

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 4th April, 2006

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of Kenya Airports Authority for the year ended 30th June, 2004 and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya Railways Corporation for the year ended 30th June, 2001 and the Certificate thereon by the Controller and Auditor-General.

*(By the Minister for Agriculture
on behalf of the Minister
for Transport)*

Annual Report and Accounts of Kenya Broadcasting Corporation for the year ended 30th June, 2002 and the Certificate thereon by the Controller and Auditor-General.

*(By the Minister for Agriculture
on behalf of the Minister for
Information and Communication)*

Annual Report and Accounts of Kenya Electricity Generating Company for the year ended 30th June, 2005 and the Certificate thereon by the Controller and Auditor-General.

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

Annual Report and Accounts of Kenya Institute of Administration for the year ended 30th June, 2004 and the Certificate thereon by the Controller and Auditor-General.

*(By the Minister for Agriculture on
behalf of the Minister of State
for Administration and
National Security)*

Annual Report and Accounts of Kenya Medical Research Institute for the year ended 30th June, 2003 and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya Medical Research Institute for the year ended 30th June, 2004 and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya Medical Supplies Agency for the year ended 30th June, 2002 and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya Medical Supplies Agency for the year ended 30th June, 2003 and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya Medical Training College for the year ended 30th June, 1998 and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya National Hospital Insurance Fund for the year ended 30th June, 2004 and the Certificate thereon by the Controller and Auditor-General.

*(By the Minister for Agriculture on
behalf of the Minister for Health)*

Annual Report and Accounts of Kenya National Assurance Company for the year ended 30th June, 2004 and the Certificate thereon by the Controller and Auditor-General.

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

Annual Report and Accounts of Kenya National Commission on Human Rights for the year ended 30th June, 2004 and the Certificate thereon by the Controller and Auditor-General.

*(By the Minister for Agriculture on
behalf of the Minister for Justice
and Constitutional Affairs)*

Annual Report and Accounts of Kenya National Trading Corporation Ltd for the year ended 30th June, 2001 and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya National Trading Corporation Ltd for the year ended 30th June, 2002 and the Certificate thereon by the Controller and Auditor-General.

*(By the Minister for Agriculture on
behalf of the Minister for
Trade and Industry)*

NOTICES OF MOTIONS

ADOPTION OF PAC REPORT ON SPECIAL AUDIT ON PROCUREMENT OF PASSPORT ISSUING EQUIPMENT

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

THAT, this House adopts the Report of the Public Accounts Committee on

Special Audit on procurement of passport issuing equipment by the Department of Immigration, Office of the Vice-President and Ministry of Home Affairs laid on the Table of the House on 28th March 2006.

ABOLITION OF TAXES
ON SUGAR

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

THAT, noting that COMESA's four-year safeguard measures affecting the local sugar industry expire on 29th February, 2008 and that the sugar industry shall be liberalised thereafter; this House urges the Government to eliminate taxes affecting the sugar industry and put structures in place that will improve the fields of cane plant and efficiency in the local sugar milling factories in order to enable locally produced sugar to compete favourably with imported sugar for the benefit of the sugarcane farmers.

POINT OF ORDER

FATE OF A QUESTION BY
PRIVATE NOTICE

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

Mr. Deputy Speaker: What is it, Mr. Salat?

Mr. Salat: Mr. Deputy Speaker, Sir, there is a Question by Private Notice I had asked and the Chair decided that a Communication from the Chair, with regard to the Question, would be made today.

Mr. Deputy Speaker: Please, approach the Chair on that matter.
Hon. Members, we will now move to Questions time.

QUESTIONS BY PRIVATE NOTICE

POLICE RAID ON STANDARD
MEDIA GROUP PREMISES

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

- (a) Why did the police raid the Standard Media Group premises on 2nd March, 2006?
- (b) Who authorized the raid and which officers conducted it?
- (c) What steps, if any, have been taken against the officers involved in the operation?

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, we gave a response to this Question and what we are waiting for is the ruling of the Chair as to whether it is satisfied that under the rule of *sub judice* this issue does not arise. We are actually waiting for your directions.

Mr. Deputy Speaker: Mr. Ndolo, did you hear that?

Mr. Ndolo: Mr. Deputy Speaker, Sir, I think the Assistant Minister is misleading this House. They are also talking about the same issue in the media. Are they controlling the Judiciary? Do they also want to control Parliament? We cannot accept that!

Mr. Deputy Speaker: Mr. M. Kariuki, what is the position on this matter?

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, the matter is now in your hands. We answered this Question before this House and we raised the matter of *sub judice*. The Chair said that it will look at the pleadings and make a ruling today. So, the matter is still in your hands.

Mr. Deputy Speaker: I am very sorry that I did not hear you well because Mr. Salat was communicating to me at the time you were responding. Concerning this particular Question, the other one on wildlife and the last one asked by Mr. Salat with regard to the Ministry of Trade and Industry, the Speaker said that he was going to have look at the pleadings and would be able to determine whether, in fact, the matters will amount to *sub judice* if dealt with by the House.

He has informed me that he has not been able to do that. However, he has promised to look at these matters and give a ruling on Thursday.

So, this Question will be deferred until Thursday.

Mr. Oloo-Aringo: On a point of order, Mr. Deputy Speaker, Sir. With due respect to the Chair, the matter of *sub judice* has become a bone of contention in this House. The matter can no longer be delayed. The Government is hiding under the *sub judice* rule to deny information to this House.

(Applause)

Mr. Deputy Speaker, Sir, I think this matter must be expedited in the interest of democracy.

Mr. Deputy Speaker: You will appreciate that the Chair had a momentous task of giving a ruling on the PAC Report which had been laid on the Table and contested. Therefore, the Chair spent a lot of time to consider that matter.

I have said that the ruling will be made on Thursday, which is the day after tomorrow. I think that will be soon enough!

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. I want to suggest a solution to these problems. Why could we not change our Standing Orders instead of breaking them? Why is it more difficult to change our Standing Orders than to change our Constitution?

Mr. Deputy Speaker: Mr. Angwenyi, that is a completely different matter. Indeed, hon. Members will note that a lot of progress has been made towards what Mr. Angwenyi has said. Therefore, this Question is deferred to Thursday!

(Question deferred)

GOVERNMENT LINKS TO
ARMENIAN "MERCENARIES"

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

(a) Is the Minister aware of any official linkage between the alleged "mercenaries" marauding in the country and the Government of Armenia?

(b) If it is true that the two "businessmen" are really investors, why are they accorded high security profile by the State?

(c) What kind of business are these mysterious people doing in Kenya?

(d) Is the Minister aware that this kind of secretive business dealings will discourage direct foreign investors?

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

(a) First, I would like to take exception to the use of the word "mercenary" because that is subject to a defamation suit pending in court.

(Laughter)

Could they hear me?

Mr. Deputy Speaker: Order! Let us listen to the Assistant Minister.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, first, I would like to take exception to the use of the word "mercenary" because that is subject to a defamation suit pending in court - Mr. Artur Margaryan against Mr. Raila Amolo Odinga, High Court Civil Suit No.314/2006.

(Applause)

The Government of Armenia has officially confirmed to the Kenya Government through note verbal No.18-5/02607 dated 17th March, 2006 that the two persons in question were, indeed, citizens and passport holders of Armenia.

(b) The two individuals were granted entry into Kenya under Class "H" Visa as businessmen having valid work permits and a duly registered and tax paying business company. The State neither accords them high security profile nor have the individuals ever requested the State for any personal security beyond what is provided to the general public in Kenya.

(c) The two Armenians citizens are licensed to engage in consultancy in marketing, business development and finance.

(Laughter)

Mr. Deputy Speaker, Sir, I do not know why this bit excites hon. Members. I suspect that somebody must have benefited from the finance matter.

(d) The Armenian Government has confirmed to the Kenya Government that the two persons have no criminal record in Armenia. The Kenya Government has also not received any concrete evidence or information to suggest that the two businessmen are engaged in any criminal activities which would be inconsistent with their visa status mentioned in part "b" above.

Mr. Kamotho: Mr. Deputy Speaker, Sir, in the first place, I have got no copy of the written answer from the Assistant Minister. So, the question I will ask will be on the basis of the answer he has just read.

Is the Chair satisfied that the Assistant Minister is not involved in the cover-up of the two people because this is the third time this Question has appeared on the Order Paper? The Assistant Minister waited until the so-called "mercenaries" went to court to file a fictitious suit against Mr. Raila. Was it not a plan to apply the so-called rule of *sub judice* in order to refuse to give a proper answer to this Question?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, I believe that Mr. Kamotho was listening when I was reading my answer. The rule of *sub judice* is only in respect to the offensive term "mercenary". That is a subject of a defamatory suit in court. I need to make that clear, even as we use that word in this House.

Mr. Deputy Speaker, Sir, secondly, I take great exception to the allegation of cover-up. There is no cover-up whatsoever. An explanation over the issue has been given in this House. The first time, the Question was sent to the Ministry of Foreign Affairs, then to the Ministry of Immigration and Registration and finally, to my Ministry and I have given an answer.

Just to show the authenticity of my answer, I would like to lay on the Table, copies of the passports, certificates from the Kenya Revenue Authority (KRA) on the taxes paid and certificate of incorporation of the company run by these persons.

(Mr. M. Kariuki laid the documents on the Table)

Dr. Godana: On a point of order, Mr. Deputy Speaker, Sir. Where is the note verbal? The Assistant Minister laid on the Table some documents the first time he answered the Question. However, he did not lay on the Table the note verbal. I want him to lay on the Table, a copy of the note verbal from the Armenian Government.

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, the note verbal was not part of the Question. However, if it is necessary to produce it, we are more than ready to produce it tomorrow.

Mr. Deputy Speaker: Order! Now that you have laid on the Table certain documents related to the persons in question, and in your answer, you did refer to that communication, it is important that it be part of the documents laid on the Table. So, you will lay the note verbal on the Table tomorrow!

Mr. Raila: Thank you, Mr. Deputy Speaker, Sir. It is interesting that the Assistant Minister knows that I have been sued and yet, I have not been served with a notice. I do not even know where he got that information.

(Laughter)

Be that as it may, there are pertinent issues which the Assistant Minister should tell this House and Kenyans.

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

Hon. Members: Mercenary!

Mr. Deputy Speaker: Order, Mr. Munya! Let the hon. Member ask his question. If you have a point of order, I will grant it. However, let me hear Mr. Raila's question. Mr. Munya, could you sit down?

Mr. Raila: Mr. Deputy Speaker, Sir, if the so-called gentlemen are businessmen, why did they come here, go to the Registrar of Companies and register a company by the name of Kensington Holdings Ltd., which is a registered name for another company? Why is there the duplication? Secondly---

Mr. Deputy Speaker: Mr. Raila, ask one question at a time!

Mr. Raila: Mr. Deputy Speaker, Sir, it is important that I make the point.

Mr. Deputy Speaker: One question at a time! You have already asked a question.

Mr. Raila: Mr. Deputy Speaker, Sir, it is a point and not a question.

Mr. Deputy Speaker: Then go on!

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

Hon. Members: Mercenary!

Mr. Deputy Speaker: Let me hear Mr. Munya! Sit down, Mr. Raila!

Mr. Munya: Mr. Deputy Speaker, Sir, according to the rules of this House, Mr. Raila is supposed to declare his interest in the matter before he can ask a question.

(Applause)

Mr. Deputy Speaker: Mr. Munya, you are absolutely out of order!

Mr. Raila: Mr. Deputy Speaker, Sir, I have no known interest in this matter. These gentlemen have been concealing the registration numbers of the vehicles they travel in.

(Applause)

To import a live animal into this country requires that you meet so many regulations. Thirdly---

Mr. Deputy Speaker: What is your question, Mr. Raila? This is Question Time and not debate time.

Mr. Raila: Mr. Deputy Speaker, Sir, the stage managed return from Dubai--- Could the Assistant Minister confirm or deny that one Artur Margaryan was the commander of the raid at the Standard and KTN premises?

(Applause)

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, as we go on with this debate, it is important that if you have an individual interest in the matter, you make it public. Mr. Raila is a defendant in the matter we have before this House. He will have his day in court to advance his defence. I do not think that the Floor of this House should be used to advance matters that can be advanced before a court of law.

(Applause)

As far as the registration of the company is concerned---

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

Mr. Deputy Speaker: Order! Let me hear the Assistant Minister and then---

Mr. Raila: But Mr. Deputy Speaker, Sir---

Hon. Members: Throw him out!

Mr. Deputy Speaker: Order, Mr. Raila!

Yes, Mr. Assistant Minister!

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, I was saying that let us not mix the issues that are before court by trying to raise them here. Issues in court should be dealt with in court. If the hon. Member has a defence to make to the allegations, he should do that in a court forum. The other party does not have the advantage of being in this House to be able to controvert the allegation that he has made now.

(Applause)

As far as the registration of companies is concerned, the information on registration of companies is public knowledge.

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

(Mr. M. Kariuki stood up in his place)

Mr. Deputy Speaker: Order! Could you sit down, Mr. M. Kariuki!

Mr. Raila, I gave you the opportunity to speak against many points of order and I protected you. Therefore, it is now my duty to protect the Assistant Minister.

(Applause)

Mr. M. Kariuki: Thank you, Mr. Deputy Speaker, Sir, for coming to my defence.

Hon. Members: How?

*(Several Members stood up
in their places)*

Mr. Deputy Speaker: Order! Order! Order, Mr. Raila! Order, Mr. Odoyo! Mr. M. Kariuki, could you finish answering the question?

Mr. M. Kariuki: Thank you, Mr. Deputy Speaker, Sir. There are two issues here, one is about the registration of a company called Kensington, and that information is available to the public in the Registrar of Companies. Secondly, regarding the allegations of using State vehicles, that is totally unfounded. If the hon. Member has any evidence that will assist us to get to the truth of the matter, we will be too happy to have a statement from him. He has already made one but if he wishes to make a supplementary statement, he is most welcome.

(Applause)

Mr. Marende: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not answered one question which was put to him. The Assistant Minister is a lawyer and in his response, he said that these Armenians have not committed any offence. A question was then put to him, and with respect to him, I would like to know if it is not an offence to drive a vehicle on Kenyan roads with concealed number plates.

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, we are not aware of the allegation. If the hon. Member has any evidence, he should be bold enough to come and make a statement before the police and we shall investigate the matter.

Hon. Members: Shame! Shame!

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

Mr. Deputy Speaker: Order! Order! Order! What is it, Capt. Nakitare?

Capt. Nakitare: Thank you, Mr. Deputy Speaker, Sir, for giving me this chance. We are moving on a dangerous trail. The Government to which we belong, must be transparent. It is obviously known that these businessmen had no business plan for this country. They have not shown what kind of business they are going to run in this country.

(Applause)

Mr. Deputy Speaker, Sir, I am agitated by the fact that these people have been branded "mercenaries". It reminds me of Hamasho(?) and Patrice Lumumba; people who are surrounded by mercenaries never survive.

Mr. Deputy Speaker, Sir, I would like the Assistant Minister to assure this House, and I will lower my tone, that these people are not dangerous to this nation. Why have they refused to go back? If Kenyans have refused to do business with them, what business are they here for?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, we have a duty to be fair to all the parties whether they are our citizens or foreigners. I know it is the wish of some of Kenyans that the

Armenians leave this country because they claim that those Kenyans owe them money!

(Applause)

We are also aware that they have gone to court to defend their reputation and we have produced the records here.

Mr. Deputy Speaker, Sir, as far as investments are concerned, we have laid the relevant documents of the companies that are registered here on the Table. Secondly, let me say that no Government requires mercenaries because they have armies and the police. It is the people who want to bring down governments who look for mercenaries. There is no way the Kenyan Government can engage mercenaries when our barracks are full of our very good soldiers and our policemen are on the streets. It is those who have evil designs against the Government who would go out to hire mercenaries.

Dr. Godana: Mr. Deputy Speaker, Sir, it is a pity that the question is eliciting too much passion to the detriment of the public actually getting to know what is happening. I know that you have directed the Assistant Minister to lay the note verbal on the Table tomorrow, which he referred to as the justification of the validity of the passports. A question was also asked as to why there was double registration of two different companies in the same name. The Assistant Minister knows that, that is illegal. He has not responded to that question. Finally, could the Assistant Minister confirm or deny that the three persons named as mercenaries actually each possess three other passports of different countries?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, I am not aware of the allegation that they have other passports from other countries. As far as if there are any double registration in the Companies Registry, that is a matter which could be taken up with the Office of the Registrar of Companies.

Mr. Sungu: On a point of order, Mr. Deputy Speaker, Sir. This is the august House of the Republic of Kenya and the Assistant Minister has a duty to give answers in this House when a Question is asked of him.

Mr. Deputy Speaker, Sir, is he, therefore, in order to avoid answering the question by referring us to the Registrar of Companies when we have asked him the Question here?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, we are not aware of the allegation and that is why I have said that the legitimate body to raise that question with is the Registrar of Companies' office.

Mr. Billow: Mr. Deputy Speaker, Sir, the Assistant Minister has provided the name of the company, Brotherlink International. He has given us the PIN number, the registration number and the type of business these people do, yet we remember what they said. They said that they have so much money that they can actually finance the Budget of the Republic of Kenya.

Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House and the nation how much money in terms of investments did these "foreign investors" bring into the country?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, I do not have the information on the amount of investment they have brought in, but the objects of the company are set out in their objects. If anybody wants to know where they are investing their money, we have clearly laid down the incorporation certificate for the company.

Mr. Deputy Speaker: Order! Perhaps by omission, I think hon. Raila was standing on a point of order that he had not been served, and I have just seen documents laid by the Assistant Minister in that regard. So, they may be made available to hon. Raila, if he wishes.

Mr. Kamotho: Mr. Deputy Speaker, Sir, although the answer by the Assistant Minister is very unsatisfactory, I would like to ask him whether he is aware that the Minister for Trade and Industry said that the two "mercenaries" had no business plans or arrangements to invest in this

country? So, can he tell this House what business these people are in?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, I am not aware what the Minister for Trade and Industry said. I think an appropriate Question can be put to the Minister for Trade and Industry regarding what they have invested.

Mr. Kamotho: On a point of order, Mr. Deputy Speaker, Sir. Are you satisfied that the Assistant Minister is answering the questions directed to him? My last Question to him was whether he is aware that the presence of these secretive businessmen can discourage direct serious investors to Kenya. What did he say?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, if there is anything that would discourage investors, it is the local politicians soliciting money from investors.

(Applause)

Mr. Deputy Speaker: Order, hon. Members! In public interest, I have given this Question more time than any other I have ever handled here and, therefore, I would not give it any more time. You are certainly aware of the position of the Standing Order, whereby if you are not satisfied with the way the Question has been answered, you can always bring a Motion and you will be given more time. But for now, let us proceed to the next Question.

NON-REGISTRATION OF KCSE
CANDIDATES IN MAKUENI DISTRICT

Mr. J.M. Mutiso: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that students in Makueni District have been denied registration for 2006 KCSE examination due to school fees arrears?

(b) Could the Minister issue a directive to have the students registered for the KCSE examination as parents arrange to clear fees arrears?

The Assistant Minister for Education (Dr. Mwiria): Mr. Deputy Speaker, Sir, I beg to respond.

(a) I am not aware that students in Makueni District have been denied registration for the Kenya Certificate of Secondary Education examination for 2006 due to non-payment of school fees. As far as we know, all students registered by 31st March this year. There is a second deadline for those who have not done it, and that is, 1st May, 2006.

(b) The Minister cannot issue a directive that those that have not been registered should be registered until they pay school fees arrears because payment of school fees arrears is not a requirement for registration for the examination.

All headteachers must register all students in Form Four for this examination. Registration fees is, however, required but there is no requirement for school fees payment.

Mr. J.M. Mutiso: Mr. Deputy Speaker, Sir, first of all I would like to thank the Assistant Minister for that excellent answer. He has said that no student will be denied registration, including those who had not paid school fees up to 1st May. Could he guarantee the House that he will issue a circular to this effect to all those schools which are affected?

Mr. Deputy Speaker: Perhaps before Dr. Mwiria answers, I gave the Minister for Education, Science and Technology documents indicating that some heads of schools had refused to register students for examination in my constituency because of fees arrears. Before you answer Mr. Mutiso's question, you should be aware that this matter is already with your Minister.

Dr. Mwiria: Mr. Deputy Speaker, Sir, in such instances the headteachers found to be guilty

are normally punished. As long as you have given this information to our Minister, he will take action against the concerned headteachers. No parents or Members of Parliament should accept a situation whereby headteachers deny students an opportunity to sit for examinations because they have not paid school fees. The contract is between the Kenya National Examinations Council and the students and not the headteachers.

Mr. Mutiso: On a point of order, Mr. Deputy Speaker, Sir. I asked a very specific question on whether the Assistant Minister will issue a circular expressing the same sentiments he has put before the House.

Dr. Mwiria: Mr. Deputy Speaker, Sir, from what I had said before, the implication is "yes". We have already said that before and we will reiterate it if it is necessary.

Mr. Deputy Speaker: Dr. Mwiria, we are talking of the lives of children who have attended school for 12 years and they are prevented from sitting for the final examination because of a headteacher who is not adhering to your instructions.

Could you assure the House that you will take action now because registration is going on?

Dr. Mwiria: Mr. Deputy Speaker, Sir, we will take action now. If they have not been registered by 31st May, we will take serious action. You must also help us in terms of identifying cases of headmasters who are causing this problem. I agree that we cannot allow this situation to go on just because there are headmasters who are not obeying the rules.

Mr. Khamasi: Mr. Deputy Speaker, Sir, the Assistant Minister knows very well that this is going on in this country and he is saying here lightly that he will take action. Could he assure us now that he will issue a circular to all heads of secondary schools to stop that practice?

Dr. Mwiria: Mr. Deputy Speaker, Sir, we will issue another circular.

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, you heard the Assistant Minister say that he will take action against the principals who are engaged in this practice. What will he do to the students who will not have been registered at that time? Punishing the headteacher will not help the students. What will the Assistant Minister do?

Dr. Mwiria: Mr. Deputy Speaker, Sir, given that we have an extension for registration until May 31st, we hope that we will not have that problem. If we find that, that is the case and the students are not to blame, we will explore possibilities of assisting them as long as we are made aware of this in good enough time to avoid disrupting the examination programme.

Mr. J.M. Mutiso: Mr. Deputy Speaker, Sir, like most parts of the country, Makueni District has been affected by serious drought. Parents have not been able to raise the examination fees as required. Notwithstanding the deadline of 31st May, now the parents will have an extra burden of paying the penalty. What plans does the Ministry have in place to assist these parents who are unable to raise the examination fees?

Dr. Mwiria: Mr. Deputy Speaker, Sir, I just wonder the limits to which the Ministry of Education must go. Examination fees is Kshs2,900 for eight subjects and Kshs3,100 for nine subjects. We have consistently insisted that there must be some cost sharing. We do help in cases where we can. We have some resources as Members of Parliament, including the CDF and other resources, that we should use to help those kinds of cases. Otherwise, there are other interventions by the Government, for example, the provision of relief food.

TEA PICKING BOYCOTT BY
SMALL SCALE FARMERS

Mr. Marende: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that small scale tea farmers countrywide have threatened to

boycott the picking of tea in the month of April, 2006?

(b) Could he offer an explanation on the big disparity between the price of Kshs9.00 per kilo paid to the farmer for green leaf tea and Kshs126 per kilogramme received at the Mombasa Tea Auction?

(c) Why is the Minister unable to ensure that the tea farmers get commensurate value for their produce?

The Minister for Agriculture (Mr. Kirwa): Mr. Deputy Speaker, Sir, I beg to reply,

(a) I am aware that a group calling itself Kenya Union of Small-Scale Tea Owners Association had called for a countrywide boycott of tea picking during the month of April, 2006, and that the farmers ignored the boycott call.

(b) The disparity between the prices is because the Kenya Shilling per kilogramme is for initial payment for green leaf deliveries to factories, while Kshs116 per kilogramme is for processing tea at the Mombasa Tea Auction.

(c) I am ensuring that tea farmers are getting reasonable returns for their produce. For example, in 2004/2005 the gross sale for tea was valued at Kshs24.2 billion out of which farmers' were paid Kshs15.7 billion, representing 65 per cent for pay-out. To further improve farmers payment, my Ministry is encouraging value addition through blending, packaging and branding to attract new markets.

Mr. Marende: Mr. Deputy Speaker, Sir, Kenyans and I had a lot of hope in this Minister, but he continues to disappoint us by giving us poor answers such as these. In the financial year 2004/2005 there is a difference of Kshs7.5 billion between the price realised and the money paid to farmers. Could the Minister account for that difference to the farmers, indicating for what purpose that difference of Kshs7.5 billion was applied?

Mr. Kirwa: Mr. Deputy Speaker, Sir, that represents 35 per cent of the total gross sale of tea. Manufacturing is 9 per cent. Packaging is 4 percent. Leaf collection is 6 per cent. Finance is 6 percent. Administration is 7 per cent which includes 2.5 per cent of KTDA agency fees. Semi-variable cost is 3 percent. The total is 35 per cent. It compares well with other teas internationally. For example, in Colombo the same percentage goes towards purposes of manufacturing, packaging, leaf collection, finance, administration and semi-variable.

Mr. Sambu: Mr. Deputy Speaker, Sir, the former Kenya Tea Development Authority (KTDA) ceased to be an authority when this House amended that Act. Is the Minister aware that it is the Kenya Tea Development Agency (KTDA) that monopolises the selling of tea belonging to small-scale farmers from factories without giving them an opportunity to choose a marketer to negotiate with? What is he is going to do to stop that agency from purporting to be an authority, when it is no longer one?

Mr. Kirwa: Mr. Deputy Speaker, Sir, indeed, the hon. Member is right. The agency ceased to be an authority. There is a five-year contractual arrangement between every factory - and there are 53 factories all over the country - with the KTDA. Each factory can initiate a reversal of that particular position using the agreed terms.

Mr. Manoti: Mr. Deputy Speaker, Sir, the Minister agrees with us that the 35 per cent that farmers are forced to incur without their consent is very high. What is he going to do to assist tea farmers to reduce that percentage, so that they can get more money?

Mr. Kirwa: Mr. Deputy Speaker, Sir, two weeks ago, I called a meeting with KTDA, Kenya Tea Board, Tea Research Foundation, KTTGA and some officials of my Ministry to discuss ways and means of reducing some of the overheads, so that farmers can take home slightly over 65 per cent.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the plight of tea farmers in this country is very precarious. First of all, because of the strong shilling, all the exporters of primary commodities are facing difficult times. I wonder whether the Minister for Agriculture and the Minister for Finance have discussed the serious possibility of devaluing the Kenyan shilling. The

Minister for Finance can remember that, when Tony Blair and Gordon Brown took over the Government in Britain, they held discussions with the guru of central banking system in the United States of America (USA). The guru advised them on how to deal with the Sterling Pound in England and the Central Bank. What plans does the Minister have, in conjunction with the Minister for Finance, to save the tea industry in this country? It is faced by a strong shilling and virtually, the---

(Loud consultations)

Mr. Sasura: On a point of order, Mr. Deputy Speaker, Sir. We are not hearing what the hon. Member is saying.

Mr. Deputy Speaker: Order! Hon. Members on the Front Bench on my right, consult in lower tones. Prof. Anyang'-Nyong'o, you were about to conclude your question. Can you conclude it?

Prof. Anyang'-nyong'o: Mr. Deputy Speaker, Sir, but I have to give them some information that could help them!

Mr. Deputy Speaker: But you have already given them!

Prof. Anyang'-Nyong'o: My question is: What plans does the Minister for Agriculture have, in conjunction with his Finance counterpart, to save the tea industry which is in jeopardy, by devaluing the Kenyan Shilling?

Mr. Kirwa: Mr. Deputy Speaker, Sir, I wanted to give the right impression. There was an erroneous statement that tea at the auction is selling at Kshs126 per kilo, while farmers are getting only Kshs9. The truth of the matter is that, Kshs9 is the first payment. An amount of Kshs11.75 is the second payment. That brings the total amount to Kshs20.75 on average. If you convert net tea from green leaf tea, you will be fetching Kshs29 per kilo. The difference between Kshs29 and Kshs20 goes into processing.

With regard to our plans to enable farmers to take home slightly over what they are taking now, we are ensuring that there is better value for tea that is reproduced in this country, through the stages that I have already stated. With regard to the devaluation of the shilling, that is the purview of the Minister for Finance. He will answer that when a question is directed to him.

Mr. Deputy Speaker: Last Question, Mr. Marende! Hon. Members, this is a very important matter, whether you are seated on the right or left. We are talking about tea farmers. Therefore, it is very important that you listen!

Mr. Marende!

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. This matter is more important to us than that of the "mercenaries". I would like to plead with you to give it adequate time! I would like to ask a question.

Mr. Deputy Speaker: Mr. Angwenyi, I have heard you! You can always bring a Motion if you want more time. This is Question Time.

Mr. Marende!

Mr. Marende: Mr. Deputy Speaker, Sir, it is in the public domain that some protesting farmers who were merely exercising their right to ask for a better price were arrested in some parts of this country and arraigned in court. Could the Minister explain to the House whether it is an offense for farmers to demand higher payment for their produce?

Mr. Kirwa: Mr. Deputy Speaker, Sir, I have not directed the police to arrest any farmer.

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

STATUS OF TENURE FOR CBK GOVERNOR

Mr. Ndambuki: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Finance the

following Question by Private Notice.

What is the status of the tenure of the Governor of Central Bank of Kenya (CBK)?

The Minister for Finance (Mr. Kimunya): Mr. Deputy Speaker, Sir, I beg to reply.

The Governor of CBK is a public officer who enjoys security of tenure under the CBK Act, Section 14, Subsection II as amended by Act No.9 of 1996.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, it is true that the Governor of CBK enjoys security of tenure. I would like to ask whether the procedure of investigating and taking the Governor to court was followed, when he was charged. I know that he was charged, but I am not going to ask what he did. But was the procedure followed when he was taken to court?

Mr. Kimunya: Mr. Deputy Speaker, Sir, I am not quite sure what procedures the hon. Member is referring to. But as I said, the Governor is a public officer and there are rules that govern what happens to public officers. Section 62 of the Economic Crimes Act, which was passed by this very House - and the hon. Member participated in its enactment - basically shows what happens when a public officer is taken to court. It goes further to define who a public officer is. The Governor fits within the description of a public officer. It also states what happens when somebody is taken to court. What has happened is that, pending the outcome of the court case, the Economic Crimes Act require that a public officer, who has been taken to court, stands suspended until the outcome of the case. It is pursuant to that, that his Excellency the President issued Gazette Notice No.2235 appointing an Acting Governor. The substantive Governor stands suspended until the outcome of the court cases. The case is in court. I do not want to get into issues that could jeopardise that.

Mr. Muite: Mr. Deputy Speaker, Sir, this is a very serious matter. The Minister mentioned Section 14 of the Central Bank of Kenya Act. That section clearly specifies how the Governor can be removed from office or suspended. The Minister is aware that where there is a specific statute and a general statute like the Economic Crimes Act that applies to all civil servants and there is a conflict, it is the specific Act which carries the day. Could he tell the House why they did not appoint a tribunal? If they did that, the President could have suspended the Governor. Why are they flouting the law? Why did they elect to apply the Economic Crimes Act which does not apply here, instead of the Central Bank of Kenya Act?

Mr. Kimunya: Mr. Deputy Speaker, Sir, let me clarify one point which came from the hon. Member. The Governor has not been removed from office; he has been suspended pending the outcome of his trial. Let us first of all start from that point of common understanding.

Mr. Deputy Speaker, Sir, regarding Section 14 which the hon. Member is talking about, that section talks of when the Governor's term could be terminated. We have not terminated the Governor's term. There is a difference between termination and suspension.

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead this House that I was talking about termination? I was saying that in order to suspend the Governor, you must invoke the Central Bank of Kenya Act by appointing a tribunal. You cannot suspend him otherwise! What law have they used to suspend him?

Mr. Kimunya: Mr. Deputy Speaker, Sir, we passed these laws in this House and I am glad the issue is being raised by a Senior Counsel. Section 14(2) says that the President shall terminate the appointment of a Governor, Deputy Governor or a Director who does a series of things. It does not say under what circumstances a Governor may be suspended. We have not terminated the Governor's tenure. He is still in the payroll of the Central Bank of Kenya. It is important that we take the spirit of the Economic Crimes Act, which says that when one is taken to court, he stands suspended until the conclusion of the case. We must be fair to the Governor.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Would it be in order to defer this Question until the Attorney-General comes to this House and explains clearly whether the prosecution of the Governor is not malicious? I have information that at the time of his suspension,

the Governor was investigating a bank which is connected to some people.

Mr. Deputy Speaker: Well, Mr. Angwenyi, the Question is directed to a competent Minister; the Minister for Finance. If he wishes to consult the Attorney-General, it is up to him.

Let me give a chance to the Shadow Minister for Finance.

Mr. Billow: Mr. Deputy Speaker, Sir, this Government is notorious for concealing the truth. Could the Minister confirm or deny that the Governor of Central Bank of Kenya, Dr. Mullei, was indeed suspended for reasons other than the ones for which he has been charged; namely, that he was indeed pushing for the closure of Charter House Bank which was involved in evasion of taxes running into billions of shillings by Nakumatt Supermarkets? The owner of the bank is one politically-correct, Harun Mwau.

Mr. Kimunya: Mr. Deputy Speaker, Sir, I have stated on the Floor of this House why the Governor was suspended as a person. If there are any investigations being carried out by the Central Bank of Kenya, they will continue.

Mr. Omingo: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead this House that the Governor has been suspended because of insider dealing with a company that he owns, yet when I tabled the same complaint on the Floor of this House in April last year, the then Minister for Finance cleared the Governor of any wrong-doing?

Mr. Kimunya: Mr. Deputy Speaker, Sir, I am not sure whether I followed the Member's argument. But I have stated clearly that the Governor is facing specific counts in court, under the Economic Crimes Act. The Economic Crimes Act basically states that when you are charged and you are a public officer, you stand suspended. This is exactly what has happened and the other issues will now be debated in court.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, this is a very serious matter. I sympathise with my friend, the Minister for Finance. If you look back to determine the time at which the Governor was suspended, it is very suspicious. First, there is the issue of a bank which is syphoning out of this country US\$1 million a week.

Mr. Deputy Speaker, Sir, secondly, there is the issue of the drugs that were just burnt and the drug peddlers threatening the Government. The Government needed a compliant Governor of Central to allow the syphoning out of this country of US\$8 billion to pay the drug warlords. This is not a simple matter. Is the Minister in order to refer to the Economic Crimes Act selectively? Subsection 4 says, if this section conflicts with any other Act, the other takes precedence. The Economic Crimes Act cannot take precedence over the Central Bank of Kenya Act.

Mr. Kimunya: Mr. Deputy Speaker, Sir, I am at a loss as to why hon. Members, including Prof. Anyang'-Nyong'o, are failing to see the difference between "termination" and "suspension"; very simple English words. If we were talking about "termination," we would be applying the provisions of the Central Bank of Kenya Act. Here, we are talking about "suspension" which could as well have been done from an administrative perspective. On all the other allegations that have been made here, I find no substance in them.

Mr. Ochilo-Ayacko: On a point of order, Mr. Deputy Speaker, Sir. Two weeks before the suspension of the Governor, this very Minister said the Government had confidence in him. Is it in order for him now to come to this House and say that there is justification for the suspension, dismissal or termination of the services of the Governor?

Mr. Kimunya: Mr. Deputy Speaker, Sir, it is true that I said: "Until proved otherwise, we have confidence in the Governor." That statement is still valid and that is why the Governor is under suspension. He has not been terminated from service.

Mr. Deputy Speaker: Yes, Mr. Odinga!

(Dr. Oburu remained standing)

in his place)

Mr. Deputy Speaker: Order! I gave a chance to Mr. Raila and not you, Dr. Oburu!

Mr. Raila: Mr. Deputy Speaker, Sir, this is Odinga and the other one is Oginga.

(Laughter)

Mr. Deputy Speaker: Thank you, for the correction.

Proceed!

Mr. Raila: Mr. Deputy Speaker, Sir, Prof. Anyang'-Nyong'o raised a very pertinent issue here. He said that at the time the Governor was being suspended, he had written a confidential letter to the Minister regarding the investigation of a bank that was carrying out money laundering. It was also fleecing money and sending millions of dollars out of the country.

Could he respond to that issue? Is the suspension of the Governor connected, in any way, with the investigations he was carrying out in the bank?

Mr. Kimunya: Mr. Deputy Speaker, Sir, I can confirm to this House that the timing of the two events is purely coincidental. I said in this House that the Governor did write to me in his capacity as a Governor of the Central Bank of Kenya, and not as Dr. Mullei. Therefore, the office continues and the matter will still be pursued to its logical conclusion.

Mr. Deputy Speaker: Let us have the last point of order by Mr. Salat, then the last question by Mr. Ndambuki.

Mr. Salat: On a point of order, Mr. Deputy Speaker, Sir. Last year, while this House was debating the issue of the appointment of Directors to the Kenya Anti-Corruption Commission (KACC), the name of Dr. Rotich was omitted. This Minister insisted that the name of Dr. Rotich be cleared first before he could be appointed to the KACC. It is the same Minister who also insisted that the Committee on Administration of Justice and Legal Affairs had to investigate and find out if Dr. Rotich had any case to answer. However, the Committee sat and cleared Dr. Rotich's name. As I speak now, Dr. Rotich is languishing out there. Is it coincidental also that we have Dr. Rotich and Dr. Mullei out there, at the same time?

(Laughter)

Mr. Kimunya: Mr. Deputy Speaker, Sir, I do not see the relevance of that question to the issue today.

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

Mr. Ndambuki: Mr. Deputy Speaker, Sir, the Governor of the Central Bank of Kenya (CBK) is appointed by the President. It is the President who should really terminate his services. Even before he was given the termination letter, the Minister and Permanent Secretary told him that he stood fired. Was this done according to the Central Bank Act? Why was he fired by a Permanent Secretary and a Minister?

Mr. Kimunya: Mr. Deputy Speaker, Sir, for the benefit of the hon. Member, I will be happy to table this Gazette Notice which, I presume, is in the public domain. It is the President who signed this Gazette Notice suspending the Governor of the CBK. However, his suspension was communicated to him by the Head of Public Service in accordance with Government practice. But it is the President who actually did sign the notice suspending the Governor and appointed an Acting Governor because the institution must run.

(Mr. Kimunya laid the document)

on the Table)

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

Mr. Deputy Speaker: Order, Mr. Ndambuki! There is no way we can get an answer to every question. I know that, perhaps, every hon. Member has a question to ask on this matter. But, then, we must stop somewhere. We have now finished with that Question.

Next Question!

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

Mr. Deputy Speaker: What is out of order?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, is the Minister in order to say that the President is the one who signed the Gazette Notice? We all know that the President signed Gazette Notice much later after the Governor had been suspended. Is this being done this way because Dr. Mullei is a *Mkamba*?

(Loud consultations)

Mr. Kimunya: Mr. Deputy Speaker, Sir, it is a sad day in this House to hear tribalism being brought in. I can confirm that for all officers working within the Government of Kenya, tribe is not an issue.

Mr. Deputy Speaker: We will now move on to Ordinary Questions. Question by Mr. Ojode!

ORAL ANSWERS TO QUESTIONS

Question No.001

NUMBER OF KENYA POLICE FORCE FORMATIONS

Mr. Raila, on behalf of **Mr. Ojode**, asked the Minister of State for Administration and National Security:-

- (a) how many formations exist in the Kenya Police Force; and,
- (b) whether he could name them and their respective formation commanders.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, when I received this Question, it gave me some anxious moments trying to discern the intention of the hon. Member. Bearing in mind the Provisions of Section 18 of the Powers and Privileges Act, I decided, however, that it is important that I answer it.

I beg to reply.

- (a) There are nine formations in the Kenya Police Force.
- (b) The following are the formations and their commanders: Criminal Investigations Department (CID), Mr. Joseph Kamau; General Service Unit (GSU), Mr. Mathew Iteere; Kenya Police College, Mr. Bernard Kimei arap Kimeli; Police Air Wing, Mr. Maina Chege; Anti-Stock Theft Unit, Mr. Alex Kemei Rono; Police Dog Unit, Mr. Hamisi Masa; Kenya Railways Police Unit, Mr. Hermatton Mwabizwa; Kenya Airport Unit, Mr. Moses Ombati; Presidential Escort, Mr. J. Kibui.

Mr. Raila: Mr. Deputy Speaker, Sir, I am thankful to the Assistant Minister for his comprehensive reply. Could he tell the House whether Kanga, Spider and Rhino are units of the Kenya Police Force? Is he aware that members of these units, who wear civilian clothes have been

engaged in criminal activities, including murder of innocent citizens of this country?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, I have read out the names of the units of the Kenya Police Force. I hope the hon. Member was listening. We have no police unit called "Kanga". That one only exists in his own imagination.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us whether the Flying Squad, the Kanga Squad and the Rhino Squad are part of the Kenya Police Force and who are in charge of them?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, we are talking about formations. At any one time, we improvise units for purposes of dealing with specific crimes. However, such units are of a minor nature. They operate under the umbrella of the nine units and formations we have mentioned. As far as the security constraints are concerned, I cannot go beyond there.

Mr. Mwandawiro: Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House which particular police formation is occupying the property of Mr. Maina Njenga at Kitengela and for what reasons?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, the hon. Member raised this Question before, on the Floor of this House. That was the time when we were looking for Mr. Maina Njenga. We managed to arrest him. He was arraigned before court and he is no longer wanted. So, there is no police unit there.

Prof. Olweny: Mr. Deputy Speaker, Sir, could the Assistant Minister assure this House that the commanders of all the nine police formations he has read out are answerable to the Commissioner of Police?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, the Constitution of this Republic and the Kenya Police Act are clear, that the overall boss of the Kenya Police Force is the Commissioner of Police.

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

Mr. Deputy Speaker: Order! Order, hon. Members! We have only ten minutes to finish the remaining Questions. We have already taken more than sufficient time on this Question. I will, therefore, give the opportunity to Mr. Raila to ask the last question on this issue.

Mr. Raila: Mr. Deputy Speaker, Sir, sometimes the Assistant Minister treats the House with a little bit of contempt. We are dealing with a very serious matter because lives of innocent people are involved. Last Saturday, two people were killed in Kibera by people who were wearing civilian clothes. Several people have been killed all over the country by the police units we have referred to, namely, Kanga, Rhino and Spider, which he says he does not know.

Mr. Deputy Speaker, Sir, could he confirm or deny that a Mr. Artur Margaryan was appointed to the Kanga Unit as a Deputy Commissioner of Police, and that the Commissioner of Police himself did not know about the raid of the premises of *The Standard* Newspaper and Kenya Television Network? He has said that there is a chain of command in the Kenya Police Force, but the actions by police officers have shown that there is no chain of command in the force. So, could he confirm or deny that presently there is no chain of command in the Kenya Police Force?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, with tremendous respect to the hon. Member, we know that he has scores to settle with the gentleman he has mentioned. If he has any evidence that, that particular individual, whom he seems to have a fixation for, infiltrated our forces and killed people, we shall be too happy to receive that information.

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

Question No.011

SHORTAGE OF PRIMARY SCHOOL
TEACHERS IN BAHARI CONSTITUENCY

Mr. Khamisi asked the Minister for Education:-

- (a) whether he is aware of the serious shortage of teachers in primary schools throughout Bahari Constituency; and,
- (b) whether he has any plans of recruiting more staff to ease the situation.

The Assistant Minister for Education, (Mrs. Mugo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that there is a shortage of teachers in primary schools in Bahari Constituency.

(b) The Ministry of Education has in place, a plan to replace those who have exited through natural attrition. That will be done by August, 2006.

Mr. Khamisi: Mr. Deputy Speaker, Sir, the Assistant Minister has not adequately addressed part "b" of my Question. Her answer talks about the shortage caused by natural attrition, but I am more concerned about the shortages that have arisen as a result of the increase in enrolment of pupils in primary schools. Could she tell us what she intends to do to improve the teacher to pupil ratio in primary schools in this country?

Mrs. Mugo: Mr. Deputy Speaker, Sir, as the hon. Member is aware, the Ministry has been enrolling teachers every year. Even last September, we recruited about 7,000 teachers. This year we will recruit a similar number of teachers. That recruitment was not intended to just replace teachers who have exited through natural attrition.

We have also carried out an exercise to establish the shortage of teachers all over the country. We have been moving teachers from areas where there is over-establishment to areas where there is shortage. However, the issue of the overall shortage of teachers is being addressed. We will be recruiting new teachers gradually. We might not recruit all the teachers required in one year.

Mr. Deputy Speaker, Sir, shortage of teachers in primary schools is not just as a result of extra enrolment of pupils but rather because of a ten-year teacher recruitment freeze in the country and yet more children were joining primary schools. These are the issues that the NARC Government has had to contend with. Until we came to power, no teachers had been employed for more than ten years.

Mr. Karaba: Mr. Deputy Speaker, Sir, the Committee on Education, Research and Technology went round the country and established that primary school teachers' shortage is real. The Assistant Minister has told us that the Ministry replaces the teachers who leave employment through either death or attrition. Is the Assistant Minister aware that we need more than the 7,000 teachers who have been recruited, so that the increased number of pupils through the free primary school education have teachers to teach them?

Mrs. Mugo: Mr. Deputy Speaker, Sir, we are aware of that fact and we are doing something about it. I am not saying that we do not have a shortage of primary school teachers. We accept the fact that there is a shortage of primary school teachers and we are working on this to close the gap.

Mr. Sambu: Mr. Deputy Speaker, Sir, when Prof. Saitoti was the Minister for Education, Science and Technology last year, we passed an extra Kshs4 billion. If you look at the HANSARD, you will find that this was said to be for employing teachers to balance the teacher/pupil ratio which has gone up to 1:80 in some areas.

Could the Assistant Minister tell us why more teachers have not been employed? We know that when it comes to

Supplementary Estimates, the Ministry will ask for more funds. When will the Ministry use the Kshs4 billion to employ more teachers?

Mrs. Mugo: Mr. Deputy Speaker, Sir, whatever funds were requested for the recruitment of more teachers have been used for that purpose. Some of that money was used to increase salaries for teachers who had been promised salary increments for many years, but they were never paid. We have increased teachers' salaries who were about to go on strike. We have also employed over 8,000 teachers.

Mr. Deputy Speaker: Hon. Members, the Assistant Minister has given more or less similar answers. Could we go to the last question by Mr. Khamisi?

Mr. L. Maitha: On a point of order, Mr. Deputy Speaker, Sir. Would it be in order for the Ministry to allow District Education Boards (DEBs) to employ teachers once some teachers retire or die?

Mrs. Mugo: Mr. Deputy Speaker, Sir, the Ministry has no problem with teachers being employed. There are very many teachers. So, we do not have a shortage of trained teachers. District Education Boards know the procedures to be followed to employ teachers and they have to consult with the Ministry.

We are also encouraging boards to employ teachers through the Constituencies Development Fund (CDF). People who feel that they can employ teachers, can do so in conjunction with the Teachers Service Commission (TSC).

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member asked whether the DEBs could be allowed to immediately replace teachers who leave service through attrition or death, so that we do not have to make an annual ritual?

(Loud consultations)

Mrs. Mugo: Mr. Deputy Speaker, Sir, the hon. Members are consulting very loudly and we are not hearing some of the things which are being said.

The Ministry has revised the teachers replacement policy and we will now be replacing teachers as soon as we work out the procedures. Replacement will not wait until a year is over. It will be done regularly.

Mr. Khamisi: Mr. Deputy Speaker, Sir, the Assistant Minister has said that more teachers will be recruited by August. Could she tell the House specifically how many teachers will be recruited and how many of them will be posted to Bahari Constituency?

Mrs. Mugo: Mr. Deputy Speaker, Sir, those are details. I did not come with the answer as to exactly how many teachers will be posted to which constituency. However, teachers will be recruited and if any hon. Member will be unhappy with it, we will talk about it when the time comes.

Question No.013

SEIZURE OF KIE PLOT IN KISUMU

Dr. Awiti asked the Minister for Trade and Industry:-

- (a) whether he is aware that land allocated to the Kenya Industrial Estate in Kisumu has been seized by a private developer who has since fenced it off;
- (b) whether the above means that the Estate which was meant to assist indigenous entrepreneurs has collapsed; and,
- (c) what measures he is taking to repossess the land and revive the estate.

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

(a) Yes, I am aware that part of the land allocated to the Kenya Industrial Estate in Kisumu was allocated to a private developer, who has since fenced it off.

(b) The allocation of this land to a private developer does not mean that the Industrial Estate, Kisumu, which was meant to assist entrepreneurs has collapsed.

(c) The Ministry of Trade and Industry in liaison with the Kenya Industrial Estates has undertaken and is taking measures to repossess the land and revive the estate as follows:-

(1) It has also diligently pursued the revocation of the allocation of the piece of land to the private developer as it is indicated in the Ndungu Report on the illegal/irregular allocation of public land.

(2) The Ministry has also ensured that the industrial sheds constructed on the portion of land owned by the Kenya Industrial Estates are fully utilised by the entrepreneurs allocated to them.

(3) It has also ensured that the Kenya Industrial Estates offices at Kisumu are operating, so as to serve all entrepreneurs in Kisumu, Nyando, Rachuonyo, Siaya and Bondo Districts.

(4) Measures have been taken for the expansion of the Industrial Estate once funds are availed, so that the overwhelming demand for industrial work space in the zone and in the country as a whole is met.

Dr. Awiti: Mr. Deputy Speaker, Sir, I want to take this opportunity to thank the Assistant Minister for the elaborate answer, which he has given. However, Kisumu is one of the cities in this country where the indigenous people who are living there do not own the land. We know that United Miller is the private developer that seized that land. We also know that the Hayer Bishan Singh Company has been given---

(Loud consultations)

Mr. Deputy Speaker: Order! Hon. Members on the Front Bench on my right, please, lower your tones!

Dr. Awiti: Mr. Deputy Speaker, Sir, we know that Hayer Bishan Singh has been given over five acres in the *Jua Kali* area. We also know that Nakumatt Supermarket has occupied nearly five acres.

Could the Assistant Minister tell this House when the Government is going to repossess this part of land which was taken illegally? How many acres of land will the Government allocate to the Industrial Estate in Kisumu? Industrialisation is one of the most important things that this country needs.

Mr. Miriti: Mr. Deputy Speaker, Sir, as I have said before, this issue is being handled and the repossession of this land is being pursued through the implementation of the Ndungu Report.

Mr. Muturi: Mr. Deputy Speaker, Sir, you have clearly heard the junior Minister say that the repossession of this piece of land is being undertaken through the implementation of the Ndungu Report. Is he telling this House that the Government is implementing the Ndungu Report, when, indeed, the Government has said that, that will not take place until a tribunal has been established as recommended?

Mr. Miriti: Mr. Deputy Speaker, Sir, let me first correct the hon. Member that I am not a junior Minister. Let him just look at me! If he has been listening to statements from the Ministry of Lands and from the Ministry of Justice and Constitutional Affairs, he should be knowing that the Ndungu Report is being implemented.

Mr. Sungu: Mr. Deputy Speaker, Sir, I also come from Kisumu and I would like the Assistant Minister to tell me in very simple terms under what circumstances this land was allocated

to those developers. Who allocated it and for what purpose? Is it for the benefit of *wananchi* or individuals?

Mr. Miriti: Mr. Deputy Speaker, Sir, the Government then was unjustified to allocate this plot. That is why it is being repossessed.

Dr. Awiti: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us when they are going to repossess this land? As simple as that. Before the land is repossessed, nothing can go on, on it.

Mr. Miriti: Mr. Deputy Speaker, Sir, the Government is very serious on this matter. We are going to repossess it as soon as possible.

Mr. Deputy Speaker: Order, hon. Members! That is the end of Question Time. However, there is Communication from the Chair.

COMMUNICATION FROM THE CHAIR

CLARIFICATION ON PAYMENT OF THE PRESIDENT'S MEDICAL BILL

Hon. Members, my attention has been drawn to the various statements appearing in the local Press regarding who paid for His Excellency the President's medical bill which he incurred in London following a road accident in November, 2002.

The correct position is that before the Parliamentary Service Commission (PSC) was formed, the Speaker's Committee established pursuant to the provisions of Standing Order No.150, was mandated to look after the hon. Members' welfare. The medical cover that hon. Members had in the last Parliament was, therefore, negotiated for with M/s AAR at the behest of the Speaker's Committee.

It is important to note that during the Eighth Parliament, even after the formation of the PSC, hon. Members paid for the medical cover from their own pockets. The only advantage they had was that the cover was negotiated and paid for collectively and that each hon. Member relatively paid less than they would have paid had they done so individually. In a nutshell, therefore, the PSC had nothing to do with the President's medical bill in London. Indeed, the President paid for his own medical bill through the AAR medical cover. The PSC took over this responsibility in the current Ninth Parliament. The insurance cover will last for the period covered whether or not Parliament is dissolved midstream.

Thank you.

(Applause)

The Minister of State for Defence (Mr. Karume): Mr. Deputy Speaker, Sir, this matter has been attracting a lot of attention in this country. Those who have been saying that there is an Asian who paid the President's bill can now go and make statements to the police about it.

Mr. Deputy Speaker: Order, Mr. Karume! You are out of order. The Chair was simply putting the matter to rest. It is not a matter to debate.

The next item is by the indulgence of the House under Standing Order No.69 and Dr. Murungaru has requested to make a personal statement.

PERSONAL STATEMENT

MISREPORTING BY *THE STANDARD*

Dr. Murungaru: Mr. Deputy Speaker, Sir, I rise under Standing Order No.69 to make the following personal statement.

On Friday, 31st March, 2006, *The Standard* Newspaper carried a front-page banner headline titled: "A case to answer". Prominently carried on the same front page were photographs of those people the Paper stated as having been recommended by the Public Accounts Committee (PAC) for further investigations for corruption with a view to possible prosecution. My name and photograph were amongst them.

The findings of the PAC regarding those recommended for investigations appear at pages 42 to 50. The names are included in the PAC Report tabled in this House. They are in two categories: Political leaders and civil servants. My name is not amongst these. This is as it should be for the simple reason that the PAC Report is based on the Special Audit Report by the Controller and Auditor-General on the specific contract regarding Passports issuing equipment. The Office of the President, where at the material time I served as Minister of State, in charge of internal security, was not involved in this contract whatsoever.

For *The Standard* then to state that I am one of those recommended for corruption investigations is simply to play deliberate political mischief obviously with some ulterior motive.

Mr. Deputy Speaker, Sir, the same edition of *The Standard* proceeded to allege on page 3 that I was the one who hatched "the Forensic Science Laboratories contract". This is an atrocious distortion of the facts. The Forensic Science Laboratories contract was signed on 16th August, 2001. The payment of the commitment fee and execution of the promissory notes were all done in August 2001 long before January 2003 when I became Minister of State, Office of the President. How then, could Dr. Murungaru have possibly hatched the Forensic Science Laboratories contract? In any event, no such finding was made by the PAC as alleged by *The Standard*.

Corruption is a serious issue with grave implications for the country's economy. Let no one play partisan politics with such a serious issue. In this connection, I have stated severally that the fight against corruption has been hijacked and turned into a tool for partisan agenda by political opportunists. It is in the public domain that when Britain implicated me in corruption and gave that as the reason for my visa revocation, I promptly instituted court proceedings against Britain, in which I demanded that they furnish evidence of my alleged corruption. These falsehoods by *The Standard* are particularly of concern to me because faced with demands to produce evidence of corruption in court, all that Britain did was to annex newspaper cuttings including from *The Standard* as evidence of corruption. Falsehoods purveyed by the media can have very damaging consequences to reputations and political careers.

Mr. Deputy Speaker, Sir, from the very beginning, I have demanded of the British, the Americans and, indeed, anyone with concrete evidence of corruption against me to make such evidence public. To date, none has been forthcoming. Once again, I reiterate this demand.

The PAC Report, having been tabled in this House, is now property of the House and deliberate misrepresentation of the Report amounts to gross disrespect for the House and the dignity of hon. Members. Therefore, I plead that given the seriousness of the matter in question, Mr. Deputy Speaker, directs *The Standard* Newspaper to carry the necessary corrections and unconditional apologies.

Thank you.

(Applause)

Mr. Deputy Speaker: Very well! As hon. Members are aware, one can issue a personal statement under Standing Order No.69. It is, therefore, not open to debate. However, the last

paragraph pleads with the Chair to direct *The Standard* Newspaper to carry the necessary corrections and unconditional apologies. All I can say is that in the past we have exhaustively appealed to newspapers to correct or report correctly, either on the matters before this House or on the proceedings of the House. If, indeed, what Dr. Murungaru has said is correct, I urge *The Standard* Newspaper to take note of his statement and act accordingly.

(Ms. Karua stood up in her place)

What is it, Madam Karua?

The Minister for Justice and Constitutional Affairs (Ms. Karua): On a point of order, Mr. Deputy Speaker, Sir. Following what you have just noted, having listened to the radio, watched television and read newspapers over the weekend, yesterday and today, the media was casting aspersions on the person of the President. The media claimed that it was basing its reports on the Public Accounts Committee (PAC) Report that is now before the House. The PAC Report does not, at all, implicate the President in corruption. The Report only notes on page 42 that the President was informed of the investigations when the audit queries were raised. Could the Chair, similarly, order the newspapers which are purporting to carry a report of this House, to do adequate corrections? They are not only anticipating debate, but are also distorting a record of this House.

(Applause)

Mr. Deputy Speaker: All I can say is that---

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

Mr. Deputy Speaker: Mr. Kajwang, Ms. Karua rose on a point of order and I am trying to respond to it!

All I can say is that, if the newspapers are guilty, hon. Members are even more guilty! That is because you know the rules of the House. You do not debate a matter that is pending before the House! But, throughout the weekend, hon. Members took the Report of the PAC and made it a matter of public debate in various fora. Therefore, if it is incorrect reporting, those responsible for reporting will take action. I do not want to go into whether they should apologise or not. What I would like to say is that hon. Members have not lived up to the expectations and rules of this House. In fact, for your information, the Chair is contemplating taking action against those who participated in debating the Report outside the House. That will be communicated to the House in the very near future! Perhaps, even before the debate on the PAC Report begins.

Mr. M. Kariuki, proceed to give your Ministerial Statement!

MINISTERIAL STATEMENT

RAPE OF KANGUBIRI SECONDARY SCHOOL STUDENTS

The Assistant Minister, Office of the President (Mr. M. Kariuki): Thank you, Mr. Speaker, Sir.

On 29th, March, 2006, Prof. Ruth Oniang'o rose on a point of order to seek a Ministerial Statement on the attack and rape of students at Kangubiri Secondary School. I wish to respond as follows:-

Mr. Deputy Speaker, Sir, as I stated in my brief statement on the subject last week on the

Floor of this House, that incident took place outside the school compound, and not within the school compound as was erroneously implied. But that fact, notwithstanding, it is important to reiterate that a serious crime was committed and investigations into the incident are almost complete. I wish to assure the House that the Ministry of Education has already moved with speed to address some of the administrative lapses that were partly responsible for the occurrence of that unfortunate incident.

According to the information gathered after the incident, it was reported that the students of Kangubiri Secondary School planned to go on strike on 26th March, 2000, after the principal allegedly failed to address their grievances.

On 27th March, 2006 at 2.00 a.m., the students decided to walk to Kagumo, a distance of eight kilometres away, in order to present their grievances to the District Education Officer (DEO). On their way to Kagumo, the shouts by the girls attracted students of Kaigonde Day Secondary School, whose homes are in the locality. They attacked the girls and, in the process, raped three of them.

Mr. Deputy Speaker, Sir, investigations into the incident commenced immediately. The rape report was made at Nyeri Police Station.

Mr. Deputy Speaker, Sir, during the investigations, five boys of Kaigonde Day Secondary School were arrested in connection with the rape, and will soon be arraigned before court after the completion of investigations under Criminal Investigation File No.255/171/060.

Mr. Deputy Speaker, Sir, I have stated that the Ministry of Education is definitely in a better position to elaborate further on measures it is putting in place to strengthen the administration of girls' secondary schools country-wide. However, it is important to note that, at the time of the Kangubiri incident, which took place at night, neither the principal nor the duty teacher were within the school compound. That is definitely an unacceptable lapse in the management of girls' schools. If the contrary was the case, probably a report could have been made to the police in time for prompt intervention.

Finally, the reduction in the number of rape incidents can never be simply attributed to security alone. Those incidents are definite signs of increased societal decadence, which calls for the collaboration of all, including religious leaders, youth, parents, the media and every citizen.

Mr. Deputy Speaker, Sir, it is my hope that, when the Sexual Offences Bill comes up for debate, hon. Members will seriously address some of the gaps and issues that continue to lead to the escalation of that crime. Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Very well. Any clarifications needed from the Statement issued by the Assistant Minister? I see no hon. Member willing to seek any clarification.

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 21st, March, 2006

*(The Vice-President and Minister
for Home Affairs on 23.3.2006)*

*(Resumption of Debate
interrupted on 30.3.2006)*

Mr. Deputy Speaker: Who was on the Floor? Yes, Mrs. Ngilu was on the Floor! You have nine minutes, Madam!

The Minister for Health (Mrs. Ngilu): Thank you, Mr. Deputy Speaker, Sir. I would like to commend and support the President's Speech. The President said that we should work together. He also observed that we have been very slow in the past. We spend a lot of time doing other things, rather than passing Bills.

In that spirit, when we debated the appointment of Members to the House Business Committee (HBC) the following day, I decided not to waste more time. I gave up my slot. But, I was shocked to hear from some hon. Members that I betrayed the trust that the House had bestowed on me.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I still stand by what I did. I will do it again if it is necessary. It is in this same spirit---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! We cannot follow what the Minister is saying! Can we, please, consult quietly? If you cannot, then do it outside!

Proceed, Madam Minister!

The Minister for Health (Mrs. Ngilu): Mr. Temporary Deputy Speaker, Sir, it is in the same spirit that I urge all hon. Members to talk to each other. Hon. Members should step down where necessary to allow proper debate to take place for the development of this country.

I would like to ask one or two questions. It is surprising because somebody felt that it was not the right thing to do. Yet, in the year 2002, when some of us gave up our political ambitions and allowed one of us to run for presidency to ensure the removal of the past dictatorial regime, we were not called traitors. I would like to say that anybody using such a language should stop forthwith! At any one time, we should be willing to give up our positions for the sake of the nation. It was in the same spirit that, in 1962, our forefathers who fought for Independence refused to accept it until Mzee Jomo Kenyatta was released from prison. It is in the same spirit that hon. Members like hon. Raila Odinga gave up their ambitions and stood down for us in order to have the new Government in place. If we cannot do that, then what will we be doing in this House? How many others can do the same? I want all those people who are saying that some people are traitors to follow the same example since we know that people can also stand down for others. It is not the first time I have done this.

Mr. Temporary Deputy Speaker, Sir, in 1998, I stood down for hon. Oloo-Aringo as a Commissioner in the Parliamentary Service Commission of this House. I would like to do it again and again for this nation. It is time that we started working together and making this House a centre of hope for Kenyans and not a battleground.

Mr. Temporary Deputy Speaker, Sir, I have just returned from Coast Province where I visited and checked on our health facilities. I had an opportunity to meet with various political

leaders. What struck me was the high rate of teenage pregnancy. Teenage pregnancy at the Coast Province has to be addressed very urgently. I held a meeting with coastal leaders and we will have a bigger meeting where we will involve the Provincial Administration, women leaders and opinion leaders among others. We found 15-year old pregnant girls in maternity wards. It is for this reason that we shall never be able to reduce maternal and infant mortality.

As I went round the province, especially in Kinango and in some parts of Kilifi, I met women who made one request to me. They said that although there is too much work that needs to be done in this House and especially the debate on corruption, they asked me to have the Sexual Offences Bill introduced and debated first so that we do away with it. In particular, I found a 15-year-old pregnant girl in hospital. I asked her how she became pregnant and what class she was in. She told me that she got pregnant in Standard Five. She told me that she was raped by her uncle and she screamed uncontrollably. That uncle of hers is out on bond. He was given a bond of Kshs50,000. I want to say in this House that I am very disappointed with our courts. They are not doing what they ought to do. Therefore, as we pass the Sexual Offences Bill, we have got to look at what stiff penalties we can put in place for sexual offenders. In fact, I believe that what I said in this House before still stands, that these men who are doing such things to such young girls have no reason to live. If they live, they should be castrated so that they can at least learn good manners. They are really ruining the lives of young girls.

Mr. Temporary Deputy Speaker, Sir, as I went round Coast Province, I found that despite the fact that primary education is free, the children there do not go to school. Some people are going round this province luring young girls and boys to the streets and yet primary education is free. In particular, I was informed that there was a man who had stationed himself in one of the hotels in the name of a tourist, who was sneaking in young boys and training them on how to be gay. So, I also think this is something else that we have to address very urgently. I told the Provincial Commissioner that he needs to call the management of that hotel and talk to them so as to address this issue. In particular, the Coast leaders told us to ban this programme called Channel "O", which is teaching our children things which we Africans cannot do and are not comfortable with. I think the Minister for Information and Communications has got to deal with this Channel "O" programme because they complained about it repeatedly.

Mr. Temporary Deputy Speaker, Sir, most of our facilities lack clean water. We hope that in this year's Budget there will be an increase and, therefore, we can get more water in our health facilities. However, in particular, women continue carrying water on their backs for long distances. A study that has been done shows that women cover 170 million kilometres each single day in search of water. How on earth can this be allowed in independent Kenya?

I beg to support.

Mr. Y. Haji: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity. In the first instance, I would like to support the Motion.

Besides the Government contributions, His Excellency the President told us that most of our development partners and other generous Kenyans have contributed a total of Kshs11.6 billion for the drought-stricken areas of this country. He told us further that the country will require Kshs6.3 billion up to June this year to deal with the famine brought about by the drought. When you add up this amount of money, it comes to Kshs28 billion. Surely, if successive governments in this country were sensitive to the plight of the people who are afflicted by drought after every two years, like the people in northern Kenya and other parts of this country, and planned well for this money, then we would not have had the problem which we are currently facing. If this amount of money is well used, it can transform the whole area of northern Kenya and other parts of this country which are prone to drought every other time. If this money was spent on damming water which is flowing into the sea, we could have had irrigation and turned these people into farmers

rather than leaving them to perish with their livestock every time that we have drought.

Mr. Temporary Deputy Speaker, Sir, His Excellency the President told us that last year the Government sunk 220 dams and 162 boreholes. My question is: If these dams were supposed to sustain the people, why have they not done so during this drought? The simple answer is that these dams are very small. They can only contain water when it rains. When it does not rain, then, naturally, you cannot have water in those dams. Sinking boreholes is not a solution. In fact, 162 boreholes being sunk is only going to contribute in depleting the ground water in the North Eastern Province because there is no constant rain in that area. If this happens, then there will be disaster all over whether it rains or not.

Mr. Temporary Deputy Speaker, Sir, also, too many small dams and boreholes will also contribute to overgrazing and soil erosion in those areas. I am talking from experience, that normally when there are one or two boreholes in a certain area, all the animals converge in that area because the other areas are dry, and they cause soil erosion and in the process they never benefit from it. I know the Government has done quite a lot. We cannot deny that, but it can still do much better if it commissioned experts to go and study the real issue in the northern part of this country and come up with a marshall plan that can foretell any catastrophe that is likely to happen as a result of drought. Every other three years we have a drought. The food that is sent there is not enough to feed the people. People just eat it and that is all. There is nothing they save to sustain them. Therefore, I would like to appeal to the Government and the Ministers who are here to make sure that we have a proper plan for that area.

Mr. Temporary Deputy Speaker, Sir, let me now touch on the issue of Somalia and Sudan. The President talked of us expanding business with Somalia and Sudan. This country cannot do business with Somalia because of continued fights. It is surprising that IGAD and this Government have spent a colossal amount of money and time in trying to bring peace in Somalia. Unfortunately, this has not been achieved. However, 15 years down the line, Somalis are still fighting instead of reconciling. It is a pity that we are facilitating warlords to use Kenya as a haven for rest. They start war, fight and kill many people in Somalia, and later on, we host them in our big hotels. They even enjoy facilities that are not supposed to be enjoyed by criminals. If Mr. Charles Taylor, the former President of Liberia has been taken to court, why can we not do the same for the warlords in Somalia? If African governments and organisations, particularly IGAD, are conscious of the fact that the Somalia people need assistance, they should arrest these warlords and repatriate them to Mogadishu to perish there, just like other Somalis.

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

The Minister for Trade and Industry (Dr. Kituyi): Mr. Temporary Deputy Speaker, Sir, thank you very much for according me this opportunity to make my contribution to this matter, and also to make a few personal statements at the start of this Session of Parliament. When this Parliament started, I was optimistic that we had an opportunity to right what has been wrong in setting the national agenda as the political class in defining what we want our country to do, and in responding to opportunities that have been going begging without our contribution as leaders.

I hope, and I still have that residual hope, that this National Assembly will have a sense of purpose in addressing the anxieties that are growing in Southern Sudan. After the contribution which led to their political liberation, they are looking to our contribution to economic growth, that we will walk down the road with them in gaining the contracts that are emerging; and that, at least, half of the contractors who will be allowed in Juba and Rumbek will not just becoming through Nairobi, but will be coming out of Nairobi. That is not happening. I thought I will engage hon. Members of the National Assembly in saying, how can Kenya play a more purposeful role in Sudan? How do we explain that Kenyan Africans are down the line, perhaps, number 10, among the people who are going to Southern Sudan with clear innovative ideas?

Mr. Temporary Deputy Speaker, Sir, I had hoped that this House will start prosecuting the agenda of how do we empower younger Kenyan entrepreneurs not only to use opportunities in the region, but to start growing with the opportunities that are emerging with the economic recovery of this country. It pains me to mention this because this agenda is not exciting any more. The agenda of poverty is not exciting anybody. The agenda of how we are losing out to South Africans and Indians in Southern Sudan is not exciting anybody because we cannot settle scores politically on that agenda. We also cannot show that the Government has been barred on that agenda.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! Proceed, Dr. Kituyi!

The Minister for Trade and Industry (Dr. Kituyi): Mr. Temporary Deputy Speaker, Sir, this country today has unique opportunities and challenges. These challenges cannot be pinned down on one Government, political party or one set of politicians. These are challenges that have to be pinned on to all of us. Either we are able today to model a vehicle; to make credit affordable to young Kenyan entrepreneurs, or we are all tired old men and women who are increasingly irrelevant to these young persons, because we are settling old scores among ourselves. The World Bank has availed to this Government, and this country, a soft credit facility for small enterprise development. The Ministry of Youth Affairs and my Ministry are looking at ways of developing a possible vehicle for assisting younger persons, who, when they go to bank are told: "You do not have security", or when they go to companies seeking employment, they are told: "You do not have experience." We are asking: How can we break this vicious cycle and give hope and a foot of democracy to young Kenyans? We cannot do this when the dominant thing we are doing is inciting each other, checking how more boldly we can abuse others, or how much higher we can go in insulting. This can be comical, interesting and exciting for a day, but it is hurting the credibility of the political class, that of Parliament and reducing our contribution and role in offering leadership at a critical time in this country.

Mr. Temporary Deputy Speaker, Sir, if you visit the Hotel Intercontinental, the Grand Regency Hotel and Safari Park Hotel, you will find that they are permanently full these days. We can cheat ourselves that because tourism industry is growing, our hotels are full. That is not the reason. Entrepreneurs and opportunists from around the world are filling our hotels on their way to Sudan and the Great Lakes Region looking for opportunities. I would like to engage the political leadership in this country; hon. Members of Parliament from both sides of the House, in saying this: In the 1960s we modelled special purpose vehicles such as the Industrial and Commercial Development Corporation (ICDC), the Kenya Medical Training College (KMTC) and the Kenya Institute of Education (KIE). We succeeded in creating a Kenyan middle class. The modest fruits we have of Kenyan bourgeoisie were created on taking trade inside Kenya. Today, the biggest frontiers of opportunities are not just domestic; they are regional. Can we engage purposefully to create a national trading house that creates the possibilities of entering into regional markets, that reduces individual costs and risks of Kenyans going into regional trade? How we will dialogue on this when the most interesting things we score points on are who insults the other better than the other, and who is acting holier than thou?

Mr. Temporary Deputy Speaker, Sir, I know that this country has experienced devastating drought. It comes back in cycles. I think the drought stretched because we desire the politics of scoring points to blame this Government for the affliction that is hurting so many citizens of this country today. If you look at the statistics, in three years, this Government has sunk more boreholes in North Eastern Province than the previous Government did in 24 years.

Mr. Temporary Deputy Speaker, Sir, for the first time in the history of this country, you can see a documentary on the BBC, of bowsers driven by members of the discipline forces driving along dirt roads in northern Kenya, stopping to distribute drinking water. We have private vehicles hired to move hay from the Northern Rift to keep a nucleus of re-stocking herds in the dry areas. Innovative ideas, empathy and foresight is what is needed. However, because we are drawn in the desire to settle political scores, these issues are not important, because they are done by people who want to show that they are not good.

I want to use this opportunity to urge, request and beseech this National Assembly; we can compete perpetually while in the Government of this country. However, none of the governments in this country will ever be constituted by angels. We must cite the critical opportunities for our country. If we so much are embedded in the desire to settle political scores and we cannot deal with other issues of governance, this is sad.

Mr. Temporary Deputy Speaker, Sir, I have just come from Arusha where I was proud to witness a number of protocols being signed by Ministers from the three countries. We are taking the next level to free up the right of establishment, to free the right of Kenyans to move, settle, do business and farm in other East African countries. These are exciting opportunities, which are seen to be ugly because of our aggressive and self-consumed style. But if Kenya is going to be smiling at Uganda and Tanzania, it will be a good thing. If, after November next year, Kenya is going to be smiling at Rwanda and Burundi, the political class has to lead in that direction. How are we going to lead as a political class and speak for Kenya if we are so much interested in speaking for a factional Kenya? Who is going to see us as credible leaders, the drivers of Eastern African regional integration and the drivers of COMESA opportunities, if we are more driven by the desire to settle partisan petty scores in the National Assembly, or inside the Kenyan body politic? We are competing on who can climb the highest mountain and abuse the most highly placed person in the land!

This is an exercise in futility. We have done it for many years. We could add to the credibility of this House if we could say that we have had enough of that, and that we need to engage beyond settling points. Let us engage to run Kenya. Let us engage to grow Kenya. It is possible and, eventually, it will be more exciting than heckling each other. This House has persons who can step away from this precedent and the desire for petty pitched battles and say: We have a country to grow. We have younger persons looking to us. We have a region which we can offer leadership, if our traditional appetite can be restrained.

Mr. Temporary Deputy Speaker, I wish to mention two other things. When this House opened, I thought I would use its Floor to announce that, even though trade negotiations have hit a bumpy stretch, during the last Recess we had the 6th Ministerial meeting in Hong Kong. As Africa, our agenda is getting diminished. Unfortunately, or fortunately, the rest of Africa looks upon Kenya to offer leadership. I would like this political leadership to be collectively consumed by the desire to see how we can resist the worst element of globalisation. How can we rally Africa around a purposeful example? As a Government, we are making a big contribution. In a week- and- half, this country is going to host, for the first time since the formation of the Africa Union, a meeting of 54 Ministers of Trade from all over Africa, and five leading Ministers of Trade from around the world in this City. But, while out there people look to us to offer leadership, it is discomfoting that when they come to a country which is supposed to offer leadership, they see that we are not consumed by issues of concern to the rest of Africa. We are more concerned about who can incite the other better.

Mr. Temporary Deputy Speaker, I wish to finish off by thanking those hon. Members who have made personal interventions and contribution in dealing with the famine scourge that has hit this country. I want to thank those who, particularly, raised food donations from their areas, and

assisted the hungry in other parts of the country. When I went with hon. Ndwiga to donate food to Ilmollelian in Kajiado South, we felt good and proud of it. I want to thank all those who are doing something similar.

With those few remarks, I beg to support.

Mr. Ochilo-Ayacko: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity.

I listened attentively to Dr. Kituyi, who has given a very impressive speech in response to His Excellency the President's Address. But that speech is very applicable to the Governments side. I say so because the polarised nature of politics in this country has arisen because of vitriol and hate that is emanating from Government Benches. You do not expect patriotism from the public that is treated in a very dictatorial manner. You know very well that in order to inculcate love, you must also show love. In order to inculcate dialogue, you must also practise dialogue. This side of the House has severally requested the other side of the House to be more bipartisan in its approach. But what have we received in return? We have been snubbed, even in the formation of the Committee of Eminent Persons. I do not think that anybody on this side of the House has been asked anything about it.

Mr. Temporary Deputy Speaker, Sir, the use of abusive language by leaders is spoiling the international image of this country. A lot of this has come from the Government side. But when we go beyond our borders we all become losers as Kenyans. Out there, I do not think the people we interact with care whether we have a quarrel with one another or not. They all know Kenya as a quarrelsome nation that does not deserve proper investments. We were in this House this afternoon and heard hon. M. Kariuki say that he had no idea whether certain things were happening in this country. There are several things going on in this country that are wrong. If there was honesty and commitment on the part of some of us to find solutions to these problems, we would have had them.

I also wish to say that when I listened to His Excellency the President's Address, I thought it ought to have been delivered in 2003, because it expressed a lot of optimism. It presupposed that there will be sufficient time to achieve some of the issues and bench marks that it set out. But, unfortunately, we are in the late afternoon of the term of this Government and Parliament. A lot of the things that His Excellency the President talked about are unlikely to see the light of the day because of the amount of time we are using fighting one another.

I want to say that most us, including those in the Government, are products of freedom of the Press. We are products of the freedom of speech. When all of us were on this side of the House, the public out there was able to hear us very clearly because the Press was on our side. The Press told the truth about what we said all the time. I believe that what happened to the Press was sad, and in particular the incident that involved the Standard media group. I do not want to dwell on what may be going on in court. If there were certain things that the Standard media group was about to publish that would have been injurious to somebody, it should have been dealt with differently. The kind of action that was meted out to the Standard media group actually dented the entire image of this country as far as our belief in Press freedom is concerned. Perhaps, it would have been dealt with by bringing out the truth against to the untruth it intended to tell, so that truth would have competed with untruth. It would have been dealt with by way of talking to people who advertise in it. It would have been dealt with by way of other forms of administrative action that we did not take. But, unfortunately, we took that route and we have to live by the scar it resulted in.

I also want to say that when His Excellency the President assumed office, he repeatedly said that he was a believer in the rule of law. But there are many incidents of breach of the rule of law that are seen happening. An example is what happened to the Governor of the Central Bank. The same could happen to the Attorney-General, who enjoys security of tenure. Somebody may

drag him to court and then he may have to be suspended from his office. I think it is important to make laws, follow them and define everything we do on the basis of what the law says. If we do things otherwise, then we court a chaotic situation.

There are matters that we put very loudly in our manifesto, particularly, regarding our farmers. The economy of this country still remains dependant upon what the farmers of this country do. We said, in our manifesto, that NARC would ascertain that farmers get what is rightfully theirs and commensurate to their sweat.

I talk on behalf of sugarcane farmers. I know that there has been an attempt to forgive a certain debt related to the millers. I know that Nzoia Sugar Company has had that benefit. However, we are forgiving debts of companies that belong to the Government. For instance, I represent Sony Sugar Company. Sony Sugar Company owes farmers nearly Kshs200 million. The company is 98 per cent owned by the Government. In fact, in law, it is right to say that it is the Government that owes the farmers Kshs200 million. A company that is 98 per cent owned by the Government actually belongs to the Government. The farmers we are talking about are small peasant farmers who cannot go about their business because they are owed a lot of money. So, the promise that was loudly made in the manifesto of NARC, that contributed to the vanquishing of KANU, has not been delivered the way it was supposed to be. It is not just important to forgive the debts that farming institutions owe. It is important to reinvest in companies that attend to farmers' needs, for instance, by putting aside Kshs5 billion and giving it to the relevant institutions that can serve farmers. That way, the farmers would be able to pay taxes being sought very desperately by our present Government. I believe that it is through taxes that we will develop and not through the gifts we get from our donor friends.

In his Address, the President said that 72 per cent of Kenyans are below the age of 30. If that figure is correct, is it truly reflected in the Government's recruitment and appointment of senior officers of the Civil Service, which is headed by a retiree and other several retired Permanent Secretaries? I think if statistics are to influence our decisions and our service to our people, it is important to make sure that the democracy of this country reflects in the appointments we give in Government and allocation of the resources of this country. Otherwise, the Government may go on record as the Government which deprived the youth of this country an opportunity to benefit from the taxes and services they give. When the President and other leaders like hon. Michuki started serving this country, they were fairly youthful. Why can they not give an opportunity to youthful people to head the Civil Service and also serve as Permanent Secretaries and be chairpersons the same way they benefited? How did they acquire experience at that time when they started being leaders? I think we should be honest to the people who put us in our positions and serve them as fairly as we can.

With those many remarks, I beg to support.

The Assistant Minister for Health (Dr. Machage): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to be on record, as an hon. Member of this House, in giving thanks for the Presidential Address. Indeed, His Excellency has demonstrated to this country for the few years he has been in reign, his desire to expand the space of democracy, a situation that has been abused, especially by politicians. It is important, as politicians, for us to define what space we politic in because politics interfere with economic development. I believe that in a young democracy, there has to be some little level of dictatorship, because some people do not understand the definition of democracy. Therefore, they tend to abuse it. That must be checked at all times so that the country does not go into a deep quagmire of unnecessary fights and wars.

Our economic growth has certainly improved to a level of 5 per cent in the last three years. Considering that we were at the verge of economic decline to negative one before the NARC Government took over power, this is a positive on His Excellency the President's way of leading

this nation. It is, therefore, prudent that when we are given democratic space, we desist from destroying it. In the last few days, we have had many patriots in this House stating their desires to be presidents of this country. As a politician, you are like a non-confidential letter. Everyone reads you. The question is: What sort of a letter are you? Some of the people who have declared their presidential desires are far much below Kenyans' expectations. There are many people who are statesmen out there, yet they are quiet. The important thing is not to rush into leadership, but to be wise and know that this is our country. Say what is necessary at the right time so that we can move on well.

Kenya has seen a lot of development in terms of education, as stated by His Excellency the President. Indeed, I congratulate him for his politics. However, I would request that the Department of Adult Education that is currently under the Gender, Sports, Culture and Social Services is moved back to the Ministry of Education so that all education matters are administered from one Ministry. There is a lot of desire to see the department take its part in the development of the intelligence and academic building of the people of this country. Using the machineries in the Ministry of Education, we would have better supervision, inspection and better determination of making a curriculum that can benefit the people of this country. The Ministry of Education was allocated a lot of money in the last Budget. We expect that, that will continue to enhance the development of education in the areas of this country that were left behind due to historical factors. We expect, indeed, to follow His Excellency the President's policies by requesting the Ministry of Education to skew its employment to the forgotten areas of this country. Let us have affirmative action, and especially in the recruitment of teachers.

In Kuria District, the area I come from, there are no teachers. We cannot compete with the rest of this country in an examination system which is set at a level that other areas will never catch up. Marginalised communities should be given affirmative action to catch up with the rest of Kenya in academic development. That includes enrolment and admission to state universities and other middle-level colleges. We do not expect a child who has never seen a golf course to be examined on the same and have the same marks with a child in Nairobi who has always seen a golf course.

Agriculture is the mainstay of our economic development. Unfortunately, this has been forgotten in some way. But we thank the Government for the stand it has taken in the last three years, to enhance production by encouraging improvement of prices of commodities, especially maize. Farmers are now able to produce maize. If they sell it at a good price, the scarcity of food we have had in the last few years will be checked. Indeed, in Kuria District, we have taken farming seriously and we now produce a lot of food. The only problem we have is lack of markets. Whereas the northern part of Kenya lacks food, some districts have excess food and they require markets to sell their produce at good prices. Therefore, the National Cereals and Produce Board (NCPB) should really check on this issue of distribution of food so that we do not have a situation whereby there is great famine. What I think is lacking is proper distribution modalities. Last year, we had a food reserve that was below the 32 million bags required to feed Kenyans per year. However, during that last season, I think we had about 34 million bags which ought to have been enough to feed all Kenyans in this country. Distribution should be given more emphasis.

Mr. Temporary Deputy Speaker, Sir, development is usually appreciated when people have good power supply. We are happy that Kenyans have responded well in buying the KenGen shares which are being advertised now. We hope that the public money that is being collected now by KenGen will be used to the benefit of our people in terms of rural electrification. It is the desire of every Kenyan to have electricity in his house. We do not want to see a situation where millions of money belonging to people are collected and kept only to be misappropriated by the clever ones.

Primary health care is of paramount importance in this country. In other countries; for

example, in the Pacific countries, they have announced the complete eradication of *Lymphatic Sclerosis*. This is what causes elephantiasis. We have a lot of cases of this disease in our country. We can eradicate this disease by simply giving victims a dose of deworming medicine once every year for five years. This deworming exercise should be emphasised in this country because it is cheap. In fact, it costs less than 4 cents a dose per person. We should also strive to be in the class of countries that have eliminated some of these diseases. Malaria, for example, is still a scourge in this country and so are many other diseases. We are happy with the education programme of giving every school child deworming medicine, therefore, enhancing their ability to absorb every nutrient necessary for their growth.

Supply of clean water, good housing and provision of other basic needs will reduce the cost of operation in the Ministry of Health that is incurred in secondary medical care; that is, the real treatment of diseases once people have been affected. Everybody in this country should shoulder this responsibility. It should be a responsibility even for Members of the Opposition. Instead of us leaders talking and singing loudly on issues that are of no use to the common *mwananchi* in this country, let us all unite to fight poverty. Let us supply water to every Kenyan and fight diseases. That is the only way Kenyans will understand that we care for them.

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

Mr. Biwott: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to take a bearing from what His Excellency the President said in his Presidential Address in this House. The most important thing that we need to do is to address covenant issues in order to enhance the social wellbeing of our people. That being the case, it means that, we hon. Members of Parliament, need to ensure that we are united and able to build an environment that is conducive for investment. That is the only way we can ensure the wellbeing of our people. We need to distribute resources equitably for the wellbeing of our people everywhere in our country.

Mr. Temporary Deputy Speaker, Sir, the figures that the President read to us with regard to the number of investors who have so far come to our country is very impressive. The amount of money that we got as a result of that is said to be Kshs5.3 billion in 2004, and Kshs10.5 billion in the course of last year. This is highly commendable. However, if you look at the benefits that accrued from this money and if you look at the way our country is today, it means that we need to do a lot more to ensure that the benefits accruing from foreign investors are felt throughout the country. To be able to do that, we need to behave as Kenyans and look at Kenya as one country. When addressing the issues that affect the wellbeing of our people, we need to work together in unison in order to achieve one common objective, which is to improve the welfare of our people. That, in itself, necessitates dialogue. If we have dialogue and our country in mind, we will be able to address most of the issues that affect our people.

Today, the increase in foreign investment in our country only benefits a small percentage of Kenyans. If you travel through our country, you will realise that poverty is great and is still on the increase. That is reflected from the figures that we get from surveys done by the Constituencies Development Fund (CDF) Committees. Every year, there is a growing number of people below the poverty line. That is where we need to assert ourselves as leaders, so that we can reduce poverty and increase food production. However, food alone is not enough without water and shelter. If you look at the lives of the poor, you will surely pity them. I have been travelling around the countryside to see how poverty is affecting our people. They do not have money. In fact, for most of them, getting even Kshs100 is not an easy thing. So, when it comes to addressing some of the social ills or eyesores that we see--- I have an example of kiosk owners who so often are evicted, and yet they have absolutely nothing. In fact, there is always no alternative plan to ensure that their sufferings are minimised.

Mr. Temporary Deputy Speaker, Sir, also look at the issue of squatters living in forest areas

in this country. It is true that they could affect the environment, but these people are willing to move, only that the poverty they are faced with is so much and painful. If you see a child crying, it really hurts. So, such an issue really requires a humane approach if it is to be handled properly.

Concerning distribution of food, you realise that there is famine and hunger in some parts of this country, and yet there is plenty of food in the others. I come from an agricultural area in this country where I see lines of so many truck-loads of foodstuff such as wheat, maize and vegetables for sale. However, when you look at North Eastern Province, you will see that people are suffering because of hunger. That shows that there is something that is fundamentally wrong in planning with regard to distribution of food and the execution of those plans. What it means is that the administration of food distribution and security is not adequate. So, there is need for effective planning which will enable whatever is available to be shared throughout the country so that people can live comfortably.

Mr. Temporary Deputy Speaker, Sir, poor roads affect the speedy distribution of food in famine-stricken areas. In such a situation, a lot of co-ordination efforts are required so that food can be delivered to the affected areas. Roads in Kerio Valley, where the *El Nino* rains caused a lot of damage about four years ago, are still in bad shape and so the distribution of food is still hampered. This dichotomy that exists between those who only survive with the little that is available to them and those who are actually enjoying the growth of our economy needs to be addressed. Indeed, we should give it more priority.

Mr. Temporary Deputy Speaker, Sir, there is also an element of importation of food. Before we import any food, we need to buy the food which is locally available and distribute it to the people. There is also the need to look at the long-term effects of drought and find ways on how to counter it. We should build more dams rather than boreholes. Boreholes and water pans dry up and have limited application. We are aware that famine recurs once every 20 years.

Mr. Temporary Deputy Speaker, Sir, the only hope I saw in the President's Speech is the one about the Ministry of Youth Affairs and the Sessional Paper which is coming out soon. I really look forward to this because that is the only way we can tackle unemployment of our youth and also get a kind of a marshall plan to enable our country to deal with the problem of poverty and famine. Once again, I want to really commend His Excellency the President about this issue.

Mr. Temporary Deputy Speaker, Sir, the Minister for Trade and Industry spoke about the need to put more emphasis on Small and Medium Enterprises (SMEs), and also on trade within the region. But, of course, there is a symmetry problem which is currently affecting our industries within the East African Community. I think there is need to listen more to the business people, especially those who are adding value to our agricultural products.

We need to commend the police for having done a wonderful job with limited resources. The Community Policing Forum (CPF) that has been introduced is very good, but it needs more money. I hope that the idea will be supported fully.

Mr. Temporary Deputy Speaker, Sir, on the question of agriculture, I think we need to dwell a lot more on value addition and high value crops. We also need to concentrate on the cultivation of cotton and the actual processing of whatever we produce in the agricultural sector. However, irrigation will be the long-term solution to our problems.

Mr. Temporary Deputy Speaker, Sir, funding to SMEs has been there for sometime. It was there when I was the Minister for Trade and Industry. I think it is about time that we requested, and I am requesting the Minister for Trade and Industry to issue a statement of affairs so that we can know exactly how much money we have got ever since that Fund was established, how that money has been distributed, who has benefitted, and where it is now. This will help us to know how to improve on it and in the process, benefit the country as a whole. Likewise, we need a similar statement from the Minister for Tourism on the Tourism Fund. The savings have been done very

well and the co-operative movement seems to have worked very well too.

Mr. Temporary Deputy Speaker, Sir, on the issue of the referendum, which divided this country, I would like to emphasize exactly what I said earlier on, that we need an Inter-Parliamentary Parties Group (IPPG) meeting here to be able to solve our differences. Talking about a constituent assembly will not help because this will amount to another Bomas Conference. The Kiplagat initiative is good because it will add value, but it is not 100 per cent necessary.

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

Mr. Muite: Thank you, Mr. Temporary Deputy Speaker, Sir. When the President was giving his Speech, he touched on an important issue, namely that, in the Fourth Session, this House was only able to enact seven Bills out of 25 Bills. The President went on to give a long list of Bills that the Government intends to place before this House.

Mr. Temporary Deputy Speaker, Sir, our core business, as a House, is legislation; enacting Bills into Acts of Parliament. Therefore, there is a major question mark as to how, out of 25 Bills, we can succeed to enact seven Bills only. We stand judged and accused. I would like to say that we need to evaluate the way in which we do business as a House, so as to maximize efficiency. It is unacceptable that we can only enact seven out of 25 Bills. So, we need to re-examine and re-evaluate ourselves, and ask ourselves: What can we do as a House in order to increase efficiency?

Mr. Temporary Deputy Speaker, Sir, when you find a lot of us, the Member for Kabete included, contributing to Bills before the House, hardly do we contribute to the merits or demerits of the contents of the Bill! We use the Bill as a forum to articulate other issues of public importance and concern rather than engaging in the contents of the Bill. This cannot be right! Why does that happen? It happens because of the way we do business in this House. I would suggest that we re-examine ourselves. The Government and the Attorney-General's Chamber should engage the Committees involved in the various Bills. We should not wait to commit the Bill to the relevant Departmental Committee after the First Reading. That involvement should be during the generation of the Bill in the Attorney-General's Chamber, or even from the relevant parent Ministry, so that the relevant Departmental Committee, in terms of its membership, can, first and foremost, become confidently conversant with the contents of the Bill. That Departmental Committee can then have the opportunity of engaging stakeholders who are going to be affected by that particular Bill. We now need to be sensitive about the consumers of the Bills that we are enacting. The various stakeholders need to be given an opportunity by those Departmental Committees to input on the Bill.

Mr. Temporary Deputy Speaker, Sir, if a Departmental Committee is conversant with the contents of the Bill, it will come to this House and it will lead the discussion, because sometimes the Bills are of a very technical nature. One of the Bills that have been distributed, because it has been published, is the Maritime Bill. This is a technical subject. So, how are we, hon. Members, who lack adequate support staff, going to get conversant with this technical Bill? Yet, if there is engagement of the relevant Departmental Committee when the Bill is being generated, it will itself even gain access to experts so that they become fully confident about the contents of that Bill. Therefore, when we come to the House, the Departmental Committee concerned can lead the other hon. Members. Once we know that, that Committee has been with this view throughout, after consulting the stakeholders, we will then be able to go along with the recommendations of the Committee. I am not suggesting that hon. Members should not contribute to the Bill. They will still contribute, but we will be able to guide them into disciplined contributions. We shall not allow hon. Members to stray away from the use of the time allocated to the Bill to bring in other issues.

We must examine our Standing Orders. Standing Orders need to be facilitative of the Business of this House and not obstructive. Despite this, we have got a situation whereby the Standing Orders Committee has not met for well over a year. That Committee needs to be called

very quickly. We need to re-examine those Standing Orders. We need a complete overhaul of those Standing Orders, so that they can help us to expedite Business in this House. If some of these measures were to be taken, I foresee a situation where a Bill would not take more than two to three days.

Mr. Temporary Deputy Speaker, Sir, the other reason why hon. Members use the forum of debate on a Bill to debate other public issues is because, when we bring Motions on very important issues, it is accorded only two hours; the Mover 20 minutes, the Seconder 20 minutes and the Official Responder 20 minutes. There is very little time left for debate. We need to re-examine our Standing Orders so that all matters of public policy, that can be handled through Motions, are given adequate time.

If we were to bring a Motion here tomorrow about these electronic cash registers, two hours would not be adequate for it. If you were to give Members of Parliament adequate time to voice their concerns, then when other Bills come to the House they would be confined to the merits and demerits of the contents of those Bills. So, let us re-examine the way we conduct business in this House. Let us re-examine the Standing Orders and overhaul them so as to ensure that they are facilitative. In this age of transparency, how can we be talking about permitting live coverage of the proceedings of this House, but in the same vein we are saying that the proceedings of Committees must be in camera? The public wants to follow these proceedings. Those Standing Orders need to be repealed and amended or updated them in this age of transparency.

Mr. Temporary Deputy Speaker, Sir, I would like to comment about forensic laboratories. I hope that Mr. Michuki is listening to this contribution. We have a situation whereby we get frightened as a nation because an issue has become controversial. We also get frightened because the donor community and the World Bank have talked about the forensic laboratories contract. As a result, we forget our priorities. Why does this Government not see that the priority in this country today is insecurity? How many women and children are raped on a daily basis? Our major priority as Kenyans is to have a forensic laboratory. We cannot expect police officers to cope with crime unless we equip them with a forensic laboratory.

When people mug, carjack, rape or commit robbery with violence, they will definitely leave their DNA there. If the police had a forensic laboratory that DNA would be collected. It may take long to track down the criminals, but in the end they will be caught using their DNA. We should not get frightened because somebody somewhere inflated the previous contract. That is agenda item number two. We should have gone ahead to build these forensic laboratories so as to cope with crime. From there onwards, we can investigate to find out whether the contract was inflated or if somebody wanted to get some money. Mr. Michuki should have had a forensic laboratory built in this country for the police yesterday and not tomorrow.

Mr. Temporary Deputy Speaker, Sir, we want to be seen to be taking people to court. Kenyans have seen this fanfare of collecting people of high profile and taking them to court. You are not doing anything new by rushing people to court. Kenyans want a thoroughly investigated and prepared case so that there is adequate evidence. This will ensure that when people are taken to court, we are sure of getting a conviction. So, do not be in a rush to go to court with half-baked investigations because somebody is purely high profiled or simply because you want newspaper headlines. You will get your headline but you are actually destroying the credibility of the investigatory agency, the prosecutorial agency or the Government. Let us not have another round of fanfare, headlines and rushing people to court without any hope of getting those people convicted. We should go slowly, investigate and prepare for cases thoroughly so that we will get convictions in every eight out of ten cases when we go to court.

I beg to support.

Mr. Dahir: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity

to contribute to the President's Speech. I would like to start by thanking His Excellency the President for the excellent exposition of public policy he gave to this House. The intention of His Excellency the President is always good. In December last year, when we were hit by famine in the northern part of Kenya the President had to cut short his holiday to travel to North Eastern Province, Wajir and Mandera, where he gave a lot of promises.

He went there with the Minister for Water and Irrigation, the Minister for Livestock and Fisheries Development and other Ministers including Mr. Michuki. Some issues were raised by the area Members of Parliament, which the Ministers appeared to have approved, but it appears that it was all hot air because none of those proposals have been implemented. The northern part of Kenya is a marginalised area which has had triple tragedy starting from President Kenyatta's era, President Moi's era up to date. That region has not been developed. I believe the President had good intentions, but I doubt the Ministers who were there.

Mr. Temporary Deputy Speaker, Sir, the Minister for Livestock and Fisheries Development told us that abattoirs would be constructed very soon in northern Kenya. The mainstay of the economy of northern Kenya is livestock. To date, the abattoirs have not been built. In the presence of the President, the Minister for Livestock and Fisheries Development said he would bring money to buy the weak animals from the people of northern Kenya. That did not happen. A small amount of money was sent through the Agricultural Development Corporation (ADC) and they did the opposite. They did not buy the weak animals; they bought strong animals. In Lagdera Constituency, the ADC sent a signal to my people asking them to bring animals so that they could buy them. This signal was sent through the police, the District Commissioner's office and the District Officer's office. Then the people brought over 2,000 animals. Surprisingly, nobody was there to buy those animals. In the end, the animals became weak and died there.

To date, we have not been told what happened; by the Minister for Livestock and Fisheries Development. I am requesting the Minister to respond to this plight and compensate those people who lost their animals. People brought over 2,000 head of cattle.

Mr. Temporary Deputy Speaker, Sir, as if that is not enough the education standards in our area are very poor. There is a donor who went to see the President in State House. He donated US\$1.5 million which is equivalent to Kshs36 million. To date, we do not know how that money was used. It was kept in a bank account and it earned interest. Recently, we saw the Vice-President and Minister for Home Affairs touring the area. I would say that my constituency received only Kshs300,000. That money was meant to improve the standard of education in the northern part of Kenya. This is not Kenya Government money. It was donated by a donor by the name of Prince Talal Alwahi Bin Abdul-Aziz Ala-Saud.

We always talk about corruption. If the people at the top are corrupt---

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have been waiting for the Front Bench to raise a point of order. You have heard those very serious allegation that Kshs36 million was given to State House to be used for education in North Eastern Province, but it has not been used. There is even a suggestion that, that is corruption. Is it in order for such a serious allegation to be made without the hon. Member substantiating or is the Front Bench accepting that, that is the truth?

The Temporary Deputy Speaker (Mr. Khamasi): Order! I was waiting to see whether there was any response. But there was not! But now that you have been challenged, can you substantiate?

Mr. Dahir: Mr. Temporary Deputy Speaker, Sir, that is obvious and everybody knows it! It is in the public domain that Prince Dalal donated Kshs500 million to His Excellency the President, Mr. Mwai Kibaki. He handed over that money to the Vice-President and Minister for Home Affairs. I wish he was here today. I wanted to say it to his face! He did not use that money for the

intended purpose! That is why we are objecting.

I am actually appealing, through you, Mr. Temporary Deputy Speaker, Sir, to find out why we were given only Kshs10 million. We were supposed to get Kshs36 million plus interest. That money was specifically meant to improve the living standards of the people living in the northern part of Kenya.

Mr. Sasura: On a point order, Mr. Temporary Deputy Speaker. It is rare for a Member of the Government to rise on a point of order. Purportedly, that money was meant for Arid and Semi-Arid Lands (ASALs). An amount of Kshs1.9 million was given to Marsabit District. The hon. Member has made a very serious allegation that, that money was put in an account and earned interest. Could he substantiate in which bank the money was deposited and by who? It is supposed to be our money!

Mr. Dahir: Mr. Temporary Deputy Speaker, Sir, I leave that to whoever will defend himself, especially the Vice-President and Minister for Home Affairs to clearly---

The Temporary Deputy Speaker (Mr. Khamasi): No! No! Mr. Dahir, we do not do it that way here! Now that you have said it on the Floor of this House, you must substantiate as demanded.

Mr. Dahir: Mr. Temporary Deputy Speaker, Sir, the money was put in an account at Kenya Commercial Bank (KCB) and I can bring the documents any time you require them.

The Temporary Deputy Speaker (Mr. Khamasi): Order! There is a tradition already set here. Once you open that mouth, Mr. Dahir, it is your duty to substantiate here and now! The safest route out is to withdraw.

Mr. Dahir: Mr. Temporary Deputy Speaker, Sir, with those few remarks, I support.

Thank you very much!

The Temporary Deputy Speaker (Mr. Khamasi): Order! Rules will not allow that! You are not going to get away with it in that manner. You have made a statement here and you have been challenged to substantiate. You have not done so and you do not have the documents. You have said that you are going to bring them. But you cannot do that now. You knew that you were coming to state that here and so, the answer is simple. You should withdraw and apologise or you substantiate!

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir. Over that issue, there are two contradicting rulings. There is a ruling by the late Sir. Humphrey Slade which allows Member to even bring a newspaper or even a rumour to substantiate. I asked the Speaker about that, and even gave him the ruling by Sir. Humphrey Slade. I asked him to revisit his ruling and make another precise ruling! There are two rulings on this matter!

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Raila! Mr. Raila, you have got to learn that, once I stand, you must sit down! It is true that you gave some documents to the substantive Speaker. He discussed that with his Panel and made previous rulings which we all follow. That is a tradition that is known now. Until he makes an alternative or different ruling from what he made, we must follow the rulings that he made in recent times. That is the position. I know you presented some rulings to the Speaker, but no decision has been made. So, as of now, we shall go by the current rule. That is why he is being put to task.

Mr. Dahir: Mr. Temporary Deputy Speaker, Sir, it is difficult to substantiate the obvious. But I beg to bring the documents tomorrow.

The Minister for Environment and Natural Resources (Prof. Kibwana): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to state that there were some monies given for only North Eastern Province when factually, the monies were given for ASAL areas, including Makueni Constituency which I represent? The Member should not come here and recklessly cast aspersions on the Vice-President and Minister for Home Affairs when he

does not have information.

Mr. Dahir: Mr. Temporary Deputy Speaker, Sir, when I said I did not have to substantiate the obvious, you now confirm that the Minister is aware about the money. So, I do not think I have to substantiate further.

The Temporary Deputy Speaker (Mr. Khamasi): We must bring this to an end. You know my ruling, Mr. Dahir, and you know the alternative.

Mr. Dahir: I am not withdrawing, Mr. Temporary Deputy Speaker, Sir. It is an obvious fact and I will not withdraw!

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Dahir. You are soliciting publicity which is of no use. You have made a claim and you have been challenged in accordance with our Standing Orders and traditions. You have been unable to substantiate and I am telling you, for the second time, that it is only prudent, as a gentleman for you to withdraw if you cannot substantiate.

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is saying that he is able to bring the evidence tomorrow. I think this is very much in order. The Chair has in the past given Members time to go and bring evidence the next day.

The Temporary Deputy Speaker (Mr. Khamasi): Order! As soon as the Speaker makes a ruling here, it becomes law and you cannot change it. Until you bring another one to change it, Mr. Raila, I cannot go with what you are saying. Once you make a statement on the Floor of this House, it is incumbent upon you to substantiate. If you cannot, you have to withdraw and apologise.

Mr. Dahir: Mr. Temporary Deputy Speaker, Sir, this is very clear. We got only Kshs300,000 out of that amount. What do you want me to substantiate? Why should I withdraw? You heard the Minister say clearly that the money is there and it is meant for ASAL areas.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Dahir, I think it is wrong for you to engage the Chair. I thought by sitting next to the Chief Whip of the Official Opposition, you are getting proper advice. I have made a ruling and you have to comply with it. I believe the Chief Whip of the Official Opposition should be whispering to you what you should do.

Mr. Dahir: Mr. Temporary Deputy Speaker, Sir, I would request that I be given more time to bring those documents tomorrow.

The Temporary Deputy Speaker (Mr. Khamasi): Order! I think you are deliberately refusing to adhere to the Chair's ruling, and I am sorry. If you cannot withdraw, then I will order that you leave the Chamber and the precincts of Parliament.

(Mr. Dahir withdrew from the Chamber)

Mr. Wambora, you have been here for long. I will give you a chance to contribute to this Motion.

Mr. Wambora: Mr. Temporary Deputy Speaker, Sir, thank you. I wish to take this opportunity to join my colleagues in thanking His Excellency the President for a wonderful Speech. It was very focused on the aspirations and requirements of the majority of Kenyans. As a matter of fact, I want to focus on three areas only, namely, the economic growth rate, Sessional Papers and Bills.

On the economic growth, I want to say that since President Kibaki took over power in 2003, we have seen very commendable growth in this country. This is evidenced by the growth rate which has grown to about 5 per cent and also the value of investment which has grown to Kshs10.5 billion. Now, the problem is that this has mainly benefited the big companies like the East African Breweries Limited (EABL), Kenya Commercial Bank (KCB), Barclays Bank and Kenya Airways. However, the impact of this development is yet to filter to the rural and urban poor. But those who

have studied some Economics know the reason. It is simply that the economy has not grown fast enough, or the growth rate is not high enough. It is only when the economic growth rate reaches 7 per cent and above, that the impact of the increased economic growth rate will begin being felt in the rural areas, for example, Runyenjes, and elsewhere in urban areas. To achieve this, the Government needs to address itself to six areas, because it is important that we grow at a faster rate than we are doing.

One of these areas is value addition. This song has been sung again and again. This is the easiest way to double the prices of our commodities because that is what we have. We also need to double the value of our products of speciality.

Secondly, there is an area called out-sourcing. A very good example is what we saw sometime last month about a company called Kencall which provides services on behalf of United States of America (USA) and the United Kingdom (UK) companies. It is already employing 100 people, and it can employ more. Many more Kenyan companies can do this with Information Technology (IT).

There is a third area which this Government should address to really stimulate the economy of this country; that is, concessioning. The major advantage of concessioning is that you do not have to spend taxpayers' money. You spend other people's money. There is nothing that has such a big advantage as concessioning. This can be very useful indeed.

The fourth area that this Government should address to increase the wealth of the people in the country is marketing. Proper marketing should ensure that we are not selling our products as commodities, as we do currently. We are selling our coffee as a commodity very cheaply instead of adding value by packaging and marketing it as a Kenyan premium product. That is not right for this country. We are not branding Kenya. Mr. Midiwo drew my attention to the branding of Uganda and Lebanon in the Cable News Network (CNN). Why can we not do the same for Kenya? That is the way to go. I am talking about geographical indication where we say: These products are made in Kenya and they have added value, so that they can be sold at higher prices. This is what we are not doing.

Mr. Temporary Deputy Speaker, Sir, the fifth measure we need to put in place in order to bring prosperity to this country is to improve our infrastructure. In this regard, I would like to start by talking about our roads. I have travelled to over 60 countries, but I have never seen a country with as bad roads as Kenya. Even countries as poor as Tanzania, Zimbabwe and Uganda have better roads. What is the problem? We make big mistakes in the designs of our roads and in procurement. We also over-value our tenders. Thirdly, we do not maintain our roads. The other infrastructural facilities like rail transport, energy and telecommunications also require a lot of attention.

Finally, in order to boost our economy, we need to decentralise the expenditure of the national cake. I am talking about increasing the Constituencies Development Fund (CDF) from the current 2.5 per cent of the national Budget to 7.5 per cent, so that we can have more resources where the people need them most, and we shall make a lot of difference.

Mr. Temporary Deputy Speaker, Sir, I will now move to another area. As some hon. Members said, in his Address to this House, the President talked of several Sessional Papers and Bills which are going to be introduced to this House during this Session. I do not want to go into the details of those Bills and Sessional Papers because they are too many.

That objective is not achievable because of the way the Business of this House is organised. It is organised in such a manner that we are not able to transact so much Business. No wonder we passed only seven out of 25 Bills in the last Session. That is because even the House Business Committee does not work like a private organisation. We are not organised. We just do business. Instead of prioritising our Business, we spend too many days discussing, for instance, the

Presidential Speech. The Presidential Speech should be discussed in three to four days, and not seven days. We need to do something about our Standing Orders, so that we can transact more business.

Mr. Temporary Deputy Speaker, Sir, I will, very briefly, touch on four Sessional Papers, which are very important. Some of these are about agriculture and irrigation. We have not fully utilised our arid and semi-arid land because we have not developed a comprehensive irrigation policy. Another Sessional Paper is on ICT, which is about information technology. That is the direction in which the world is moving.

We also have the Sessional Paper on Gender Equality Development, and the one on National Youth Development. These two last Sessional Papers address issues of two very energetic categories of our society. These Sessional Papers will assist in optimum utilization of the largely idle labour in these two categories of our society.

Mr. Temporary Deputy Speaker, Sir, I want to mention six Bills, which are addressing the issues of the poor people. These Bills are mainly dealing with the small and medium-scale enterprises or deposit-taking micro-finance and savings and credit co-operative societies, for example, the SACCO Bills. These three Bills will definitely have an impact on the poor people.

Mr. Temporary Deputy Speaker, Sir, the fourth Bill, which is very important, is the Banking (Amendment) Bill, which will bring into the operation of the *in duplum rule*. Most of our people have become very poor or have even died after taking excessive loans. All their properties have been taken away by banks because of loans which have earned interests which are double the principals. This is because of the absence of the *in duplum rule* and the Banking (Amendment) Bill will take care of that.

The fifth one is the proposed amendment to the Coffee Act of 2001, which will ensure that there is direct marketing of coffee and operationalise the Coffee Development Fund. Farmers should benefit from this fund in terms of improving their production and marketing their produce. This will also double the farmers' earnings for the same quantity because of the additional advantages of direct marketing.

Let me go to the Kenya Maritime Authority Bill of 2006, which is the first step towards making Mombasa a free port.

With those few remarks, I beg to support.

Mr. Ojaamong: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity.

Having listened to the President and having gone through his Speech, there is no doubt that he meant well for Kenyans. There is no doubt that he had a very good agenda for Kenyans. However, the problem arises in the implementation of whatever he put across. The NARC administration inherited a very corrupt Civil Service. These civil servants are the ones who are supposed to implement the agenda of the President as laid out in His Speech. Recently, we have had a lot of problems in the implementation of programmes. If you look at how agricultural and education officers and road engineers behave in various districts, you will find that it does not make any difference between the NARC Government and the previous regime.

As much as the President meant well in His agenda, there is need to transform our Civil Service, so that civil servants also mean well to the common Kenyan, otherwise, it will be an exercise in futility for the President to create a Ministry of Youth and so many others.

I appreciated when the President talked about revitalising the cotton industry. He said that the Government was going to re-introduce the Cotton Bill 2005 and also bring some Sessional Papers to the House. In Teso District, we grow cotton as a cash crop. That is the only cash crop that we have. This was very good news to my people when they heard from the President's Speech that his Government was going to revitalise the cotton industry.

First, I must thank the Government. Last year, Kshs300 million was given to the cotton sector, but it is regretful that I cannot understand how that amount was utilised to date. I have farmers in the area who have not even benefitted from this Kshs300 million. It is my hope that in this year's Budget, more money will be put into the cotton industry, so that the collapsed ginneries in western Kenya are made to start operating. Farmers should get some credit from the money that will be allocated through the Budget. The Government should also assist farmers in marketing their produce; cotton, which does very well in western Kenya.

Mr. Temporary Deputy Speaker, Sir, I want to remind the President, and I hope his Ministers will remind him, about his tour to Western Province which took place between 15th and 18th April, 2004. There were a number of issues which were raised by leaders of western Kenya concerning the problems afflicting the people of western Kenya, and His Excellency the President through his Ministers and members of the Provincial Administration, promised to address them. I have a copy of a letter that was written by the Provincial Commissioner admitting that the issues raised during the President's tour of Western Province in 2004 were going to be sorted out by the President. To date, as we speak, very little has been done. As a good friend, I have to remind the President that he owes the people of Western Province a lot. Let not a section of a few people from one clan mislead him that because he has given them Cabinet, ambassadorial or Permanent Secretaries' positions, that they will catapult him back to power. That will be a very big lie. We are starting to re-align ourselves in Western Province and if our wishes are not taken care of, it will translate into a negative vote for him.

Mr. Temporary Deputy Speaker, Sir, the President talked about the new Constitution. Indeed, it has taken a good portion of our time. However, as a man from a one-constituency district, at times I am ashamed because when I call my Parliamentary Group meeting for the district, I am the convenor and the secretary. So I have to take notes. I would appeal that we expedite the process of writing the new Constitution. If we cannot write a new Constitution, we should amend some sections of the current Constitution before we go to the next General Election. We should amend Section 42(2) of our Constitution which limits the number of constituencies to 210 so that, at least, the people of Teso can have two representatives in this Parliament. I say this because I am totally disadvantaged together with the other hon. Members, like Mr. Serut and the hon. Member for Kuria, Dr. Machage. We are totally disadvantaged in terms of representation of our people. I foresee that we shall not write a new Constitution in good time. Therefore, Parliament, and the President in particular, should provide leadership so that we can make the necessary constitutional amendments to cater for marginalised communities like the Teso, Kuria and Sabao.

Mr. Temporary Deputy Speaker, Sir, I will not forget to mention that it is only in the Kibaki Government whereby the Tesos have been left out of the Government. In fact, the most senior civil servant in the Kibaki Government from the Teso community must be a District Commissioner. From a brilliant community like this one with very educated people, it is very unfortunate that out of all the 42 tribes in Kenya, it is only the Teso community that the President has excluded both from the Civil Service and from any other appointments. Whatever the reason, I will leave it to his own conscience. However, we shall appreciate any economic development that the President will initiate to assist the majority of the people in my constituency.

Finally, Mr. Temporary Deputy Speaker, Sir, I would like to say that despite all these shortcomings on the part of the Government and His Excellency the President, indeed, there are some positive developments that have taken place in Teso. Through the Ministry of Education and the Ministry of Science and Technology, I have been able to put up quite a number of schools.

Mr. Temporary Deputy Speaker, Sir, through the Ministry of Education, I have put up quite a number of schools. At least, five schools are currently being constructed in my constituency. That

has never happened before. We have done quite a number of roads. Compared to the previous Government, we have got a very good road network now. Despite the delays in the purchase of electricity poles, power is being connected to a number of centres. I am sure many more centres will be connected to electricity. The district hospital, which for quite a long time has remained incomplete, is now being constructed. Those are some of the positive things that this Government is doing. However, it is my submission that the President can do better.

With those few remarks, I beg to support.

The Assistant Minister for Trade and Industry (Mr. Abdirahman): Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to this Motion. I stand to support the Motion. However, before I make particular comments on the important issues contained in the Speech, I would like to make general comments on the on-goings in Parliament and, especially, how we have conducted ourselves over time as the representatives of the people.

Mr. Temporary Deputy Speaker, Sir, I am sure Kenyans are very alert about the way hon. Members behave inside and outside the House. We dwell so much on issues that do not help Kenyans. We promote tribalism in this country. It is very unfortunate that, as leaders, we lead our people to vote along tribal lines. That is what we saw in the Referendum. We were not voting on issues! We were voting on tribal and personal interests. We engaged ourselves in political campaigns, instead concentrating on core issues of importance to this nation. As a result, we bred hatred and ethnic division. Our vision is now blurred. It is unfortunate that lawmakers can join traders who want to evade tax in a demonstration.

We all know that Kenya Revenue Authority (KRA) has introduced Electronic Tax Registers (ETRs) to combat tax evasion. However, because some hon. Members wanted to gain political mileage, they joined the traders in a demonstration. That is a pity! Political capital is being sought in very unfortunate circumstances in this country. But I am sure Kenyans are very alert on that. We want a positive contribution to politics.

Mr. Temporary Deputy Speaker, Sir, just this afternoon, during Question Time, some hon. Members were talking about individual communities being targeted by the Government. It is not a question of individual communities, but individuals themselves. If you have done something wrong, whether you come from North Eastern Province, Central Province or Nyanza Province, you will be dealt with! We are not going to allow individuals to misuse the resources in this country. I, personally, do not see why we should defend any individual linked to any kind of corruption. The fact that we continue talking about tribalism causes more divisions in this country. I plead with my colleagues to vote on issues of development that will help this nation. If you think you can form the alternative Government, I am sorry that is not the way to behave.

Mr. Temporary Deputy Speaker, Sir, I now want to comment on principal issues that were contained in the Presidential Speech which affect our lives. I will encourage disengagement from issues that are not of national significance to issues that will help this country. Listening to the Presidential Speech, it was observed that this House has only passed seven Bills out of 25 that were presented. If we were not engaging in non-issues, this House would have performed better. I have a feeling that we should concentrate on issues which are relevant and which will bring changes in the lives of Kenyans.

We have noted that, in the last three years, quite a number of good development initiatives were undertaken by this Government among them the free primary education. We should be debating on how best we can access education to those who cannot do so including nomadic children. We expect this House to contribute to changes on policy issues in terms of shaping this country's destiny but we have dwelt a lot more on politics. If some hon. Members of this House continue dwelling on politics, I doubt if they will ever take up any leadership role because they cannot convince people.

Mr. Temporary Deputy Speaker, Sir, a number of other important issues include the Constituencies Development Fund (CDF). We should be debating on how to increase this money. We should be debating on how best we can improve decision-making from the grassroots to the national level and how best we can bring about good utilisation of this money including micro-finance and targeting important segments of this society including the youth and women.

Mr. Temporary Deputy Speaker, Sir, we have made steady progress in terms of economic performance and there is no doubt about that. It is very evident we have moved from 2.8 per cent to 4.3 per cent in 2004 and last year we made some 5 per cent progress. This is great and we need to capitalise on the opportunities that we have to be able to move this country forward.

Mr. Temporary Deputy Speaker, Sir, on issues of drought, the President has declared it an emergency and national disaster. We appeal for more donor support since the Government has already done something. It is the first time in Kenyan history that we have had an ASAL development policy in this country. We never had it. Let us see what we can do to improve it further.

Mr. Temporary Deputy Speaker, Sir, I would want to comment a little more on the youth. It has been a good initiative to create the Ministry of Youth Affairs and the fact that we have a policy in place is a positive step. The youth comprise a huge percentage of our people in this country and I think it would be very important for us to explore more opportunities in which we can engage the youth including the polytechnics. The 8-4-4 system of education has self-reliance strategy in place and I am sure this Ministry can capture a lot.

The youth do not require rhetoric; they want action. We do not want the youth to be misused because of our own political ends. Let us encourage the youth to be playing a more productive role to help the community.

Mr. Temporary Deputy Speaker, Sir, finally, I would want to talk about corruption. We are not going to talk about corruption only now. Corruption has permeated in every segment of this society but it is an old thing in this country. It is not something that just started in 2003 but, as much as we will say we do not have to move backwards, the truth of the matter is that some of the social ills that are afflicting this country today did not start during this current Government. They started in another era before this one and the other one. So, what belongs to Kenya must be brought back in terms of resources whether it is land or cash. We will need that money to help Kenyans access medical treatment, education, veterinary care and have improved roads. That is what we really require. We should not politicise corruption. We do not have to do it because of tribal chauvinism. We do not have to talk about certain communities being targeted when it comes to corruption. I think we can only deal with corruption as a country; by doing it collectively. Not only those in the Government, but even those on the other side must shun corruption if we will have to make a difference in the lives of Kenyans.

Mr. Temporary Deputy Speaker, Sir, I would like to urge both sides of the House to work as a team on issues that are of national concern. We should avoid issues that will not help Kenyans.

With those few remarks, I beg to support.

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, thank you very much for according me this opportunity to join in this seven-day journey which was flagged off by the President six days ago. In flagging off this journey, the President delivered his Speech very well. I am saying so because of the experience I have in speech writing. I would not want to dwell on the content of the Speech, but I would like to say that there was wisdom in it.

Mr. Temporary Deputy Speaker, Sir, hon. Members who have spoken before me have done so with a lot of wisdom. As they spoke, a thought came to me that there is a lot of wisdom in the Holy book, that is known by Christians as the Holy Bible. The religious leaders who prayed before the President spoke and made reference to the book of 2nd Chronicles 7:14. It says:-

"If my people, who are called by my name shall humble themselves---"

The gist of this particular verse is "humility". What we need in this country is humility. We do not need arrogance and disrespect. We need respect for one another. We also need forgiveness. According to the teaching of that particular verse, we must learn to forgive one another. Forgiveness pre-supposes love for one another. It also pre-supposes that I have respect for you, and in reciprocation, you also respect me. So, I would like to urge leaders in this country to, indeed, go back to the wisdom contained in that verse of the Bible. I believe those people called by that name, are the Kenyan people. Kenyan leaders should humble themselves and seek the face of God. The power of providence is of immense value to this country.

Mr. Temporary Deputy Speaker, Sir, I also want to thank the President for recognising the efforts of Kenyan athletes when they came back from Melbourne, Australia. It is gratifying to appreciate those athletes. Indeed, it was a moment of excitement when the Head of State invited them to State House, so that he could recognise them for bringing glory to this country during those games as they were performed in Melbourne. I also would like to thank him for rewarding them with monetary gifts. I hope that, in future, our athletes will be rewarded by appointing them to various positions of Government. They should be appointed to various sporting institutions, such as in boxing, athletics and so on, so that in future they are respected. I have in mind some great athletes such as Mr. Serafino Antao, Mr. Ben Jipcho and Mr. Wilson Kiprugut, who are now languishing in the villages. When you meet them, you would think they never achieved anything for this country. Yet, they put Kenya on the map of the world. We should recognise our heroes and heroines in the sporting world.

Mr. Temporary Deputy Speaker, Sir, the Kenya Amateur Athletics Association (KAAA) should also manage all sporting activities in an orderly manner. They must do so, knowing very well that those athletes have families and relatives to take care of. These athletes also need to live comfortably. When they participate in races in various parts of the world, they come back with money. The Kenya Amateur Athletics Association (KAAA) takes 2 per cent of what they do not sweat for. I would want the KAAA to recognise the efforts of our athletes.

Mr. Temporary Deputy Speaker, Sir, environment is of immense importance today. It is the desire of every country to protect its environment. This country's forests are depleted to the level of a paltry 1.7 per cent forest cover, which is far below the international level of 10 per cent. Our land mass is, indeed, becoming more bare and bare every day. Yes, indeed, we need land. Our population is growing and pressure on land is increasing. We need to tackle the issue of our population growth, so that pressure on land and the environment is reduced.

I would like to urge the Minister for Environment and Natural Resources to operationalise the Forest Act, which was endorsed by this House before the end of last year. We need that Act to be operationalised, so that our forests, which are getting depleted everyday, are protected. We need to have nurseries and seedlings, because we cannot continue evicting people forcefully under the pretext of growing trees and yet there are no seedlings to plant.

We need to have seedlings, so that as we evict people from Kipkurere, Likia, Mau, Eburu or Mount Kenya Forest we have seedlings in place so that we may be able to plant them and have trees in those areas. It is, indeed, an irony to evict people from areas where you do not plant trees. It is an irony to destroy houses and then fail to construct roads. We need to deal with this issue of forests conclusively, so that we are able to afforest this country.

On this issue of forced eviction, I believe that there are a better ways of evicting people from water catchment areas. There is a civil way of doing it. We need to apply dialogue, which lacks in this country. We need to apply talking. Let us talk to one another. Let us appreciate one another. I would like to thank the Minister of State for Administration and National Security for what he has done. He has given recognition to the document called "title deed". Otherwise, title

deeds had lost value. I want to thank the Minister for appreciating and recognising that document. I hope the Minister for Lands will do the same.

As we remove people from water catchment areas, let us do so knowing very well that the affected people have invested their meagre resources in putting up houses. Even if they are a grass-thatched house, people have spent some money in building them. Even if they are mud-walled houses, people spent money on them. Let us recognise that and evict people decently. Let us evict people using civil methods as opposed to where our own policemen in uniforms are seen on television torching houses. What impression does that give to the world? What will it mean to our children who see us torching their parents' houses?. We need to find a more humane way of dealing with such a situation.

Mr. Temporary Deputy Speaker, Sir, on roads, I think Kenya is one country where potholes are not seen as a bottle-neck to the growth of our economy. Our motorists spend a lot of money in repairing their vehicles. We are losing lives through accidents. People in their prime age are dying in accidents caused by potholes. We need to have our roads done. We need our main and subsidiary roads done, in order for the agricultural and livestock sectors to prosper. If roads are done this country, which I believe is great, we will benefit a lot. Kenya is a rich country, but we need to manage our resources well. We only need to spend time on the proper management of our affairs.

In conclusion, I want to underline the importance of honesty, consistency and truth in dealing with public affairs. This afternoon we heard contradiction in our personnel management, with regard to the issue of the Governor of Central Bank, Dr. Mullei and also Dr. Rotich. There was a lot of contradiction in the way we handled their cases.

The issue of ending tribalism is of great importance to this country. We should fight tribalism now and not allow it to grow. Today we are allowing it to grow. Look at the way we are appointing our parastatal managing directors. Ministers appoint people who belong to their own tribes to senior positions.

With those few remarks, I beg to support.

The Assistant Minister for Co-operative Development and Marketing (Mr.Mwenje):
Mr. Temporary Deputy Speaker, Sir, I want to say that---

(Mr. Mukiri stood up in his place)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! I think we are developing a bad habit! My eyes caught Mr. Mwenje, and that is it!

The Assistant Minister for Co-operative Development and Marketing (Mr.Mwenje):
Mr. Temporary Deputy Speaker, Sir, I think your eyes are very good. The position of the President's Address is very clear. I want to say that this country will go on record as having destroyed cocaine which could have been sold and destroyed lives of many children in this country. The international community now knows that we do not deal in those drugs, but there are people who use Kenya as a transit zone. I hope this has taught the whole world that we do not need those kind of drugs and they are not used here. Those who use them in other countries should not use this country as a transit point. I am glad because I followed that issue and even saw where the drugs were kept, when I was the Chairman of the Departmental Committee on Administration, National Security and Local Authorities. I now believe that they were not sold or used locally. If there are any that were used elsewhere, then they were not from that particular batch. The batch was destroyed in my presence and I thank the Court and the police for having done that.

We have been talking about many issues like the one of Anglo Leasing. I feel that instead of the police having a new forensic laboratory, we should allow them to use the Government

Chemist Laboratory which is already there, to test drugs and whatever else they have, which can be tested in a normal laboratory. The Government Chemist is commonly used by the police, but it is not managed by the police. I would ask that, even if we will construct a new laboratory, we allow the police to use the laboratory that we currently have.

Now that coffee prices are going up, I want to ask farmers to grow more coffee that can get good market. We have now acquired a market in China and other countries. The prices last week, at the auction, were very high. I think it is high time that coffee farmers started growing good coffee that can fetch good money. I will also appeal to the Government to start assisting farmers so that they can sell their coffee at good prices, like it is done in Costa Rica and other countries. I think it is time this country's economy improved. While some people are just talking, others should make the economy grow. I think that way, we would move on.

I want to ask environmentalists, and the Ministry of Local Government, to get rid of the garbage site in Dandora, which is in my constituency. That has become the biggest nuisance in this city. The people who live in Dandora Phase II are really suffering because they have to live with the bad smell from the garbage, which is collected from Nairobi. I want to ask the environmentalists, and the Ministry of Local Government, to remove the garbage before I close the site, because it has become a nuisance. My people have died and I keep on appealing for help although no one is ready to come and assist. Although I am now in Government, it is important for the Ministry concerned to do the right thing. The people who live there complain that they are in trouble. It is high time we removed the garbage because it is creating havoc to the people of Embakasi, and in particular, Dandora.

We also have squatters in my constituency. I have discussed about the issue with the Ministry of Lands for long. We do not have much time before we move on to next year. It is high time we tried to settle squatters in Nairobi. When we talk about squatters, everybody thinks of the Rift Valley. However, we also have many squatters in this city.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Mwenje, when Debate on this Motion resumes, you will have five minutes.

Hon. Members, it is now time for the interruption of business. This House is, therefore, adjourned until tomorrow, Wednesday, 5th April, 2006, at 9.00 a.m.

The House rose at 6.30 p.m.