

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 28th March, 2001

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICES OF MOTIONS

FREE EDUCATION IN GOVERNMENT PRIMARY SCHOOLS

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

THAT, taking into account that the Government is committed to, and guarantees free education in all its primary schools aware that the child education in Government schools is frequently disrupted by non-payment of charges unrelated to tuition fees; this House resolves that child education in Government primary schools will not be interrupted for reasons of any monies being demanded from the child, and that the payment of such monies will be the responsibility of the community of the school.

LEAVE TO INTRODUCE THE POST OFFICE SAVINGS BANK (AMENDMENT) BILL

THAT, taking into account that commercial banks have been unable to expand banking operations to many towns in Kenya, and aware that the spread of banking operations is key to developing all parts of this country; this House do grant leave to introduce a Bill to amend the Kenya Post Office Savings Bank Act, Cap. 493(b), in order to allow the bank to be able to lend to a maximum of Kshs200,000.

LEAVE TO INTRODUCE THE NSSF (AMENDMENT) BILL

THAT, in view of the fact that many Kenyans who are over 60 years old

[Mr. Mbela]

are unable to work due to unavailability of employment, old age, or sickness; this House do grant leave to introduce a Bill to amend the National Social Fund Act, Cap 258, in order to convert the Fund into a State Pension Fund where every working Kenyan shall contribute a percentage of his/her earnings in order to enable all senior citizens (60 years and above) get a token monthly life pension.

LEAVE TO INTRODUCE THE RESTRICTIVE TRADE PRACTICES MONOPOLIES AND PRICE CONTROL (AMENDMENT) BILL

THAT, in view of the fact that Kenya is not a fully developed economy and that many vital industries are still monopolistic in nature; this House do grant leave to introduce a Bill to amend the Restrictive Trade Practices Monopolies and Price Control Act, Cap 504, to strengthen the Commission in order to ensure that it controls cement, oil, electricity or any other monopolistic industry by making it mandatory for the Commission to authorise any price increase in these industries after adequate consultations with all major key users and consumers.

LEAVE TO INTRODUCE THE ELECTRIC POWER (AMENDMENT) BILL

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

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled Electric Power (Amendment) Bill

to provide for a rational allocation of rural electrification

funds to each constituency, having regard to national interests and economy.

LEAVE TO INTRODUCE THE PENSIONS
(AMENDMENT) BILL

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

THAT, this House do grant leave to introduce a Bill entitled The Pensions Amendment Bill to provide for payment of retirement benefits to public officers immediately on retirement and payment of death gratuity within a maximum period of not more than thirty days after the death of such officers.

LEAVE TO INTRODUCE THE PROMOTION OF
NATIONAL UNITY AND RECONCILIATION BILL

Mr. Oloo-Aringo: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motions:-

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled The Promotion of National Unity and Reconciliation Bill, to establish a Truth and Reconciliation Commission to investigate the causes and effects of political and ethnic violence and the gross violation of human rights in Kenya since 1966 and to recommend just and permanent solutions that will promote and enhance peace, national unity and national reconciliation and to provide for matters connected therewith and incidental thereto.

IMPLEMENTATION OF YALA SWAMP
RECLAMATION/DEVELOPMENT PROJECT

THAT, in view of the fact that Yala Swamp Reclamation and Development Project in Siaya, Bondo and Busia districts was initiated by the Government of Kenya to increase food production and that area one comprising 2,300 hectares had been reclaimed from the swamp and transformed into farmland and that the designs and plans for reclamation of the remaining 17,000 hectares had been approved by the Government for implementation; this House urges the Government to:-

- (a) repair the dykes and rehabilitate area one and end the re-flooding of

this area;

- (b) implement the reclamation of the remaining part of the Yala Swamp and open the area for settlement by the indigenous people of Siaya, Bondo and Busia; and;

- (c) extend irrigated farming to the adjacent location of Usonga, Alego, Yimbo, Sakwa, Bunyala and Samia in order to increase food production in the country.

KAMATI YA UBADILISHAJI
WA SURU ZA SARAFU

Mr. Kathangu: Bw. Naibu Spika, ningependa kutoa Arifa ya Hoja ifuatayo:-

KWAMBA, ili kupunguza gharama kubwa inayotokea wakati tunapobadilisha sura za sarafu nchini aidha kwa sababu ya kusherehekea majira mbalimbali au kwa ajili ya kuwekwa picha ya Rais kwenye sura ya sarafu ili kubainisha tofauti ya uongozi; Bunge hili linapendekeza kwamba serikali ibuni kamati itakayohusika na maswala ya ubadilishaji wa sura za sarafu na kwamba kamati hiyo iwe na wanachama wafuatao:-

Waziri wa Fedha
Gavana wa Sheria
Mkuu wa Benki Kuu ya

Kenya

Wabunge watatu na
Mwenyekiti wa Soko la Hisa

Na kwamba, Mswada uwasilishwe Bungeni ili kuhalalisha kamati hiyo.

REVIEW OF CIVIL SERVANTS'
SALARIES/ALLOWANCES

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

[**Mr. Ojode**]

THAT, in view of the escalating cost of living in the country, given the fact that most salaries of the police and civil servants have not been reviewed for a long time and taking into account the reform process which the entire Public Service has undergone over the last ten years; this House

urges the Government to set up a Commission to inquire, review and recommend salaries, allowances and benefits that commensurate with the high cost of living for the police and civil servants.

ALLOCATION OF LAND TO THE LANDLESS

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

THAT, being aware that the Government had done a census for houses and people in Kenya in 1989 and 1999; acknowledging that thousands of Kenyan families are unemployed, poor and landless, this House urges the Government to:-

- (a) declare how many Kenyan adults and/or families are landless in all areas where land has been adjudicated and demarcated and prepare a list of such on location by location basis;
- (b) reserve all the remaining Agricultural Development Corporation (ADC) farms, net of research land, for sub-division and distribution among landless people; and
- (c) earmark all Nyayo Tea Zone lands, when the divestiture programme is implemented, for distribution to the landless or for re-forestation.

COMPENSATION SCHEME FOR VICTIMS OF VIOLENCE

THAT, being aware that the primary responsibility of every Government is to maintain law, order and security for all its citizens; cognisant of the fact that thousands of Kenyans have become victims of criminal violence and have either been killed or left seriously injured or handicapped for life, this House recommends that the Government sets up a compensation scheme for such victims where they cannot recover compensation from the perpetrators of the violence.

LEAVE TO INTRODUCE THE CONSTITUTION OF KENYA (AMENDMENT) BILL

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

THAT, this House do grant leave to introduce a Constitution of Kenya Amendment Bill to delete Section 5 Sub-

section 3(c) and to amend section 5 Sub-section 5(a) to provide that every person seeking to be the President of this country, shall not seek to be elected as a Member of the National Assembly representing a constituency.

ADOPTION OF THE 1996/97 PAC REPORT

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

THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year ended 1996/97 laid on the Table of the House on 4th October, 2000.

QUESTIONS BY PRIVATE NOTICE

PURCHASE OF LAND ROVERS BY NHIF

Dr. Kituyi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Public Health the following Question by Private Notice:-

Under what circumstances did the National Hospital Insurance Fund purchase 83 Land Rovers for use by the Ministry in December, 2000?

The Minister for Public Health (Prof. Onger): Mr. Deputy Speaker, Sir, I beg to reply.

The National Hospital Insurance Fund initiated actions to purchase 83 ambulances in response to a detailed proposal from the Ministry of Health requesting for ambulances to cover each of the 68 district hospitals, seven provincial hospitals and eight mission hospitals. This is intended to improve district based ambulance services and the referral system for Government health facilities and mission hospitals.

Dr. Kituyi: Mr. Deputy Speaker, Sir, when we enacted the NHIF Act in 1998, upon insistence [**Dr. Kituyi**]

by the Government, we did create for the possibility that the Insurance Fund will go beyond the purposes of insurance provision for health when the need arises. This cannot, by any stretch of imagination, justify the massive capital expenditure of the Ministry of Health being off-loaded onto the Insurance Fund. I would have expected the hon. Minister to give us the reasons that made him to use the route of plundering the Insurance Fund for purposes of ambulances for the districts, instead of requisitioning that money from Parliament. Be that as it may, could the hon. Minister tell this House - since the "mysterious Kshs6.9 million" was used as an excuse to dislodge his colleague and my friend Dr.

Anangwe; and since he has stated very clearly that he did not receive a cent of that kick-back - what investigations he has carried out in the matter of the existence of a Mafia which accounted for the Kshs6.9 million kick-back in the purchase of these ambulances?

Prof. Ogeri: Mr. Deputy Speaker, Sir, the issue of Kshs6.9 million kick-back is absolutely irrelevant and unconnected with the Question before the House. As regards the authority---

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. The Question I asked is about the circumstances surrounding the purchase of those Land Rovers. If the Head of Public Service said that in the process of purchasing those Land Rovers, Kshs6.9 million was misappropriated, how can that be an irrelevant question around the circumstances of the budget? Could you oblige the Minister to answer my Question?

Mr. Deputy Speaker: Yes, if Kshs6.9 million has been paid to an officer of the Ministry, then that is misappropriation!

Prof. Ogeri: Mr. Deputy Speaker, Sir, I am just dealing with the issue at hand. The Question by the hon. Member is very clear. It asks "under what circumstances" and I have said, there is a felt need for each and every one of our hospitals to be funded in one way or the other. In this case, to be funded by the issue of Land Rovers in the form of ambulances or the micro-buses to ferry patients from various catastrophies to the hospital delivery points. Secondly, there is a provision in the NHIF Act that they can invest the surplus funds in such needful services like the purchase of ambulances. That decision is not for the Government to make. It is a decision to be made by the Board of Directors. The Board of Directors met and a proposal was made to the Government. We then followed the procedures laid down in getting these ambulances, unless the hon. Member wants to say that Kimilili or Bungoma does not deserve that ambulance.

Dr. Kituyi: Mr. Deputy Speaker, Sir, I do not know what logic the hon. Minister is using here. I have not doubted the need for ambulances. Why did the Ministry of Health, which sourced the requests, not come to Parliament to seek appropriations from the Exchequer as part of their budget for capital expenditure to buy Land Rovers and ambulances, instead of pilfering money from NHIF? Could he tell the House why he did not come here to request for that money?

Prof. Ogeri: Mr. Deputy Speaker, Sir, we requested for a budget line of Kshs12 billion but we were given only Kshs9 billion. The only way we could access funds which were available for that use under the appropriate Act was to get the NHIF to provide the ambulances.

Dr. Kulundu: Mr. Deputy Speaker, Sir, I now regret that we created this avenue for the NHIF to invest in things other than the welfare of the contributors. The Minister has said that the NHIF invested in the purchase of

these ambulances. Could he tell us what yield he expects from that investment in ambulances?

Prof. Ogeri: One of the most expensive commodities, and Dr. Kulundu knows this, is to save lives.

Mr. Sambu: Mr. Deputy Speaker, Sir, could the Minister tell us what the unit cost per Land-Rover was and who the tenderers were? Could he also lay the tender figures and the tender companies on the table?

Prof. Ogeri: Mr. Deputy Speaker, Sir, the following companies tendered:-

M/S D.T.Dobie and Company Limited
M/S Crater Automobiles Nairobi Limited
M/S Land-Rover Kenya/ CMC Motor Group
M/S General Motors Kenya Limited
M/S Associated Motors Limited
M/S Toyota Kenya Limited

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. The Minister has not completed answering my question. He should provide the figures for each of the company so that he can say which one won the tender.

Prof. Ogeri: Mr. Deputy Speaker, Sir, the micro-bus ambulances were tendered for at a price of Kshs2.278 million; the Land Rovers were tendered for Kshs3,672,680; the 63 ambulances were from D.T. Dobie and the balance of the Land Rovers were from CMC Motors Kenya Limited.

Mr. Michuki: Mr. Deputy Speaker, at one time, I brought a Question here, requiring the Government to declare the number of funds which have been established in this country. This is a fund which has been established specifically to benefit the contributors who put their money into these funds. This had nothing to do with the work of the Government.

Could the Minister tell this House what [**Mr. Michuki**]

the meaning of investment is, within the interpretation of the Fund, from which he has taken money? The reason why I am asking these questions is because the funds have been misused. This is one instance of how these funds can be misused.

Prof. Ogeri: Mr. Deputy Speaker, Sir, in the NHIF Act, Section 34(b), it states clearly how the Board can adjudicate and use these funds "in the procurement and acquisition of essential medical equipment for provision to hospitals on such terms and conditions that the Board may from time to time prescribe." Indeed ambulances do contribute directly to the welfare of the contributors.

Mr. Kombo: Mr. Deputy Speaker, Sir, I do not think the Minister has dealt with the issues raised by both hon. Dr. Kulundu and hon. Michuki. Capital investment is the responsibility of the Government. The Fund is a members' Fund. Was this a loan to the Government or a loan to the respective hospitals? If the

Fund is investing on behalf of the members then they expect that the money will be paid back to the Fund. Under what terms did the Fund enter into with the Government in order to do the job which the Government should be doing? If the Government has failed, then it should give way and allow the Fund to do the job. This is how NSSF was destroyed!

Prof. Ogeri: Mr. Deputy Speaker, Sir, unless the hon. Member is not familiar with the Act, those are some of the functions of NHIF.

Section 34(1)(A) reads as follows:-

- "(a) In such investments in a public bank, being an investment in which trust funds or part thereof are authorised by law to be invested
(b) In investment in hospitals."

Therefore, this investment falls under that category

Mr. Deputy Speaker: Order, Mr. Minister! What the hon. Members are saying is that purchase of capital goods will affect the Fund. Did the Fund give the Government this money as a grant, a loan or what? Strictly speaking, if the Ministry wants to invest in motor vehicles or any other type of equipment, that kind of request should come here. Was this a grant to the Ministry or was it a loan?

(Applause)

Prof. Ogeri: Mr. Deputy Speaker, Sir, this was an investment because the public hospitals and the mission hospitals have offered free service to all the clients who may have been contributors to NHIF.

Mr. Kariuki: Mr. Deputy Speaker, Sir, could the Minister explain whether this "window" of expenditure will be used to access further funds for purposes of buying laboratory equipment, X-ray machines, beds and beddings, for the purposes of supplementing the hospitals which are lacking in a big way? If that is the case, how long will the Ministry continue accessing these funds?

Prof. Ogeri: Mr. Deputy Speaker, Sir, as long as there is a provision in the Act that allows the Board to offer such services, we will accept when they come to us.

Mr. Michuki: On a point of order, Mr. Deputy speaker, Sir. Is it in order for the Minister for Health to mislead this House by confusing investment with expenditure? Expenditure need not be an investment and investment yields returns! You may say health is returns but the funds do not belong to the Government! Is it not the case that he is confusing this House? What is essentially an expenditure wrongly acquired from a Fund is an investment that has no tangible yields in terms of the meaning of the word investment!

Prof. Ogeri: Mr. Deputy Speaker, Sir, I sympathise with hon. Michuki. He must make a difference between an economic investment and a social investment. Hospitals and ambulances happen to be social investment.

(Applause)

Mr. Ndicho: Mr. Deputy Speaker, Sir, ever since the issue of the 63 Land Rovers and ambulances came in, we have not seen a single Land Rover or any other of those vehicles in the districts. Could the Minister tell us the condition of those vehicles now? Are they being fitted with the ambulance kits or are they in the process of being taken to the districts or are they still with the manufacturers? Where are those ambulances right now?

Prof. Ogeri: Mr. Deputy Speaker, Sir, 63 ambulances are now ready for distribution from D.T. Dobie and 15 from the CMC. The rest of the vehicles will be ready in three weeks' time. That will be in mid-April.

Mr. Anyona: Mr. Deputy Speaker, Sir, it may well be necessary for Parliament and the Minister for Public Health or the Government to have another look at the law. This is because if this Parliament enacted a law which says: "The Fund can invest in hospitals" and we do not define what that means, then clearly we all have a responsibility to state what we mean. I do not think we can now, at this stage, begin to claim that we mean this or that when that is not clear in the law.

However, be that as it may, clearly the question of ambulances in this country is a serious crisis and it would be very good news that hospitals can get ambulances. I hope that the Minister will [**Mr. Anyona**] ensure that these ambulances are available as soon as possible.

Now, there is this element which has cropped into this project that the hon. Dr. Kituyi referred to---

Mr. Deputy Speaker: Hon. Anyona, ask your question!

Mr. Anyona: Yes, I am asking my question, Mr. Deputy Speaker, Sir. Apparently, there has been some misconduct and this Parliament cannot turn a blind eye to this, particularly when it has come on the Floor of the House and particularly as it also---

Mr. Deputy Speaker: Order, hon. Anyona! Ask your question!

Mr. Anyona: Yes, Mr. Deputy Speaker, Sir. I was also saying that particularly as it also refers and relates to an hon. Member of this House. Could the Government give an undertaking that investigations will be made into these allegations and a report made before this House as to what happened?

Prof. Ogeri: Mr. Deputy Speaker, Sir, I do not see how the Government comes into that kind of a situation because when the tenders were floated and the tender bids brought in, they were analysed in accordance with the procedures of Government. These vehicles were inspected by the Ministry of Roads and Public Works (Mechanical Department) for safety and idealness to be provided for and I have that report. We sought the Treasury's concurrence on the use and

purchase of these vehicles. I have that on record and, therefore, as far as the procedures were concerned, they were followed to detail. Now, what might have happened in the companies there is none of the Government's business.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. There is some scandal relating to this procurement and we cannot separate the two: We are trying to fight corruption. All we are saying is that the Government has a responsibility to assure this Parliament that there was no corruption and that if there was, action would be taken. We cannot brush it away!

Prof. Ogeri: Mr. Deputy Speaker, Sir, this corruption being mentioned has not involved the Ministry of Health.

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

Dr. Kulundu: Let us hear from the horse's mouth!

Mr. Deputy Speaker: Yes, hon. Dr. Anangwe!

(Applause)

Dr. Anangwe: Mr. Deputy Speaker, Sir, I stand under Standing Order No.73(4) which states:-

"No Member shall impute improper motive to any other Member except upon a specific substantive Motion calling in question the conduct of that Member".

Be that as it may, I have heard hon. Dr. Kituyi allude to and mention my name and I can also hear hon. Anyona beating about the bush without hitting the nail on the head. This means hon. Members are anxious to know what transpired and what was my exact role in this matter.

Mr. Deputy Speaker, Sir, let me begin by---

(Laughter)

Mr. Deputy Speaker: Order! This is Question Time and if the hon. Member wishes to make a Personal Statement, he does not do it under Standing Order No.73(4). So, let us follow our rules. If hon. Dr. Anangwe wishes to make a Personal Statement, he does not do it during Question Time.

Hon. Members: But he has a point of information to make!

Mr. Deputy Speaker: So, Mr. Minister, please proceed and answer the question! Hon. Dr. Anangwe can use Standing Order No.69 at the end of Question Time.

Proceed, hon. Dr. Kituyi!

Dr. Kituyi: Mr. Deputy Speaker, Sir, the hon. Minister for Public Health is telling us that if there is some scandalous and corrupt exercise involving the officers who were purchasing these ambulances in the name of this Ministry and it happens at the company, it is none of the business of his Ministry. The last time he took that attitude was when he was the Minister for Local Government and

look at what happened. It is the responsibility of that Minister to look into that form of corruption. First and foremost, he has refused to answer the most important question: What right does he have, as the custodian of the NHIF, transfer money from the Fund which belongs to contributors and he calls it "available resources"? They are not available for capital expenditure by the Ministry. What right did he have to use it in purchasing capital equipment for his Ministry? He has refused to answer that question.

Mr. Deputy Speaker: You see there is no difference between you and him when you are "tingisharing" the KANU sign!

(Laughter)

Dr. Kituyi: Thank you very much, Mr. Deputy Speaker, Sir. I beseech the Chair, if this is what it takes for him to answer the question, to ask the hon. Minister. The problem we have is to entrust contributors' funds to a Minister who has primary responsibilities for a service Ministry. He is stretching the definition of "investment". Could he [Dr. Kituyi] tell this House how he can justify contributors' money, for example, being used to purchase eight Land Rovers for mission hospitals? How can that be an investment for a contributors' Fund? Is he not abusing the trusteeship of a contributor's fund? Could he answer that if he can understand it?

Prof. Ogeri: Mr. Deputy Speaker, Sir, hon. Dr. Kituyi is quite at liberty to bring an amendment to an existing Act and he should be very well versed with this Act. I have already quoted it Section 34(1)(b) where it states:-

"The Fund can invest their money in the procurement and acquisition of essential medical equipment for provision to hospitals".

That is point number one. Two, I take a dire exception on a reference to the Ministry of Local Government because he has no business doing so. Therefore, if he has any substantive information, he should lay it on this Table.

Mr. Deputy Speaker: Order! Mr. Minister, it pays for you to restrict yourself to the question asked. If you do so, then you will not raise many more issues. So, I think we have dealt at length with this Question, but because the House has shown concern, I think this is a legitimate matter that should be referred to the Health Committee for further investigation.

(Applause)

Next Question. Mr. Munyao!

PURCHASE OF MAIZE IN UKAMBANI

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

(a) Is the Minister aware that there are huge amounts of maize and beans in Ukambani?

(b) Could the Minister make urgent arrangements for the National Cereals and Produce Board to buy the maize and beans rather than allowing private dealers who are buying the food very cheaply?

The Assistant Minister for Agriculture, Livestock and Rural Development: (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) Mr. Deputy Speaker, Sir, due to the surplus harvest of maize and beans, the National Cereals and Produce Board (NCPB) has made elaborate contingency plans to purchase as much of the maize and beans crop as would be availed by farmers and traders. The crop will be targeted towards replenishing stocks in the region to serve both commercial and Government of Kenya famine relief requirements or programmes.

Mr. Munyao: Mr. Deputy Speaker, Sir, the Assistant Minister, whom I respect very much, knows Ukambani very well. This Government is committed to eradicating poverty in this country. Poverty is prevalent in Ukambani region. It is for this reason that we are asking the Ministry, instead of letting private dealers to buy cereals at very cheap prices of Kshs400 or Kshs600 per bag of maize in Ukambani region, to move in and purchase these cereals at market prices. Four months ago, we were buying a bag of maize at Kshs1,500 and a bag of beans at Kshs3,000 respectively.

Could the Assistant Minister allow the NCPB to buy these cereals at the market price? When will the NCPB buy these crops at that price?

Mr. Sumbeiywo: Mr. Deputy Speaker, as far as agriculture is concerned, hon. Munyao knows very well that I know Ukambani region as much as he does. In early March 2001, when the crop was reported to have been ready for harvest in the region, the NCPB organised to purchase upto 200,000 bags of maize and 40,000 bags of beans respectively, if delivered by farmers. The NCPB has secured adequate funds for the purchase of cereals in that region and other regions in the country.

Mr. Mboko: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House how much money the NCPB has allocated for the purchase of the said cereals from Ukambani? By last week, the NCPB depots in Kibwezi, Wote, Emali, Masaku and Konza had not been allocated any money for the purchase of the said cereals.

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, to date, 4,131 bags of beans have been purchased and it is expected that this will increase, especially after the NCPB's recent review of the current price of Kshs2,300 per bag of 90 kilogrammes of beans. The decision was made on 23rd,

March, 2001. If the NCPB is not on the ground purchasing cereals, they must be on the way. The constant review of the prices serves, not only to offer a competitive price to the farmers, but also to be in keeping with the market trends.

With regard to maize, to date, some 2,125 bags have been purchased at a price of Kshs1,200 per bag of 90 kilogrammes. The NCPB established these prices in a scenario where traders were paying to farmers prices even lower than Kshs800 per bag of 90 kilogrammes. It is expected that the intake will increase, especially when districts such as Makeni, Machakos and Kitui harvest their grains. It is understood that the crop in these districts I have mentioned is still in the process of maturing and will be in the market in early April. The NCPB, therefore, has made adequate preparations to receive as much of the harvested crop as possible.

Mr. Khamasi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant to avoid answering a question? He has specifically been asked to state how much money has been allocated for the purchase of the cereals in the area. He has not answered that question. Could the Chair order the Assistant Minister to give a specific answer to the question?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, it is my responsibility to give the figures. I said earlier on, that the Ministry estimates to purchase 200,000 bags of maize and 40,000 bags of beans at the prices of Kshs1,200 and Kshs2,300 respectively. We have enough money to purchase the said cereals. I do not want to mislead the House, because I have not calculated the whole amount. But the Ministry has enough money to purchase all the maize and beans that will be delivered to the Board. I would like to appeal to my colleagues to encourage farmers to deliver their maize and beans to the NCPB as soon as they are ready instead of selling their crop to "suitcase" businessmen who operate as a cartel and who are out to fleece farmers. Therefore, I am appealing to hon. Members and other leaders to encourage farmers to sell their cereals to the NCPB.

Mr. Mboko: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is misleading this House. In 1988, in this House---

Mr. Deputy Speaker: Order! Mr. Mboko, that cannot possibly be a point of order. If you want to stand to ask a question, do so. It does not become a point of order just because you have prefaced it with; "is he is order!"

Mr. Sumbeiywo, have you finished?

Mr. Sumbeiywo: Yes, Mr. Deputy Speaker, Sir.

Mr. Katuku: Mr. Speaker, Sir, the situation on the ground is very serious and the Assistant Minister seems to be talking of the four NCPB depots in the whole area of Ukambani. For example, in Machakos

District, there are only two depots; one in Machakos Town and the other one is in Matuu. I do not expect a farmer who is down in my constituency to carry a bag of 90 kilogrammes from Machakos Town and deliver it to the NCPB depot. In view of the circumstances on the ground, and the fact that farmers are now being exploited by selling a 90 kilogrammes bag of maize at Kshs700, could the Ministry consider opening at least three temporary depots in each constituency?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, in considering opening up three buying stations as proposed by the hon. Member, the Board has been instructed to use its mobile trucks to collect the few bags from the small-scale farmers from trading centres. It should be realised here that because of liberalisation, the Ministry is doing its best. I would like to assure the farmers in Ukambani that there were very few buying centres. These were Nairobi, Machakos, Kibwezi, Makueni, Kitui, Mwingi, Meru and Maua depots at the end February, but we have added more buying centres in areas where the quantity of maize and beans is larger.

Mr. Deputy Speaker: Mr. Assistant Minister, hon. Katuku asked you about creating three additional collection centres or stores in the constituencies in Machakos and Makueni Districts. Will you do that or do you have them already? Please answer his question.

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, we only have one buying centre in every district, but the Ministry is now working out a programme where we will establish, at least, three additional buying centres for buying the grains whenever there is the right quantity of grains in those areas.

Mr. Mwenda: Mr. Deputy Speaker, Sir, what we hear about more often in Ukambani is pleas for relief food. This time, we are hearing pleas from Ukambani leaders calling for their food to be bought. This is something very strange and we thank God for that. Can the Assistant Minister assure this House that, instead of allowing the middlemen to buy these maize and beans at very cheap prices, the NCPB will move there tomorrow or the day after and purchase these grains?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, I said that the NCPB moved to the ground on 23rd March. So, the officers are already there and the stores are already open. Although they are few at the moment, I want to assure the House that the number of the buying centres will be increased accordingly.

Col. Kiluta: Mr. Deputy Speaker, Sir, I know that what I am about to say will sound strange.

Mr. Deputy Speaker: Order! Ask your question!

Col. Kiluta: Mr. Deputy Speaker, Sir, I would like to first correct the impression created by hon. Questioner that the whole of Ukambani is experiencing a bumper harvest. Some parts of Ukambani never got a seed, for example Masinga Constituency and Mwingi District. Is the Assistant Minister aware that there are areas of Ukambani which never got any harvest? These areas are experiencing

a total crop failure. What plans does he have for those areas that have experienced a total crop failure?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, in my answer to part "b" of the Question, I said that we will aim at replenishing stocks in the region to serve both commercial and the Government of Kenya famine relief requirements. The Government is aware that Masinga Constituency, where Col. Kiluta comes from, did not have a bumper harvest.

Mr. Munyao: Mr. Deputy Speaker, Sir, I want to compliment the Assistant Minister for his [Mr. Munyao]

serious trial. He has tried very much to satisfy this House on this Question. Apart from the fact that I come from Ukambani, I am in the Departmental Committee on Agriculture and, therefore, I know a lot about this field. The Assistant Minister has talked about plans. He has even said that NCPB's officers moved to the ground on 23rd March. I came from there yesterday morning and saw no officer in these areas. Could the Assistant Minister implement these plans, so that immediately the NCPB officers can be seen buying these grains? The NCPB has said that the only Kshs2 billion that it had, has been taken away by the office of the President. Could the Assistant Minister confirm that the NCPB has money? The NCPB has said that it had about Kshs2 billion for that project, and that the money has been taken by the Office of the President.

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, I am happy that hon. Munyao is also an hon. Member of the Committee that is responsible for the contribution of famine relief food. I would like to assure the House that officers were sent to the ground. If they have not arrived there, we will make sure that by tomorrow they will be there. I would also want to ask hon. Members to request farmers not to be sluggish in delivering their crop. Whenever their crop has matured, they should deliver it to the buying centres. I said earlier on that the market has been liberalised for the time being. It has been agreed that the market should be liberalised. I would like to assure the House that there will be a bit of competition on the ground, but my Ministry will make sure that the NCPB has enough money. The Kshs2 billion is a lot of money and it cannot be spent in Ukambani only. It will have to be spent around the whole country to purchase grains from other districts for the purpose of equal distribution of food to other areas. These districts include areas which did not have a bumper harvest like Ukambani; an example of such areas is Lari Constituency, where my friend comes from.

TEACHERS SHORTAGE IN
MODOGASHE/DADAB SCHOOLS

Mr. Shidiye: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education the following Question

by Private Notice.

(a) Is the Minister aware that there is a serious shortage of teachers in Modogashe and Dadab secondary schools?

(b) What urgent measures is the Government taking to rectify the situation?

The Assistant Minister for Education, Science and Technology (Dr. Wamukoya): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that there is a shortage of teachers all over the country to the tune of 4,400 teachers for secondary schools and 6,400 teachers for primary schools.

(b) To rectify the situation, the Teachers Service Commission (TSC) has made an urgent request to employ 4,400 teachers for secondary schools and 6,400 teachers for primary schools. This will include teachers for Modogashe and Dadab schools. The TSC has made the proposal to the Treasury and I have given it my full support. Over the last three weeks, my Ministry officials, the TSC and Treasury officials have held several meetings trying to identify available funds so that we can employ these urgently needed teachers. I can promise the hon. Member that Modogashe and Dadab secondary schools will be provided with teachers if negotiations for funding are completed successfully within the month of April.

Mr. Shidiye: Mr. Deputy Speaker, Sir, these are the only two secondary schools in my constituency. One school has only two teachers and the other one has five teachers. Those schools are about to be closed down because parents are about to withdraw their children from them. Now that the Assistant Minister knows that there is shortage of teachers in these schools, could he tell us the number of teachers he will post there? He has answered my Question in a general way, but I want him to specifically state the number of teachers he will post to these schools. Otherwise, there will be a closure of schools, whose performance has been deteriorating ever since. No student from my constituency has ever joined university because of lack of teachers.

Dr. Wamukoya: Mr. Deputy Speaker, Sir, Modogashe is a single-stream school with 151 students. According to the curriculum-based establishment, it is supposed to have nine teachers, but has eight teachers. It is lacking one teacher for Arabic language. Dadab School is also a single-stream school with Forms One and Two, and has 45 students. It is supposed to have five teachers, but has three teachers. It is lacking teachers in the following combination: History/Kiswahili, English/Geography and Arabic Language.

Mr. Shidiye: On a point of order, Mr. Deputy Speaker, Sir. The hon. Assistant Minister is misleading this House. I have the facts on what is happening on the ground because Modogashe Secondary School is in my constituency---

Mr. Deputy Speaker: Order! Why do you not wait and make it a question?

Dr. Wamukoya: Then let me proceed!

Mr. Deputy Speaker: Yes, proceed!

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I think I had given the figures for Modogashe Secondary School and I was giving figures for **[Dr. Wamukoya]**

Dadab Secondary School, which has single streams of 41 students in Forms One and Two. The school is supposed to have five teachers, but it has only three teachers. So, it requires to have two more teachers. I had stated the combinations that these teachers should have.

Thank you.

Mr. Shidiye: Mr. Deputy Speaker, Sir, first and foremost, the information the Assistant Minister has is very wrong. This is because Modogashe Secondary School is in my constituency and I have been there. We have only five teachers, but the Assistant Minister is saying that there are eight. We had more than 70 students who enrolled for Form Four examinations last year and there are more than 300 students in that school.

Mr. Deputy Speaker, Sir, for Dadab Secondary School, we have Forms One, Two and Three. So, the figures that the Assistant Minister is giving this House are all misleading. Could the Assistant Minister come up with a better answer since, I think, he is not giving us an adequate answer because he is telling us that he has enough teachers on the ground and yet there are not enough teachers?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, the most important thing here is that there is a shortage of teachers countrywide and all hon. Members in this House know that their areas have a shortage of teachers. This matter has been recognised by my Ministry and we are now working together with the Treasury to see how we can employ 10,000 teachers. When this will be done, Modogashe and Dadab secondary schools will get their full share of the teachers.

Mr. Kihara: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that recently there had been much talk about an even distribution and transfer of teachers, but that exercise had been ignored by teachers? Indeed, even those who were posted elsewhere have never reported to their new stations, especially in Naivasha, which is my constituency.

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I would like to inform the House that we do not have excess teachers to transfer around the country. In July, 2000, when an audit exercise was carried out, the information we got was that we had 8,000 excess teachers. By November, the same year, there were just 5,000 excess teachers. Now, they must be fewer than that. The numbers are dwindling because of natural attrition, retirement, deaths and so on. So, there are no teachers now who can be transferred to other places. However, when we will employ the 10,000 teachers, we will distribute them accordingly.

Mr. M.M. Galgalo: Mr. Deputy Speaker, Sir, despite the fact that in the 1962 KANU Manifesto, it was specifically indicated that the pastoral communities, like the people of Modogashe, were going to be given priority in Education--- Even today, 40 years after Independence, we are unable to get enough teachers in the few schools that are in our area. Could the Assistant Minister tell this House whether this is a definite plan by the KANU Government to underdevelop the North Eastern area because up to now we cannot get enough teachers and yet the Government of KANU has overtrained teachers in this country?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, the KANU Manifesto still stands because the people from pastoral communities get favoured when Form One intake is carried out because they also get admitted to secondary schools with lower marks and they also get favoured when they go to the university. So, we are giving better opportunities to people who come from pastoral areas to get education. As far as the issue of shortage of teachers is concerned, all areas are affected.

Mr. Shaaban: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister aware that, children in North Eastern Province perform poorly because of the reasons the hon. Member has given? It is due to lack of enough teachers and especially in science subjects! Is he aware that, that is why students are performing poorly but not because there are no enough teachers?

Mr. Deputy Speaker: Order! Order, hon. Shaaban! You are arguing! You are neither asking a question nor raising a point of order. So, please, learn the difference.

Last question, hon. Sambu!

Mr. Sambu: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that the failure by the Teachers Service Commission (TSC) to pay teachers their hardship allowances in areas where they deserve, is one of the reasons why teachers refused to go to certain areas? What steps will he take to force the TSC to remunerate and give teachers fair treatment when they are transferred to hardship areas?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, in the designated hardship areas the teachers are getting their hardship allowances. I know that there are some areas which refused to be designated as hardship areas; like Kitui District, and the teachers there are getting normal salaries like other teachers, but hardship allowance is being paid in designated areas.

Mr. Deputy Speaker: Next Question, hon. Karisa Maitha!

ALLOCATION OF MAJORENI
DISPENSARY LAND

Mr. Maitha: Mr. Deputy Speaker, Sir, although I have not received the written answer, [Mr. Maitha] beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware that a private developer was allocated land belonging to Majoreni Dispensary in Pongwe/Kidimu in Kwale District?

(b) Is he also aware that the same developer borrowed money from Kenya Commercial Bank and since he is now unable to pay the money, auctioneers have moved in to sell the said land?

(c) What urgent measures is the Minister taking to save the residents from losing this piece of land?

Mr. Deputy Speaker: Is there anybody here from the Ministry of Lands and Settlement?

An hon. Member: There is nobody, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Yes, hon. Maitha!

Mr. Maitha: Mr. Speaker, Sir, this is a very serious matter because the auctioneers are going to sell this Health Centre tomorrow, if this matter is not attended to! What do I do?

Mr. Deputy Speaker: You should go to court and stop the auctioneers from selling it!

Mr. Maitha: No, I have brought this matter to Parliament!

Mr. Deputy Speaker: Hon. Maitha, if the property is being auctioned tomorrow, and the Minister for Lands and Settlement is not here, surely, the best I can do for you is to get this Question answered tomorrow, by which time it will serve no use for your purposes. The Question is deferred to tomorrow afternoon.

(Question deferred)

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. In view of the seriousness of this matter, could you ask anybody from the Government to give an undertaking so that the Health Centre is not sold?

Mr. Deputy Speaker: From where?

Mr. Ndicho: From the Government itself! Tunataka Serikali iseme kwamba, hakuna kitu kama hicho. Na hii ni Serikali ya Nyayo!

Mr. Deputy Speaker: I suppose the person who is selling this Health Centre relies on the Government. Will somebody draw the attention of this matter to the Minister concerned?

Mr. Ndicho: Maj. Madoka should do that!

Mr. Deputy Speaker: Anyway, we will make sure Maj. Madoka conveys this to the Minister for Lands and Settlement. So, we shall proceed now!

Next Order!

BILLS

First Readings

THE KENYA WATER INSTITUTE BILL

The Minister for Water Development (Mr. arap Ng'eny): Mr. Deputy Speaker, Sir, I beg to move that the Kenya Water Institute Bill be referred to the relevant Departmental Committee in accordance with Standing Order No.101(1).

THE COPYRIGHT BILL

The Minister for Public Health (Prof. Ongeri): Mr. Deputy Speaker, Sir, I beg to move that the Copyright Bill be referred to the relevant Departmental Committee in accordance with Standing Order No.101(1).

THE KENYA NATIONAL COMMISSION
ON HUMAN RIGHTS BILL

The Minister for Public Health (Prof. Ongeri): Mr. Deputy Speaker, Sir, I beg to move that the Kenya National Commission on Human Rights Bill be referred to the relevant Departmental Committee in accordance with Standing Order No.101 (1).

*(Orders for First Readings read -
Read the First Time -
Ordered to be read the Second Time tomorrow)*

Mr. Anyona: Mr. Deputy Speaker, Sir, I do not know whether these Motions which are moved by Ministers are prepared by the officers of the House or their own officers. In all three cases the wrong Standing Order has been quoted. It should be 101 A. Technically, what has just happened has no effect.

Mr. Deputy Speaker: Order! In fact, hon. Anyona is right. If you read Standing Order No.101, it says: "Every Bill shall be read a First Time without Motion made or question put." Standing Order No.101A states: "A Bill having been read a First Time shall upon a Motion by the designated Minister stand committed to the relevant Departmental Committee without question put." The

I also want to take this opportunity to congratulate our sister Dr. Sally Kosgei for being appointed the Head of Civil Service. I believe she will manage that position. I think the President should also be congratulated for appointing this lady. The Presidential Speech was very comprehensive. It contained all the issues that affect us. Although many people have diluted it, even the Leader of the Official Opposition congratulated the President on this Speech. Some people have said that the President normally gives his Speech but there is no action taken on what he says. We do not expect the President to actually implement what he says. This should be done by the relevant people who are placed there. If the organs that fight corruption, like the police and all these people cannot do this, you cannot blame it on the President. The President has the goodwill. I do not expect somebody to say that this President is just talking and

intention is quite clear and the Chair rules that those Motions have been moved as per Standing Order No.101 A.

*(The Bills were referred to the
relevant Departmental Committees
of the House)*

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS
THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on Tuesday, 20th March, 2001.

(The Vice-President on 21.03.2001)

*(Resumption of debate interrupted on 28.03.2001
Morning Sitting)*

Mr. Deputy Speaker: Mr. Manga, you have eight minutes.

The Assistant Minister for Energy (Eng. Manga): Thank you, Mr. Deputy Speaker, Sir. This morning before the House adjourned, I was saying that our public schools' dormitories are very dangerous. I gave an example of a school in my constituency where the girls are normally locked in the dormitory from outside by the watchman when they are sleeping and he goes away. These children cannot go outside even for a short call. It is very dangerous. This has become a tradition in many of these schools. Individual headmasters should take responsibility for this. They should make sure that the conditions in the dormitories are not similar to those in prisons. They install burglar proof gadgets and all the security measures in place and when there is a fire there is no way of escaping. That is what I wanted to say as I send condolences.

nothing is happening. We should direct our attention at those people who are supposed to be carrying out those duties and make sure that they are doing them.

This duty should not be left to the Government only, the public should also be involved. You can stand there and say: "You are doing this wrongly and the order is this!" You should be able to shout about these things. In his Speech, the President mentioned the constitutional review process which is going on. I was happy to hear the President say that he is for the merger. This merger will help unify the whole process. Sometime back, when we were discussing the merger deal half of the Members in the House walked out and went to form their group. God has been very good; he has talked to these people and they are coming back. We are happy that they have also understood. I also want to congratulate hon. Raila's

team that has also been accommodative. This is a give-and-take process. We are now back on track and this is a great thing. We should congratulate the President for accepting that fact and giving this matter his approval.

The President also called upon the Opposition and the ruling party to unite for the good of the nation so that we become nationalists and not just people thinking about their parties. When it comes to the issue of getting people together and working for the good of the nation, we should all forget about being partisan. I was surprised this morning to hear a statement from an hon. Member who said that the President can stop being a President when he is carrying out a KANU function. The President remains President for 24 hours until he leaves that office. You cannot expect him to say that he will not travel with a motorcade because he is going to a KANU meeting. That is childish!

Mr. Anyona: On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Eng. Manga, would you like to be informed by Mr. Anyona?

The Assistant Minister for Energy (Eng. Manga): He may inform me, Mr. Deputy Speaker, Sir.

Mr. Anyona: Mr. Deputy Speaker, Sir, I was in the library when this event took place. I was really surprised, because I have never seen it happen before. But I am now pleasantly informed that even the President himself was surprised by what happened. He did not expect it, because that was not the normal protocol. So, I think that is the correct position, and we should not confuse it here.

Mr. Mutahi: On a point of order, Mr. Deputy Speaker, Sir. While referring to sentiments made by another hon. Member during his contribution to the Motion on the Presidential Address this morning, hon. Manga said that all that, that other hon. Member said about the President was childish. Is the word "childish" parliamentary?

Mr. Deputy Speaker: Very well!

The Assistant Minister for Energy (Eng. Manga): Mr. Deputy Speaker, Sir, I only commented on what was said. But I must also say that, that mentality was childish. I think the hon. Member just wanted to take my time. What I wanted to say is that [**The Assistant Minister for Energy**]

it is not proper to say that the President should stop being the President when he attends KANU functions. That should not be the case. I believe that the hon. Member knows that.

[Mr. Deputy Speaker left the Chair]

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

Mr. Mutahi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the usage of the word "childish" in reference to views expressed here by another hon. Member parliamentary?

The Temporary Deputy Speaker (Mr.

Imanyara): No, it is not!

Mr. Mutahi: Could the hon. Member withdraw that word then, Mr. Temporary Deputy Speaker, Sir?

The Assistant Minister for Energy (Eng. Manga): Mr. Temporary Deputy Speaker, Sir, I did not say that the hon. Member was childish. I said that, that particular statement was childish.

Mr. Kiunjuri: On a point of order, Mr. Temporary Deputy Speaker, Sir. That statement was not made by anybody else other than the hon. Member. The hon. Member has used half of his contribution time praising the President. Will the Chair allow that level of psychopancy to continue in the House?

The Temporary Deputy Speaker (Mr. Imanyara): That is not a point of order, Mr. Kiunjuri.

The Assistant Minister for Energy (Eng. Manga): Mr. Temporary Deputy Speaker, Sir, we have a problem if some people can hate others to the extent of not wanting to hear their names mentioned. If that is the case, I am very sorry about it.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Your time is up, Eng. Manga.

The Assistant Minister for Energy (Eng. Manga): Mr. Temporary Deputy Speaker, Sir, I beg to support.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I rise to reluctantly support the Motion the reason being that we are used to listening to Presidential Addresses that spell out what we want to hear, but which are totally unmatched by actions.

Mr. Temporary Deputy Speaker, Sir, in his Address, the President was expounding on Government policies. But the question is whether those in Government are going to implement those policies. Much as the hon. Member who spoke before me would want to claim that it is for everybody to help implement Government policies, which I have no quarrel with, the buck stops with the President. If his policies are not implemented by his Government, we shall always talk about the President and his Government.

Hon. Members on the Government side must be more tolerant of criticism. They should try hard to match their words with actions, so as to avoid criticism. Otherwise, it is pointless for them to spend their time hurling insults at this side whenever the Government is criticised. They should be tolerant and listen to criticism, so as to improve their performance, and should know that the buck stops with the President and not even with the Government.

Mr. Temporary Deputy Speaker, Sir, the Presidential Address touched on reduction of poverty and poverty levels in this country. Is he and his Government serious about reducing poverty in this country? This country's economy depends largely on agriculture. A glance at what the Government is doing

in the agricultural sector tells us you that the President's sentiments were mere words, and that there is no serious intention of alleviating poverty in this country or of reversing the negative trend in the agricultural sector. If there were such intentions, why would the Government, for close to a decade, sit on the STABEX funds, which were meant for helping the coffee and tea farmers?

(Applause)

Mr. Temporary Deputy Speaker, Sir, if there was seriousness in the President's sentiments, there would be no debate on which sector should get the STABEX funds. The agreement between the European Union (EU) and the Kenya Government, which is based on the Lome Convention, is very specific. It deals with only two crops, namely, coffee and tea. The tea industry having not been affected, the STABEX money in Kenya is only for the development of the coffee industry. Why do we then hear Government Ministers talk about other sectors? Why do we have debate regarding the areas this money should be spent on? Is this not an attempt by the Government to cause confusion amongst Kenyans? Does the Government not hope that farmers in other sectors will start fighting coffee farmers over this money?

Let us be honest in what we do. Kenyans must be told that the agreement, which is in black and white, and which we happened to lay our eyes on during the consultations initiated for the coffee sector by the Agriculture Minister, is specific that the STABEX funds are meant for the development of the tea and coffee sectors. Kenyans should know that those funds cannot be used for the development of wildlife or any other sector. The funds are specifically meant for the stabilisation of the exports of those two crops, and I would like to repeat that since the tea industry is unaffected, the funds must **[Ms. Karua]** be used for the development of the coffee sector. Why are those funds still being withheld? How are we going to alleviate poverty if we are not ready to disburse this money to the farmers? That is why I said I am supporting this Motion reluctantly.

Mr. Temporary Deputy Speaker, Sir, let thanks be given to the Presidential Address, because they are due to that Office. But let us know that these are empty words unless those in the Government demonstrate seriousness and commitment in what they are doing.

The agricultural sector does not comprise of only coffee and tea. Look at what is happening to the dairy industry? Is it fair for farmers to be asked to buy what belongs to them? What is this "KCC 2000"? Where has it come from to acquire assets which already belonged to the farmers? A farmers' general meeting cannot be held in an atmosphere that is not conducive for the farmers to give their own views. Such a meeting cannot be presided over by a Head of State. Resolutions cannot be bulldozed. If we hope to revive the agricultural sector, and alleviate poverty, we

must let the farmers discuss matters freely. As we sit here, an illegal take-over of the KCC assets has been planned by this very Government, which hopes to alleviate poverty. Let us be serious, show commitment and let our actions match what we say.

Mr. Temporary Deputy Speaker, Sir, we have to look around and see what is happening in the sugar industry. Two sugar companies are now going under, and there is shock by this Government over a third sugar factory that is being built. Are we going to concentrate on building another factory, which will also go under, or should we concentrate in bailing out the two factories that are already in a serious crisis? Why is the Government allowing the importation of subsidised sugar from other countries, which is contributing to the collapse of the sugar sector? If the Government is serious about alleviating poverty, it must direct all the available resources for the agricultural sector to bailing out the on-going agricultural concerns.

Mr. Temporary Deputy Speaker, Sir, the misery in the agricultural sector is big. One could talk of the collapse of the cashewnuts industry at the coast, and the cotton industry countrywide as well as the cereals sector. The list is endless. We do not want policies that gather dust on the shelves. We want action. This House can do its bit by passing resolutions that will stop the Government from doing things that hurt the nation. I have in mind the on-going titanium saga at the coast.

Why do we have to hurry and give our mining rights to a foreign company? Why can a Committee of this House not investigate the issue and make sure that it is environmental friendly, and it would benefit Kenyans? What is the hurry for? Is there an interested member of the Government who has shares in the Tiomin Mining Company? That is my suspicion. I think we are not serious. We cannot alleviate poverty when we are making our people destitute. We need to look into those questions. I will say again that the buck stops with the President. It does not do to give us a beautiful Speech. He should match it with actions.

Mr. Temporary Deputy Speaker, Sir, on the livestock sector, what is happening to the Kenya Meat Commission (KMC)? When there was drought, we could have bought the animals and saved the livestock farmers from the loss that they incurred. They would now be having some money to revamp the livestock sector. There has been talk of reviving the KMC, but it has not been matched with action. How are we going to alleviate poverty, when we are letting our livestock farmers to wallow in poverty because of the drought?

Mr. Temporary Deputy Speaker, in the Presidential Speech, there was talk about the power sector. We all know that it is not drought that caused a serious power crisis. There was lack of proper management of the power sector. How can we hope to improve when we have the same inefficient managers,

or continue to keep those who made us suffer setbacks in that sector? My view is that the Speech does not show commitment. It is meant for the shelves and the Government appears totally unprepared to take any serious action. I will once again say: Let reason prevail. Members on the Government side must not see their role as shooting up to hurl verbal invective at the Opposition side, when we criticise the Government. Let their argument be full of reason. They should meet our criticism with reasonableness. Name-calling will not help. Maybe, what will help is a take-over of the Government, which we will do in due course.

(Applause)

Mr. Temporary Deputy Speaker, Sir, the President referred to what he called the "benefits" of globalisation. It is a pity that the Speech did not dwell on the very negative effects of globalisation. That brings me to the point that, our Government is too quick to sign international agreements, without reading in-between the lines. Globalisation is being pushed forward by the World Trade Organisation, and very many agreements have been signed, including those that relate to the intellectual property rights. All those agreements favour the industrialised countries, and not countries like Kenya. I do not know of one positive thing about globalisation. It ensures a new world order, where the poor countries will remain poor forever, and the industrialised world will continue to exploit us, like [Ms. Karua]

they have done since time immemorial. We do not dictate the prices of our products.

With those few remarks---

The Minister of State, Office of the President (Mr. ole Ntimama): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to support the Speech by His Excellency the President. I think that it will go a long way to revamp the economy of this country. I think it is important for us to help the Government to turn around the economy.

Mr. Temporary Deputy Speaker, Sir, in front of me here, is the HANSARD in which hon. ole Ntutu has mentioned me directly by name, and said that my company and I are corrupt and that, we have not paid about Kshs100 million to the Narok County Council. I consider that very malicious and totally untrue. I want to say here and now that, my company or myself do not owe a cent to the Narok County Council. I think the hon. Member knows that the courts of this country are open. He can go along and lodge a case in court to claim whatever he thinks my company owes them!

Mr. Temporary Deputy Speaker, Sir, it is very unfortunate because, for the three and half years that the hon. Member has been here, yesterday was the first time that he stood up on his feet! I thought that he will spend that short limited time to speak about his constituency, and not about

me and my company for things that he does not know, and that do not exist at all! I heard a comment by one hon. Member that he does not know him! It is true that they would not know him because he has never stood up on his feet to represent anybody, except that he came to abuse me!

Mr. Michuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to start discussing another hon. Member without bringing a substantive Motion?

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I am replying to what he said! I have got the right! The hon. Member mentioned me directly by name, and insinuated corrupt and fraudulent things against me! I think I have a complete and democratic right to reply. I would have thought so, but the truth of the matter is that, I have kept quiet about some of those things for a long time. I have been abused by some of those people - him and his compatriots - in the newspapers and everywhere! I have always found no reason to respond. I thought that it was not worth my while! But when people stand on the Floor of this House and attack me for things that do not exist, I have got a right to reply.

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I do not want any information! I do not want his information because I am even questioning his capability on so many things! Let me say that the hon. Member who said that I am corrupt, is involved in a catalogue of rent and financial scandals. I have got the Parliamentary Anti-Corruption Committee Report here, and on page 113, RVP 37, it reads:

"Mr. ole Ntutu, his family and clerical officer, the DC, Narok Mr. John Kiminyi, have misappropriated funds including gate collections at the Masai Mara Game Reserve. The figure is about Kshs501 million."

I have the Report here and I can say that even the DC has become "DC wa maisha" in Narok District!

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member for Narok North in order to use the Kombo Report in this House, which was thrown out of the window?

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, this is a matter of reference. I think, for me and Members of this House, this Report will be in the archives of this land. It will be in the history of this

country, whatever the matter!

The most important thing is that the hon. Member himself has got a problem with the group ranches right now! The County Council and the Kenya Wildlife Service (KWS) paid group ranches over Kshs100 million this year. No cent was given to the group ranches to pay for the bursaries for school children or anything else! I think that is the big question. There is also the question of the Lodge which is owned by the Ojororua Ranches. The lease is paid by the Mara Safari Club. He knows where over Kshs200 million went! He has not paid that money to the members! I think he will answer for some of those things!

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. ole Ntutu, it is hon. ole Ntimama's time that you are taking! He wants to make a point!

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I hope you will protect me! I think the question of not knowing the Standing Orders has brought the problem! I know the sponsors of the malicious attacks against me. I know where the money is coming from. I know who the pushers are. I know who are behind all those things. I want to say one thing on the Floor of **[The Minister of State, Office of the President]** this House. They have fired the first shot! We will wage war here on the Floor of this House and outside!

Some of the people are also vulnerable, and they have to be careful. They should know that they are living in glass houses, and we are going to expose them. In democracy, there is somebody called the "whistle blower." There are whistles being blown around here condemning those people--- The hon. Member's compatriots have grounded the Government Printer. They have eaten it all and finished it. Even some of the institutions that they are supposed to look after are being looted every day. There is no way we are going to leave these people. If they do not stop maligning us, we are going to expose them in a big way - both here and among our people. I know what has brought out all this problem. I complained the other day that the Mau Forest is being destroyed, and these are the very same people who are destroying the forest. These are the same people who are doing illegal logging there.

The biggest problem now is that, I have got an area in my constituency called (Pil Polton)? They want to grab it! Yet, I am here, and I am still fit, and I have got my own people. We will not allow an inch of (Pil Polton)? to be grabbed, whoever the people are! I am going to say---

(Applause)

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Hon. Members: No!

The Temporary Deputy Speaker (Mr. Imanyara): Order! Yes, Mr. ole Ntutu!

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): Mr. Temporary Deputy Speaker, Sir, is the hon. Member in order to talk about Mau Forest and he was the one in 1957, who allocated forests to the Colonial Government?

The Minister of State, Office of the President (Mr. ole Ntimama): He does not even know the history of that land. The Colonial Government is gone, and the forests belong to us. I mean, he does not even know anything. He is trying to insinuate scandals, but he cannot harm me with anything.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. ole Ntimama! Address the Chair!

The Minister of State, Office of the President (Mr. ole Ntimama): Pole, Mr. Temporary Deputy Speaker, Sir. The other thing is that these are the people who are involved in the grabbing of the Mau Forest. Right now, you have read in the newspapers about people in Narok complaining that they are also poised to grab Mara Game Reserve. This is the problem because I said - and I am going to continue saying - it does not matter where it happens. We must not destroy the forests where the Mara River is coming from. This is because we are endangering the Mara River and the life of all the wild animals living there. We are also endangering tourism. I have to continue saying so, and I know that it hurts them.

But let me repeat again that, the other day, there was a statement in the *People Daily* newspaper where I complained about the Mau Narok-Narok-Nakuru Road which, for the last 30 years, has been in the planning, but it has never been repaired. I said that it was discrimination and neglect of the Maasai. I said the wheat, barley, potatoes and cabbages are rotting on that road. I had made a passionate appeal to the Minister for Roads and Public Works so that this road is repaired. Only eight kilometres of that road have been repaired. What did they want me to say? Did they want me to go and hide in my little manyatta and keep quite and say: "Oh yes!"

I entirely agree with the hon. Member who has just talked. How do we eliminate poverty when people cannot take their produce to the market? They cannot take their potatoes and barley to the market and get the money to buy food for their children and pay school fees. How do we eradicate poverty? That road must be repaired if poverty is to be eradicated in Narok District. Definitely, if that is not done, it is not going to augur well for all of us.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Dr. Kulundu: Thank you, Mr. Temporary

Deputy Speaker, Sir, for giving me this opportunity to contribute to the Presidential Speech. I wish to start my contribution by commenting on something that was said this morning by hon. Murungi. It would appear to me that we have set a bad tradition in this House, by the way we go about opening our Parliament. It is traditional for us to have various religious leaders coming to say prayers for hon. Members during the State Opening of Parliament. But are we not also in danger of breaching our own rules by allowing the use of strange languages in this House? I am referring to the preacher who traditionally prays last. He speaks in a language that only a few of us are comfortable with. In fact, during the State Opening of Parliament last Tuesday, it was only Mzee ole Ntimama who seemed to understand what that preacher was telling God on our behalf and about us. The Vice-President---

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Kulundu, do you want to be informed?

Dr. Kulundu: No, Mr. Temporary Deputy Speaker, Sir. He also seemed to be lost when that old man was saying his prayers.

The Minister of State, Office of the President (Mr. ole Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to refer to the Maasai language as a strange language when, in fact, it is one of the Kenyan languages and the prayers are addressed to God? So, God is the other person who understands it.

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, as far as I am concerned, any language other than Kiswahili and English is a strange language in this House. That old man kept on saying: "*Olololu, Huu Moi! Olololu, Huu Moi!*"

(Laughter)

We are wondering---

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): On a point of information, Mr. Temporary Deputy Speaker, Sir.

Dr. Kulundu: Politely rejected, Mr. Temporary Deputy Speaker, Sir.

The Minister of State, Office of the President (Mr. ole Ntimama): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it really right to denounce the prayers that the old man was making, knowing very clearly that this is the only religion that has not come out from the Middle East? It is local.

An hon. Member: What about the *Mungiki* sect!

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, *Mungiki* sect is a local religion. *Dini ya Musambwa* is a local religion, and I do not see why this Government continues giving a lot of prominence to that particular

religion.

The Temporary Deputy Speaker (Mr. Imanyara): It is not the Government; it is the Speaker.

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, so next time, we would like to ask that old man to pray for us in Kiswahili or English.

Coming to the Presidential Speech, I must say that I found it a lot less inspiring than last year's Speech. Why? This is because I found it to be wanting in terms of exposition of public policy. The President gave a Speech that contained almost the same promises that last year's Speech contained. Here, I am referring to, for example, the Industrial Properties Bill. The Bill is of such momentous importance to this country that, we keep on wondering why this Government is dragging its feet in introducing it to this House. There are so many people out there who are suffering from HIV/AIDS, and I wish to thank hon. Members of Parliament who have talked about the inability of Kenyans to access anti-HIV/AIDS drugs. That is the only Bill that will unlock the gate towards our people getting the HIV/AIDS drugs.

Mr. Temporary Deputy Speaker, Sir, the President also talked about The Traffic (Amendment) Bill last year, and he is still talking about it this year. He talked about the Children's Bill last year; wonder of wonders, he has also talked about the Sugar Bill and I hope, with all sincerity, that this Sugar Bill will be tabled in this House so that the woes that plague sugar-cane farmers in Western Kenya can be solved once and for all.

Mr. Temporary Deputy Speaker, Sir, the President lamented about drought. We all know that drought caused shortage of water and electricity occasioning severe rationing and loss of jobs. But he did not tell us a single lesson that this Government learnt from that drought. It would appear that the only lesson that this Government learnt from last year's drought was that Kenya no longer needs forests. This Government needs to be taken to school to be taught about the link between rainfall and the existence of forests. The President craves for degazettement and excision of forests for alleged settlement of the landless in this country. It is a topic that is totally incomprehensible to the right-thinking members of the Kenyan society. The President failed to tell us whether his Government still intends to go on with the degazettement of nearly 200,000 acres of forest land. What about irrigation? Has this Government learnt that we have huge fresh water masses in this country in the form of Lake Victoria and Lake Naivasha that could be used to irrigate the northern part of this country and thereby contribute significantly to the availability of food for our people? The President should have talked about the plans that the Government has put in place to ensure that those semi-arid and arid areas of Kenya have got access to irrigation. Only this

afternoon, we were treated to a good spectacle; I thought that for the first time, because of the flash of rains we had the other day, Ukambani now has surplus food. That shows that with a bit of thinking and planning, this country could be self-sufficient in food and even be a net food exporter.

He also touched on the question of the Constitution reform. It is gratifying to note that the two initiatives have merged. Let there be no chest-thumping because there was no winner or loser in this merger. But one thing that I want to talk about on the constitutional review is the question of reviewing constituency boundaries. Constituencies in this country have never been clearly defined, to the extent that as we sit here, there are Members who came to this Parliament, courtesy of 2,000 votes plus, whereas some Members came here, courtesy of nearly 40,000 votes. Obviously, there is something [Dr. Kulundu] wrong with the way we have drawn our boundaries. If we have any lesson to learn from history, it is that in the last two elections, the combined Opposition parties got close to 67 per cent of the Kenyan vote and KANU has consistently got 33 per cent. But then, wonder of wonders, the 67 per cent of Kenyan voters could not yield more seats than the KANU side. There is an anomaly there that must be addressed. I think constituencies must be based on the size of the population. We all talk about development, and when we talk about development, we are talking about people. We do not talk about tracts of land, rivers, mountains and so on; we talk about people. As far as possible, population should be the criterion in constituency boundaries.

Mrs. Kittony: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to take this opportunity to send my condolences and also, condolences of members of my organization, to the bereaved people of Ukambani for losing very many innocent students. Secondly, I would like to sympathise with the women and children of Marakwet for the massacre they were subjected to two weeks ago.

Mr. Temporary Deputy Speaker, Sir, while supporting the President's Speech, I would like to commend hon. Members for the way we carried ourselves in this august House, for the first time. Several times I have wondered how wananchi can call us honourable Members if we cannot respect ourselves. I commend Members for respecting the State Opening of Parliament last week.

I also want to commend the Speech because it was uniting. It is time we all turned around and developed this country unitedly. I am saying this because there are a number of things that are happening and we do not seem to take them seriously. In most cases, when we are in difficult situations, women are the sufferers. I would like to commend the Speech and also to commend His Excellency the President for placing women in key positions. I would like to thank him for the appointment of Dr. Sally Kosgey, who has made history in this country as the first woman Permanent Secretary, Head of Public Service and Secretary to the Cabinet. Also, you realise now that we have four other women Permanent Secretaries, one of them was given to us

only today; so, we, as Kenyan women, are very delighted for these appointments. I want to say that these appointments were merited. We did not get them on a silver plate. Today, we have a new one in the investment sector. We are very happy for these appointments because to get a woman on the Investments Committee, we would have to go a long way. We are calling for support, so that we can reap the fruits of our sweat.

Mr. Temporary Deputy Speaker, Sir, while thanking His Excellency the President---

(Dr. Godana and Mr. ole Ntimama consulted loudly)

Mr. Kiunjuri: On a point of order, Mr. Temporary Speaker, Sir. Is it in order for Dr. Godana and hon. ole Ntimama to make loud consultations to an extent that they are disturbing the operations of the House?

The Temporary Deputy Speaker (Mr. Imanyara): I was about to caution them. Dr. Godana, consult in low tones, please.

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): We will not have such loud consultations again!

(Laughter)

Mrs. Kittony: Mr. Temporary Deputy Speaker, Sir, while hailing these appointments and calling for hard work, I believe these appointees deserved it because of hard work. That is why I am calling for a united Kenya, so that we can develop Kenya to eradicate poverty. When we talk of poverty, women are more affected. So, it is only unfortunate that we will keep on waiting for the World Bank and IMF to eradicate poverty. I want to say that this is not going to be possible. I am calling on the Minister for Agriculture to give us projects, particularly for women. At the moment, it is planting season in most parts of this country. It is time that the Ministry subsidized the prices of fertilizer and seeds so that women can afford them. If women are given these inputs, they will eradicate poverty in their homes because a woman is the pillar and backbone of the development of our country. I would like to urge the Ministry to take this issue very seriously rather than wait for the donor community, the World Bank or the "big brother". We know very well that while we ask to be given funds, there are other people who go out there and tell them not to give us the funds. When you talk so ill of your country, you should not think that they like you. So, we should support ourselves and eradicate the poverty that is creeping into our country. Therefore, I call upon every Kenyan to know that it is not possible to wait for somebody else to eradicate the poverty in his or her home; it is entirely upon us. This is

a challenge to us as Kenyans. The Ministry should give us subsidies, especially to the womenfolk.

Mr. Temporary Deputy Speaker, Sir, on the issue of security, I would like to say that there have been so many problems in this country. I have talked about the Marakwet and the school that just got burnt down. All of us should be vigilant on our security. When it comes to building of our towns **[Mrs. Kittony]**

and schools, I blame the Physical Planning Department. This department should be called, as a matter of urgency, to look at the plans. We cannot afford to continue losing lives of our young population because of our own mistakes or greediness. If the Department of Physical Planning took their job seriously, to check and make sure that the buildings that are put up are secure, we would not have lost so many lives in Ukambani this week.

If you saw on television the building that was burnt down, you would have noticed that you could not go through the windows. Maybe, rats could pass through those windows, but not human beings. I would like to urge the Ministry that is concerned with the planning of our towns, schools and homes to take their job very seriously in order to save our lives.

In terms of security, it is very disturbing to find a family or a village being "swept away" and you do not see the person who killed those people. I would like to say that it is upon every Kenyan to be very vigilant and know what is happening around him or her. Even the police should be concerned with human life because incidents of police shooting innocent people have increased in this country. Therefore, we would like that to stop immediately and urge the police to be responsible when looking after the lives of innocent Kenyans.

I am very concerned about education of young girls. I would like to commend the Ministry of Education, Science and Technology for saying that girls can go back to school even if they have been made pregnant. This is a development that will ensure that everybody gets a chance to exercise her democratic ideals. So, the Ministry of Education, Science and Technology should be commended for saying that.

I am also very concerned about the examination results that were cancelled in some schools. I would like to say that there are some students who have committed suicide because they have realised that their future is not there any more. So, I call upon the Ministry of Education, Science and Technology to look at the issues of national examinations, if they want a bright future for our children in this country.

Mr. Temporary Deputy Speaker, Sir, as I support the President's Speech, I would like to say that united we stand, divided we fall. The leaders of this country should vouch on that unity as we received it on the President's Speech.

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

(Applause)

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, first, I would like to start by thanking the President for indicating during the opening of Parliament, that he is now ready to retire. He is now adhering to the call of the Kenyan masses that he should retire honourably; go home and see how Kenya will be governed by other leaders. It was a good gesture in that what is worrying all Kenyans today is what will happen, come the year 2002. I would like to say that Kenyans are aware now of what will happen. It is now eminent that the President will not contest for the presidential seat, come the year 2002, which was very good of him. I wish he would continue addressing other functions and public rallies and assure Kenyans of the same.

I would like to point out a few things that the Presidential Address did not touch on. I would like to say that the issue of insecurity did not come out clearly in his Speech. It is clear that each and every person in Kenya is now insecure. I would like to inform the House that one has no security even at his or her house. A good example is Laikipia East, where there has been no peace since January. I would like to say that people have been killed in this constituency, our women cannot sleep and our children cannot go to school. In fact, everyday, from 7.00 a.m. to 7.00 p.m., gunfire is heard all over the constituency and there is nothing that can be done about it. I would like to inform this House that we have police officers in that area, but they have not curbed insecurity. When I called upon the Government to allow us to recruit homeguards, it did not agree. It is very unfortunate that this Government is discriminating against my people. I would like to say that we have more than 20 tribes living in Laikipia. The people in all our surrounding areas have been given guns and homeguards have been recruited, but my people cannot be recruited as homeguards, and that is why we continue to be killed. I would like to say that two weeks ago, we buried Mr. Joel Guyo from Ndeiga as a result of insecurity in the region, and nobody is addressing it.

If you look at the slow growth of the economy in this country, you will realise that we should, first of all, address the factors that have contributed to this. Due to the destructive nature of this Government, they have not moved out straightaway to address the issues and know where the problems lie. Look at our national resources; the destruction of our forests. In fact, it should be noted that in mid-1980s, the President came out clearly and campaigned for conservation of our forests, prevention of soil erosion and many trees were planted. What surprised Kenyans is that while the President was addressing this issue, his lieutenants were on the ground trying to plant as many trees as possible while his generals were in the forests harvesting as much as they could. I would like to **[Mr. Kiunjuri]**

say that for every 10,000 seedlings that were planted, 20,000 trees were harvested. I believe that the campaign the President spearheaded was not for real conservation, but for the destruction of this country. From that time we started having problems. The problems of lack of enough water in our rivers and electricity cannot be addressed unless we come together and discuss the issues that affect our natural resources, especially forests.

Mr. Temporary Deputy Speaker, Sir, we have been talking about the IMF because at any given time, this Government has accepted to be a beggar; all the time, it would like to beg. They do not come up with policies on how we can work and have money for the survival of this nation. The only way out for this country is for the President to give a leeway for his successors and, obviously, we have very good seven contenders for the seat, our Minister for Foreign Affairs and International Co-operation being one of them. These people are very capable. They can go and negotiate with donors. Since the President is now leaving this seat in two years' time, he should leave the negotiations to the other people, who will handle this country for the next five years.

Mr. Temporary Deputy Speaker, Sir, last year retrenchment occurred. Our people were retrenched. Very intelligent, hard-working and dedicated Kenyans, who selflessly worked for this nation, were retrenched. All that they were given in terms of their retrenchment benefits was only Kshs40,000. There is no pension. The Kshs200,000 that they were promised is nowhere to be seen. Their wives are now suffering. Their children cannot go to school. They cannot meet their medical expenses and they are languishing in poverty while this Government is comfortably seated here talking about poverty eradication. I fail to understand how you can eradicate poverty when you are subjecting fellow Kenyans to poverty. Today, they cannot even operate any business. In fact, Kshs40,000 is not even enough to operate a hawking business on the streets. It cannot happen. It is high time that this Government addressed serious issues and one of them that is facing us right now is about the tens of thousands of retrenchees, and yet they have not been given anything. They have nothing! After working for that long for this Government, today they are languishing in poverty.

Mr. Temporary Deputy Speaker, Sir, this Government is behaving in a retrogressive manner, whereby any policy that it is drawing is not for development. It is not assisting Kenyans. Whatever we discuss in this House, the following day it behaves on the contrary. The other day we threw out the District Commissioners and the District Officers from our local authorities and municipalities. Last week, we read *The Kenya Gazette* addressing and nominating, once again, the DOs and the DCs. They are back again through the back door. They are once again in the local authorities and we are still talking of improving our local authorities. This shows that the Government is not committed in any way in adhering to the wishes of Kenyans.

Mr. Temporary Deputy Speaker Sir, the President

said that the only way to create a calm, predictable and socio-political environment in this country is to enhance our investors to come in. There is no way investors would ever run to this country when we continue mismanaging our resources and political sectors. Socially, politically and in every field, this Government has really completely failed, and the only way that we can encourage our investors is by bringing in good governors. We kick out all the bad governors. We call for an election whereby instead of bringing in a merger and enhancing partnership, we would be able to bring in a coalition Government that will be able to save this country and we start afresh.

When the colonial masters ruled this country, they experienced signs of the times that they were about to be kicked out. They thus allowed Kenyans to come in and decide the kind of a government they would like. It is only that we are not allowed to choose the Constitution that should be able to rule this country. This is why there is nothing that we shall address in this House, but only hatred. Members of the Government side will be throwing words to us and we shall still be reciprocating. There is no way we shall be able to push ahead and call for investors to come here, for we are still going ahead and excising our forests.

The other day the Minister for Environment announced clearly that nobody will stop him from settling squatters in the forests while he should have addressed the issue of Nyayo tea zones. They are not of any economic benefit to this country and it is high time that the ADC farms and Nyayo Tea Zones were given out to squatters and leave our forests alone, unless the Minister has no agenda towards the extinction of forests. It is high time he addressed this issue. There is nothing going on in the Nyayo Tea Zones. They are corrupt. We have seen everything related to Nyayo like Nyayo Bus and Nyayo Tea Zones collapsing. Everything to that effect has collapsed and it is high time the Minister took into consideration sub-dividing the tea zones per acre and distribute them to our squatters and not to the "State House squatters" that are being settled in Mount Kenya and other forests in this country.

Mr. Temporary Deputy Speaker, Sir, lastly, the health issue is very important and especially in Nanyuki whereby our district hospital today lacks theatre facilities. There is no way caesarian section [**Mr. Kiunjuri**] operations can be carried out on pregnant mothers. The machines have failed completely for the last two weeks. The hospital is not functioning and yet the Minister and the Government are aware of this. But they do not care about any deaths occurring in this nation and especially in the Opposition zones. Our hospital has continued to be neglected.

I beg not to support the President's Speech.

The Minister for Foreign Affairs and

International Co-operation (Dr. Godana): Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me the Floor. I stand to support the Motion before the House and I will want to start by commending His Excellency the President for one of the most inspiring speeches ever made at the beginning of a Parliamentary Session in this country. It was truly a rallying call to the nation and it was received positively in that spirit, both on the Floor of this House on both sides, as well as in the country at large. The challenge for us as a nation is to keep that spirit of togetherness and of a united country, through leaders sincerely committed to searching for objective solutions to national problems, without succumbing to petty, parochial, regional or partisan political issues, when they have to stand above narrow political calculations.

Mr. Temporary Deputy Speaker, Sir, as the President said, we have come to the end of one of the most gruelling droughts that this country has experienced for a long time. On the Mountain of Basseret in my own district, a mountain which used to produce enough maize to feed that district, we had five consecutive crop failures. The last crop which the farmers planted, indeed, the seeds did not germinate and we are hoping this time they will germinate. We hope this will truly mean the end of the season of hunger and famine. However, we have to think much beyond the momentary end to the drought because droughts have become part of the signal of the climatic change that we have been told of for the last two decades by scientists in the world, but which we have not taken seriously. Obviously, there will be another drought with us very soon. The challenge, therefore, is for our extension workers, and in particular the experts in the Ministry of Agriculture, to come up with new innovative policies and programmes which can be implemented by the Government, so that come the next drought, we will not be subjected again to the humiliation of having to go abroad to ask for famine relief.

Mr. Temporary Deputy Speaker, Sir, I want to dwell on the subject of management and running of schools. Two days ago, we have just seen for yet another time a tragedy in a boarding school with the burning of the dormitory in Machakos. I think this is a matter which should jolt all of us as leaders, and in particular those in the field of education, to begin to re-examine seriously the whole gamut of educational policies and the system of school management. Years back, the Department of Public Health in this country ensured, in accordance with the law, and we know that law is still in force, that every public building met standards of safety and security; of safety, in particular, from the point of view of hygiene and the necessity of escape if a fire were to break out. It seems the Department of Public Health and the Ministry of Health has completely failed to carry out its responsibilities in this regard and, indeed, in other regards as well. I do know for sure that under the statutes the public health officers have enormous powers of control, supervision and, indeed, even of prosecution, and with the hunger for education in this country which has

made every community build in a competitive fashion, new schools and institutions, that supervisory role has slipped. The net result has been, because of the insecurity that we experience, builders, communities and school managers have been more concerned about ensuring security of buildings and people inside them, developing the horrible culture of grills round the windows of public buildings. Windows are for multiple purposes; they were designed by builders initially for the purposes of providing ventilation---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Imanyara): Members, please, consult in lower tones.

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): Mr. Temporary Deputy Speaker, Sir, as I am talking on the subject of safety standards in schools and other institutions, I would wish hon. Members to listen.

I was saying when buildings were designed with windows, the idea was not just to provide for ventilation, but also to ensure that there are escape routes. It is unfortunate now that dormitories are designed with grills which are designed to ensure you do not get in or out through the window and yet, there is no provision for alternative escape routes. I would wish to call upon the Ministry of Education, Science and Technology, the Department of Public Health and the Department of Public Works to carry out a programme in the next few months of visiting and assessing the safety standards of dormitories in every public and private school in this country. Those which do not meet required, standards should be required within a stipulated time, to bring their facilities in line with accepted standards.

Mr. Temporary Deputy Speaker, Sir, I welcome the agreement on the unified constitutional [The Minister for Foreign Affairs and International Co-operation] reform process. I would like to congratulate those of our colleagues who had been held out in the so-called Ufungamano Outfit, who have finally realised that, indeed, the only legitimate Constitutional Process can be the Parliamentary-led one and have come back. In the same breath, I wish to condemn those individuals and self-appointed groups outside who call themselves "the revolutionaries", and who have decided to hold the fort and refused to join us. I am sure Kenyans have begun to treat them with the contempt that they deserve.

Mr. Temporary Deputy Speaker, Sir, an hon. Member contributing on the Floor of this House, in his concluding remarks, referred to what he called "unfair" constituency boundary review. I wish he was here. Unfortunately, he has left. I had indicated I was going to respond to him. As we go into a Constitutional

Reform Process, we have to be careful as responsible leaders and practise responsible politics. The constituency boundaries system in this country is identical to the systems which operate in Britain, Canada, Zimbabwe, India and other countries which have common law systems and territorially designed parliamentary constituency systems. The criteria for determining constituency boundaries are reproduced verbatim. In all these societies, variations in the geographical and demographic size of constituencies apply in exactly the fashion that they apply here. There is nothing here which is different from elsewhere. For example, at the time of the last general election in Britain, the most populous constituency had 126,000 registered voters, while the least populous constituency had only 23,000 registered voters. At the time of the last general election in Canada, the most populous constituency had only 81,000 registered voters. The least populous, which was also the largest in area, covering two million square miles, had only 9,000 registered voters. We are applying a system which has been accepted as universally fair, just and equitable. Those who are criticising the system are either doing it out of ignorance or malice. I think on both counts, we stand to condemn them.

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

Mr. Gitonga: Mr. Temporary Deputy Speaker, Sir, at last I have been able to catch your eye after two days of trying.

Allow me, first, to convey my heartfelt and sincere condolences to the Ukambani people, and, in particular, the families who have lost their loved ones during this tragedy. It is a tragedy that we have all felt. The pain felt by the people of Ukambani has been felt all over the country, perhaps not as much as the parents involved, but we are all saddened by this tragedy.

Mr. Temporary Deputy Speaker, Sir, I believe President Moi, in his Speech, forgot to talk about the issue that is in the minds of Kenyans. This is the destruction of the environment and, in particular, the destruction of forests in this country. I have had occasion here to talk about destruction of forests in my constituency. I am not quite sure if the reason why the President did not perhaps mention about the destruction of environment and, in particular the forests is because the person spearheading the fight against forest destruction is Prof. Wangari Mathai. I am not quite sure whether that is the case, but if it is, then it is absolutely wrong. In the last few months, the people of Kenya are talking about shortage of water and the drought. Although the President, in his Speech, talked about drought as the cause of widespread shortage of power and water, he did not actually indicate the relationship between the drought and destruction of forests. Today, it is probably my sad duty to report that the destruction of Kamae and Kinale forests in my constituency is now complete.

The Minister for Environment (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is

the hon. Member in order to say that the destruction of Kamae and Kinale forests in his constituency is complete and yet, when we visited that area he pleaded with me to let the squatters grow potatoes?

Mr. Gitonga: Mr. Temporary Deputy Speaker, Sir, the hon. Minister should have taken time to listen to what I was talking about. I said the destruction of Kamae and Kinale forests in my constituency is now complete, thanks to the forest officers and their rangers who have supervised to ensure that this destruction is complete. I was going to praise the Minister because when he visited the area and saw the destruction, he actually agreed with the people of Lari Constituency that they should be allowed to continue cultivating in this areas so that they can have an opportunity to plant trees. The only way of replenishing these forests is by allowing people to replant trees which have been destroyed. When the Minister visited my constituency, he saw for himself that the people themselves have started nurseries where they are raising a million seedlings in one particular area to replenish forests. This has not been done by the forest officers. In the case of Kamae Forest, I would like to take this opportunity to commend the only forest officer who is working with the people and, as a result, they have been able to raise a million seedlings which they are ready to plant when rains start.

Mr. Temporary Deputy Speaker, Sir, the Minister did not have the opportunity to visit the whole of that area. That is the reason why he is saying that forests have not been destroyed. Let me [**Mr. Gitonga**]

say that the forests have not been destroyed by the people. I told him on the spot when he addressed the rally there, that not a single sawmill is within Lari Constituency; they are outside Lari Constituency. If the forest officers and rangers had done their jobs properly, this forest would not have been destroyed. Why have the forests been destroyed? How many people have been arrested within Lari Constituency because they have destroyed these forests?

Mr. Temporary Deputy Speaker, Sir, I would have expected the President to say the planting of trees will be left to the people as it used to be in the old good days when there were squatters in the forests. I would not like to have the squatters back in the forest, but I would like them to do temporary cultivation within these areas, so that they can be given the opportunity to replant trees. They only need three years within which they should be able to replant trees which have already been destroyed.

Mr. Temporary Deputy Speaker, Sir, Since 1945, I have never seen one stream that passes through my land drying up. This stream is now dry. Ruiru, Gatamaiyu and the other rivers within that area are now drying up. They are drying up because of destruction of

forests. The Minister and the Government cannot deny that. The people who have been given the responsibility of supervising or managing the resources are the ones who are failing the people of this country. This problem is not confined only to Lari Constituency, but is in the whole country where forests have been destroyed without mercy.

The other issue that I would like to talk about is our roads. There are certain sections within our country which are very well known as accident black spots. I wonder if the Government is trying to find a solution to the problem posed by these particular areas. I am particularly concerned about an area in my constituency; this is Soko Mjinga upto Uplands area. Within the last one year, more than 100 people have lost their lives along this area. When I talk about this, I am not talking about the people of Lari Constituency alone, but people from other constituencies have lost their lives here because of the bad road. Is there no way that this Government can help the people find a solution to this problem? One solution that I would like to suggest is that the Government should construct a dual carriageway along that area. If that cannot be done, the immediate solution to this problem could be that the Government could construct a fly-over bridge between Kimende and Uplands areas because that is where in every other month, we lose a life as a result of road accidents.

Mr. Temporary Deputy Speaker, Sir, the traffic policemen whom the Government has stationed along our roads to make sure that there are no accidents and check on unroadworthy vehicles---, all that they need is to be given Kshs100 and then they let vehicles proceed on their journeys. I know it is not all of them who are bad, but by and large, corruption now within the Government is in the Police Force and in a few other Ministries. People say that the police have now been baptised by "roho mtaka kitu". It is for this purpose that I would like to support the Motion which will be moved by hon. Ojode, in which he has asked that the police should be given a salary increment. It is important that this Government should consider forming a commission to work on the terms and conditions of service for the policemen. By doing this, the question of the police being baptised by "roho mtaka kitu" will come to an end. We need to do something about this. If we do not do something about this, then we will be failing this country. It is my earnest request to this Government that it should help the people of this country. It should particularly save the lives of many Kenyans who are dying because of poor roads. The Government should ask its engineers to check once again the designs of sections of roads at which people are dying, and do something about them.

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

Mr. Sambu: Ahsante, Bw. Naibu Spika wa Muda. Katika Hotuba yake, Mtukufu Rais aligusia uchumi. Pia, aligusia uhusiano kati ya nchi yetu na wafadhili wetu. Katika kuweka mkataba kati yetu na wafadhili wetu, ni lazima tuangalie ni masharti gani ambayo tunayakubali. Si

vizuri kutia sahihi masharti tu kwa sababu tunahitaji pesa. Tayari, tumeyaona madhara ambayo yametokea baada ya nchi yetu kukubali masharti bila kuyachunguza.

Tuliahidiwa mikopo na tukawekewa sharti la kupunguza idadi ya wafanyikazi wa Serikali. Sijawahi kuona mkopo wowote ambao unapewa mtu, kampuni ama nchi, ili kuzalisha mali katika viwanda au kilimo, na mwishowe huo mkopo ukawa unasaidia kuwafuta watu kazi. Kwa lugha ya Kiingereza, inasemekana eti kwamba watu wamekuwa "retrenched". Kwa lugha ya Kiswahili, huku ni kufutwa kazi na si jambo lingine. Haya ni masharti gani ambayo tunayakubali na baada ya kupata huo msada ili tuzalishe mali na tujenge viwanda, tunawafuta wafanyikazi wetu kazi? Unapata mume and mke waliokuwa wakifanya kazi katika Wizara tofauti tofauti, wanakutana nyumbani wote wakiwa wamefutwa kazi na hali watoto wao bado wako shuleni. Mume na mke wanalia. Hii imesababishwa na Serikali kutoangalia ni masharti gani inayoyatilia sahihi. Nchi haiwezi kuendelea bila mikopo, lakini ni lazima tuyachunguze masharti ambayo tunawekewa kabla ya kutia sahihi mikataba.

Bw. Naibu Spika wa Muda, Rais pia alizungumza kuhusu COMESA. Kwa maoni yangu, **[Mr. Sambu]**

maana ya COMESA ni kukomesha maendeleo. Hii ni kwa sababu sukari inaletwa hapa kutoka Zimbabwe na inauzwa kwa bei rahisi hapa nchini. Tangu lini Zimbabwe ikauza sukari? Ajabu ni kwamba, tutafikia wakati ambapo kiwanda cha sukari cha Mumias kitafungwa. Tayari viwanda vya sukari vya Muhoroni na Miwani vimefungwa baada ya kumalizwa na Wahindi. COMESA itasababisha kufungwa kwa viwanda vya sukari vya Mumias na Nzoia. Huu ni mkataba gani ambao hatukuuchunguza kabla ya kuutia sahihi? Sukari inaletwa hapa kutoka nchi za nje bila kutozwa kodi yoyote. Mkataba wa COMESA unaruhusu tu bidhaa kutoka nje ziingizwe nchini bila kulipiwa ushuru wa forodhani, lakini hauruhusu kutolipwa kwa VAT na kodi nyingine.

Hili jambo halifanyiki kwa sukari peke yake, lakini utakuta kwamba ngano kutoka nchi za nje inauzwa kwa bei rahisi kuliko ngano ambayo imekuzwa hapa nchini. Tumeambiwa eti hii ngano imetoka katika nchi ya Misri. Misri, ambayo hununua ngano kutoka nchi za nje, inapata wapi ngano ya kusaga na kuleta hapa kwetu? Hii ngano inauzwa kwa Kshs24 kwa kilo moja. Bei hii ni Kshs200 rahisi kuliko ngano ambayo imekuzwa hapa kwetu. Sasa hivi, ngano kule Eldoret hainunuliwi na mitambo ya usagaji. Mchele ni vile vile. Tunaambiwa mchele ni mwingi na hata tunapata mchele kutoka Vietnam, lakini kule Mwea mchele unaoza katika mastoo. Ni lazima tuichunguze hii mikataba kwa sababu wakati mwingine tunatia sahihi mikataba ambayo baadaye inakuja kutuletea majonzi.

Bw. Naibu Spika wa Muda, kuna mkasa wa Ukimwi ambao umetokea katika nchi hii yetu. Katika nchi zilizoendelea, kwa mfano, Marekani, tunasikia kwamba wanapata dawa za kusaidia kuzuia madhara yanayosababishwa na virusi vya Ukimwi, siyo kuponya maradhi ya Ukimwi, lakini ni kupunguza yale madhara ambayo vile virusi vya Ukimwi vinasababisha kwa mwili wa mtu. Dawa za kupunguza madhara ya virusi vya Ukimwi ziko lakini tunaweka sahihi mikataba tu. Ni heri Waziri wa Afya alete Mswada katika Bunge hili wa kuirekebisha ile sheria ili tuweze kununua dawa kutoka Cuba na tuwapatie watu wetu ambao wanapata madhara ya virusi vya Ukimwi. Hivi sasa, Ukimwi umekuwa mkasa wa kitaifa. Watu wanakufa kwa wingi sana na dawa ziko!

Nimesikia kwa redio leo kwamba wananchi wa nchi ambazo zimeendelea wanaende Cuba kununua dawa bila kujali hizi sheria." Ni heri tuende Cuba tukanunue dawa. Kama watu wanakufa, kwa nini tujali sheria? Yafaa tuwafikirie watu wetu kwanza. Leo adhuhuri, Waziri wa Afya ya Umma alisema kwamba, kama kuna kitu kinachosaidia afya ya watu, liwe liwalo, tutakileta kwa vyo vyote vile. Kwa hivyo, yafaa tuende Cuba tukaleta zile dawa za kupunguza madhara ya virusi vya Ukimwi.

Bw. Naibu Spika wa Muda, nataka nizingumzie hali katika Wilaya ya Nandi. Kwanza ninatoa rambi rambi zangu kwa wazazi wa wanafunzi wa Shule ya Upili ya Kyanguli. Ni lazima tuangalie usimamizi wa shule zetu. Shule haziangaliwi, hasa katika sehemu za ukame.

Katika Wilaya ya Nandi, shule ambazo ziko katika sehemu zinazokumbwa na matatizo ya mawasiliano zina shida sana. Sehemu kama hizo hazina walimu kwa sababu walimu hawalipwi marupurupu ya ziada. Ningependekeza Waziri wa Elimu awalipe marupurupu ya ziada ili walimu wakubali kwenda kusomesha katika sehemu hizo. Hii ni kwa sababu, hata ukiwalazimisha walimu kwenda kule, kama hawalipwi, hawatafanya kazi. Kutoka sehemu ya Kamaasai, Kapselele hadi Tinderet, walimu wana shida sana. Kuna sehemu ambako itakubidi utembe kwa mguu karibu siku nzima ili uweze kufika kwa barabara ya lami kwa sababu ya ukosefu wa magari. Tunapendekeza sehemu hiyo ifanywe eneo la ugumu, ili walimu wanaosomesha katika sehemu hiyo walipwe marupurupu ya ziada.

Bw. Naibu Spika wa Muda, pia ningependa kuzungumzia kuhusu maskwota. Kama kuna kabila moja ambalo watu wake walipigwa na mkoloni na kuumiziwa sana ni kabila la Nandi. Watu 17,000 walikufa na theluthi moja ya ardhi yetu ikanyakuliwa, ndio sababu kuna mashamba ya chai. Bado kuna watu ambao wanaishi milimani kama maskwota. Ni kwa nini Agricultural Development Corporation inaondolewa?

Kuna shamba moja la Mhindi kule linaloitwa Chemelil Sisal Estate. Ningependa maskwota katika eneo lile wapewe mashamba. Mhindi hakuja na ardhi kutoka India. Kwa nini tunawabembeleza hao Wahindi? Wazungu waliotutawala walienda na sasa Mhindi ndiye anatutawala. Viwanda vyetu vinatawaliwa na Wahindi na hata mashamba

yetu yanamilikiwa na Wahindi, ilhali watu wetu wanaishi milimani kama nyani na mayonda.

Ni miaka 40 sasa tangu tujinyakulie Uhuru, na ni lazima maskwota wapewe ardhi. Tunaambiwa kwamba ardhi ni ya wenyewe. Wenyewe ni watu gani? Kama uliipata kwa sababu ulikuwa na bunduki na kunitoa katika ardhi yangu: Je, ukiikalia ile ardhi kwa miaka 60 au 70, itabadilika iwe yako kwa sababu ulininyang'anya kwa nguvu kwa sababu ulikuwa na bunduki na mimi sikuwa nayo?

Bw. Naibu Spika wa Muda, ni lazima tuangalie maslahi ya kibinadamu. Hatutaki kuwanyang'anya watu ardhi. Vile vile, hatutaki kuona watu waoishi kama mayonda milimani, ili, ikifika saa za jioni, ni lazima waingie katika nyumba zao na wafunge milango. Kama sivyo, mayonda, **[Mr. Sambu]** nyani, chatu na wanyama wengine wataingia ndani ya nyumba zao wawameze pamoja na watoto wao.

Katika mzungumzo yanayoendelea kuhusu kupunguza umaskini, tunazungumza tu. Wenzangu wanaishi katika mahoteli makubwa! Kule kwetu wanakaa katika Sirikwa Hotel, Chepen na kadhalika. Na yote hayo ni bure tu. Katika upande wa Nandi, tungependa kupatiwa miche ya chai ili tuijipande na hivyo tutapunguza umaskini. Ikiwa kila mtu katika sehemu ya Nandi atapanda chai katika ekari mbili au tatu, tutapunguza umaskini. Tupatieni miche ya chai tupande ili tupunguze umaskini.

Kwa hayo, ninaunga mkono Hoja hii.

Dr. Ochuodho: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

Before, I start contributing to the Motion, I must say that, earlier on, an hon. Member did say that the Luos have been paid dowry through the appointment of the Commissioner of Police and one Permanent Secretary. I would want also to draw the attention of the House to the Luo tradition. I believe that according to the Luo tradition, like other communities' traditions in Africa, you do not use chicken to pay dowry; you use cows. Our cows are Mumias and Miwani Sugar Factories, the cotton Industry, the fish industry, *et cetera*. So, if anybody wants to pay dowry to the Luos, he should not use chicken. In any case, the Permanent Secretary who was appointed as part of the dowry was dropped today.

Again, according to the Luo culture, when you marry and you divorce, you can go and do what is called *wero*. You can take back part of the dowry. But you will only take part of the dowry once you have married. In this particular case, it is like the *wero* is being done even before the marriage itself has taken place. So, it was really wrong for hon. Munyasia to have said that the Luos have been paid dowry.

However, with regard to the Presidential Speech, actually, it was not a bad Speech, but what made

this country go to the dogs is dishonesty and hypocrisy. The Head of State said in his Speech that we need to be tolerant. Do you become tolerant by chasing supporters of *Muungano wa Mageuzi* like rats? Is that what we call tolerance? Is that the tolerance we are talking about? The main problem in this country is hypocrisy, and until and unless the Government realises that there must be honesty in what they say, no matter how good they put their words and no matter how many times we go to churches; if we are hypocritical, we are not going to get anywhere. Maybe, God is punishing us because we are being hypocritical and dishonest. We have seen much of it even in the Front Bench here.

Earlier today, an hon. Member was trying to deny that two Ministers had not made contradicting statements. But really, it is all on record! So, I want to appeal to those hon. Members on the other side, and particularly those on the Front Bench, to say good things and leave aside hypocrisy and dishonesty.

The Head of State's Speech also alluded to enjoyment of peace in Kenya. This is like a selling phrase that we have been dangling before the donor community when we say: "You know, we are an island of peace" and so on and so forth. But have we ever stopped to ask over the past ten years: How many Kenyans have lost their lives in strange incidents and genocide. For example, we recently lost so many Marakwets and Turkanas at the hands of the Pokots. But, interestingly, what does the Government do? Instead of going for the hon. Member who has incited his people to throw out non-Pokots, they go for the innocent, Mr. Cheserek, a former Member of Parliament, who is fighting for the rights of his people. Is that what we mean by saying that Kenya is an island of peace? In any case, why is the Government not releasing the Akiwumi Report on ethnic clashes, which left hundreds of thousands of Kenyans dead, or much worse than those people who have been killed in Rwanda or Burundi, and we still say that we are an island of peace? What do we really mean when we say that we are an island of peace?

Mr. Temporary Deputy Speaker, Sir, the Presidential Speech also refers to Kenya as a country that believes in the rule of law. If I had the means, I would declare Kenya a non-democratic state because the Government is running the country as if the Constitution has been suspended.

Why do I say this? Sample the following: One, the amended Kenya Broadcasting Corporation (KBC) Act, says in part as follows:- "That KBC shall give uniform airtime to divergent political views." But listen to a typical ten minutes news item. Eight minutes are allocated to the Head State and the remaining two minutes are allocated to Members of Parliament from some corner of the country, congratulating the same KANU boss. Really, is that what we are calling a uniform way of sharing airtime between divergent political views? We have a Government that does not perfect anything. Indeed, it does not know how to respect the laws that this very House has passed. But that is only one

example. Today I was scanning through the *Kenya Times* Newspaper and I saw good advertisements talking about scholarships. I understand that many of these foreign scholarships are dished out to a chosen few without drawing the attention of the wider society. Why must I look at The *Kenya Times* Newspaper to get it and yet Sections 78-80 of the Constitution talk against [Dr. Ochuodho]

discrimination? Why must the Government put its advertisements only in *The Kenya Times* Newspaper and not in other newspapers and yet it is a newspaper that is owned by the ruling Party? Why do they not put those advertisements in other commercial newspapers so that the wider Kenyan community can reach them? This is because they want only those who read *The Kenya Times* Newspaper, who happen to be KANU supporters to get to know what is happening. That in itself is discrimination, which is against the Constitution.

Recently, the High Court ruled that the Government should stop excision of Hombe Forest. What do we see? In total violation of that court ruling, the Government is continuing to excise the forest with impunity. Do we call such a Government one that respects the rule of law? I really do not know what we mean by saying that it respects the rule of law. I also want to refer to a time when *Muungano wa Mageuzi* was trying to have meetings and of course, we know what the provisions of the law are. We were told that *Muungano wa Mageuzi* should not have those meetings because it is not registered. Recently, hon. Kibaki tried to host a Harambee in hon. Kirwa's constituency with hon. Kirwa's blessings. According to the provisions of the IPPG Report - we were delighted that the Chair played a major role amongst other colleagues in seeing this Report through - we do not need any permit whatsoever to hold a Harambee. Hon. Kibaki still had the courtesy to notify the police, and by the way, he heads a registered party, DP. When he got to Cherengani he was chased away and was not allowed to hold the meeting and you still want to tell us that this is a Government that respects the rule of law.

It is so interesting that even when hon. Members are going to give notification, they are still harassed by the police. Hon. Orengo was beaten in Kisii when he was on his way to the police station to give notification. We have got to a stage whereby you are not just beaten for attending a so-called "illegal meeting", but you are beaten even as you carry out actions that live up to an expectation of the law. Do we really still want to say that such a Government respects the rule of law? In my contention I would say that perhaps the Constitution has been suspended, or the Government no longer respects the rule of law. They should say so. You cannot have your cake and eat it. It is really unfair to claim that Kenya is democratic and yet we are not doing

anything to show that.

I also want to draw the attention of the House to the tragedy that we had in Ukambani. It is now clear, going by the explanation given by the Minister earlier today in the House that the bottom line to the problem was the cancellation of examination results. Why has this Government not owned up and taken responsibility for the deaths of 71 innocent Kenyan children? Why does this Government not have the courtesy to admit that they are the root cause of the deaths of those people so that they are held wholly responsible for this? I would want to call upon the Ministry that, although as the Minister argued yesterday that they may not re-mark examinations for all schools across the country whose results were cancelled; some in my constituency in Rangwe; I would think that in the case of this particular school, Kyanguli, in all fairness, the Government should consider re-marking examinations if they really treasure the lives of those innocent children that died for no fault of their own.

The Minister said that the Government will set up a committee to investigate the outcome. How long will it take for that committee to be put in place? Once it is put in place, how long will it take to produce results? Once it produces results, what guarantees have we got to believe that the Government will implement them? It is in that regard that I want to add my voice to the others who have said that the Government should find an immediate way of dealing with those innocent students that are being victimised. Why just victimise the students and yet it takes two to tango? They could not have been involved in the cheating alone without the help of other people.

I also want to draw the attention of the House to what is referred to in the Presidential Speech with regard to separation of powers. Having gone through the Kenyan Constitution there is nowhere where it is mentioned that there should be separation of power. It is assumed normally that there must be separation of powers between the Executive, Judiciary and the Legislature. This cannot be taken literally. If it was to be taken literally that the Legislature's work is only to supervise, how is it that you will find that when there is a road contract the Government which is the Executive, also has within itself a department to supervise? Is it that the Government just wanted to misuse the fuel levy?

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

The Assistant Minister Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports (Mr. Osundwa): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to speak on this Motion. I support this Motion in its entirety because His Excellency the President has given us direction, as leaders and also as Parliamentarians on how we should conduct the affairs of this country for the betterment of the wananchi. The President has underscored the need for unity in this country. Unity can only be achieved if there is respect for

institutions that run this Government. In 1963 when we achieved Independence I was a grown up and I used to see [**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports**]

things happen. There is no time I heard anybody calling for the President of the nation to resign or go home as is happening today. I am saying that because there is no respect for institutions in this country especially that of the Presidency and we even call each other unparliamentary names in this House. The institution of the Judiciary is also not respected by the leaders. If we observe those three, then I think there will be unity.

I am saying that because this has a bearing on the would-be investors in this country. We are in a sort of transition today. The investors want to know what will happen after the current regime. If we are not united we shall scare away these people. This country needs direct foreign investment. If Kenyans do not show unity of purpose, then I cannot see any other way that we will improve the economy of this country. I want to call on the Attorney-General to bring an amendment in this House to allow for a provision whereby, if an individual is popular in his party and is elected to be the torch bearer of the party in an election, he should not be stopped because of the limitation of the two terms. I am sure that this view is supported by a majority of Kenyans.

Hon. Members: Aah! No! No!

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports (Mr. Osundwa): I will ignore the catcalls from my colleagues on the other side because I know I am articulating the view that is held by a lot of Kenyans.

I want to talk about agriculture, and I will be forgiven for talking about issues that have already been mentioned here because we, leaders, have the interests of the common man at heart and we might keep repeating issues that affect *wananchi*.

I would like to take this opportunity to thank the Government for the reforms that were proposed through the Presidential Address. I note that the tea and coffee sub-sectors are governed by Acts of Parliament. The Act on the coffee sub-sector is due for review. Sugar-cane farmers in western Kenya were very delighted when they heard that a Bill seeking to regulate the sugar industry would be introduced in this House for debate and enactment into law. I would like to appeal to the Leader of Government Business to give the Bill priority since everybody understands what is happening in the sugar sub-sector. Sugar-cane farmers are suffering a lot.

I would call upon the Minister responsible for the affairs of the Common Market for Eastern and Southern Africa (COMESA) to set up a committee to monitor the diversion of transit sugar into the local

market. That committee should also try to establish why, for example, sugar that is transported by road from Zimbabwe to Kenya is cheaper than that produced locally. Something must be happening in that country. The proposed committee should also find out which countries are heavily subsidising the production of certain crops, which end up in our market at a low price thereby lowering the prices of our produce. The Minister should take these suggestions very seriously because these are some of the factors that really undermine the efforts of this country's farmers.

Mr. Temporary Deputy Speaker, I would now like to talk about the micro and small-scale enterprise or the *jua kali* sub-sector, which currently employs more than 2.4 million Kenyans. People who have been retrenched from both the private and public sectors have always invested in this sub-sector. However, their returns are swallowed up by costs because electricity and land in this country are very expensive. People in this very important sub-sector cannot find a better place in which to invest their little money. So, I would like to call upon the local authorities to set aside suitable land for *jua kali* sheds and provide them with water and electricity, because that is the only sub-sector which is currently creating employment. Employment opportunities in other sub-sectors are actually thinning out.

I now take this opportunity to call for the repeal of the Local Government Act because it has a lot of loopholes. As far as the management of the Local Authorities Transfer Fund (LATF) is concerned, councillors are having a free wage. They are paying themselves money for roads and bridge construction, among other imaginary activities, flouting all known Government procurement procedures. For example, in May last year, a councillor at my local authority, namely, Mumias/Butere County Council, paid himself Kshs1.1 million purportedly to construct a small portion of a road, but he did not construct even an inch of the said road. Another councillor paid himself Kshs700,000 on a similar pretext. There are no rehabilitation works taking place in our rural feeder roads. So, we should review the Local Government Act, and the management of the LATF and the Cess Fund.

Mr. Temporary Deputy Speaker, Sir, I will now talk about insecurity in the country. Particularly, I will narrow down to my area of Mumias. Over 3,000 people have been retrenched by Mumias Sugar Company. I commend the company for paying those retrenched very well. The most junior retrenchee was paid about Kshs400,000. That money has attracted a lot of gangsters from other areas of the country. There is now a lot of insecurity in Mumias. People are now being killed every day in Mumias as the security apparatus has gone to slumber. The **[The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports]** police only chase after *chang'aa* drinkers, from whom they elicit bribes of Kshs2,000 and set them free. The people who are supposed to be protected have been left at the mercy of gangsters.

Finally, I would like to thank the Government for its intention to introduce in Parliament Bills on children and people with disabilities for enactment into law. These people have been neglected for quite some time. I would, therefore, like to appeal to my colleagues to support these two Bills, as well as the Sugar Bill, when they are ultimately brought here for debate.

With those few remarks, I support the Motion.

Mr. Thirikwa: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to make a few comments on the Presidential Address.

Mr. Temporary Deputy Speaker, Sir, I have been an hon. Member of this House for over three years now. During every State Opening of this House, hon. Members listen to this kind of address from the President. The Presidential Address appears to have been tailor-made by a politician who knew his listeners quite well. We have heard similar addresses from the President for three years. In his Address, immediately after the greetings, the President, indeed, said that in his previous year's address he talked about the economy, among other things, and gave reasons to justify why all those promises were not fulfilled. He then went ahead and talked about the International Monetary Fund (IMF) and the World Bank. May I remind this House that, particularly in 1999, the magical words in every Government literature were "*El Nino*". If you asked the Government why roads were not passable then, and why hospitals were not functioning, the reply would be "It was because of the *El Nino* weather phenomenon". That was the excuse the Government gave for all its failures over that period of time.

Then, in the period 2000/2001, came in the drought. "Drought" has now become a magic word for the Government. In all its literature, the Government now talks about drought. I read a story in the Press today that the *El Nino* weather phenomenon might come back at the end of the year. If that were to be true, would we suffer in the same way we suffered in 1998? You may say "no", but I am telling you that we would go through the same hell. The *El Nino* weather phenomenon of 1997 showed us our potential problems, including the poor drainage system of our roads, among others. But did we learn from that experience? We seem to enjoy the natural calamities of yester-years, which we use as excuses for our failures in the following years. Let us get serious and avoid using the suffering of the previous years as the excuse for our non-performance. Really, this Government has been in place long before those calamities struck. What has it been doing?

The Government says that the IMF and the World Bank refused to release funds to Kenya because the Opposition was opposed to the release of the same. I wonder what kind of Government this one is. It is the one which runs the show. We are just here as Members of Parliament. It is the Government which enters into

negotiations with the two institutions regarding money that is supposed to be lent to this country. We do not participate in those discussions. It is important for Kenyans to know that those institutions refused to release the funds to Kenya not because the Opposition opposed the release of the money, but rather because the Government back-tracked on its commitment to fulfil certain conditions it had agreed on with the two institutions earlier. Normally, when you ask for a loan from any bank, you sit down with that bank and agree on certain conditions to be fulfilled before you are given that loan. That is exactly what happened between the Government and the Bretton Woods institutions. The Government did exactly that. It sat down with those institutions and agreed to meet the conditions. It was told that because it had agreed to the conditions, it would be facilitated to achieve them. So, some funds were released. But what happened? Once the funds were in the pocket, the other thing that followed was: "Go to hell!" Then, we came down here and started calling the World Bank and the IMF all sorts of names. I am not supporting the World Bank and the IMF. I agree that some of their ideas are wrong, but in a gentleman's way, we sat down with those institutions and agreed. I thought that the Government would act in a gentleman's way and agree to implement those conditions. Any time we fail, we give excuses. We must go round and round and look for excuses.

Mr. Temporary Deputy Speaker, Sir, one of the conditions that the World Bank and other international donors gave was the eradication of corruption. They also wanted some Bills to be put in place. Let me say this: It does not matter how many good laws we put in place. Honestly, that is not the issue. The World Bank and the IMF must understand that. Let us honestly define what is corruption, and what constitutes a corrupt act. I am saying that it does not matter whether we put those laws in place or not. If the operating environment is not conducive, it does not matter what law will be put in place. For example, let us ask ourselves the following. We have employed police officers in this country who earn Kshs4,000 or Kshs5,000 each. Then, after some deductions, each of them gets Kshs2,000 at the end of the month! Then, we give them AK-47s to guard Barclays Bank, Kenya Commercial Bank and other banks! The AK-47 has [Mr. Thirikwa] the power to open the door because police officers are human beings! They have children and families to look after. I am honestly saying; let us create an environment that can discourage corruption. Unless we pay the police officers properly, they will not perform.

Today, most of the robberies in Nairobi are not perpetrated by ordinary Kenyans; they are executed by police officers. How can an ordinary Kenyan go up to the 11th Floor of a building, come down with the money, and then move out of the City of Nairobi? The fact of the matter is that, most of the robberies in Nairobi are conducted by police officers. But I sympathise with them because they have children and families to take care of. They know that

they are working and they should be paid well. Unless we make the environment conducive, corruption in this country will not end.

An engineer, for example, goes to various schools and the university for many years. He then returns to the university to master his degree and when he comes out, he is given Kshs20,000 to supervise a road like the Mombasa-Nairobi Highway worth billions of shillings! He will want to retain his status as an engineer! I am saying that the environment is not right. Let us go down, think very hard and come up with the solutions.

Mr. Temporary Deputy Speaker, Sir, many people have talked about deforestation. Along the Tana River, we have the Tana and Athi River Development Authority (TARDA). It has put up an investment of over Kshs70 billion along the Tana River! Then, the Government wants to clear all the forests in Mt. Kenya and the Aberdares. The only thing that makes the Kshs80 billion worth of investments along the Tana River work is the water!

Once you clear the forests, the water will be no more! Really, does it take a man who is sane to understand those things? Can he not understand? We are dealing with the Government that---

With those few remarks, I oppose the Motion.

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to join my colleagues in congratulating His Excellency the President for his Speech, in which he set out the agenda for this Session of Parliament. The issues that the President outlined are very critical to the development of this nation and the survival of our people. I do hope that during this Session, hon. Members will concentrate on debating the issues seriously, and try to find solutions to the various problems. I was very impressed to see the manner in which hon. Members listened to the President's Speech with a lot of respect. I hope that, that was the beginning of this House regaining its self-respect. I do not know what the Speaker did, but I would like to congratulate him for making sure that hon. Members stay attentive when important issues are being discussed in this House. This House deserves that respect.

Mr. Temporary Deputy Speaker, Sir, let me join the people of Ukambani who are mourning the death of their children, who perished in a fire. I do understand the feelings of those people because I too, in my constituency, also suffered the same fate this week. Lightning struck Koresai Primary School and killed eight pupils instantly. There are nearly 15 others in critical condition in hospital. I would like to join those who spoke before me, and ask the Ministry of Education to take corrective measures to ensure that our dormitories are designed to certain safety standards, so

that in case of a fire, our children do not perish inside them. Equally, I would appeal to the Ministry of Education to deal with the question of lightning, especially in Western Province. That is because many people, including children, die every year because of lightning. The Ministry should provide lightning-arresting equipment. That is not a major issue because the costs are not enormous. Really, we would like to appeal to the Minister in charge of education to address that issue very quickly. He should ensure that lightning-prone schools in those areas are provided with lightning arresting equipment.

Mr. Temporary Deputy Speaker, Sir, the President, in his Speech, anticipated the re-starting of the constitutional review process. I want to join my colleagues in congratulating Members of the Parliamentary Select Committee and those in the opposing side for coming together to embrace a unified common process. It is very important that this nation's leaders get together to discuss issues of national interest as a united leadership. We must stop creating divisions meant to promote specific selfish interests. I have to say that it is good that the few extremists who believe that they alone are the experts of what Kenyans want, have now been left out. I would like to appeal to them to come back and join other Kenyans in that important process.

I was following very keenly the debate about the constitutional review process and the involvement of the Church leaders because I belong to the Church. I was following very closely the manner in which the leaders of churches became so involved with politics. I think they have burnt their fingers. I hope that in future they will know where to stop when getting into such problems.

Mr. Temporary Deputy Speaker, Sir, on the issue of schools, many of our children today are not able to find places in universities because of the limited facilities in those institutions. It is now important for the Ministry of Education, Science and **[The Assistant Minister for Tourism, Trade and Industry]**

Technology to think on how many of these children, who are not able to find places in universities or tertiary institutions, should be trained. I would like to suggest that in many of our tertiary institutions, there are possibilities of expanding them in order to admit many of our children who are not able to get into the universities. They must be trained; they must not be left wasted without any training in the countryside, where they can be tempted to do things that will ruin their future lives. In my constituency, we do have an institution that used to be the headquarters of leprosy studies in East Africa. Today, because leprosy is disappearing from the map of the world, we would like to encourage the Government to start a training institution in that area because buildings are there, but are empty and unused. We would like to train para-medical students, teachers and other professionals in that area. I do hope that there will be restructuring of the system of training to ensure that many of our children are trained, and this particular issue is taken

into account.

Let me now touch on the problems that we have with the local authorities. I know that many of us would like to see local authorities given more powers and authority to manage their own affairs locally. But the examples and experiences we have had so far seem to indicate that our local authorities have got a major fundamental problem with the councillors that we elect. I would like to suggest that the Ministry of Local Government finds a way of ensuring that in future, those people who are elected to be councillors, at least, meet certain minimum qualifications that enable them to understand the functions of the local authorities to which they have been elected, to enable them provide services to the people of that area.

If you take the example of Nairobi City, there are so many problems that people go through in trying to get basic services, especially water, which is very fundamental. It is a sad story. One cannot believe that we can continue to watch things deteriorating in the capital City of Nairobi and we do nothing about it, because the law requires that anybody can be elected to the council. That situation must be addressed and changed. In that connection, I would like to support the proposal which had been made here before, that Nairobi be divided into several boroughs, and let the people living in each borough manage their own affairs. This is because I think in that way, the responsibility will be taken over by the citizens who will know whom to elect as councillors in their own areas, and they will know who will manage their affairs and provide services better.

I want to mention something about privatisation of our institutions, particularly parastatals. This is an issue that has been discussed for quite some time. There are many people who feel that the Government is too slow in privatisation. There are others, including myself, who feel very sceptical about that. I feel that these parastatals represent the assets of the nationals of this country. They have been built from the proceeds and taxes paid by our people. I do not believe that the Government has the right to sell them off without consulting or giving the owners of these assets an opportunity to own them. I would like to propose that rather than people putting pressure on us to sell these assets without consideration; sometimes as we struggle with prices offered; the Government looks at the possibility of finding some funding to enable Kenyans to own some of these parastatals. For example, there is sale of the Telkom Kenya Limited. If it is possible for us to find money from some place that would enable Kenyans to buy the portion of shares that we want to sell, let us sell only the shares that we cannot afford, because we are likely to end up owning nothing. I think selling parastatals which have been built by public funding without consultation with Kenyans is not

acceptable.

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

Mr. P.K. Mwangi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to the Presidential Speech. When the President was addressing the nation from Parliament, he touched on the issue of economic growth. But I still wonder: How can this country develop, or how can we achieve economic growth without roads? For quite a number of years, this country has been running without good roads. In some places, there are no roads, but paths. Some people used to pass through--- They try to navigate to where they can get a road because there exists nothing called a road. We thought that by introducing the District Roads Boards, we would be able to have better roads. But we came to understand later on that we would not get anything. Since the Attorney-General failed to advise this House accordingly---- It is high time we started learning from the mistakes of others. If the Attorney-General has failed to do his job, he should resign. Otherwise, it is very bad for one Government institution to make it fail. It was very bad for us as hon. Members because we were embarrassed and frustrated. We are seen as if we are doing nothing in this House. It is high time the Government, if it thinks that we have to achieve economic growth, developed our own roads so that farmers can transport their produce from their farms to the markets.

We cannot forget that in order to achieve economic growth, we should promote the [Mr. P.K. Mwangi]

agricultural sector. It is the backbone of this country. For quite a long time, the Agricultural Finance Corporation (AFC) has failed. Some of the people who made these institutions fail are still in this House and, maybe, they used the finances from these institutions to come to this House. It is high time the Government financed the AFC, so that farmers can be able to get loans in order to purchase fertilizer and other farm inputs. This morning, we were told that the supply of fertilizer was given out through tenders. At the same time, we have a Government which started a farmers' organisation, and now it cannot be able to support them. I think it is advisable that those grants which come in the form of fertilizers pass through the farmers' organisations and even farmers' banks such as the Co-operative Bank of Kenya. If we can advise our own university students to go and get finances from the Kenya Commercial Bank in order for them to fund their education, why can we not use the farmers' bank to guarantee these fertilizers for our own farmers? By so doing, we would be improving our agricultural sector and helping our people to fight poverty.

The other issue that the President touched on was education. The education in this country has continued to deteriorate. There was a time when we even started adult classes to fight illiteracy.

Where are they now? Nobody could carry out those teaching responsibilities because they were never

given any incentives. Now, we are moving backward. I think, within some few years, we will be having so many illiterate people, more than we had in 1978.

Mr. Temporary Deputy Speaker, Sir, it is high time that the Government implemented the Koech Report. This Commission used taxpayers' money and it is criminal for this Government to "sit" on it. We should not have half-baked students. Reducing subjects is a useless job. We have done nothing. We want quality education which will help our children. Still on the same issue, nowadays education seems to be the preserve of the rich. Children from poor families can no longer achieve education. In my own constituency, more than 50 per cent of the pupils who had passed their KCPE could not join secondary schools due to lack of school fees. If the President could understand that there was drought last year, then the Government could have subsidized the fees by half. So many pupils did not join secondary schools due to lack of school fees. The other day, we were told that 30,666 Form Four leavers who passed their KCSE would not be able to join university. This Government is still sitting down, doing nothing to make sure that the children of Kenya achieve quality education. We should not be singing. This is a chorus. We are not in church; we are a nation. We should stop this chorus of "*Amani, Amani*" and start working! It seems that when the older generation moves out of this nation, the young generation will be left behind some 50 years just because of the mistakes of this Government. I think it is high time this Government apologised to Kenyans and the UN for the mistakes it has done.

Mr. Temporary Deputy Speaker, Sir, still on education, I think the way we can help this nation is to support our youth polytechnics. Our youth polytechnics should move away from the traditional courses and offer modern courses like computer courses. Currently, for a student in a youth polytechnic to get a computer course, he has to move from the rural area to an urban area where he will pay a lot of money. But if we could utilise these youth polytechnics in our own villages, we could achieve more. They should move away from traditional courses.

Mr. Temporary Deputy Speaker, Sir, I want to touch on the issue of health. In my own constituency, if we have to help this nation develop economically, we should address the issue of health. Malaria and typhoid are the leading killer diseases in this nation. Right now, our people are using a lot of money on these killer diseases. Yesterday, I visited one of the dispensaries and I found more than 300 patients complaining of malaria. All of them could not even get drugs. The Government should supply drugs to health institutions even without relying on cost-sharing money because our people are suffering from abject poverty.

Mr. Temporary Deputy Speaker, Sir, before my time runs out, I would like to inform this

Government that waiting for the President to launch the last Constituency AIDS Committee cannot hold us from getting money to assist us fight HIV/AIDs. Let the money be released immediately because people are dying. At the same time, when they are saying that they are fighting HIV/AIDs--That is why I am telling them this is a chorus. Since October when I launched my own Constituency AIDS Committee, we have not received even a single penny to be able to go ahead. Do they expect us to use our own money? It is high time this Government implemented policies which have been discussed and agreed on because a good elder is the one who implements what has been agreed on. I think this Government lacks elders.

Mr. Temporary Deputy Speaker, Sir, the other issue is security. The security of this country has been badly affected by utterances of some of our leaders and the Government failing to take responsibility. When somebody incites his own people to evict a particular tribe from their area, has our Constitution changed? That person could have been taken to a court of law and charged accordingly. But he is let to go scot-free because he [Mr. P.K. Mwangi] belongs to a certain political party. That is totally wrong and it portrays a very bad picture of our Government.

As my colleagues have said, the conditions of police officers should be improved. They are working under deplorable situations. You will agree with me that a police officer who is supposed to feed himself and educate his family earns only Kshs1,000.

Thank you.

The Assistant Minister for Local Government

(Mr. Hashim): Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii nitoe maoni yangu juu ya Hotuba ya Rais. Kwa hakika, Hotuba ya Rais ilikuwa na mafunzo makubwa na maelezo mema. Pia, ilikuwa na hekima na busara kubwa.

Hotuba hii imeeleza matatizo yote yanayokabili nchi hii kuanzia katika nyanja za kiuchumi na kisiasa. Imesisitiza namna gani Wakenya wanaweza kuwa pamoja na ikatoa mwongozo wa vipi wanataka wawe. Kwa hakika hivi sasa, wakati umefika kwa sisi viongozi kuangalia jinsi gani Kenya itaweza kuenda mbele, na tuangalie hatari ambazo zinaweza kuifanya nchi hii kuwa mahali pasipo na usalama.

Hivi sasa, ukabila umejitokeza na hii ni hatari sana. Ni makosa kwa jamii yoyote kutaka kutumia ukabila kama chombo cha kupata Urais. Kenya ina makabila 42 na kila kabila lina haki kamili katika nchi hii. Wengine wasitumie wingi wao kama sababu kubwa ya kutaka kuchukua kiti cha Urais na kutawala Serikali kwa maslahi ya watu wao. Jambo hili likitokea, litatutia hofu. Hivi sasa, limetutia katika hali ya wasiwasi na tashwishi kubwa, hususa sisi jamii ambazo ni ndogo katika nchi hii. Mkoa wa Pwani, Kaskazini Mashariki na sehemu zingine za Kenya zimeingiwa na hofu kwa sababu tunaona makabila makubwa yanataka kuchukua hatamu za uongozi wa nchi hii kutumia ukabila. Hii ina maana kwamba sisi wengine tutasahauliwa. Kwa hivyo, ni lazima tuwe tayari na wima kupambana na harakati kama

hizo. Tusipofanya hivyo, tutakuwa hatujaangalia maslahi ya watu wetu na Wakenya kwa jumla. Maslahi ya Wakenya lazima yaangaliwe kwa uangalifu mkubwa, na yaangaliwe ni maslahi gani kwa Wakenya. Kwa hivyo, ndugu zangu, ni lazima tuwe na mikakato kama hiyo.

Hivi sasa tunaweza kusema kwamba kuna jamii ambazo zimesahauliwa. Mfano mwema ni watu ambao wanatoka Mkoa wa Pwani. Ningependa kusema kwamba kila jambo ambalo lilikuwa linasitahiki tufanyiwe, bado hatujafanyiwa licha ya kwamba eneo letu lina mazao na mali ya kutosha. Ningependa kusema kwamba watu wengi kutoka Mkoa wa Pwani hawafanyi kazi katika mashirika ya umma ambayo yako katika mkoa huo, na hii ni kwa sababu ya kunyanyaswa. Pia, njia ya kufanya mazao kutoka maeneo hayo yapate soko hayatiliwi maanani. Ningependa kusema kwamba miaka 37 tangu tupate Uhuru, hakuna jambo ambalo limefanywa kuwasaidia wavuvi wa sehemu hiyo. Serikali haijachukua hatua yoyote kuwasaidia wavuvi katika Wilaya ya Lamu, ambayo inategemea uvuvi. Lakini Serikali imeweza kuwapa ridhaa wakulima wa kahawa hata kama si Wakenya wote ambao ni wakulima. Ningependa kusema kwamba kuna watu ambao ni wakulima, wafugaji na wavuvi. Kwa hivyo, ni lazima tuangalie jinsi ya kuwasaidia Wakenya wote bila kutumia ukabila au kuangalia sehemu ambayo mtu anatoka.

Bw. Naibu Spika wa Muda, ningependa kusema kwamba demokrasia katika nchi hii imekuwa ikielezwa au ikifahamishwa kwa njia ambayo itaweza kuridhisha watu wengine na kuwafanya watu wengine wasiwe na maana, licha ya kwamba demokrasia ina maana ya "wingi wa maoni". Mara nyingi imekuwa kwamba ni maoni ya watu fulani ndio demokrasia, na maoni ambayo si ya watu fulani si demokrasia, ijapokuwa wingi wa jambo lile umetoka katika watu ambao wametoa maoni tofauti tofauti. Sioni ni sababu gani baadhi ya watu au viongozi wanamlaumu mhe. Raila kwa kushirikiana na KANU. Ni haki yake ya kisiasa kufanya hivyo. Pia, ni jambo ambalo linaleta maslahi kwa nchi hii. Shida kubwa tulionayo ni kwamba hatuungalii mambo sawa sawa. Mhe. Raila amefanya hivyo kwa maslahi ya Wakenya wote.

Kwa hakika, jambo moja ambalo limeudhi au limewarudisha Wakenya nyumba ni kula rushwa miongoni mwa wafanyikazi wa Serikali. Wakenya wamepata aibu kutokana na jambo hili. Ningependa kusema kwamba kuna Mtaliano mmoja ambaye alitoka Somalia mwaka wa 1968, na alitumia uwezo wake wa kifedha kupata uraia wa Kenya. Mtu huyu ambaye anajihusisha na madawa ya kulevyo alipata uraia wa nchi hii na kisha akatumia pesa zake ambazo alizipata kutokana na biashara hiyo mbovu, ambayo imeathiri watoto wetu, kuwa Mbunge. Ningependa kusema kwamba mtu huyu alikuwa Mbunge wa Lamu.

Mr. Shambaro: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Assistant Minister actually confirm to this House that such a serious offence had taken place in Lamu, such that even a personality smuggled himself into Kenya and was eventually elected as an hon. Member of this House? Could he substantiate his remarks?

The Assistant Minister for Local Government (Mr. Hashim): Bw. Naibu Spika wa Muda, ningependa kusema kwamba kuna ushahidi wa kutosha. Tukitumia Kanuni za Bunge, ninaweza kuleta watu hapa kuthibitisha ya kwamba Mbunge huyo wa zamani amekuwa akifanya biashara hiyo mbovu. Ni vipi mtu ambaye hana biashara yoyote---

The Temporary Deputy Speaker (Mr. Imanyara): Ulisema kwamba ni Mbunge?

The Assistant Minister for Local Government (Mr. Hashim): Bw. Naibu Spika wa Muda, nimesema kwamba alikuwa Mbunge. Bw. Abu Mohammed alikuwa Mbunge baada ya kutumia peza zake ambazo alizipata kwa njia mbaya, na kuna ushahidi wa kutosha. Ningependa kusema kwamba aliwahi kufanya makosa kama haya huko Somalia na kutoroka nchi hiyo. Hivi sasa, anafanya biashara hiyo na ana uhusiano mkubwa na watu ambao wanafanya biashara chafu kama hiyo. Ningependa kusema kwamba sisi Wakenya tumepata aibu kubwa kwa jambo kama hili kwa sababu, mtu huyu ambaye si Mkenya aliweza kuwa Mbunge. Sheria ya nchi---

Mr. Shambaro: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ni kweli Waziri Msaidizi anaweza kuthibitisha kwamba jambo kama hilo lilitokea katika nchi hii?

The Temporary Deputy Speaker (Mr. Imanyara): He is out of order because there are rules governing elections to the House.

The Assistant Minister for Local Government (Mr. Hashim): Bw. Naibu Spika wa Muda, uthibitishaji wa jambo una aina nyingi; kuna kuthibitisha kwa kuleta ushahidi wa makaratasi na pia kuna kuthibitisha kwa kuleta mashahidi wenyewe. Nina ushahidi wa kuleta watu hapa Bunge. Ninaweza kuleta watu zaidi ya laki moja kuthibitisha kwamba mtu huyu anafanya biashara mbaya. Ni aibu kwetu kama Wakenya kuweza kuwakilishwa na mtu ambaye si Mkenya, na hasa anayejihusisha na mambo machafu kama hayo.

Sisi, katika nchi hii, ni lazima tuzingatie maslahi ya wananchi kwa sababu ikiwa hakuna mwongozo katika Bunge hili, kutakosa mwongozo kote nchini. Shida iliyokumba Wakenya, kama vile nilivyosema hapo awali, ni kwamba hakuna haki katika utoaji wa huduma. Ningependa kusema kwamba baadhi ya maeneo fulani yamesahuliwa, na kama maeneo hayo yangetiliwa maanani, leo Wakenya wangepata nafasi kubwa sana. Inasikitisha ikiwa leo, baadhi ya Wakenya watasema kwamba wanataka kuwa Rais wa nchi hii kwa sababu wanatoka katika kabila fulani, ilhali baadhi ya Wakenya hawana hata kitambulisho. Ni taabu kupata kitambulisho.

Wengine wetu wanataka Urais hali wengine wanataka haki ya uraia. Ni lazima sheria iletwe katika Bunge hili ili tuweze kuthibitisha kwamba Mkenya ni Mkenya, mradi tu awe anatoka katika moja baadhi ya makabila 42 ya nchi hii.

Ningependa kusema kwamba watu wangu wa Lamu wana shida kubwa sasa hivi kwa sababu hakuna usalama wa kutosha, kwa sababu barabara ya Kiunga na Somalia iko katika hali mbaya. Kwa hivyo, ningependa kwamba barabara hii itengenezwe ili iweze kuwasaidia wananchi, ili uchumi wa sehemu hiyo uweze kuinuka. Ukosefu wa maji na shida za watu kumiliki ardhi ni baadhi ya matatizo ambayo yanawakumba watu wa Lamu, na ni lazima tuyaangalie.

Bw. Naibu Spika wa Muda, ninashukuru.

Mr. Katuku: Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity. I would like to start my contribution by joining my colleagues who have sent condolences to the victims of Kyanguli Secondary School. I would also like to wish those who are in hospital quick recovery. I have just come from Kenyatta National Hospital (KNH), and it is painful to bear the situation where you find a patient with about 90 per cent burns.

On the same note, I would like to urge the Ministry, because I remember that the Minister concerned indicated that they have given directives that dormitories must have adequate exit doors, to follow up the circulars, to ensure that they are implemented. I do not see the reason why we should have a dormitory which has metal grill doors and one cannot pass through. If, for example, in that particular case, the windows had no metal grills, the students could have escaped through them.

On the same issue, I also found it very painful when I visited Machakos General Hospital, where some of the patients had been admitted only to find that some had not been given drugs. I had to get out of my way to go and buy some drugs for these patients. It is so painful. When I got in touch with the Medical Officer of Health (MOH), he said that he was not aware of that. That is a sign of irresponsibility.

In addition to that, I want to also raise the issue of pollution in this country which, of course, touches on the Minister for Environment. My constituency has two main rivers which pass through it. These are Athi and Thwake rivers. As we are talking here, water in Athi River has turned green because of pollution coming from industries in Athi River Town, which is just near here. Even if you go to Athi River Town, you will experience a very bad smell emanating from some of the industries there, and the Minister has done nothing to ensure there is no pollution of Athi River.

Mr. Temporary Deputy Speaker, Sir, Thwake River, which also cuts across my constituency, has been the source of water for the people in that constituency.

It has been polluted by Machakos and Kathiani towns. It was very amazing when I visited Thwake River recently. I was shown by the residents of that area, sewage water full of bandages from Thwake River, which means the level of pollution is so high. I would want to urge the Minister concerned to move in and arrest the situation because several people have lost their lives due to cholera and other waterborne diseases which are related to such kinds of pollution.

Mr. Temporary Deputy Speaker, Sir, coming to the issue of the Presidential Speech, I want to [**Mr. Katuku**] agree with the President on one issue; that we must work together and especially on the issues to do with reviving the economy of this country. The President touched on the opportunities we have along what we call "The African Growth and Opportunities Act 2000". You would bear with me that as we talk now, Africa has a market value of about US\$1 trillion in the USA market which is open. Kenya alone has about 304 items which can be sold in the USA market. These opportunities exist there. We can export textile products, honey, beef, animals and so on. We have so many items, even art and craft items. However, we have a big problem which the Minister for Tourism, Trade and Industry must address in conjunction with the Minister for Foreign Affairs and International Co-operation. We have the trade attaches.

For example, in the USA, I would imagine a situation where we have only one attache. How can he assist Kenyans to get access to such markets? I would want to appeal to this Minister to be serious on this issue. He should get more salesmen out there to assist Kenyans access those markets which are available there. If it were possible, we can have in each state in America several attaches, salesmen and other people who can market our commodities out there. We are told that export promotion centres are doing something. If you get to those centres, you will notice that people are not getting adequate assistance to help them market their goods out there. You go there and you are told to get to the website. You are talking about a website to a Turkana who has never seen a computer. With our technology level, we need to do a lot.

Mr. Temporary Deputy Speaker, Sir, I imagine a situation where we should open information and data centres in this country, where people can walk in and get this information, for example, about the market needs in the USA or Britain. Through this information, people can get access to necessary contacts and get in touch with such people, so that they can export their commodities. Without doing that, there is no other way of improving our economy.

Mr. Temporary Deputy Speaker, Sir, a number of hon. Members have talked a lot about the issue of agriculture and I would also like to share my concern. Agriculture being a major source of our income, is not given the attention it deserves. In our Budget, we should allocate more money to the Ministry of Agriculture and Rural Development in order to assist farmers in this country. It is

a pity that farmers in this country have all been retrenched by this Government. For example, tea, coffee, cotton and sugar farmers have all been retrenched. They have been retrenched in the sense that they are not being assisted and, therefore, they are not improving crop production. They are putting more of their income into the production of crops, but the outcome is very low due to poor methods of farming and poor technology. Our farmers are not able to cope with this kind of situation and compete effectively with farmers in other countries.

Mr. Temporary Deputy Speaker, Sir, you have seen a situation where a soccer team is dismissed due to poor performance. For example, if Harambee Stars goes out there and loses a game and it continues to lose every game, then the whole bench and all players are dismissed and a new team is put in place. I think the time has come for farmers in this country to take note of how poorly the Government continues to treat him, and make the right decision. The right decision will be to retrench this Government. We need to retrench some people who have failed us, and I think we should start from the top. This is a serious issue and we need to help our farmers get out of these problems and be able to compete favourably with other farmers in the world. We are now talking of cheap imported sugar. Our farmers cannot compete favourably with other farmers in other countries because prices of farm inputs and fertilisers are high.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about the issue of freedom of association which is enshrined in our Constitution. According to our Constitution, Kenyans have the freedom of association, speech and worship. When we talk about reviewing our Constitution and yet, we do not obey the current Constitution, I think we may not get anywhere. If we abuse the current Constitution by denying our people the right to assemble, or hold meetings, then we are not doing much. Even if our Constitution is written by angels and we do not respect it, we will not achieve anything. I would like the current Constitution, even if it is flawed, to be obeyed to the letter. It is sad that hon. Members cannot meet their constituents or assemble wherever they want. For example, supporters of *Muongano wa Mageuzi* and hon. Members who seem to be opposed to some opinion cannot be allowed to hold meetings. That is a violation of our Constitution. Our Constitution must be respected if this country truly believes in the tenets of democracy.

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

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, it is now time for the

interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 29th March, 2001, at 2.30 p.m.

The House rose at 6.30 p.m.