

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 8th April, 2004

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

## PRAYERS

## PAPER LAID

The following Paper was laid on the Table:-

Sessional Paper No.1 of 2004 on the Kenya Government Guarantee of a loan of Japanese Yen 10,554,000,000 (Kshs7,543,260,400) from the Japanese Bank for International Co-operation (JBIC) to the Kenya Electricity Generating Company for the implementation of the Sondu Miriu Hydro-Power Project.

*(By the Minister for Energy on behalf  
of the Minister for Finance)*

## NOTICES OF MOTIONS

### INTRODUCTION OF THE INFORMAL SECTOR SMALL ENTERPRISES AND HAWKING BILL

**Mr. M. Kariuki:** Mr. Speaker, Sir, I wish to give notice of the following Motions:- THAT, noting with concern the growth and proliferation of uncontrolled small-scale enterprises and hawking in our streets and road reserves; and appreciating that this informal sector is the source of livelihood of the overwhelming majority of our urban population who cannot procure jobs or who have been retrenched or retired; and aware that this sector of our population needs to be economically empowered and given legal protection and assimilations, this House grant leave for introduction of a Bill for an Act of Parliament entitled the Informal Sector Small Enterprises and Hawking Bill to establish a regulatory and oversight authority to provide for micro-finances to small-scale businesses and the hawking fraternity.

### AMENDMENT OF THE REGISTERED LAND ACT

THAT, aware that many Kenyans have been fraudulently deprived of their land by fraudsters through first registration under the Registered Land Act, Chapter 300 of the laws of Kenya; further aware that Section 143 of the said Act denies the High

Court jurisdiction to interfere with the first registration title even where fraud has been proved, this House do grant leave to introduce a Bill to amend Section 143 of the Registered Land Act to empower courts to cancel and revoke fraudulently obtained titles.

LEGISLATION TO ESTABLISH  
HEROES ACT

THAT, whereas Kenya has its heros and heroines, who have contributed in a special way to our liberation and development in various sectors over the years; and aware that these heros and heroines deserve a place in our history as a nation, this House urges the Government to bring up a suitable legislation to establish a Heros Act for the burial of these heroes and heroines, to provide for a system of naming our streets and institutions after the departed heroes and heroines.

**Mr. Mukiri:** Mr. Speaker, Sir, I wish to give notice of the following Motion:-  
THAT, noting that Kenya is a leading producer of pyrethrum in the world---

**Mr. Speaker:** Just a moment, Mr. Mukiri. Mr. M. Kariuki, I am informed that those Motions have not been approved by the Chair.

**Mr. M. Kariuki:** Mr. Speaker, Sir, these Motions had been approved in the previous Session. I saw the Deputy Clerk, who asked me to sign again and then give notices. I have gone through the necessary formalities.

**Mr. Speaker:** Well, I am sorry, that is wrong. When the House is prorogued, all those Motions die and you have to do give fresh notices.

**Mr. M. Kariuki:** Mr. Speaker, Sir, I have given fresh notices.

**Mr. Speaker:** Well, I am sorry, they have to come to the Chair for approval and balloting. Therefore, everything that you have said for the purposes of the House, has not taken place at all. So, you have not given any notice of any motion. You have to give the Motions to the Clerk to be forwarded to the Speaker for approval and be submitted to the House Business Committee for balloting, and then thereafter, you will give the necessary notice.

**Mr. M. Kariuki:** Mr. Speaker, Sir, I can assure you that I dealt with your Deputy Clerk. I signed the Motions and he told me that the rest is for the Speaker. I was to give the notices, which I have properly done.

**Mr. Speaker:** Well, I am sorry about it. Maybe you were ill advised, but the Chair, as it is its duty, is to advise you appropriately. I think the best thing is to follow the procedure. The Motions will come to the House.

Mr. Mukiri, I am sorry, you must begin afresh!

ESTABLISHMENT OF COMMITTEE TO LOOK  
INTO THE PYRETHRUM INDUSTRY

**Mr. Mukiri:** Mr. Speaker, Sir, I wish to give notice of the following Motion:-  
THAT, noting that Kenya is a leading producer of pyrethrum in the world; considering that pyrethrum industry has in the past earned this country considerable foreign exchange; cognisant of the fact that the industry is currently facing a lot of problems, this House urges the Government to set up a Committee of experts to look into the problems affecting the industry and that the Committee submits its report to the Minister responsible within four months of its establishment.

EXTENSION OF MANDATE FOR SELECT  
COMMITTEE ON DEATH OF HON. NDILINGE

**Mr. J.M. Mutiso:** Mr. Speaker, Sir, I wish to give notice of the following Motion:- THAT, this House extends the mandate of the Select Committee established on 12th November, 2003, to investigate the murder of the late hon. Anthony Ndilinge, following his sudden disappearance and murder, and further renew the membership of the Committee as was proposed then.

**Mr. Speaker:** Any further notices of Motions?

AMENDMENT OF THE COMPANIES ACT

**Mr. Obwocha:** Mr. Speaker, Sir, I beg to give notice of the following Motion:- That, in view of the fact that the Companies Act, CAP 486, was enacted in 1948; considering the fact that the business environment has changed considerably ever since, and that the e-commerce world needs to address the changed business environment, this House urges the Government to amend and repeal sections of the Act which are not in conformity with the modern business world.

**Mr. Mwenje:** On a point of order, Mr. Speaker, Sir, Mr. Mutiso has just given a notice of a Motion with some names. My name has been omitted. Has he amended the list of names?

**Mr. Speaker:** As far as I know, he said that he quoted the list as it was.

AMENDMENT OF KENYA POST OFFICE  
SAVINGS BANK ACT

**Mr. Oloo-Aringo:** Mr. Speaker Sir, I beg to give notice of the following Motion:- That, taking into account that commercial banks have been unable to expand banking operations to many towns in Kenya, and are, in fact, withdrawing their services; aware that the spread of banking operations is key to developing all parts of our country, this House do grant leave to introduce a Bill to amend the Kenya Post Office Savings Bank Act, CAP 493B, laws of Kenya, in order to advance loans and other forms of credit services to its target group, that is low income individuals, households and small micro-enterprises.

QUESTIONS BY PRIVATE NOTICE

ABDUCTION OF TWINS FROM  
KIRINYAGA DISTRICT

**(Mr. Karaba)** to ask the Minister of State, Office of the President:-

(a) Is the Minister aware that twins, Juliana Muthoni and Caroline Nyawira of Kiamwenja Village, Ngaru Sub-Location, Kirinyaga District, were abducted on 3rd January, 1998 at a tea farm in Kiarangana from their mother by a Rwandese man by the name Karoferi Mundanyuka, who has since fled to Uganda?

(b) Is he further aware that the two girls were spotted with a stranger in Uganda at a place called Ntanzi, Ntanjeru Sub-Location, living under dehumanising conditions

and that efforts by the mother to get them back have not been successful?

(c) What urgent measure is the Minister taking to ensure that the twins are re-joined with their mother?

**Mr. Speaker:** Is Mr. Karaba not here? This Question is dropped.

*(Question dropped)*

#### ESCALATION OF PUBLIC TRANSPORT FARES

**Mr. Angwenyi:** Mr. Speaker, Sir, I beg to ask the Minister for Transport and Communications the following Question by Private Notice.

(a) Is the Minister aware that fares in public transport have escalated beyond the reach of the travelling public?

(b) What immediate measures will he take to guarantee affordable fares for public transport?

**The Minister for Transport and Communications (Mr. Michuki):** Mr. Speaker, Sir, I beg to reply.

I am aware that most public service vehicles escalated their fares when my Ministry started implementing the provisions of Legal Notice No.161. The fare escalation impacted negatively on the poor members of our society, who rely on public transport to commute from one point to another. My Ministry has already created a conducive and enabling environment for rational public service vehicle operations. As most vehicles have been certified by the Motor Vehicle Inspection Unit, and licensed by the Transport Licensing Board (TLB), competition in the sector has increased with a tendency to lowering of fares on most routes. The fares, are however, yet to return to what they were before 1st February, 2004. I, however, anticipate further fare reduction as new investors enter into the sector, creating more competition. The insurance industry has also recognised the reformed public service sector. They have reduced their premiums by 16 per cent.

As an example, I would like to say that on the 31st January, 2004, just before the regulations came into effect, on certain routes, the fares were different from what they are today. I would like to quote some of these figures. For instance, on the Nairobi-Rongai route, before 1st February, the fares were between Kshs30 and Kshs35. This escalated to Kshs100. They have now settled at Kshs30. On the City Centre-Buruburu route, at that time the fares were at Kshs20, which later went up to Kshs60, and have now come down to Kshs40. The City Centre-Embakasi route fares were at Kshs30, then went up to Kshs60. They are now at Kshs50. There are many routes that I can give as examples to show that the fares are reducing as *matatus* continue to increase. As of yesterday, we had 14,934 *matatus*, which had been cleared by the TLB. They are increasing at the rate of 120 *matatus* per day. This competition is going on and we are waiting for the Commissioner of Insurance to fix the lowest premiums, so that the TLB can use the law to fix the rates, if the *matatu* operators do not do it.

**Mr. Angwenyi:** Thank you, Mr. Speaker. I took time to carry out a survey of the people commuting from the City Centre to Kibera. I also took trouble to carry out a survey of the people who travel between Marani and Kisii Town. The increase of the fares was upto 300 per cent immediately after 1st February, 2004. It has now reduced to between 100 and 150 per cent. My question to the Minister is: Does he have any mechanism to make sure that the fares are lowered so that the poor Kenyans can also afford them?

**Mr. Michuki:** Mr. Speaker, Sir, in the routes that the hon. Member has mentioned, for example, the Kibera route, the fares were at Kshs20 before 1st February, 2004. They were raised to

Kshs50, and now they have been reduced to Kshs30. One of the methods that we could put into operation is that the *matatu* operators should have receipt books, so that they indicate in writing what they are charging. We must remember that this would be an extra cost to them. I prefer that we continue to dialogue with the *matatu* operators and insurance companies to set the fares. I agree that commuters must be assisted because they are paying a lot of money.

**Mr. Mwenje:** Mr. Speaker, Sir, while we support the Minister for Transport and Communications on what he is doing for the *matatu* industry, we need to let him know that so many of our people are still walking and cannot get any means of transport to town. We need to look at that. The Minister has also stopped the different SACCOs from organising *matatus*, so that they can operate well. He has now announced that the City and municipal councils will be doing these jobs. That is going to get so many people out of the work that they have been doing, although they have been doing a very good job. Could the Minister reconsider that and let the SACCOs' organised groups continue with their work, so that the members are not thrown to the streets to become thugs?

**Mr. Michuki:** Mr. Speaker, Sir, unless the hon. Member wishes to incite people to engage in that kind of activity, we have created permanent employment for drivers and their conductors. They are not touts. The tout is a busybody trying to earn a living out of other people's sweat. I am talking about a conductor who has been verified by the CID as having good conduct. This is a person who has been adorned with a suitable uniform by his employer and is presentable and decent. The tout is a different person altogether. The SACCOs are institutions that should seek assistance from the Ministry of Co-operative Development and Marketing. If they want to deal with money that comes from the *matatu* industry, they can open offices just like any other person. They have no business trying to regulate the movement of *matatus*, because we are trying to get rid of cartels, which have been responsible for crime in various areas.

**Mr. Abdirahman:** Mr. Speaker, Sir, the Minister has evaded answering part "b" of the Question by Mr. Angwenyi. I want to put it like this. We want the Minister to tell us what regulatory mechanisms the Ministry has put in place on a long-term basis to regulate fares in this country. A good example is the buses that ply the Wajir-Nairobi route, which charge different fares. Some of them charge Kshs1,000 while others charge as much as Kshs1,200. All that we want is a long-term solution and not an *ad hoc* one. Could the Minister give us the regulatory mechanisms he has in place in terms of the policy of the Ministry of Transport and Communications?

**Mr. Michuki:** Mr. Speaker, Sir, the most effective and internationally-accepted method of controlling prices is competition. I would like the hon. Member, together with Mr. Mwenje, to look at this situation as an opportunity for further investment, rather than as a problem. We have created opportunities for more *matatus* to come onto the road. I am advised that today a Nissan *matatu* takes home a net income of Kshs7,500 per day, whereas previously the owner used to get not more than Kshs4,000, if he was lucky on that particular day. Otherwise, he would get about Kshs2,500 to Kshs3,000. Therefore, there is an opportunity for investment. I would challenge the entrepreneurial attitude of Kenyans to come forward and buy buses and *matatus* in order to create more employment.

**Mr. Owino:** Mr. Speaker, Sir, could the Minister try to carry out a national survey on this issue because what Mr. Angwenyi is saying is correct. The *matatu* fare from my own town of Migori to Homa Bay Town used to be Kshs100, but now it is Kshs350. Some of our traffic officers are colluding with the *matatu* owners to increase the fares on the routes. What happens is that the amount on the receipt could be indicated as Kshs150, but the traveller is asked to pay double that amount. This is a trick employed by the *matatu* operators and law enforcement officers. Could the Minister find out the fares that are being charged nationally, so that he can answer this Question properly?

**Mr. Michuki:** Mr. Speaker, Sir, we are of course guided by the fares that prevailed before 1st February this year, when the new regulations came into effect, because those were the accepted

fares. If it is necessary, we shall regulate these fares, but we would rather not do that. We would rather that opportunity is taken advantage of, for further investment. This will create even more competition, because that is the lasting safeguard that the Government can give. If necessary, in public interest, we shall have to control the fares if the *matatu* operators do not regulate themselves.

**Mr. Angwenyi:** Mr. Speaker, Sir, as the Minister and the entire House know, there has not been any increase in salaries and incomes of Kenyans since 31st January this year. I would hate to see a situation where the Government implements certain policies which take away from the poor to give more to the entrepreneurial people as the Minister is saying. Could the Minister consider immediately adding perhaps 10 or 20 per cent on the fares which we were paying up to 31st January, countrywide so that people know what they will pay, which should be affordable by them?

**Mr. Michuki:** Mr. Speaker, Sir, the law, as far as I understand it, does not give the Minister or the Transport Licensing Board the powers to increase fares. The law may control and confirm what is accepted, but it does not allow us to increase fares. We can control them downwards, but we are not permitted to increase them. As I said, market forces are the best guide in this matter.

**Mr. Speaker:** Next Question!

EXCLUSION OF BARINGO FROM  
MEDICAL STAFF RECRUITMENT

**Mr. Kamama:** Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that Baringo District was not considered during the recently concluded medical staff recruitment?

(b) What is the Minister doing to correct this anomaly?

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

(a) I am aware that some districts, including Baringo which did not have medical staff vacancies arising from natural attrition such as retirement, resignation and death, were not considered during the recently concluded staff recruitment exercise. Baringo District, and others not considered, was one of the lucky ones where officers in posts were equal to the authorised posts.

(b) The Ministry will fill vacancies in health institutions countrywide when they arise and financial resources allow for employment of more staff. Medical Officers of Health have been asked to declare posts as they arise, effective from the date when the last posts were advertised, so that they may be filled. Should such vacancies arise in Baringo District, they will be filled accordingly.

**Mr. Kamama:** Mr. Speaker, Sir, that answer is not satisfactory, and I wish to state as follows. There is open discrimination being practised by this Government. Cap.5, Section 8(3) of the current Constitution on protection of fundamental rights and freedoms of the individual forbids anybody in this country, including the Government to discriminate against anybody on the basis of place of origin or residence. This is not the first time Baringo District is being discriminated against. People from Baringo District were also not considered during the recruitment of teachers. Now, this Ministry which is known for giving semantics---

*(Loud consultations)*

**Mr. Speaker:** Order, hon. Members! Let us give the hon. Member a chance to put his point across. Please, remember this is Question Time, not debate time!

**Mr. Kamama:** Mr. Speaker, Sir, there are boys and girls in Baringo District qualified to work as medical staff. However, this Ministry deliberately decided to shut them out. What is this Ministry doing to ensure that they are recruited? We want this kind of---

**Mr. Speaker:** Mr. Kamama, please, let him answer the question.

**Mr. Konchella:** Mr. Speaker, Sir, I want to make it very clear to the hon. Members so that there is no misunderstanding or misinterpretation here. Last year, hon. Members requested the Government to implement affirmative action in terms of recruitment and posting of officers. It is this affirmative action that the Ministry adopted when it recruited nurses. We know that there is a shortfall of 2,000 nurses countrywide. However, the Directorate of Personnel Management (DPM) allowed us to recruit some officers to fill those vacancies that arose as a result of retirement, resignation and deaths. Those vacancies had already been catered for within the current Budget.

However, in so doing, we considered those areas which had problems over the years. For example, some districts in North Eastern Province have more than nine new institutions without personnel to run them. So, we deliberately recruited officers from those districts to fill those vacancies. However, there are no vacancies in Baringo District because there are no incidents of deaths, retirement or resignation.

**Mr. Sasura:** Mr. Speaker, Sir, the Assistant Minister says they filled the vacancies left behind by those officers who died, were retrenched or sacked. That is an obvious situation. However, there is no way the Ministry can employ without adequate personnel being trained. How does the Assistant Minister expect to get enough personnel in the field when the Kenya Medical Training College (KMTC) recently announced vacancies for training 20 pharmacists and 120 clinical officers in the whole country? Why could the Ministry not train enough people for us so that when vacancies are announced we will get enough people to run the hospitals?

**Mr. Konchella:** Mr. Speaker, Sir, the hon. Member is aware that the Ministry could only operate within the Budget. So, those vacancies availed for training are already budgeted for in the current financial year. However, in terms of employment, we could only fill the vacancies left behind by those officers who retired. The DPM can only authorise recruitment of staff within the budget that this House allocates to our Ministry.

**Mr. Syongo:** Mr. Speaker, Sir, you have just heard the Assistant Minister say that the recruitment was done from various districts. Is he aware that in the case of Suba District, officers from his Ministry led by a Mr. Ombacho colluded to import people from other districts and recruited them as if they were from Suba District? There was not a single person recruited from Suba District. All of them were imported from other districts.

**Mr. Konchella:** Mr. Speaker, Sir, the Ministry is not aware. If there is an officer who did so, his or her action is a punishable offence.

**Mr. Y. Haji:** Mr. Speaker, Sir, I think we need honesty here. Could the Assistant Minister tell us why medical officers in Baringo District do not die while they die in other districts? Could he tell us the secret so that we can use it?

**Mr. Konchella:** Mr. Speaker, Sir, God loves the people of Baringo District. Maybe, that is why they do not die.

**Mr. Kamama:** Mr. Speaker, Sir, you rightly heard my good friend, Mr. Konchella say that people in Baringo District do not die. That pre-supposes that, that district is also disease free. Is he in order to mislead this House? He should provide a concrete answer. We want to hear that during the next recruitment people from Baringo District will be considered. We do not want a flat answer like the one he has just given. Could he tell us the correct answer and not semantics?

**Mr. Konchella:** Mr. Speaker, Sir, with all due respect, the hon. Member understands that we can only post an officer if there is a vacancy. At the moment, there is no vacancy in Baringo District. There is no need to employ people from there for the sake of it when other districts do not even have a single officer to take care of their health needs.

**Mr. Speaker:** Next Question, Mr. Angwenyi!

**Mr. Angwenyi:** Mr. Speaker, Sir, I beg to ask the Minister for Roads, Public Works and Housing the following Question by Private Notice.

(a) Could the Minister give a list of buildings and other structures on the road reserves which have been identified for demolition, their ownership and valuation in Nairobi, Mombasa, Kisumu, Nakuru, Kisii and other major towns in the country?

(b) When does the Minister plan to have road construction work commence on these road reserves?

(c) Could the Minister consider diverting these road construction plans to spare these valuable assets on condition that the owners of the illegal structures pay for the diversions?

**The Minister for Roads, Public Works and Housing (Mr. Raila):** Mr. Speaker, Sir, I beg to reply.

(a) The Ministry of Roads, Public Works and Housing has identified various buildings and structures in the road reserves in Nairobi and other major towns in the country which are marked for demolition for contravening the Traffic Act Cap.403 and the Planning Act Cap.320 of the Laws of Kenya, respectively.

Buildings and structures on road reserves to be demolished have been marked in red and yellow crosses within Nairobi and all other major towns for demolition. The list is, however, being compiled by the Commission of Inquiry into illegally and irregularly allocated public land and will be ready towards the end of this month. It will, however, not be possible to read the list in the House when it is compiled since it is very long, but the hon. Member may request for a copy.

(b) The Government is in the process of identifying source of funding for the construction of these roads. Already the Ministry has advertised for expression of interest on the Nairobi southern by-pass concessioning. After the completion of the road, the road users will pay a fee to cover the cost of construction and maintenance. Other roads will be constructed as funds become available.

(c) There is no intention of diverting these roads to other areas. This is because they were proposed and planned a long time ago taking into consideration the overall planning of the City of Nairobi, other cities and towns in mind. Diverting the proposed roads and by-passes at this late stage will mean re-planning again and this will cost time and money which are not easily available. In any case, those who have put up buildings and other structures in these areas did it with knowledge that the areas did not belong to them, but the Government. It is time people took responsibility for their actions, for the sake of proper planning and development of this country.

**Mr. Angwenyi:** Mr. Speaker, Sir, I raised this Question after considering the emotions and pain of retirees; people who worked in the public and private sectors. They sunk their life-long savings, through investments, into these buildings that are now being earmarked for demolition. The land they built on was given to them by a legitimate Government. I want to know the value of those buildings that we see being demolished on television, and whether, in fact, we do have funds to construct roads on those areas? Could the Minister tell us the value of those houses so that we can know whether what we will achieve is more valuable than what we are destroying?

**Mr. Raila:** Mr. Speaker, Sir, I wish to refer the hon. Member to Cap.403 of the Traffic Act. Section 91 (1) reads as follows:-

"Every person, who without written permission of the highway authority-

"(a) encroaches on

a road or on any land reserved thereof at the side or sides thereof by making or erecting any building, fence, ditch, advertisement sign or other obstacle, or by digging thereon or by planting or sowing any tree, shrub or seed thereon; shall be guilty of an offence."

Mr. Speaker, Sir, there are two cases here, which we need to distinguish clearly. There are people whose lands were gazetted by the Commissioner of Lands for compulsory acquisition for use of road construction. Those people were adequately compensated for the lands. However, they did



not vacate the land. Instead, they went ahead and subdivided some of those lands and sold those plots illegally.

*(Applause)*

There are also other people who put up structures on the road reserves when the road itself was already in existence. There other cases where there was, initially, a low grade road; say, a Class D Road, which was later re-classified. This, therefore, means that the road found the buildings there. These are two cases, which are very separate. In the first case, those people have committed an offence and, therefore, the Government is right and justified in carrying out demolitions. In the second case, where a road has been upgraded, the roads are wider. Classes C, B and A roads are wider than Class D Roads. Those are the cases where we either compensate the owners of the structures or we carry out a bypass. We construct a loop in order to avoid the city centre, where the road passed before. That is the case, as it stands right now.

**Mr. Kagwe:** Mr. Speaker, Sir, in view of the law that the Minister has just quoted; the Traffic Act, Cap.403, Section 91, which refers to written permission, could he consider writing that permission to all those people, especially the kiosk owners who are on the road reverses, that they are not likely to see any roads for a very long time? If the Minister was so to allow, during the time before the roads are constructed, these kiosk owners would probably grow to be shop owners, so that by the time the Minister comes to construct the roads, they may not need to be on the road reserves.

**Mr. Raila:** Mr. Speaker, Sir, I want the hon. Member to appreciate that it is not only when construction is eminent that we want the road reserves to be clear. Some of the structures on road reserves are a danger to motorists and pedestrians alike. If the structures are put so close to the road, in order to avoid an accident, motorists veer off the road and end up hitting those structures, thus, causing an accident. Sometimes, because they cannot avoid hitting those structures, they end up hitting the pedestrians. So, it is not only when road construction is eminent that we need to have clear road reserves. Hon. Members should appreciate that the exercise that we have carried out countrywide in order to clear the road reserves has made motoring much more enjoyable on our highways. That is what we want to do, so that road safety is enhanced on all our highways.

**Prof. Oniang'o:** Mr. Speaker, Sir, I am sure that the Minister is aware that the UN Human Rights Charter requires that everybody should have housing. Is he aware that when he demolishes the poor people's dwellings, he is required to provide temporary accommodation for them?

*(Applause)*

**Mr. Raila:** Mr. Speaker, Sir, we also happen to be in charge of housing. That is why we have come up with a very ambitious programme for housing construction. However, something needs to be done in this country. We should not encourage a culture where people would move to any open space and construct shanties there. When we want to remove them, we are told that we must provide an alternative site for them before they leave. That way, there will be no end to that problem. We will have a country which is completely lawless. That is what the Government is doing.

**Mr. Angwenyi:** Mr. Speaker, Sir, first, I would have liked the Minister to table the list I had requested for. Secondly, this is our country. There is no time we have not had a Government in this country. These people constructed buildings on those parcels of land and acquired title deeds. For example, the house belonging to the elder widow of the late President, Mzee Jomo Kenyatta, on Ngong Road, has been marked for demolition. The fence, which protects that old lady from the prevailing thuggery in this country, is going to be demolished. Could the Minister relocate the road away from that house, so that we can spare that old lady the pain of seeing her house being demolished?

*(Laughter)*

**Mr. Raila:** Mr. Speaker, Sir, the hon. Member is actually requesting me to do a bit of twist dance or *kwaskwasa* with the road. I want the hon. Member to understand that it is not only the structures on road reserves that are being demolished. There are some other structures which are being pulled down, not because they are on road reserves, but because they are, for instance, under high voltage power-lines. Some of them are on railway reserves, which falls under another jurisdiction. With regard to the house that the hon. Member has referred to on Ngong Road, its fence will be pulled down because it has been constructed under a high voltage power-line. That is not the responsibility of my Ministry. So, there are different reasons for pulling down houses. There are a number of people who have put up permanent structures or even shanties under the power-lines. That has caused accidents and lives have been lost in the past. So, the Government is doing that to protect the lives of those people. Otherwise, I want it to be known---

**Mr. Mwenje:** On a point of order, Mr. Speaker, Sir. I do not know whether the Minister is in order to say that the fence of the house of the late Mzee Jomo Kenyatta's elder widow will be pulled down because it is under the power-line. Nobody lives on the fence!

*(Laughter)*

**Mr. Speaker:** Order! Order! The Minister may wish to respond to that question, but I think the gist of what he is saying to Kenyans, and to this House, is that it is about time we brought orderliness to the management of public affairs. I think that is what the Minister is saying.

*(Applause)*

**Mr. Raila:** Mr. Speaker, Sir, that is the point we are trying to make, as a Government. We should discourage the culture of lawlessness where people will put up shelter at any open space with impunity. Such land may have been earmarked for the construction of a hospital or a school, or it may have been intended for a road. Once people have settled on the road reserves, if you want to remove them, you are told that you must find an alternative land for them. You are also told that they are squatters and they are entitled to shelter. Secondly, the Government does not want to cause unnecessary suffering to the people of this country. The Government is human and is very much concerned about the plight of our people, and will only do it when it is absolutely necessary. In some towns, we have said that we are not going to demolish structures which are on roads. We are going to construct a loop; a bypass around the town, to avoid having to destroy so many houses which have been constructed, particularly if the houses had been there before the road came in there. But people are also complaining that if we do a loop and leave the City centre, we would be killing the town. So, sometimes it is a question of give and take.

**Mr. Muchiri:** On a point of order, Mr. Speaker, Sir. Is the Minister in order to have read us a law that has been breached by those people whose houses he is demolishing? Is he in order to be the judge and jury? It is a cardinal point of law that no man shall be condemned unheard. Are we trying to use laws that are not in our books or is this country in a situation where the laws cannot be applied?

**Mr. Speaker:** Is that a point of order?

**Mr. Raila:** Mr. Speaker, Sir, that is not a point of order, but I will answer the question.

The sizes of the roads and road reserves is clearly specified in the Highway Act. For example, a class "A" road has a span of 60 metres from the centre of the road. So, if somebody comes and builds within that area, he is encroaching on a road reserve, and we are entitled under the Act to demolish such a structure. So the onus is upon the person whose structure is being

demolished to go to court and not the other way round. Otherwise, we would have to be going to court for each and every structure which is illegally constructed on the road. There will be no Government and we will not be able to have any highway or road in this country.

**Mr. Speaker:** Next Order! There are some hon. Members who wanted to seek Ministerial Statements. That is the end of Question Time. Mrs. Ngilu you had a Ministerial Statement, but let me first give a chance to Members and then I will come back to you. Mr. Lesrima!

### POINTS OF ORDER

#### NATURE AND CHEMICAL COMPOSITION OF EFFLUENT FROM NAIROBI DAM

**Mr. Lesrima:** On a point of order, Mr. Speaker, Sir. I rise to request for a Ministerial Statement from the Minister for Environment, Natural Resources and Wildlife - although you notice the Shadow Minister has just walked out of the House - on the nature and chemical composition of the strange white soapy effluent which was oozing out of the Nairobi Dam on Monday and Tuesday. He should tell the House who is responsible for this mess and to consult the Minister in charge of Provincial Administration and National Security to confirm that, in fact, this is not an act of sabotage and terrorism. Thirdly, he should tell the House what action he intends to take on the polluters of this dam and other rivers passing through Nairobi. Fourth, he should tell the House the Government strategy on the management of Nairobi River and its tributaries.

Finally, he should inform the country about the impact on the health of the people of Nairobi, Athi River and its environs.

**Mr. Speaker:** Is the Minister for Environment, Natural Resources and Wildlife here or anybody from that Ministry?

**The Minister for Roads, Public Works and Housing (Mr. Raila):** Mr. Speaker, Sir, I am undertaking to relay the information to the Minister concerned.

**Mr. Speaker:** Very well! I think it is also in your constituency. Mr. Wanjala!

#### IDENTITY OF ASSISTANT MINISTER

**Mr. Wanjala:** On a point of order, Mr. Speaker, Sir. I rise to seek a Ministerial Statement from the Minister for Internal Security. On Friday 2nd, April 2004, there was an announcement over the KBC radio that there is an Assistant Minister whose Mercedes Benz car, white in colour was arrested at the Jomo Kenyatta International Airport. They did not mention the name of that Assistant Minister.

**Hon. Members:** Who?

**Mr. Wanjala:** Mr. Speaker, Sir, they did not mention the name of the Assistant Minister, but the media went further to say that, that Assistant Minister was coming from Western Province. We want to know who this Assistant Minister is, because as hon. Members of Parliament from Western Province, we have asked all the Assistant Ministers from Western Province and they have denied.

Mr. Speaker, Sir, next week, His Excellency the President will be visiting Western Province and people are wondering what kind of Assistant Ministers he will be moving with in Western Province if actually none of them is mentioned, so that we know who is doing wrong things in this Government.

**Mr. Speaker:** Mrs. Ngilu!

### MINISTERIAL STATEMENT

PRE-LAUNCH CAMPAIGN OF NATIONAL  
HEALTH INSURANCE SCHEME

**The Minister for Health** (Mrs. Ngilu): Thank you, Mr. Speaker, Sir. I rise to give a Ministerial Statement on the request of Dr. Galgallo---

**Mr. Wanjala:** On a point of order, Mr. Speaker, Sir. There is no one to answer my question!

**An hon. Member:** It did not make any sense.

**Mr. Wanjala:** Mr. Speaker, Sir, drug peddling!

**Mr. Speaker:** Order, Mr. Wanjala! Relax. You have passed the message and the Minister will respond in good time.

Proceed, Mrs. Ngilu!

**The Minister for Health** (Mrs. Ngilu): Mr. Speaker, Sir, I rise to give a Ministerial Statement on the request of Dr. Galgallo on the launch of the National Social Health Insurance Scheme on Tuesday, 6th April, 2004. I will also give a Ministerial Statement after this, which I requested you on my own with regard to the 1st National Women Conference on HIV/AIDS that took place in February this year, from 20th to 22nd.

Mr. Speaker, Sir, I wish to clarify that on 6th April, 2004 as a Minister for Health, I officially pre-launched the culmination of matrix preparatory activities with the Ministry of Health and National Hospital Insurance Fund to make this scheme a reality in the new financial year. This includes the initiation of nationwide registration programme for both the contributor and the beneficiaries of the current National Hospital Insurance Fund Scheme as well as registration of private and self employed persons. It also sets the beginning of a social mobilization campaign that is necessary in order to bring Kenyans on board with regard to the benefits and the reasons for initiating this programme. We just need to start creating awareness among Kenyans to prepare them. Otherwise, it is imperative to note that the launching of the first implementation of the new scheme, is within the provision of the current NHIF Act No.9 of 1998 and mandate. Until the National Social Health Insurance Bill, 2004 is enacted and becomes law, the Ministry of Health, through the National Hospital Insurance Fund will continue to carry out its mandate of health service delivery within the provision of the said Act No.9 of 1998.

Mr. Speaker, Sir, I also would like to state that there was an earlier communication with the Chairman of Health, Housing, Labour and Social Welfare Committee, Dr. Galgallo, on the need for sensitization of the Committee and Parliament in general on the proposed scheme. It is expected that the National Hospital Insurance Fund will be transformed into the National Social Health Insurance Fund.

Mr. Speaker, Sir, it is expected that the National Social Health Insurance Fund will be established by an Act of Parliament. It will provide payment of benefits, contributions and set up the various organs of the Fund. The object of the Fund is to provide acceptable and affordable healthcare to all Kenyans. Therefore, this is to give notice to all Kenyans. We all remember that in his Speech, the President emphasised the need to put that scheme in place.

*(Loud consultations)*

**Mr. Angwenyi:** On a point of order, Mr. Speaker, Sir. As we listen to the Minister, could you ask others to sit down? The House is consulting too loudly.

**Mr. Speaker:** Very well. Order, hon. Members! I think through an hon. Member, the House demanded a Statement from this Minister. She has responded to that request. I think it is only fair that we give the Minister the opportunity to be heard so that, if you are not satisfied, you will be

able to query her. So, please, give her an audience.

Proceed, Madam Minister!

**The Minister for Health** (Mrs. Ngilu): Mr. Speaker, Sir, I want to remind hon. Members that in his opening Speech, the President emphasised the need to put that scheme in place. Therefore, we are just preparing ourselves so that, by 1st July, 2004, that scheme will be in place.

Thank you.

**Dr. Galgallo:** Mr. Speaker, Sir, a health insurance scheme of the magnitude that the Minister is proposing to establish, is not a simple matter. The process of conversion from a provident fund like the National Hospital Insurance Fund (NHIF) to a health insurance scheme needs consultations and a developed legal framework. You are now talking of pre-launching it. You are telling Kenyans that you are about to launch a health insurance scheme that has no legal basis.

Mr. Speaker, Sir, the first thing that the Minister needs to do is to bring a Bill to this House. It should then be referred to the Departmental Committee on Health, Housing, Labour and Social Welfare. In fact, hon. Members have shown interest and are willing to discuss with the Ministry. We want a scheme that will be of use to Kenyans. I think she is jumping the gun by talking about pre-launching. She has even given a date in July, this year, when the Bill has not yet come to this House. Could she go about that business in an organised manner that will take everybody on board?

**The Minister for Health** (Mrs. Ngilu): Mr. Speaker, Sir, Dr. Galgallo is right. That should be done. I want to assure him that, in actual fact, the preparation of that scheme was started way before I joined the Ministry of Health. We are just about to finalise what he, himself, started. We are waiting for Cabinet approval. The Sessional Paper and the Bill are ready. So, we are going to bring it to this Parliament. I am sure you know about it. We have been talking about it. However, I appreciate your sentiments.

**Mr. Speaker:** Very well! I think I will give a chance to Mr. Mwenje and Mr. Obwocha.

**Mr. Mwenje:** Mr. Speaker, Sir, I do agree with Dr. Galgallo. That should be the right procedure. If the Minister is preparing to bring that Bill or Sessional Paper here, that scheme should not be launched. The Sessional Paper and Bill should be brought before the relevant Departmental Committee and Parliament. Let us not put the cart before the horse.

**Mr. Speaker:** Very well! What did I say several times when we were opening Parliament? Madam Minister, what did I say several times? Make major national policy announcements on the Floor of this House. That way, you carry the House. These are the people who will assist you in your Sessional Paper and Bill. I will give you - and I repeat - I will give the indulgence to Ministers who wish to use the Floor of the House to announce their policies. I, again, want to confirm to you that the Floor is available. The Chair is going to be very friendly! The House is going to be friendly. Why shy away?

**The Minister for Health** (Mrs. Ngilu): Mr. Speaker, Sir, I have made a note of that.

**Mr. Speaker:** Could we hear from Mr. Obwocha and then finish that?

**Mr. Obwocha:** Mr. Speaker, Sir, the intention of the Government is good. But we know that the NHIF has been misused in the past. I think before she launches the scheme, she should have an opportunity to listen to all the stakeholders. The clarification that I would like to seek from her is: Before the scheme comes into force, is she bringing a new Bill to this House or is she amending the NHIF Act? Could we get that clarification?

**Mr. Speaker:** Very well! That is the last now. Proceed!

**The Minister for Health** (Mrs. Ngilu): Mr. Speaker, Sir, we all know the NHIF has been there for the last 40 years. We are just reforming it to the National Social Health Insurance Fund. That is simply because Kenyans have not benefitted as much as they should have. The NHIF only pays 70 per cent for in-patient. That scheme is going to benefit each and every Kenyan. It will get resources from the Government as well. That has been done with the stakeholders. I would like to say that the work has been done together with trade unions like the Central Organisation of Trade

Unions (COTU), Kenya National Union of Teachers (KNUT), civil servants, the Government and all other employers. A lot of work has been put into that.

Mr. Speaker, Sir, I agree with you that I should not have done the pre-launch. But we just thought that we should start educating Kenyans on what they should expect.

Mr. Speaker, Sir, the suffering of Kenyans in our health facilities is something that cannot be under-estimated by any one of us. Therefore, we look forward to having that scheme in place for each one of us. I ask you to support it for your benefit.

**Mr. Speaker:** Very well. Is there any other Minister who has a Ministerial Statement?

**The Minister for Health** (Mrs. Ngilu): I have another one.

**Mr. Speaker:** Order hon. Members! Order, Mr. Obwocha! As I said, the Chair actually encourages Ministers to make policy statements from the Floor. I will go out of my way to accommodate any Minister who has a policy statement to make from the Floor of the House. So, you have another one?

**The Minister for Health** (Mrs. Ngilu): Yes, Mr. Speaker, Sir. I have another one. I requested it personally after listening to hon. Members asking about the National Women HIV/AIDS Conference that took place from 20th to 22nd of February this year.

#### NATIONAL WOMEN HIV/AIDS CONFERENCE

Mr. Speaker, Sir, when we took over the Government in the year 2002, we gave top priority to the control and management of HIV/AIDS, in view of its devastating effects on the country's economy and well-being of the people. Today, close to 500 people are dying everyday from the pandemic. About 200 are infected every year. About 60 per cent of the beds in our hospitals are occupied by HIV/AIDS patients. The cumulative number of those who have died has reached nearly 1,500,000 now. As a result of that pandemic, 1.2 million children are orphans.

Mr. Speaker, Sir, we know that most of the people who are looking after those HIV/AIDS orphans and the sick are women. We have held numerous conferences to raise awareness in this country. Last year, we brought together all the faith-based organisations on 23rd March, 2003. After that, we said the next group that we shall bring together would comprise of women, teachers, trade unionists and the youth.

This year, therefore, we thought it was important, as we now prepare ourselves to give Anti-Retrovirals (ARVs) to as many of those people who are sick as possible, that we should bring women together so that they can understand a little bit and also share with us what we have been doing as the Ministry of Health. The conferences concept proposal was shared by all levels of Government and the Cabinet gave approval to the hosting of the conference. The tenders for hotel accommodation and the catering services were invited and adjudicated by the Ministerial Tender Committee of the Ministry of Health, as is required by the law. Funds for reimbursement for transport and out of pocket allowance were handled by senior accountants of the Ministry.

Mr. Speaker, Sir, the purpose of the conference was to create awareness among the women who are doing the work, as I have said, and to foster a close relationship between the Ministry of Health and women leaders on integrating gender into HIV/AIDS programmes, to share their own experiences as women of Kenya, because they all came from different places, and to sensitise women on the Government's strategy plan on HIV/AIDS and also under the HIV/AIDS Bill that was coming to this House.

We also wanted to share with women the National Social Health Insurance Scheme. We also wanted to integrate the women groups, Community Based Organisations (CBOs) and Non-Governmental Organisations (NGOs) who work with the Constituency AIDS Committees which Members of Parliament have started. We also wanted to sensitise women on the availability of ARVs. Indeed, we all know that these are the women who are looking after all the sick people.

Mr. Speaker, Sir, we intended to bring together 4,000 women from the whole country. However, the women who turned up, and I invited them personally as the Minister for Health, no organisation invited women. I wrote a letter to each and every woman who came, bearing the Ministry of Health's letterhead and I signed them personally. I gave out 4,000 letters.

However, although this is the letter that went out, and I gave this letter to different women's organisations to mobilise in different provinces, women had met on the 26th January to plan for this. In total, 25 women's organisations met together at Silver Springs Hotel to plan to have this conference and they decided on how they were going to mobilise women. They did a good job. They shared the work. There was no one women's organisation that was given work by the Ministry of Health, not at all. They shared the work to be done.

The only one women's organisation that refused to do this work was Maendeleo ya Wanawake Organisation (MYWO) who said that unless they were paid, they would not be involved. Many Members of Parliament did actually come to our offices and they got letters of invited women leaders from their own places. Therefore--- They were informed, but they did. So---

*(Loud Consultations)*

**Mr. Speaker:** Order! Order, Members!

**The Minister for Health** (Mrs. Ngilu): Mr. Speaker, Sir, this is how we went about it. Then, instead of the 4,000 women who we had invited, some of them, out of their wish to do what we wanted to do, had already photocopied this letter and invited others. So, instead of getting 4,000 women, and I have all the documents here because when they came they registered themselves and they signed with their identification cards showing where they came from, there were 5,600 women. Those are the women we catered for. We had budgeted for Kshs31,665. This was to cater for transport, hotel accommodation and meals, and each woman got Kshs1,000 for her *per diem*.

Mr. Speaker, Sir, many hon. Members have said that this was a waste of money. I do not feel so, and I say that here. All Members of Parliament know how much money we have been spending on conferences ourselves.

**An hon. Member:** On what?

**The Minister for Health** (Mrs. Ngilu): On AIDS conferences.

*(Loud consultations)*

**Mr. Speaker:** Order! Order, Members!

**The Minister for Health** (Mrs. Ngilu): Mr. Speaker, Sir, I am saying that we as Members have also been spending money meant for AIDS work on conferences. But I believe that each one of us knows the work that women in the villages are doing on the campaign against AIDS and they should be supported. We should also make them understand that we like their support.

It is for this reason that we brought these women together to do this work. I think they did a good job and we shall now move to the provinces, it is not ending here. We will follow up so as to increase the awareness of these women and ensure that they continue to do the campaign against AIDS. Thank you.

**Mr. Speaker:** Well, Dr. Galgallo, being the Shadow Minister for Health will have the first opportunity to respond.

**Dr. Galgallo:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to question the Minister.

Mr. Speaker, Sir, we, as Members of Parliament, have been at the forefront of establishing our Constituency AIDS Committees. We went to Mombasa, we invited Members and there was a good turn-out and we developed policies which will guide us in implementing the National AIDS

Control Council (NACC) agenda, NACC being the main organ that has been charged with the responsibility to fight this pandemic. We know that in your programme, you are planning to have District Co-ordinators, and women are now fighting over this at the districts level, they are campaigning. Now, that will establish another centre of activity which will be difficult to co-ordinate with the Constituency AIDS Committees. We had agreed, as Members of Parliament, that the district level should be left out and the Constituency should be the centre of focus. Now, how is this going to work with the structures which we have been struggling to put up in our constituencies?

**The Minister for Health** (Mrs. Ngilu): Mr. Speaker, Sir, just like last year, we did bring together the faiths-based organisations and the report will come out. What we have been doing is to seek to know where and how women can give support to the sick people. We are not creating something like what the Constituency AIDS Committees are doing. But we would like to be involved further, because there are so many people who we cannot handle in our hospitals and are in their homes and are being taken care of by women. Some of the women are even more sick than those they are looking after.

Let me say it again here, that, as we now scale up the use of ARVs, we also need to know what is happening on the ground, and you know we do not have adequate health workers. You know, ARVs are not like panadol. There are bodily reactions from these drugs and our health workers are reporting to us. So, we need to have more people who can give us some reports of what is happening on the ground.

**Mr. Speaker:** I will give a few hon. Members the chance to seek clarifications. I think the Minister can take notes and then respond later so that we can go to another matter.

**Mr. Wanjala:** Mr. Speaker, Sir, the registration for the conference was done on a Friday evening. They went to sleep. The President opened the conference at Kasarani Stadium on Saturday afternoon. After opening, he closed it.

*(Laughter)*

All the women left on that very day. Which hotel did they sleep in and how much was paid? When did the Minister herself become a cashier, as she was seen paying money to the women?

*(Applause)*

*(Loud consultations)*

**Mr. Speaker:** Order, Members! We want the Minister to hear the Members' questions so that she can respond. I will give the chance to Mr. Billow now and one more Member from the Government side and another one from the Opposition side, then she can respond. That is enough. Relax now.

**Mr. Billow:** Mr. Speaker, Sir, conferences have normally one aim only; to convey a message. You call a conference for the purposes of advocacy and conveying the message about HIV/AIDS. The National AIDS Control Council has announced that over 90 per cent of the people in this country are aware of HIV/AIDS. In fact, the awareness rate is more than 90 per cent in this country. The Minister, if I heard her clearly, said that she intends to carry out the same exercise in the provinces. If HIV/AIDS awareness is over 90 per cent, what we need is to move to treatment, caring for orphans and other aspects of HIV/AIDS.

The second thing is that this Government has reiterated its commitment to accountability and transparency. The concern about this is not so much about why women were called to Kasarani. We all support the women and we will all be happy if women are invited for this kind of thing. However, our concern is the procedures used with regard to procurement, for example, of the hotels and also the procedures used for inviting the women. In my constituency, there was not a single woman who was invited. I want to know the criteria that was used by the Ministry and we would be



happy if the Minister could table minutes. Actually what Head in the Ministry's Vote did they apply which was approved by this House last year?

*(Applause)*

**Mr. Speaker:** I will have Prof. Olweny, Mr. Arungah and then I will have one more person from this side and that will be it.

**Prof. Olweny:** Mr. Speaker, Sir, you have heard the Minister say that some hon. Members of Parliament were involved in this exercise. At least myself and quite a good number of hon. Members of Parliament were not involved in it. Why was this information restricted to only a few hon. Members of Parliament? Could the Minister tell us that?

**Mr. Arungah:** Mr. Speaker, Sir, in the guidelines we were given when we were forming AIDS committees at the constituencies, it was mandatory for women to be part of those committees. I am just wondering why the Minister found it necessary to have a parallel organisation when we could have used the women who were in those committees.

*(Applause)*

**Mr. Speaker:** Mr. Kombe and then I will finish with Mr. Sirma!

**Mr. Kombe:** Mr. Speaker, Sir, the Minister has said that 200 people die everyday of HIV/AIDS.

**Hon. Members:** 500!

**Mr. Kombe:** Mr. Speaker, Sir, previously it was 700. At the rate of 200 people per day, it comes down to 108,000 per year.

**Hon. Members:** 500!

**Mr. Kombe:** Mr. Speaker, Sir, if it is 500 times 30, that will give you 15,000 per month. If you multiply that figure by 12 months, that will give you the number of people dying every year.

**Hon. Members:** 180,000!

**Mr. Kombe:** Mr. Speaker, Sir, we are told that some Kshs31 million was used on a conference and yet it cannot be accounted for properly. This money should have been given out to assist traditional researchers because they are doing a very good job and soon they will come up with proper medicine in the villages. Sooner or later, I will bring to this House statistics of people who have been treated and are doing well. My appeal to the Ministry is that it should consider establishing traditional centres and give more support to traditional researchers.

**An hon. Member:** And magicians!

**Mr. Speaker:** Very well! Mr. Sirma, that is the last question!

**Mr. Sirma:** Mr. Speaker, Sir, for sure we are serious about this HIV/AIDS pandemic but, as much as we would like to respect the hon. Minister, she has actually not told us the truth. The letters which the women were given, bore a signature but the place where they were collected is a house in Nairobi South C Estate which we are told belongs to the Minister.

The second issue is about the buses which were used to ferry the women. What tender was used? This is because the buses which were used belong to the Kenyatta National Hospital (KNH) and the Kenya Medical Training College (KMTC). Who paid for this?

There is also the issue of hotel accommodation. Women from some districts were going to the Hilton Hotel and also Inter-Continental Hotel while others just went to River Road because they came from certain districts in this country.

I also do not know whether it was the right forum for the Minister to campaign because we were told that they wanted to declare her the Prime Minister. Could she tell us about that?

*(Applause)*

*(Loud consultations)*

**The Minister for Health** (Mrs. Ngilu): Mr. Speaker, Sir, let me answer the questions as they came. Mr. Wanjala said that we took only one day for this Conference.

*(Applause)*

Mr. Speaker, Sir, women arrived in Nairobi on 20th February, 2004. Immediately they arrived, they started registering at the Kenyatta International Conference Center (KICC) at 7 o'clock in the morning and I was there personally with the women until about 12 o'clock. That is when we ferried all the women to Kasarani. As per the programme, at 2.30 p.m. we started the Conference and we went on until 6 o'clock as was planned and all the women were delivered to their different hotels.

Mr. Speaker, Sir, as I said, we had invited 4,000 women. However, 5,600 women attended this Conference and each produced her identity card before registering her name. Therefore, with the budget that we had, we had to accommodate each one of them and I can share with hon. Members the letters that women had given to their friends and then they got here. There was no way we were going to turn them away. Therefore, we had to put them wherever we could. It is true, if I can answer your last question, that they all did not sleep in the Hilton Hotel.

Mr. Speaker, Sir, I also want you to know that, because of the number, even if we had rooms at the Hilton Hotel, they could not take 5,600 women. So, they had to be spread in different hotels. Some were lucky to sleep at the Hilton Hotel, but not a single woman slept in a hotel beyond Tom Mboya Street. We put them in fairly good and clean hotels and I personally checked. We also put others in hostels---

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

**Mr. Speaker:** Order, hon. Members! There cannot be a point of seeking answers if you do not want to listen to them.

**The Minister for Health** (Mrs. Ngilu): Mr. Speaker, Sir, I just want to say that it is true that they all did not sleep at the Hilton Hotel but some did sleep there, others at the Safari Park Hotel and elsewhere while others slept in lesser places than that. Therefore, they were all accommodated albeit with difficulties because of the high number that came and not the number that we had catered for.

We started the day on 20th February, 2004, which was on Friday. On 21st February, 2004, which was a Saturday, His Excellency the President found the women when they had already started the programme for the day. He officially opened the Conference, left and we had lunch. We then went back until 6.30 p.m. and after this we helped women get their certificates and money for their fare. They were put back in their hotels. It obviously took a little longer time. Until midnight, we were still booking accommodation for the women in different hotels. Mr. Billow asked why we continue to create awareness when already 91 per cent of Kenyans are aware of the HIV/AIDS pandemic. Yes, it is true that 91 per cent of Kenyans are actually HIV-negative. It is this 91 per cent of Kenyans that have to be talked to every single day, so that the resources that we have can actually cater for the 9 per cent of Kenyans that are already infected. We can very easily increase this prevalence rate. We really need to look at what we are doing about this HIV/AIDS scourge. Everyone of us, in one way or another, has been affected. The infected are already sick. Let us ensure that the infected can be given Anti-Retroviral drugs (ARVs). Those who are not infected can actually be helped to continue being HIV-negative. That is why we have set up so many Voluntary

Counselling and Testing Centres (VCT) so that people can know their status.

Mr. Speaker, Sir, something else has come up and I want to share with the House. I have said many times before that the Muslim community has only 2 per cent infection. We must continue ensuring that, at least, the 98 per cent of the Muslims remain HIV-negative.

**Ms. Abdalla:** On a point of order, Mr. Speaker, Sir. The Minister is repeating what I was complaining about yesterday. The National Aids Control Council (NACC) does not have statistics to prove that Muslims are not infected. If she keeps on repeating this, then she is not fighting the HIV/AIDS pandemic.

**Mr. Speaker:** As a matter of interest, do you ask patients whether they are Christians or Muslims?

**The Minister for Health** (Mrs. Ngilu): Mr. Speaker, Sir, I am only commending Muslims and I want other communities to learn from them. We have statistics. Statistics from Garissa District, for example, show a 4 per cent infection rate. Statistics from Nyanza show that there is a 45 per cent infection rate.

**Dr. Kuti:** On a point of order, Mr. Speaker, Sir. Is the Minister aware that the HIV/AIDS prevalence rate has gone up from 7 per cent in 1998, to 10 per cent at the moment in Isiolo District which has a high population of Muslims?

**The Minister for Health** (Mrs. Ngilu): Mr. Speaker, Sir, I am aware. That is why I say we look at the statistics from different places. We should continue encouraging our people to maintain their HIV/AIDS-negative status. We all need to work with Nyanza Province much more than any other province because it has a prevalence rate of 45 per cent. It is very sad.

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

**Mr. Speaker:** Order! Order! This is not a debate. It is not even a question. Actually, the Minister is responding to points of clarification. Because of the gravity of this matter and the interest shown by hon. Members, I have given considerable amount of time to this particular issue. Please, let us treat it as seriously as it is. Let her finish now, so that we can go on to other business.

**Mr. Angwenyi:** On a point of order, Mr. Speaker, Sir. The Minister say the prevalence rate in Nyanza Province is 45 per cent. Which part of Nyanza has this prevalence rate? There are two regions in Nyanza Province. However, be that as it may---

**Mr. Speaker:** Order, Mr. Angwenyi! Just to save the time of the House, everybody in this country knows that there is only one Nyanza. That is Nyanza Province.

Please, proceed, Mrs. Ngilu!

**The Minister for Health** (Mrs. Ngilu): Mr. Speaker, Sir, actually, the situation is very sad, indeed. I am not saying this because we want to slight any community. I am just trying to say that it is our duty to ensure that we prevent and treat. That is what we are trying to do.

Mr. Speaker, Sir, I was also asked from which Vote the conference was funded. This House knows that we have Prevention Sub-vote in the Ministry of Health. Prevention, for me, is better than cure. I even want to get more resources to prevent diseases, much more than treat them.

Mr. Speaker, Sir, I was also asked why a few hon. Members of Parliament were involved in the conference and not all. As I said, we brought together all women organisations that were involved in some work before, for example, civic education and development work. We asked these women to mobilise fellow women. Some of them actually went and met their respective Members of Parliament who came and collected letters. Women are taking care of the sick and children. For once, we wanted also to show women that we appreciate what they are doing and that we will work with them.

Mr. Speaker, Sir, I was asked why we brought these women and yet we also have them in

the Constituency Aids Control Committees (CACCs). I believe these women will support the work being done by the hon. Members. So, there is no duplication of work in the fight against the HIV/AIDS pandemic. After all, we are all doing the same thing and we want to ensure that these programmes are successful.

Mr. Speaker, Sir, a Member asked me to fund traditional healers. The Ministry has not set aside any money for traditional healers, but this issue can be studied. I do not know about the traditional healers and witchcraft. We are running away from that kind of a thing because the HIV/AIDS scourge has nothing to do with witchcraft.

Mr. Speaker, Sir, the last question was asked by Mr. Sirma. He wanted to know where the letters were collected. It is true, 4,000 letters which we took out could not have been handled from the Minister's office.

**Mr. Kombe:** On a point of order, Mr. Speaker, Sir. The Minister says the traditional healers have nothing to do with witchcraft. Is she in order---

**Mr. Speaker:** Order, Mr. Kombe! Please, just relax! Even if they are witchdoctors or traditional healers, I do not think she has slighted them. She says she has no knowledge of how witchcraft, witchdoctors or "witchwomen", work. She also said that the HIV/AIDS scourge has nothing to do with witchcraft. So, could we, please, listen?

**The Minister for Health** (Mrs. Ngilu): Mr. Speaker, Sir, the 4,000 letters were collected by 25 different women's organisations. They themselves decided on how they were going to share out those letters. I have all the documents to show how those letters were shared by the 25 different women's organisations. As I said, on 26th of January, we all met as women leaders in this country. A group of 12 women Members of Parliament were in that meeting held at the Silver Springs Hotel. The three Cabinet Ministers were there, including four Assistant Ministers. In addition, there were six other women from both the Opposition and Government side. We all met and decided on how we were going to organise the conference. So, that was not something which was handled by the Minister for Health. The problem which has dogged that conference is that we had professional conference organisers and goers who felt slighted when they were not part of it. I would like to tell all hon. Members that there was nothing sinister about that conference. It is some hon. Members who started saying that I invited women to attend the conference, so that they can support me to be appointed a Prime Minister. It would be very good if they did.

*(Laughter)*

## POINT OF ORDER

### ERUPTION OF GEYSER NEAR LAKE BARINGO

**Mr. Boit:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I would like to seek a Ministerial Statement from the Minister for Water Resources Management and Development. First of all I want to thank the Minister for visiting my constituency to launch water projects. She recently commissioned the sinking of some boreholes through the ASAL Programme.

**Hon. Members:** How?

**Mr. Speaker:** Order, hon. Members! Could we listen to what the hon. Member is saying?

**Mr. Boit:** Mr. Speaker, Sir, I am saying that the Minister for Water Resources Management and Development commissioned drilling of boreholes sponsored by the ASAL Programme and the Embassy of Belgium. One borehole which is being sunk right now is a disaster. This is because hot water---

*(Loud consultations)*

**Mr. Speaker:** Order, hon. Members! Could we hear what the hon. Member is saying? Hon. Members, I plead with you to listen to what the hon. Member is saying. In fact, what he is saying is something I have never heard of before, and I am sure you have not. So, please, listen to him.

Proceed, Mr. Boit!

**Mr. Boit:** Thank you, Mr. Speaker, Sir. One borehole which is being sunk around Lake Baringo has caused havoc. Hot water is shooting up to about 100 metres high and has burnt people who have been taken to hospital. I want the Minister for Health to send an ambulance and doctors to treat those people. This is a security risk because the animals within that area are now in danger. People have run away from that borehole. The Ministry of Water Resources Management and Development should investigate why that borehole produces hot water. This borehole is near Lake Baringo, where people drowned the other day. We send our condolences to the families whose members drowned in that lake. I would like to seek a Ministerial Statement from the Minister for Water Resources Management and Development over the hot water emanating from that borehole. The Ministry should send experts to carry out investigations and tell us what is happening. That borehole is along the hotbed of Lake Bogoria which has hot water.

**Capt. Nakitare:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, Capt. Nakitare! You are totally disorderly! An hon. Member on a point of order cannot be interrupted. You must know that and relax.

Proceed, Mr. Boit!

**Mr. Boit:** Mr. Speaker, Sir, I am saying that my constituents are now panicking and do not know what to do. I would like the Minister for Water Resources Management and Development to rush to my constituency and if possible, the Ministry of Health should also assist the patients who were burnt.

**Mr. Speaker:** Very well! Let us move on to the next order!

### MOTION

#### THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on Tuesday, 30th March, 2004.

*(The Vice-President and Minister  
for Home Affairs on 31.3.2004)*

*(Resumption of Debate  
interrupted on 7.4.2004)*

**Mr. Speaker:** Who was on the Floor?

**Hon. Members:** The hon. Member who was on the Floor concluded his contribution!

**Mr. Speaker:** So, let Mr. G.G. Kariuki contribute!

**Mr. G.G. Kariuki:** Thank you, Mr. Speaker, Sir. His Excellency the President---

*(Several hon. Members withdrew  
from the Chamber)*

**Mr. Speaker:** Order, hon. Members! Could you withdraw from the Chamber in an orderly

manner?

Proceed, Mr. G.G. Kariuki!

**Mr. G.G. Kariuki:** Mr. Speaker, Sir, can we allow them to go first?

**Mr. Speaker:** Yes!

**Mr. G.G. Kariuki:** Mr. Speaker, Sir, I want to make a few remarks on this Motion. The President's Address was very effectively expounded and its bottom line was what the Government will do to promote economic recovery. The President also outlined the security measures the Government has taken and the way forward for our constitution-making process.

The greatest challenge---

**Maj. Madoka:** On a point of order, Mr. Speaker, Sir. We cannot hear what the hon. Member is saying. Maybe, he should stand on the chair so that he can get closer to the microphone!

*(Laughter)*

**Mr. Speaker:** Are you encouraging an old hon. Member to be disorderly? I am sure Mr. G.G. Kariuki will not---

**Mr. G.G. Kariuki:** Mr. Speaker, Sir, I think they were talking and that is why, perhaps, he did not follow what I was saying. I wish I will have two more minutes because I have been interrupted twice.

I am saying that the bottom line of the President's Address is how he thinks this nation can attain economic growth. The President also outlined the measures he wished taken to improve security in our country. He concluded his Address by urging hon. Members to reach a consensus on the constitution-making process. Our biggest challenge today is whether we will give this country a new Constitution which the NARC Government and the leaders of this nation promised Kenyans.

Mr. Speaker, Sir, we spent 13 months at the Bomas of Kenya and, since the NARC Government came to power, the 13 months have been lost due to various reasons. There was a lot of wrangling and mistrust at the Bomas of Kenya. That kept us away from reaching any consensus in our constitution-making process.

The Bomas of Kenya was important for discussion but it finally ended up creating more problems, especially, between Members of the Government and the Opposition. It, in fact, led to the spread of tribalism and regionalism. That is why we are not likely to come up with a new Constitution based on the Bomas initiative.

There are some people in this nation, and particularly, in the leadership of this country, who would not be happy to see a new Constitution agreed upon. That is the most disappointing thing in our time. We are talking about a new Constitution while some of us feel that, it should not be in operation at all. We all know that the NARC Government promised Kenyans that there would be a new Constitution within 100 days of taking office. We are aware that the Opposition is talking about us having a new Constitution by June this year, while in the real sense, it does not want this to happen. If they want us to get a new Constitution by June this year, there is need for us, as hon. Members of Parliament to meet and reach a consensus.

*[Mr. Speaker left the Chair]*

*[Mr. Deputy Speaker  
took the Chair]*

But we all know that peace within NARC has been destabilised from all directions. It will be a nightmare for some of us in this House, especially the people who looted our economy--- Whether we like it or not, some people were totally scared when NARC took over power. Within two months of the NARC Government, the Opposition and all Kenyans were willing to identify

themselves with the Government. But, when they were able to convince or penetrate those who are in power with all the looted money, that became a problem. That is why I would like to say that it is not easy for the NARC Government to have strong support with the environment that we are in today. We know that they looted billions of shillings. That money is being used to destabilise the NARC Government. It is also being used to divide the NARC Government, especially now that we have differences between the LDP, NAK and many others.

**Mr. Bahari:** On a point of order, Mr. Deputy Speaker, Sir. If I heard him correctly, he said that money that was looted is being used to destabilise this Government. Could the Member substantiate his claims? That is a very serious matter!

*(Applause)*

**Mr. G.G. Kariuki:** Mr. Deputy Speaker, Sir, unless we know who were the looters, it is very difficult to say.

**Hon. Members:** But you said it!

**Mr. G.G. Kariuki:** Yes! That money is being used to divide this Government! I have to say that! It is generally known that no political party, especially the Opposition, will allow unity in any government, if it wants to take over. That is why they are using all the means to divide this nation.

**Mr. Billow:** On a point of order, Mr. Deputy Speaker, Sir. The hon. Member is still emphasizing the issue that was raised. I want him to clarify which Members of NAK and LDP have been influenced by the looted money that he is referring to?

**Mr. G.G. Kariuki:** Mr. Deputy Speaker, Sir, I am not referring specifically to Member A, B or C. I am just saying that it is generally known that no Opposition will allow the Government to function properly. They have ways of derailing that Government, either by using looted money or any other manipulations.

Yesterday, some Members raised the issue of why foreign missions were getting involved in consensus building. In fact, a number of Members opposed the situation where foreign governments were trying to get into that problem. But, we should understand. They are poking their noses because we have failed to give the country a new Constitution. We have failed to agree! That is why they think it is only the foreign components that can bring peace into that situation. Therefore, we should not complain and ask why they are getting involved.

Mr. Deputy Speaker, Sir, Parliament has a huge responsibility to this nation. Parliament is supposed to safeguard the lives and property of citizens through a durable and sustainable Constitution. That is very important! We must all know that. However, whatever has happened, has happened! Now, we have to start afresh and do what we were not able to do at the Bomas of Kenya. That is because we have the responsibility. Bomas of Kenya was created by this House and, therefore, it is this House which has the final responsibility to give this country a constitution. It should not be Bomas because it was just giving a proposal to this nation.

Mr. Deputy Speaker, Sir, time is running very fast. But before I forget, I want to say that, if we want to eliminate corruption in this country--- There is a law that we passed here. We passed the Public Officer Ethics Act and the Anti-Corruption and Economic Crimes Act. We need a Select Committee of Parliament to oversee efforts to deal with corruption. The money that was looted is being shared---

**Mr. Deputy Speaker:** Your time is up, Mr. G.G. Kariuki! Mr. Biwott, please, proceed!

**Mr. G.G. Kariuki:** Mr. Deputy Speaker, Sir, I still have some minutes!

**Mr. Deputy Speaker:** You do not have! You can see the hour-glass is empty! Proceed, Mr. Biwott!

**Mr. Biwott:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the Presidential Speech. Traditionally, it is normal to praise the Speech and build on it.

As it happened, I think the Speech covered all the areas that need to be covered, and gave one direction. It lay emphasis on this House to come up with a solution regarding the Constitution. That is a very tall order. It requires that we, as Members, take it upon ourselves to ensure that we understand one another, and that we know what we want to do for our own country. We should accept one thing. The destiny of this nation is upon us all. All of us should know what we want to see in that Constitution, and think in terms of a future flourishing nation. Therefore, I think it is important that we look at it from a bi-partisan point of view, in order to understand each other's point of view and in order to bring all those points of view to one focal point. That way, we will address issues in the same manner and intensity. We all believe in what we want for our own country. What we believe should satisfy everybody. Nobody should be left wondering whether his opinion has been accepted. It is the meeting of the minds that is very important.

Mr. Deputy Speaker, Sir, having said that, I think it is also important to focus more on things that bring us together, so that we can address the urgent issues that are undermining the stability of this country. Security is very important. We have to work together as a nation and curb insecurity. It is not only the armed forces and the police who are responsible for maintaining peace. It is the police, individual citizens and those who are charged with the responsibility of looking into the real causes of insecurity in this country. We have to go deep and understand the underlying causes of insecurity. We should cater for those who implement security policies. They should be provided with whatever is necessary to provide security. They should be rewarded by way of promotions and other means.

Mr. Deputy Speaker, Sir, our economy is vital. It is important to put more effort and focus on areas that create many jobs, mainly in macro-projects and rural areas where peasants are struggling to survive. It is, therefore, important that price structure is addressed and supported by credit because without credit, it is impossible for any meaningful farmer or an individual businessman to carry out his or her business as a profitable venture. To this extent, I would like to comment on what the President talked about, particularly with regard to micro-credit which is very important. I know that is what has been done and we did it before because we managed to get micro-credit for small-scale and medium-scale industries. We also got it for tourism and especially eco-tourism and we know that it is absolutely necessary to expedite it so that the people who need it are given it. It should also be given on a countrywide basis so that every Kenyan has access to it without much impediment.

Mr. Deputy Speaker, Sir, perhaps, the most important thing is to also address agriculture in the areas where the farmers will get maximum benefits from the crops they grow. They have got to be high yielding and also high priced crops like, for example, the ones which have got higher demand either locally and internationally and markets have also to be organised. I believe that co-operatives will be the best bet in organising the farmers in order to ensure that, for whatever they produce, they get markets for them. We should also ensure that whatever they need as inputs is provided to them in time and that bureaucracy is reduced considerably.

Mr. Deputy Speaker, Sir, the East African Community (EAC) is also one aspect of expanding our own market and it is that market that we should look forward to. In doing so, we should look at the kinds of products and industries which will give us the greatest advantage as far as the EAC is concerned. I would like to thank the President, the Minister for Foreign Affairs and those in the EAC for bringing about the common external tariff because that has created a market. However, for the first five years, I think Kenyans will have to work hard because some of our own industries will be handicapped. This is because they will have to pay a penalty for the first five years in order to justify their entry into the common market. It may result in dislocation of some of our own industries and that is where we need to pay more attention to and, maybe, some incentives may be necessary in order to support those industries in order to put us on a proper map.

Mr. Deputy Speaker, Sir, the same thing goes for the Common Market for Eastern and Southern Africa (COMESA). It is important that Kenyans look at the region, either EAC or



COMESA, as the future market, or look at Africa as the future market. I know that all these things are possible if we work together and ensure that we create a good atmosphere, maintain unity and work knowing that Kenya is our own country where we must live and prosper. The African Union (AU) is also coming but that is a distance away. If we concentrate on the immediate one which is the EAC, I can see a future where we will be able to succeed.

Mr. Deputy Speaker, Sir, hon. Kagwe mentioned something which I thought needs emphasis. We should create a mechanism which will enable Members of the EAC to participate in our own House in order to give us reports. I think it is time that we now talked about resident Ministers based at Arusha who will come from the EAC as opposed to line Ministries representing us in the EAC at the Ministerial level. I think it is time we now moved towards a common market or a federation which will lead towards the opening of one market so that we have 100 million people to count on.

Mr. Deputy Speaker, Sir, I subscribe to the edict which the Opposition at that time, who are now the Government, were using that: "Everything is possible." I can see that a lot of things have become possible. For example, the helicopters which they used to criticise us about are now being used and I can see the Presidential jet is very useful and of good service. So, if everything is possible, I hope that we should be able to get---

**Mr. Deputy Speaker:** Order, Mr Biwott! Your time is up!

**The Minister for Justice and Constitutional Affairs** (Mr. Murungi): Mr. Deputy Speaker, Sir, thank you for giving me an opportunity to contribute to this important Motion, which I support. I have been in this House since 1992 and I think the Speech which was given by His Excellency the President was the best I have heard in all those years.

Mr. Deputy Speaker, Sir, the President said something which was very important; that, we as Members of Parliament, have enormous responsibility for facilitating a new constitution for this country. He said the new constitution is going to be a pillar of national unity, peace and prosperity for generations to come. It is only yesterday when we returned from the Republic of Rwanda, where we attended the commemoration of the ten years since the 1994 genocide in that country. We went through a very painful experience as we visited the museum of genocide, as we witnessed the ceremony in which 250 bodies which were recently discovered in a mass grave were being buried.

Mr. Deputy Speaker, Sir, for us, it was a big lesson about what bad governance can do to a country. It was a big lesson about what extreme political ethnic propaganda can do to a country. I would like the vocal Members of Parliament, later this year, to visit that country and see for themselves what harm words can do to a country so that the ethnic fires that we are lighting in this country and the political propaganda that I see on the rise in this country can stop.

Mr. Deputy Speaker, Sir, we have to put aside our quarrels as the President advised because, when somebody is visiting the country now, the people have forgotten that the NARC Government has brought free primary education which the Leader of the Official Opposition, Uhuru Kenyatta, had said was an impossibility. We have increased salaries for police officers. *Wananchi* are now travelling in comfort some wearing seat belts for the first time in their lives. These are major achievements, but because of the quarrels that exist within the ruling party, all these achievements are being swept under the carpet.

Mr. Deputy Speaker, Sir, I want to appeal to my colleagues to be more magnanimous. I want to appeal to them to turn the other cheek and to walk an extra mile even with their own political opponents so that we can have peace and stability in this country and what is more, a new Constitution which will provide for a sound framework for democracy, prosperity and social transformation.

I think it is time we put ourselves second and the people of Kenya, first. It is time for us to do some soul searching to reflect and to reason with each other on how we can build a consensus on this new Constitution which will determine the destiny of this country. We should seek to persuade each other, rather than seeking to conquer and embarrass one another. It is time for us to seek a win-

win approach as we solve our political problems. Personally, I will be very happy if we use this approach to bring a happy ending to the great tragedy which has been our constitutional reform process. It has been characterised, for over ten years, by seesaw and tug-of-war politics.

Mr. Deputy Speaker, Sir, we should support the President in his efforts to unite this country during this critical period of our history. There is no Parliament in Kenya's history which had the opportunity to facilitate the writing of a Constitution for this country. In fact, they say that although human beings make history, they only make that history as history itself permits them to make. For us, we are, indeed, lucky as Parliamentarians who have been given, by history, an opportunity to make a new Constitution for this country. For me as an individual, the constitution-making process has been a very humbling experience. I know that I have been described variously as being arrogant, conceited, drunk with power and being a dictator in this process. Mr. Deputy Speaker, Sir, I decided to make some three New Year resolutions. I told myself, "first, do not get mad and angry. Do not get even and do not try to revenge, but simply get on with your work. Work harder and try to do your best". Secondly, I also decided to be humble and less conceited. Thirdly, I have decided to talk less, to listen more, to walk an extra mile even with my opponents.

*(Applause)*

Mr. Deputy Speaker, Sir, these resolutions will now inform my work here in Parliament from now onwards and that is why we are seeking, from this perspective, to build a new consensus on the Constitution. I do not think that the document we passed in a hurry, in two hours, at Bomas of Kenya is really good for the future of this country. It is good for us to be very humble as we look at it again and ask ourselves what we did and how we can improve it for the benefit of the people of this country.

Mr. Deputy, Sir, there is also in my docket, the question of corruption. I want to reiterate that the war against corruption is still on and as the former President, Mr. Moi, once said, everyone in this country must carry his own cross.

*(Applause)*

*Waswahili wanasema, "kula ni kulipa".* It is time for those who ate to pay. I know corruption is fighting back. There are so many hate articles in the Press, most of them asking for me to be sacked. There are Press Conferences everyday, but I am saying that no amount of intimidation, noise, Press conferences is going to stop our resolve to fight corruption in this country.

*(Applause)*

Mr. Deputy Speaker, Sir, we have now entered a critical phase in the fight against corruption. In the last one year, we were merely investigating trying to find out who had eaten what. About 90 per cent of that work has now been done. This year is our year of action. You will see arrests, tracing of property and we expect even more noise to be made this year as more people find themselves behind bars. However, this is a duty I have to do. I do not expect to be a popular Minister, rather I am going to work harder and do my best.

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

**Prof. Mango:** Thank you, Mr. Deputy Speaker, Sir for giving me this opportunity to contribute to the Presidential Speech.

I would like to take this chance to talk about problems facing education in this country. First, I thank the President and the NARC Government for bringing back to school eight million primary school children. It is highly commendable. It is building a human resource. While bringing these children back to primary school, we need to give them an enabling environment. Primary

education requires more teachers, desks, and more classrooms. Gone are the days when the children had to sit on the floor and classrooms smeared with cow dung. The learning environment has just to be right if we want to achieve the best out of these children.

Mr. Deputy Speaker, Sir, I want to thank the NARC Government for setting aside Kshs1 million as bursary for secondary school education. That money is not adequate, but it has been used to do something to enable orphans in my constituency to go to school. May I, like Oliver Twist did, ask for more so that more of the orphans can go to school.

Mr. Deputy Speaker, Sir, with regard to the secondary school education, the girl child is an endangered species. At the primary school level, very many girls register in schools, but by the time they are through with Standard Eight, many of them drop out. Similarly, in secondary schools, looking at last year's Kenya Certificate of Secondary Education (KCSE) results, among the top 100 students from every province, the girl child managed a poor one third. In fact, in some areas like Nyanza Province, only three out of 100 were girls.

Mr. Deputy Speaker, Sir, the Ministry of Education, Science and Technology needs to go back to the drawing board and find out what is ailing the girl child. When we continue like this, we are not moving on as a nation. When you educate a man, you educate an individual. When you educate a woman, you educate the community. Therefore, we have to lay emphasis on the education of the girl child. We need to form a committee to look into what is ailing the girl child in education. Even in places like Central Province which has the best schools, girls just manage a poor 14 per cent. That is not highly commendable. Therefore, we need to look into the girl child's education.

Mr. Deputy Speaker, Sir, I take this opportunity to thank the Government for raising the salaries for university dons. They have suffered for a long time. They have suffered for a long time. They have been underpaid, over-worked and almost despised by the community. Therefore, the NARC Government has done something great to increase their salaries, so that they can work in dignity. However, university students remain the sufferers. They do not have enough accommodation and some of them live in mud huts next to the universities. The Ministry of Education, Science and Technology needs to look keenly into the physical facilities at the universities. The lecturers do not have research funds and, therefore, they cannot create knowledge. The libraries do not have up to date literature and, therefore, the knowledge used maybe outdated. As much as education takes a large part of the Budget, it needs to be addressed.

Right now, many Kenyan students are going to Uganda for secondary and university education. Something is wrong within our Kenyan education system. In Kenya, university education takes more than five years because of staggering. Many parents who are able would rather send their children away, so that they can finish their university education within four years. This encourages capital flight. Kenya, as a nation, is losing a lot of money by sending students out of the country to access education. I believe we can do better than that by expanding the facilities and accommodating more students in our public universities. Now that we are paying our university dons better, if we expand the facilities in our universities, they will work harder because they are more motivated. I urge the Ministry of Education, Science and Technology to do more than what it has so far done.

Mr. Deputy Speaker, Sir, the President addressed the issue of sugar-cane farming, but not adequately. In my constituency, the only cash crop is sugar-cane. It is a problem crop. Sugar-cane has been a slavery crop in the history of the world. Today, it is a slavery crop for my people. The people donate land, plant, weed, harvest and deliver cane to the millers. At the end, they are paid peanuts. I urge the Ministry of Agriculture to zero-rate the VAT on sugar-cane farming, so that the farmers can benefit. A farmer can deliver cane worth Kshs1 million and at the end, he is paid Kshs100,000 only. That is not profitable. It is very discouraging. Cane farming should be looked into. The Sugar Act should be published and we should look into the issue of sugar importation. At the end of the day, sugar importation makes ten millionaires and six million beggars in Kenya. Is that what we want? We need to improve the lives of the six million Kenyans who work on their land

to earn a living. I, therefore, call upon the Government to look seriously into the issue of sugar importation and do something about the sugar barons, who import sugar into the country. As we speak, we are told that one million metric tonnes of sugar is either floating or waiting to be off-loaded. Once that sugar gets into the market, sugar-cane farmers will be in trouble.

Mr. Deputy Speaker, Sir, during the campaign period, we promised the sugar-cane farmers that something would be done to ease their plight. I urge the Minister for Agriculture to do something for the sugar-cane farmers. They cannot continue being poor like they were during the past regime. Their conditions must be improved. In addition to that, we have been told that the Agricultural Finance Corporation (AFC) is advancing loans to farmers. In Busia District, we do not even have an AFC branch. I call upon the Minister for Agriculture to see to it that we get an AFC branch in Busia, so that farmers can access the loans within a short distance. If farmers in Busia want to apply for the AFC loans, they have either to go to Kakamega or Eldoret. That distance is a constraint, particularly to poor farmers. We need service delivery.

Mr. Deputy Speaker, Sir, it seems as if Government officers are not facilitated. If you go to most Government offices, you will find officers sitting around doing nothing. They will tell you they do not have transport or fuel, and yet they are earning a salary. Why should we continue paying people for doing nothing? The agricultural officers are not providing any service to the people. They are not guiding farmers. Will we continue to pay people for doing nothing? We need to have our act together, go back to the basics and make sure that the officers are facilitated, so that they can advise the people on how to increase food production.

Mr. Deputy Speaker, Sir, sugar-cane should be farmed in a more economical way. First of all, sugar-cane is a food crop as well as a cash crop.

With those few remarks, I support.

**Mr. Poghio:** Thank you very much, Mr. Deputy Speaker, Sir, for the opportunity to participate and join my colleagues in saying a word or two about the Speech that was delivered by the President.

I want to congratulate my colleagues who have spoken before me. I want to particularly congratulate my colleague, the Minister for Justice and Constitutional Affairs, for those very good declarations he has made to himself. I just pray that he will keep to those declarations on how to improve his image. One of the things he has said is that he has learnt to be more humble, and he needs that. There are a number of other hon. Members in the Cabinet who need to resolve what hon. Murungi resolved. If the Cabinet read James 1:19, it will be good for them if they took that advice. It reads:-

"Be quick to listen, slow to speak and slow to anger".

Those words will guide them. A number of the Ministers here need that, so that they do not talk after each other's throat. They should talk to each other.

Mr. Deputy Speaker, Sir, in following good tradition, a Presidential Speech must be good. It was meant to be good. The only thing I deferred with was when Mr. Murungi said that it was the best ever. All I can say is that it was good. All the Addresses that have been given here by Presidents for the last ten years have been good. They were good because they are delivered by Presidents. This is supposed to be the state of the nation Address, and not the wishful state of the nation address. At this time, we are supposed to know how the State is being run. I would like to give some advice to the NARC Government.

There is nothing wrong with the Government accepting that it has failed somewhere. The impression we are getting is that the NARC Government wants to excel in everything, including in the HIV/AIDS statistics. They want to convince the country that ever since they came to power, they have performed some magic and all of a sudden the cases have reduced. I think that we should be realistic and agree that the battle against HIV/AIDS would not give the Government any credit.

Mr. Deputy Speaker, Sir, the Government has failed in reinforcing security in this country. If the Presidential Address had included some advice asking the law enforcement forces to

work harder, that would have made more sense to Kenyans instead of saying that the Government has won the war against insecurity. I am asking that we be realistic and especially when it comes to security.

Mr. Deputy Speaker, Sir, I come from an area which is not very secure. It is an area where you would expect a lot of policemen. However, you will be surprised that some Ministers have more policemen in their cars than those in Kacheliba Constituency police stations. One cannot fight insecurity by ignoring the most insecure places.

Although I am not supposed to do this, I would like to advise the Government. The problems we continue to have are caused by the fact that some Government officials have political interests in appointing security officers. We also have vested interests when recruiting new people into the security forces. How would one build a security force by picking everybody from his or her own village and recruiting them into the army? There are statistics indicating this and we will be able to show you that it is happening. One does not build a security force on the basis of politics. You are not supposed to recruit nurses so as to have votes during the next election.

We want a Government that is going to take care of the whole country. I am saying this because I come from an area where people have suffered. If there is any recruitment to be done, no one considers anyone from such areas that--

**The Assistant Minister for Labour and Human Resource Development** (Mr. Odoyo):  
On a point of order, Mr. Deputy Speaker, Sir--

**Mr. Deputy Speaker:** I refuse to accept the point of order you are raising while sitting down!

**Mr. Poghiso:** Mr. Deputy Speaker, Sir, my time is being taken up by the hon. Member. I already knew that he wanted to argue with me. I do not want to argue with anyone. Therefore, let me move on.

**The Assistant Minister for Labour and Human Resource Development** (Mr. Odoyo):  
On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to try and anticipate my point of order and say that I was going to argue with him? However, my substantive point of order is: Is it in order for him to accuse the NARC Government of only recruiting people into the army from a certain village and nurses from one village when he has not tabled the official statistics to prove that? That is hearsay!

**Mr. Deputy Speaker:** Indeed, this is why yesterday I said that if an hon. Member hears something he does not like, he should wait until his turn comes, so that he can speak rather than arguing.

**Mr. Poghiso:** Mr. Deputy Speaker, Sir, I am not a prophet, but you see my prediction came true. On the Constitution, I want to offer this Government the following advice: Please do not touch the Draft from Bomas. Please do not force a referendum and do not intimidate people about it. The consensus that is being touted right now is being directed to a particular direction. You cannot have a consensus which says: Unless you do it this way, you will not have it this way. Bring the Bomas Draft to this House. That is the duty of the Government side. Apply your best debating capabilities in this House. Accept the verdict. It does not reflect badly on a Government if it does not get its way. Let the people have their way. The people who will speak are represented here in this House.

The President spoke out of a heart which, I believe, was very sincere.

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

Mr. Deputy Speaker, Sir, what have I said that is making hon. Members to stand up? Have I said something that has excited people?

*(Laughter)*

I need to move away from the Constitution issue. Before I move on to the issue of education, I must affirm that I am proud that the Bomas Draft Constitution was done by representatives from all over this country. It is an indication that the people are capable of producing a good document. Let us bring it here and pass it.

Finally, on education, I would like to say this: It is getting monotonous for the Government side to speak about free education. If the KANU Government had still been in power, you would have free education. Free education is a universal phenomenon. You knew it was coming!

**The Assistant Minister for Labour and Human Resource Development** (Mr. Odoyo): On a point of information, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Do you want information?

**Mr. Poghisi:** I do not need it.

In any case, during the time KANU was in power we said that there was no point bringing it in such a way that it would cause more chaos, which it has done at the moment. While we do appreciate the fact that you predicted that you would bring free primary education, the whole world is talking about free education. It is a phenomenon which was coming. It is a wave we could not resist. It was going to happen, but in a better way if KANU had remained in power.

I would, therefore, like to congratulate the President for the Address because all speeches that come this way are good speeches. It did not give us the state of the nation; it gave us the state of a wished nation, which I hope we will see. I would like to congratulate some of the Ministers who are doing a good job. Not all is lost. There are some Ministers who are working very hard and are not corrupt. There are many who are corrupt, but there are others who are very clean.

With those few words, I would like to say: Fight corruption from within and may the Lord bless you.

**The Assistant Minister for Education, Science and Technology** (Mrs. Mugo): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to also support the Motion before the House. Let me congratulate His Excellency the President for a very good expose on the Government policies and also pointing the way forward.

Let me start with the Draft Constitution which many people would like to say that it is a good one which should be passed as it is. It is on record that there was absolutely no consensus at Bomas of Kenya, not even at the very highest level. A good constitution is one that promises peace and development in a country. We cannot have peace from that Draft Constitution unless there is a consensus on it. That is why most of the people were talking of bribery. If money changed hands at Bomas, then that tells us immediately that it is a bad Constitution. Many people have claimed that the delegates who were at Bomas did not even know who they were representing, because people did not appoint them. It is even better here in Parliament where the President plays his role. At least these are elected hon. Members. So, who nominated those delegates? Which Wanjiku were they representing?

My submission is that the President did a good thing. His Address was full of reconciliation. I am very surprised to hear some hon. Members say that they are not interested in a consensus. They even do not trust the wisdom of their political leaders. They feel that they are as wise as the President, and can start negotiating about bringing together all hon. Members of this House for a consensus. When you listen to such leaders, you realise that they are definitely lost and do not care about the welfare of this country, or of their electorate. We should keep war at bay in this country. A constitution which comes without consensus of the people is a recipe for chaos and genocide of the kind we have seen in Rwanda. It is a good thing that genocide is being remembered this year, so that at least Kenyans can come to their senses. I am a strong supporter of a referendum and I have talked about it since the beginning of the year. I would like to add here that, that is the only way Wanjiku can ascertain whether what she said is contained in the Constitution, or if somebody was bribed at Bomas of Kenya and twisted her words. Why are people

afraid of a referendum?

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

**The Assistant Minister for Education, Science and Technology** (Mrs. Mugo): Please wait for your turn! You will speak!

**Mr. Deputy Speaker:** Order, Mrs. Mugo! Mr. Mwandawiro, what is your point of order?

**Mr. Mwandawiro:** Is it in order for the hon. Member to insinuate that some delegates were given money to take the stand they took without her substantiating?

**The Assistant Minister for Education, Science and Technology** (Mrs. Mugo): Mr. Deputy Speaker, Sir, this was said all the time by the very delegates in Bomas, that they were offered money. There is nothing to substantiate.

In relation to a referendum, Wanjiku needs to get civic education, so that she can understand the meaning of parliamentary democracy, and the difference between a presidential executive and prime ministerial executive. Leaders should not take advantage of the fact that Wanjiku has no knowledge of these terminologies. When war breaks out in this country, it is the women and children who will suffer more. I am advocating for civic education for Wanjiku to be told exactly what she will be voting for when the referendum comes.

Wanjiku should be made to understand what the choices are. She should also understand the levels of devolution that have been created. She needs to know how much these levels of devolution will cost the taxpayer and whether there will be any money left for free education, accessible health, paying the increased salaries of university lecturers, paying teachers and other expenses. Civic education is a must. We are rushing to beat the deadline of making a new Constitution by the 30th of June. Unless we can come up with a good Constitution which can stand the test of time, it will be useless and we will not have served this nation the way we should. We should deliver to this nation a Constitution that will bring true democracy regardless of the time it takes to do so.

Mr. Deputy Speaker, Sir, I would also like to touch on the issue of education. It has been mentioned greatly here by hon. Members. The NARC Government implemented the free primary education programme which the KANU regime thought was not possible. Many countries had already implemented this programme, but Kenya was lagging behind.

We also increased the salaries of teachers and university lecturers. We have also initiated reforms in other areas. I know we have not done all, but we are working, especially to expand the high school facilities. At the moment, there is a programme we are undertaking with the African Development Bank (ADB) to expand high school facilities. I thank those who have shown concern. As far as the girlchild is concerned, the Ministry has allocated an extra 5 per cent of the bursary which is supposed to go to the girlchild.

On the Constituency Bursary Fund (CBF), I urge the hon. Members to make the returns from their constituencies so that we can disburse the extra Kshs5 million. This is because this Parliament will ask the Ministry of Education, Science and Technology to account for this money. Therefore, I would urge hon. Members to make haste and ensure the returns are sent to the Ministry so that the rest of the money can be disbursed.

Mr. Deputy Speaker, Sir, on security, the Government is trying to improve the security situation in this country. That is why we are seeing the changes taking place within the police force. Unfortunately, the moment these changes are effected, some leaders tribalise them. How can the Government even effect policies when some of us read tribalism in everything it tries to implement? Every officer belongs to one tribe or another. So, we should not play petty politics to confuse our people that everything is being done based on tribalism.

May I put it here on record that I did not influence anybody from Dagoretti Constituency to be recruited into the army. So, it is very misleading to tell the world that, that recruitment was selective. We know where the whole army was recruited during the KANU regime. It is very misleading to start behaving holier than thou. So, they should really not be the loudest critics of this

Government. This Government has really tried very hard. However, we are not saying we have done it all.

Mr. Deputy Speaker, Sir, on the HIV/AIDS pandemic, I would like to congratulate the Minister for Health, especially in the manner in which she organised the Women's HIV/AIDS Conference at Moi International Sports Centre, Kasarani. Men do not know what women go through. That is why we have very many women organisations. It is those women organisations which supported organising of the conference. Women are the most affected by the HIV/AIDS scourge. Most women are not paid for doing voluntary work. They are used to volunteering. The men never volunteer for any development; they just read money in whatever happens. I would like to appeal to this House to give the Minister for Health a chance to do her job. I think she is doing a good job because the HIV/AIDS infection rate is reducing. Where she makes a mistake, let us tell her. Please, let us not make it impossible for her to work. I have noticed that there are certain Ministers, especially women, who are earmarked to be brought down. If we say the Minister for Health can also make a good Prime Minister, what is wrong with that? Men go around the country campaigning for the yet-to-be created post of Prime Minister. Why does it hurt when we say we want a woman Prime Minister? We will campaign for that post whenever we get a chance to do so. It does not mean the Women's HIV/AIDS conference was held for that purpose. The conference was called for a very important reason. We, as women leaders, fully participated in the conference. Please, stop crucifying the Minister for Health just because, maybe, you do not like what she is doing. She is doing a good job. Let us support her so that women can do the very difficult job of nurturing this nation.

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

**The Assistant Minister for Agriculture** (Mr. Khaniri): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to make my remarks on the exposition of public policy contained in the Speech of His Excellency the President.

Mr. Deputy Speaker, Sir, let me join my colleagues who have spoken earlier in congratulating the President for giving a very elaborate and well-thought-out Speech. Secondly, I would like to congratulate him for the very able manner in which he delivered the Speech to this august House. The President delivered the Speech so ably that the few doubting Thomases, who have been saying that the President is indisposed and that he cannot rule the country, witnessed for themselves that he is strong and ready to lead this country to prosperity.

I have sat in this House and listened to very many Presidential Speeches. For the first time, we heard the Head of State being accountable to Kenyans by telling them what his Government has achieved in the few months he has been in power. It may not be much but, at least, for the first time, unlike in the past when we were treated to promises year in, year out, the President elaborated what his Government has achieved in the short time he has been in power. Besides that, the President told us what his Government plans to do in future. Top on his list was the issue of insecurity. Insecurity is a concern to all of us. I have been sitting in this Chamber, listening to hon. Members contribute to this Motion. Almost 90 per cent of the hon. Members who have spoken before me have touched on the issue of insecurity. It is of big concern to all Kenyans. Murders and so many crimes happen in the streets and yet the police are so busy in the villages chasing *busaa* drinkers. It has even been alleged that some police officers participate in the crimes that take place all over the country. It is a pity.

*[Mr. Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, we welcome the idea of re-training our police officers



as stated by His Excellency the President, as well as increasing their salary and providing them with better equipment for their operations. We hope that all these incentives will help to curb the level of insecurity in the country.

Another point that the President emphasised is the promotion of the agricultural sector. As he correctly stated, agriculture is the mainstay of our economy. The sector employs more than 80 per cent of Kenyans and we must take it very seriously. Coming from an agricultural area, I know the factors that affect agriculture in this country. If those factors are addressed, we will get our agricultural sector back on its feet. The biggest problem is accessibility to credit by farmers. We are happy that measures have been taken to revive the Agricultural Finance Corporation (AFC). We hope that, unlike in the past, where money was lent only to the politically-correct people, this time round, farmers will get credit on merit. The other problem is the market for the produce. I am happy with the measures the Ministry of Co-operative Development and Marketing has taken to improve the dairy sector. I hope that the Government will also find ways of helping farmers in all other sub-sectors.

Mr. Temporary Deputy Speaker, Sir, the other factor that is ailing our agricultural sector is dumping of cheap imports into the local market. It is very sad to note that, that is being done by some people in the Government. That is a very sad affair. The Government is supposed to facilitate and not "kill" the farmers. I urge those who are involved in those malpractices to stop. As we know, agriculture is the backbone of this country's economy. So, we have to protect the local farmer.

Mr. Temporary Deputy Speaker, Sir, as usual, the President did not end his Speech without touching on the issue of fighting corruption. We appreciate the measures that have been taken, but it appears to me that this vice is being fought only at a very low level, and yet the top personalities in the Government have been left to go scot-free. In the last Parliament, we used to share petty cash with some of our colleagues here. Now, they have millions of shillings in their bank accounts. How would you explain such a sudden rise in wealth?

**Mr. Sasura:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to ask the hon. Member on the Floor to substantiate his allegation that some of his colleagues in the Cabinet have billions of shillings in their accounts?

**The Assistant Minister for Agriculture** (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I am not going to name individuals here. In the current era, there is no information which is secret. We know how much money people have in their bank accounts. For instance, we were given Kshs8 million by the Parliamentary Service Commission to buy houses. How would you explain a situation where people purchased houses worth Kshs40 million? Where is that money coming from?

*(Applause)*

Despite this, we say that we are fighting corruption. If we have to fight corruption, we have to start from the top.

**An hon. Member:** They could have taken loans!

**The Assistant Minister for Agriculture** (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I have heard an hon. Member say that they have taken loans; they are repayable. From where will you get the money with which to repay a loan of Kshs50 million you have used to purchase houses? This has to be looked into. We know of some companies associated with some Ministers bidding for Government contracts worth hundreds of millions of shillings. How would you explain that scenario? In the last Parliament, those companies were being auctioned. They kept appearing in newspapers for sale. Now, they are bidding for Government contracts of over Kshs300 million.

*(Applause)*

**The Assistant Minister for Lands and Settlement** (Mr. Ojode): On a point of order, Mr.

Temporary Deputy Speaker, Sir. I am sorry to interrupt the contribution of my colleague, but would I be in order to ask him to give us the names of those who were being auctioned?

**The Assistant Minister for Agriculture** (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I am not going to name anybody without bringing a substantive Motion. I know the Standing Orders. The identities of those who were being auctioned is public knowledge. We know who were being auctioned a few months before NARC took power, and we know what they now own.

*(Applause)*

Before my time ends, I would like to say something on the constitutional reforms. To some of us, when the President reassures us that the Government is committed to facilitating the making of a new Constitution, it is like music to our ears. Consensus is like music to our ears. One of the main reasons why we left KANU, as a party, was because we told Kenyans that KANU was not going to deliver a new Constitution for this country. That is why we decided to form a new Government. It is on that basis that we were elected. We cannot go to a negotiating table hoping to reach a consensus when we are going there with our minds closed; that is either our way or no way. That is not the meaning of "consensus". That is dictatorship.

*(Applause)*

We know the people in the Government who have been hampering the Bomas process. It is common knowledge. We urge the President to take some steps. Otherwise, we are not going to have a new Constitution. Some of these people should be fired.

**Hon. Members:** Who should be fired?

**The Assistant Minister for Agriculture** (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I am not going to name anybody without bringing a substantive Motion. I am just urging the President to fire some of these Ministers if we have to get a new Constitution as we promised Kenyans.

*(Applause)*

**The Assistant Minister for Lands and Settlement** (Mr. Ojode): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to keep on saying that he is not going to mention anybody and yet he is making blunders here? Why can he not mention them?

**The Temporary Deputy Speaker** (Mr. Poghisi): Order, Mr. Ojode!

**The Assistant Minister for Agriculture** (Mr. Khaniri): Thank you, Mr. Temporary Deputy Speaker, Sir, for protecting me.

As I conclude, I want to say that, that was an excellent Speech. We know His Excellency the President meant well and we hope those who are charged with the responsibility of implementing what the President stated will do their job.

I beg to support.

**Mr. Obwocha:** Thank you, Mr. Temporary Deputy Speaker, Sir. I would also like to make very brief comments. First, I want to thank this House for nominating five of us to the Pan African Parliament in Addis Ababa, the hon. Koech who was our leader, hon. Oparanya, hon. Ndung'u, hon. Syongo and myself. We have taken our positions.

Mr. Temporary Deputy Speaker, Sir, I wish Mrs. Mugo was here. In Addis Ababa, we elected hon. Gertrude Mongella from Tanzania as the President of the Pan African Parliament. I heard her lecture on how we should support women. The Kenyan Parliament was also lucky that I am sitting in the Budget Committee and Uganda is sitting in the Rules Committee.

Mr. Temporary Deputy Speaker, Sir, having said that, it sometimes shocks me. Some of our old hon. Members of this House stand up and make certain allegations and statements that make me very fearful. One of our hon. Members disappears and is mysteriously killed, and when we have set a Committee to investigate and to try and show the court the lead, somebody stands up here and says that this is useless because it is naming people. Is it the hon. Members of this House who are naming people? We sit there listening to evidence. If the evidence is false or true, that is for the courts to decide. But you cannot allow an hon. Member of Parliament, an hon. Member of the Kenya National Assembly to be killed and you just stand and say: "Disband this thing". It is shocking, hon. Members. I mean, what are we saying? This is a very senior hon. Member. When I read it in the newspapers, I found myself a very sad person.

Mr. Temporary Deputy Speaker, Sir, let me say something with regard to the security of this nation. From what we are now seeing, I do not know where we are going. We have read in the newspapers that they have brought somebody from the Armed Forces to head the Police Force. I have no problem with that, but the problem is; is this man going to command the confidence of the Kenya Police? Is the Kenya Police going to follow the instructions and get everything going? These are the questions we are asking. If it is, well and good. I have no problem with it.

Mr. Temporary Deputy Speaker, Sir, we have pointed out certain matters that should be taken over by Government. We appeal to the Minister for Co-operative Development and Marketing, as hon. Members from Gusii, about the Gusii Rural SACCO where the Chairman has embezzled funds as pointed out by a commission of this Ministry. These same fellows go and attack one of the Gusii hon. Members of Parliament. You saw Mr. Angwenyi with a *kofia* and he is not a Muslim. He was attacked. Where is the security of this nation going when the Minister for Co-operative Development and Marketing does not take action against a report of his Ministry. He has left us to be exposed to these very dangerous criminals. Is this right?

Mr. Temporary Deputy Speaker, Sir, I wish the Minister for Co-operative Development and Marketing was here, but his colleagues are here. We want to tell him to take action against the officials of Gusii Rural SACCO who have embezzled funds of the farmers. They should be removed from office. He should stop talking about the Companies Act. He should be taking action against these embezzlers.

Mr. Temporary Deputy Speaker, Sir, with regard to the Constitution Review, I would like to say that the Draft Constitution from Bomas of Kenya, to a large extent, about 90 per cent of it, is acceptable to Kenyans. Many of the provisions that have come from that Draft Constitution are acceptable to Kenyans. What we should do as leaders is one, two to three issues. We should hammer a consensus in view and taking into consideration what the needs of this country are. We should consider whether this country can afford a membership of Parliament of 500 people. We should also consider issues that bring our people together. We should hammer them out and give the people of this country a Constitution. I am also in the membership of that school of thought that you cannot take the whole Constitution to a referendum. It is not possible because the issues are so many, what would you be asking Kenyans? I would like to propose that the issues we hammer out are the most contentious issues to ask Kenyans to say yes or no, when they have been educated about these issues.

You cannot take a document which has 20 chapters to the people of Kenya and ask them whether they like this or that. There are others who do not like Chapter 3, Chapter 5 or even Chapter 20. If you are going to ask them, it means you do not want to give them a Constitution. Therefore, I would like to state that this is a give and take issue. If my colleagues can sit down as leaders of this country, we can hammer something which is good, something lasting for this country. There is no crime hammering something good for our country.

Mr. Temporary Deputy Speaker, Sir, I would like to conclude by saying that the tea industry has been killed by the Kenya Tea Development Agency (KTDA). We have requested KTDA to hold Annual General Meetings (AGM) for tea factories. Now, what is happening on the ground is

that when an AGM is held, like it was held in Kebirigo Tea Factory and the farmers did not agree to some of the issues, we requested KTDA to call a special Annual General Meeting, but up to now, they have not called for it. In fact, what has assisted us is that we have been patient. The year has ended and we have reached another year. This is the time we are electing new directors. We have thrown some of them out. We should have thrown them out the previous year. They have been allowed to destroy our tea industry within that one year.

Secondly, with regard to tea liberalisation, people are now selling tea to areas that are outside the district. In Nyamira District, we have six tea factories. In fact, we built the sixth one recently through our own money. It was not the Government's money. It was not a donation from the NARC Government. It is our money. We took a loan and built that factory. But if those people are going to be allowed to sell that tea - what they call *mangirito* or whatever they call it - to other places, where are we going to get the tea for those factories? Therefore, it is incumbent upon the Minister for Agriculture to structure the agency, which falls under his Ministry. That way, we can promote the tea industry in this country.

Mr. Temporary Deputy Speaker, Sir, this Government needs to re-think about value addition in coffee and tea so that, year-in, year-out, tea farmers do not get Kshs7. In the last 20 years, earnings for tea farmers have only increased from Kshs3 to Kshs7. Now, they are considering to pay them Kshs9 per kilogramme. When you consider how much a kilogramme of refined packed tea earns abroad, those farmers could be paid between Kshs50 and Kshs100 per kilogramme. Therefore, the NARC Government needs to think about some of those issues. We have been talking about them. You were with us here. There is no need of you sitting idle. We need to address that issue, so that the economic growth of this country could be realised.

With those few remarks, I beg to support the Presidential Speech.

**Mr. Syongo:** Mr. Temporary Deputy Speaker, Sir, I would like to add my voice and say that, that was a truly excellent *ex pose* of the state of our economy, and to commend His Excellency the President for a truly wonderful Speech. I would like, therefore, to base my comments on the economic issues. But, before doing so, I would like to comment on the issue of security. Recently, we had a first in history when an army brigadier was made the Commissioner of Police. I believe it is the prerogative of the President to appoint whoever he deems fit to carry out whatever duty he is assigned. My prayer is that there will not be adverse impact with regard to the succession policy within the police force. I hope that was taken care of and something done about it. Secondly, I hope that, that appointment will not send out a wrong signal that we are in a state of war.

Mr. Temporary Deputy Speaker, Sir, we know that the army is trained to kill enemies, while the police are trained to maintain law and order. To put the police under the command of an army person could very easily send out the wrong signal that we are out to kill criminals.

In that respect, I would like to make one or two other comments. First, killing or jailing criminals is only trying to treat the symptoms. We cannot deal with insecurity by killing our young men and women who, out of lack of alternatives, have gone the other way round. I would like to suggest that the fundamental solution to our security problem is to fix the economy and create jobs for our young men and women. We should make it possible for them to get into paying businesses. They should start their own businesses and sustain themselves in a legal way.

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, could you protect me from these hon. Members who are consulting loudly?

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

**Mr. Syongo:** Mr. Temporary Deputy Speaker, Sir, talking about fixing the economy, I would like to make a few comments specific to the economic aspect of the President's Speech. First, it is true that generally, interest rates have gone down and there is considerable amount of money

available in the banks for lending to Kenyans. But I do not believe that this situation is going to be sustained when banks are offering depositors and savers less than half percentage for the amount of money they deposit in the banks, while at the same time, lending out at nearly 16 per cent. The interest spread is still too wide. You cannot give those who deposit their money in the bank less than half percentage but you charge those who borrow 15 per cent. That is theft! It is important, therefore, that we take this matter seriously, otherwise, it makes a lot of sense for us to revisit the famous Donde Bill, so that we can control the banks.

Mr. Temporary Deputy Speaker, Sir, the other issue I would like to touch on is coffee. We all know that coffee is the fourth biggest earner of foreign exchange for this country; Kshs16 billion in foreign exchange every year, and yet, that commodity is almost a dying commodity. It is important that, as a country, we consider the adverse impact this is going to make on our balance of payments. Unless we have a replacement for coffee, this country is going to have enormous problems balancing its books. We are going to be in a serious deficit situation as far as international trade is concerned. In this respect, I would like to make a recommendation, that even as we deal with the problem affecting coffee, and as we deal with problems affecting other commodities like sugar-cane, we must move quickly to invest in those commodities that can quickly start replacing the losses that we are making as a result of coffee exports drying up.

One such area is the fisheries sector. In our recent visit to Seychelles, we were shocked by the amount of foreign exchange that fisheries bring to Seychelles. In fact, that country depends only on fisheries and tourism. The entire Exclusive Economic Zone of this country is totally unprotected. We have no surveillance system; even our navy cannot monitor activity within that Zone, leave alone the Fisheries Department. It is, therefore, important that we move quickly and install a surveillance system, so that any vessel entering our Exclusive Economic Zone is automatically monitored and their purposes or activities checked. That is how Seychelles, South Africa, Mauritius and, indeed, the world, is doing it. For 40 years, we have lost billions of dollars because we have no control whatsoever over our Economic Exclusive Zone off the Indian Ocean.

Mr. Temporary Deputy Speaker, Sir, the dairy sector is gaining out of the resuscitation of the Kenya Co-operative Creameries (KCC). But it is one of those areas where we have considerable advantages. If you look at our neighbours to the north, they cannot sustain a viable dairy sector because of drought and the obtaining situation in those countries. We have a natural neighbouring market. I would, therefore, urge the Government that we move to give concession to those in the dairy industry to expand capacity and particularly the processors, to be able to expand their Ultra-Heat Treated (UHT) milk production facilities so as to take full advantage of the market that exists naturally within our northern neighbours.

Mr. Temporary Deputy Speaker, Sir, the Arid and Semi-Arid Land (ASAL) region is our greatest frontier of opportunity. We have nobody to blame except ourselves if we do not emancipate our northern territory, the ASAL districts, into active economic productivity. As we discussed with a number of our colleagues from those areas in Addis Ababa, Ethiopia, the other day, our neighbours to the north, Sudan and Ethiopia, are crying for Kenya to give them an exit route to the Indian Ocean through Mombasa or another port. It is absolutely necessary for us that we open up the Northern Corridor, not in terms of reaching out through Malaba, but to open up a special harbour, preferably in Malindi, to cater for Ethiopia and Southern Sudan. The only alternative those countries have is to go through Djibouti. At present, there is a stalemate between Ethiopia and Eritrea. We should take full advantage of the goodwill that exists between us and Southern Sudan. Open up that area. Do proper roads between Kenya and Ethiopia through Moyale and to Southern Sudan. I do not believe that the African Development Bank (ADB) or World Bank would refuse such a wonderful project, which is going to benefit so many of our neighbouring countries, if we put our proposal properly. Some of us would be willing to volunteer our technical services, free of charge, if that means emancipation of our northern territories.

Mr. Temporary Deputy Speaker, Sir, the President referred to the possibility that we are

going to have the Privatisation Bill brought before this House. That is wonderful. But I am urging the Government, and particularly the Ministry in charge, that before that Bill comes to the House, we go out and look at a comprehensive Sessional Paper in respect to the privatisation policy. I am saying so because one of the major problems that our industrial sector is facing haphazard privatisation, liberalisation and globalisation. We cannot adopt a policy that kills our industries and farmers; a policy that gives opportunities to foreigners to buy our very valuable assets at below 20 per cent of market value. Therefore, it is necessary that we must agree as the leaders of this nation on the basic parameters of the privatisation policy.

For instance, let me give two examples; we must differentiate between privatising management and privatising the assets. We can continue to own our assets, our parastatals, but privatise the management of those parastatals because, after all, what we want is performance and profitable management of those institutions.

With those remarks, I wish to support.

**Maj-Gen. Nkaiserry:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Hon. Nkaiserry, are you okay? Do you need some help to adjust the microphone?

**Maj-Gen. Nkaiserry:** I am okay.

May I also thank the President for the exposition of public policy in his Speech. He touched on several areas and he talked of several reforms, one of which is corruption.

Mr. Temporary Deputy Speaker, Sir, I agree with hon. Khaniri in that the fight against corruption should start from the top and not from the bottom. It is in the international domain that in this Government, we have six Ministers who are big-time corrupt people. It is in the international domain, and there is no need of me mentioning names because, sooner than later, they will be exposed. Of course, we have one small-timer Minister, and so in total, they are about seven in the international domain. I am sure that the President is in a position to get this information and he should get it.

**Mr. Sungu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the hon. member say that there are some seven corrupt Ministers, and I stand corrected. Would I be in order to ask that he names these Ministers? This is very important because the allegation is encompassing a whole Government. We love our Ministers and we want to know which one is corrupt.

**Maj-Gen. Nkaiserry:** Mr. Temporary Deputy Speaker, Sir, this is not the time to mention names; a time will come when those names will be mentioned.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! I believe that each one of you knows that it is important to be responsible for the accuracy of the information that you bring to the House. That is a very cardinal rule and if you are not prepared to be accurate about that information, it is safer not to even bring that kind of information before the House. You are treading on a very dangerous ground when you try to include hon. Members of Parliament. By the way, for your information, all we have in this House are honourable Members of Parliament and there cannot be corrupt hon. Members of Parliament.

**Mr. Ndile:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Nafikiria kuwa mwenzangu hakumaanisha kuwa kila Waziri ni mfisadi. Nadhani labda anasema kuhusu mhe. Musyoka?

*(Loud consultations)*

**Mr. Sungu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am surprised and aghast at the statement by the hon. Member. Would you order him to withdraw and apologise, or substantiate, because this is not a forum for---

**The Assistant Minister for Lands and Settlement** (Mr. Ojode): For fighting wars in Ukambani!

**Mr. Sungu:** Yes, and also mudslinging, Mr. Temporary Deputy Speaker, Sir!

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, hon. Members! It is also interesting to me, having just ruled that all we have in this House are hon. Members of Parliament. It is also fundamental that you do not name any hon. Member of Parliament adversely unless you have a Motion against that hon. Member. So, hon. Ndile, and I have to call you honourable, you have the opportunity here to withdraw and apologise because you are really in gross misconduct.

**Mr. Ndile:** Mr. Temporary Deputy Speaker, Sir, I withdraw and apologise. I will bring a Motion.

**Maj-Gen. Nkaisserry:** Thank you, Mr. Temporary Deputy Speaker, Sir. I think we are wasting time here because Mr. Ojode, yesterday, said that we had corrupt Ministers, and you have to withdraw that statement.

*(Mr. Ojode stood up in his place)*

Just sit down, my friend! Just now, Mr. Khaniri talked of "big-timers in this Government" and you never asked him to withdraw, yet you are asking me and I am just supporting what he said, that it is big news internationally.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, all of you! Maj-Gen. Nkaisserry, if you want to proceed with your speech, do not try and turn to the Chair for blame. I am giving you, as the Chair, what you need to know; you are responsible for the accuracy of information. That is very basic and you should be thanking the Chair profusely for giving you that information. Proceed!

**Maj-Gen. Nkaisserry:** Thank you, Mr. Temporary Deputy Speaker, Sir. On the other side of reform---

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

**The Temporary Deputy Speaker** (Mr. Poghisio): Let us not interrupt any more! Proceed!

**Mr. Bifwoli:** How can he proceed and---

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

**Maj-Gen. Nkaisserry:** Mr. Temporary Deputy Speaker, Sir, on the side of other reforms articulated in the Speech of the President is free primary school education. Quite a lot of my colleagues stood up and supported that. I, indeed, congratulate the Government for introducing free primary school education in this country.

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

**The Temporary Deputy Speaker** (Mr. Poghisio): It had better be a point of order!

**Mr. Bifwoli:** Mr. Temporary Deputy Speaker, Sir, you have asked the hon. Member to withdraw or substantiate his allegation, but he has not done that. Is he in order to continue, or has he defied the Chair?

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, hon. Members! Either we are having a problem with acoustics or you are not just hearing. I dealt with one situation there, and that is what I did when Mr. Ndile mentioned somebody. Nobody has been mentioned here and I have already corrected the situation. Let us proceed!

**Maj-Gen. Nkaisserry:** Thank you, Mr. Temporary Deputy Speaker, Sir, for saving me. It seems like the Government side is scared when a Major-General stands to speak because they think he will talk a lot of fireworks.

On education, the Government offered free and compulsory primary education. However, it can only be free primary education if there are enough teachers. In my constituency, for example, there is a shortfall of 230 teachers. That means children in my constituency will not get quality education, but poor education. So, if the Government really wants the Kenyan people to appreciate this free and compulsory primary education, then it must employ more teachers. There is a shortfall of over 60,000 teachers in this country. We need to employ more teachers, in fact, to cater for part of the 500,000 jobs that the NARC Government promised.

Mr. Temporary Deputy Speaker, Sir, when the NARC Government took over power, many people from my community were sacked from parastatals and replaced by people from areas where the respective Ministers in charge of the parastatals come from. This is corruption and nepotism. This is what we are trying to fight. Why should this Government encourage nepotism? I know of an individual who came from Mumias and was employed as a manager at the East Africa Portland Cement Company Limited. The raw material for producing cement comes from my constituency, yet not a single person from my constituency is employed in that factory.

Mr. Temporary Deputy Speaker, Sir, on security, first of all, I must congratulate the President for appointing Brig. Ali as the Commissioner of Police. I hope the President only seconded Brig. Ali to reform the police force. Once that is done, maybe, Brig. Ali would go back with some reward to the military. I hope he will not lose his position in the military, and that when the appointment of a General comes, he will be considered. I trained him. He is an honest and capable man, and he is up to the job. We should leave politics in the police force.

I would urge the Minister in charge of Internal Security to encourage the new Commissioner of Police to reform the police force in the best way possible for the benefit of this country. The capacity of the Minister in charge of Internal Security is dearly wanting. He came here and talked about the purchase of 20 police vehicles. When you look at the Kenyan borders with other countries--- For example, the Kenya-Somalia border covers a distance of over 700 kilometres. It is a porous border. That is why we have a problem of the influx of refugees and the smuggling of firearms into the country, and where the agents of *Al Qaeda* could easily sneak into our country. However, nobody is patrolling that border, yet the Minister had the audacity of telling this House that the Government has bought 20 police vehicles. Will those vehicles take care of the security of this nation? That shows that the capacity of this gentleman as far as security is concerned is wanting. The same situation prevails at the Kenya-Ethiopia border. We have so many vehicles and police officers idling in other parts of the country, for example, Nairobi, Gilgil, Eldoret and Naivasha, instead of them patrolling our common borders, just for the sake of making sure that the security of this country is taken care of. In fact, the Government has abdicated its responsibility of protecting its citizens. Even the Chief-Justice, a Judge of the Court of Appeal and a Minister have been hijacked and their drivers killed. This is the case, and yet we have a Government which is entrusted with the responsibility of taking care of its citizens. The Minister of State, Office of the President, in charge of internal security should give the security forces an opportunity to make sure that the safety of Kenyans is taken care of.

Mr. Temporary Deputy Speaker, Sir, the Government wanted to buy an aircraft, which we do not need. Instead, we need patrol vehicles to enable policemen apprehend criminals. The police also need effective communication equipment so that a police officer in Pangani Police Station can communicate with his colleague in Karen and monitor the movement of criminals. That is what the Minister should address urgently when it comes to security. I do believe security will improve when the Brigadier takes full control of the police force.

On agriculture, the President talked a lot about this sector, but he did not, in his Address, talk about the livestock sector. That means that in his Address, the pastoralists do not exist. Apart



from the ASAL areas, which are being funded by the World Bank at a cost of Kshs6.7 billion, which translates to Kshs20 million per district, per year---

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

**Mr. Mwandawiro:** Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili niichangie kidogo Hotuba ya Rais. Vile mambo yalivyo hivi sasa katika historia ya nchi yetu, Hotuba ya Rais ilikuwa nzuri kwa sababu iligusia mambo mbali mbali. Ninatumaini kwamba hivi karibuni, tutakuwa na mfumo wa Serikali ambao Mkuu wa Serikali hatakuwa akitoa Hotuba na kuondoka na kutuacha tukijadili, bali ataoa Hotuba na akimaliza kuzungumza, tuijadili na ajibu maswali. Hii ndio sababu Wakenya wanataka kuwe na mfumo wa Ubunge ambao utakuwa na Waziri Mkuu.

Ninamshukuru Rais wetu kwa kusema kwamba hata kama Katiba imekwama, watu wajadiliane na wakubaliane. Lakini wakati tunajadiliana juu ya Katiba, inafaa tufahamu kwamba wale wajumbe ambao walienda katika Bomas of Kenya walitoka sehemu mbali mbali za humu nchini. Ninashukuru kwamba nilikuwa huko na nilikukutana na Wakenya kutoka kila sehemu ya nchi yetu. Nilikutana na kabila, makundi na dini mbali mbali. Pia, nilikutana na watu ambao wako na imani tofauti tofauti. Sote tulijadiliana na kutoa mapendekezo kwa Katiba mpya. Kwa hivyo, ningependa kusema kwamba wakati tunatafuta maridhiano, yasiwe maridhiano ambayo yataangamiza yale mapendekezo yaliyotolewa katika Bomas of Kenya. Vile vile, wakati Wakenya wanasema wanataka kusonga mbele, wanataka wasonge mbele na tuungane zaidi kama taifa. Pia, tunataka tuwe na demokrasia kama taifa. Tunataka tuwe na haki za kibinadamu zaidi kuliko ilivyokuwa hapo awali.

Wakati Wakenya wengine wameketi na kupendekeza mfumo wa Ubunge na kuwa na Waziri Mkuu, ni makosa kutumia vyombo mbali mbali vya propaganda kudanganya wananchi wa Kenya kwamba kukiwa na mfumo fulani, kutakuwa na vita na ghasia katika nchi yetu ya Kenya. Inafaa hayo maridhiano yatupe Katiba ambayo itatupeleka mbele zaidi kidemokrasia. Tunafahamu kwamba tulikuwa na Rais hapo awali ambaye alikuwa na mamlaka kupita kiasi. Tulienda katika Bomas of Kenya na kusema tugawanye hayo mamlaka kati ya Rais, Waziri Mkuu na Bunge. Ninafikiri ni muhimu katika maridhiano kama tutakubaliana na mapendekezo ambayo Wakenya wengi walitoa huko Bomas of Kenya. Huo ni mfumo ambao utatuelekeza mbele. Hii ndio sababu ninaonelea tuipatie nafasi hiyo Zero Draft iletwe hapa Bungeni, na tujadiliane kwa nia ya kutuunganisha zaidi na kutuongezea demokrasia. Hiyo Zero Draft isitugawanye zaidi au kutupunguzia demokrasia.

Jambo lingine ambalo ni muhimu, na Rais aliongea juu yake, ni kuhusu wafanyikazi. Ninashukuru sana kuona kwamba ndugu yangu, Bw. Makwere, ambaye ni Waziri wa Wafanyikazi, yuko hapa. Sheria za wafanyikazi za nchi yetu zilirithiwa kutoka kwa wakoloni. Kwa kusema kweli, wafanyikazi wanaishi kama watumwa sasa hivi. Kiwango cha mshahara wa chini ni kidogo sana. Hali ya wafanyikazi, wawe ni wafanyikazi wa viwanda, mashamba, nyumbani, wanaohudumia wanabiashara na wa Serikali ni mbaya sana. Hii inahalalishwa na sheria za wafanyikazi ambazo tuko nazo. Ni jukumu letu kama Wabunge kuzirekebisha sheria hizi. Vile vile, ningependa kumwomba Waziri wa Wafanyikazi alete Hoja nyingi za kurekebisha sheria za wafanyikazi, ili tuondoe utumwa kutoka kwa watu wetu na tuwape tija ambayo ni ya kiutu na inalingana na hali ya uchumi wetu sasa hivi.

Bw. Naibu Spika wa Muda, kwa sababu Rais aliongea juu ya uchumi na umuhimu wa kuuendeleza, jambo ambalo ni lazima tulizingatie kama Wakenya na Wafrika ni kuondoa mawazo kwamba barabara pekee ya kimaendeleo na kuboresha uchumi wetu ni ile ya ubinafsishaji. Ubinafsishaji unaweza kuwa muhimu katika sekta mbali mbali, lakini kuondoa Serikali kabisa katika uchumi ni makosa. Hizo ni sera sa urushiaji, utandawazi na ubepari ambazo utafiti

umefanywa kwa muda mrefu sana na kuonyesha kwamba hazifai. Ukiangalia katika nchi yetu, wakati Serikali ilikubali ubinafsishaji, badala ya kuleta furaha, kuna huzuni; badala ya kuongeza ajira, umepunguza ajira; badala ya kuondoa ufasidi vile tulivyoahidiwa, unazidisha ufasidi; badala ya kuleta usawa, unazidisha pengo kati ya matajiri na maskini. Kwa hivyo, ni jukumu letu kama Wakenya na kama Wafrika tuwe na sera zetu za kiuchumi ambazo zinazaliwa hapa kwetu. Tukifanya hivyo, tutajiokoa kutoka kwa janga hili na kuweza kubuni nafasi za kazi. Jambo lingine ambalo ni muhimu ni kwamba ni muhimu Serikali isikie hisia za watu wake. Kama mtu wa kutoka Wilaya ya Taita-Taveta, wananchi wa huko wanasema kwamba hawahitaji ndovu kwa sababu wanawaua na kuwaletea hasara kubwa sana kwa kuharibu mimea yao. Ndovu wanasababisha njaa, na vile nilitoka nyumbani, nilikuta watu wengine wameuawa na ndovu na kuna njaa katika wilaya hiyo. Tunaongezewa ndovu katika Wilaya ya Taita-Taveta. Kusafirisha ndovu mmoja kutoka Shimba Hills au eneo lolote hapa nchini hadi Taita-Taveta, inagharimu milioni moja au mbili. Hii inatendeka na watu hawana hata maji. Kwa kweli, kuweka sera ambazo zinajali wanyama kuliko binadamu ni makosa. Hiyo sera si ya kiutu, ambayo tutasifu Serikali nayo.

Pia, jambo lingine muhimu ambalo Rais alizungumzia juu yake ni kwamba Serikali hii ibadilike. Tumechoka kusikia kampeini! Tangu watu wapige kura hadi sasa, watu bado wanafanya kampeini kuchukua uongozi, na wananchi wanakufa njaa. Huu ni wakati wa kutekeleza sera ambazo NARC iliahidi wananchi. Iliahidi kuongeza nafasi za kazi na kuboresha uchumi. Huu sio wakati wa kufanya kampeini! Na isitoshe, ni aibu kubwa kuona viongozi wakipakana matope. Kwa kweli, mambo ambayo yamefanywa na Serikali ya NARC hadi sasa ni ya aibu kubwa! Tunatarajia ya kwamba baada ya Hotuba ya Rais, hayo yataisha. Waziri Mdogo anaweza kuamka na kumtukana Waziri? Sasa tunashidwa, hii ni Serikali ya aina gani? Na Rais yuko wapi wakati Mawaziri wake wanatukanwa? Na tena bado hawafuti kazi! Kwa hivyo, tunatarajia ya kwamba, baada ya hiyo Hotuba, tutaona mabadiliko.

Jambo lingine, kabla sijamaliza mbio mbio, Rais alitaja kuhusu mazingira. Wananchi wamejitahidi sana na kupanda miche ya miti kila pahali. Tunatarajia kwamba Wizara ya Mazingira, Mali Asili na Wanyama wa Porini itanunua miche kutoka kwa bustani za watu binafsi, ili tuendelee kuhifadhi mazingira yetu. Ni vibaya sana kuona miche kila pahali, na hainunuliwi. Hizo ni juhudi za Wakenya za kuhifadhi mazingira. Halafu hiyo miti inakua na kupotea. Lazima tutenge fedha fulani ambazo zinaweza kutusaidia kuokoa mazingira yetu na kuwapa moyo wananchi wa Kenya hili waendelee kutunza mazingira yawe bora zaidi.

Jambo lingine ni kwamba, tulipitisha Hoja hapa ya kujenga mabwawa kila mwaka katika sehemu kame. Lazima tutekeleze Hoja kama hizo. Hakuna haja sisi kama Bunge kujadili Hoja na kuipitisha, halafu inawekwa kado. Huwa tunazipitisha kwa sababu ni muhimu.

Kwa hayo machache, na kwa sababu huu ni wakati wa Pasaka, nawatakia Wabunge wote na wananchi wa Kenya kwa ujumla, na hasa wale wa Wundanyi, Pasaka njema.

**The Minister of State, Office of the Vice-President and Ministry of Home Affairs** (Mrs. Kilimo): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I want to congratulate the President for his Speech when he opened this House last week. Among the areas he touched on was education. You know that during our campaigns, the NARC promised free primary education. So far, many children have been able to go to school. Despite the fact that there is overcrowding in schools, we also employed more teachers last year. If we get more resources, we will employ more teachers, considering that we found empty coffers. The people in the former regime made sure they finished everything before they left.

Still on education, very many poor people had to find people to bring them to Nairobi, to the Ministry of Education, Science and Technology to look for bursaries for their children in secondary schools. That was last year. But the NARC Government made sure that all people were treated

equally by giving Kshs1 million to every constituency, so that, that money could be divided according to the needs. That is not enough, depending on the enrolment of students in secondary schools. There is a provision for people to get more money.

Mr. Temporary Deputy Speaker, Sir, in particular, the girl child has been given priority. Out of the money that has been given, 5 per cent will be used to uplift the education standards of the girl child, so that in future, we can have a country where men and women can make informed decisions.

The President also touched on the achievements of the NARC Government in the agricultural sector. People who come from farming communities know very well that the NARC Government gave a 1,000 per cent increment in terms of the cost of maize. I am a farmer myself! As my name Kilimo means, I am a farmer. We plant a lot of maize. We used to sell maize at Kshs400 per sack. If you subtract the loaders and the shelling machine expenses, you will end up selling your maize at Kshs300 per bag. However, since NARC came to power, we opened the National Cereals and Produce Board (NCPB) and they buy the maize at Kshs1,400 per bag. The distance from the silos does not matter. Maize buying centres that had been closed were once again opened. The price of wheat also went up. There is so much that the NARC Government has achieved, considering that we found nothing in the coffers when we came in.

Mr. Temporary Deputy Speaker, Sir, the Agricultural Finance Corporation (AFC) which used to sponsor farmers has been given Kshs1 billion and farmers are able to borrow money from it. One thing that the Government has done, despite the other side saying ASAL money was already there when we took over--- We know that there were regional development authorities in the ASAL areas. What happened is that they were used as conduits to steal money. For example, Kerio Valley Development Authority (KVDA), Ewaso Nyiro North Development Authority and Ewaso Nyiro South Development Authority, Lake Basin Development (LBDA) and the Coast Development Authority were misused that way. These were authorities that had actually been destroyed completely. They were no longer operational but since NARC came to power, it has revived them. For example, KVDA last year planted seeds worth 20,000 metric tonnes for Kenya Seed Company, and farmers are beginning to go back to their farms. They plant seeds and flowers and export some to Germany, and that is an authority that had almost collapsed. Another one, the Ewaso Nyiro North Development Authority, got Kshs300 million from the African Development Bank (ADB). That is something that had been negotiated and, of course, we must know that it takes time between the Government and banks to negotiate loans, but I know that is something that I left in place when I was still in the Regional Development Ministry.

Mr. Temporary Deputy Speaker, Sir, we also promised Kenyans 500,000 jobs and these jobs do not mean that they have to be white-collar jobs; that is, just being in the office. We have, as a Government, provided an enabling environment for people. When I talk like this; for example in the area I come from, that was normally known as the "valley of death" and it is now the "valley of life"; farmers have harvested twice a year. How many people were employed in their farms for the first and second rounds, harvesting twice a year and now they are again on their farms? In one-and-a-half years, people are tilling their farms three times, and you can see that is employment, unlike before when people never used to work in their farms. They used to sit on top of rocks crying and saying: "When shall we ever go back to our farms?" Those who were employed and removed, it was not because of nepotism, but it was because of corruption. The people who were close to those who were in power the other year still retained their jobs. So, those who were sacked were not sacked because of nepotism, but it was because of their deeds and we want to inject new blood into these areas of the Government, so that we can have other things working.

Mr. Temporary Deputy Speaker, Sir, we also promised to provide dams. I want to mention what my hon. colleague, Martha Karua, has done. She has visited many ASAL areas, for example

the neighbouring community to Marakwet East; that is Baringo East, where the former President comes from, and yet there was no water. However, hon Martha Karua has gone there and she has desilted many dams, and opened more new dams, and people there are able to get water for their animals.

Mr. Temporary Deputy Speaker, Sir, despite the fact that there is increasing insecurity in towns, we also know that the Government has achieved much in areas that were prone to banditry, cattle rustling or massacres, so to say. I am sure this House is aware of 12th March, 2001, when the famous Murkutwo Massacre occurred, which the former regime watched as two communities, who are cousins or brothers since they intermarry, finished one another without intervention. The Government has increased security patrols in these areas and cattle rustling, which had been commercialised by some politically-correct individuals in the former regime, has since stopped. I am sure my hon. colleagues can testify that some of us from the North Rift, along the Kerio Valley, now enjoy peace. We can now do our shopping together and even meet in the market places without fear or suspicion of each other.

Mr. Temporary Deputy Speaker, Sir, with regard to corruption, the Government has tried tremendously to reduce corruption. However, it will take time to be able to change people's minds because they have been accustomed to a particular way of life for 24 years. What we are undergoing now is more transitional. We are training people to get accustomed to a new way of thinking.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I wish to support and congratulate the President and the NARC Government for its achievements.

**Mr. Moroto:** Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili nami nichangie Hotuba ya Rais.

Bw. Naibu Spika wa Muda, ukilinganisha Hotuba ya aliyekuwa Rais, mhe. Moi, na Hotuba aliyotoa Rais mhe. Kibaki, ukiwa mwalimu mzuri, utampatia mhe. Moi alama zaidi ya asilimia 80, naye Rais aliyeko sasa, mhe. Kibaki atampatia asilimia 60. Hata hivyo, hatusemi kwamba Hotuba ya Rais ndiyo kilele cha shughuli za taifa. Kile tunatarajia ni vitendo. Tunatazamia mambo yaliyosemwa yabadilishwe kuwa vitendo. Mwaka uliopita, Rais. mhe. Kibaki alitoa Hotuba yake na kila Mbunge aliyesimama hapa kuongea alimsifu kwa kusema kuwa Hotuba yake ilikuwa nzuri sana. Lakini tangu alipotoa Hotuba yake ya kwanza hadi sasa, hakuna chochote kimefanyika. Hata wakati huu ambapo tunajadili Hotuba yake, bado wale ambao wana mamlaka watazidi kumsifu mtu wao na wengine walio Upinzani, watazidi kukanusha matamshi ya wenzao.

Bw. Naibu Spika wa Muda, tuna furaha kwa sababu hivi karibuni, mambo yatabadilika na mwenye kutoa Hotuba ya kulifungua Bunge, daima atakuwa akiketi nasi humu Bungeni akisikiliza kila jambo tutakalokuwa tukisema. Hivyo, ataweza kujibu kila jambo tutakalouliza hapa. Sasa hivi tunazungumzia Hotuba ya Rais ilhali yeye mwenyewe hayuko hapa. Anaponda raha yake huko kando nasi tuing'ang'ana kuongea tu hapa.

Bw. Naibu Spika wa Muda, tunafahamu kuwa maji hata yawe moto kiasi gani hayawezi kuchoma nyumba. Kwa hivyo, mambo ambayo yanasemwa tu bila kuambatanishwa na vitendo, hayawezi kubadilisha kitu chochote.

Hatuwezi kusema kwamba humu nchini swala la usalama duni limeanza juzi. Hapa Kenya kuna wanajeshi. Ijapokuwa watu wanasifu kwamba Kamishna mpya wa Polisi ameteuliwa kutoka jeshi, sote tunafahamu kwamba hata kule Uganda, majeshi ya Uganda Peoples' Defence Forces (UPDF) yamekuwa yakivamia watu huko Pokot na Turkana. Leo kuna mifugo na mali ya watu wetu ambayo bado iko Uganda. Watu wengine pia walipoteza maisha yao. Lakini bado tunatumaini kwamba, mwanajeshi anaweza kubadilisha idara yetu ya polisi.

**The Temporary Deputy Speaker (Mr. Phogisio):** Order, Members! Mr. Moroto, you

will have seven minutes next time.

### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Phogisio) Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 13th April, at 2.30 p.m.

The House rose at 6.30 p.m.