial Statement from the Minister of State, Office of the President, in charge of internal security.

Over the last few weeks Kenyans have been treated to reports from foreign missions alleging terrorist threats to various targets in this country. Such alarm and negative travel advisories to visitors has crippled our tourist industry at the Coast. Kenyans are more scared than the foreigners because they hear what they do not see.

Mr. Speaker, Sir, after one foreign mission castigated the Government for its ineptitude and lack of legal action against terrorists, the Government announced four days later the arrest and intended charging in court of four Kenyans. The police and the military are harassing Kenyans in the estates of Nairobi.

(Applause)

Last night, helicopters patrolled over Zimmerman and other estates. This left Kenyans wondering whether we are not overreacting to false alarms from foreign countries. Kenya is a sovereign state under the rule of the NARC Government and it should not be remote-controlled by a foreign Government!

(Applause)

First, could the Minister explain what all this excitement and harassment of Kenyans is all about? Secondly, could he outline the diplomatic steps the Government is taking to save our collapsing tourist industry from the negative travel advisories issued by the United States of America (USA) and the British Government and even Ministers in this Government?

Lastly, being victims of the 1998 bomb blast, which exploded simultaneously with another one in Tanzania, is this Government satisfied that history will not haunt us forever?

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members! Excitement does not overturn the rules of the House! I would like to inform the House that the rules of the House are in place and are very steady. So, could we, please, obey them? Is there any Minister who is prepared to reply to the issues the hon. Member has raised?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, I promise to bring a Ministerial Statement in connection with the issue the hon. Member has raised.

Hon. Members: When?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, I will issue the Ministerial Statement on Thursday next week.

DEATH OF CHILD IN POLICE CUSTODY

Mr. Sambu: On a point of order, Mr. Speaker, Sir. Last week, I requested for a Ministerial

Statement from the Minister of State, Office of the President, regarding a four-year old child, a son of a widow, who was killed in a police cell in Kapsabet. Up to this day, no Ministerial Statement has been issued. To make matters worse, the body of the child has been removed from Kapsabet Hospital Mortuary to the City Mortuary because the police pathologist cannot go to Eldoret Town or Kapsabet to carry out the postmortem. People are now collecting money to assist this widow.

Mr. Speaker: Mr. Sambu, you have to be brief now!

Mr. Sambu: Mr. Speaker, Sir, could the Minister of State, Office of the President, issue the Ministerial Statement?

Mr. Speaker: Very well! I have two more hon. Members who would like to request Ministerial Statements. Prof. Olweny, please, request for your Ministerial Statement quickly because I have to go to the Procedural Motion in another two minutes time.

IMPORTATION OF SUGAR INTO
THE COUNTRY

Prof. Olweny: On a point of order, Mr. Speaker, Sir. About one week ago, the Minister for Agriculture could not tell this House who imports sugar into this country. Yesterday, as I was shopping in one of the Nakumatt supermarkets in Kisumu, I came across imported sugar from Malawi.

I would like to seek a Ministerial Statement from the Minister for Agriculture in connection with who imported the sugar, how much of it has been imported and when it arrived in this country.

(Applause)

While I was in that supermarket, I found out that it was not selling sugar from any of our millers except that from Mumias and South Nyanza Sugar Companies. I would like that aspect to also be covered by the Ministerial Statement.

(Applause)

Mr. Speaker: Order! Order!

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

Who are those hon. Members who cannot take my orders? I am trying to find out whether there is a Minister to respond to what the hon. Member has raised, because I am sure that the Minister for Agriculture is not here.

Hon. Members: The Minister for Livestock Development is there!

Mr. Speaker: The Minister for Livestock Development does not sell sugar! But may I wonder aloud, on behalf of the House and as the custodian of the dignity of this House, whether hon. Members are actually entitled to disrupt shopping activities of Kenyans because of this strange discovery. I think you ought to keep the dignity of this House! Any time you go for shopping, please, do not bring disrepute to this House!

(Laughter)

Anyway, is there a Minister to respond to what the hon. Member has raised?

Mr. Sambu: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Sambu!

(Loud consultations)

Order, hon. Members! Hon. Members, I am protecting the dignity of this House and it is my duty to do so. I kindly urge hon. Members that, whatever you do out there, or in this House, please do it in such a way that the whole dignity of the House is not lowered. So, please, let us relax.

Prof. Olweny: Mr. Speaker, Sir, I would like to draw the attention of the Chair to the fact that I did not disrupt shopping in that supermarket.

Mr. Speaker: Well, you were misquoted then! So, do not allow yourself to be misquoted again!

Prof. Olweny: Mr. Speaker, Sir, I was representing my constituents.

Mr. Speaker: Order! That ends all points of order for today. I have 15 minutes left for the Procedural Motion. The other business of the House must begin at 3.30 p.m. Those are the rules of this House! .

So, let us move on to the next Order now.

Mr. Choge: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Indeed, Mr. Choge, you can request for your Ministerial Statement in one minute.

THUGGERY INCIDENTS IN KAPKEREL LOCATION

Mr. Choge: On a point of order, Mr. Speaker, Sir. I would like to seek a Ministerial Statement from the Minister of State, Office of the President, in charge of internal security. On the night of 22nd and 23rd, armed thugs raided Kapkerel Location in Aldai Constituency, South Nandi District. The raiders are said to have crossed over from a neighbouring district. It is further intimated by the residents of the affected area that the raiders belonged to a gang commonly called *Msumbiji-Angola*.

During the raid, one Edward Kiplimo was fatally injured, Fredrick Kasigane, who is the Headmaster of Bania Secondary School, was seriously hurt, Kinango Festo was shot on the right hand, Nasasi Madioli was shot on the back and one Kipchumba's hand was chopped off while the another was seriously injured. This is a cosmopolitan area inhabited by over four tribes and tension is very high on the ground.

Could the Minister of State, Office of the President, issue a Ministerial Statement detailing the action which will be taken, or has been taken, to cool the tension and bring the culprits to book? Could he also assure the residents that there shall be no recurrence of such an incident in future?

Mr. Speaker: Is the Minister there to respond? Mr. Wario, I will give you time tomorrow morning.

Next Order!

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM PROVISIONS OF STANDING ORDER NO.137(1)

The Minister for Education, Science and Technology (Prof. Saitoti): Thank you, Mr. Speaker, Sir. I beg to move the following Procedural Motion:-

THAT, this House orders that the business appearing on today's Order Paper be exempted from provisions of Standing Order No. 137(1) which gives precedence to the debate on the Financial Statement.

Mr. Speaker, Sir, I bring this Motion here because, as it is well known, it is within the Standing Orders that the Vote on Account be debated by the 26th of June. This is to ensure that 50 per cent of the expenditure reflected in the books can be made available to ensure that, with effect from the 1st of July, the Government will be able to provide services to the country and the Kenyan people.

With those few remarks, I beg to Move.

Mr. Speaker: Order! Order Members! I warn Dr. Kulundu and Mr. Kombo that, when the Chair is proposing the Question, please, hold your horses! There will be enough time to consult. Relax!

Dr. Godana: Thank you Mr. Speaker, Sir, I stand to support the Procedural Motion before the House. Standing Order No. 137(1), provides that debate on the Financial Statement shall not be interrupted, save with leave of the House. The Motion is seeking that leave. I do also agree with the hon. Minister that in terms of Standing Order 142(6), the Vote on Account will have to be through by the 26th of June and, in my understanding, 26th is inclusive. We welcome the opportunity to debate the Vote on Account and it is fortuitous that the Minister for Finance has brought it up two or three days earlier, because without anticipating debate on the Motion to come soon after, we definitely intend to seek an amendment for him to correct the injustice he has done in terms of the proceeds to the constituency development funds in which we find we have been cheated and for that reason, I beg to second.

(Dr. Godana quickly sat down)

Mr. Speaker: Order! Order! Running away does not take away your sins.

(Laughter)

You are already guilty of anticipating debate.

(Question proposed)

Mr. Speaker: There being no further contributor, I will put the Question.

(Question put and agreed to)

Mr. Speaker: Next Order!

(Mr. Mwiraria stood up in his place)

Mr. Speaker: Wait, Mr. Minister! The Order has not been called!

COMMITTEE OF SUPPLY

(Order for Committee read)

MOTION

VOTE ON ACCOUNT

The Minister for Finance (Mr. Mwiraria): Thank you Mr. Speaker, Sir. I beg to move:- THAT, in accordance with Section 101 of the Constitution of Kenya, the withdrawal of Kshs109,206,517,915 representing one-half of the total net estimates of Recurrent and Development expenditure made up in the manner set out in the Vote on Account schedules laid in the House, be authorised for the purpose of meeting expenditure necessary to carry on the services of the Government of Kenya during the year ending 30th June, 2004, until such time as the Appropriation Act for the year comes into operation.

VOTE ON ACCOUNT SCHEDULE (RECURRENT) 2003/2004

ESTIMATES showing the several services for which a Vote on Account is required for the year ending 30th June, 2004

Vote No.	Service	Total Net Estimates	Vote on Account
		KShs	KShs
R01	Office of the President	20,242,536,200	
	10,121,268,100		
R02	State House	836,463,200	
	418,231,600		
R03	Directorate of Personnel Management	1,140,448,970	570,224,485
R04	Ministry of Foreign Affairs and International Co-operation	3,576,263,000	
	1,788,131,500		
R05	Ministry of Home Affairs	4,632,573,200	
	2,316,286,600		
R06	Ministry of Planning and National Development	763,485,370	
	381,742,685		
R07	Ministry of Finance	13,363,005,290	
	6,681,502,645		
R08	Department of Defence	17,794,434,300	
	8,897,217,150		
R09	Office of the Vice-President and Ministry of National Reconstruction	750,800,000	
	375,400,000		
R10	Ministry of Agriculture and Livestock Development	5,799,391,100	
	2,899,695,550		
R11	Ministry of Health	15,954,355,820	7,977,177,910
R12	Ministry of Local Government	567,264,200	
	283,632,100		
R13	Ministry of Roads and Public Works	2,265,877,400	
	1,132,938,700		
R14	Ministry of Transport and Communications	1,616,899,600	
	808,449,800		
R15	Ministry of Labour and Human Resource Development	1,445,500,000	
	722,750,000		
R16	Ministry of Trade and Industry	1,674,087,760	
	837,043,880		

R17	Ministry of Justice and Constitution Affairs	164,849,560	
82,424,780			
R18	Ministry of Gender, Sports, Culture and Social Services	984,343,300	
492,171,650			
R20	Ministry of Water Resources Management and Development	1,803,208,080	901,604,040
R21	Ministry of Environment, Natural Resources and Wildlife	2,416,814,250	
1,208,407,125			
R22	Ministry of Co-operative Development	741,192,000	
370,596,000			
R25	Office of the Attorney-General	376,696,970	
188,348,485			
R26	Judicial Department	944,653,160	
472,326,580			
R27	Public Service Commission	209,700,000	
104,850,000			
R28	Office of the Controller and Auditor-General	405,100,000	
202,550,000			
R29	National Assembly	4,672,459,900	
2,336,229,950			
R30	Ministry of Energy	83,165,300	
41,582,650			
R31	Ministry of Education, Science and Technology	71,880,179,400	35,940,089,700
R33	Electoral Commission	1,210,800,000	
605,400,000			
R36	Ministry of Lands and Settlement	1,363,004,650	
681,502,325			
R45	National Security Intelligence Service	3,900,000,000	
1,950,000,000			
R46	Ministry of Tourism and Information	913,451,480	
456,725,740			
	TOTAL	184,493,003,460	
92,246,501,730			

VOTE ON ACCOUNT SCHEDULE (DEVELOPMENT) 2003/2004

ESTIMATES showing the several services for which a Vote on Account is required for the year ending 30th June, 2004

Vote No.	Service	Total Net Estimates KShs	Vote on Account KShs
D01	Office of the President	5,265,649,420	2,632,824,710
D02	State House	272,787,230	136,393,615
D03	Directorate of Personnel Management	424,807,450	212,403,725
D04	Ministry of Foreign Affairs and International Co-operation	110,000,000	55,000,000
D05	Ministry of Home Affairs	351,604,860	175,802,430
D06	Ministry of Planning and National Development	162,314,520	81,157,260

D07	Ministry of Finance	7,436,887,180	3,718,443,590
D09	Office of the Vice-President and Ministry of National Reconstruction	472,900,620	236,450,310
D10	Ministry of Agriculture and Livestock Development	2,185,921,190	1,092,960,595
D11	Ministry of Health	1,893,845,900	946,922,950
D12	Ministry of Local Government	500,000,000	250,000,000
D13	Ministry of Roads and Public Works	2,881,465,580	1,440,732,790
D14	Ministry of Transport and Communications	401,102,910	200,551,455
D15	Ministry of Labour and Human Resource Development	78,000,000	39,000,000
D16	Ministry of Trade and Industry	100,000,000	50,000,000
D17	Ministry of Justice and Constitution Affairs	26,000,000	
13,000,000			
D18	Ministry of Gender, Sports, Culture and Social Services	135,605,000	67,802,500
D20	Ministry of Water Resources Management and Development	2,117,624,520	1,058,812,260
D21	Ministry of Environment, Natural Resources and Wildlife	598,232,440	299,116,220
D22	Ministry of Co-operative Development	61,576,800	30,788,400
D25	Office of the Attorney-General	19,976,990	9,988,495
D26	Judicial Department	163,711,040	81,855,520
D30	Ministry of Energy	1,608,115,290	804,057,645
D31	Ministry of Education, Science and Technology	6,397,673,190	3,198,836,595
D36	Ministry of Lands and Settlement	109,230,240	54,615,120
D46	Ministry of Tourism and Information	145,000,000	72,500,000
TOTAL	TOTAL	<u>33,920,032,370</u>	<u>16,960,016,185</u>
	GRAND TOTAL	<u>218,413,035,830</u>	<u>109,206,517,915</u>

Mr. Speaker, Sir, the hon. Members have already received and gone through their copies of the Vote on Account schedules for the financial year 2003/2004. In accordance with the provisions of Section 101 of the Constitution of Kenya, Parliament is being asked, through this Vote on Account, to authorise the withdrawal from the Consolidated Fund of monies not exceeding in total, one-half of the total net sum included in the estimates of Recurrent and Development Expenditure for the year 2003/2004, for the purpose of meeting the expenditure necessary to carry on the services of the Government of Kenya until such time as the Appropriation Act for the year comes into operation. It is a tradition of this House to discuss, and scrutinise in detail, the estimates of Recurrent and Development Expenditure for various Votes during the Committee of Supply. I do not, therefore, wish to go into the details of various Votes at this stage.

Mr. Speaker, Sir the total net estimates of Recurrent Expenditure amounts to Kshs184,493,003,460 for which, at the moment, I am seeking an approval of Kshs92,246,501,730, while those of the Development Expenditure amount to Kshs33,920,032,370 for which I am seeking an approval of Kshs16,960,016,185.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker resumed the Chair]

Mr. Deputy Speaker, Sir, the sum being asked for now will enable Government services to continue uninterrupted until such a time that the Appropriation Act for the year is enacted in Parliament and becomes operational. The funds being sought now will be used for salaries, operational and maintenance expenses under the Recurrent Vote, while those under Development Vote are to be used to implement development projects and programmes. This is a Procedural Motion, and we normally do not expect debate on it. I have heard Dr. Godana contribute to the previous Motion. He mentioned something which makes me feel duty-bound to give a comment on the Constituency Development Fund. I hope hon. Members will lend me their ears.

The Constituency Development Fund was provided for by the Cockar Tribunal Report and approved by this House. We, at the Treasury, take Parliament very seriously.

(Applause)

I would like to make a few points to clarify what has happened. After discussing the Constituency Development Fund I found out that, unlike the Constituency Roads Fund, it has no mechanism for management.

Hon. Members: Aah!

The Minister for Finance (Mr. Mwiraria): Mr. Deputy Speaker, Sir, let hon. Members listen to what I have to say.

Mr. Deputy Speaker: Order! Order! Hon. Members, please, give the Minister a chance to explain himself.

The Minister for Finance (Mr. Mwiraria): Mr. Deputy Speaker, Sir, at the same time, we, as a new Government, have problems finding enough money to accommodate the entire Fund. In order to show that I, as the Minister, have got goodwill on the Constituency Development Fund, that I support it and that we are totally committed to it, I provided Kshs2 million per constituency---

Hon. Members: Aah!

The Minister for Finance (Mr. Mwiraria): Please, hon. Members, listen to what I have to tell you!

Mr. Deputy Speaker, Sir, I had to provide, first and foremost, for education, health, roads and other social services to *wananchi*, including additional provision for water and development in ASAL

areas. So, what I am saying is that I could not provide Kshs20 million for each constituency. We do not have the budgetary muscle to do so.

An hon. Member: Under which Vote are the funds provided for?

The Minister for Finance (Mr. Mwiraria): Mr. Deputy Speaker, Sir, the funds are provided for under Vote D09,

Office of the Vice-President and Ministry of National Reconstruction. I did that as an interim measure, knowing that Eng. Muriuki is going to bring a Bill to this House on the Constituency Development Fund. I think, as legislators, we have to be practical. In fact, I have wanted to discuss with Eng. Muriuki, so that the Bill he intends to bring to this House becomes a Bill of the Government of Kenya to prove that we are, indeed, with you and that we are not working at cross purposes. The point I wanted to make at the very beginning, so that this misunderstanding can be removed, is that we have not taken into account the need for a Constituency Development Fund. However, we have now allocated the Fund whatever resources we could spare. The intention is that, as soon as we get enough money, the Constituency Development Fund will be fully funded. But, in the meantime, I think we have to cut our coat according to the size of our cloth.

Mr. Khamisi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to amend a report that has been passed by this House?

(Applause)

Mr. Deputy Speaker: Mr. Khamisi, I am not aware of any amendment that has been made to any report.

Mr. Khamisi: Mr. Deputy Speaker, Sir, the Minister has---

Mr. Deputy Speaker: Let the Minister move the Motion. If you have any issue that you would like to raise, I will consider it thereafter.

Proceed, Mr. Minister!

The Minister for Finance (Mr. Mwiraria): Mr. Deputy Speaker, Sir, I am not amending any report. The amount of money I have mentioned is in the Estimates of Expenditure. If any hon. Member cares to look at Vote D09, on page 118 of the Development Estimates, he will realise that, under Item 501, we have the Constituency Development Fund. My intention in making this point was to indicate, first and foremost, that we have accepted the principle of establishing a community development fund. Secondly, we support it and, thirdly, we are committed to it. What I am asking for today, through this Motion, is that the Government be given 50 per cent of the Budget. Hon. Members will have ample time to discuss the details of the financial provisions for individual Ministries.

With those few remarks, I beg to move.

The Minister for Education, Science and Technology (Prof. Saitoti): Mr. Deputy Speaker, Sir, I rise to second this Motion on the Vote on Account moved by the Minister for Finance.

At the very outset, let me applaud the Minister for the overall Estimates that were tabled here prior to the Budget and from which the Vote on Account has been derived. I say so because a perusal of the allocations the Minister has made to the various Ministries and Departments shows that he has been able to provide so much resources which are going to be used for service delivery by the Government. Specifically, I would like to refer to the major relief provided to the agricultural sector.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Hon. Members, could we hear the Minister?

The Minister for Education, Science and Technology (Prof. Saitoti): Mr. Deputy Speaker, Sir, I was saying that, in his Budget Speech, the Minister provided a major relief to various sectors of the economy, thereby affecting his own revenue. Specifically, the measure regarding capital and

investment goods, where he removed Excise Duty and Value Added Tax (VAT), represents a major loss of revenue for the Government.

At the same time, the Minister reduced the general rate of VAT from 18 per cent to 16 per cent. Given the very broad nature of coverage of VAT, that, too, represents a major drop in expected revenue collection. We are, however, aware that he took those measures so as to rejuvenate the economy. So, to that extent, I wish to urge hon. Members to accept the Vote on Account as it is. Upon its passage, the Minister will release funds to all Ministries and Departments, so that they can continue performing their most important functions.

More importantly, we know that this country is facing a major problem. We need to immediately address the security issue and if we do not pass this Vote on Account here, it will not be possible to have the funds to address insecurity, both internal and the threat posed by terrorism. If we cannot have the resources to address insecurity, there is no way we can have the various sectors like tourism recover, and this is going to create a number of problems. We need our security to be beefed up in order for both local and foreign investors to have confidence in our security system and invest here.

We also know that one of the greatest ways of reviving the economy has to do with the provision of the right physical infrastructure. Resources are, therefore, required for the repair of our roads. We require resources to be given to the Ministry of Water Resources Management and Development, so that there is adequate water supply. We also need resources for infrastructure in many other economic areas.

Resources are also needed not only for the provision of drugs in general, but also for the provision of the retroviral drugs to fight the HIV/AIDS. We know that it is only recently that the Minister for---

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! We are debating a very important matter and I ask hon. Members to consult quietly so that we can hear the Minister for Education, Science and Technology.

Continue, Prof. Saitoti!

The Minister for Education, Science and Technology (Prof. Saitoti): Mr. Deputy Speaker, Sir, I was saying that it was only recently that an agreement was signed between the Government and the Global Fund to provide funds to deal with HIV/AIDS and Malaria. That money will, obviously, come through the Budget and, if we do not pass this Vote on Account, we will cause the deaths of a number of our own people, which we do not want to see.

I must also say that we need resources in the Ministry of Education, Science and Technology to be able to carry on and increase the efforts we have already made in the implementation of the free primary education programme. More importantly, we need funds for bursaries which are given to the disadvantaged students in our secondary schools.

I also know that hon. Members who represent pastoralist and ASAL areas require money for infrastructure. In fact, money has already been approved by the World Bank for the ASAL and pastoralist areas. I am sure that they want the money that we want to pump into their areas to beef up the low enrolment in boarding primary schools. It is high time we boosted enrolment in those areas. I can see that Dr. Godana is extremely happy because he knows that, upon the passage of this Motion, money will go to his area.

The configuration presented here is necessary and urgent, so that resources can be provided for delivery of services to our people. Incidentally, this Budget, and I would like to stress this, is non-partisan. It should unite the Government and Opposition sides because we are here, as hon. Members, to deliver services to our people. We should put politics aside because, first and foremost,

the people who got us all here want medicine, water, education and good roads and there is no better way of doing so than passing this Motion.

I also want to say that we should not [overburden the Minister for Finance for the time being with additional requests. The Minister told us on the Budget day that there is a substantial deficit in the Budget. He needs to cover that deficit. It will be bad if he were to cover the deficit from domestic resources. If that were to happen, it would crowd out the private sector. This will then go against the whole effort aimed at economy revitalisation.

Mr. Deputy Speaker, Sir, so what the Minister is trying to do, as he told us, is mobilize resources from external sources. Already, as we know, the Minister has been able to reach an agreement with a number of development partners. Resources have come; education has already attracted a grant of US\$35 million for the ASAL areas and more resources are coming. Today, the Swedish Government promised a grant of Kshs400 million for education. More resources are going to come as the Minister will be able to reach an agreement with the IMF. Substantial resources will come from the World Bank and other development partners, and he will be able to finance his deficit from external resources and thereby boost the economy.

If we try to distort this Budget and create a major deficit, which cannot be sustained, then we will not achieve our goals and Kenyans will be the losers. I, therefore, want to urge the hon. Members to support this Motion because it is important that resources are released and services delivered to our people.

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

(Question proposed)

Mr. Deputy Speaker: Yes, Mr. Obwocha!

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

Mr. Deputy Speaker: I would have allowed you to speak but you should have stood up earlier. I had already allowed Mr. Obwocha to speak. You will be next.

Mr. Obwocha: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to say a few words on this Motion on Vote on Account. While we know that the tabling of this Motion here is constitutional, I am very disappointed. The NARC Government came to power and the President himself told us that we were going to tackle corruption, but the Minister for Finance is taking us back to corruption by not providing the money for the Constituency Development Fund, which was going to remove.

(Applause)

Mr. Deputy Speaker, Sir, let me remind him a few things. He is an old hon. Member and knows why that Fund was proposed by the Cockar Tribunal. Every Thursday, instead of being in this House, hon. Members are in Government offices looking for money for Harambee. The Tribunal thought it wise to provide for a fund to enable hon. Members to address the development issues in their constituencies. This would allow us to deal with our legislative agenda rather than moving around looking for money for Harambee.

(Applause)

Mr. Deputy Speaker, Sir, I am one of the unfortunate hon. Members. In my first term, the then President came to my constituency and said that I would be shouting in Parliament but there would be no money that would come to my constituency. He said I would always be told: "There are no funds available", or "When funds are available we will deal with projects in your constituency". For two

terms now, I have been using my little salary to develop the constituency. When I thought that time had come for the NARC Government to address this important issue, the Minister for Finance is taking us back.

Let me also remind him that the money Telkom Kenya has been charging customers as VAT, which it has not remitted, is more than Kshs5 billion. This amount is enough for the Constituency Development Fund.

(Applause)

We hon. Members, and I believe we will resolve this issue, think the Minister for Finance should go back and decide what he is going to do in so far as the Constituency Development Fund is concerned.

In any case, the difference between these two, if you look at the Budget; Kshs218 billion, and the concurrent expenditure, where he has provided over Kshs20 billion, in fact, is Kshs59 billion. Where is this Kshs59 billion going to, if it is not going to the constituencies? It is my proposal that the Minister for Finance goes back and prepares Supplementary Estimates to include the constituencies. We want to remind him that this money was not going to Members of Parliament. He should have provided a mechanism to get this money to the constituencies. Let me not belabour this point. I hope other Members of Parliament will contribute.

Mr. Deputy Speaker, Sir, I also want to say that some of the schools have not received the money that was allocated to the Ministry of Education, Science and Technology for the free and compulsory primary education. They expect their share to go to the ground. In any case, when you look at the education budget of Kshs80 billion, what do you get there? Kshs64 billion goes to pay for wages and salaries of teachers. What is left for equipment and other facilities? Only Kshs16 billion is left. I hope the Minister for Finance will address this issue. The other problem, Mr. Deputy Speaker, Sir, the other problem is in the Ministry of Energy. All the time we have been here, the allocation to the Rural Electrification Programme has been misused. Now, I do not know whether the Minister for Energy is here; it is unlikely. But I want to tell him that unless he addresses the issue of the Kshs500 million they have budgeted for the Rural Electrification Programme, if this money is not distributed equitably in the country, then I think we should scrap this item, so that we can go back to what we are asking for; the Constituency Development Fund. This is because that fund was going to address even the issue of rural electrification. So, I hope that the Minister for Energy will address this issue.

Mr. Deputy Speaker, Sir, I also want to remind the Minister for Finance about the issue of taxation. The issue of the net on the tax has not been addressed. Currently, there are very few Kenyans paying tax. The Minister needs to widen the net. You do not concentrate on the same people who have been taxed from 1963, because your officers are not looking for new ways of collecting new taxes. So, I am proposing to the Minister for Finance to get the Kenya Revenue Authority (KRA) down. In any case, the KRA now has a very competent Commissioner-General, who can address this issue of tax collection. In so doing, I hope the outstanding issue, about the refunds, can be addressed. The issue of refunds on Value Added Tax (VAT) and Income Tax has been on for very many years. This is because once you pay money to the Government, and they tell you that there is a refund, you never get it. So, the new Commissioner-General should also address this issue, and I do not think that it is a lot of money.

Finally, Mr. Deputy Speaker, Sir, on the issue of pending bills, we do not want a repeat of the issue of pending bills, we now understand that some of the people who were paid this money at the close of the 8th Parliament are wining and dining with some of the Ministers of the NARC Government.

(Applause)

It is a shame if that is happening!

The Assistant Minister for Finance (Mr. Katuku): On a point of order, Mr. Deputy Speaker, Sir. Hon. Obwocha has mentioned that some of the Ministers are wining and dining with some of these fellows who have corrupted this country. Could he name them so that we know their identities? This is because I am not one of them!

(Applause)

Mr. Deputy Speaker: Order! Hon. Obwocha, you have made a very serious allegation. Are you able to substantiate or you want to withdraw it?

An hon. Member: How many are wining and how many are dining?

Mr. Obwocha: Mr. Deputy Speaker, Sir, you are a master of the Standing Orders. If I name them, it would be out of order to do so and I know it.

(Applause)

Mr. Sungu: On a point of order, Mr. Deputy Speaker, Sir. I think it is not correct to make a sweeping statement accusing the entire Front Bench of the Government that they are corrupt. That is a very serious allegation. If he is not able to name them, he should withdraw the remark and apologise accordingly!

Mr. Deputy Speaker: Order! Order! I do agree. Mr. Obwocha, you have been challenged.

Mr. Obwocha: Mr. Deputy Speaker, Sir, to save some of the "very clean" Ministers who are here, I actually said "some of them". It is known and it is a fact that a few of them are not clean. But to be able to get them, clean them and tell them they are good--- I will name some of them later. However, I wish to withdraw.

(Applause)

Mr. Deputy Speaker: All right, it is withdrawn. Proceed, Mr. Obwocha!

Mr. Obwocha: Finally, Mr. Deputy Speaker, Sir, I want to tell the Minister for Finance that we expect better performance from him because he is a knowledgeable person who has been in Government before, he knows what we want and he knows this Constituency Fund. I do not want to repeat it again. Please, bring Supplementary Estimates to make sure that you address this issue.

With these few remarks, I beg to support.

The Minister for Water Resources Management and Development (Ms. Karua): Thank you, Mr. Deputy Speaker, Sir. I rise to support the Motion before the House. We need the money to give service to the people of Kenya.

I note with appreciation that the Vote of my Ministry has gone up. We would even want it to be more than it is, but we want to appreciate that we have a deficit, and that there are proposals to keep on increasing the amounts that will enable us to give service, depending on the amount of taxes collected. It is in this respect, that I am appealing to my colleagues to bear with the Minister for Finance, when he says that it is not possible to do all the things that we want him to do and that we should be satisfied with the commitment that these things are going to be accommodated as we continue to collect taxes.

Mr. Deputy Speaker, Sir, it is regrettable that in contributing to this Motion, a Member of this House would stand and make sweeping allegations against the Front Bench. It may amount to an act

of corruption to engage in group defamation, when one has an opportunity to substantiate with facts and name names. Let us treat each other with decorum and respect, and let those who have information about misdeeds table them before this House so that Kenyans can have concrete evidence of anybody who is behaving contrary to the set rules and anybody engaging in corruption. Let it be known that allegations that are unfounded may, in themselves, amount to an act of corruption, in that, one is abusing his privilege by maligning others.

Mr. Deputy Speaker, Sir, I want to appreciate the fact that these Votes make special provisions for education, health, agriculture and all the service-based Ministries and this is what Kenyans want to hear. I want to say that we are all trying to change from the manner in which services have been delivered in the past where monies voted in this House were not used for the intended purposes. I am inviting the Members of this House and their constituents to follow up how monies voted in this House are going to be spent in order to ensure that they are used for the intended purposes. We shall not be able to police each and every station, but with feedbacks from the Members and their constituents, we shall be able to check and ensure that Kenyans get a shilling worth of services for every shilling voted, and not 50 cents or 25 cents, so that our small Budget can go a long way in serving the needs of Kenyans.

With those few remarks, I beg to support.

Mr. Billow: Mr. Deputy Speaker, Sir, the Government has developed the Economic Recovery Strategy Paper which focuses on poverty reduction through creation of jobs and economic growth. I want to urge this Government to stay focused on the objectives of that strategy. They have to stay focused through a process of ensuring that all the results of this strategy are monitored routinely. We want to see a difference. We want to see this Government submit reports showing progress towards their targets in regard to poverty reduction, employment creation and economic growth. This will be necessary so that we can see, at the end of the day, whether this strategy that has been developed is, in fact, achievable.

On the public expenditure controls, we have noted in the last six months that this Government has continued to spend and, in fact, overspent over the budgeted expenditure by---

In January, the Budget deficit was only Kshs20 billion, but by the end of June the Budget deficit had gone to over Kshs68 billion. It is, therefore, necessary that this Government ensures that it remains within the Budget limits. Expenditures should be controlled and Ministers should not have the right or leeway to incur expenditure through roadside declarations as they have done before.

Mr. Deputy Speaker, Sir, I think it is also important to mention at this stage that in the past we have noticed delays by the Treasury in releasing funds for development activities. We want to see that all funds for development activities, particularly for roads and other infrastructural facilities are, in fact, released as early as possible from the provisions that will be approved in this Budget.

Mr. Deputy Speaker, Sir, another very important aspect of expenditure control is the office of the Controller and Auditor-General. This Controller and Auditor-General's office has been emasculated by lack of staff and we have not seen any provisions in this Budget for adequate funding to enable the Controller and Auditor-General to employ more people so that he can bring his audit up to date. The latest accounts that have been prepared for the Government are for 1999/2000. It is a shame, that in a country with over 20,000 accountants looking for jobs, to note that this Government has not been able to make a provision in the Budget for employment of additional members of staff for the Controller and Auditor-General's office so that we can enhance accountability. It is part of the economic recovery strategy that the rule of law and good governance are enhanced and this can only be done if that office of the Controller and Auditor-General is enhanced. In fact, I urge this Government to ensure that there is enough funding for that department so that they can carry out their audits in good time.

Mr. Deputy Speaker, Sir, on the issue of security, the security of this nation is, first and foremost, important for the citizens of this country. In addition, it is very significant that we show the

rest of the world that this country is safe for everyone, including the tourists, to come and live here. We have noticed that in the last few months this Government has lost focus and has literally abdicated its responsibility as regards security in this country. We have seen a situation where the Western countries, the United States of America (USA) and the United Kingdom (UK) in particular, are now forcing this country to go on its knees particularly with regard to the tourism industry. The tourism industry has literally collapsed. Today, the bed occupancy levels in most tourist hotels is less than 30 per cent and with that kind of adverse publicity, we can only imagine what will happen by the end of this year. Our economy will not only fail to grow but, in fact, it might grow much lower than what was budgeted for or even lower than what it was last year.

I urge the Government to come out clearly on the issue of security and tell Kenyans what exactly is the problem regarding security for those nations that have insisted that they must impose travel advisories because of problems. That information is not available to us. We are not being told what exactly is the problem and why these travel advisories have been put in place, but they are certainly affecting our economy and they will certainly affect the performance of this economy.

I also wish to appeal in that regard to those governments, that it is the responsibility of those who think security must be enhanced to also support this Government in doing that. In this regard we must urge those countries particularly the US and UK to assist in funding for improved security in this country and I support those who have said so.

Mr. Deputy Speaker, Sir, in this regard, I also want to mention the risk of hastening in order to come up with a Bill on anti-terrorism in this country. We have seen in the past a situation where the donors have enforced or imposed a Bill on this House and we ended up having a Bill that was---

Mr. Deputy Speaker: Order, hon. Billow! You are referring to a Bill that has been published and that amounts to anticipating debate. Confine yourself to what we are discussing!

Mr. Billow: Okay, Mr. Deputy Speaker, Sir. I will do that. We should be careful with any legislation that we make or anything that we do. It must not be donor-driven lest we lead ourselves into more trouble.

Mr. Deputy Speaker, Sir, on the subject of education, I fully support the Government's measures to enhance education. The increased budget from Kshs56 billion to Kshs71 billion for the Ministry of Education, Science and Technology is a welcome gesture. However, I wish to point out that the issue of transparency and accounting for the funds that are given to schools is a very important one. We have been told that this money that has been voted for schools will be given to school management committees in order to monitor it. The money will be banked in the school's account, but the school management committee is responsible for it. However, what we have seen is that the majority of members of the school management committees are not literate and are always at the mercy of the school headmasters and, therefore, there is need to ensure that this money, in fact, gets to those who need it most. There are those pupils who require the books, pencils and other facilities and the improvement of the physical facilities of the schools.

So, I urge that there is a risk that these funds may not be utilised and, therefore, the Ministry of Education, Science and Technology should make it absolutely necessary for those in the Audit Department of the Ministry to make sure that the funds have been spent as budgeted for.

Mr. Deputy Speaker Sir, as far as the ASAL areas are concerned, I think those who live in these areas have been given a raw deal. A sum of Kshs355 million has been budgeted for this area. In fact, the World Bank continues to support the Arid and Semi-Arid Lands Programme, which, as we all know, has been in existence over the years. ASAL areas take care of over 25 per cent of the population of this country.

Mr. Deputy Speaker, Sir, I need not emphasise that 90 per cent of the people in these areas, depend entirely on livestock for their livelihood. The ASAL areas lack infrastructure, hence no investments. There are no communication facilities, roads, water supplies and other essential facilities. We have noted with regret that the Minister for Finance did not allocate enough funds for the

development of the ASAL areas in the country and yet they cover 70 per cent of the land mass of Kenya. We urge the Government to do all it can to raise the funding for the ASAL areas because they have been neglected. It appears, at every opportunity, the Government likes to mention the ASAL areas, but when the Budget was read, there was absolutely nothing new that was provided for, except an additional amount of money for water supply.

Mr. Deputy Speaker, Sir, concerning expenditure control, there is a requirement that the Minister for Finance submits quarterly expenditure reports to the House so that we can monitor and evaluate the performance of Government expenditure. We have noticed that, for the last six months, the Minister has, in fact, not submitted any reports to show the quarterly expenditure of the Government. It is an important accounting procedure and an internal control measure to ensure that this House monitors the performance of the Government. We would want to see the difference this Government makes by submitting their accounts, quarterly as required, so that we can assess if, indeed, they are sticking to the expenditure budgets that they have been allocated.

In that regard, I would like to appeal to the Government to ensure that the quarterly reports are submitted to this House to enable hon. Members ascertain that the funds have been spent as required.

Mr. Deputy Speaker, Sir, I would now look at the Budget deficit. The Budget has a deficit of Kshs117 billion. Out of it, only Kshs62 billion has been given emphasis in the Minister's Speech. The remaining Kshs55 billion, which is a debt roll-over, is also a deficit. That means, it will be financed through a debt roll-over, when, in fact, it is part of the Kshs117 billion deficit. This is a massive amount of money and, if truly, the Minister, as suggested by the Seconder of the Motion, can source external funding to close the gap that would, in fact, free the resources that are available in the financial sector for the private sector and other business enterprises in this country. What we do not want to see is a situation where the Government ends up taking the Kshs117 billion, or more, from the local financial sector and thereby removing the private sector from the funding cycle.

Mr. Deputy Speaker, Sir, it is important to ensure that the other monetary policies that the Minister mentioned in his Speech could, in fact, be achieved. It is not possible for us to get a lower interest rate if the Government is to borrow Kshs117 billion from the local market. So, the challenge for the Government is to ensure that this debt is externalised and that it lives within its means by not spending more than the amount that has been budgetted.

On the issue of Constituency Development Fund, hon. Members have mentioned the need to empower the hon. Members so that they can have resources which they spend in their own constituencies. Notable is the disparity in development in this country. This has affected most of the hon. Members. You will realise that some constituencies are funded while others are not. Actually, there are some constituencies with no investment by the Government in a whole year. Therefore, it is imperative that each constituency gets a development fund that will allow the hon. Members to provide some basic needs in their constituencies. I would like to propose the following amendment to the Motion before the House.

THAT, the Vote on Account, which is before the House and is proposing a grant of Kshs109,260,517,915 out of the Consolidated Fund be approved, subject to the transfer of the sum of Kshs1.9 billion out of the Development Vote of Vote D07, Ministry of Finance, to Vote D09 Head 240, Item 501, Constituency Development Fund, under the Office of the Vice-President and Ministry of National Reconstruction.

Mr. Deputy Speaker, Sir, I support the Motion subject to this Amendment.

(Applause)

Mr. Deputy Speaker: Order, hon. Members! I can confirm that I have just seen a copy of the proposed amendment by hon. Billow and I have considered this: Firstly, it deals with the transfer of

funds from one Vote to another. If hon. Members will care to have a look at Standing Order No. D132, in my view, this proposed amendment is in contravention of the same Standing Order. Secondly, a proposed amendment has just been handed over to me now; to the Chair. The House will agree with me that matters of such import should be presented to the Speaker early enough for adequate consultation. Accordingly, I, therefore, decline to agree to this proposal.

(Applause)

Mr. Sungu, do you want to contribute? **Mr. Sungu:** Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Go ahead!

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: I will hear you later; after him!

Mr. Sungu: Mr. Deputy Speaker, Sir, I cannot help but agree with your ruling on the matter. This is because matters of appropriation are very important because they are put under the control of this House by the people of this country. By electing us to be Members of Parliament, they mandated us to give the Government authority to use funds belonging to *wananchi*. As much as we are entitled to talk about it, we also have to look at the rules that govern this issue.

In as much as I support this Motion, there are some issues that have come to the fore in this country---

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

Mr. Deputy Speaker: What is it?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I thought you had made a ruling on this matter. Why is the hon. Member discussing it?

Mr. Deputy Speaker: Yes, I did. I asked you, Mr. Sungu, if you were contributing to the Motion because there is no amendment before the House.

Mr. Sungu: Mr. Deputy Speaker, Sir, I am contributing to the Motion. I support your ruling.

(Laughter)

Mr. Deputy Speaker: Mr. Sungu, could you confine yourself to the substance of the Motion?

Mr. Sungu: Mr. Deputy Speaker, Sir, the issue of security is fresh in our minds at this time; particularly the issue of terrorism. I was at the American Embassy approximately 30 minutes after the bomb blast in 1998 when over 250 Kenyans died and over 5,000 others injured or maimed. This is a very serious issue. Terrorism is like mass murder and it is important that as a Parliament--

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

Mr. Deputy Speaker: What is it Mr. Shitanda?

Mr. Shitanda: Mr. Deputy Speaker, Sir, is the hon. Member in order to mislead this House that he was at the American Embassy when the blast occurred, when we know for sure that--

(Laughter)

Mr. Sungu: Mr. Deputy Speaker, Sir, I said that I went there exactly 30 minutes after the blast and what I saw---

(Loud consultations)

Mr. Deputy Speaker: Proceed, Mr. Sungu!

Mr. Sungu: Mr. Deputy Speaker, Sir, terrorism is a very serious issue and we should look at it very, very carefully. We, as Members of Parliament, owe a responsibility to Kenyans as elected Members. Even in this House, I have seen Members supporting demonstrations against incidents outside this country, but when it comes to incidents in this country, that touch on the lives of Kenyans, they never talk about it! It is a shame being elected leaders of Parliament to fail to condemn incidents that injure and endanger the lives of Kenyans. I said that these things should be put in their proper perspective. I appeal to this Government to take this matter seriously. The Minister for Finance must allocate enough resources, first of all, for the training and equipping of the new Police Anti-terrorism Unit so that Kenyans can feel safer.

Mr. Deputy Speaker, Sir, corruption has become endemic. As hon. Members debate this Motion, I would also like to appeal to the Minister for Finance to take this matter seriously. As we talk today, there is a pending statement by one of the Ministers of Government, that the Government will, in fact, ensure that all money taken outside this country will be returned. Up to now, I have not heard a simple statement indicating how the Government intends to have the money returned to the country, when and how it will do that, and how much money is involved.

Mr. Deputy Speaker, Sir, we are debating the appropriation of money to the public. We do not just have enough money and we know that there is money belonging to Kenyans which has been banked out of the country. On that same issue, we must also make sure that those who are responsible for corrupt deals in this country are held responsible and accountable for their actions. Nobody in this country should be seen as being above the law, because their actions have affected this country so negatively and have resulted in the impoverishment of Kenyans. Those people have literally stolen from sick people in hospitals; who cannot get medicines. They have stolen from poor workers who have contributed money towards the National Hospital Insurance Fund (NHIF). That is a shame to this country. It is a shame that hon. Members of this country can stand up and defend somebody who should rightly answer to the relevant authorities.

Mr. Deputy Speaker, Sir, I want to appeal to the Minister to take the issue of the Constituency Development Fund seriously. It is affecting each and everyone of us. We, in our constituencies, are under pressure to deliver the promises that the NARC Government made. Hon. Members promised the electorate do certain things and we need that money now and not tomorrow. We need the money as soon as possible so that we can better manage our situation.

But having said that, I want to congratulate the Government for providing funds for the free and compulsory primary education programme. I would like to appeal to the Minister to consider the idea of extending the programme to cover secondary education, particularly for children from poor families and the HIV/AIDS scourge orphans.

As we speak now, primary education is simply not enough to take anybody anywhere in this country. If you reach Standard VIII level of education, you can never be able to get a job in this country. One needs to go beyond that and children from poor families must be considered.

We know that infrastructure in this country has been damaged, particularly during the last heavy rains. It is right and proper that we should give the Ministry of Roads, Public Works and Housing enough money to carry out urgent repairs of roads. On that score, I would also like to appeal to the Minister to ensure that the money allocated to the District Roads Committees (DRCs) is released immediately, so that, it can help in repairing roads in the districts.

As far as the Department of Defence is concerned, I think it is time that members of our armed forces were properly equipped to carry out their duties. I hear there is a ban on flights to Somalia for various reasons, which I do not want to go into now. How will the Government enforce that ban if we do not have the equipment like jet fighters for the same? The Minister should consider the situation of this country's defence. Security encompasses everything. It will affect every sector including tourism, agriculture and other sectors. On that issue, I would like to say that security equipment should not be misused. As we speak now, I understand that the Kenya Wildlife Service (KWS) has sent a helicopter

to hunt down poor Masaai morans who are only protecting their livelihood. I do not think, at any one time, there is any wildlife which is more important than a human being, particularly when it comes to affect what he eats, that will make him live as a human being.

In my constituency, there is a rogue hippopotamus which is travelling up and down River Undi, eating crops and trampling on everybody's property and endangering the lives of the people. I want to appeal to the KWS that, if it wants to protect wildlife, it must ensure that it compensates the people concerned. Animals can never be more important than human beings. Our Minister should also stop being high-handed by issuing orders regarding the livelihood of people, without visiting or talking to them, because they are the same people who voted for us.

Mr. Deputy Speaker, Sir, having said that, I support the Motion.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, while I support the Motion before us, I would like to make the following points. This House is a rubber-stamping House on matters of finance. This House has enacted rules and laws that bar us from having any influence on the Budget of this country. Mr. Billow has tried to propose an amendment to the Motion at hand but he could not do it because the Standing Orders, which have been made by this House, prohibit him from doing so.

Mr. Deputy Speaker, Sir, this House cannot even remove an amount from one allocation to another. For example, if you look at this Vote on Account, you will find that Kshs7 billion has been voted to the Ministry of Finance. A bulk of that money, in fact, Kshs4.5 billion, will be used to revive the National Bank of Kenya. If this House had the power, it would have taken that money from that Item and given it to the North Eastern Province to develop livestock. But this House has thought it fit to deprive itself of the authority to apply resources to our people the way we see it fit. I hope Mr. Oloo-Aringo is around, so that he could draft a Bill to give this House the power to influence the decision-making process in the Ministry of Finance.

Mr. Deputy Speaker, Sir, I support the Minister for showing some commitment; that the Government would like us to have the Constituency Development Fund. When the current Government took over the Treasury, it vindicated a statement made by Mr. Nyachae five years ago, that the coffers of the State were empty. The Government discovered that the coffers of the State were empty and, therefore, it may not come up with adequate resources to provide for the Fund. But if the Government really wanted to look for resources, it would have allocated Kshs2 billion to the National Bank of Kenya and Kshs2 billion to the Constituency Development Fund. That would have made some sense.

Mr. Deputy Speaker, Sir, there is an amount of money which has been voted to prepare the Kenya Re-Insurance Corporation for privatisation. An amount of Kshs120 million has been voted for that purpose. Why should we spend money to privatise? The Kenya Re-Insurance Corporation made profits and, therefore, will sell very well without being prepared for sale. In any case, this House has not approved the privatisation of the Kenya Re-Insurance Corporation. Therefore, we should not vote money for that purpose. Like I said earlier, this House is a toothless bulldog. We cannot revert any money from a certain item to another.

Mr. Deputy Speaker: Order! But, Mr. Angwenyi, would you refer to your House as a toothless bulldog?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I know this House has no teeth. Otherwise, it would have moved the Kshs120 million from the Kenya Re-Insurance Corporation to, maybe, farming. For example, we would have allocated the money to the Kenya Meat Commission (KMC) or the Agricultural Finance Corporation (AFC), which have been allocated only Kshs260 million and Kshs200 million respectively.

I commend the Government for having introduced free education. I would like to urge the Government to further introduce free healthcare in the country, or healthcare at affordable rates. As you are aware, 56 per cent of Kenyans live below the poverty line. This means that they cannot fend for themselves and are, therefore, not able to take care of their health needs. I would, therefore, urge

the Government to seek resources to make our healthcare affordable. This Government, I understand, is committed to revamping the economy of this country. We know that our tourism industry is going under and there is no special provision which has been made in this Budget to support our tourism industry and the people who are maintaining tourism in this country. There is no specific amount which has been allocated to beef up security for tourists in this country. Tourism contributes 22 percent of our Gross Domestic Product (GDP). I would have thought that the Ministry of Finance would allocate specific funds to support this dying industry, while we are negotiating with our bosses in America and the United Kingdom (UK), to reverse their negative advisories, so that, we can revive that industry.

Mr. Deputy Speaker, Sir, this country needs more investments in areas such as water. I would have liked to see the Ministry of Water Resources Management and Development allocated more funds than the Ministry of Finance, so that, we can get water to our old ladies who walk miles to fetch water, especially in Mwingi.

I can see that in the Budget, there is an amount allocated to secondary school bursaries. The amount being voted for that purpose is very low, since 56 per cent of Kenyans do not have funds to educate their children.

I am astounded by an element of Kshs500 million in the Budget, which will be realized by the sale of electricity from Turkwell. I do not know who this electricity will be sold to, especially when we have got a shortfall of electrical energy in this country. I understand that, may be, that electricity will be sold to Sudan. Sudan has got more energy power than we have in this country. I would, therefore, urge the Government that, if it sells electricity to Sudan or whoever it will sell to, the amount realised must be shared equally to every consumer in this country, for the development of rural electrification.

Mr. Deputy Speaker, Sir, as I wind up by contribution, I can see that there is a salary adjustment of Kshs5 billion for civil servants. This is a very positive move because our civil servants have not had their salaries adjusted for years. Therefore, if we adjust their salaries and mobilise even more resources to make them even better, this Government will be serving the interests of Kenyans.

I would like to propose that, if the Government gives the National Bank of Kenya (NBK) Kshs4.5 million to revive it, then what will be recovered from the non-performing-loans should be channelled to the Office of the Vice-President and Ministry of National Reconstruction to be given to the constituencies as development funds.

With those few remarks, I beg to support.

Mr. ole Ntimama: Thank you, Mr. Deputy Speaker, Sir. I am going to be very brief, indeed. I would like to say right from the outset that I support this Motion. It is very important to realize that the Budget was a Budget for recovery. It was one for pulling this country out of the economic wilderness that it has been in for a quarter of a century, and probably beyond. Therefore, we should give credit where it is due. The Minister for Finance put up a very excellent Budget, balancing everything and really showing that the NARC Government, in this financial statement, is determined to try and move out of the economic doldrums that we have been in for years. I would like to say that we must be very careful. We should not just oppose everything for the sake of opposition. The Minister has just said that he has tried his best considering the kind of situation we have been in, to balance his Budget and put money where it was actually needed in a big way, like education and roads.

I strongly support the Constituency Development Fund. The Minister has put in a token figure of KShs2 million to start with, for every constituency, until things and conditions of this Budget have improved and our financial condition is good enough. To break it all up or just to oppose this Motion for the sake of opposing, is probably not fair. We must be absolutely reasonable in some of these things. I am sure the Minister will probably look into the Constituency Fund as we go on, probably in the next Budget, because it is a very important fund. However, it should not break the whole system of this Budget. It should also not make other people pull out and vote against the Vote on Account just because of this one single item that can be put right in the next Budget. There is already a sweeping

statement that everybody on the Front Bench is corrupt. That is not right. I am sure that Mr. Mwiraria is one of the people we can say is reasonably clean and honest for what he says.

(Applause)

Mr. Deputy Speaker, Sir, I know that we are not out of the woods as far as corruption is concerned. We are still far in there. I agree entirely that occasionally, in support of what Ms. Karua said, we should raise such things in this House individually, and point out those who are actually corrupt.

Mr. Deputy Speaker, Sir, talking of roads, I would like to say that, I have been looking at the HANSARD, and for the many years that I have been in this House, I have spoken about 17 times about the Mau-Narok-Nakuru Road, which has been on the drawing board for the last 40 years. Nothing has been done on that road. It is a lifeline for Narok people. The wheat, barley, vegetables amongst other produce pass through that road to the market in Nakuru, as well as connecting us with our Provincial Headquarters. I would like to emphasise that, that road should become a priority. I hear that the Mai-Mahiu-Narok road is going to be repaired. That is fairly good, but the Mau-Narok-Nakuru Road, to me, is much more important.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, allow me to talk about the issue of job creation. The other day, I talked about half a million jobs and, particularly, zoomed in on the tourist sector, because it is a very important sector. However, we have neglected it because we have allowed *Kaburus*, *Punjees* and everybody else to come and work here, even to do cooking. I can tell you that in places like the Mara, all sorts of people are working there - *Wahindis*, *Kaburus* and others. I think that it is time the Ministry of Home Affairs stopped and withdrew those work permits and let our people get the jobs. I am sure we are going back there again in a very short time, so that, Kenyans get those jobs. There are even some lodges that do not even have African managers because of racism and colour prejudice.

Mr. Temporary Deputy Speaker, Sir, I am a Member of the Public Accounts Committee. I was looking at the records just the other day. I found out that during the last 40 years, everything has been laid down as to who stole what and who took what. Although all the fraud perpetrators by the Government was very clearly shown, not one person has been prosecuted. Not even one person has been told to refund some of the money. It is important, as an hon. Member said here, that we must strengthen the Office of the Controller Auditor General. We must go out, get those people who defrauded the Government, and take them to court. I think the Attorney General must do something about this in collaboration with the judiciary, so that we can get things done. There is no use in putting up big reports when nothing is done. It is important that something is done about the fraud. I hope the office of the Attorney General, in collaboration with the Judiciary, will bring up this issue so that Kenyans can see we are doing something about it. We should not come back to our Committee, pile up reports which the Controller and Auditor General submits, but nothing happens.

Mr. Temporary Deputy Speaker, Sir, quick action should also be taken on all prosecution cases, so that all criminals can be prosecuted in good time. I know cases of people who have come to this country illegally by manipulating the immigration system. I think the Attorney-General must do something about prosecuting such cases, instead of leaving it just like that. This will enable our

people to start getting jobs.

I am also very concerned about education in the marginalised areas of this country. I keep saying, and I have said it in this House many times, that we must have economic equity. If we do not have economic equity, then what are we doing? That is why I have supported the Budget to be scrutinised by Parliament. We have a Committee of Parliament scrutinising the Budget to see whether money is being distributed fairly to all parts of the country. I would like to advise the Minister for Finance, that we should accept only good investors who will come here, do good business and pay taxes so that the economy of this country improves. Some crooks pretend to be investors, come to this country to loot our resources without paying taxes at all and they call themselves investors. How can you become an investor when you come to this country and you do not pay anything to the people?

With those few words, I wish to support.

Mr. Abdiraham: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this chance to support this Motion. I would like to make the following comments. I would like to support other Members who have raised their concern over the lack of funding for the Constituencies Development Fund. What we have heard from the Minister for Finance was only Kshs2 Million. There is no doubt that not all the constituencies will benefit from whatever has been planned for development programmes during this financial year. The importance of this funding cannot be over emphasised. I am urging the Minister for Finance to reconsider his decision, so that we can have equitable distribution of resources across this country. On the general Budget, I would like to comment on a number of other areas. One is education. Unfortunately, a number of policy makers and planners in our country are so much obsessed with population. This was clearly demonstrated on the issue of representation while we were at the Bomas of Kenya. I just want to quote an example of what happens when it comes to allocation of bursaries from the Ministry of Education, Science and Technology to the Arid and Semi-Arid Lands (ASAL) as an example. In some schools, we have over 300 students or sometimes close to 500 and they get an allocation of about Kshs300,000 where 80 per cent of those students may not be able to raise the fees. It happens that many students have outstanding fees balance to the tune of about Kshs25,000 to Kshs40,000. When that money is shared between them, every student gets about Kshs1,000. It is not helping much. I would like the funds allocation criteria to be moved from population to poverty level. When we talk about 56 per cent of Kenya facing poverty, where is that? Is it everywhere in this country? This is something which I am asking the Minister for Education, Science and Technology to reconsider during the bursary allocations this time. On the arid lands programmes, as per the Budget, we have about Kshs775,000,000 and it is a move that is welcome. We know it is the Phase II of the Arid Lands Project. But where are these arid districts? We always have a problem when we combine Arid and Semi-Arid Lands. We ask the Office of the President to reconsider which districts are more prone to drought, and which ones should be considered as arid when it comes to the sharing of these resources.

Mr. Temporary Deputy Speaker, Sir, on security, I think we are overplaying this issue. It is true that there could be some issues related to terrorism but we do not want this country to be run by foreigners. There is a Government in place and it has all the state organs at its disposal. We would like to see it in action and not being run by foreigners

If things go on like this, we are worried that foreigners will be determining where we are going next.

Mr. Temporary Deputy Speaker, Sir, it is a concern that is creating a lot of uncertainty and we want that addressed. It can have long-term implications on our economic base. We are talking about looking for funding and covering up a deficit. We will not be able to handle this if we allow foreigners to handle us the way they want. It is true we want money, but they should not take us for granted.

On issue of monitoring Budgetary control, it is unfortunate that for a long time in this country,

money voted for various programmes is not given out fully. In terms of implementation, it is the AIE holders who are doing it. There is no room for participatory monitoring and Budget control. We would like the communities to be involved from the bottom. If money has been voted for water, the respective communities should know how much money has been voted, how it will be spent and how the evaluation will be done. We want budgetary monitoring to be done from the grassroots level, and not at the national level. Lastly, I welcome the creation of the Ministry of Livestock Development. It only happened after the Budget was presented to us. It should have been done much earlier. I felt the Budget fell short of covering certain aspects which were very important. One of them is pastoralism or farmers who keep livestock and face a lot of problems during drought. The Government should set aside some funds to cushion them from the effects of drought, in terms of drug subsidies, water provision and livestock office. That was not mentioned, as it was done in other sectors which the Budget covered.

Mr. Temporary Deputy Speaker, Sir, we would also like to see some improvement in livestock marketing. We would not wish to see a Ministry that is not able to deliver. We are happy as people from the arid areas that a Ministry has been created to look after our concerns. We want the Ministry to be able to facilitate all the needs of people from these arid areas so that our contribution to the local economy can be meaningful.

Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity. That is all I had to contribute. I support the Motion.

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, I stand to support the Motion.

This Motion is very good and I would say that an allocation of Kshs2 million towards the Constituency Development Fund is very little. It is important that the Minister considers raising the figure. We are not saying that he should increase the amount to Kshs20 million, but to any reasonable amount which will assist our constituencies. You can see that Harambees have been brought to a halt.

Mr. Sudi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member consider seeking some treatment before he talks because we cannot hear what he is saying?

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, I am well and I can speak, so the hon. Member should not be worried at all.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Kajembe, if you could get closer to the microphone, I think you will probably be heard more clearly.

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, as I said, the Minister for Finance should consider increasing the figure allocated to the Constituency Development Fund. He does not have to raise the amount to Kshs20 million, but a reasonable amount of money is required to assist in developing our constituencies.

Mr. Temporary Deputy Speaker, Sir, an amount of Kshs83 million has been allocated to the Ministry of Energy. This amount is very little especially when you take into consideration the extremities experienced by the Ministry of Energy. Institutions like the Kenya Pipeline Corporation, Kenya Power and Lighting Company (KPLC) and other multinational oil companies are much stronger than the Ministry. The Minister for Energy should come up with adequate programmes to ensure improvement of the energy sector. I think the amount of Kshs83 million which has been allocated to the Ministry of Energy will only cater for salaries. It appears that the Ministry has no programmes at all. In future, I would suggest that the Minister for Finance should liaise with the Minister for Energy to put up adequate programmes and also allocate sufficient funds to the Ministry of Energy.

Mr. Temporary Deputy Speaker, Sir, the tourism sector earns this country a lot of money and yet the Ministry of Tourism and Information has been allocated only Kshs900 million. This amount is not enough to run that Ministry. With that meagre amount of money being allocated to the Ministry of Tourism and Information, we cannot market our country abroad. Countries like Egypt and Zimbabwe

are competitors with Kenya in marketing tourism abroad and they are spending a lot of money to do that marketing. Today, it appears that the Ministry of Tourism and Information is not doing much to market the country. If we do not market our country, there is no way we can get tourists coming here.

Mr. Temporary Deputy Speaker, Sir, I would like to praise the Minister for Finance for waiving duty on landing charges for chartered aircrafts coming here with tourists. This means that the package for tourists will be cheaper compared to Egypt and Zimbabwe. The tourism sector is ailing, not because of the Likoni clashes or other clashes experienced in the country, but because the Ministry is doing very little to market tourism abroad. Everybody is saying that the tourism sector is dying because of terrorism. I want to say that terrorism--

Mr. Cheboi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member care to inform us more about this terrorism sector he is talking about?

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, I am talking of tourism and not--

The Temporary Deputy Speaker (Mr. Poghisio): Order! Are you all right?

Mr. Kajembe: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): It looks like the hon. Member is having a sore throat. You should inform us whether you can continue.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Hon. Members, do not interrupt the hon. Member if you do not have a point of order.

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, I am sorry because I can see there is something wrong with my throat. I would like to say that we need to increase the allocation of funds to the tourism sector to make it grow strong. Most of the people who have been recently arrested on allegations of involvement in terrorism appear to come from the Muslim community. Muslims feel that they are being targeted in the arrest of suspected terrorists. I would like to suggest that the NARC Government convenes meetings with Muslim leaders, that is, the Council of Imams and the Supreme Council of Kenya Muslims (SUPKEM). It should even convene *baraza's* with Muslims to give them confidence and show them that the Government is not targeting them, but that it is targeting all criminals, no matter what religion they subscribe to or what tribe they belong to. I think it is important that the NARC Government gives Muslims that confidence.

On employment, during election campaigns we promised Kenyans that we would create 500,000 jobs. I want to praise the Minister for Finance because during the governance of the last regime, I never saw a Minister for Finance giving incentive to farmers. In his Budget, Mr. Mwiraria has given incentives to farmers this time.

Hon. Members: Which ones?

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, the incentive I am talking about is the waiver of duty on agricultural equipment. That is an incentive. So, if somebody is asking which incentives I am talking about, I think they have now heard.

Mr. Temporary Deputy Speaker, Sir, today, for example, the coffee farmers will be able to do farming with the incentives brought forward by the Minister of Finance. Again, I am asking the Minister to consider revitalising irrigation schemes which were run down by the former regime.

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

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, we have no problem with the Vote on Account for 2003/2004 fiscal year, because services must continue. However, we have to stick to what we say. I support His Excellency the President's call for a working nation and that, "he who does not work should not eat." Those who are Christians know that even St. Paul says, "they who do not

work should not eat."

Mr. Temporary Deputy Speaker, Sir, in support of His Excellency the President's national call for a working nation, we are yet to see whether this Budget is in line with that call, but I think it is not. Looking at the printed estimates, Kshs4.5 billion is being put into the National Bank of Kenya (NBK). We are taking the taxpayers' money; the "good money", and throwing it after "bad money."

(Applause)

When you vote here today, you should know that you are depositing Kshs4.5 billion into the NBK to go and sink. Already, the NBK has sunk with the National Social Security Fund (NSSF) money. I do not care what regime is responsible for this. People talk about regimes, but the majority of the hon. Members on the Government side, except Mr. Kajembe and a few others, were also in the former Government at the time.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order! What is it, Mr. Kajembe?

Mr. Kajembe: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Mr. Sambu in order to make reference to Mr. Kajembe, yet I was not a thief and he knows the thieves in the former regime?

The Temporary Deputy Speaker (Mr. Poghisio): Order, now! You are making matters worse by using unparliamentary language. Proceed, Mr. Sambu!

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, I withdraw the statement and apologise to Mr. Kajembe, if it irritates him. Why are we taking 4.5 billion which is "good money", when His Excellency says: "Nothing is for free", which in Kiswahili means "*hakuna vya bwerere*"; *bwerere ni vya bure*. We are not allowed to mix languages but I wanted to stress---

The Temporary Deputy Speaker (Mr. Poghisio): I just want you to use one language!

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, nothing is for free. So, why are we giving NBK Kshs4.5 billion of tax payers' money for nothing, and we are denying each of our constituencies Kshs20 million per year? I want to be on record that this Government is denying my constituency and other 209 constituencies, Kshs20 million per year. In five years, this adds up to Kshs100 million. There are some constituencies, including mine, which have never been allocated Kshs20 million in a financial year.

The Assistant Minister for Planning and National Development (Mr. Kombo): On a point of order, Mr. Temporary Deputy Speaker, Sir. If the hon. Member cares to check and does his arithmetic correctly, he will discover that he has already been given Kshs2 million. So, it cannot be Kshs20 million that he is missing.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, he is just wasting my time. It has not been given because the Vote has not been passed. You cannot give yourself in advance; Parliament gives.

The question of Kshs20 million for each constituency was not an idea of the Ministry of Home Affairs or this House; it was the idea of the Justice Cockar Tribunal. The Tribunal recommended that hon. Members should not be given all that money; instead we should take out overall from each Member other benefits and inject into each constituency Kshs20 million through the National Assembly. When we met as the Parliamentary Service Commission (PSC), and this is where we have to correct the situation; we did budget for Kshs20 million for each constituency under the Parliamentary Service Commission Act which is created by Section 45 (a) and (b) of the Constitution. It is exempt from the provisions of Section 48 of the Constitution which deal with the withdrawal of money from the Consolidated Fund.

I do not understand the hullabaloo about seeking authority from the Minister for Finance. Even those mileage claims which we have been making do not have to be exempted by the Ministry of

Finance unless we are openly flouting the Constitution of this nation. The PSC applies to the Front Bench. Today, they are in the Front Bench and tomorrow, they will not. It also applies to the Back-benchers on both the Opposition and the Government side. So, let us stick to the Constitution. The PSC is very clear on this. Unless we are saying we are not going to stick to the Constitution, then, let us deny each constituency its rightful share of Kshs20 million. The Kshs20 million can be used to put up five health centres. It can do ten dams. It will also do several secondary schools where there are no schools. I pity the areas like mine and others which have suffered. I pity them because they are going to vote, and I hope the newspapers will pick this, let it be on record that they are going to deny their constituents Kshs20 million for development in their constituencies.

This Budget and the Budget Speech did not consider the farming communities. We want to create 500,000 jobs. Where are they going to come from? We are an agricultural nation. There is nothing in the Budget Speech which was read here to support the farming communities. There are 29 districts which grow cotton. What are we doing about cotton? Nothing! We are going to vote for this Budget. We are going to vote for joblessness in our constituencies. If each of the 29 district does 10,000 acres of cotton, that will translate into 2.9 million acres of cotton. It will employ more than 100,000 people.

On the question of tea, if today I were to plant 10,000 acres of tea in Mosop, I will employ 100,000 people. The issue of job creation is not just an issue of the NARC Government, it is a Kenyan issue. So, let us be realistic and come up with a workable Budget. Let us not make a Budget which throws good money after bad money. We are going to give Kshs4.5 billion to the National Bank of Kenya whereas there are people who have refused to repay their loans.

Mr. Temporary Deputy Speaker, Sir, His Excellency the President declared on Madaraka Day that the Guaranteed Minimum Return (GMR) will be reintroduced. We say that this is a farmer friendly budget. Where is the GMR? We are going to write-off coffee loans. How many districts are going to benefit from those write-offs? I have already read something in the Budget. They do not want to improve cotton, tea and fish farming. They just want to assist coffee farmers. Are we a Kenyan Government or are we a regional government? We are going to say these things at the Bomas of Kenya because we are now seeing the direction. We are denying Mosop Constituency Kshs20 million and my people have never seen the Kshs20 million in the whole of their lives since Independence. I am a bitter man.

The GMR will guarantee the sugarcane farmer when his cane is not delivered. We are saying that an hon. Member went to Kisumu yesterday attacked the Indians, but he did not. We are importing sugar when Nzoia Sugar Company has a lot of sugar in its stores. They are going to vote for sugar to come and kill our own industries.

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

Mr. Sambu: With those few remarks, I beg to oppose.

The Assistant Minister for Planning and National Development (Mr. Kombo): Mr. Temporary Deputy Speaker, Sir, one of the most painful things---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. Kombo! Has he spoken twice?

Hon. Members: Yes!

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

Proceed, Mr. Kombo!

The Assistant Minister for Planning and National Development (Mr. Kombo): Mr. Temporary Deputy Speaker, Sir, I was going to say that one of the most painful things that the NARC Government has to go through is to try and clean up the mess that the KANU Government left us in.

That is the reason why---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Address the Chair.

The Assistant Minister for Planning and National Development (Mr. Kombo): That is

why in budgeting---

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

The Assistant Minister for Planning and National Development (Mr. Kombo): I am only looking at them, because I have to look at them in the eyes for them to realise that---

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to stand here and say that they are cleaning up the mess when they are paying debts, and yet we do not know why they should be paying them? Those are private debts; they are not KANU debts. There is no KANU loanee in the National Bank of Kenya.

Can the Assistant Minister explain how many people he is going to exempt by the Kshs4.5 billion?

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. Maore! It is becoming an argument. That is not a point of order.

The Assistant Minister for Planning and National Development (Mr. Kombo): Indeed, Mr. Temporary Deputy Speaker, Sir, that is absolutely an argument and not a point of order, whatsoever.

Mr. Temporary Deputy Speaker, Sir, in budgeting, as we move forward to try and heal the economy that the KANU Government left in the ICU, as we try and put something in the coffers that were empty; these are the problems that we are going through. These are the gymnastics that we have to go through because they left us with a problem. In so doing, the Minister has made choices. He has had to balance and he has had to look at which areas will help to create the jobs that we promised. He also tried to look at which areas will help to bring the economy out of the doldrums. This balancing act is not easy.

This balancing is not easy, notwithstanding how excited Members can be. It is not an easy job. The Minister looked at infrastructure, for example, and decided that, that is one of the first priorities. So, he put a lot of money in the infrastructure. When the roads are being developed, that is development in our respective areas. We will not be able to take our produce to the market, if our roads have not been repaired and maintained. These are the issues that we should be looking at, and worrying about. Money put in infrastructure is actually development money.

Mr. Temporary Deputy Speaker, Sir, money put in education to develop our human resources is actually money for development. These are the issues that we must be looking at, when we debate this Budget. Money put in health to make sure that your people are not suffering from highland malaria is money for development.

So, this Government is actually talking about development and it has made choices. Because we have limited resources, we are saying: "These are the priorities! This is the road we are going to take." That is what we should be looking at.

Mr. Temporary Deputy Speaker, Sir, nobody should stand up and say that there is no development going on in the country. That is not correct. Even in Agriculture, with limited coffers, some money has been put in it and we are going to help develop it. These issues are weighty and not partisan. They are issues of development that affect both sides of the House.

Mr. Temporary Deputy Speaker, Sir, security, as has been pointed out, is a major issue. We have got to do a lot to make sure that our security is right. The sad things that have happened here and there because of laxity in areas of security have led the Minister to put sufficient money to boost our security. I was wondering about the internal security; things like the police. We need to hasten the reforming of the police force, to make sure there is sufficient security. Perhaps, we need somebody from the Armed Forces to go and help to reform our police force.

For the foreigners; the Americans and the Britons, who have behaved the way they have, they can get lost. I think we are sufficiently geared to deal with our security problems. Our openness and our honesty should not be taken for granted, and so the Americans and Britons have given in to terrorism in the way they have behaved. That is unforgivable.

Mr. Temporary Deputy Speaker, Sir, Kshs2 million per constituency has been budgeted for

the Constituency Development Fund. We all want the Kshs20 million. But we are getting this money out of limited resources and, therefore, we are making a beginning. So, the Kshs2 million that the Minister has put forward is a beginning. It shows a commitment that things will move forward, as we improve our coffers. In fact, it shows that, as we build up, we can actually, even through Supplementary

Estimates, increase this amount. What is worrying you? That is absolute commitment; so in the meantime, we can make use of the Kshs2 million. The Minister has given us his word.

The Minister for Finance has said that he did not want to say something which he would not fulfil. That is why he talked about Kshs2 million which he will ensure that every constituency will receive. He will increase that amount of money with time to ensure that we develop our constituencies. The Minister also said that before those funds are released to our constituencies, we should ensure that there is a mechanism in place to manage them. At the moment, we do not have a mechanism in place to ensure that the funds are utilised properly. Until Eng. Muriuki's Bill is passed, we will not have a mechanism in place to deal with this situation. The Minister was cautious when he talked. He wants to make sure that the Legislature remains the Legislature and not the implementing organ. The Legislature should not take the implementation process from another arm of the Government. So, it will be very easy if we put a mechanism in place to deal with the Kshs2 million disbursed to every constituency.

Mr. Temporary Deputy Speaker, Sir, many issues have been raised concerning the tourist industry. I would like to say that, maybe, for too long, we have depended on foreign tourists and done very little to encourage both local and regional tourism. The situation we are in at the moment should be a wake up call, and we should now start promoting both local and regional tourism. If we promote both local and regional tourism, we will not suffer when some countries advise their citizens not to travel to our country.

The deficit in our Budget has also been raised. This is something which should not even be raised because a Budget is a developmental issue and we can argue about it. There is nothing wrong with deficit budgeting. The money by which we overspent between January and June this year was approved in the Supplementally Estimates. So, there was no problem in that respect.

The ASAL areas were touched on in the Budget. The Minister set aside a lot of money for the provision of water. When we talk of water, we are talking mainly about the ASAL areas. We have done this in our Economic Recovery Strategy Paper, and we are saying that people in the ASAL areas will have enough water. Water is life and development in the ASAL areas. That is what we have done for the ASAL areas and I do not think that the hon. Members from those regions are being honest when they complain about being neglected. We sat together with the hon. Members from the ASAL areas and came up with that idea. We have given them too much!

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support the Motion.

Mr. Mwandawiro: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nitoe maoni yangu kuhusu Hoja hii. Sina budi kuunga mkono Hoja hii. Ninaunga mkono Hoja hii kwa sababu ni miezi sita ambayo imepita tangu tuchague Serikali mpya. Hii ni Bajeti ya kwanza ya Serikali ya NARC. Inafaa tuipatie Serikali iliyoko mamlakani nafasi ili tuone vile itaendesha shughuli zake.

(Applause)

Jambo la kusikitisha ni kwamba Serikali ya NARC ilisoma Bajeti wakati pesa nyingi za umma zilikuwa zimeporwa. Ningependa kusisitiza kwamba wananchi wa Kenya wanangojea wasikie hatua ambayo itachukuliwa kwa wale watu ambao walipora pesa za umma. Katika Bajeti ya mwaka huu, ninaona kwamba idara za polisi na mahakama zimepewa pesa. Wananchi wanataka kuona idara hizo zikipambana na watu ambao walipora pesa za umma.

Jambo lingine ambalo ningependa kugusia ni kwamba tutapitisha Bajeti hii ili Serikali iweze

kutupatia huduma. Ningependa kuiomba Serikali ya NARC itoe huduma bora kwa wananchi kwa sababu Serikali ya KANU haikuwa ikitoa huduma bora. Hapo awali, Serikali ya KANU ilikuwa ikiwatoza wananchi kodi lakini inawapa huduma mbaya. Kwa hivyo, ninaomba Serikali ya NARC itoe huduma bora. Kwa mfano, ninapotembea katika miji ya Kenya, ninaona uchafu na nyumba nyingi ambazo hazijamalizika kujengwa au kupakwa rangi na hali wenye hizo nyumba wanalipwa pesa. Ni vyema Serikali ihakikishe kwamba sheria ambazo zimewekwa zinatekelezwa. Ni vizuri watu wapake rangi na kumaliza nyumba zao ili miji yetu iwe safi. Serikali itakuwa na maana gani kama itashindwa kutekeleza jambo kama hili? Kwa hivyo, ninaomba Serikali ya NARC itilie maanani usafi wa miji yetu na itekeleze sheria zilizoko. Jambo hili halihitaji pesa ila kuhakikisha kwamba sheria zilizoko zinafuatwa.

Kuna nia katika Bajeti kwamba Serikali itabuni nafasi 500,000 za kazi kila mwaka. Hili ni jambo zuri sana, na ninaliunga mkono. Nia ya kupunguza ukosefu wa kazi ni nzuri. Ningependa kusema kwamba mambo haya yanawezekana, bora tuwe na ujasiri. Wizara ya Wafanyakazi imepewa pesa nyingi sasa katika Bajeti. Kile kitu kinachotakikana ni Wizara hii kuanza kufanya kazi, ifikirie na iwe na mikakati ya kuongeza nafasi za kazi. Hatua ya kwanza katika kubuni nafasi za kazi ni kutambua zile kazi zilizoko. Hapa tunazungumza sana kuhusu ulipaji kodi lakini hatuzungumzi juu ya ulipaji mishahara. Kwa mfano, Serikali ingeweka kiwango cha chini cha mishahara ambayo watu watalipwa hata kama wanafanya kazi ya hoteli, matatu au mashamba ya majani chai. Kazi au ajira ni ile ambayo unafanya na unalipwa mishahara kila siku. Ni vizuri kila kazi itambuliwe na Wizara ya Wafanyakazi izisajili kazi zote, na kuhakikisha kwamba kuna kiwango cha chini cha mishahara inayolipwa. Tukifanya hivi tutaweza kuongeza nafasi za kazi. Kwa hivi sasa, hatutambui kazi zilizoko kwa kuweka kiwango cha chini cha mishahara. Mishahara inayolipwa wafanyakazi katika nchi hii ni midogo sana. Inafaa Serikali iweke kiwango cha chini cha mishahara.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Members! Please, consult quietly.

Mr. Mwandawiro, you are actually using a microphone. So, you can either move back from the microphone or lower your voice.

Mr. Mwandawiro: Ahsante sana, Bw. Naibu Spika wa Muda.

Ningependa kusema kwa utaratibu sasa kwamba ni vizuri Wizara ya Wafanyakazi itoe huduma nzuri. Mojawapo ya mambo muhimu ambayo yanaweza kufanywa ili kubuni nafasi za kazi ni kusajili kazi zilizoko na kuhakikisha kwamba zinatambuliwa, na kwamba wanaozifanya wanalipwa mishahara mizuri. Hatuwezi kuongeza nafasi za kazi ikiwa tuna sera ya ubinafishaji pekee. Kama tunataka kuongeza ajira na nafasi za kazi katika nchi hii yetu, ni lazima tutambue kwamba sekta ya kibinafsi, mashirika ya Serikali na vyama vya ushirika zinafanya kazi sambamba. Kwa hivyo hizo shilingi bilioni 4.5 ambazo zinapeanwa kwa National Bank of Kenya zingetumiwa kufufua sekta fulani za Serikali zinazofanya kazi, ili ziboreke. Kama zingepeanwa kwa reli na sekta zingine, hapo tungekuwa tunakubaliana kwamba hizo pesa zinatumiwa kwa kufufua sekta za serikali, ili kuongeza nafasi za ajira au kazi.

Kwa hivyo, ninasema kuna haja ya kubuni sera za makusudi kufufua zile sehemu za uchumi ambazo zilikuwa zinasimamiwa na Serikali. Lazima kuwe na sera za makusudi kabisa za kuyafufua

mashirika yote ya umma. Na hiyo haisemekani kwamba sitambui sera ya binafsi. Sera ya binafsi ina mchango wake mkubwa sana katika uchumi wa nchi hii yetu ya Kenya. Lakini, tusiwe tunasisitiza sera ya ubinafsi peke yake bila kujaribu kuweka mikakati ya kufufua sekta ya umma.

Jambo lingine ambalo tumelizungumzia hapa, ni kuhusu kuzindua vyombo vya usalama na

kuvipa nguvu. Na tunajua sasa uchumi wetu hasa wa utalii unafinywa sana na sera ya ugaidi. Jambo ninaendelea kuomba kutoka kwa Serikali, izingatie sana kulinda usalama wa wananchi wa Kenya na wala isiende na sindikizo kutoka serikali zingine za nje. kwa sababu tukipanga mikakati yetu ya kulinda usalama wetu, uwe ni wa kupambana dhidi ya ugaidi ama laa, kutokana na misingi ya watu wengine, hapo tutakuwa tumekoseana. Na vile vile, yale matamshi yanayotolewa na Mawaziri wa Serikali wawe wanafanya kwa hakika kabisa, kwa sababu ukiwa Waziri wa Kenya, halafu useme nchi yako haina usalama, nani hawezi kukubaliana na hayo? Kwa hivyo, tuchunge wakati tunafanya mambo yetu ndani ya nchi, tujue kwamba wale wengine nao wanafanya mambo ya kulinda mataifa yao. Tulinde uhuru wa nchi yetu na wala tusingidizwe kufanya mikakati ya nchi yetu kwa mambo ambayo sisi hatukubaliani nayo.

Maneno mengine ni kwamba, wakati tumepitisha Bajeti, na ninaiunga mkono, kitu kile wananchi wa Kenya wanangojea sasa ni wakati wa utekelezaji; wataangalia kama haki itatumika katika kuangalia ugawaji wa zile pesa tumeziweka za matumizi katika nchi yetu. Watu wanangojea sana kuona kwamba kutakuwa na utumizi na ugawaji wa usawa katika kutekeleza Bajeti, ili maendeleo yafanyike katika kila sehemu ya kenya bila ubaguzi kwa msingi wowote.

Kwa maneno hayo machache, Bw. Naibu Spika wa Muda, ninaomba kuunga mkono Hoja hii.

Mr. Khamasi: Thank you, Mr. Temporary Deputy Speaker, Sir. I am looking forward to a day when we shall amend the Constitution, so that this House, which represents the people of Kenya, can be able to talk about how the monies paid in terms of tax is to be utilised. As of now, that is not the case and has not been the case. The people of Shinyalu are being taxed and yet they are not represented when decisions are made as to how that money will be used.

Mr. Temporary Deputy Speaker, Sir, it is important that we amend the Constitution immediately, so that this House can be in a position to tell the Minister for Finance that he can never use the tax payers' money in this way or he can use it in this way. I have no problem with the Vote on Account because the services of the Government must continue. Therefore, we must support this Vote, so that the Government can continue providing services to the people of Kenya.

Mr. Temporary Deputy Speaker, Sir, I have a quarrel to pick with the Minister for not providing in full the Kshs20 million that is supposed to be allocated to each Constituency Development Fund; I am very much concerned about this matter. The reason for our insisting that this money should be provided for in the Budget is the disparities that have been witnessed over the years in allocation of financial resources to the various parts of the country.

Previously, some constituencies could not receive even Kshs5 million in a year. It was for this reason that we thought it necessary---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Hon. Members, it is important that we hear the hon. Member on the Floor. Consultations should be made in very low tones. I am not saying that you should not consult but, please, do so in very low tones, so that we can hear what the hon. Member on the Floor has to say.

Mr. Khamasi: Mr. Temporary Deputy Speaker, Sir, I thank you very much. I was saying that some constituencies never used to get even Kshs5 million in a financial year. So, Members of Parliament and the members of the public who presented their views to the Cockar Tribunal thought that it was necessary for the Minister to allocate Kshs20 million per year, per constituency, so that Kenyans throughout the country can be proud of what the Government does. It is a shame that this objective has not been realised. I am afraid that this happened due to total disregard to the Constitution. The Constitution is very clear that once the Parliamentary Service Commission presents its Budget to the Treasury, the Treasury cannot amend it. So, I would like the Minister to explain to

this House why he handled this matter in the way he did and without due regard to the Constitution.

(Applause)

Mr. Temporary Deputy Speaker, Sir, although resource allocations to various Votes have improved in the current Budget, you realise that the Office of the President has been allocated Kshs20 billion and we are now supposed to vote to it Kshs10 billion. I find it very difficult to appreciate this development because at one time, while sitting on the Opposition side of this House in the last Parliament, the then Leader of the Official Opposition, who is now the President of this country, said: "The Office of the President is bloated. There are too many Departments under that office. We need to reduce them."

Those were his own words. However, we now do not see any change. The Office of the President is still bloated. I remember President Kibaki saying during that time, that he could not understand why the National AIDS Control Council (NACC) was under the Office of the President. He recommended the removal of that council to the docket of the Ministry of Health. Now, what arguments have been advanced for retaining the NACC under the Office of the President? Nobody wants to tell us why the NACC is still under the Office of the President. We should be told whether we had a change of guard or policy.

Inefficiency at the Office of the President still persists. It is business as usual at the Office of the President. Corruption still reigns at that Office; there is no change at all. So, we want to see change at the Office of the President, as the lead Ministry in the Government. We want the personnel in that office to lead by example and prove that they want to bring about change in this country. The Provincial Administration is under the Office of the President; a lot of money has been allocated to the Provincial Administration. We have severally complained about the Provincial Administration. Probably, through the constitution-making process that is underway, we will do away with the Provincial Administration.

Mr. Temporary Deputy Speaker, Sir, during the run-up to the last general elections, we, in the National Rainbow Coalition (NARC), said that we wanted to see change in the way things are done in this country. We promised Kenyans that we would not make roadside appointments without consultations or sack public servants haphazardly, but what are our Ministers doing now? They have resorted to sacking people without notice. One of the victims of that bad policy is Mr. Osundwa, who has been dropped as an Assistant Minister.

Hon. Members: Yes!

Mr. Khamasi: Ministers have no regard for the rules and regulations of the Public Service Commission (PSC). They have completely thrown the PSC rules out of the window, and they are now doing things haphazardly as if there are no rules and regulations governing the operations of the Civil service.

Recently, eight new Judges of the High Court were appointed, out of whom five came from one place. What was the criteria used to appoint these people? Do other parts of this country not have people who are qualified in law? We want to see a fair distribution of public service jobs in this country. A few months ago, the immediate former Chief Justice and a High Court Judge were forced out of office. The Minister for Justice and Constitutional Affairs, who is a good friend of mine, confirmed to this House that, in fact, he had evidence that the two were engaged in corruption, and that he would prosecute them for the offence. Eventually, the two judicial officers resigned. The main complaint is why the two former officers have not been prosecuted to date. Is their resignation enough to clean them of their corruption charges? Why have cases against them not come up? Or, were we dancing to the tune of somebody who is not a Kenyan? That needs to be explained. I am happy with the development in the education sector. At last, teachers will now have a salary adjustment. Our

teachers supported NARC to the hilt. They voted for us in big numbers. I am glad that we are going to honour the pledge we had made to them. We must ensure that what we promised them is delivered.

It is also commendable that we are implementing the free and compulsory primary education that we promised Kenyans. However, I am worried because we have not built enough capacity for the management of the monies we are sending to schools. If we are not very careful, many primary school headteachers will be jailed, because we have not trained them on how to handle these monies.

I would like the free primary education policy extended to cover pre-primary education, because that is where children start from. Now, many parents do not take their children to pre-primary schools, and it is going to be very difficult for teachers in primary schools to deal with them appropriately.

I would now like to comment on our roads. The Minister in charge of roads is doing a commendable job. I think he is fully in charge of his docket. So, he needs to be commended.

(Applause)

The problem he is facing is that he is working with the same roads engineers who let down the former Government. They are still in office, managing the District Roads Committees (DRCs) money. The DRCs money is not being used on our roads; it is still going into individuals' pockets. So, the Minister needs to be very careful and work very hard to ensure that roads engineers who misappropriated funds during the previous regime are done away with. There is no need of retaining them in service. We have enough qualified engineers. From them, we can have some trustworthy engineers, who can be entrusted with public funds.

With those few remarks, I beg to support.

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to support the Vote on Account. It is only fair to tell the Minister for Finance that, although he is calling for the streamlining of other Ministries, he should start with the Ministry of Finance itself. We are all aware of the task forces that are investigating the operations of several departments of the Government. Whoever formed these task forces knows they are for public relations. They will squander public money, because all the issues they are trying to raise can be got from some Government reports that have been gathering dust for many years in all those departments.

We are asking the Minister for Finance to use existing technical reports in all the Ministries and the office of the Investment Secretary, in the case of parastatals. This will ensure that we do not have Ministers waking up one morning, remembering their friends, who were left out of appointments, and naming them to task forces.

(Applause)

The other major issue is about parastatal reforms. I remember that when I was on this side of the House with most of the hon. Members in the Government, we used to complain about very many parastatals that are unnecessary, and that are only draining the public coffers. Six months into the NARC Government, we have not had a Gazette notice winding up 50 or 70 of them. Instead, they are being rehabilitated in order to create jobs for some political cronies, or those who supported NARC in last year's election. We are asking the Treasury to become more serious and pin point which parastatals should be wound up. There are reports, for example, asking the Government to wind up a lot of the regional authorities which are not needed as there is no money allocated to them. The Ministry of Agriculture has over 40 parastatals. It is only fair to say that, they should be less than half that number for efficiency, smooth running and even the economic aspect.

Mr. Temporary Deputy Speaker, Sir, another issue that needs to be raised is the running of public affairs. I remember that there used to be a lot of anxiety and some comical moments, when there was no Vice-President for 14 months, and there were a lot of---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Members! The consultations are getting loud again, especially from those pockets that I can see over there. Please, consult quietly.

Proceed, Mr. Maore!

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, for 14 months there was a lot of anxiety and comical moments in this House about the absence of a principal assistant to the then President. For the record, you notice we are in a country where the Commander-in-Chief of the Armed Forces is out of the country; his deputy too is out of the country, and we have not had any designated official holding the office of the Commander-in-Chief in an acting capacity.

(Applause)

An hon. Member: How do you know?

Mr. Maore: This is not a private affair. It is a public issue that needs to be known by the public.

(Applause)

If somebody has been designated to exercise power in an acting capacity, we need to know him so that tomorrow we can ask him where he was when the Sudanese People's Liberation Army (SPLA) was attacking Kakuma and Lokichogio.

The Minister for Co-operative Development (Mr Ndwiga): On a point of order, Mr. Temporary Deputy Speaker, Sir. My brother here is deliberately misleading this House and the nation. The Commander-in-Chief is alive and there are institutions in place.

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, what I am saying is that it appears that something is wrong if something is condemned when certain people do it, but it appears very nice when others do it, even though it is a wrong thing. That is what the Minister wants to say.

Another issue that needs to be raised is the promise to provide 150,000 housing units per year. We need to be told which policy statements to cheer about because they were meant to attract cheers, and which ones to applaud because they are meant for implementation. We have not seen a semblance of the existence of a half of the 150,000 housing units to be built in the year 2003 by this Government.

If we want to be trusted and believed, we should be able to know that all those issues we face will always come back to haunt us.

Mr. Temporary Deputy Speaker, Sir, we now have to deal with the issue of terrorism and terror alerts. I would like to equate this with the ten-year economic embargo on the KANU regime, by the West and the donors. Now they have called an economic embargo through killing tourism and credit rating. There are confidential reports from the Western countries to their main banking and financial institutions, to downgrade the rating of Kenya. Where are the public relations officers of this Government to help it emerge from the condemnation it has been exposed to by its friends; America, Britain, International Monetary Fund (IMF), and World Bank (WB)? This is an economic embargo in another name, and it is not on Moi. So, you cannot celebrate about it.

Mr. Temporary Deputy Speaker, Sir, we need to hear the Ministry of Foreign Affairs and the Ministry of Tourism and Information, come out and start telling us: who are the terrorists in our

midst? Where are the terrorists? This is because from the time those accusations were made about Kenya and on Kenyans, the Government has not come out to tell us whether actually there are terrorists among Kenyans; whether from outside, and which Kenyans are terrorists and where they are. What we are suffering from is *ad hoc* Government decisions, for example, that of banning flights to Somalia. We are not being told who instigated it, why and when it is going to end. So, we are in the middle of something we do not know. America wants to control us, Britain wants to control us, and the terrorists are said to be here and in control. So, where is the Kenyan Government in the midst of all these allegations?

Mr. Temporary Deputy Speaker, Sir, the other issue concerns the Local Authority Transfer Fund (LATF). Enormous amounts of tax payers' money is being pumped into the local authorities, without taking care of those resources. When we passed the LATF Act here, the purpose was that the Local Government and the Treasury will put in place stringent measures to make sure that this money goes into delivery of services in the various local authorities. We find that many local authorities are not even submitting a detailed report on which basis they should be able to receive the tranche for the following year, or for the following allocation. We want to plead with the Minister for Finance to look into the operations of the LATF. There is a lot of looting by the chief officers in the local authorities and in Jogoo House. We do not want this to continue happening.

Mr. Temporary Deputy Speaker, Sir, another issue raised by the Minister for Finance in his Budget Speech is that of the banking sector. If the Treasury and the Central Bank had put in place stringent measures, we would not be pumping Kshs4.5 billion into the National Bank. We want to plead with the Minister to go to the banking sector and get a schedule of all the charges they impose on their customers. He should make sure that most of the charges are prohibited, and those that are not prohibited are heavily taxed, so that they do not become an attractive avenue which banks use to reap off the public. You will find banks today which are even charging people for banking money. You carry your cash and go to a bank, and they ask you for a commission so that--

(Loud consultations)

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

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, I am saying that it is wrong for banks to charge customers for banking cash because I do not think banks actually open their doors to receive cows. They open their doors to receive money. So, when they receive money, I do not understand why the Minister for Finance and the Central Bank of Kenya have been allowing them to charge Kenyans for banking money.

With those few remarks, I support.

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

The Temporary Deputy Speaker (Mr. Poghisio): On what?

Mr. Shitanda: On the Motion, Mr. Temporary Deputy Speaker, Sir. Now that we are just repeating ourselves, could the Mover be called upon to reply?

(Applause)

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Shitanda! I did not hear what you said. What did you say?

Mr. Shitanda: Mr. Temporary Deputy Speaker, Sir, now that most Members are repeating what the others have already said, would I be in order to move that the Mover be now called upon to reply?

(Applause)

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Members! This is a request by the hon. Member and he has a right to do that. The Chair will rule as to whether it is going to be allowed or not. So, I have heard the sentiments of the hon. Member, but I will also allow Mr. Gumo to speak and then I will make a ruling.

The Assistant Minister for Tourism and Information (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me a chance to speak. This country can never develop unless there is security. There is nothing we can do unless the security of this country is good enough to protect its people. We would rather have all the money voted for security so that our people can sleep, do business, move around at night and do whatever they want. Nowadays, by 6.30 p.m. or 7.00 p.m. one cannot walk in the streets of Nairobi. This problem persists today because the police officers are poorly paid. A policeman's basic salary is Kshs5,000 per month. The majority of hon. Members here spend more than Kshs5,000 per day. There is nothing we can do to curb insecurity unless we improve the welfare of our police officers. Nearly four or five policemen share one room in their living quarters. They are not even allowed to live with their wives because four men and four women cannot stay in one room. It is not easy at all. So, we must look after the welfare of our police officers.

Mr. Temporary Deputy Speaker, Sir, nowadays, there are no streetlights. All the streetlights have been vandalised. Even when they are installed like today, tomorrow they will have been vandalised. The City is in darkness. I do not know what the Nairobi City Council is doing about this problem because nobody seems to bother.

Mr. Temporary Deputy Speaker, Sir, we are now talking of terrorists, but without adequate security, we shall not be able to fight terrorism in this country. We are in trouble because we are surrounded by countries which are not governed properly. On the northern side we have Somalia which has no proper government at the moment. The coastline is almost open and some of the terrorists can come into our country using ordinary boats. We are in trouble! So, instead of the Americans blaming us, they should come forward and help us fight terrorism in this country. We need this money.

I was at the Coast last week and there were only two tourists in the hotel where I was staying. They were so worried when they heard that the American Embassy had been closed. In fact, they wanted to fly back to their countries the same day. You can see the problem we are in.

Mr. Temporary Deputy Speaker, Sir, on top of that, the Maasai are even becoming terrorists because they are terrorising our animals. They have killed lions.

An hon. Member: No!

The Assistant Minister for Tourism and Information (Mr. Gumo): *Ngoja wewe!* As much as I sympathise with them because the lions are killing their cows, I think they should wait to be compensated for their cows instead of killing the lions. Even the Minister for Environment, Natural Resources and Wildlife has not been able to come forward bravely and challenge these Maasai. He is also scared of them. I have never seen such a cowardly Luhyia like the Minister.

Mr. Osundwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Gumo in order to criticise the Minister when he knows I was sacked for criticising a Minister?

(Laughter)

The Assistant Minister for Tourism and Information (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I am encouraging him to be brave enough so that he can--

Mr. Wario: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to call a whole community terrorists? Are the Maasai terrorists? Since when did they become terrorists?

The Assistant Minister for Tourism and Information (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I said that they are terrorising lions and not human beings. It is true and it has even been aired on television.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Let us use the privilege of raising points of order in a manner befitting the House. Let us not raise them for purposes of disrupting debate. So, if it is a question, make it a question. If it is an argument, I will not allow it. I will just allow genuine points of order to be raised. This means that hon. Wario has breached one of our Standing Orders. So, you have to let me know which Standing Order you are standing on.

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to refer to his fellow Minister as a coward instead of upholding the principle of collective responsibility which is supposed to be upheld in the Government?

(Laughter)

The Assistant Minister for Tourism and Information (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I am encouraging him to be brave enough and face the Maasai.

Mr. ole Ntimama: On a point of Order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that the Maasai are terrorising the animals, when, as a matter of fact, the Maasai have a moral right to protect their property?

(Applause)

And is he also in order to say that---

The Temporary Deputy Speaker (Mr. Poghisio): Order Mr. ole Ntimama! That is all argument and it has got nothing to do with the Standing Orders.

The Assistant Minister for Tourism and Information (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I said very clearly that the maasai should not take the law in their own hands by killing lions. We have very few lions today, in fact, by this morning, we are told, there were only three remaining. By now, the Maasai might have killed the three!

(Laughter)

So, if we are protecting the animals, then we must also be ready to compensate the Maasai. I would rather call upon the Minister for Environment, Natural Resources and Wildlife to fence the National Park and make sure that lions do not stray any more.

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

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like---

(Loud consultations)

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

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Mr. Temporary Deputy Speaker, Sir, I would like to inform the hon. Members that we are very eager to have a Vote passed, so that we can have money for paying compensation to farmers whose livestock is destroyed by animals. At the moment, there is no money because the money that used to be put in the Vote was removed due to corruption. Therefore, we would like to reinstate the

allocation and do away with corruption.

(Loud consultations)

The Assistant Minister for Tourism and Information (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Poghisio): That is another way of interrupting an hon. Member unless you really have information that he desires to have. At this particular point, I realise that we should not have allowed that point of information for that particular reason. Mr. Gumo did not consent---

Hon. Members: He did!

The Assistant Minister for Tourism and Information (Mr. Gumo): No, I did not.

The Temporary Deputy Speaker (Mr. Poghisio): I did not ask for his consent before she was up on her feet. This is the type of procedure we would like to perfect as we go on. We need first of all to have the hon. Member consent to that kind of information.

The Assistant Minister for Tourism and Information (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, transport in this country has become very expensive. This is due to the bad roads. I would ask the Minister for Transport and Communication to use whatever little money he has been given by the Minister for Finance, he use it to maintain the roads that are there. He should use the money to gravel the murrum roads because any good murrum road is just as good as a tarmacked road. The money we have is not enough to build new tarmac roads. We would rather use that money to upgrade the murrum roads so that we are able to move from one point to another.

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

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Members! What is it Mr. Shitanda?

Mr. Shitanda: Mr. Temporary Deputy Speaker, Sir, you promised to make a ruling on my request after hon. Gumo's contribution.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, Members! I am supposed to rule on this. We will have to complete the debate sufficiently. So, we will take all the three hours we have at our disposal to complete the debate.

(Applause)

Mr. Kipchumba: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to support the Motion. I wish also to make the following comments: I hope the press will enlighten Kenyans that some hon. Members here today would like to refuse the provision of Kshs20 million for the Constituency Development Fund and instead accept the provision of Kshs2 million. I hope it will be made clear, so that it will be known that there are certain hon. Members who would not like their constituents to receive the funds for development.

Mr. Temporary Deputy Speaker, Sir, we know very well that most of the money allocated to the Ministry of Education, Science and Technology goes to the Recurrent Expenditure. Many of us had told our people that, when we receive the funds, we will use most of the money to develop

schools. There is no point of receiving money and yet, we do not have schools.

Mr. Temporary Deputy Speaker, Sir, we know that the Budget was very much against the textile industry, which many of us look upon to create the much needed employment. If you look critically at the Budget, you will realise that some factories like Raymonds, which has now been changed to Ruba, do not have wool that is required as a raw material. When you look at the Budget, you will realise that there are no incentives to livestock farmers to produce wool.

The Temporary Deputy Speaker (Mr. Poghio): Order, hon. Members! I just wanted to make sure that that answer satisfies Mr. Shitanda, who has asked us to close debate on the Motion. This particular type of Motion, which is actually the Committee of Supply, is allotted three hours. From 3.30 p.m. to 6.30 p.m. is three hours.

So, we are just trying to use three hours. This is not the kind of Motion you can close before three hours are over, as long as there is interest by hon. Members. In this particular case, there is an interest by hon. Members to continue with the debate. It is not that I have refused to close the debate.

Mr. Kipchumba: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I think some hon. Members are in a rush to vote out the Kshs20 million, which many of us would like to use to develop our constituencies. No money has been voted to develop the textile industry. The raw material which is used by Raymonds; that is wool, is being exported by an individual at the expense of our textile industry. Instead of buying the wool and using it in the factory, which would have employed about 300 Kenyans, the person is exporting it. Although the Government has said that it is supporting the textile industry, I do not see how it is doing so.

Mr. Temporary Deputy Speaker, Sir, let me touch on the energy sector. The other day, the Minister for Energy said that we will have to sell the Kenya Power and Lighting Company (KPLC). I think the starting point would be to sell the Government shares at the Kenya Petroleum Refineries.

Mr. Temporary Deputy Speaker, Sir, Kenyans pay an extra Kshs2 every day on petrol because of an inefficient and obsolete refinery. The Government has already told us that it would like to privatise those parastatals that do not make any money. What has happened over the years is that, instead of putting money into the refinery and making it efficient, the former and the current Governments have continued to use a refinery that is inefficient and thus, making Kenyans buy petroleum products at very high prices.

Mr. Temporary Deputy Speaker, Sir, I would have loved to hear many hon. Members saying that the NARC Government has fulfilled its promises to the people. I would also have loved to see a situation where a system to ensure that 500,000 jobs are created is put in place monitored and Kenyans being told how many jobs have been created to date. There is no point of telling Kenyans that 500,000 jobs will be created. What mechanism will be used to ensure that Kenyans get those jobs? What criteria will be used to ensure that Kenyans share the jobs equally? The other day, the Minister for Environment and Natural Resources told us that he had imposed a ban on harvesting of trees in the forests. As we speak, in some areas where we come from, the Panpaper Company continues to destroy forests. Logging continues in our areas and yet, we do not see any benefits for allowing such companies to harvest trees in our areas. We should stop such companies from harvesting trees in our areas. We are told: "Do not cut the trees!" Previously, I respected the Assistant Minister for Environment and Natural Resources because she was very critical that trees should not be harvested. What is happening is that the NARC Government is drinking wine while some of us are taking water. It is time that we encouraged companies like Rai Ply, which plants trees in our regions and creates jobs for our people. We benefit from them. Very soon, we will tell our people not to allow companies like Panpaper to destroy trees in our regions because we are not getting any benefits from that activity.

Mr. Temporary Deputy Speaker Sir, I was very pleased that about Kshs800 million has been allocated to the bursary fund. We pray that the money will be shared equally amongst all the

constituencies of this country. We have children from poor families all over the country. We should not have money going to certain areas at the expense of others. The NARC Government promised us that it will do some realignment of the parastatals.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Members! Order, Mr. Ogur! Some of you are forgetting that you are in the House. You are consulting and laughing very loudly. We are in the House and it is important to hear the debate.

Proceed, Mr. Kipchumba!

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, I was just finalising a few points. I talked about the bursary fund. If you look at the Office of the President, you will realise that a lot of money has been allocated to it. But if you travel throughout the country, you will realise that many police stations do not have vehicles. I hope some of that money will go towards the provision of vehicles to police stations.

Let us not give too much attention to terrorism and other issues, while there is insecurity in the country. I hope that some of that money will be used to provide transport for the policemen. It is futile to say that we are fighting corruption while, at the end of the day, we are paying policemen Kshs5,000. If we do not provide transport to policemen, it becomes a big nightmare for them.

I was talking about the realignment of parastatals. We were promised that parastatals would be realigned. Earlier, I mentioned that a company like the Kenya Pipeline does not produce any energy. It is not associated with the energy sector in any way, apart from the fact that it transports petroleum.

If a company like the Kenya Railways Corporation transports maize, it should be placed under the Ministry of Agriculture. The Kenya Pipeline Company only transports petroleum. I do not understand why such a company is placed under the Ministry of Energy and yet, it produces no energy at all. The same goes with the HIV/AIDS Vote, which is under the Office of the President, when it is actually supposed to be under the Ministry of Health.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghiso): Order, Members! I would like to call upon the Minister for Finance to reply.

The Minister for Finance (Mr. Mwiraria): Mr. Temporary Deputy Speaker, Sir, let me take this opportunity to thank the hon. Members for supporting this Motion.

(Applause)

Let me, further, thank the hon. Members for making some very constructive criticism, some of which I will comment on in my reply. Mr. Obwocha, my brother from the western part of Kenya, made an assertion that I was pushing hon. Members back to corruption.

Hon. Members: Yes!

The Minister for Finance (Mr. Mwiraria): Mr. Temporary Deputy Speaker, Sir, let me say that in a small way, I have indicated that I would like all of us to move out of corruption. I am one of you; I am a Member of Parliament and, genuinely, I believe that the Constituency Development Fund (CDF) has an important role to play. It takes development to the grassroots.

(Applause)

If there is one thing that the NARC Government is committed to, it is to take development to the *wananchi* and do everything possible to alleviate poverty. It is for this reason that I said, when I

moved the Motion, that I looked for an avenue to make provisions in the estimates even before we established the machinery for administering these funds. We have made a small beginning and I am sure with time, we will be able to provide all the money that was recommended by the Tribunal that dealt with this matter.

The second point that has been raised by several Members of Parliament is that, Parliament should be involved in determining priorities on how Government funds should be spent. Let me say that the NARC Government has no objection to that. In fact, we thought that the Parliamentary Committees on different sectors had done their work and participated in the preparation of the Budget. Since I get the impression that, that did not happen, I am sure in consultation with the Finance Committee, which I work with, we will see how best to involve the Sectoral Committees in this work. We were given a few suggestions on how to reduce funds from other sections, to give more to the CDF. The suggestions are appreciated but, unfortunately, if I gave each hon. Member Kshs1,000, each one of you will have different priorities.

Mr. Temporary Deputy Speaker, Sir, in our case, it is not the Minister or the people in the Treasury who established those priorities. We have Sectoral Committees made up of Permanent Secretaries and their assistants who sit and decide how money will be spent and shared out. For instance, the Social Services Sector includes health, education and other social services. While we take your suggestions well, may I say that, if you take the pending Bills, for example, I have Kshs16 billion that is outstanding in Treasury Bills. What I have done here is to cater for what I consider to be absolutely essential; bills over which the Government has been taken to court and found liable. It is important that you understand my position. It is a very difficult one. I am really tying my best. I am sure that with the support of all Members, we are going to succeed.

Let me say that one hon. Member suggested that we should widen the tax levy. Quite candidly we have all said with no doubt that Kenyans are highly taxed. They need a break.

We have literally an economy that is in recession and we need everything that we can do to give people a little money to spend. Without cash for expenditure, Kenyans do not benefit. I lowered Value Added Tax (VAT) by 2 per cent. That way, every Kenyan benefits because there is no Kenyan who does not buy.

(A mobile phone rang)

The Temporary Deputy Speaker (Mr. Poghiso): There is a phone ringing in the House. Is it coming from the Chamber or from the Galleries? It is very important for those who are in charge of controlling people in the Galleries to make sure that no one brings a phone into House. For those who have them, they should switch them off when the House is in session. We would not like to see a repeat of that in this House.

The Minister for Finance (Mr. Mwiraria): Mr. Temporary Deputy Speaker, Sir, let me perhaps, stop there by appealing to the hon. Members that as I said on Budget day, this country belongs to us all. Each one of us has a duty. If you believe that your constituency's money is being squandered by your councillor, and you are the Member of Parliament for the area, you are duty bound to look into it and find out why.

The Ministry for Finance is not bound to know what is happening from a distance. You could give the Ministry of Finance the information. I have been told that some councillors get money that they use to develop their wards.

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

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghiso): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Wednesday, 25th June, 2003 at 9.00 a.m.

The House rose at 6.30 p.m