

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 21st March, 2001

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

## PRAYERS

## ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Members:-

Mr. Samuel Moroto Chumel

Mr. James Omingo Magara

*(Applause)*

**Mr. Speaker:** May I congratulate the House because for the very first time we have new hon. Members being applauded by both sides of the House. Can we make that a tradition?

## COMMUNICATION FROM THE CHAIR

### IMMOBILIZATION OF MOBILE PHONES

**Mr. Speaker:** Just a little reminder to the hon. Members; last time you remember the kind of problems we were having with mobile phones in the House. As we were praying, a mobile phone was interrupting our communication with the Almighty God. Will you keep those gadgets out? In the meantime, I am looking for all possible ways of completely immobilising any mobile phone in the Chamber. I will do that.

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

**Mr. Speaker:** Under what Standing Order?

**Mr. Maitha:** Mr. Speaker, Sir, on what you have just said.

**Mr. Speaker:** Order! Could we keep the House rules straight from the word go. If you stand on a point of order, you must be in a position to tell the Chair what Standing Order has been breached. So, that will be the rule. I want hon. Members to understand that and live with that. We spend a lot of time on points of order which are not points of order. So, next time you stand on a point of order, I will ask you which particular Standing Order has been breached.

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Under what Standing Order?

**Dr. Kituyi:** Mr. Speaker, Sir, I am standing on a point of order, under Standing Order No.1, on a matter where you have never had any ruling as a precedent. When the mobile phone rang, we deplored the disturbance it caused to us and interrupted, as you have said, our communication with God. Before you had reached your Chair, was the House in session?

**Mr. Speaker:** Order! The minute Mr. Speaker enters that door, the House is properly constituted, and I chair the proceedings from every location I am in at any particular time.

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

**Mr. Speaker:** Sorry, overruled. Welcome, all hon. Members. I do want to be nice to every hon. Member today. It is our very first day, but read my lips. I am going to be very serious on the rules of the House.

Proceed!

## PROCEDURAL MOTIONS

### LIMITATION OF DEBATE ON THE PRESIDENTIAL ADDRESS

**The Vice-President** (Prof. Saitoti): Mr. Speaker, Sir, I beg to move the following Procedural Motion:- THAT, the debate on the Motion of Presidential Address be limited to a maximum of seven days, with not more than ten minutes for each Member speaking; excluding the Mover in moving and replying, who shall be limited to 20 minutes in either case and the Leader of the Official Opposition, who shall be limited to 20 minutes.

Mr. Speaker, Sir, this particular Motion is not different from what we have brought in

**[The Vice-President]**

previously at the beginning of a new Session, which is really to fix the maximum time that a Member may be able to speak. Since it is familiar to hon. Members, I beg to move.

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Speaker, Sir, I rise to second the Motion.

In seconding the Motion, as the Vice-President has said, this is not a new procedure. It is a Motion that has served us well in the past and I commend it.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. Orenge:** Mr. Speaker, Sir, I beg to support this Procedural Motion. I just want to point out that as part of the business of this House, we can only speak when Mr. Speaker has recognised us. Today, you have seen that hon. Biwott has seconded the Motion, but it was a matter which was entirely out of your choice. But the other time, the *Daily Nation* newspaper reported that he is the busiest Member, and is the most competent. I would like the *Daily Nation* newspaper to understand that there are some procedural matters in the House, that when the Leader of the Official Opposition moves a Motion and there is a seconder, the House has no choice about it.

In responding to the Motion, although the Leader of the Official Opposition would have done so on behalf of the Opposition, there are matters which go by tradition and, therefore, in reporting about the House, they should be fair by not saying that some other Members are not taking an effective part in the business of this House. It is purely because of rules and traditions, which we have started today by observing. Otherwise, I would not have been in a position to move a Motion of this nature. But I hope in the year 2002 or 2003, somebody else will be moving this Motion, and hon. Biwott will not be in this House.

**Mr. Speaker:** Order, hon. Members! Ordinarily, I would not have responded to the comments by hon. Orenge. But he has actually raised valid points on that particular newspaper report. When it was advertised, I thought it was something that was going to be earth shaking. Just to be polite, what I saw was not what they advertised. I think, to give Members marks on how many times they have risen on points of order, which I am discouraging, which are frivolous, just makes my work a little more difficult in persuading Members to stick to the Standing Orders, because they know at the end of the year some newspaper will report that they stood so many times on points of order, despite the fact that most of those points of order would have been irrelevant. I do not want anybody to be a prefect of hon. Members. I think the true prefects of each Member here and the House as a whole, are the Kenyan people, who, at the end of five years, will make an assessment on everyone of us, and when satisfied will return them, and when dissatisfied will refuse to return them.

Thank you.

**Mr. Munyao:** Mr. Speaker, Sir, I stand to support this Procedural Motion and would I would like to remind the Chair that we have 10 political parties represented in this House. So, there should be fairness in affording hon. Members chances to contribute on the various Motions that come before the House. There are nine parties represented on this side of the House while on the Government side there is only one party!

*(Loud consultations)*

**Mr. Speaker:** Order, hon. Members! The hon. Members showing active disapproval are not sticking to what we said yesterday. You should learn to listen to your opponents, however you may disagree with them. If something is not acceptable to you, then you should wait until you get a chance to reply to it.

Mr. Munyao, just say your piece but as you say your piece, you should bear in mind that it is not "this" or "that" Motion which decides who contributes. It is "yours truly." So, address the Chair.

*(Laughter)*

**Mr. Munyao:** Mr. Speaker, Sir, I thank the Chair for being very fair on the first day. All that I am saying is that there should be a balance based on political party representation in this House. Even if it means referring this matter

to the House Business Committee, that will be a fair thing to do. It is not fair to have 90 per cent of hon. Members from one party contributing on Motions every day. We want to see a fair balance when it comes to transacting the business of this House.

**Mr. Speaker:** Order, hon. Munyao! May I put this thing in its proper perspective. It is the Chair that is mandated to recognise any hon. Member who wants to contribute on any particular Motion. The total membership of the House, including the President, is 224. But the hon. Members who ought to be here on a regular basis are 223. Half of that would be 111.5, but I do not see a "half-Member" of Parliament. So, I will round it up to 112. But the composition of the membership of this House to my right is in excess of 117. So, they are already more than half. To my left, the membership is less than that. So, you can see that even if you are going to use calculators, computers,

**[Mr. Speaker]**

calculus and whatever else you use in mathematics, it would mean that in every one hon. Member speaking from the right of Mr. Speaker, a certain fraction of a Member should be allowed to balance but that is not possible. So, the fairest way is to pick one hon. Member from my right and one from my left on alternate basis. But as I do that, I am mindful of the composition of the membership to my left; that there are about 10 political parties, some are big while others are small. The Official Opposition forms more than a third of the membership to my left. So, you cannot tell me to equate a party that has got one-third of the whole House with another party with two, three or one Member. But I will be mindful of their welfare. So, please, let me do it to the best of my ability.

*(Applause)*

*(Question put and agreed to)*

LIMITATION OF DEBATE ON  
PRIVATE MEMBERS' MOTIONS

**The Vice-President** (Prof. Saitoti): Mr. Speaker, Sir, I beg to move the following Procedural Motion:-  
THAT, the debate on Private Members' Motions shall be limited in the following manner:-

A maximum of two hours with not more than 20 minutes for the Mover, 20 minutes for the Government Official Responder and 10 minutes for each other Member speaking, and that 10 minutes before the time expires, the Mover be called upon to reply.

Mr. Speaker, Sir, once again, the contents set out in this Motion are similar to what we have been used to when debating Private Members' Motions so. We treat this as a ritual.

With those few remarks, I beg to move.

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Speaker, Sir, I rise to second this Motion.

But before I do that, I would like to assure the hon. Member for Ugenya that he needs not to worry that hon. Biwott will be re-elected to this House, and that at that time, the party on this side of the House will still be on the commanding lead.

Mr. Speaker, Sir, as it has been said, this is a ritual which we go through every time we begin a new Session. It speaks for itself. So, without much ado, I beg to second.

Thank you.

*(Question proposed)*

**Mr. Maitha:** Mr. Speaker, Sir, while I support this procedural Motion, it is wise to point out to the Leader of Government Business that when Private Members' Motions are debated, the Government seems to delay deliberately until the end so that they can come up with amendments.

Mr. Speaker, Sir, in your address yesterday, you talked much about employing staff to carry out research work for hon. Members. You also talked about hon. Members having their own offices. I think the Leader of Government Business will use that opportunity to contact any Member with a Private Member's Motion for any amendment before it comes to the House. By so doing, both the hon. Member and the Government Responder will come to the House and talk as a team.

**Dr. Kituyi:** Mr. Speaker, Sir, I beg to support this Motion but with reservation.

First of all, it has been an unpleasant experience that this House does not accord Private Members' Motions the attention they deserve. It is a pity that Wednesday morning is usually treated like a day when the House is not sitting. Assistant Ministers come here to answer Questions and then disappear. Most of the time, Government Ministers are not

present to listen to cogent arguments about Motions. The only time we see a substantial turnout of Ministers is when they come to vote against a Motion. I think it is in the interest of the House that the critical business of Private Members' Motions receives attention in numbers and quality of contribution.

Mr. Speaker, Sir, may I also take this opportunity to express my sentiments about opinion polling by the Press. Certain practices may be new and have weaknesses of their birth. Maybe the persons writing about those opinion polls may not have understood certain dynamics which tilt themselves in certain individuals. But that does not inherently make it a bad practice for the Press to attempt to assess regularity of participation in Parliament and nature of contributions. But it would be good if that assessment is informed and it can interpret the rules which made hon. Biwott appear to have contributed more times than other hon. Members. But I do not think, inherently, it is bad for this country to get to know that.

**Mr. Speaker:** Order, Dr. Kituyi! We have not overruled that matter.

**Dr. Kituyi:** Mr. Speaker, Sir, I am glad that you are understood not to have overruled that.

Thank you.

**Mr. Speaker:** We have not overruled it.

**Mr. Ndicho:** Mr. Speaker, Sir, I stand to [**Mr. Ndicho**]

oppose this Motion. Yesterday the President gave a list of the Bills to be debated in this House. I fear that by the end of this year, those Bills will not have been completed because of this limitation of time. The concept of 20 and 10 minutes allocated to various hon. Members in this House is a British legacy which was left behind by our colonial masters. The British Parliament has amended these limitations and the House sits sometimes up to midnight because of the nature of business in that country.

Mr. Speaker, Sir, these hon. Members earn a lot of money that allows them to sit here up to midnight! There are many Bills and other business of this House that are pending, and they must be dispensed with. I am sure---

**An hon. Member:** Stop that Ndicho!

**Mr. Ndicho:** Mr. Speaker, Sir, I have got a right to be heard!

**Mr. Speaker:** Order, hon. Members! I have given the Floor to the hon. Member for Juja. He has my full authority to speak and I will ensure that he speaks.

Proceed, Mr. Ndicho.

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir. Is the hon. Member in order---

**Mr. Ndicho:** Under what Standing Order?

**Mr. Speaker:** Order, the two of you. Day one is a very bad day for action to be taken on any hon. Member. Do not stand there and start arguing between yourselves. I can either give you the authority to speak or I can withdraw it!

But Dr. Kituyi, under what Standing Order are you rising on a point of order? Until you satisfy me, then you have no authority. But in the meantime, the only person who has authority from me to speak is hon. Ndicho.

Mr. Ndicho, proceed!

**Mr. Ndicho:** Mr. Speaker, Sir, my colleagues might not want to hear what I am saying, but I know Kenyans would like to hear it because I am talking on their behalf.

Mr. Speaker, Sir, how much business did we leave undone and unfinished in the last Session because of these limitations of time? It is my humble submission that this House would agree to review this time limitation because an hon. Member cannot articulate issues of his constituency within ten minutes. I would like to appeal to this House to at least give every hon. Member 30 minutes to articulate his issues. If need be, we can extend Parliamentary Sittings. This is because the duration between 2.30 p.m. and 6.30 p.m. is only four hours. If you ask hon. Members what they do before 2.30 p.m. or after 6.30 p.m.---

**Mr. Speaker:** Order! Mr. Ndicho, are you here with us?

**Mr. Ndicho:** Yes, I am, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Listen to some directions from the Chair. We are talking about Private Members' Motions on Wednesday, which begin at 9.00 a.m. in the morning and must end by 12.30 p.m. Are you with us?

**Mr. Ndicho:** Mr. Speaker, Sir, I have not finished my amendment to this Procedural Motion. I would like to suggest that we dedicate the whole of Wednesday to Private Members' Motions. We can debate issues up to midnight. If we do this, we will have enough time and, therefore, the Constitutional (Amendment) Bill and other Bills can be discussed before the month of December. That is my humble submission.

Thank you, Mr. Speaker, Sir.

**Mr. Mwenje:** Mr. Speaker, Sir, I support the Procedural Motion as it is. We all know that this time is not actually enough for us to debate Private Members' Motions. However, because of limitation of time and the number of Private Members' Motions, I support this Motion. But what causes the problem here is that when we debate and pass these Motions, the Government does not implement what has been passed by this House. That is why most hon.

Members are now seeking leave to introduce Bills in this House, because only Bills are implemented by this Government and not Motions. I would like the Leader of Government Business to tell us how many Private Members' Motions passed in this House have been implemented. There is hardly any! That is the problem with this Government. Could the Government, therefore, come out clean and tell us why they do not implement Private Members' Motions passed by this House? If they do not implement those Motions, then there is no need even for us to debate them here. We should all seek leave to introduce Bills in this House. So, the problem is created by the Government itself. The Leader of Government Business should tell us why they have not implemented Private Members' Motions passed in this House.

**Mr. Angwenyi:** Good afternoon, Mr. Speaker, Sir.

I want to support what hon. Mwenje has said. What is the point of allocating time to discuss Private Members' Motions when, in fact, they do not make any sense to the implementing agents? I believe that the Government's failure to implement Motions passed in this House actually contributes a great deal to the general lack of respect for the functions of this House. The credibility of this House is reduced when we pass Motions here and they are never implemented. When the Leader of Government Business rises to respond to what hon. Mwenje has said, I hope he will restore the [Mr. Angwenyi]

credibility and recognition of this House by saying that all Motions passed by this august House will be implemented.

**Mr. Ojode:** Mr. Speaker, Sir, I do concur with what my colleagues have said. You remember last time, I wrote a letter to the Speaker's Committee that we should introduce a Government Assurances Committee or an Implementation Committee, so that whatever is passed in this House is checked by that Committee. You will agree with me that even late last year, I was given leave to introduce the Petroleum Bill. To date, my Bill is still with the Government Press.

Mr. Speaker, Sir, it is you, as the Chair, who is failing us because you are the head of this Chamber. We need assurance from the Chair that if a Bill or a Motion is passed, then a certain action will be taken. You remember very well that we stopped the retrenchment programme---

**The Minister for Public Health (Prof. Ogeri):** On a point of order, Mr. Speaker, Sir. I am just wondering whether hon. Ojode is right to discuss the conduct of the Speaker without a substantive Motion.

**Mr. Speaker:** Order! Mr. Ojode, I think you occasionally get carried away by your own sentiments. You must be very careful before you point to the Chair, both figuratively and literally like you are doing. I am now warning you not to bring your frustrations to the Chair. I would like to say the following to you, Mr. Ojode: I do not run any Government to implement your Motions. However, I will take the challenge, Mr. Ojode. As the Speaker, I will ensure that henceforth, I will strictly look into every Motion given to me against the provisions of the Standing Orders and the Constitution, particularly the provisions relating to finance and commitment of the Government to expenditure. If it does occur to me that you are asking the Government to tarmac a road in Ndhiwa Constituency whose provision has not been made in the budgetary process, I will proceed to reject that Motion. So, I give you notice.

*(Applause)*

Order! This is not something that is negotiable. I am now telling you, so that you do not accuse the Chair again. Secondly, when you bring Questions, again, look into your Standing Orders and the Constitution properly as far as it relates to taxation and expenditure and ensure that you are within the Standing Orders.

Finally, I wish to advise this House that the Powers and Privileges Committee itself has recognised this problem and it has, in fact, asked the Speaker to be very strict in the kind of Motions and Questions he admits. But before I do that, I will give everybody a time which is called "transition"; that is, between now and the time of the vigorous application of the rule. Within that time, we will also consider what other alternatives can be applied. I think the Powers and Privileges Committee is looking into the Standing Orders. Maybe, they will ask the Standing Orders Committee to do what is done elsewhere by adopting either what you call an Implementation Committee, or a Government Assurances Committee or another similar entity. But for that to work, the Government has to be very careful in how they deal with parliamentary issues. Hon. Members will bring either Motions or Questions that comply strictly with the law and we will be able to move. As I said, I do not want you to jump that gun. I do not want it to be taken as the official position right now, but I think the Powers and Privileges Committee, together with the Standing Orders Committee, will look effectively into that issue, so that as Messrs. Ojode and Mwenje said - and I agree with them entirely - Parliament must be taken seriously. For this to happen, both sides of the House must co-operate. If you ask the Government to move Mt. Kenya and you actually muster the votes to pass that Motion, maybe the Government will not move it. But if it is something that is lawful, it must be done. So, I agree with you. But, please, do not take on the Chair. Respect the Chair on behalf of the House. All forgiven!

**Mr. Angwenyi:** On a point of order!

**Mr. Speaker:** Under what Standing Order?

**Mr. Angwenyi:** Standing Order No.1, Mr. Speaker, Sir.

**Mr. Speaker:** Overruled. Mr. Michuki. Have you finished, Mr. Ojode!

**Mr. Ojode:** Your sentiments are noted, Mr. Speaker, Sir. I was saying that when a Motion on retrenchment was brought here last year, the Government went ahead with the retrenchment despite the fact that the House had already stopped it. Those are some aspects which we should talk of. That is why I was not accusing the Chair *per se*. I was just saying that it is better for you to push the implementation bit so that Parliament will be seen as supreme. In a number of cases, when you want to bring a very important issue to this House somebody runs to court. Later on, you will find that our role is kind of frivolous. It is the duty of the Chair to help us push some of these aspects.

With those few remarks, I beg to support.

**Mr. Michuki:** Thank you, Mr. Speaker, Sir. I want to support this Motion the way it is. It is procedural. Although ten minutes is a short time, one should be able to share with the other hon. Members about the few points that one is able to raise within that period. I want to support the Chair's sentiments and in particular regarding Bills that, by themselves, [Mr. Michuki]

tend to vote money through this House without the proper Appropriations Act. It has in fact become a tradition that the financial orders are broken every time a Bill is brought before this House. I am not sure that the Attorney-General has not done this deliberately because the rules made by the Minister for Finance under the Exchequer and Audit Act require that the assessment of the financial implications of any Bill must be properly stated. I tried to raise this issue in this House during the Seventh Parliament, but I did not get the proper support. Therefore, all I am saying is that it is against the interests of this House that we should allow Bills whose financial implications are not known because *ipso facto* we are voting money against the procedures within the Constitution. That is the point I wanted to make. I would request the Chair to ensure that these Bills---

**Mr. Speaker:** Order, hon. Members! I know we are all very anxious to see one another. Although Mr. Michuki is talking outside the Motion - he was replying to Mr. Ojode - I think he is making very valid points which we need to take note of.

Proceed.

**Mr. Michuki:** Mr. Speaker, Sir, I did not really have much else to say, other than to reiterate the point that it is in the interests of this House that we follow the constitutionally laid-down procedure of voting money in this House, rather than allowing private Members' Bills and Government Bills to appropriate money through the back door.

**Mr. Orenge:** Mr. Speaker, Sir, I was not going to comment on this, but the point made by hon. Ojode is important in respect of Section 30 of the Constitution, which gives this House legislative authority. That authority is only exercisable by Bills. We cannot exercise that authority by any other way. If we put these restrictions on what can be brought through Motions, then we would be taking away a very important function of Parliament. It is through Motions that we can express outrage or approval. That is the reason why a Motion can be limited to two hours, but we can go on discussing Bills endlessly because we are then acting under the authority which has been given to Parliament, which is exercisable through Bills. Otherwise, Motions are just a way of expressing approval and outrage. As you put it very well, we can even pass a Motion that Mt. Kenya be moved to the southern part of Kenya. If the Government agrees to do so, that is their business, but there is no way that this can be exercised because the Constitution only allows us to exercise authority through Bills. Therefore, we have only two hours for Motions, during which we can resolve, express annoyance, outrage and any other opinion under the sun, and as you put it very well, as long as we do not offend the Constitution and the Standing Orders. It should not be lost to the House that Motions may also have authority of law under our systems. There are other jurisdictions where resolutions by the House through a Motion can actually make the Government act on that particular Motion. In our jurisdiction, Motions are a way of expressing the resolve of the House and the mood of the country. That is what I wanted to point out.

**Mr. Speaker:** Very well. I think it is well put.

*(Question put and agreed to)*

#### LIMITATION OF DEBATE ON ADJOURNMENT MOTIONS

**The Vice-President** (Prof. Saitoti): Mr. Speaker, Sir, I beg to move the following Procedural Motion:-  
THAT, the debate on any Motion for the Adjournment of the House to a day other than the next normal Sitting Day shall be limited to a maximum of three hours with not more than five minutes for each Member speaking;  
provided that, when the period of recess proposed by any such Motion does not exceed nine days, the debate shall be limited to a maximum of 30 minutes and shall be strictly confined to the question of adjournment.

Mr. Speaker, Sir, the envisaged practice that is being proposed in this Motion is the one which has been in force. We have had it for quite a number of years, especially when the House does go on recess as we did recently, and on occasions when we have to go on recess for not less than nine days. I do not think I need any cause for advocacy on this. I want to commend the Motion to the hon. Members. It is up to the House to decide whether to continue with the practice or not.

I beg to move.

**The Minister for Public Health** (Prof. Ongeru): Mr. Speaker, Sir, I rise to second this Motion because it is the tradition of this House that, while dealing with this type of Motion, we are able to express very pertinent issues and questions that would portend towards the kind of vocational recess that we would proceed to, as one way in which we take account of each other's problems and issues that we need to express. That encompasses the mood, both of the House and the nation.

As the Leader of the Government Business has said, it is a normal procedure to allow more time [**The Minister for Public Health**] for hon. Members to express themselves while dealing with this type of Motion of Adjournment of the House other than during the normal sitting day. Therefore, I recommend that the Motion is adopted.

*(Question proposed)*

**Mr. Kibicho**: Mr. Speaker, Sir, although I support this Procedural Motion on limitation of debate, when we come here to debate, those of us on this side of the House are disadvantaged because one hon. Member from the KANU side and one hon. Member from this side get a chance to contribute, despite the fact that we have so many parties on the Opposition side. Therefore, within three hours, more KANU Members of Parliament get a chance to contribute. So, I am suggesting that, when such Motion is being discussed, we should not look at the parties, but at individuals who rise to speak on the basis of "first come, first served".

**Mr. Speaker**: Mr. Kibicho, last time, before the House was prorogued, Mr. Ndicho had a very interesting Motion. I do not want to remind him about that, but he had a very interesting Motion. I am not his follower but, maybe, you can contact him.

*(Question put and agreed to)*

Next Order!

## MOTION

### THANKS FOR THE PRESIDENTIAL ADDRESS

**The Vice-President** (Prof. Saitoti): Mr. Speaker, Sir, I beg to move:-

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, 20th March, 2001.

Mr. Speaker, sir, I believe that, it is more fitting before I get into making remarks that I would be making on this Motion to commend all hon. Members here for the manner in which they listened attentively to the Address by his Excellency the President. There is no doubt that the composite manner in which we listened to that Presidential Address went a long way in upholding the dignity of this House.

Mr. Speaker, Sir, in fact, you did recognise that fact when you said as follows:-

"We hon. Members are, indeed, obligated by virtue of our positions to conduct ourselves in a manner in which the decorum and honour of the House are upheld."

This was more than demonstrated yesterday. Mr. Speaker, Sir, indeed, it is my hope, and I am sure all the other hon. Members subscribe to the fact that, in this new Session and, perhaps, for the future, the debate will be conducted here, not on confrontational terms, nor from a point of being recriminatory, but through a careful way of focusing on issues at stake. We should do the best we can to avoid approaching debates from a very narrow partisan point of view. I hope the stand which was adopted yesterday is going to continue and resonate throughout the debate for the rest of the period left for us in this House.

Mr. Speaker, Sir, let me say that the Presidential Address which was made yesterday was, indeed, a very profound statement on matters of public policy. From my own point of view, I wish to recognise the statement as one of the most brilliant addresses by the Head of State that I have listened to here. It touched on very far-reaching issues that are current to our own country today. They were fundamental issues that affect the wellbeing of the people of this

country. The issues which were touched in the Address were: Poverty, the Constitution, the Bills that we are going to address---

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

**Mr. Speaker:** Under which Standing Order are you rising?

**Mr. Ndicho:** Under Standing Order 68(1), on page 28. It states as follows:-

"Any Member may rise on a point of order at any time during the speech of another Member, stating that he rises to a point of order."

Mr. Speaker, Sir, this Standing Order 68 (1) seems to be negated by your ruling.

**Mr. Speaker:** Order!

**Mr. Ndicho:** Mr. Speaker, Sir, I am not attacking your ruling---

**Mr. Speaker:** Order! Order! We use Standing Order 68 (1) if there is anything in the course of the speech by an hon. Member that you want to bring to the attention of the House, but not to go back to my previous ruling!

**Mr. Ndicho:** That is where I was coming to---

**Mr. Speaker:** Order! Sit tight! Proceed, Mr. Vice-President!

**Mr. Ndicho:** Mr. Speaker, Sir, I have not finished.

**Mr. Speaker:** Are you challenging him?

**Mr. Ndicho:** Yes, Mr. Speaker, Sir! But I do not want you to catch me in the foot which you [**Mr. Ndicho**] have already---

**Mr. Speaker:** All right. What is your problem now?

**Mr. Ndicho:** Since the Vice-President is now debating the Motion, he ought to have given Notice of the Motion, allowed it to get seconded, and then the question put, before we come to debate the Motion!

**Mr. Speaker:** Order! Order! Mr. Ndicho, I have a series of questions for you. Were you here yesterday? If you were, the notice of this Motion was given. This was the last thing we did before I adjourned the House. This afternoon, the Motion has come after being approved by me and the notice given yesterday. He is now moving the Motion, and then thereafter, hopefully, there will be somebody to second the Motion. If he is lucky to get the Seconder, I will propose the question and then it will be open for debate! So, you are jumping the gun!

Proceed, Mr. Vice-President!

**The Vice-President** (Prof. Saitoti): Mr. Speaker, Sir, in spite of that interruption, I hope my time will be preserved.

Now that we have come from a long period of recess, I do believe that, with refreshed minds, we shall be able to debate soberly on those very fundamental issues, which are contained in the Presidential Address. The issues are very important and we must address them because they need to be implemented as quickly as possible.

Mr. Speaker, Sir, on issues that were touched upon by His Excellency the President, one of them, for instance, has to do with the economy. I shall begin with the issues of the economy because the economy is the core of the stability of the nation. As the Head of State mentioned yesterday, we are right now, in the process of carrying out important discussions with the two Bretton Woods institutions on how we can bring the economy back on track. It is true that there has been a delay, but the Head of State made it very clear that, there will be no reversal. The approach will be to go back on track. I would like to say that there are those who may say that the Government reneged on its own commitment. But, on the contrary, we all know that the delay was occasioned by a few Bills which, had they been passed, could have created some problems. But much more important, there was the question of the Kenya Anti-Corruption Authority (KACA).

The House was reminded that it will have to address the re-drafted Bills, which will take into account matters related to the Constitution and our own laws. I would like to say that the Constitution is the epitome of the sovereignty of this country. No Constitution can be imposed from outside. Therefore, when the conditionalities come, we should be able to own them ourselves. I have no doubt that we will pass those Bills, so that there will be a continuation of the flow of the resources. On that point, I would like to commend His Excellency the President for the great effort he has put, and the manner in which he has handled our relations with the two institutions. He has made a great effort to meet the President of the World Bank. He has also cultivated close collaboration with the Managing Director of the International Monetary Fund (IMF). Without those efforts, we would not be talking of what we are talking about today.

Mr. Speaker, Sir, let me say the following: We should not be subjected to what I would call "the donor-dependency syndrome." We keep on talking about the donors all the time. For one thing, let us know that the flow of external resources is on the decline. I would like to give you one example. In 1992, the flow of donor resources into Africa stood at US\$92 billion. But, by 1997, the flow was down to US\$48 billion. That is the trend. We have to understand that, however attractive it is that we must continue to rely on donor aid, it will not go on forever. The substitute must be what His Excellency the President talked about. We should open new markets, and that will replace the donor money. We had better get that into our heads.



We must also know that the flow of investments locally will be more fundamental. Therefore, the opening of regional markets, like the one of the East African Community, will be very fundamental. That is where our future is. Our future will be in the regional market of the COMESA. Our future will be on the open windows under the AGOA Act, and the Cotonou Partnership Agreement. That will be the way through which we will be able to approach the bigger burden of addressing the poverty in this country. We shall not be able to solve the poverty problem unless the economy grows. It will not grow unless there is active and competitive trade. Our own manufacturers and traders must be active and competitive. I would like to say that the discussions that are going on with the two Bretton Woods institutions are aimed at assisting this country for the limited period that we will be there, to ensure that we set up an appropriate micro-economic stability framework. That way, we will be able to compete internationally. No one should have any doubts that the times ahead will be very difficult; not just for Kenya, but for the developing countries. We will be part of the global market. We have not been given the choice of either being part of the global market, or not. The choice is simple! You either decide to be part of it, or you are marginalised and doomed to poverty. We must do everything possible to avoid that.

Mr. Speaker, Sir, let me say this: We will [**The Vice-President**] not be able to develop the economy and fight against poverty in a state of civil strife. There must be consensus on our approaches. The consensus starts in this House. We must find out the best way to move forward. When matters of the Constitution come before this House, let us see how we can formulate and agree on a unified constitutional review mechanism. I know that there is a very big debate as to whether there should be a merger of the two constitutional review groups that are there or not. I want to say that the most important thing is to place the country ahead of our own personal ambitions. That way, we will finally come out with a Constitution of the 21st Century, that will serve all Kenyans, and not just individuals or certain sections.

Mr. Speaker, Sir, I would like to say something which is also very important. It was raised here and touched on by His Excellency the President. It was on the East African Community. I believe that the signing of the East African Community Treaty on the 15th of January, 2001, was the greatest hope for the people of East Africa. The people of East Africa are one. We are brothers. We had remained as brothers until sometime in 1977, when the then East African Community broke up due to political reasons. Let us hope that the current East African Community, which has been properly put in place, will remain in place. I have no doubt that it will work. I happen to have served in the defunct East African Legislative Assembly. I know exactly why it failed. It failed because it was not driven by the private sector. We did not have similar economic policies. We did not have the same ideologies. But that is no longer the issue. The most important thing that will come to this House is the fact that we will elect the nine Members to the Legislative Assembly. Those who will be elected to go there will speak on behalf of Kenya, and not political parties. They must be visionary leaders. They must understand what lies ahead.

Mr. Speaker, Sir, the other thing that I would like to say, and I have always said, is: Whenever I speak, I will never leave that subject behind; we should speak about it loudly in this House. We will not solve the problem of poverty unless we address the HIV/AIDS pandemic. The two are inter-related. The HIV/AIDS is a development issue. If we do not solve it, we will have a population which is not healthy. Their output will be much less. The expenditure on the medical treatment is very substantial. I would like to inform hon. Members that today, Kenya is spending not less than Kshs200 million per day on the HIV/AIDS, either on the lost man-hours, or on the treatment itself. So, you have got to solve that problem. If you do not solve the problem of poverty, you will have people who will be tempted to indulge in activities that will expose them to Human Immuno-deficiency Virus (HIV) infection. More importantly, people may not have sufficient resources to enable them have a balanced diet. So, they will be totally exposed to attacks. So, I think it is important for all of us to address this issue, because it is important.

Mr. Speaker, Sir, another issue I would like to address is the several Bills that are about to be brought to this House for legislation. As we have been reminded, these will include the Anti-Corruption and Economic Crimes Bill, amongst others touching on governance issues. Another Bill regards the declaration of personal wealth. Let us understand that these issues are important since they touch on matters of governance. That is the motto today in the world. But, much more important, if we conduct our own affairs in a transparent manner, it will mean that we will reduce the transaction costs of our business. If we reduce our transactions costs, our business people and industrialists will be able to perform their duties properly, and public affairs will go on. This should not be a concern of the Government alone, but rather of all of us. So, I hope that when we come to debate these Bills, we will do so soberly as Kenyans, with a view to identifying the solutions to the problems facing this country.

Issues of governance should not be addressed emotionally, or from the point of view of trying to score a point against our opponents. They must be approached in a rational manner, considering the fact that allegation and suspicion are not evidence. That will be absolutely important in debating those Bills. Another important reminder to us by His Excellency the President is that we should ensure that we do not pass Bills that can be challenged in a Constitutional Court. That should be very important. It is the rule of the law, and we must respect it. We should accept the rulings of

the Constitutional Court. So, it is up to this House to ensure that the Bills it passes do not contradict the Constitution.

Mr. Speaker, Sir, without anticipating debate on it, one of the Bills going to be brought here for further consideration is the so-called "Donde Bill". As we all know, that Bill sought to amend the Central Bank of Kenya Act. We passed that Bill here, but His Excellency the President did not give his assent to it. The President's reasons for not giving the Bill assent are detailed in a memorandum which we are going to look into. As we debate that Bill again, we should understand that Kenya is not an island, but rather part of the global economic order. We should, therefore, understand that we cannot go against what we have already restructured. What is important is that we should ensure that we repair where we see problems. We can, however, not become a closed economy. Access to economic development today is clearly dependent on a

**[The Vice-President]**

country's opening of its own economy. We must understand that fact.

Mr. Speaker, Sir, I beg to move.

**The Minister for Information, Transport and Communications** (Mr. Mudavadi): Mr. Speaker, Sir, I rise to second the Motion.

In seconding the Motion, I will, perhaps, focus on two specific issues contained in the Address of His Excellency the President. Let me, first of all, take this opportunity to join those hon. Members who have commended the President through the media for having come up with a very vital Address in that it soberly laid down this House's programme, to enable this country's economy reverse its current negative growth. It is clear to everybody countrywide that the resultant pressure of the economic depression is punitive to the common man. We need to quickly pool together our material, intellectual and social resources in order to reverse this trend, so that can have some ray of hope, create jobs and provide food to the majority of our people. It is within this context that the sentiments expressed in the President's Address are, indeed, vital, and that they should be given the necessary consideration they deserve by all Kenyans, particularly those charged with the responsibility of either implementing Government policies or making policies.

Mr. Speaker, Sir, as a country, one of the issues we will have to come to terms with is that, at this point in time, the issue of whether Kenya becomes a useful or an attractive investment destination will lie primarily on what is perceived as the political future of this country. This can only be best brought forward through the kind of Constitution we will have, or what will be perceived by both the Kenyan people and would-be investors as the constitutional arrangement that will come into existence.

At the moment, a lot of investors are holding back, because they believe that there is some uncertainty in the future of the country regarding the issue of constitutional debate. It is us Kenyans who will have to negate those perceptions and have the would-be investors look at Kenya in the right perspective. We can only do that if, as Kenyans, we can immediately come together and agree on a unified constitutional review process. It is only through such fundamental signals that we can indicate that we are ready to agree on matters of such importance.

We should, therefore, prove that although we may differ in terms of opinion, we have a common resolve in ensuring that we can have a solution. Therefore, even if we are to bring to order all other parameters relating to normal economic issues, the question of the Constitution will remain a very thorny issue, and will have a major bearing on whether investors are going to come to Kenya or not. So, we should not under-estimate this issue at all.

I would like to urge all hon. Members who are going to contribute to the debate on this Motion to put this aspect into perspective and ensure that all the efforts that we put through, whether in this House or out there, can go towards encouraging all Kenyans to accept that we must now have a common constitutional review process, so that we can embark on the exercise without any further delay. Otherwise, the whole process of us talking about economic recovery may not be seen until a much later period.

Of course, there are some legislative aspects we are going to deal with, as outlined in the President's Address. But I think it is important to echo the comments made by hon. Saitoti, that Kenya is not an island. What has been happening in terms of changes within the global economy, which are well known to very many people, is that no country now is going back to a controlled price regime. Every country, be it from the old Eastern or Western blocks, is moving very rapidly towards market-oriented economies and policies. The Parliaments of those countries are, indeed, facilitating that process in this transitional period. What seems to be happening in our country, and this is what we need to guard against, and this House needs to look at it very critically, is to ensure that we have a legislative agenda. We seem to have an agenda that seems to be taking Kenya backwards into a regime of price control, and one that negates market forces. Mr. Speaker, Sir, it is true that market forces may not be perfect, but if we will have a legislative agenda, we should look at methods and ways of mitigating against the negative aspects of a liberalised set-up, but should not negate it in totality. This is because trying to negate it will be sending a signal that Kenya, as an investment destination, is a destination that will reverse economic policy, and is not a destination where one can invest comfortably. We are on a road that is bringing back a controlled price regime. We are on a path that will stifle entrepreneurship and make it

extremely difficult for the genuine forces that drive entrepreneurship to thrive. This is a very fundamental point because one of the issues that was not on the agenda, even with the Bretton Woods Institutions, was that which related to interest rates. That was never an agenda, but it seems now to have become an agenda that this country has got to grapple with in the context of an added conditionality. Throughout debate and legislation, we seem to be sending signals that we are heading back to a price controlled regime. We know very well that a price controlled regime will not function. We may provide short-term reprieve, but the truth of the [**The Minister for Information, Transport and Communications**] matter is that a price controlled regime will not function; it will only distort the broader economic picture which will come out and be reflected within a very short time. So, we need to have a holistic and comprehensive approach towards tackling Kenya's economic problem. We should not try to focus on targeted intervention in only one segment, or a given area which will provide some temporary illusion, that, indeed, a solution is being found, when in reality it will not be.

Mr. Speaker, Sir, we all know very well, and stories abound about this, that when there was a price controller, everybody was hovering around the offices of the price controller because they thought that they had some way of influencing some adjustments, so that they could make windfall gains in various commodities. We need to eliminate those stations which ordinarily are called "rent seeking stations" within our set-ups. We need to make sure that we can make, as much as possible, our economy self-propelling and avoid a situation where we will give a few individuals within our public enterprises and key Government positions, an opportunity to use their offices for leverage for personal gain. This is a point that comes out of this Address, and we need, as a House, to safeguard that and ensure that Kenya is not seen as a country that is out to start reversing economic policy when the trend all over the world is that of promoting market economies. This was even echoed by some of our diplomats, who said that it could negate our ability to start penetrating American markets and other markets. So, we must make sure that we do not revert to a price controlled regime.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. Kibaki:** Mr. Speaker, Sir, I rise to support the Motion and agree that the thanks of this House be recorded for the exposition of whatever has been stated in this generalised statement.

The President said in his Address yesterday that Kenya has had stability and virtue, because during these last so many years, there has been observance of the rule of law. That would have been wonderful if it was true. But one thing we know, starting from the hon. Members of this particular Parliament, is that we are not allowed to enjoy our freedom. It is not true to say that the Government observes the rule of law. If hon. Members of Parliament cannot enjoy their freedom, which other citizens are enjoying their freedom? There are none. The starting point, if we are to take this Address as a serious statement of intention to act, is to allow hon. Members of this Parliament to enjoy their freedom. This is freedom to travel, hold meetings, Harambees and freedom to go wherever they want to go in Kenya, so long as they are not breaking any law. But we know that this Government organises to disrupt our meetings. It organises to go to a constituency and attack an hon. Member inside his constituency and declare him a fellow who should not be supported in his own constituency. It rallies the whole Government, using public resources, to go and attack one hon. Member of Parliament for no known reason.

*(Applause)*

This is a total disgrace. It shows a Government without a sense of direction and people who do not even know the responsibility of being Ministers. How can the role of Ministers be to fight their fellow hon. Members of Parliament? That is not known anywhere in the world, and it is not something done by any civilised Government, particularly using public resources.

Mr. Speaker, Sir, the rule of law is not being observed. We have had massacres five times, of members of one small community called Marakwets. What have they done to deserve that everything be organised against them? The Government is truly allowing those massacres. It is abetting and facilitating those massacres. This is the truth because the Government has stationed armed forces there to maintain peace, but they do not take any action when that community is attacked and so many people are killed. They begin to pretend to be acting seven hours after the massacre, and after 3,500 animals have been stolen. These animals are moved almost 70 kilometres over the hills and yet the army and the police, with their helicopters, cannot see them being moved away. That place is dusty and one can see the livestock moving, and the dust, wherever they are moving. The armed forces, the police and the Minister for Internal Security remain quiet until the livestock have been taken away. They are abetting and allowing this to happen. This is deliberate.

Mr. Speaker, Sir, when the Minister comes to reply to this debate, he should tell us openly what the Government

has against the Marakwets. Why do they want this community to be finished because they were disarmed, but their neighbours who have been perennial antagonists were not disarmed? Indeed, they were further armed under the pretext that they needed AK-47 rifles for their homeguards and then they continue to kill their neighbouring communities using the same weapons. I would like to point out that they do this without any action being taken against them. These people will continue doing this without any action being taken against **[Mr. Kibaki]** them. They attacked the Samburu, who are their neighbours, and no action has been taken. How can we say that the Government is serious on security or maintaining peace in this country? We want action to be taken against these culprits. I would like to point out that words mean nothing, but action speaks a thousand times louder. Indeed, that is what we are saying. Therefore, can the Government guarantee this House the freedom we are talking about? Can the Government also guarantee all the communities, wherever they are, security without discrimination, and then we shall know that they are serious? That is what we are asking the Government to do.

Mr. Speaker, Sir, the day before yesterday, the President, while speaking at Kandara, talked about some money being voted by the European Union. This money is called "STABEX" and it amounted to Kshs6 billion. I would like to say that the money was voted seven years ago. This money was donated to Kenya seven years ago, to be handed over to coffee and tea farmers. I would like to inform this House that the money was not disbursed at that time, and it has not been disbursed even today. Any sensible person would literally shed tears to know that these people are poor and they were assisted because they needed help, but the money was not disbursed. Why has this money not been disbursed? There is no reason that has been given except one, which has been given secretly, that those who will benefit immediately come from a particular region which the Government wants to discriminate against and they are still fighting.

*(Applause)*

This is a fact. If anybody here has any other reason why they would keep this money, which was donated free by the European Union, for seven years without handing it over to the farmers, for whom it was voted, let him say it. Let the person give us the reason why the money has not been disbursed. There is no reason why this money has not been disbursed to the farmers. We are saying that they are disputing who should get what share although the money was meant to assist the farmer to revive his coffee. Let them give the farmer the money to buy fertilizer and apply it on his piece of land; let him take care of his coffee trees and then we can know that the Government is serious. Right now, the Government is still disputing that fact. I would like to inform this House that the European Union has already told us what is delaying the release of the money. We would like the Government to show this by action.

Equally, the Government wants to reduce poverty in this country. When the Government wants to reduce poverty and it has a sugar belt in Kenya, which was very prosperous and becoming more prosperous---

*(Applause)*

Sugar has a permanent market in Kenya. There is no shortage, but the Government deliberately allowed importation of sugar duty-free. I would like to say that the people who import sugar into this country do not pay tax for it.

**An hon. Member:** Shame!

*(Applause)*

**Mr. Kibaki:** Mr. Speaker, Sir, I would like to say that because they do not pay tax for the sugar they import, the Treasury does not gain anything. These people destroy the farmer and without shame, stand up and say that they are trying to reduce poverty. Who will believe them? How can they reduce poverty when they allow the person who was prosperous to become poor by allowing importation of sugar so that a certain company and groups of people who are favoured by the Government may make millions? Nobody will believe you. We will believe you when you change your actions. Why can the Government not stop the importation of sugar into the country? Mumias Sugar Company, which was very prosperous has got 30,000 tonnes of sugar in stock. This sugar is worth more than Kshs1.5 billion. If we wait for another two months, this company will have sugar worth more than Kshs5 billion. Think of a company with stocks worth more than Kshs5 billion, which is more than the capital of the company; more than anything that they own. Above all, which bank will continue to finance stocks worth Kshs5 billion? Who will pay the interest? They want Mumias Sugar Company to collapse. They are telling those people, including those in other areas, that they are trying to reduce poverty. Who would believe them? There is nobody who would believe you. I would like to say that we are looking for the necessary action, which is there. These are the things we are pointing out. I would like to say that they are destroying the sugar sector deliberately, and hundreds or thousands of families will be poor, when they are "cheating" us that they

want to improve their welfare and reduce poverty.

Mr. Speaker, Sir, the Mwea farmers are rice producers. I would like to point out that the mill is owned by both the farmers and the National Irrigation Board of Kenya. I would like to say that the mill has been closed for three years and the farmers have nowhere to mill the rice they grow. So, the farmers have been forced to buy a new mill. Is this not criminal? What is criminal? This is a criminal action by the Government. I would like to inform this House that the Ministry of Agriculture, **[Mr. Kibaki]**

Livestock and Rural Development closed down the mill for three years and the farmer is unable to use it and yet, he owns half of the shares and has been maintaining the National Irrigation Board of Kenya through the levies. This is a criminal action by the Government and we ask for a change, because those people could be richer if they could mill their rice immediately and sell it. Why do they want the factory to be closed down and yet the farmers are there? What pleasure do they get from it, or is it that they only want to promote the importers of rice? Is this a Government of these traders or is it a Government of the people of Kenya? Obviously, this is a Government of those few traders. How else do they want us to take these things? I would like to say that the only way to reduce poverty is take action on our road infrastructure.

There is a meeting which has been called this coming weekend to deal with the problem of the Kenya Co-operative Creameries (KCC). I would like to say that the KCC, of which I am a member, is a company which belongs to us, the farmers. I would like to inform this House that I bought my shares in 1965. The assets of the KCC have been taken over by a small company called "The KCC 2000 Limited", which has been registered by a few individuals. These individuals will tell farmers on Saturday that they have taken over the company in order to save us, the farmers, who are owed money by the KCC. They will also tell us that, we, the farmers should buy shares in a new company which is being created and yet, the assets we are being told to buy are ours. These assets were bought with our money.

*(Applause)*

I am a farmer and I have been deducted those levies, which were used to pay the loans which were used to build those factories all over the country. How can I buy what already belongs to me? Who is this person who took over the company, so that he may sell it to me again and make money? Who authorised them to go and negotiate with Nestle of Switzerland? This is what they have done. They want to give Nestle 40 per cent of our assets, which were put up by peasant farmers, who have remained with one cow. They want to sell that company to the largest multinational company which deals with food, and say that they have already began. There is enormous corruption. Perhaps, more remarkable is that the company which has been secretly registered, as we are told, has already negotiated with the Capital Markets Authority to allow it to become a public company, to sell shares and everything else in the Nairobi Stock Exchange, and yet the Capital Markets Authority is supposed to follow the law. I would like to say that they have not even checked to find out when those directors were elected by the owners of the assets, which they now want to sell in the open. There is no time when this happened. I would like to say that corruption is taking place and crime is being committed.

Mr. Speaker, Sir, we want the Government to stop destruction of forests in the Aberdares, Mt. Kenya, Mt. Elgon, Mau and other places because this is destroying the rivers on which we all depend. They are cutting down trees everywhere. It is surprising that the President and Government Ministers stand up and talk, pretending that there are some strange people who come from Heaven to cut the forests. The Government is complaining that it is incapable of stopping people going to cut down trees in Mt. Kenya Forest. What Government could we have? It is not true. It has come out in the open that the Government is authorising the destruction of forests. They want to degazette large tracts of forests. It is a shame. Internationally, we have been recognised as a "Government of looters". It is an international recognition. The statements were made in the exhibition at Berlin, where we might have been given some recognition for conservation of the wildlife. The reward was withdrawn because everybody who spoke said the Government has turned out to be a Government of looters, and if it was given an award this would have been misunderstood to mean that they were promoting destruction of forests. It is a statement that was made by the international community who recognise us for what we are.

Mr. Speaker, Sir, for this economy to recover, truly, the Government must not allow the interest rates to go back to where they were. We saw the misery which befell this country. When we are making statements that we want the economy to recover and we are still refusing that some little controls on the banks should proceed, then we do not mean it. We are only speaking two languages; that is, if you meet the bankers, you please them. Two, when you come here, you tell us something different. Have one face and not three faces. Just stay with one face and we shall be respected. Nobody can go on telling us lies that the economy will recover so long as the interest rate is allowed to go that high. We shall not recover. It is a fact of the matter.

Mr. Speaker, Sir, I agree entirely with the statement by the Leader of Government Business that all of us must join in fighting HIV/AIDS and above all, in informing the public. That is why we have formed constituency AIDS committees. But the problem is not that; the problem is that we have a National AIDS Council in the Office of the

President. The World Bank and other donors have told us that they voted money; where is it? Why is [Mr. Kibaki] it not being given to these constituency AIDS committees which have been formed? What is it waiting for? As far as we hear, there is no way of stealing that money. I am sure that is where the game is and that is why the Government does not even want Members of Parliament to be in those committees in case they are exposed, or they do know the truth. But could we be told why the resources are not being released when billions have been voted? Let us get the money. There is no point talking about it when the resources are lying idle. Let the Government take action on this particular matter.

*(Applause)*

Finally, Mr. Speaker, Sir, I said one time here that there are people roaming around the country who are not the regular police, and they are controlled by some other institution. We have a parallel system of security. The Minister should agree that there is a parallel system of security. I think one line does not report to the Minister. I am sure the insecurity Kenyans are experiencing is because of that structure, which is terrible.

With those few remarks, I beg to support.

*(Applause)*

**Mr. Angwenyi:** Thank you, Mr. Speaker, Sir, for allowing me to contribute on this important Speech by His Excellency the President. The President made certain pronouncements and if they are implemented, then this country will see light at the end of the tunnel. Like the previous speaker said, this Government makes policies that they never ever mean to implement.

Mr. Speaker, Sir, let me talk about insecurity in the country. Where I come from in Kisii, we have had a series of murders for the last six or seven months. None of those murders has been investigated and culprits brought to justice. It is as if we do not have the CID or the National Security Intelligence Services (NSIS). It is almost as if we do not have a Government. Last weekend, I attended the burial of a lady councillor who was tortured to the extreme. When her husband, who is a senior police officer, went to make a report at a police station in Kisii, they did not want to attend to him. The people who tortured this lady to death were having a G3 gun. We all know in Kenya that G3 guns are only owned by the security system of the country. These are big guns which are used to kill elephants. That is the gun which was used to kill that lady and yet, the Government cannot find out where that gun came from or who owned it in the security system. The other day, a young boy of 12 years old was again gunned down by a police officer using a G3 gun. As I stand here, that police officer has not been arrested. Then, we say that we are going to attract investors, both local and foreign, to a country where a person is gunned down by a police officer and that police officer is never arrested!

Mr. Speaker, Sir, we are saying that we want to eradicate poverty. Three-quarters of the country is semi-arid and arid, and we have pastoralists living there and they cannot find a market or a processor for their livestock. The Kenya Meat Commission (KMC) requires only Kshs500 million to be revived, but the Government does not want to spend that money, so that they can assist pastoralists to find a place where they can slaughter their animals in case of drought, or where they can sell them. Could our Government begin to be responsive and react to the people's needs?

Mr. Speaker, Sir, when you see a Minister holding a Press Conference and saying that they are going to degazette 200,000 acres of forests in this country whether or not Kenyans want that without seeking their opinion, that Government is not responsive to its people who have elected it. When you degazette those forests, you affect every citizen of this country. When we fail to get electric power, you affect everybody in this country. When we fail to get water for our consumption, you affect everybody in this country. When we fail to get rain for our crops, you affect everybody in this country. Before taking that kind of action, you must seek the opinion of every Kenyan and take it into account. But our Government does not want to listen to that. I sympathise with our President because he would listen if he was told about that, but his Ministers would never want to tell him. If they were to tell him, I am sure he would not want that kind of action to be taken.

Mr. Speaker, Sir, the Leader of the Official Opposition has talked about STABEX funds which were donated to this country. In fact, the money was not donated seven years ago, but 10 years ago. That was the time when this country was under a one-party system. But when the multiparty system set in, those funds were blocked from being utilised because the majority of the areas that would have benefitted fell under the Opposition zones. So, we have got a Government which discriminates against people because of their political views. I would not be surprised to find that the sugar belt is being destroyed because it happens to be basically in Opposition areas. Sometimes, I take cognisance of facts. For example, even the Kenya Co-operative Creameries was destroyed a long time ago, and the milk producers come from KANU strongholds. They do not have anywhere to go and sell their milk. Their assets which are worth Kshs5.5 billion are [Mr. Angwenyi]

going to be sold out this weekend. It is the work of this Government to facilitate the work of our farmers and be responsible to the people who have elected it.

We have talked about the need for this House to carry itself with dignity. What kind of dignity are we talking about when an hon. Member is clobbered in the streets by a police constable or a police recruit? What dignity are we talking about when you cannot be allowed to hold Harambees and functions in your own constituency for the people who have elected you? Could our Government for a change, begin to respect this House and its hon. Members? I thought if an hon. Member is committing an offence, then he or she should be allowed to go and write a statement at a police station. If they want to arrest him or her, they should allow him or her to have his or her lawyer with him or her but not to clobber him or her with rungs. In fact, sometimes, they clobber hon. Members with gun butts.

Mr. Speaker, Sir, as you enhance the dignity of this House, you must talk with other branches of the Government, so that they respect hon. Members as they go about their business. We must obey and follow the rule of law by allowing people to express themselves and move around freely. The other day, somebody talked about separation of powers. I do not think we have separation of powers in this country. If we have got separation of powers, then, one branch of the Government would not insult another branch of the same Government. As we stand here today, the Executive can dissolve this House tonight, and yet we say that there exists separation of powers. The Executive appoints judges, another branch of the Government, and we say that we have got separation of powers. It is good the President said that we must re-look at our laws and Acts. Maybe, we can synchronise and harmonise them, so that we have a true situation of separation of powers, and we can take care of our parliamentary calendar and affairs. Similarly, the Executive and Judiciary can take care of their affairs. The appointments in the Judiciary must be ratified by this House in order to make them truly independent of the Executive.

Corruption has moved from Government departments to the Judiciary. Today, you can buy injustice. I can stab you today, go to court and you are arrested, instead of me being put in because corruption has moved from Government departments to the Judiciary. I think it is high time this House sat down and looked at our judicial system because if we do not do that, then, people are going to take the law into their own hands and commit offences for which they would not be imprisoned or penalised because they can buy injustice. As the Powers and Privileges Committee works out on our affairs, I hope they will seek opinion from hon. Members as to what they want to be amended in the Powers and Privileges Act. Instead of seeking opinion from the general public as you indicated in your advertisement, please, first seek our opinion before you amend any Standing Orders and laws governing this House.

With those few remarks, I beg to support.

**Mr. Speaker:** Just before I give a chance to hon. Raila, I would just like to correct the wrong impression that was given by the hon. Member, Mr. Angwenyi. In fact, in that press conference, I asked for memoranda to be submitted to the Powers and Privileges Committee. I also asked hon. Members themselves to give us either memoranda or appear in person before the Committee. I am informed by the Clerk that a circular has been sent to all hon. Members. That notwithstanding, hon. Angwenyi, I think the Kenyan people also own this Parliament and we must hear them as well. Do not worry about discipline; you will not die if you become disciplined.

**Mr. Raila:** Thank you, Mr. Speaker, Sir. I would like to begin by making a few remarks about the Presidential Speech, regarding the constitutional review process. The President did urge this House to speed up the process of passing the Constitution of Kenya Review (Amendment) Bill, so that the very important process of reviewing our Constitution can begin. I want, in this regard, to congratulate the Democratic Party of Kenya (DP) for having accepted the terms for the merger of the two review processes. In doing so, the DP has shown a sense of patriotism; that they can disagree on principles, but when conditions change, they are willing to review their position. I have always held the view that the Ufungamano Initiative was a genuine attempt to find a solution to the stalemate that dogged the constitutional review process; that whereas some were trying the other side, we were also trying this other side. I have always expressed the conviction that, ultimately, we were going to come together as Kenyans. This is now almost being achieved with the DP agreeing to join the merger process.

*[Mr. Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, I would like to caution about what has been said time and again, about liberalisation. There is a view somewhere outside there that liberalisation is a panacea to all our economic problems. I hold the contrary view. If that were the case, there would be no need for quota systems that have existed for a very long time in the developed economies. When we have a quota system imposed on our coffee, tea [**Mr. Raila**] and other goods which are not produced in those countries, it is not because they are trying to protect their own markets.

We, as a country, must first look at the interests of our own people. Nobody wants to turn back to the regime of controls that we discarded some years ago. But if the players in the market refuse to play by the rules of the market; by allowing the market forces to determine allocation of resources, then, we must tame them by introducing certain regulations. If certain multinational corporations go and form themselves into a cartel with the sole purpose of exploiting our people, it is the responsibility of the Government of the day to take action and ensure that people are protected against exploitation by multinational corporations. We are not talking about going back to price controls; we are trying to introduce regulations, so that all the players in the market behave responsibly.

The state of the sugar industry in this country is sorry indeed. Most of our sugar companies that are still functioning are operating almost below the market range. This is because of liberalisation. We have allowed ourselves to enter into certain agreements resulting in dumping of cheap sugar into our markets, for which no duty is paid and this is actually killing our sugar industries. As it has already been said, Chemelil, Nzoia, Mumias and Sony which are the only functioning sugar factories are limping. However, the saddest thing is that Miwani, the oldest sugar factory in our country, is now closed and the same goes for Muhoroni. These two factories are closed and economics made in the World Bank and IMF says: "Look, these factories are inefficient, the production costs are too high and that is why our sugar cannot compete against imported sugar from the other COMESA countries; and so in order to reduce our production costs, close some of these factories and expand some; close Muhoroni and Miwani so that we expand Chemelil." That kind of economics does not look at the farmer's interests. What is going to happen to that farmer in those far-flung areas, that is Zones "E", "F" and so on, who will end up getting nothing at the end of the day? How are we going to fight poverty if the farmer produces cane, supplies it to the factory and at the end of the day he gets nothing? Farmers in these two factory areas have not been paid for their cane for the last two years. They have produced the cane, supplied it to the factories, it has been milled, the sugar has been sold but the farmers have not been paid. Something ought to be done urgently.

Mr. Temporary Deputy Speaker, Sir, recently we lost 54 people in Embu Town in an incident which would actually qualify as a murder. These 54 people died because of consuming contaminated water from the Rupingazi River. This was because the local authority in Embu Town was discharging sewage into the river. This is something that should never be allowed to happen because it amounts to murder of innocent Kenyans. I want to say that whereas the 54 people in Embu are already dead, we are here in Nairobi City sitting on a time bomb. This is because a similar incident to that one of Embu is imminent in Nairobi, with much graver consequences, because if it begins here, we are going to lose not 54 people but thousands of people. This is because the City Council is incapable of providing the services for which the residents of this city are paying money. Why do we have water rationing in Nairobi? The reason given for water rationing for the last six months was drought which led to water shortage. After heavy rains in December, January and February, water rationing still persists in Nairobi. Why? This is because the Nairobi City Council has not taken measures to protect the water supply system to the City and only 40 per cent of the water that is treated in the treatment works of the City Council ends up in the city; 60 per cent of the water is being used to irrigate lands outside the city boundaries. The roads in our City are in a sorry state. Some of them have got potholes large enough to accommodate dead bodies and nothing is being done about it.

Mr. Temporary Deputy Speaker, Sir, therefore, whereas I am directing my searchlight to that side, I also want to bring it to this other side. In the multiparty era, when local authorities are under the controls of certain political parties, the political party that has majority of councillors must take responsibility for the management of that authority. When things go wrong, then that political party must also take the blame. In Nairobi City Council, more than 50 per cent of the councillors come from the Democratic Party. So, I want to urge Democratic Party to see it as their responsibility, like we have done in Kisumu.

Mr. Temporary Deputy Speaker, Sir, the NDP decided to take the responsibility in Kisumu Town and I am proud to say here that Kisumu today is the cleanest town in our country. We have water, no potholes, the water is flowing in the taps and we are dealing with the issue of the sewerage. So, we would like the DP to tell us where the Central Government is interfering. Let them tell us today if it is due to interference by the Central Government. However, if they cannot come out and tell us that it is interference by the Central Government, then they themselves must take responsibility when their councillors are grabbing land in the town, garbage is not collected and the town is filthy and when the sewerage bursts. They must be able to accept the responsibility.

Mr. Temporary Deputy Speaker, Sir, finally, recently the visa system was re-introduced. I would like to caution the Government---

**[Mr. Raila]**

With those few remarks, I beg to support.

**Dr. Anangwe:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to make my Maiden Speech from the Back Bench.



*(Applause)*

I wish to reassure the House that I am part and parcel of this House. I intend to take an active and vocal role. I will move Private Members' Motions, ask Parliamentary Questions, contribute to debate and vote with KANU on the Government side. I know when a Member of Parliament is placed in a predicament like mine, there are those who think that "here is a foot-loose Member" and a catch. I am not available. On a light note, may I draw your attention---

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

**Dr. Anangwe:** It is a Maiden Speech. On a light note, whereas ordinarily we tend to think there is a Front Bench and a Back Bench, I do realise on coming to the latter, that it has also been appropriated on a regional basis and so I had to take a lot of trouble trying to find space for myself.

Mr. Temporary Deputy Speaker, Sir, let me come direct to the Speech by His Excellency the President and say that it had the right thrust in terms of the issues that it raised. This is because these are issues which concern all of us as Kenyans. They are issues related to the slow growth of the economy, regional integration and globalisation, legislative agenda as well as constitutional review.

Mr. Temporary Deputy Speaker, Sir, the issue of slow growth of the economy is a matter of concern to everyone. It has to be a matter of concern for all Kenyans and hon. Members. Therefore, it should not be seen as the responsibility of the Government alone to bring economic growth back on the right track. This is largely because, unless we correct things now, we will all be in big trouble. Unless things improve, we risk having a stagnated out-put of the economy, deterioration in financial market, currency depreciation and capital outflow to foreign countries. Therefore, as the hon. Member for Butere, I would appeal for concerted efforts on the part of everyone here, notwithstanding the party to which one belongs, to make a contribution in terms of solutions and commit our constituents and ourselves as individuals to finding the right solution. Most of the issues which confront us in relation to the economy will need our concerted efforts in line with what the President said. I am sure if we all work together, we should be able to find the right solution.

Mr. Temporary Deputy Speaker, Sir, on the issue of no growth rate, I know the Government has put in place strategies and mechanisms, but they have not yielded dividends. When you apply a solution and you do not find the right response, it is really necessary for one to re-examine whether or not that particular solution is yielding what it ought to have yielded. It is high time we went through a process of rethinking in terms of strategies. I know the Government has put in place strategies in terms of gross investment. It has already said that it would like to improve gross investment from 16 per cent of GDP to above 25 per cent. However, within these strategies, the Government does not seem to streamline the role of public investment. Much of the responsibility is being placed on private investment in terms of both indigenous and foreign-directed investment. I think that is where we may be going wrong. Regarding indigenous investment, although we have put emphasis on this particular aspect, I would like to caution the House that indigenous investment in this country is only a small part of the total investment that we need to mobilise. Indeed, at Independence, we did not have a full fledged indigenous capitalist establishment. We did, of course, begin to develop it after Independence. However, it has not been nurtured to an extent where it can take up the responsibility of being the motor of investment in this country.

On the issue of direct foreign investment, I have always argued, and I will still argue, that a foreign investor will not come to our country unless the climate itself is good and already there are proceeds to be yielded. Foreign investors are like vultures who come in when the kill has already been made. They do not participate in creating wealth. They only come in to benefit from the wealth itself. So, in spite of the conducive economic environment we have put in place, still the response from direct foreign investors has been very poor. This is largely because they only come to benefit when they see that wealth has already been generated. Therefore, the responsibility to generate wealth falls on the indigenous capitalists themselves or the public sector. I see a role for the public sector because it is in harmony with the normal economic development theory. I know many of our development advisers have discouraged us from increasing the public expenditure or giving a role to the public sector in economic development. I disagree from a purely academic point of view. This is because there is no country in the world where the public sector, and even public investment, does not play a role at all. Secondly, given the level of our development and nascent nature of the private sector, we may not go far. That solution may be relevant to other developed countries where the private sector is fully-fledged. But here where it is not fully-fledged, that would be the source of our problems.

**[Dr. Anangwe]**

Therefore, I am not saying that we must increase public investment in order to crowd out the private sector. It is a question of what combination and which forms of private investments we should adopt. Here, in particular, we should encourage public investment in infrastructure and provision of public services such as education and health. This could provide a motor for change, particularly if this public investment is large enough to warrant changes in the way the economy is performing.

I know that in the past we have placed a lot of emphasis on aid from our development partners. But there is a limit to which this particular approach to development policy can yield fruits. We have case studies conducted, where donors have been active for the last 20-30 years, but there is no single case that succeeded in uplifting people from below the poverty line to above the poverty line. In fact, cynics would tend to suggest that in many cases people have become poorer because of their dependence on foreign aid.

Mr. Temporary Deputy Speaker, Sir, on the legislative agenda that His Excellency the President did present, I would like to emphasise on one aspect of the Sugar Bill. It is a matter of interest to my constituents and most people from Butere/Mumias District. For us, sugar cane is a matter of life and death. Our people cannot go to schools, hospitals or even buy food without the earnings from the sugar cane. So, we need to improve our returns and protect the earnings of the farmers. We also need to improve the profit margins so that these farmers can move away from poverty. As things now stand, we seem not to have made much difference in the poverty levels of our people in that particular district. Most people have planted cane since 1973 in Butere Mumias, but if you go and ask them what gains they have made in terms of their general welfare, they cannot tell you. They are kind of engaged in market subsistence in the sense that, instead of producing maize itself, they have to produce a certain cash crop called sugar cane so that with the proceeds, they end up buying the same maize. They are not able to generate any surplus that they can invest in farming activities and in big buildings, among other investments. If you go to Mumias, many of the large investments are not by indigenous people, but by people from outside who have brought in their money, so that they can take advantage of the opportunities available. We want a fair deal for farmers in Butere/Mumias District.

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

**Mr. Donde:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me time to say a few things on the Presidential Address. We are not being paid a better. On a day like yesterday, we normally expect to hear the Government programme which will have to carry us throughout the year. I know most hon. Members, and members of the public, were waiting to hear what programmes the Government has for them to uplift their social and economic welfare. I would like to start by saying that the biggest problem that we have in Kenya is failure to observe our own laws. This has gone on for such a long time that it will be difficult to bring this country back to order.

Mr. Temporary Deputy Speaker, Sir, I remember the time when my father first brought me to this City in 1956. I was eight years old then. We came by train and when we reached Nairobi we went up to where my father stayed in Kaloleni. During that time you could not even allow your dog to roam. Every dog had a collar on which its number was written for example, 1582. The name of the dog's owner was also written, for example, Joe Donde. If that dog was found roaming in the streets, they would look at the collar to see the name and number, then they would come to you and ask you why you left your dog to roam in the streets. If that dog did not have a permit, it would be exterminated. You could not see people preparing food without a public health officer coming to ensure that the food was prepared hygienically. These were simple by-laws of this country which made life easy and people lived in a clean and healthy environment. Currently, this is not the case.

If you have a country where simple by-laws are not being observed, it will be difficult for people to observe the laws given in the Constitution. I would like the Government to take this seriously. The Government has totally lost control in keeping order in Nairobi City. You will find that the City Council and the Ministry of Local Government are allowing people to set up cooking places anywhere. As a result, poor Kenyans go to eat in these places and they end up having very many diseases. If we want to preserve order in this country, we must start by observing the by-laws of local authorities and the laws of this country as given in the Constitution. I would urge the Minister for Local Government to try and sit down with the local authorities so that we can see how we can bring order into our towns.

A long time ago we used to wake up in a clean City. The City Council would make sure that the city was clean the whole night. When Nairobians woke up they went into a clean City. These days nobody bothers to keep this City clean, to collect waste or about public health. People are just left to their own devices. We are entering a very dangerous era. As the towns become crowded and the local authorities lose order, it will be very difficult to restore order in this country unless we start to observe the laws of this country now, so that we can raise healthy families.

**[Mr. Donde]**

The security of this country has been the concern of most hon. Members. The police, in whose hands security has been entrusted, are not being paid properly by the Government. I would ask the Government to try and see how our police officers can be paid better salaries. You cannot pay a policeman Kshs4,000 a month and expect him to deliver proper security to the people of this country. I would urge the Minister in charge of security to look into the issue of the police. I am sure the House would be too happy to pass the Budget which will make sure that the police are paid well so that they can do their work properly and secure our homes and streets. It is important that we look into the issue of better salaries for our policemen who are given the responsibility of keeping order.

I would also urge the Government to look into the retirement age of Kenyans. At the age of 55 years, people are too young to be retired. I am nearly 55 years old now. If I was working in the Government I would retire in the next

couple of years. I would urge the Government to increase the retirement age from 55 years to 60 years, the way the Parliamentary Service Commission has done. At 55 years, a lot of people still have families to look after and they are still responsible for ensuring that their children have finished their education. I would urge the Government to increase the retirement age to 60 years so that people can retire at a time when their children have attained a level of education that can sustain them through life.

I would like to speak on the issue of money which people have kept abroad. We have been urging them to return that money to this country so that we can build up the economy. We know some people have kept the money outside and we would like to encourage them to bring that money to this country. If nobody has complained that they have lost any money outside Kenya, it is unfair for the Government to deny a person access to his money without any proof that it is drug money. Let us encourage Kenyans who have money outside to bring it back. This is what we have been saying for a very long time because we know a lot of Kenyans have money outside. Let them be allowed to bring that money back to this country to ensure that the economy grows, whether they got it illegally or not. Let us not frustrate people who are bringing money into the country unless we have proof that, that money was acquired through illegal deals. If we start putting impediments in the way of people who are bringing money into this country, those with money outside will find it difficult to bring it back.

Let me talk about agriculture. In Kenya we seem to forget that agriculture is the backbone of any economy. The European Economic Commission (EEC) was established to deal with problems afflicting the agricultural sector. Seventy per cent of the EEC put emphasis on agriculture. We are pretending here that we can leave our farmers on their own to compete with other farmers from outside. It is not possible. I would urge the Minister for Agriculture to come up with a programme on how we can support agriculture in this country. There is no country in the world which does not subsidise agriculture. Let us make sure that our farmers have seeds and fertilisers. We should help them through the entire production process until they can grow enough food to sustain this country. Let us not pretend that we can liberalise the agricultural sector and leave farmers on their own. It has never happened anywhere and, therefore, it cannot also happen here.

Let us wake up and make sure that we look into agriculture as the only way in which we can sustain this country and make us move forward. I would ask the Minister for Agriculture to try and see if he can set aside money to help the farmers of this country. I am sure this House will have no problem at all passing their budget because we have only two key Ministries. We want a healthy family. We would like the budget for keeping a healthy family and the one for agriculture to be as large as possible. We can take a little money allocated to other sectors and invest it in agriculture and health because without a healthy nation we cannot advance. As a Member of Parliament, I am aware of the high rate at which we are burying our fellow Kenyans because of poor health and because they do not have access to medicine. The Ministry of Health is not sparing enough money to improve the health of the nation. I would urge the Minister for Health to come up with a programme where we can have sufficient money to take care of the health of Kenyans. I am sure that all Members in this House will be too happy to make sure that, that money is made available so that we can have a healthy family. Given the high rate at which Kenyans are dying, the future of this country is very bleak. It is important that we put a lot of emphasis on agriculture.

With those few remarks, I beg to support.

**Mr. Kaindi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion.

I want to start by thanking His Excellency the President, for having highlighted some of the issues that affect this country. I also want to make my comments on some of the highlights that were raised in the Presidential Address.

Mr. Temporary Deputy Speaker, Sir, of importance to me is the food security in this country. We have talked about drought over and over again, year in, year out. If there is one Ministry that does not get its priorities right, it is the Ministry of Agriculture. This is because, to be secure on food [Mr. Kaindi]

production, we must harness water which is the most important resource. We cannot keep depending on rain-fed agriculture. We must improve and harness our water resources so that we are able to use irrigation as a bench-mark in order to irrigate our farms and supplement the rain-fed agriculture. Without that, we shall be talking about food security in this country, but that would be just a dream.

Mr. Temporary Deputy Speaker, Sir, a couple of months ago, we had plenty of rain, particularly in the eastern region of this country, for instance, in Machakos, Kitui, Mwingi, Embu *et cetera*, where all the rain water went to the sea without being conserved. Very little effort is being made to utilise the naturally God-given rivers, by way of construction dams so that we can store a lot of water in those areas, which can be used for agriculture, particularly in the horticultural sector, during the dry season. I, therefore, urge the Ministry of Agriculture to move with speed and construct many dams along the rivers, particularly the Athi River, which passes through Ukambani, the Tana River and others, which have God-created natural catchment areas. You really do not need to expand the river banks, you will only need to dam the rivers and create man-made lakes that can be utilised by the farmers during times

of drought.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about the Ministry of Energy. A couple of months ago, this country was rationing on food, electricity and we were also rationing almost everything. It seems as if we were almost going to ration our lives. I think the HIV/AIDS scourge is almost participating in that respect.

The Ministry of Energy should come up with a comprehensive and detailed policy on how they are going to address any would-be power failures in this country. We know that rain has come back and we also know, through information given to us, that we do not have sufficient water in Masinga, Gitaru and Kiambere dams, which can sustain our power output for the remaining part of the year, particularly, if we do not get the long rains. Therefore, it is incumbent upon the Minister concerned to come up with plans which can show Kenyans that, we will never have rationing of electricity again. This is because the informal sector depends on the power sector. Unless we provide them with enough energy, they will not be able to support their families. Therefore, the eradication of poverty which we are talking about would merely be a dream.

Mr. Temporary Deputy Speaker, Sir, a week ago, we nearly had a fatal accident at Athi River. I did ask the Minister for Information, Transport and Communications about the report that was made concerning the train tragedies in this country, for instance, at Ngai Ndethya and Athi River where we lost so many lives. We know that we are experiencing a lot of disasters in Western Kenya.

Last week, we had another train derailment in Athi River. The wagon which was involved in the derailment was also carrying gas and it was just fortunate that another explosion did not occur the second time. What policy is the Government putting in place, and particularly the Ministry of Information, Transport and Communications, to ensure that the gradient in Athi River region is reduced in order to minimize the number train accidents in that area. This is a challenge to the Minister for Information, Transport and Communications.

Mr. Temporary Deputy Speaker, Sir, a colleague has just talked in this House about the issue of bringing money into this country. I think it is Government policy that, Kenyans should bring money back home so that we can help salvage this economy. But what happens when one individual tries to bring that money back? We do not want to deal with matters in court, but we are saying that, if the Government is sincere about asking Kenyans to bring back money to this country, then there should be no conditions. If there are conditions, let them be put in black and white so that the Kariukis of this world can know that, if you have to bring money back into this country, in fact, you have to be arrested and be taken to a police station to prove the source of your money.

Mr. Temporary Deputy Speaker, Sir, Kenyans who have not looted taxpayers' money and are keeping their wealth elsewhere in Europe, are finding themselves in difficulties in the manner in which they are supposed to bring money into this country. There must be a clear policy on this issue! If I make money in Switzerland, why can I not bring it to this country? If I loot the taxpayers' money and I want to take it out, am I the hero? I think we must be very clear on the matters we are dealing with so that we can encourage Kenyans to bring their well-earned wealth from abroad to this country.

If you look at the Gross National Product (GNP) and Gross Domestic Product (GDP); you will see that a country like Israel depends on GNP from its nationals who have invested in other countries of the world. As a matter of fact, 30 per cent of the total revenue for Israel comes from the nationals who have invested in South Africa; in diamond mining, in the Americas in the wine industry and the whole of Europe. However, when one Kenyan brings Kshs2 billion back home it is a big story. Why can we not encourage ten or 20 of them to bring their money back into this country?

Mr. Temporary Deputy Speaker, Sir, I also want to talk about *El Nino* Funds. Although we are [Mr. **Kaindi**] coming to the end of that period, it just appears like Machakos District did not experience any disasters caused by the *El Nino* induced rains. We do know that we suffered disasters caused by *El Nino* induced rains. Our roads and infrastructural facilities in that part of the world are in a pathetic situation. Many districts benefited from the *El Nino* Programme. Why was Machakos District sidelined from benefitting from that programme? For instance, in Athi River where I come from, the roads there are in a despicable state and yet we cannot get any money! I keep on asking myself, "must we defect to get the rightful share of our tax?" Never! The Government must be very sincere and come out with a programme, if funds are available, and address all the problems facing the whole country.

Mr. Temporary Deputy Speaker, Sir, we brought the Kenya Roads Board Bill so that we can equitably distribute the funds in our roads sector. As I contribute here today, the Minister says that: "We have disbursed Kshs1 million to every constituency". I was in Machakos District an hour ago and they have not sent any money there! I think we must be clear on this issue. The Minister gives directives but his officials do not do anything. What is the Government doing to address that imbalance?

Mr. Temporary Deputy Speaker, Sir, I also want to talk about the Kenya Meat Commission (KMC). The KMC is at the heart of my programmes in Athi River because the livestock sector cannot grow, if you do not have a livestock factory like the KMC, fully refurbished by Mitsubishi Corporation and made fully operational.

Last year, I brought a Motion into this House about the KMC and the Minister categorically said that, "in three

months time the KMC will be re-started". As matter of fact, before August last year, the KMC would have been re-started. Since then nothing has been done and yet the Minister has not come here to explain to Kenyans why they have not re-opened the KMC. The truth of the matter is that, there is in-fighting in the Ministry of Agriculture! Two officials, who are supposed to be Permanent Secretaries, are fighting. These are the people who are frustrating the efforts of Kenyans, particularly, the pastoral communities, in re-starting of the KMC.

Mr. Temporary Deputy Speaker, Sir, a week ago, I talked to the Minister for Agriculture who said that there are a lot of private businesses going in on the Ministry of Agriculture. What is the Government policy on this matter? As far as we are concerned as Parliamentarians, the Government should bring a Sessional Paper to Parliament so that we can write off those debts in order to re-start the KMC since it is the backbone of the livestock sector. Without doing that, we will keep on talking about the livestock sector and we will not get anywhere.

I also want to air my sentiments concerning the industrial sector. With regard to the concept of African Growth and Opportunities Act (AGOA), I was in Washington DC last year in the month of October, and there was a lot of talk about how exciting AGOA was going to be to the countries of the Third World, Kenya included. We did raise, with the officials of Washington, the issue of imbalances in the number of commodities that were being accredited to countries like Kenya. We particularly raised the concern on coffee and tea, which had been excluded at that stage. It was clear at that point that, Africa and particularly Kenya, would really benefit from AGOA. But why then do they have to bring conditionalities, when we have moved so many steps ahead and after discovering that Kenya can export a lot of tonnes of coffee, cotton and tea. The Government is supposed to be clear and sincere on this matter. If it is a policy to address the Third World countries, let it be a policy that can benefit all countries. I think, as a country, we need to benefit from AGOA.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about the issue of visa fees, which most Kenyans have been talking about. If you go to Switzerland, you will find that nobody cares about dollars when they are coming to Kenya. It is not the visa fees that they are disputing, it is the bureaucracy involved in getting the visa. It is not the question of money! A tourist who has planned to visit Kenya has already set his package. Thirty dollars will not stop him from coming to Kenya nor will they make Kenya a more expensive country. No! What will make them get worried is the number of days and the bureaucracy involved when you want to get your visa! This is what they are challenging and I think tour operators must come out clear and tell the world and Kenyans where the problem is.

Lastly, I would like to raise the issue of the constitutional review process. At times I wonder why all these things are happening. Look at what is happening at Ufungamano. For example, who represents my party in Ufungamano? Is it the NCEC officials or is it Members of Parliament? Who will really represents a party like ours and who talks for who? I think we must be very clear when we are talking about issues. This is because a lot of us believe that, without the constitutional review process taking place, this country will not move forward. We have found that we must have a constitutional review process in place.

With those few remarks, I beg to support.

**Mr. Kariuki:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity, to air my views on the Presidential Speech, that was presented by His Excellency the President yesterday. **[Mr. Kariuki]** We are very good in making very beautiful policy papers. But, ultimately, they end up in the archives. I hope this one will not end up there. It is a beautiful Speech. It has addressed the major issues that affect our nation. But, unfortunately, implementation of the same is difficult or lacking. I think His Excellency the President is not being supported adequately by his Government; that is the Ministers and others, to ensure that whatever he talks about is implemented. That is because, although the Speaker talked about the aspect that he is not in charge of implementation, this House ought to have an Implementation Standing Committee, so that we can ensure that whatever is passed in this House is implemented. We are letting Kenyans down by not doing what is put on policy papers by the Government, or what is pronounced through presidential directives. The Speech is good, but it lacks a few things that ought to have been addressed.

This country is suffering from unemployment, particularly with regard to the young people, who are leaving the universities, high schools and other institutions of higher learning. Unless we create jobs for them, the consequences will be disastrous to this nation. The consequential effects of insecurity, drug taking and other anti-social tendencies by the unemployed youths, will have a disastrous effect on our economy. Job creation is a major challenge to all of us and more so, in areas that have got potential for development.

For instance, sectors like agriculture or industry have very high development potential, and could create a lot of jobs for our young people. But, unfortunately, the Presidential Speech did not address the area of industry and agriculture. A lot ought to have been put across, on how we should enhance agriculture. It is true, as the previous speakers have said, that areas like sugar, coffee, tea and rice have not been fully exploited because of the bottlenecks that are created by the Government. Rather than motivating and encouraging the farmers to produce whatever is required so that they can enhance production, a lot of impediments are created by profiteers who would like to make a kill, without

caring about the plight of the farmers. It is very unfortunate that the farmer has become so disappointed and disillusioned that, as a result, he has deserted production of some of those products. Unless we enhance productivity, we will end up becoming a net consumer society, whereby we will rely on handouts and begging from the development agencies and other donors. We have a very beautiful country, which has the capacity to feed its own people. But you find that, anytime we have a drought or famine, we go begging all over the world! As the previous speakers said, the rivers of this country are not properly harnessed. They pour their waters into the seas and lakes of this nation. So, the challenge is on us. I do not think we should depend wholly on donors for handouts. We should harness and develop what we have. We are not doing that as a nation. We should blame ourselves! We should not keep on lamenting about the International Monetary Fund (IMF) and the World Bank by saying that they are not helping us. We are not helping ourselves. We are not putting a challenge to our own people to produce. When they produce, we should not let them down by importing. Import substitution should be the last resort. We should not import first and then talk about enhancing our own local industries. I think that should be stopped!

Mr. Temporary Deputy Speaker, Sir, the other issue that was not adequately addressed is deforestation, excision of forests, hiving off of land and giving it out. To me, that is a very unfortunate development which should be stopped. The Minister for Environment, Mr. Nyenze, does not own the forests! He should consult this House before any de-gazettement of forests is done. No single Minister should take it upon himself to assume that he could go excising forests at will! The forests belong to the nation. The heritage of the nation depends very much on how we conserve the forests. It is important that the gazettement of such lands should be centred on public opinion. We are ignoring the people. The people are becoming very disgruntled with the Government, for taking decisions which are against their wishes. The forests do not belong to the Government alone. They belong to the 30 million Kenyans. Nobody should touch those forests without consulting the 30 million Kenyans!

Mr. Temporary Deputy Speaker, Sir, we are worried about the manipulation of justice in this country. The courts of law are being used to frustrate the efforts of this House. When the Kenya Anti-Corruption Authority (KACA) and the Kenya Roads Board (KRB) were created, the next body to frustrate the efforts was---

### QUORUM

**Mr. Kimeto:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is there a quorum in the House?

**The Temporary Deputy Speaker** (Mr. Imanyara): No, we do not have a quorum. Ring the Division Bell!

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Imanyara): We have a quorum now. You may proceed, hon. Kariuki!

**Mr. Kariuki:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. As I was saying, this Government has let us down in the sense that, it does not implement the beautiful policies that it pronounces. The time has come for Kenyans to expect the Government to perform. It should not just be a "talking Government."

Mr. Temporary Deputy Speaker, Sir, the President's Speech did not address areas like infrastructure. Roads are badly degraded, to the extent that the cost of transportation has become very high, to the industrialists and other road users. We cannot encourage new investors to invest in this country, unless we improve our roads. It is unfortunate too, that when we talk about insecurity, we do not target on the cause of the problem. The police are not well trained. They are badly comprised. They are the most corrupt lot of this country's public servants, because they are not adequately remunerated. Their salaries should be reviewed, so as to reduce corruption amongst them. I believe that if they are adequately remunerated, they will stop demanding bribes.

Mr. Temporary Deputy Speaker, Sir, in the same breath, I would like to point out that the police have let us down badly. Some police officers seem to be trigger-happy. They are very good at harassing members of the public and shooting at them at will. Rather than arrest and arraign suspects before court, they use their guns on them, not to maim, but to kill. There should be in place an independent Government organ, to police on the police. A unit that is totally detached from the Commissioner of Police should be in place to monitor police operations and make inquiries when police shooting occurs. Otherwise, the reputation the police have gained for themselves in this country is very bad. The image of the Police Force ought to be improved by ensuring that police officers are also disciplined. Currently, the situation is getting out of hand.

I would like to concur with previous speakers, who touched on the issue of criminalisation of the act of bringing money back into this country by some people. It does not mean that every Kariuki returning his money back into this country is a criminal. Some Kariukis are very hardworking. I do not believe that attempts by the Kariukis to bring their money back into the country should be criminalised, while crooks such as the Pattnis and the Somaias do so without being questioned. Why is an attempt by an individual, such as Mr. Humphrey Kariuki, to bring his money back into the

country being criminalised? Is it because of his colour and creed? There is prudence in the decision by some Kenyans to bring their money back into the country. So, we should not discourage them from doing so.

I would, in fact, like to urge those hon. Members on the Government side, who have a lot of money in Switzerland and in other overseas countries, to bring it back. I would like to encourage my friend over there, who has a lot of money in Switzerland, to bring it back.

**The Minister of State, Office of the President** (Mr. ole Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. While talking about people who have money in Switzerland, the hon. Member said: "My friend over there", directly pointing a finger at me. I would like to point out that it is against the Standing Orders of this House for an hon. Member to mislead the House. In fact, the hon. Member has more money than I do.

**An hon. Member:** Where? He is admitting!

**Mr. Kariuki:** Mr. Temporary Deputy Speaker, Sir, I did not point a finger at any particular person. But if his conscience pricked him, and he happens to be the one, I am sorry for his disposition.

Mr. Temporary Deputy Speaker, Sir, if I may continue with my contribution to the Motion, I would like to state that liberalisation is acting against the interests of this nation. One of the Ministers has articulated the importance of liberalisation and the effects of the interplay of market forces in establishing an equilibrium and determining the areas to which resources should be allocated. I would, however, like to point out that, that concept can be extended too far. Africa, and Kenya in particular, is not developed enough to buy this concept as and when it is imposed on it by the Bretton Woods institutions. We should, cautiously, apply these controls. I believe that the citizens of this country have options and rights. For instance, controlling bank interest rates would be in the interest of the Kenyan public, and not in the interest of multinationals. It is some of the huge commercial banks operating in the country whose parentage elsewhere is complaining. We should not complain. Instead, we should protect our people.

With those remarks, I support the Motion.

**Mr. Parpai:** Thank you Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to the Motion on the Presidential Address.

Mr. Temporary Deputy Speaker, Sir, I would like to start my contribution by saying the Presidential Address was well prepared and nice to hear. In fact, it was reconciliatory. If what is contained in the Presidential Address is implemented, this country will be heading to where Kenyans would want it destined to. I would, however, like to point out that Kenyans are used to listening to such addresses. Every time the President or Ministers present written addresses, they present addresses that Kenyans would like to listen to. After such presentations, since they are written, the addresses are put on shelves to gather dust, and what **[Mr. Parpai]**

is not contained in such addresses is what is implemented. I was very impressed that, during his off-the-cuff address, the Head of State told us what he personally thinks is good for Kenyans. What is contained in his written address is what we have been hearing from him since he took over the mantle of this country's leadership.

Mr. Temporary Deputy Speaker, Sir, as I said, the Presidential Address was beautiful. In fact, what moved me most is his statement that we must try as much as we can to tolerate differing views. Ask yourself whether that is what is happening in this country today. Some Members of Parliament cannot hold *Harambees* or public rallies in this country, because they hold different views from those of people in the current system. If that is the case, why should one tell Kenyans to do what he does not believe in? It is high time Kenyans were told what their leaders believe in. It is even more honourable for one to ask Kenyans to toe the line and do as he says rather than say that he is prepared to accommodate their views when he is not.

Mr. Temporary Deputy Speaker, Sir, let us not lie. Leaders in this country have the tendency of saying that Kenyans have not understood them well when they are, in fact, the ones who have not understood Kenyans well. Kenyans are 20 kilometres ahead of some of those leaders. Really, Kenyans know who they are. Even before one stands up to address the people, the people already know what that person wants to say. They know what that person's speech means, and are prepared to even---

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. While referring to the Presidential Address, hon. Parpai said: "Let us not lie". The President spoke like one of us in this House during his Address. Is it in order to use such unparliamentary language? Should he not be asked to withdraw the word "lie" and apologise?

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Parpai, the language you have used is unparliamentary.

**Mr. Parpai:** Mr. Temporary Deputy Speaker, Sir, I will not spend even a single minute on that issue.

**The Temporary Deputy Speaker** (Mr. Imanyara): Did you use the word "lie", Mr. Parpai?

**Mr. Parpai:** Mr. Temporary Deputy Speaker, Sir, I do not even remember the word I used. If I used that word, I would like to withdraw it and apologise.

Mr. Temporary Deputy Speaker, Sir, I would like to state that it is not right for one to tell Kenyans things he does not believe in. It is, in fact, immoral to do so. I would even go further to say that leaders in this country, some of us here included, like belittling Kenyans. They say that Kenyans do not understand them. I would say that such leaders are

the ones who do not understand Kenyans.

School enrolment in my constituency has gone down. There are no adequate teachers, chalk, pens or anything else. The same is the case in hospitals. During the rainy season, I cannot even go home due to bad roads. So, who understands who? Kenyans would want to know the person responsible for all these problems. Is it Members of Parliament or the Government? The Government must come out clean on this and tell us where the tax money collected from Kenyans goes to. Is the tax money collected from the public not sufficient for the funding of road repair works, teacher employment and buying of drugs for our hospitals? If that happens, we will understand our leaders in the Government.

Mr. Temporary Deputy Speaker, Sir, I would now like to talk about local authorities. What is required in this country, first and foremost, is to give autonomy to local authorities. Today, employees of local authorities are employees of the Public Service Commission. They are not under the councillors. The budget for local authorities have to be approved by the Minister for Local Government. Subdivision of land, change of users and allocation of plots are done by the Government. Where do the councillors come in? In fact, if I were a councillor today, I would just resign and wait for that time when that autonomy will be there. The local authorities are being run by the Ministry. There is nothing the councillors do there and even their simple proposals have to go to the Ministry and they will be only approved if they conform to what the system wants. I am saying this because blame has been apportioned to local authorities.

I have worked with a local authority for 22 years and I know what it means to do that. There was a time when local authorities were local authorities, but today they are not. They are just a department of the Ministry of Local Government. When I was working with a local authority, I was an employee of that local authority. Today, nobody is an employee of the Council: Everybody is an employee of the Public Service Commission. So, who is to blame? If the Government has failed, it should come out clean and say that it has failed, and give autonomy to the local authorities. It is then that we can gauge the local authorities' competence. Today, when we look at the local authorities, we see the Minister as the one running them. This is why day in, day out, the Minister gives directives that do not work.

Mr. Temporary Deputy Speaker, Sir, I want to talk about eradication of poverty, especially in pastoralist areas. When we talk of eradicating poverty in pastoralist areas, what are we talking [Mr. Parpai] about? The Kenya Meat Commission (KMC), which would have assisted us during the drought when our animals were dying and being grazed even in Parliament grounds, is inactive and yet we say that we have a Government that takes care of everybody equally. To date, nothing has happened to KMC. The Minister keeps on giving statements that the KMC will be opened on this or that date. During national days, we hear of dates when the KMC will be in operation. Two weeks ago, the Minister said that Kshs400 million had been given. This Kshs400 million was given to the KMC five years ago. Why does he mislead Kenyans? The Kshs400 million that was stated to have been given by Mitsubishi Corporation to KMC, was actually disbursed five years ago. Without KMC, livestock farmers will never come out of the problem they are facing now. Now that the number of our animals has diminished, what is the Government doing? We want the Government to re-stock the pastoralist areas. We should assist the livestock farmers, and if we do not, we shall, day in, day out, be asking for relief food. Unless we do that, nothing will assist these poor livestock farmers.

Mr. Temporary Deputy Speaker, Sir, now that the Agricultural Finance Corporation (AFC) is no more, we have Stabex funds. There is a cake there that everybody wants to get a share of.

With those few remarks, I beg to support.

**Mr. Mwakiringo:** Mr. Temporary Deputy Speaker, Sir, thank you for this opportunity.

I want to say that I am happy about the Presidential Address in that it contained a conciliatory tone. I have always advocated that it is high time we showed unity among ourselves in this House. We should get rid of this mistrust amongst ourselves. When Motions are brought to this House, they should be seen as national issues rather than party issues or a single hon. Member's issues. With that tone, we should now forge ahead to bring back the dignity of this House by looking at each subject brought to this House as a national issue rather than a party's or a single hon. Member's issue.

The Presidential Address touched on a number of issues which I would want to concur with, especially when it comes to donor funding by IMF and the World Bank. Funding from these institutions has been a burden on the part of our country. It is high time that we, as Kenyans, prepared a home-grown Budget and projection for whatever we will get locally, rather than depending on external funding. There will come a time when we will not need these people. I am so bitter about that because we collect a lot of money quarterly, but we still do not bring down our expenditure to a level which we can accommodate. This burden from the World Bank and IMF is too heavy for us. It is high time that we budgeted according to our revenue so that we off-load this burden from IMF and the World Bank. They give us so many conditions which, as a young country, we cannot meet. Whether we wrote the conditions ourselves, or did so with their assistance, we put a rope around our necks, and, therefore, we cannot come out of it.

Mr. Temporary Deputy Speaker, Sir, we retrenched many civil servants, but we did not take care of what they would do when they got back home. The President is very much concerned about the welfare of Kenyans, but what are



we doing about that? I would want to see this Government putting a lot of money in its Budget for rural electrification programmes in this country. I am of the opinion that we had better stop all the infrastructure programmes and other projects that are not income-generating in this country, so that we can put all our efforts and resources into rural electrification programmes. This will assist the retrenched people to do some welding works in their respective rural areas. They can also do any other mechanical job, for example, panel beating, in the rural areas. But if we do not supply electricity to the rural areas, we will be doing injustice to the retirees of this country. We will be doing injustice to those who qualify from polytechnics and those who would want to start their own enterprises, so that they can be self-sustaining. The next Budget should focus more on rural electrification programmes.

The President is so much concerned about corruption and lack of commitment to duty by some Government officers. This is pulling us back. In my constituency, there is a complaint. Moi Hospital in Voi was given Kshs5 million for sewerage rehabilitation. Unfortunately, the consultant in the *El Nino* office, who was awarded the tender to do the job, never visited that hospital to see what was happening. The contractor was supposed to instal new plastic cistern tanks, but he brought five old steel cistern tanks to be installed and they never even worked for one day. This contractor later on brought a certificate of completion for the doctor to sign for payment, and I would like to congratulate the Government officer on the ground, Dr. Katingima, who refused to sign the document. I have complained and I am still complaining, but you can see that the funds get drained through fraudulent means. This is what the President keeps on saying now and then. If the Kshs5 million was paid and the work was not done, people of that area, including the Member of Parliament, who happens to be me, would still be complaining that they want the services. This is very unfortunate, taking into consideration that Moi Hospital in Voi is on the Mombasa Highway. I would like to say that so many accidents occur along that road and that is the only **[Mr. M.M. Galgalo]** hospital which could cater for accident victims and casualties. I have complained and I will keep on complaining.

Mr. Temporary Deputy Speaker, Sir, now that the tourism industry has picked up, it is high time hon. Members of Parliament and other leaders in this country preached peace wherever they go. Personally, I believe that if you have nothing to say in a public rally, please, do not say anything. Just stand up, collect the funds, if you went for *Harambee* and let that be the end, rather than say something which will scare off tourists who come into this country.

*(Applause)*

I strongly believe in that. If I have nothing to say, let me not say it in public. Let us not raise issues which are not related to the day's function; let us not go to funerals and talk about politics in that function; let us not go to *Harambees*, churches and schools and talk about politics, because the students of that area will not understand what is being said because it is above them. That is where we make a mistake, as leaders; we say things which are not related to the day's function and they scare off investors from investing in this country. I would like to point out that I have been embarrassed by many people; I have been embarrassed by what leaders speak. This is bad.

I would like to say that cattle rustling and all these activities affect the economy of this country. Let us stop cattle rustling once and for all. This should not be a song to be sung day in, day out. This is something which used to happen in the last millennium. Why should it continue into this millennium? What are we doing? I would like to say that insecurity is causing a lot of harm to this country. As much as the President has good ideas for this country, if the officers on the ground cannot implement what he says, then we are doomed and we will remain in that state. The Eighth Parliament should rise up and change the destiny of this country by curbing insecurity and we will be counted as people who made a change in this country.

Mr. Temporary Deputy Speaker, Sir, on the poverty eradication programme which is going on, I attended a seminar which was held at Voi Municipal Hall, which is in my district, but I was not in favour of it being held there. The leaders you see day in, day out are the same ones you see in the poverty eradication workshops. I would like to say that these are the same leaders who have always let down people. If the Poverty Eradication Programme has to work, let those workshops be held at the village level, so that the local people can say what they have in mind, instead of holding them in urban areas. I would like to say that this does not make any impact at all. We are wasting a lot of funds by hosting people in big hotels, such as Voi Safari Lodge, because we do not make any impact at all. Let the workshops be held at the village level, just like we have Sub-Local and Locational Development Committees. That should be the way these funds should be used when it comes to poverty eradication. I would like to say that two or three projects, put forward for funding under the Poverty Eradication Programme, have been rejected because the people there do not own title deeds.

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

**Mr. M.M. Galgalo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to join my colleagues to comment on this policy exposition Speech by His Excellency the President. If what the President said is what he meant, then the Speech was good; it called for national unity and working together of Kenyans. But this

Government is known to say one thing and do the opposite of what is normally said in public and in their policy books.

I would like to say that this nation is now in economic doldrums and the President has requested the House, both the Opposition and the ruling party, to work together to ensure that the nation comes out of this doldrums. I would like to say that this requires creation of facilities that are geared towards boosting production. The hon. Member who spoke before me, hon. Parpai, said that in the pastoral areas, the mainstay of the economy is livestock and the farmers rear animals. I would like to say that we cannot be expected to be economically self-sustaining when we have no market for these animals. I would like to point out that this Government has no policy for livestock farmers. I would like to say that the Kenya Meat Commission (KMC) has been closed down for almost two or three years. One time, we even made a visit to the present Deputy Leader of Government Business, when he was the Minister for Agriculture, Livestock and Rural Development and he promised us that the KMC would be revived. I would like to inform this House that up to day, the Government makes promises every other month. It says that it will put some amount of money into the revival of the KMC, and yet, it is selling or giving out the KMC land to some looters. This nation cannot be expected to come out of this economic problem when facilities such as the KMC are not being revived and instead they are being torn apart. We appeal to the Government to do something about this situation so that the pastoralists can also survive on their own instead of asking the Government to provide them with famine relief food now and then.

**Mr. Temporary Deputy Speaker, Sir, roads [Mr. M.M. Galgalo]**

do not exist in many parts of this country. Whereas other people are asking for tarmac roads, some of us have been asking for all-weather roads. We have lost the all-weather roads which were built in the earlier days of Independence of this country by Kenyans. We do not have them any more. For example, the Nairobi-Addis Ababa Road was built to all-weather standards and used to serve the people of Moyale very nicely because you could travel in a day from Moyale to Nairobi. Today, we take three days to reach Nairobi from Moyale because there is no road. In 1984, when I was a Member of Parliament, I used to take 12 hours only from Moyale to Nairobi. Today, I take three days.

**Mr. Temporary Deputy Speaker, Sir,** how does the President expect the economy of this nation to be revived when important infrastructure like roads, which could promote our economy, are in such situations? Poor roads mean importation of spare parts over and over again because of breakage. We need to build these roads. Due to corruption, road contractors build very poor roads which do not last. Some road projects which are only four to five kilometres long, like the Jogoo Road here, are incomplete. Those of us who stay in the Eastlands cannot reach our homes every day without breakages of parts of our vehicles because the contractor could not finish the road. I appeal to this Government to fulfil its moral duties to this nation by ensuring that the work which is purported to be done is done.

**Mr. Temporary Deputy Speaker, Sir,** the economy cannot improve in the absence of security. Insecurity in this nation today, even here in Nairobi, is so terrible that every day and night, police exchange fire with armed robbers in the streets. The Government should take this constitutional responsibility seriously. In early January this year, ten people, seven of whom were members of the Police Force which falls under the Office of the President, were killed by Ethiopians in Kiltipe in Moyale District and the Minister of State, Office of the President, in charge of Internal Security, gave four contradictory statements to various media groups in this nation and outside. They were all conflicting and misleading. This is just an indication that the left hand of this Government does not know what the right hand is doing. The DC said we were attacked by Ethiopians, which I also concur with. But the Minister denied that it was Ethiopians who killed those members of the Police Force, Administration Police, one Kenya Police Reservist (KPR) and two other civilians. He said that it was not Ethiopians, but OLF. Could the Minister give evidence that it was OLF? The Ethiopian Government kidnapped one of the APs and took six guns including one machine gun. That kidnapped AP and guns were returned on 17th January. This Minister should be sacked by His Excellency the President because he does not know what he is doing! He is compromised! He is unpatriotic!

**The Minister of State, Office of the President (Mr. ole Sunkuli):** On a point of information, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker (Mr. Imanyara):** Do you want to be informed?

**Mr. M.M. Galgalo:** I do not need any information from him, Mr. Temporary Deputy Speaker, Sir. It is very unfortunate that such people like this Minister are left in such offices and yet, they do not know what they are doing. They are demoralising the security forces working for this nation. It appears to me that the Office of the President is trading with our lives because of friendship between another nation and this country. We are Kenyan Oromos and not Ethiopian Oromos. We are not OLF. If our people are killed and if this Government thinks that we are OLF, then we will be prepared to take measures to defend ourselves. I appeal to the Government to ensure that security is beefed up in northern Kenya.

Thank you.

**The Assistant Minister for Energy (Mr. Chanzu):** Thank you, Mr. Temporary Deputy Sir, for giving me this opportunity to speak on this important Motion. The Address which His Excellency the President gave yesterday is commendable. It was meant to give us direction as leaders and as a country. It was also meant to help us to realign

ourselves, so that we can manage the affairs of this country in the best interests of our people.

Mr. Temporary Deputy Speaker, Sir, in the Speech, the Head of State stressed unity. There is no way we can run a Government like this one, or you can run the affairs of any institution, if there is no unity among the participants. That is what we all as leaders need to observe. As we heard, and as we all know, we have got many political parties in the country. But I do not think the idea of having many parties is to divide Kenyans. One of the most important objectives of multipartism is to provide competitiveness, so that by the end of the day, we have the best out of what we strive to achieve. If we allow the division that has taken place in this country due to party politics since the era of multipartism, we are in danger because by the end of the day, we could end up fragmenting the whole country. We will move away from ethnic to clan politics. So, this should be discouraged at every cost.

Mr. Temporary Deputy Speaker, Sir, the slow growth that we have experienced could as well be attributed to the kind of politics that has been played in the country. That is why we should avoid, at every cost, divisive politics that has been practised during the era of multipartism in this country. There has been low productivity against very high growth [The Assistant Minister for Energy]

rate of population. The high rate of growth of population could be an asset only if our leaders sat together and planned how best we could put to use the numbers of people we have.

Mr. Temporary Deputy Speaker, Sir, I have said it here before, that a country like Britain, small as she is, is a net exporter of technology to other countries. Kenya could as well benefit from that, bearing in mind that we have got a large market that is opening up. Most of the countries around us do not have the kind of trained personnel that we have, and that can only succeed if we are operating in a peaceful environment. The technology around the world has also advanced greatly. We also need to work in such a way that we are not left behind. I am sure that, that is another way we could use to help the economy recover from the slow growth that we have experienced over the last three years.

Mr. Temporary Deputy Speaker, Sir, on the part of the Government, there is need to create an enabling environment so that the economy grows, and the small businesses and the farming community that we have, can produce for export. As we forge ahead, the aspect of industrialisation is something that we cannot forget if the economy has to grow. Therefore, we need to invest more in the Rural Electrification Programme, so that the small-scale industries in the rural areas can grow - such as *Jua Kali* projects and agro-based industries.

Regarding education, I think we have achieved a lot as a country, in terms of the numbers that we have trained. But we need to look at aspects which we can use to improve on the quality of education. There is also need for us to improve on the physical facilities in our schools in the rural areas and so on. This cannot be done if we are operating in a divided atmosphere.

On health services, I would now like to take this opportunity to thank the Government, particularly the Ministry of Health, because in Vihiga District, the Government has put in money and the Vihiga District Hospital is nearing completion. But I request for a little more money to be put in so that the hospital can now be put to use. Finally, if we have also to achieve growth, I think we need to address the problem of infrastructure. We have got poor roads and, in some cases, the little money that we have received from our development partners and from the Government--- In some areas, there has been a lot of duplication. For example, there are people who are working for the *El Nino* Emergency Project. Then, there is money allocated from the Fuel Levy Fund and officials from the Ministry of Roads and Public Works, would want to go and do the same work before they give an account of what was done. I think these are some of the areas that need to be looked into. Then, an issue which cannot go without being addressed is the quality of water. At the moment, we have got problems with contaminated water in some parts of the country. I think that needs to be addressed because we need a healthy nation, if we are to achieve growth in our economy.

With those few remarks, I beg to support.

**Mr. Wambua:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Presidential Speech. I would like to start off by saying that the President has given guidelines to this House but still, we have a lot of questions to ask the Government on various incidents which are taking place. It is very surprising to find that we are promoting the tourism industry within the country, but those who come to Nairobi and other cities like Mombasa cannot walk freely on our roads because of the threat posed by grown-up street children who are going round carrying faeces. They are threatening tourists and if a tourist sees a grown-up person who is said to be a *Chokora* holding faeces and pointing at him, that person will give the country a very bad name, when he or she goes back to where he or she comes from. Even our young ladies who are in Nairobi cannot walk freely. Imagine of a situation like in the early morning, when a lady is dressed well and going to work and then, she is smeared with faeces if she cannot give out Kshs5 or Kshs10 to street children. I am asking the Government: What is going to be done about that matter because it has become a serious problem now? These street children are now grown-up people and they are just like families staying in the streets of Nairobi. If these young people are kept well in a certain institution, they can do very well. I can give an example of Muli Children's Home. Muli Children's Home started collecting street children from the streets and now, Mr. Muli has a school in my constituency, Yatta and another one in Eldoret. During last year's KCPE

results, Muli Children's Home scored the best marks within Machakos District, which proves that if these street children are taken to institutions, they can become good citizens. They can, at least, learn like others. But what is the Government doing about these street children? This is because they will eventually become a threat to the residents of this country, Nairobi City and other towns. For instance, we understand that at one time, they raided the Central Police Station when one of their members was beaten up by a police officer. The Central Police Station officers could not control them, which means that if they are allowed to continue that way, they will be a threat to this country. Something has to be done about this issue.

Mr. Temporary Deputy Speaker, Sir, the other issue that I would like to touch on is the one on poverty reduction. It is surprising that we are talking of poverty reduction while we are spending, in hotel seminars, most of the money which can go [Mr. Wambua]

to the poor. There was an example of one seminar which was held in Embu, whereby all hon. Members from Eastern Province and Government officials were invited. They were booked in a hotel for three nights and each night, they were paying for each bed Kshs4,500. Hon. Members were told that each one of them would be given Kshs6,000. There were Government vehicles which came from Moyale, Machakos, Kitui and other districts to Embu. The total expenditure for that particular seminar was over Kshs7 million. What if the Kshs7 million was used in the construction of boreholes? This money could build 21 boreholes which could directly benefit people. That would be a poverty reduction measure, if this money was re-channelled and used to drill boreholes in our districts in Eastern Province rather than calling people to Embu to spend all this money. Is that poverty reduction? Why is it that the Government is not planning well? This is because even if what our Head of State says--- What are the public officers and Ministers doing? They are the ones who should, at least, plan well so that the money is not spent unwisely.

Mr. Temporary Deputy Speaker, Sir, in Ukambani for instance, we do not now have the problem of food shortage. It only exists in a few areas. We have some food which can sustain us for about six months. Could the money which the Government spends on providing the Kamba people with relief food now be spent on providing us with water resources so that we can irrigate our shambas? Since I came to this Parliament I have never seen a water budget specifically for Ukambani. Why is that not done? So, we have a lot of questions on some programmes which are being carried out.

Mr. Temporary Deputy Speaker, Sir, we have retrenched our people, but it is only here in this House where you can retrench somebody and then not pay him or her. We have retrenchees who are suffering. They have gone home with no benefits and when they go and ask their former employer, who is the Government, he does not have any answers for them. How do you expect these people to live if they have worked for you, you have sent them home and you have never paid them their money? That is ridiculous!

Mr. Temporary Deputy Speaker, Sir, the other thing is that we are very surprised to hear the Government asking Kenyans to bring their money back which they have in foreign countries. The issue here is that after a certain patriotic Kenyan brought his money here, he was charged with money laundering. The question is: Who is the complainant in the case of the Kshs2 billion laundering case? The second question is: Which country has complained that Kshs2 billion has been stolen from their country by a Kenyan? The third question is: What proof does the Government have to show that this money originated from drug sales? In fact, the Government does not come up and tell us who sold those drugs, to which country did he sell the drugs, who bought the drugs and at how much. This is so that we can, at least, make sense out of what the Government is saying. It is wrong to discriminate against people. We know the reason for this false accusation! It is because, behind it, there are some people who want to frustrate the owner of this Kshs2 billion so that he can open up negotiations to share it. How can the Government frustrate a Kenyan who has brought back the money? There is no complainant and there is nothing that links that person to drugs. It is ridiculous! Let us be very honest and see to it that we serve our people equally. I urge the Government, and even the Ministers who have money in foreign countries, to bring it back.

Thank you.

**The Assistant Minister for Finance and Planning** (Mr. Lomada): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to also join my colleagues and say something about His Excellency's Speech which was so beautiful and rich in whatever issues he told this House and Kenyans. The President's Speech yesterday was one of the best speeches I have ever heard. Therefore, I would suggest that hon. Members should really take seriously everything His Excellency the President said yesterday in this House because it is not only a big piece of advice to us but it is something that is going to help us develop this country and help us mind the welfare of our people.

Mr. Temporary Deputy Speaker, Sir, when you look at what he said about security, you will notice that security is a very important, sensitive and delicate issue that should actually be taken seriously by each person, especially the leaders and more so the Members of this House. We have had problems especially in the northern part of this country. Recently, we had a problem between Pokots and Marakwets which led to several people losing their lives just because of something which they had resolved would not have occurred. It is up to us as the leaders to really direct and talk to

our people to make sure that they value human life especially those of children, old people and women. In our customs and traditions, we never used to kill women, children and old people. I do not know what has really happened today, that such people are just killed like that. There must be something wrong and we need to go and talk to the young men so that they may come back and emulate the old. We have got a lot to say as far as insecurity is concerned and I would just say that it is the responsibility of all of us to come, sit and discuss about it. We really must [**The Assistant Minister for Finance and Planning**]

discuss this particular issue. Insecurity does not occur only in those areas, but also here in Nairobi where lives are being lost everyday in a very careless manner. I do not think it is impossible to curb insecurity in Nairobi and in our major towns. This must be looked into seriously.

Mr. Temporary Deputy Speaker, Sir, I want, at this point to thank our Government especially for coming to help the Pokots, Turkanas and other people of North Eastern Province and so many other areas. This is because, for the last year two years, we did not produce food simply because there was a prolonged drought. I really thank our Government for coming up with assistance and giving our people food because a number of people would have died if that food was not provided. I think our country has really developed so much; to an extent that we should not be relying on relief food all the time. It is just a matter of technology that we lack. We have people who have gone to school and learnt certain technologies and these are the people who should be used properly to invent something that would benefit this country. We have scientists who should actually do some research in places like Turkana and West Pokot. Actually, we are wasting these minds. We are not making proper use of these people and, therefore, I would suggest that our Government comes up and uses these people. The army men are just there. We need to use these people. They have got the talent and they can even make beautiful roads. Instead of using contractors we should use the army people to build roads so that they can earn money they are paid.

We thank God for the peace in our country. Therefore, we can comfortably use army men to build roads and bridges instead of hiring contractors. Hiring of contractors is ruining our economy because we pay them a lot of money for shoddy work. I think it is high time that each individual in this country contributed to the growth of our economy to the best of his or her ability. We should all strive to improve our living standards. By so doing, we will improve the economy of our communities and the country at large. We will not be talking of poverty eradication because everybody would be doing something that will boost our economy in one way or another. Therefore, we should begin by educating our people on the need to work hard. The Government should not always be providing them with relief food, among other things. They must be able to provide for themselves through self-employment. It is high time we told secondary school, colleges and university graduates to learn how to provide for themselves and they should not waste time waiting for the Government to employ them. Each person should do something that will sustain him or her.

Mr. Temporary Deputy Speaker, Sir, on the utilisation of our natural resources in our economy, I would urge the Government to harvest waters from rivers and lakes instead of letting it flow into the oceans. For example, there are a number of rivers in West Pokot District that can be used for irrigation and enable wananchi in those areas to produce food for their own subsistence. This water can also be utilised in the generation of electricity.

Mr. Temporary Deputy Speaker, Sir, in the same breath, I would also urge the Government to take care of our natural resources, especially forests. We should jealously guard our forests against any encroachment because most of our rivers have their sources there. If we destroy our forests, we will experience acute shortage of water. It is true we have people who are genuinely landless, but we cannot allow them to encroach on our forests. We should not excise forests in order to settle them because we will not have enough water for our needs. Water is a very crucial component in our life. Therefore, it is up to us to educate our people on the importance of water, so that they do not destroy our forests.

Mr. Temporary Deputy Speaker, Sir, I am pleading with the Government to give people of Sigor Constituency free seed maize so that they can grow enough food and stop relying on relief food from the Government. His Excellency the President has always been telling us to be mindful of our peoples' welfare. He has said this several times and he has even shown it himself through actions. Therefore, it is up to us now to emulate the same spirit of being mindful of the welfare of our people.

I am happy that the Minister for Agriculture is here and he is listening to me as I talk about these people in Sigor Constituency, who live in a dry land. I would also ask him to consider giving seed maize to those farmers who do not have much. They have the farms, but they have had nothing to do because of the prolonged drought that was there about two years ago. I would suggest that they are given seeds so that they can produce food for themselves and leave this cattle rustling business. My people have totally agreed to do away with this behaviour. I would also ask the Ministry, which is dealing with the distribution of the *El Nino* funds, to send some money to West Pokot because it was also hard hit.

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

**Mr. Kuria:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I support the hon.

Members who have commended the Presidential Speech. This Speech was good. It contained fatherly advice and it was balanced. I do not know what is wrong with the Government. Whereas His Excellency the President makes such a good Speech and gives us guidance, we fail to [Mr. Kuria] understand what happens with the Ministries which work with this Government. The Government is making all efforts to give the direction on how the problem of HIV/AIDS should be tackled, but there are no funds. We have been telling the people that funds are available, but no funds have been remitted to the Constituency Aids Committees (CACs) over which hon. Members are in charge. We launched this committee in my constituency and we were promised money. I personally spent about Kshs40,000 to launch the committee, but there are no funds here at the National Aids Council (NAC) to even refund what we have spent. The other day the Minister made a statement saying that those committees headed by Members of Parliament will not get funds. Our Chairman gave a contradictory statement saying that we can hand over to somebody else. This should be rectified, to ensure that funds are available for tackling this problem of HIV/AIDS.

I concur with the other hon. Members who are saying that the meetings on poverty eradication are

held in headquarters and a lot of money is spent on these. The real poverty is faced by the *mwananchi* who has got problems in education, health and all other aspects of his life. He is unable to even meet the basic needs of his family. We should uplift the living standards of our people through the Ministry of Education. However, this Ministry is not doing anything. There is a lot of corruption going on in that Ministry. When you look at the Parents/Teachers Associations, the Boards of Governors and the head teachers in these schools, you will find that there are a lot of---

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, it is now time for the interruption of business. The House stands adjourned until tomorrow, 22nd March, at 2.30 p.m.

The House rose at 6.30 p.m.