

## NATIONAL ASSEMBLY

### OFFICIAL REPORT

Thursday, 14th March, 2002

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### 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, 12th March, 2002.

*(The Vice-President and Minister for  
Home Affairs on 13.3.2002)*

*(Resumption of Debate interrupted on 13.3.2002)*

**Mr. Speaker:** Who is interested in contributing?

**Mr. Gitonga:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute to this Motion on exposition of public policy by His Excellency the President.

I thought the President would take this opportunity to explain policies related to the education system and the statement that was issued by the Government regarding free education. The announcement by the President has created a lot of confusion in this country, and the recent statement by an Assistant Minister for Education, when he said that parents who are not taking their children to school should be arrested and prosecuted. That statement has even aggravated the issue and created further confusion. We have very many parents in this country who are so poor that they cannot afford to raise the required fees in various schools. I believe that if the Government is, indeed, serious, it should be able to take care of primary education as it had pledged. This Parliament passed a Bill in this House to the effect that the interests of children are paramount in this country. Failure for the Government to give free education to the children of this country makes it very difficult for the ordinary mwananchi to understand. Today, there are very many children who are not going to school. As a result of the President's statement, children went to school, but they were sent away because they could not raise the required fees.

Mr. Speaker, Sir, in my own constituency, there are hundreds of children who are not going to school. Some have been orphaned as a result of the HIV/AIDS pandemic. Is there no way that the Government can assist and get fees paid for these unfortunate children who have no parents? I think the time has come that the Government became serious on this issue. If there is any problem, then the Government should come back to this House and ask for funds so that they can implement what we have passed. If the Government does not do that, then I do not see how this Government will get votes when time comes at the end of this year, during the General Elections.

Mr. Speaker, Sir, I also thought that the President would explain or give some clarification with regard to the teachers' salaries. The Government made an unequivocal agreement with the teachers that they would fulfil whatever they had undertaken. There was a memorandum of understanding signed between the Kenya National Union of Teachers and the Government that they would implement whatever had been agreed upon. To date, this Government has reneged on its own word. Teachers have continued to render their services and yet this Government has done nothing to implement what they had promised. We are aware that teachers are threatening to go on strike, and the sufferers will be children of this country. I think time has come for the Government to take teachers seriously. I can assure the Government that if the teachers decide to go on strike, parents and all wananchi in this country - despite the fact that they know their children will suffer - will support the teachers

because the Government has refused to give them what they deserve.

I cannot understand how a Government worth its salt would give a promise to its own people and then renege on the same. This is a serious matter. We would not like this intended strike to go ahead, because if it does, every parent and child will suffer in this country. We should stop this situation from happening. It appears that the Government is not taking this matter seriously. I can assure the Government that if this matter is raised in this House, money to pay them can be found. The question of saying that there is no money cannot be understood. The teachers are right in their demands because, recently, even the Judges of the High Court were given salary increments. Civil servants, and particularly those at the top; the Permanent Secretaries, were given high salaries to the disadvantage of poor teachers. As we know, some teachers even earn less than the subordinate staff we have here in Parliament. This is unfair. We should find a way of treating teachers as the backbone of this nation when it comes to the question of nation building. We cannot continue to ignore them and yet we talk about the importance of education in this country. We must do something about it. I would like to plead with this Government that they should now consider very seriously, what they had actually agreed with the Kenya National Union of Teachers.

Mr. Speaker, Sir, the other issue I would like to raise is with regard to the environment. We have stood here time and time again and talked about the destruction of the environment with particular reference to the forests. Forests in this country continue to be destroyed by the people who have been employed to take care of them. There was a time when my constituency was the source of all the water that goes down to Murang'a, Thika and Lower Kiambu. Today, some of the sources of water that used to exist have dried up. We have no way of stopping the depletion of resources in that area. Timber and firewood have been destroyed. Today, you will find that the streams have dried up. The people living downstream cannot get enough water. We should do something about that. The Government keeps on giving the question of environment lip service. Time has come for the Government to be serious and see what it can do about it. That is because the forest officers and the Provincial Administration see that happening everyday. If you stand by the highway between Kinale and Kimende in the Uplands area, you will see lorry loads of cider poles and wood of all types being transported to various places in Nairobi and other areas, yet the Government is talking about protection of resources in this country. Unless something is done urgently, we are going to destroy this country. The future generations of this country will condemn us.

With those few remarks, I beg to support.

**Mr. Speaker:** Any further interest? Proceed, Mr. Attorney-General!

**The Attorney-General** (Mr. Wako): Mr. Speaker, Sir, thank you very much for giving me this opportunity to talk on this Motion, which is giving thanks to the President for his Presidential Address which expounded on Government policies. One aspect of that Speech mentioned the large number of pending Bills, most of which had lapsed with the prorogation of the Fifth Session of the Eighth Parliament. In fact, some of those Bills have lapsed twice because Parliament was concerned with other matters, other than routine matters such as the matters that are covered under the Statute Law (Miscellaneous Amendments) Bill. In fact, the Statute Law (Miscellaneous Amendments) Bill has lapsed almost three times! So, I hope that this Parliament will, at long last, debate and enact that Bill.

Mr. Speaker, Sir, the Eighth Parliament is going to be known as a reformist Parliament. Already, it has passed a number of legislations which are reformist in nature, such as the Industrial Property Act, the Copyright Act, the Sugar Act, the Coffee Act and the Children Act. Still, there is a lot to be done by way of reforms under legislation. As you are aware, the Government embarked on a very serious law reform programme, through which I set up a number of task forces which reviewed various aspects of the law. I am glad to say that most of the final reports of those task forces have Bills emanating from them, and have already been enacted by Parliament. But still, many more need to be enacted.

Mr. Speaker, Sir, as you know, we passed the Children Bill. But there are still a number of Bills which deal with disadvantaged groups within our society. For example, before Parliament now, we have the Domestic Violence Family Protection Bill and the National Commission on Gender and Development Bill, which will deal mostly with gender issues. I do hope that this Session will also be able to enact the Persons with Disabilities Bill. As we dealt with children and gender issues, we should now deal with persons with disabilities. I hope that this Parliament, this Session, particularly, will enact the Persons With Disabilities Bill. I hope that this Session will also be able to enact the Access to Justice Bill. It is of no use talking about equality of justice when there is no equality of access to justice; when the poor and injured persons cannot have access to court and either affirm their rights or, alternatively, even fight the "big fish" who might have exploited them in a number of ways. I hope to bring before this august Assembly, the Access to Justice Bill.

Mr. Speaker, Sir, our labour laws are in dire need of comprehensive reforms. I have already set up a task force chaired by Justice Cockar and they have a deadline up to June this year, to make

comprehensive recommendations on our labour laws. Therefore, I hope that this Session will enact the labour laws. On the issue of tenancy legislation, I hope to bring before this Session, the Landlords and Tenants, Residential and Business Premises Bill. As a result of recommendations from a task force and a workshop, we are finalising the aspects of that Bill. On the issue of education, I hope that this House is going to enact the Higher Education Bill and the Special Education Bill. In the area of criminal justice, the Task Force on Penal Laws and Procedures made a number of recommendations. Most of the recommendations are now enshrined in the Criminal Law (Amendment) Bill, which is already before this House. The Criminal Law (Amendment) Bill will enhance the efficient operation of the criminal justice system. It will do away with my consent to prosecute, committal bundles on murder cases, confessions before the police and streamline the issue of sexual offenses. I hope that, that way, not only will the criminal justice system be enhanced, but also, the human rights of individuals will be observed.

Mr. Speaker, Sir, speaking about human rights, we have the National Commission on Human Rights Bill which is before this House. I hope that, coming very soon will be the Kenya Law Reform Commission Bill, which will lay the groundwork for a more systematic and consistent reform of our laws under the new constitutional dispensation. On laws on transparency, accountability and so on, the Corruption Control Bill, the Public Officers Ethics Bill, the Public Procurement Bill, the Public Financial Management and Accountability Bill are coming. We also hope to streamline the whole issue of compensation in accidents. The Accident Compensation Bill is also coming, to cover both the motor accidents and compensations under the Workman's Compensation Act. We want to streamline them because if you have lost your hand as a result of a motor accident, it is the same thing as losing a hand in your work place. Yet, if you lose your hand through an accident, you get far much more, sometimes even 100 times more, than if you lose your hand when you are at your work place.

Mr. Speaker, Sir, we are also bringing the Petroleum Bill, the Mining and Minerals Bill and the Forest Bill. On the issue of companies, we are bringing the Insolvency Bill because a large number of companies going under liquidation operate under the liquidation law, which is long outdated!

Mr. Speaker, Sir, most important of all, and I hope all those legislations can be passed before we come to the main one of the Constitution, all the legislations are aimed at enabling Kenya to enter into the era of constitutional dispensation. One of the most important legislations passed by the Eighth Parliament is the Constitution of Kenya Review Act. The constitutional review process is going on and I would like to assure Members of Parliament that they have a very key role to play in the constitutional review process. First of all, at the constituency level, they have something to do because the Act requires that the Commission visits every constituency in Kenya and, hence, the formation of the constituency fora. At the level of the National Consultative Forum, Members of Parliament are also members. But more important of all, the new Constitution will have to be enacted in this Session. So, this Session is going to be a historic one. It will not only pass many far-reaching reform legislations, but it will enact the most important legislation of all, which is the Constitution of Kenya.

Mr. Speaker, Sir, I am an *ex-officio* member of the Commission and I can state that the Commission will now be more engaged in civic education. In fact, a programme has already been laid out to ensure that during the remaining weeks of this month and so on, the Commission will be more focused on civic education. Obviously civic education is a continuous exercise and it will continue up to the very end. The Commission will now embark on a consistent programme of going round constituencies. That roll-out plan is due to start around 8th or 9th April. I would like to appeal to the Members of Parliament to fully co-operate with the Commission as it undertakes its work, in particular, as it goes round the constituencies getting the people's views on the type of Constitution that the people of Kenya want. Under the Act which was passed by this Parliament, the Constitution is but a reflector of what the people want.

This House said that the Commission must accurately reflect the wishes of the people on the new Constitution that they want. The Commission cannot do that unless there is smooth movement round all the constituencies. In addition, the people must be well prepared when the Commission comes around to give their views to the Commission. I am asking Members of Parliament to focus on preparing their constituencies now as a matter of urgency, so that when the Commission begins going round from about 8th or 9th of April, there will be a fertile ground there of receiving the people's views on the type of Constitution they want.

Finally, I hope and pray that this Sixth Session of the Eighth Parliament becomes the most historic Session of this august Assembly. Thank you.

**Mr. Wamalwa:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to say a few things on the Presidential Speech. As I have had occasion to say elsewhere, this year's Presidential Speech will be remembered more for what it left out than what it said. This is consistent with all things natural, that when human beings grow old - governments are also made up of human beings; therefore, they take on the same attribute - they begin to put on weight and slow down. They begin to feel the blues coming, therefore, they are not as outright as they once

were. This is a fitting epitaph on the KANU Government so far. One would have expected a speech on policy to address some major burning issues of our times. At the moment, the question occupying all Kenyans' minds is that of a new Constitution for this country. In the Speech, nothing was said about the Constitution-making process that is going on at the moment. This only casts doubts upon the Government's commitment to see this process go through.

I am a member of the Constitution of Kenya Review Committee and we meet from time to time. The last time we met there was talk of entrenching the Constitution of Kenya Review Commission in the Constitution. Under normal circumstances, entrenching this Commission would not even be an issue because we do realise that the Constitution is the supreme law of the land and it will depend upon the goodwill of every Kenyan who will be consulted on what sort of Constitution they would want. The idea of entrenchment only came because of the acrimonious past, leading up to a joint review position; the Ufungamano group and the Parliamentary Committee. It was agreed in good faith, for what it was worth, that it would be entrenched. Those on the Parliamentary Committee approach feel that there is no need for that because there is goodwill, and yet it was an agreement that it would be entrenched. Let it be entrenched for what it is worth, if only to remove any doubts whatsoever. In the Presidential Speech there was no mention of this whatsoever.

One of the most important Bills that this House has ever passed in the history of this country is the recently enacted Children Bill. That is a very far-reaching Bill and I dare say that it is the best Children Bill in the world. If the provisions of that Bill were implemented and observed, the children of Kenya would be assured of a future in which the Government would do everything possible to make sure that the children of Kenya live a decent life, get a decent education and, afterwards, get a decent job. The Government came out in its usual haphazard manner saying that the children would not pay fees any more. Of course this was very gratifying to the ears of the parents and so forth. A moment later, when you thought about it, parents who had been paying fees and schools that had been receiving and running upon these fees were all of a sudden told that they did not have to levy the fees, but nobody had made any provisions as to what schools would do or where they would get the money to execute their duties.

A government worthy of its name must take a matter like children's education more seriously than we have done. The Government must come up with thorough arrangements to make sure that schools will not close down for lack of payment of fees; teachers will be there to teach; teaching materials will be available, and our schools will continue dispensing the best possible education to our children. As we talk now no such arrangements have been made. Some children arrived at school without fees and a lot of them were sent back home. As a result, parents have ended up paying fees. I think this issue must be looked at more seriously.

There is also the question of teachers' salaries. Once upon a time, it used to be said that a gentleman's word was his bond. I think a government's word ought to be its bond. If a government makes a commitment to its citizens or a section thereof, that it will perform A, B, C, D, it must make sure that it honours its commitment. The agreement between the Government and the teachers is something that has been gazetted. It is a legally binding contract between the Government and the teachers, and the Government must begin to pay the teachers as agreed in those negotiations. The Government fulfilled only one instalment. The second and third instalments fell through. The fourth instalment is now due and it has not been paid. I would like to take this opportunity to appeal to the Government that if they expect any section of the Kenyan public to take them seriously, they must start by honouring the teachers' salary commitment.

We are approaching an election. The IPPG arrangement of setting up an electoral commission on which sat representatives of various parties that took part in the IPPG negotiations was a gentleman's agreement. It does not have the force of law. I have been watching with trepidation that as the terms of some of the KANU-appointed Commissioners have come to an end, the President has just gone ahead and appointed someone else. The terms of the Commissioners that Opposition parties at that time appointed will come to an end in October. There is no legal arrangement as to how the parties which appointed members of the Electoral Commission of Kenya (ECK) are going to replace their appointees on that Commission. I think this is a matter that we need to look at because if this country is going to end up in the hands of a KANU-controlled ECK, then the process of rigging will begin many months in advance.

Mr. Speaker, Sir, as I am speaking now, I have a case from Kitale where in the last exercise of registration of voters, a lot of people who registered and were waiting for their voters' cards to be laminated before they are handed over to them, over 2,000 of them, are still waiting for the cards to be **[Mr. Wamalwa]** handed over to them. Yet, yesterday, somebody chanced upon a heap of these cards deposited in a forest on the outskirts of Kitale town. What is surprising is that the Mayor of Kitale has vetted these cards and they are all cards belonging to one tribe alone. So, you can see that efforts are already being made in certain quarters to rig elections by denying members of certain tribes the right to have a voter's card. I suspect that their names might appear on

the voters' roll but they have not actually been given the voter's card or, maybe, the voters' roll has been destroyed altogether. This is something we want to look into. This is also the importance of having a truly genuine ECK.

Mr. Speaker, Sir, there was this recent visit to State House by a certain section of the ECK. It might have been a very innocent thing, but the fallout from that left a lot of suspicion because only Commissioners appointed by one party went. If all of them had gone, I think it might have raised eyebrows, but not as badly as it did in this case. I think, if we want to be respected for impartiality, then we must be seen to be impartial.

Mr. Speaker, Sir, one resents the over-presence of the Provincial Administration in these matters. In Kitale, at the moment, we have a District Commissioner who came there strictly to campaign for KANU and in the process he has gone on to make a lot of money by disposing of Government property. There are two houses belonging to the Government that he has sold in recent times. In order to induce the occupants of these houses to move out so that he could sell them to the Asians, he offered to pay each of them Kshs150,000. So far, he has only paid each one of the former occupants Kshs20,000 and this is what led to the leakage because those occupants were demanding the extra money.

Mr. Speaker, Sir, with these few words I beg to support.

**Mr. Kajwang:** Thank you, Mr. Speaker, Sir. I saw the Attorney-General this afternoon and I wanted to say a few things to him, one, because I am also a "small Attorney-General" in my own party.

*(Applause)*

**Hon. Members:** Which one?

**Mr. Kajwang:** It is the party which is just about to be dissolved. Two, I am also the chairman of our Administration of Justice and Legal Affairs Committee.

Mr. Attorney-General, through Mr. Speaker, I have a problem with one thing. This is the Central Bank (Amendment) Act which is popularly known as the Donde Act. The other day the court ruled to some extent that certain offences created by the amendment could not be enforced against the banks if they breached those rules because the rules came into operation before the assent. That is, the commencement date on the face of the Bill was 1st January, 2001, when the assent given by His Excellency the President was 6th August, 2001. First, it was a mistake for the Attorney-General not to indicate to this House that because the President had returned the Amendment Bill to this House with a memorandum asking for certain amendments, and the House passed those amendments a little later after 1st January, 2001, we should have done something about the commencement date. The Attorney-General himself should have advised this House that if he takes the Bill as it is with a commencement date starting January, 2001, and the assent date being later than that date, it would bring problems of implementation. He did not do this.

However, he should also have advised the President before he appended his signature on it that the commencement date on the face of the Bill was already 1st January, 2001, a date earlier than the date when he was giving the President the Bill to sign. He did not do so.

**The Attorney-General (Mr. Wako):** Mr. Speaker, Sir---

**Mr. Speaker:** Hon. Attorney-General, what does that mean? There is no Standing Order that says that you stand up and say: "Mr. Speaker, Sir". Are you on a point of order?

*(Laughter)*

**The Attorney-General (Mr. Wako):** Mr. Speaker, Sir, I said: "Mr. Speaker, Sir, I want to stand on a point of order".

**Mr. Speaker:** Go on!

**The Attorney-General (Mr. Wako):** On a point of order, Mr. Speaker, Sir. Is the hon. Member speaking in order to mislead this House that I did not advise the House? First of all, my advice is to the Government. The Government was correctly advised and it brought here an amendment to say that the commencement date of that Bill ought to lie with the Minister and it was voted out by this august Assembly.

**Mr. Kajwang:** Mr. Speaker, Sir, of course, he knows that because of that anomaly, the court has then ruled that the Act was inconsistent with the Constitution because it created certain offences which came into operation before the date of assent.

Mr. Speaker, Sir, as if that is not bad enough, when the courts have made a ruling, which in our view was very clear, the Attorney-General was asked, as the chief advisor of the Government, to clear the air to the whole entire nation as to when this Act came into operation on reading the judgment of the court. We were all looking at

him as the advisor to the Government and, therefore, to the country, as to what the law is and he said: "It is up to hon. Donde to bring the Act back to Parliament". Of course, this Act was not the Donde Act although the papers have written that for historical purposes. It was an Act passed by the Parliament of the Republic of Kenya. If you look at the face of that Bill, it says: "This Act was passed by the Parliament of the Republic of Kenya". This is so that this Act cannot be a private Act.

**Mr. Speaker:** Order! Hon. Kajwang, it does appear to the Chair that you are now bringing an appeal of a matter decided in court to the House. I think, having made your point, just go straight to other issues because we cannot overrule the court. Can we?

**The Attorney-General (Mr. Wako):** On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to pursue that line of reasoning when his very Committee has summoned the Attorney-General to appear before it tomorrow, Friday, at 11.00 a.m., to discuss these very issues, at which meeting the Attorney-General will reaffirm that as far as that Act is concerned, if any person wants to bring a date of commencement here, let him do so? The Attorney-General, as the advisor to the Government, will not do it. The Attorney-General has published his own Bill which will be brought to this House for debate.

**Mr. Speaker:** Order! I suppose Mr. Kajwang has a legitimate right to demand from the Attorney-General certain standards in advice to the House and also to the country. He has already done that. I do not think we will now turn the whole debate into what happened in court. I think, Mr. Kajwang, you have made your point and you were entitled to do it. But do not overdo it.

**Mr. Kajwang:** Thank you, Mr. Speaker, Sir. I was raising this point because, as you can see, the President, in his Speech, talked about poverty. He says: "Although this country has dealt with so many other challenges, like education and health, and even clean water to some extent, poverty remains a serious challenge to my Government." This House identified one of the causes of poverty to be the cost of money and the cost of doing business in this country. We passed an Act here which we thought was going to safeguard the interests of our businessmen and those who want to engage in industrial development. This has injured our businessmen. It has made many of them to be declared bankrupt. That is why I was talking about it in so far as solving the problem of poverty is concerned. If I could just add one more point which also interests me, Mr. Speaker, Sir, because this question of poverty is bothering all of us, I would be happy. If you go to Dubai, you would find that Dubai is just a piece of desert. I do not think that Dubai has any other natural resource. The port at Dubai is not any better than the Port of Mombasa. In fact, we have a better port which is deeper. If you look at the environment, it is worse because it is a desert. But if you look at Dubai, it has become rich just because of an idea. Somebody thought that if he turned that port into a free port where people would bring their merchandise and then, people would come from all over the world and buy from there, most of the time, second-hand merchandise; that they would get some money from business tourists who come to look at what they can buy from Dubai. So, people have come from all over the world; from South Africa, Zaire, Kenya, Uganda and they have gone to Dubai. Sometimes, they buy nothing, but they leave a lot of money there. They spend some money in the hotels for food and entertainment. Dubai has become a rich country or a rich port or a rich patch of desert because of an idea. The Port of Mombasa or other better ports at the Coast could be used for that purpose. We could open what you would call a free port facility in Mombasa or Kilifi, or where we have a deeper port, and our country would get a lot of money from business tourists. We would do away with all sorts of poor tourists who come here and spend nothing, and who leave their money in their own countries. Most of them are very dirty and they interfere with our culture. We would then concentrate on more serious tourists who come here to buy something. If you look at our economic policy today---

*(Loud consultations)*

Mr. Speaker, Sir, there is a lot of noise from Mr. Karauri. I think he is campaigning for the post of Organising Secretary!

*(Laughter)*

Mr. Speaker, Sir, our economic policy is that we should discourage business in this country. Just recently---

**Mr. Munyasia:** On a point of order, Mr. Speaker, Sir. Is Mr. Kajwang in order to say that hon. Members of this House make noise? Should he not withdraw that unparliamentary term?

**Mr. Speaker:** Mr. Kajwang, did you ever say something like that?

**Mr. Kajwang:** Mr. Speaker, Sir, I thought I said they were consulting rather loudly. I am not so sure.

*(Laughter)*

**Mr. Speaker:** Order! Order! But what did you actually say?

**Mr. Kajwang:** Mr. Speaker, Sir, I was in the heat of the moment of making a point; I am not so sure. If I did, I must apologise.

**Mr. Speaker:** Very well! Thank you very much.

**Mr. Kajwang:** Thank you very much, Mr. Speaker, Sir.

**Mr. Nderitu:** Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute to this debate and respond to the Presidential Speech.

Mr. Speaker, Sir, as far as I am concerned, the whole of this Speech is just a rhetoric of what every Kenyan is screaming about. It is not coming with any solution of what must be done to alleviate poverty, to take care of education and people living in the slums. The whole Speech lacks the weight of a speech of a President.

Mr. Speaker, Sir, the Speech did not give any hope to Kenyans. The Speech does not open up avenues after the economy of this country has been tampered with by acts of thuggery and corruption. Kenyans at large expect this year, after suffering for so long, at least, some clear directive or policies which state: "My Government is going to stop importation of milk to assist milk farmers. My Government is going to stop importation of sugar to assist the Luos down in Kisumu who are growing sugar-cane."

**Mr. Speaker:** What did you say?

**Mr. Nderitu:** "My Government is going to stop importation of sugar to assist farmers in Luoland who are growing sugar-cane." The Speech must have a clear-cut policy that there will be no more importation of rice because Mwea farmers are producing enough rice for this country. But what does the Speech say? It just goes round and round as if it was meant to address school children. We are mature enough.

Mr. Speaker, Sir, the economy of this country was not even addressed. We are at zero. This Speech here does not say how we are going to improve our economy. That is why I said it does not give Kenyans or businessmen hope. This Speech does not give any remedy or direction to even the people serving the Government in the various Ministries. It does not at all, other than only one clause here which says: "We are going to bring Bills---" These Bills are not being implemented. For instance, the Children Bill; what is the Government doing about the Children's Act?

**The Minister for Vocational Training (Mr. Ruto):** On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member to mislead the House that rice farmers are suffering because of importation, and yet it is a fact that he has not paid Mwea farmers for the rice he collected from them?

**Mr. Nderitu:** Mr. Speaker, Sir, I would like him to substantiate and produce the record here of the rice I have taken from the farmers.

**Mr. Speaker:** Order! Order! Order, hon. Members! I think you will recall what I said during the State Opening of Parliament. I expect debate to rise above individuals, and you two are guilty. In fact, also, Mr. Nderitu, you have been trivialising matters, including "tribalising" debate. So, for the benefit and integrity of this House, the two of you are called to order.

Proceed!

*(Applause)*

**Mr. Nderitu:** Thank you, Mr. Speaker, Sir. I am not being personal to anybody at all. I am just talking about the Presidential Speech, which is supposed to be the directive of the Government. I am saying that the Government should control importation of grain which is grown by our farmers here. That is why I talked in general terms and mentioned coffee, sugar and rice. I even mentioned milk. Look at the newspapers today and you will find that we have more than 1 million kilograms of imported milk. Can the Government, at least, not take care of the farmers who rear cattle here so that they can market their milk? That is what I am saying. The policy of the Government ought to be cut-throat for its people without favouring the importers. Besides that, why does the Government issue licences to Kenyans to kill others? Why does the Government also give licences to a seed company to produce seeds which cannot germinate? We are not eradicating poverty. Really, on a wider scope, the Speech which was made here will not help Kenyans at all. I am not being personal.

This is the Sixth Session of the Eighth Parliament, and we will go out to seek new mandate to come back. The Chair will note that this is the year when we want to change the Constitution of this country. These two things

should have been addressed. Was the Government ready to review the Constitution? The hon. Member who spoke before me insinuated that hon. Members of Parliament should go and prepare their people now. I would like to point out that Members of Parliament are not even mandated to go and give civic education to their people. The Commission is going out to collect views from the constituents when civic education, which should have been a forerunner, was not released at all. We are now running up, saying that it should be ready. Who is misleading who? The Government is not coming up with a policy. We will have a problem. That is why the President does not want the process of preparing the Constitution enacted into our Constitution. When you look at it widely, you will find that it is pathetic for Kenyans. This is because, first, we should have a policy which states very clearly what the Government is doing to eradicate poverty. Secondly, we should have a policy which indicates clearly what the Government should do to assist coffee, sugar-cane, tea and other farmers, but all that has been left out. For sure, the Eighth Parliament will be viewed by our children as one which was not effective at all because it did not help eradicate poverty among Kenyans. This Parliament has assisted the Government to dig graves for Kenyans rather than help them come up.

With those few remarks, I do not support the Motion.

**Mr. Musila:** Thank you, Mr. Speaker, Sir, for giving me an opportunity to contribute to this important Motion. First, I would like to thank His Excellency the President for his Speech. The Speech touched on very important issues and I, therefore, would like to disagree with my colleagues who have had different views. The most important of all is that the Head of State touched on the unity of our people, the economy, peace and security of our nation. I think these are very important issues which the Head of State discussed in his Speech. Therefore, I would like to make brief comments on them.

Two weeks ago, over 20 people were brutally murdered in Kariobangi while, perhaps, a larger number of wananchi were injured. What concerns me more is that as of now, we know of no action that has been taken by the police to apprehend those people who were involved in this crime. This is not the first time that such an incident has happened. We have heard of gangs killing people and no action is taken by the police. The behaviour of the police has encouraged more people to form their gangs and, therefore, more people have been killed. So, I think the police should take their responsibility seriously because it is their behaviour of not taking action against gangs or murderers that has made the killings continue. I, therefore, would like to record my personal appreciation and that of my constituents, because they have been victims of violence, to the President for directing the Commissioner of Police to act against these gangs. This led to the Commissioner of Police banning the 18 gangs.

Mr. Speaker, Sir, as Members of this honourable House are aware, on 8th December, 2001, at Wamunyu Market in Machakos District, a gang by the name "*Jeshi la King'ole*" was formed. Those who attended the meeting know very well that men were paraded publicly; they had their shirts removed and demonstrated how strong they were. The police were in attendance, but did nothing. The police did not even want to know why this gang was being formed, and why very strong people were required.

On 15th December, 2001, *Jeshi la King'ole* was sent on their first mission to my constituency, which is 200 kilometres from Nairobi. The members of this gang passed through police roadblocks and arrived at my home town. It is well known that on arrival at the town, they caused havoc. These people carried knives and all kinds of crude weapons and injured people, including women. The police were there when all this was happening, and my people pleaded with the police to restrain *Jeshi la King'ole* from attacking them, but they did nothing. Thereafter, what we know is that there have been threats and intimidation from the leaders of these illegal organisations on all the people who have tended to disagree with their political views.

I mentioned that I have received threats on my life. I have no concrete evidence to say that the threats came from *Jeshi la King'ole*, but I suspect that they came from that gang. So, all of us were pleased to hear the President direct the Commissioner of Police to ban these gangs. Indeed, the Commissioner of Police was reported to have banned these gangs. But in my view, the Commissioner of Police should go further than that. He should arrest all the 18 gang leaders. There is no need to arrest *Taliban* and *Mungiki* leaders alone. The Commissioner of Police should proceed and arrest all gang leaders, have them interrogated to determine the crimes their gangs have committed against the people, and if necessary, criminal proceedings should be preferred against them. I also recommend that the Commissioner of Police goes further to arrest the members of these gangs and have them produced before a magistrate, if necessary, and be bound to keep the peace, because all of them are known to have participated in some kind of violence. It is very necessary for the police to do this if they are to convince Kenyans that their act of proscribing the 18 gangs was not a mere public relations exercise. They must go further to arrest the gang leaders and make them account for the crimes they have committed. Unless the Commissioner of Police does this, he cannot convince Kenyans that he is serious about containing these gangs.

Mr. Speaker, sir, with regard to *Jeshi la King'ole*, it will not be difficult for the police to round up its members since its owner has admitted that the gang has 400 members. They are in his payroll. He said that he is



paying them some money in lieu of notice since he is now terminating their engagement. So, it should be very easy for the police to get hold of the gang leaders, produce them before a magistrate and have them bound to keep the peace. It is necessary for the police to do this. The people know that the police have been watching as the gangs injure people. It is very necessary that we promote peace. As the President said, this country [Mr. Musila] must continue to embrace peace. Without peace, no economic development will be realised.

I would now like to, very quickly, touch on the issue of poverty reduction. The Poverty Reduction Strategy Paper (PRSP) was produced before the last Budget. But you will recall that the 2001/2002 Budget did not provide any resources to address the issues we have highlighted in the PRSP. I recall that we had very genuinely requested the Government to provide several amenities to our communities in order to alleviate poverty. Water, for example, is still a major problem in our rural areas. Unemployment still continues to haunt the youth and other members of this nation. So, we would like the Ministers for Finance and Planning to assure us that the next Budget will provide the necessary funds to finance the many projects we have identified for the purpose of alleviating poverty.

Mr. Speaker, Sir, finally, I will address the issue of pension payable to retirees. This has continued to be a major problem to retirees in this country. As you are aware, last year, a large number of public servants were retrenched. However, to date, a lot of these people have not received their pension. So, I would like to urge the Government to urgently pay these people their pension because they are suffering. They need their dues. You will also recall that this House gave leave for the publication of the Pensions (Amendment) Bill, 2002, and I was given the mandate to do so. I would like to report to the House that the drafting and arrangement to publish the Pensions (Amendment) Bill, 2002, are at an advanced stage. I look forward to receiving the support of this House when the Bill comes before the House.

The Bill will provide, among other things, that public servants shall not go home until they receive their pension cheques, so that whenever the Government wishes to retire some public servants, or retrench them, it will, first of all, make money available for payment of would-be retrenchees before they leave service. This aspect should be emphasised because some people have waited for up to ten years to receive their pensions, long after they left service. We know of some retirees who have died before receiving their pensions. So, I look forward to receiving the support of this House when the proposed Bill comes before this House for debate.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** I have to recognise hon. Members who have been sitting here longest.

Proceed, Mr. Muchiri!

**Mr. Muchiri:** Mr. Speaker, I would like to thank you for your address to this House. I want to say that---

**The Assistant Minister for Education, Science and Technology** (Mr. Ojode): On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member to thank you for your address, and yet we are debating the Presidential Address to the House?

**Mr. Speaker:** Order! You are the one who is changing the position. In any case, what is wrong in the hon. Member thanking Mr. Speaker?

Proceed, Mr. Muchiri!

**Mr. Muchiri:** Thank you, Mr. Speaker, Sir. I would like to state that, in this country, there is no security; the security situation is deteriorating. We have witnessed incidents where Kenyans have been literally killed by gangs of people, and none of them has been arrested. Secondly, we have witnessed incidents where very many police officers have been killed by gangsters, but the perpetrators of the crime have not been arrested. Finally, hon. Members of this House have been shot, but their assailants are yet to be brought to book. So, the Minister of State in charge of internal security, who is seated here, should wake up and terminate the services of the Commissioner of Police and those of the Director-General of the National Security Intelligence Service. In the recent past, more than 300 people were killed in a bomb blast here in Nairobi, but the Government did not taken any action. We have had incidents where tribal clashes have affected so many people. More than 3,000 people have died in tribal clashes, but none of the perpetrators of that crime has been brought to book. Why should we continue having the Director-General of the National Security Intelligence Service, the Director of Criminal Investigations Department and the Commissioner of Police in office if they are doing nothing? Nobody has been prosecuted for these infractions. Even the Minister of State in charge of internal security does not apologise to Kenyans for the loss of lives occasioned by these criminals.

As I speak here, the police are terrorising young people, following the recent proscription of some organisations by the Commissioner of Police, who said they are illegal. Under what authority did the Commissioner of Police ban these organisations? The groups have been in existence for a long time. If you visit police stations countrywide today, you will find young people who are incarcerated for being suspected of either robbery or being members of *Mungiki* and *Jeshi la Embakasi*, among other charges. Under what authority has the

Commissioner of Police banned these organisations? The only person who can proscribe these groups is the Minister of State in charge of internal security, who has not gazetted the proscription of any of these organisations. Why should we allow the police to harass our people?

Mr. Speaker, Sir, we have been discussing the issue of poverty eradication. How can we eradicate poverty in a country of 30 million Kenyans, when less than 1,000 Kenyans own all the land in this country? What are they going to do with all those parcels of land? We are aware that this is an agricultural country. We have no minerals or petroleum. That means that 1,000 people have outlived the rest by occupying the whole land, which they are not putting into utilisation. Those parcels of land are being utilised by snakes, rats and wild animals. Why not put them under utilisation by giving them to Kenyans who are roaming about in this country?

We are talking about the issue of education. We have got over 5,000 graduates in this country who are jobless. Whose fault is it? It is not their fault; they have been born in this country. It is the fault of the people who have been leading this Government. Surely, why do they not pack up and go for good!, then, we will start from the beginning, where we started 100 years ago, rather than have so many educated people in this country who are jobless? There are no jobs, and we have no plans for them, nor do we have a place to take them to.

The other day the Government announced that primary education would not be paid for. But has the Government allocated enough money for our schools? Watchmen for schools, telephone and stationery charges have to be paid for. Where are the facilities that this Government has provided for our schools? How many Cabinet Ministers are listening to this speech? That means that the Government has already gone. They are busy campaigning for the March 18th KANU elections. Surely, how can the Kenyan society pay people who have no business for them? They will never be interested in what we are saying here. All we say and pass in this House will go to the history books. We did pass the Children Bill, and I am sorry to tell you that the Bill came into effect on 1st March. As we sit here, none of those clauses has been effected by any of the officers of the Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports. We are here to protect our country. The question is: Are we protecting the country? If 500 people can walk into Kariobangi Estate, which has about 30,000 residents, kill 23 people, injure over 30 people and nobody is arrested, despite the incident being reported to the police, who is secure in this country? Nobody is secure in this country. If a Senior Deputy Commissioner of Police is murdered in an estate, next to a police division, and a Senior Superintendent of Police is also murdered and nobody is arrested, the question is: Do we have a Government in existence? If we have, where is the Government? Why has the Government not acted?

Thousands of young people are in prison awaiting trial; some have waited for two years, and they have never been tried. The question is: Do we have magistrates in our courts? Yes, we have them. What time do they report for duty? They report on time, but all of them, including the public prosecutors, are busy looking for money from elsewhere, and that is the reason why the economy of this country is collapsing. Literally, nobody is working; Cabinet Ministers, senior civil servants and Permanent Secretaries are not working.

Mr. Speaker, Sir, all the responsibilities of the Government have been left to the Members of Parliament. It is high time this Parliament defined the duties of a Member of Parliament. A Member of Parliament has become a social worker, a chief, a DO and a police officer. What is the work of a Member of Parliament in this country?

*(Applause)*

We are being blamed by the public; that, we have not initiated any development project. It is for this Government to initiate development. A Member of Parliament is never given any money. We cannot get money from the Consolidated Fund, but the Government withdraws money from there. Where do they take the money? For the last ten to 20 years, this Government has not initiated any project in this country. If any, they are all collapsing. What has gone wrong? It is high time we told this Government: "Please, resign honourably," then, we go for elections, and those of us who will be re-elected should put this country in a better position than it is now.

Finally, Mr. Speaker, Sir, if you go to estates in the slums area, this Government has not made any improvement at all. We are now being urged by our voters to form associations and reject the collection of rates, because this Government is charging the property owners all over the country - in all urban areas - a lot of money. Fourteen per cent is a lot of money, and the Government is not tarmacking any road or improving any services, and there are no streetlights. The Government is not assisting our schools, and we have no sewerage system. Surely, something must be done. It is very unfortunate that we cannot request you to write to these people and tell them to do their work.

With those few remarks, I beg to thank you very much.

*(Laughter)*

**Mr. Speaker:** Thanks!

**Mr. Kibicho:** Thank you very much, Mr. Speaker, Sir. The Presidential Speech started by tracing poverty from 1963. It says that in 1963, the Government identified our enemies as disease, poverty and ignorance. The President did not prescribe the way his Government was going to

**[Mr. Kibicho]**

tackle these three enemies, nor did the President tell Kenyans the achievements that they have had as a Government since he took over.

Mr. Speaker, Sir, when you talk about poverty, and you acknowledge that poverty in this country is rising, and you do not tell Kenyans the programmes your Government has to alleviate poverty, that is to be very shallow, and it is very regrettable. Why did the President not tell Kenyans that his Government has got certain programmes and they will translate them into some results, and after that, poverty in Kenya will be eradicated? Kenyans depend on coffee, rice, horticulture, maize and beans, in addition to other forms of subsistence farming. Does this Government have any programme for expansion of those crops? If you look at the existing crops, which, if they are expanded, would lead to alleviation of poverty, you will find that the Government has no policy. For example, look at coffee farming. If nothing is done this year, we will not have any coffee in this country, yet we have passed the Coffee Act, and we are told that it will be implemented on 1st April, this year. But this Government has done very little to educate Kenyans on the benefits of the Act. The general morale of our Kenyan coffee farmers is still very low, and unless something is done, there will be no change in the production of coffee.

Mr. Speaker, Sir, with regard to rice, there is a scheme in my district; in Mr. Nderitu's Mwea Constituency. The National Irrigation Board (NIB) has neglected the scheme, and Mwea Rice Scheme is not maintaining the canals or providing enough water and research services. They are not assisting farmers to get quality seeds and, as a result, that scheme is falling. If the seeds are not improved and we do not come up with new varieties, then how can we alleviate poverty?

Mr. Speaker, Sir, dairy farmers in this country are crying. Milk products are being imported into this country with impunity. What is the Government doing? Is the Government out to demoralise the Kenyan farmer so that he does not continue to produce? The Government of the day must provide leadership, but this one of ours has failed to do so. That is why I would like to join my colleagues who have argued that this Government must resign because it has no business running the affairs of this country. It must give way to other people to govern.

Mr. Speaker, Sir, on the education sector, the Government has embarked on the expansion of secondary schools and universities without a corresponding expansion of the economy. It is very frustrating to see unemployed university graduates in the streets. I expected the Government to order that all secondary and primary school teachers must be university graduates. By so doing, we will give a chance to all those who have excelled. The Government should be more dynamic, so that more educated persons can man our learning institutions. Morale among civil servants in this country is very low. This will in turn lead to low production! If there is no production, we should not expect economic development.

Mr. Speaker, Sir, security is a matter of great concern to all of us in this country. The police officers in this country are not enough. The Government should come up with a policy where police officers can be engaged in a more meaningful way. These days, police officers cannot apprehend criminals because the public is not giving enough information on the activities of criminals. This is because police officers cannot treat the public with the confidentiality it deserves. Criminals get to know who informed the police and they always come to revenge. The Government should carry out research on how to deal with crime. It is worrying because people cannot move out of their houses at night! Many people have fallen victim to robbers at night because of lack of security. Security is a very crucial matter and the Government must take it seriously.

Mr. Speaker, Sir, in my constituency, there is a cold storage facility at Sagana and another one at Endong'uru. I am told that there are only seven such facilities in the country. Such cold storage facilities are supposed to help farmers export their horticultural products, but the extension services given to farmers are not adequate. Farmers have not been informed about the benefits they stand to reap from using such facilities. My fear is that those facilities may collapse the way other Government facilities have collapsed. The problem in this country is that projects are started but they collapse soon after, because the people who are supposed to benefit from them are not well informed about such facilities. This has to do with the fact that the people are never involved whenever projects are started. I urge the Government to give farmers more information about such facilities.

Mr. Speaker, Sir, the constitutional review process should take into account people's values. It must be a reflection of the wishes of the people. People cannot express their views unless they are adequately informed. So, I urge the Constitution of Kenya Review Commission to fund all civic education programmes, so that Kenyans may

contribute effectively to this process. If we do not do that, we may end up with a Constitution that does not reflect the views of the people.

Mr. Speaker, Sir, this is an election year and Kenyans expect this Government to assure them that there will be a new Government by next year and that the President will retire at the end of his current term. Kenyans should be allowed to elect a person of their choice. We should not be subjected to tricks and gimmicks like those of "Young Turks" and old guards. This country is more important than those people! We want a free and fair election. We would like to know what direction this country will take.

With those remarks, I beg to support.

**Mr. Katuku:** Thank you very much, Mr. Speaker, Sir, for giving me the opportunity to contribute on the Presidential Speech. I would like to request this Government to be serious with the farmer. Having made extensive tours of my constituency and the greater Ukambani during the recess, I encountered one problem facing farmers there, and the Government has been ignoring it.

Mr. Speaker, Sir, for the first time in my constituency, which always relies on relief food, we had a bumper harvest last season. But there is an outbreak of great grain borer in this country, especially in Eastern Province. This grey grain borer is eating all the grain, especially maize grain, the bags and even foodstores. We have brought this to the attention of the Government, but it has not taken any action and farmers are losing a lot of grain. For the last six months, farmers have lost a lot of maize. I call upon the Government to give free pesticides to farmers in order to alleviate this problem. This problem has been brought about by Twiga Chemicals which has manufactured a fake pesticide called Actellic Super. This pesticide was effective in the previous years but towards the end of last year, the same pesticide became less effective. Recently, they withdrew that pesticide from the market. I raised this matter with the Minister for Agriculture and in a letter he wrote to me, he acknowledged that the pesticide was not effective. He informed me that they were reviewing the efficacy of the pesticide. In view of such cases, where the farmer is left guessing whether to use a certain pesticide or not, the Government should move in and withdraw all the pesticides supplied by Twiga Chemicals from the market. The Minister said that the farmers will be advised in due course. It has been alleged that M/s Twiga Chemicals is responsible for this mess. Now, the company has come up with another pesticide, namely, the Actellic Super, February, 2002, which is now being sold to the farmer. The farmer does not know whether to use the same or not. This is very serious, especially in my constituency. It has been alleged that M/s Twiga Chemicals has set aside Kshs10 million to ensure that the pesticide remains on market. The money has allegedly been given to some of these Government officials to ensure that, that pesticide is not withdrawn from the market.

I would like to call upon the Government to move in, pick pesticides at random from the outlets, research on them and advise the farmers accordingly. Meanwhile, I would like the Government to withdraw the pesticide from the market until it is satisfied that the pesticide is effective on the great grain borer which is messing farmers in my constituency.

The other problem which I find peculiar in relation to what I have said about the bumper harvest in some parts of Ukambani is that the National Cereals and Produce Board (NCPB) has discriminated against some parts of the country. It has bought maize from farmers in some parts of this country and not from others. How would you explain that in the Rift Valley Province, the NCPB is buying a bag of maize at Kshs1,200, yet it is not buying maize from farmers in Machakos District? Farmers in Machakos District are selling a 90-kilogramme bag of maize at between Kshs200 and Kshs500. This is quite unfair. If the NCPB has to buy maize anywhere, it should buy it from farmers all over the country. If it has money to buy maize from the farmers, then it should buy maize from farmers all over the country. The Government should give enough money to the NCPB so that it can buy maize from the farmers, so that they do not incur losses. After all, that is why we have the NCPB. The Government is supposed to fund the NCPB so that it can stabilise prices in such situations. The NCPB should buy the excess produce, store it and look for a market for it, and other farmers can get the same at a cheap price. I want to see a serious Government here implementing the policies which have been passed by this House. That is why we have the NCPB. Farmers have to be assisted, Surely, if farmers are being assisted in some areas and not in other areas, this is quite unfair.

Mr. Speaker, Sir, the other problem that I have noted in my constituency has to do with the youth. We have the registration of voters exercise going on in this country. The voters registration exercise should be continuous. Most of the youths in my constituency have not accessed the voter's card because they do not have identity cards. The Government has said that it will assist the youths to acquire the identity cards, yet you will find that a person who applied for an identity card in December, 2001, has not got it to date. The issuance of identity cards is a very serious problem in rural Kenya. The youths who are leaving school need to have identity cards in order for them to look for jobs or acquire the voter's card. This exercise is meant to enrich some fellows. For one to acquire an identity card in the rural area, he must bribe. You are asking a poor Kenyan who has just left school to

bribe. He has no money! This practice should stop. The voter registration exercise should be continuous. I want to appeal to the Electoral Commission of Kenya (ECK) to make it a continuous exercise to ensure that every Kenyan has access to the voter's card so that they can vote out this Government which has made them poor.

Mr. Speaker, Sir, when I was listening to the President's Address, I expected him to tell this House that his term of office is about to be over and that he would be going home at the end of this year. I want to imagine that, that is why the Government has not been serious about entrenching the Constitution of Kenya Review Commission (CKRC) into the Constitution. The Government has been against this. It appears that there is a game being played here. The President addressed this Parliament for the last time, but did not want to say that. Why did he not say that? The Constitution of Kenya Review Commission is over-burdened. I want to call upon hon. Members on the other side to see the sense and ensure that we entrench the CKRC into the Constitution to ensure that the process will be complete.

I do not want to repeat the issue of insecurity, but I want to pick from where Mr. Musila, the hon. Member for Mwingi South, left it. I am on record as having brought a Question in this House about the *King'ole* boys in Ukambani. The *King'ole* boys even went to the extent of beating up an hon. Member of Parliament, hon. Kikuyu. The Government took no action. These boys came to my constituency and also went to Mr. Musila's constituency and terrorised people. The Government has done nothing about this. Why can the Government not arrest members of this gang? The other day, *King'ole* boys gang was disbanded and I want to thank Mr. Mwau for disbanding it because in our community we do not like such thuggery groups. He went ahead to pay members of this gang some bonus. He gave them some money. I want to call upon Mr. Mwau to compensate the people who were beaten up by *King'ole* boys in Mr. Musila's constituency. He should also compensate hon. Kikuyu.

The Government should take action against those who are involved in such activities if it is serious about enhancing security. We cannot compromise the security of this country. The taxes we pay to the Government are enough to provide security to Kenyans. We do not need these kinds of groups, but we need policemen. I want to call upon this Government to consider increasing members of the police force and supply them with the necessary facilities. If one policeman in Kenya is in charge of about 1,000 Kenyans, how will he provide security to them? It is high time that we improved our security system, recruited more policemen and gave them the necessary facilities so that we can have security in this country. People in this country are not safe. They cannot travel or move around safely. This has resulted from poverty in this country. Many people are not employed and they resort to criminal activities in order to earn a living. Unless you address the problem of the collapsed economy in this country, you will never get to the bottom of crime in this country.

My constituents have a very peculiar problem of sand harvesting. This has brought about a lot of problems and one of them is insecurity. Sand harvesting takes place in one location of my constituency known as Mbiuni Location, and the business only benefits the chiefs, the District Officer and the District Commissioner.

With those few remarks, I beg to support.

**Mr. Munyao:** Mr. Speaker, Sir, I will begin by thanking you, particularly, because I have caught your eye. Secondly, the policy exposition in this four-page Address is so shocking because it is full of problems. We want to see solutions and not problems. Having read this Address, the only satisfaction that I have got is that this is the last time for me to read a Policy Paper from the KANU Government. I want to welcome hon. Members of the current Government to come to this House next year, at a time like this, to listen to an Address which will be prepared by the President of the National Alliance for Change. The Policy Paper will be really polished. I want to welcome all KANU hon. Members to come and listen and contribute to a better policy exposition.

*[Mr. Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, I am not surprised that even KANU hon. Members are not here. They find it very tedious to debate this Address. The excuse is not that they are campaigning for the merger. I interacted with them and heard them say that they could not come to listen to what they have been listening to for the last 20 years. They say that the Speech has been a repetition of previous Speeches. The Speech has been read here before, because we do hear of the same things. They changed last year's Speech by making paragraph two to become paragraph five, and paragraph seven to become paragraph one. Those are the only changes that have been made. There is nothing new that has been included in the Speech since KANU started governing this country! They talk about poverty eradication, and yet they are not offering any solutions to poverty. They talk about alleviation of corruption, but we find that the office involved in corruption is at Harambee House! Now, why do we

continue to listen to the same story from January to December?

Mr. Temporary Deputy Speaker, Sir, I am very happy because next year, if not earlier, we will be talking of public exposition of public policy because we are going to have a new Government. The Chair is amused because I know it sympathises with us.

I will have to analyze some of the issues affecting Kenyans. One of the issues is national identity cards. Being issued with an identity card is a birthright. It is not even a constitutional right. It is naive and very shocking to hear that four million young Kenyans, whom we are sure cannot vote for KANU, will not get national identity cards. These young Kenyans need to be issued with national identity cards. I wish the Minister in charge of issuance of national identity cards was here. In Makueni District, especially in my own location, students are being asked to pay Kshs200 in order to be issued with national identity cards. The registration form costs only Kshs50. Why are they charging Kshs150 extra for one to be issued with that form? This matter has been proved true and we have talked to the people concerned. When you ask them why they are charging Kshs200 instead of Kshs50, they say that the extra money is used to pay travelling, accommodation and even lunch allowances. We are not supposed to compensate Government officers by meeting their lunch expenses and all other expenses. We need this matter to be investigated further.

Mr. Temporary Deputy Speaker, Sir, through the Chair, I would like the Minister for Transport and Communications, who is in charge of communications, to inform the Kenya Broadcasting Corporation (KBC), otherwise known as the "Kenya Bila Chakula", that it is being maintained by the taxpayer's money. Our taxes are not purely meant to broadcast KANU elections and other KANU affairs from morning to evening. We are tired of hearing about KANU! The KBC is an organ hired to propagate KANU propaganda! Let the corporation balance news because it is supposed to serve all Kenyans, regardless of their party affiliations.

Mr. Temporary Deputy Speaker, Sir, we ought to begin a campaign by advising Kenyans not to listen to KBC. Before too late, we are going to sue the Government and the KBC because they cannot be talking about KANU elections only. Do they not know that we have better terminologies, like the National Alliance for Change? Even the words "National Alliance for Change" are so nice! One would like to continue to talk about the National Alliance for Change, but not KANU! Let there be change because Kenyans want to hear about something different.

Having said that, I would like to call upon the Government to take cognizance of the fact that, if we want to reduce poverty among our people, we should support the farmer. The Sugar Bill has received the presidential assent and it is now an Act, and yet the Minister is going around wanting to amend it in an orthodox manner! We want the implementation of the Sugar Act so that farmers in the sugar belt and the coffee growing areas can operate the way tea farmers are doing. But they should not call pockets of people and start discussing an Act which has already received presidential assent. The Minister cannot try to amend the Act that way. It must be implemented, and that is what we want.

Mr. Temporary Deputy Speaker, Sir, we want the Environment Conservation Bill, which we have been waiting for too long to be brought in this House. I was surprised that the President did not talk about it in his Speech. We have also the Cotton Bill which we want to be passed by this House. We want farmers in the dry areas to grow cotton comfortably so that we can achieve the quantities required in this country. We want the Dairy Bill, which my Committee has already discussed, to be debated and passed by this House. This is one of the Bills which we are waiting for.

I am requesting the Minister of Education, Science and Technology, through the Chair, to seriously look into one complaint which has been raised in a school called Kalawa Secondary, in Mbooni Division, Makueni District. The results of Form Four exams were cancelled and that affected close to 100 students. These were too many students! The Ministry said that there were cases of cheating in that school in about four subjects and, therefore, the results could not be released. Parents and teachers are worried and they would like to know the truth about this matter. We want the Minister for Education, Science and Technology to investigate this matter. He should do so urgently so that we can know the culprits and the people who were involved for them to be punished.

Mr. Temporary Deputy Speaker, Sir, I would not end my contribution without mentioning something to do with teachers. This time round, I would like to request teachers not to accept to be deceived again by the KANU Government. We know what happened the other day, until an old and respectable mzee, the late Ambrose Adongo, danced before another old mzee because they thought that their salary increments had been given, only to find that it was a hoax. We, in DP, are supporting the increase on teachers' salaries. I am sure the National Alliance for Change is supporting teachers to be paid their salaries, yesterday not tomorrow, because we are sure this country has got enough money to pay teachers. Teachers are contributing immensely to the development of this country and we want them to be paid the money they were promised. There is money and the agreement is there! What are we waiting for? We can manage to pay teachers the money because there is enough money in this

country.

Mr. Temporary Deputy Speaker, Sir, we have got only two months before the Budget is read in this House. I am told the Budget proposals are being submitted. Money for the teachers' salaries should be included in the Budget now so that come June/July, teachers can be paid their increased salaries. If there is anybody in the Civil Service whom I respect, it is the teacher. This is because the teacher wakes up at 4.00 a.m. and teaches up to 11.00 p.m. He supervises himself and he competes with himself! You cannot compare a teacher with any other civil servant in the Civil Service because this is a man who devotes all his life, energy and everything to make sure that he positively contributes to the country's development. Therefore, the best you can do to a teacher is to make sure that he is comfortable by paying him what is due to him.

Mr. Temporary Deputy Speaker, Sir, I have noticed that there are a lot of narcotics in this country. People know where *bhanga* and *marijuana* and all other drugs are found. The people who do drug trafficking are known! If this country knows all the people who practise drug trafficking internationally--- We know those people who are handling *bhanga* and all other kinds of narcotics. Why are they not arrested by the security personnel in Kenya who are overpaid? These people are known and there is a commission appointed to handle the issue of narcotics. What are these officers doing and what progress have they made since they were appointed? They should keep us briefed on how much they have done so that we can know what is happening.

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Munyao, your time is up!

**Mr. Munyao:** You are right, Mr. Temporary Deputy Speaker, Sir. I do not know whether I should support or oppose the Motion.

**The Assistant Minister for Agriculture and Rural Development** (Mr. J.D. Lotodo): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to the Presidential Address delivered on Tuesday during the State Opening of the Sixth Session of the Eighth Parliament.

Mr. Temporary Deputy Speaker, Sir, the issues highlighted by the President in his Speech are very important to this nation. One of them is peace. Peace is paramount for the development of this country. Most hon. Members have talked about problems bedeviling this country such as lack of water and insecurity, among others. It is paramount for all Kenyans to maintain security. Let us not leave the maintenance of security to the police alone because each and every Kenyan has a right to live in peace. Therefore, it is the responsibility of all Kenyans to ensure that there is peace in this country so that we can forge ahead with development.

Mr. Temporary Deputy Speaker, Sir, we were on recess for about three months. I would like to thank all hon. Members for visiting their constituencies and I hope they are now ready to deliberate on some important Bills pending before the House.

One of the issues which has been spoken about by many hon. Members is poverty in our country. We know that not a single person can solve it. It is the responsibility of us all to fight poverty in this country. If you can remember, in the Sessional Paper No.10 of 1965, the Government stated clearly that it would fight poverty, ignorance and diseases. To date, we are still addressing the same issues. It is up to us, as Kenyans, to pass legislation that will alleviate poverty and reduce the level of ignorance and diseases in this country. As we realise, education is very important for our people. We know illiteracy affects the understanding level of most Kenyans. I would like to thank the Minister for Education for coming up with a Paper which will ensure that we provide free primary education to our children. People in the ASAL areas cannot take their children to school because of poverty. When the Government introduced cost-sharing in schools, most pupils in those areas dropped out of school. However, we are happy that the Government will provide free primary education to all children in this country.

Mr. Temporary Deputy Speaker, Sir, another issue I would like to touch on is the problem afflicting pastoral communities in this country. During the dry seasons, our people lose so many animals because of lack of water and grazing pastures. Livestock keeping is the backbone of the economy of our people. We should look for a way to alleviate some of these problems. The Government should look for funds to provide water for our animals because we do not receive enough rain to sustain our animals.

Mr. Temporary Deputy Speaker, Sir, another issue that I would like to talk about is the provision of medical services to our people. We know our population is growing and there are so many diseases afflicting our people. The Ministry of Health should come up with a proper policy to make sure that our people get enough drugs. There are good medical facilities in the urban areas but, in the rural areas, there are few dispensaries. Most of the dispensaries in the rural areas, particularly Chemolingot Health Centre in Baringo East Constituency have no drugs. We require more drugs in that particular dispensary in order to assist the people of that constituency.

Mr. Temporary Deputy Speaker, Sir, another issue that I would like to talk about is the provision of clean water to our people. We know there is an acute shortage of water in both urban and rural areas. Due to this shortage, there is likely to be an outbreak of waterborne diseases. We should encourage the Ministry of

Environment and Natural Resources to drill more boreholes and construct more dams in both urban and rural areas.

Mr. Temporary Deputy Speaker, Sir, I would like to thank Pokots and Marakwets for maintaining peace. Over the last two years, we have been having a lot of problems among ourselves. We have never known peace. But we have now realised that war will never bring anything good for us and that peace is good for the development of our districts. Both Marakwets and Pokots are very happy. They trade together and their children are going to the same schools. Pokots are trying to learn a bit of agricultural skills from Marakwets. That is a milestone achievement considering the state of insecurity that has prevailed in Kerio Valley over the last three or four years. I am so proud that, when I stand here in this Parliament, I will now concentrate on development issues. I would like to urge those two communities to continue co-existing in peace so that they can realise development. They should not remain behind fighting each other.

Mr. Temporary Deputy Speaker, Sir, one other issue I would like to touch on is insecurity in this country. The cause of insecurity in most parts of this country is due to the influx of firearms from the fallen regimes in countries around us. These include Somalia where there is no stable Government. Most firearms from those fallen regimes find their way into this country. This is one of the issues that the Government should look at closely in order to ensure that we maintain the security of our people.

Mr. Temporary Deputy Speaker, Sir, since the advent of multipartyism, the politics of Kenya has been dynamic. However, we have realised that multiparty politics has brought a lot of animosity among our people who used to live in peace. I can quote a recent incident that took place in Kariobangi, where so many people lost their lives just because some people felt that if a certain party merges with another, it will be more powerful than their party. Consequently, they decided to use thugs to kill people from a certain community, which is very bad indeed. The Government will arrest those culprits so that peace prevails in Kariobangi and other parts of the country.

One other issue which is prevalent, because of multipartyism, is tribalism. If the need arises, we should get away from multiparty politics and probably revert back to a single party political system that will unite our people. Otherwise, with this kind of multiparty democracy, somebody calls himself a national leader even when the only support he has comes from his community, while he has no support from other communities--- These are some of the issues which have caused problems in this country. I call upon Kenyans to be calm and forget about the euphoria during elections and elect good leaders who will lead this country irrespective of their tribal or political affiliations.

President Moi has done his best. But, considering the nature of the political game, of course, other people would like to spoil what His Excellency the President has done. He has been steadfast in maintaining peace in this country. Considering the turbulence in politics somebody would like to cause problems so that it is seen it is the Government that is causing trouble.

Mr. Temporary Deputy Speaker, Sir, I know this is an election year and everybody would like to run up and down, drumming up support for himself, to ascend to the Presidency. But let us know one fact; that God will choose a leader for Kenya irrespective of what we do. He will choose a leader for us irrespective of the tribe. Therefore, let us be careful not to incite our people to violence. There will be a KANU/NDP election in Kasarani on 18th March, 2002. Other parties would like to poke their noses into our business. That is a KANU affair and it is up to us to determine how we will elect our leaders. It is upon those other parties to elect their own leaders. We will meet in next General Election. KANU is capable of producing its own leaders. Nobody should come from outside and influence us on how to elect our leaders. We are not tampering with opposition parties and, therefore, they should leave us alone.

I beg to support.

**Mr. Munyasia:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this debate on the Presidential Address.

The six-page Address appeared inadequate; it did not appear to have much focus. This afternoon, the Attorney-General was giving us an appendix; the number of Bills that he hopes, in the course of this Session, to bring to this House. I only wrote down about half of them, but I think they were about 22 Bills. Knowing the timetable of this Parliament, it is not possible to conclude debate on the 22 Bills. If it is not possible, it is further evidence of the lack of focus by this particular Government as to the issues that they must tackle. It reminds me of how a certain teacher meted out punishment to a child. He said: "You will dig this plot, and that one, and that one, and all those ones". The child wondered what kind of punishment he was being given. In the end nothing was done.

Mr. Temporary Deputy Speaker, Sir, the President touched a bit on agricultural production. If you read this particular booklet, you would think he was waking up to a particular problem. He says his Government's priority is to increase agricultural production. For 40 years, this country has been going down the drain. Poverty



has increased so

**[Mr. Munyasia]**

much, but now he is going to focus on agricultural production. It has already been mentioned that they are doing very little about encouraging the farmer to produce more. In the case of maize, they started buying maize from the North Rift. Those of us from Western Province - even with the silos we have - have not been given any opportunity to sell our maize to the National Cereals and Produce Board. If we have to take our maize to the North Rift stores like Moi's Bridge, then we must go through brokers. Why should this Government allow a system of brokers between the farmer and the buyer? You will not be allowed to bring your maize to Moi's Bridge stores unless you go through the Kalenjin broker.

Mr. Temporary Deputy Speaker, Sir, there is the question of AGOA. We are now being encouraged to grow cotton, and my area would be a big beneficiary because we were growing cotton before they stopped buying it. We lost hope then and turned to tobacco. Those who have been buying our tobacco, like BAT and Mastermind, are also pulling out and we were just wondering what we would do. So, this sounds like good news; that we should now grow more cotton. My people are ready, but we do not have sufficient seeds. So, this Government should now ensure that seeds are easily available to the farmer so that he can take advantage of the new opportunity. We have a quarrel over Malaba-Malakisi Ginnery because the Tesos on one side claim that this ginnery should be theirs, while the people of Bungoma claim it should be theirs. That area is in Bungoma, and we need assurance, that we will gin the cotton in Malakisi Ginnery which is in Bungoma.

Mr. Temporary Deputy Speaker, Sir, the President also talked about education. He was boasting that they have achieved a lot in education. The truth is that the drop-out rates are much higher now than they have ever been. This Government had better address that particular issue; what do we do in order to keep children in school? One of the reasons why there is a high drop-out rate is that the payments that are expected of the pupils are too high for many of the families. But the other one is that the education we are offering is boring and so, many children would want to keep out. We have been asking that this Government revises the kind of education that we are offering to our children. The bursaries that are being given are inadequate, and the system of distribution of these bursaries has not been fair. There are some families that have been getting more than others and we are told that, in the offices of the Ministry of Education, Science and Technology, on the Sixth Floor, they have been issuing bursaries to the student beneficiaries through their parents instead of giving the money directly to the schools. We hope that system stops.

Mr. Temporary Deputy Speaker, Sir, staffing is again unbalanced. There are still many districts in this country that do not have teachers and Bungoma is one of them. If this Government is serious about the provision of education, then they must provide adequate numbers of teachers. Fortunately, we have many trained teachers sitting at home waiting for employment. I think those districts that have under-establishment should be encouraged to hire more of these teachers.

Then there is the issue of remuneration of teachers. Since the teachers are so poorly paid, you cannot expect them to sustain or give an education that is going to be much better than they themselves. The agreement that was signed with the Ministry in 1997 was legitimate, and we are urging the Government - like many of my colleagues have done - to respect it. There is no shortcut. The Government must now implement the second Phase and stop talking about harmonization of salaries of the civil servants and claiming that this will include some increase to teachers' salaries, because they negotiated their salaries to be effected in five phases and there was nothing like harmonization. So, what the teachers want to hear is whether you are going to effect Phase II with its specific figures to be implemented, or you are going to go to Phase III. It cannot be half of a phase.

Mr. Temporary Deputy Speaker, Sir, while talking about education, it is important also to mention something about the Kenya National Examinations Council. Year in year out, we hear that there have been irregularities when results are released. We have heard that some schools could have cheated in a particular subject. We are then actually told by the KNEC whatever subject that particular school cheated in. If they cheated, for example, in chemistry and they have discovered that, I thought the most logical thing would be to penalise them over that, so that they do not get the chemistry results; so that a student who had wanted to go and do medicine, will now fail because he has not been given the chemistry results. But I think it is excessive punishment to say that you detected an irregularity in one subject out of the eight that the school might have offered, and then you cancelled results for those children for all the subjects for which you have given awards. So, if a pupil has attained grades "A" in all subjects, and then you discover that there was cheating in one subject, why should you not just cancel the result of that particular subject? We have kept quiet for too long, and the KNEC thinks that this excessive punishment is good enough. Parents are suffering, and we are speaking on their behalf, that this must change.

Mr. Temporary Deputy Speaker, Sir, while talking about the President's Speech, he addressed the issue of

tribalism and I think we do agree with him. He said that tribalism is a cancer. Now, tribalism is encouraged by the Government itself. There was a time, for instance, when you would pick a Kenya---

I beg to support.

**Mrs. Mugo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Presidential Speech, which he made on the State Opening of Parliament. I felt that the Speech was lacking in guidance, policy and it was just rhetoric. He said the same things that he has said time and again, without giving a clear-cut way to this nation, on how we are going to sort out our problems. This time, it was very important for the President because it was his last Address to this House. He should have left something that Kenyans can remember as a guiding light but, as usual, he lacked guidance.

In the President's Speech, he mentioned many things without expounding on any of them. He raised the question of insecurity in this country. Insecurity has reached terrible heights. In particular, Amnesty International has censured the Kenya Government for doing nothing to protect women and girls against rape. We have been rated as one of the countries with the highest incidents of rape. The report went on to say that security forces, that is the police and others who are entrusted with the security of Kenyans, are the worst perpetrators. Indeed, as to confirm that, a chief said in a workshop recently, although he has retracted his words when he was asked to respond to his statement, that six women were raped by the Kenya Wildlife Service (KWS) rangers in the Mt. Kenya Forest. The women were forced to bath in a river to conceal the evidence. What is the President and the Government doing about the security of women in this country? We have read terrible stories of Kenya Airways (KA) hostesses, Kenyatta National Hospital (KNH) nurses and other women being raped. In all other places, women are insecure. Another woman was killed in Mr. Gitonga's constituency. She was a widowed old woman who left behind ten children. She was killed by gangsters. We can go on and on because the incidents are very many. No woman, child or girl is free or safe to walk in the streets of Kenya day or night. We feel that the Government has failed completely to protect the citizens of this country.

Instead of President Moi crying about insecurity - he is the one who is supposed to put security in place so--- It is his security forces which are making it worse, but he is not able to control them. It is very sad and we feel aggrieved, unprotected and lost for words. So, I am calling upon the Government to tell this country what measures it has put in place to protect women and girls in this country. The rape must stop! We want to know what action has been taken on those rangers. I was surprised to read that the chief has now turned around and denied his statement. Somebody who was supposed to take the statement does not tell us whether those rangers were arrested. The chief should, first of all, be arrested and be made to say who those rangers were. That is because I am sure it happened.

Mr. Temporary Deputy Speaker, Sir, the President also touched on poverty. You know, the President tells us about problems and he is the one who is supposed to solve them. His Government led--- We do not know what Nassir is actually doing, interfering with the Ministry of Local Government. He has caused most of the kiosks in Mombasa to be demolished. But it is happening in all the townships and urban areas. How can the same Government--- The President tells us they are crying about poverty--- The poverty which we are being told about now, through the Poverty Reduction Strategy Paper (PRSP) which has not come out, that 67 per cent of Kenyans live below the poverty line; and Nassir has the audacity---

**The Temporary Deputy Speaker (Mr. Musila):** Order, Mrs. Mugo! If you could refer to the Minister--- You keep on saying "Nassir", "Nassir"!

**Mrs. Mugo:** Mr. Temporary Deputy Speaker, Sir, I am referring to the honourable Minister in the Office of the President, Mr. Nassir. He really supervised the demolition of kiosks and destroyed the sweat of those poor people, when they were trying to get something to put in their mouths. Unfortunately, they cannot even steal like the Government's top people who steal from public coffers. We want the people to be given facilities to do their work. We want them to be given the right environment. That is why we have a Government. The Minister for Local Government must ensure that there is no interference from other Ministers in his docket, so that our people can have something to eat. There is no employment and there is nowhere they can turn to. So, we are asking for the remaining kiosks not to be demolished, if this Government is serious about the eradication of poverty.

Mr. Temporary Deputy Speaker, Sir, on hawkers, we would like to ask the Minister for Local Government to direct the City Council to let them operate their businesses outside the Nairobi Central Business District. He should give them permission to operate from Tom Mboya Street downwards. Those are Kenyans and you cannot send them to the Indian Ocean. We have to keep them. So, I am requesting that the hawkers be given three days per week, that is Fridays, Saturdays and Sundays, to trade in the streets of Nairobi because they are Kenyans and this is their City. It happens in big cities like London and Paris. They open some streets for people to sell their wares. The City of Nairobi cannot be cleaned. The hawkers are not the ones who are making it dirty. We also see the newspaper vendors and other poor people who sell their wares along Uhuru Highway being chased

by the City Council askaris every day. Why can they not be left alone to do their business? They are not making anything dirty! This Government behaves as if we are under occupation! We expect the Government to look after its poor people. From now on, we hope that somebody can listen to the President's Speech saying that many people are poor and make available, proper environment for those people to carry on with their small businesses. It is the only thing that is thriving in this country. We need to have a legal framework to protect those people. We are tired of hearing the President crying the same way that we cry and after that, it is business as usual and the askaris continue harassing the small traders.

Mr. Temporary Deputy Speaker, Sir, a lot of children have failed to report to school because of poverty. That 57 per cent of the population who live below the poverty line are the ones we live with every day. What do we do as a Government? What will this Government do about education for these children? In my constituency a lot of high school children have not been able to report to school. They get small bursaries from me and other sponsors, but it is not enough to support them. We want to know how Government bursaries are awarded and to who. I want to know how much money was awarded to Dagorretti Constituency and to who. Most of these bursaries are awarded to children who are not really needy, but just because they are known by the area chiefs. This has to cease. It seems like President Moi has left these corrupt officers to do whatever they like. He seems to be completely helpless to ensure that law and order in this country is observed and that Kenyans are served by Government officers whose salaries are financed by taxes paid by the public.

We hear of large amounts of money being allocated for bursaries, especially to female students. In a situation where there is poverty the girl child is the first one to drop out of school. I would like to know what purpose the Poverty Reduction Strategy Paper (PRSP) serves. I hope that it is not just a record which has been put in a shelf somewhere. When will all those issues contained in the PRSP be implemented? Will we sink deeper and deeper into poverty with more than 50 per cent of the children dropping out of school? This being the election year, I expected the President, while giving his Speech, to at least give us an assurance that we shall have free and fair elections where we will not be afraid of--

**The Temporary Deputy Speaker** (Mr. Musila): Order! Mrs. Mugo, your time is up!

**Mrs. Mugo:** With those few remarks, I do not know whether I should support the Motion or not.

**Mr. Wambua:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Presidential Speech, although I would have liked to contribute when the Ministers are there to take the message. You will not even find one Minister present in the House except Mr. Ndambuki. This is because of the KANU elections which, of course, means the end of the road for most of them. Mr. Ndambuki is here because he does not need any seat within his party. The rest are gone except Mr. Ndambuki. I hope he will pass on this message to his Government.

**The Minister for Science and Technology** (Mr. Ndambuki): It is not my Government; it is our Government!

**Mr. Wambua:** Mr. Temporary Deputy Speaker, Sir, Kenyans would like to have a very committed Government because we have some projects in various constituencies, like my constituency, which are not complete. For the last three financial years money has been allocated towards the rehabilitation of the Yatta Farrow but nothing has been done up to now. Whenever I put a Question in this House concerning the project, I am just told that the farrow will be rehabilitated in the next financial year and yet this is the only source of water in Yatta. I am surprised at all this. Today I heard some people speaking over the radio saying that the Yatta Farrow will be rehabilitated. We read these things in the Printed Estimates. We allocate enough money to the Ministries when they bring their requests to this Parliament. Despite this, the progress made in these projects is very little compared to the amounts we allocate. I would like to urge the Government to rehabilitate the Yatta Farrow this year because it is the main source of water in Yatta. It also supplies water to parts of Kitui District. So, there is no reason why it should not be rehabilitated because money has already been allocated for the project in the Budget.

The other issue is about roads. When the Kenya Roads Board (KRB) was formed the plans they had were very good. In the beginning, Members of Parliament were allowed to attend the KRB Tender Board meetings. There is no particular reason why Members of Parliament were removed from the Tender Board. You will find that an hon. Member is told that his constituency has been allocated Kshs2 million, but when the contract is given to a contractor you will find that they have done only about ten kilometres and you are told that the money is finished. How can gravelling and grading a ten-kilometre road cost about Kshs2 million? That shows how the Government is very much involved in corruption. They have allowed their officers to ruin this country. If Members of Parliament were still members of the KRB, most of our roads would be passable by now. If the Kshs5 million which we had requested was allocated, most roads would have been done by now. Many funds have been

directed towards the rehabilitation of roads, for example the road levy. There was a time I was driving my old car and I was stopped by a police officer. He told me that my car was not roadworthy. I asked him: "Is the road worth my car?" Then he told me: "Just go ahead" and that was the end of it. You cannot tell a person that his car is not roadworthy when the road is not worth the car. I am very surprised to see what the Government is doing.

The other issue is about security. I am the Vice-Chairman of the Administration, National Security and Local Authorities Committee. We have been discussing security and have been summoning most of the Ministers who are in charge of this docket. Last week we summoned Mr. Uhuru Kenyatta to tell us about the killings that took place in Kariobangi and the kiosk problem in Mombasa because he is the Minister concerned. I do not know whether he feels he is so important because he did not appear before our Committee. We have now summoned him again to appear next week. If he does not appear, we will summon him---

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Wambua! I am not sure whether you are in order to discuss matters of the Committee here.

**Mr. Wambua:** Mr. Temporary Deputy Speaker, Sir, my concern is this: Everybody should be very concerned about security, especially the Ministers in charge of that docket. For instance, we get more information than they do. The problem does not lie with the Members from the Opposition side; it comes from the Government side. They are the ones who cause insecurity in this country. I do not know what the Government is doing to implement these policies that have been mentioned in this Speech. The city is growing. We have only one fire station which was built in the 1950s and it has got only broken down fire extinguisher engines. There is no fire station to cover Komarock area. How do they expect the extinguishers which were designed to cover only the city centre to also cover the other areas beyond that? The resources should be increased to match the growth of city or population. That is why I am saying that we need a change. The Government normally talks about so many good policies but they are never implemented.

Mr. Temporary Deputy Speaker, Sir, the other thing is about our Government. We do not know why the Head of State is misleading this country by saying that he will hand over leadership to the "Young Turks". Who are the "Young Turks"? Even if you want to change the old bulls which plough your farm, you first of all have to leave the young ones to be trained for some time by the old bulls. How can he leave the leadership of this country to the "Young Turks"? These young people are not experienced in the management of this country. Imagine some people who have not even finished six months in this Parliament are among the "Young Turks" who are destined to lead this country.

Mr. Temporary Deputy Speaker, Sir, I would like to advise the President to go and vote for any person he likes but he should let Kenyans decide who will be their leader. I am sure all Kenyans will reject all those "Young Turks" whom the Head of State has handed over power to lead this country. This is because there must be an agenda behind this move by the Head of State. Why does he want to have some particular people to lead this country? For instance, when Jomo Kenyatta died, the Vice-President took over as was enshrined in the Constitution. Why is it that he does not want Prof. Saitoti to take over the leadership of this country? Why does he want to hand over leadership to other people? So, this is the issue which will trigger problems in our country. That is why we are telling him that we want to avoid these problems. Let the voters decide who should lead them because they know them better.

Mr. Temporary Deputy Speaker, Sir, the other thing is about the plight of teachers. We are surprised that whenever the Minister for Education brings the Vote of his Ministry here, there is provision for teachers' salaries in it. So, it means that the Government has refused to pay the teachers deliberately and yet they are very important people in this country. This is because, without education, there is nothing which can operate. So, I urge the Government to pay teachers immediately and make sure that they do not go on strike. This is because if they go on strike, it is our children who will suffer. They will suffer because the taxpayers' money, which is meant for teachers' salaries, is being withheld on by the Government.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Murathe:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I am very surprised about the comments of my Social Democratic Party (SDP) colleague that he is very much concerned about the succession line-up and that he is here purporting to be supporting the Vice-President.

**Mr. Wambua:** No! I said the Vice-President---

**Mr. Murathe:** Mr. Temporary Deputy Speaker, Sir, it is the prerogative of the President to declare his own preference---

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Murathe! I am just advising Mr. Wambua that if he disagrees with you, he should look for an opportunity to reply, or he can stand on a point of order but not to reply to you when he is seated. Proceed, hon. Murathe!

**Mr. Murathe:** Mr. Temporary Deputy Speaker, Sir, it is the prerogative of the President to declare his preferences. Whether Kenyans accept that or not, it is another matter altogether. You cannot make that a point of debate in this House as if the President is choosing leaders for this country. Everybody is free to ask Kenyans to vote for Messrs Kibaki, Wambua, Uhuru *etcetera*. We cannot accept that the problems which have been visited on this country by the "old bulls" are going to be solved by those same "old bulls".

Mr. Temporary Deputy Speaker, Sir, 40 years is a long time and the time has come when new and fresh thinking must be given a chance and it is not about experience. What experience when we are talking about governance? Very soon, we shall be talking about---

**Mr. Wambua:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I only gave that as an example in my contribution. I did not say that I support the Vice-President!

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Wambua, what is your point of order then?

**Mr. Wambua:** Mr. Temporary Deputy Speaker, Sir, is hon. Murathe in order to start debating as if I am suggesting who will be the next President of Kenya?

**The Temporary Deputy Speaker** (Mr. Musila): Order, hon. Wambua! Hon. Murathe is completely entitled to his own opinions.

**Mr. Murathe:** Mr. Temporary Deputy Speaker, Sir, you can see the problem with the "old bulls"!

(Laughter)

**The Temporary Deputy Speaker** (Mr. Musila): Order, hon. Murathe! Continue with your contribution.

**Mr. Murathe:** Mr. Temporary Deputy Speaker, Sir, we are talking about a general policy Statement here which was issued by His Excellency the President.

**Mr. Katuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Have you heard hon. Murathe call hon. Wambua an "old bull?" Is that parliamentary?

**Mr. Murathe:** Mr. Temporary Deputy Speaker, Sir, I never referred to hon. Wambua who is my very good neighbour in Yatta, and I border him in Kakuzi, as an "old bull".

**Mr. Kitonga:** In fact, he is your good lawyer!

**Mr. Murathe:** Yes! He is exactly my good lawyer.

Mr. Temporary Deputy Speaker, Sir, you can see the problem about people not understanding that a "State of the Union Address" is a general policy statement and here are people who want you to dwell on specifics as if there will be no Government business. The Attorney-General, today, started giving specifics about the Bills which are supposed to be tabled in this House. Hon. Members say that the President should have given specifics since he did not say anything. They even want to say what the President should have said. Why can they not wait to be President and then say what they wanted to say? Let us talk about the general issues that were raised in that Speech about the constitutional review process.

Mr. Temporary Deputy Speaker, Sir, I am very surprised, disillusioned and disheartened by what has been happening about that constitutional review process. It is fraudulent; it is a huge fraud! The law stipulates that civic education will be carried out for three months so that "Wanjiku" can know what the Constitution is all about and its areas which affect her. Even before the Constituency Constitutional Committees were firmly established and given Kshs47,000 to operate, and Kshs20,000 as honoraria, the Kenya Constitutional Review Commission was in Gatanga asking "Wanjiku" to submit written memoranda. If we intended to take memoranda from people who knew what it was all about, there was no point of misleading Kenyans that this was going to be a people-driven process.

We might as well have called them to Kenyatta International Conference Centre (KICC) the way we did in 1991, with hon. Prof. Saitoti, where Kenyans gave their views which were later doctored; where Kenyans wanted pluralism and, at the end of the day, we were told that Kenyans wanted a one party state. I find it extremely unfair to deceive Kenyans that this process is people-driven, and involves the people, when there has not been an iota of civic education in the process. Right now, as far as they are concerned, the process is over in Gatanga since they have collected the views of wananchi in Gatanga. It is also illegal because the law stipulates very clearly the timeframe within which certain things must happen.

Mr. Temporary Deputy Speaker, Sir, the hope of Kenyans is not about people who will take over this Government. It is about the structures of Government that will come out of this review process, how we want to be governed and how we are going to share power between institutions. We want to see how we can empower Parliament so that it does not matter who is President. This is so that probably we can have a Prime Ministerial form of Government where we can challenge the Head of Government and where Parliament can be involved in

vetting appointments of Ministers, top civil servants, heads of parastatals *etcetera*. We are now focusing on a merger issue which has nothing actually to do with those of us on this side as was aptly put by a contributor from the other side.

Mr. Temporary Deputy Speaker, Sir, the issues that are troubling Kenyans today have been raised and I do not want to repeat them. I am in the Departmental Committee on Agriculture, Lands and Natural Resources and it is in order to import powder milk during dry periods. As I talk, one Indian company, Spin Knit has imported powdered milk, the equivalent of seven million litres per month, which is three-quarters of the consumption of milk in this country. When the coffee, sugar and milk sectors died, the alternative economy for our people has been dairy. Today, people are pouring milk down on the roads. The other processors cannot buy the milk, because we have 300 to 400 tonnes of powder milk from New Zealand and South Africa. This has rendered our people destitute. These are the sort of issues we expect that we would be addressing; to put a stop to the reconstitution of powder milk into fresh milk. That powder milk can be stored for a dry period, but fresh milk cannot be stored. You either consume it or pour it down on the road. We would like to know what the Government is doing about this issue.

Mr. Temporary Deputy Speaker, Sir, sometimes I really wonder why we have to do some things for political expediency. I am going to mention names here because you were with us in 1998.

**Mr. Gatabaki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The issue Mr. Murathe has raised about importation of such huge quantities of powder milk---

**The Temporary Deputy Speaker** (Mr. Musila): Order! Mr. Gatabaki, you can contribute when you have the opportunity. If you stand up on a point of order, tell us---

**Mr. Gatabaki:** On point of information, Mr. Temporary Deputy Speaker, Sir. The issue Mr. Murathe has raised is so dramatic and it has devastated the milk industry. Maybe time has come for Mr. Murathe to ask the Minister to give a Ministerial Statement on the issue.

**Mr. Murathe:** Mr. Temporary Deputy Speaker, Sir, I hope Mr. Gatabaki will also give me two minutes of his time when he catches your eye.

But, on a very serious note, I was going to talk about teachers, Mr. Temporary Deputy Speaker, Sir. You were with us in Mombasa in 1998 when the then Minister for Finance told us that the economy was in the Intensive Care Unit (ICU) and it was not possible to pay teachers salary increments. Four years down the road, I do not know whether it is my arithmetic which is wrong, but I do not think that this economy has recovered sufficiently to justify that we can now start talking about paying teachers. The same Minister for Finance has now put the Government on notice to pay teachers. I do not know where that money is supposed to come from. It is highly popular for Members to stand here and say that teachers should be paid. I know it is good politics, I can talk like that. But I can assure you that the economy of this country is much worse today than it was in 1998 when we were told it was in the ICU. So, it is political hypocrisy for somebody who was managing the finances of this country to turn around because he has fallen out of favour with the Government and now start challenging the Government to pay teachers. I want to plead with teachers to be patient because people are being retrenched in both the public and private sectors. This is a category of people who have a job which is assured. It may not be well-paying, but at least, they have a job. I think we must supersede some of this political arithmetic that seeks to achieve short-term mileage at the expense of the long-term programme that will assist this country.

There is a fundamental Bill which has not been addressed by the Attorney-General and this House; the Forest Bill. The rate at which the degradation of forests is taking place is devastating. I do hope that this Session will see the enactment of the Forest Bill.

**The Temporary Deputy Speaker** (Mr. Musila): Time up, Mr. Murathe!

**Mr. Omingo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to the Presidential Speech on the exposition of public policy. I do not want to demean the Presidential Speech. Suffice it to say that, as one of the speakers said, this has been an issue---

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, I need your protection!

It is a question of talking about issues which have been seen to be done but nothing is done. I want to confine myself to the Presidential Speech, unlike what the other speakers have said. But I need to mention one or two issues about some of us, politicians. We do not address the issues, but behave like political windmills or flags. We depend on who is being nominated and how close we are to him. We throw our support behind him regardless

of how mediocre his proposal is. One wonders why we are preoccupied with KANU manoeuvres. If we do not have specific interest in the KANU manoeuvres, why, then, are we worried? That is why we fail to address the issues and we keep on moving like a windmill or flag.

Mr. Temporary Deputy Speaker, Sir, I am not an economist, but the President's biggest worry, in this Speech, is that of economic decay. The people who are supposed to support the President in terms of doing what is supposed to be done in this public policy document are all not in this House. That is why I do not know whether it is worthwhile for us to spend time debating this Speech. To confirm the same the President, in his Speech, said:-

"When we took charge of the management of our affairs in 1963, the Government identified poverty, ignorance and diseases as the principal enemies to be fought".

Today, most of the Ministers in the Front Bench are embracing that enemy; poverty, by demolishing kiosks without providing alternative arrangements. It is a shame! In the Front Bench, you find that, and I think it is agonizing, it may take more than the sympathy of Jesus to forgive some of these Ministers--- They are the same people who are involved in massive corruption. I do not want to name names and I do not want to depend on the Press, but true as it may be, we know that they are the propellers of that economic crime; that is, corruption.

Mr. Temporary Deputy Speaker, Sir, we are talking about mismanagement. When the President issues a policy statement like this, he requires support. I said this last year, that it is the team that he has that is miserably failing him. I am not saying that if he was perfect, they should also have been perfect. But it calls for collective responsibility and team work to manage the economy.

The rate of taxation in this country is the highest in the region and, perhaps, in the Commonwealth. I am saying this from experience because I was a taxman at one time. The services we provide to our people are incredible. If you talk about roads, they are not there. In the Speech, the President says that he has gone through the system of governance and there is a commendable success in terms of provision of clean water. I think it is not true that we have clean water in our nation. It is a policy guideline that was given to suggest that by the year 2000, each Kenyan would have access to clean water or tap water. Today, I think the reverse is true, that it is minus water for all Kenyans by the year 2002. Nairobi taps are dry and waterborne diseases are on the increase. I think our priorities are upside down.

The President also said that we have improved tremendously in the area of education. Yes, we have but how are we utilising our human resource; by exporting doctors? It is a shame to invest in such kind of an environment and then lose them to Namibia and South Africa. What are we doing to that effect?

*(Dr. Wamukoya sat on the Front Bench)*

I am happy that there is an Assistant Minister now sitting at the Front Bench, perhaps to take notes for the benefit of his colleagues.

Mr. Temporary Deputy Speaker, Sir, this document is full of economic rejuvenation, but, unfortunately, it is not touching the right buttons in terms of solution provision. He says:

"My Government is aware that a lasting solution to poverty must come from the attainment of high and rapid economic growth rates..."

That, in my view, is a relative term. I wonder whether we could have had some proposals on how that economy could be turned round. I would also like to blame the team that the President has. They should support and encourage--- Instead of drafting this document, there should be collective responsibility. I believe that the President has got economists who sit on the other side of the House and they are not doing their work. The Ministers and the team the President has do not do their work as expected.

Mr. Temporary Deputy Speaker, Sir, we are actually approaching election period. As my colleague said awhile ago, when you see somebody preparing to go to sleep, he will move from the sitting room to the bedroom to change into pyjamas. In this way, he will look like one who is prepared to go and sleep. But if you find somebody in the bedroom in a suit, you know that he is not ready to go and sleep. I am not too sure whether the President is ready to retire, but even if he does not, the law will catch up with him. The aspect of the elections being flawed is actually a big evil in this nation. I was a victim of political violence meted on me by the Government that I had served about two months earlier. The Government used the Provincial Administration; the chiefs, the DC and the DOs to intimidate me. I would like to propose that at this time of transparency and change, the DOs and DCs who occupy those positions should remember and be wary that the people they are battling could be their masters. I believe that this should be a warning to them; that things could change and, therefore, they should serve the Member of the day with impartiality so that we can have free and fair elections.

Some hon. Members are trying to plead here that the Government does not have money. We are talking

about honesty on the part of the Government. I do not even care whether the Government robs banks and pays the teachers. Once you make a commitment and you are worth your soul, please, live to it or own up and resign. We cannot pretend here that the Government does not have money when they have economists and projectors of the economy in their midst. You cannot pretend here to be merciful. You either own up the pledge or resign. It is true that in his Speech, the President said: "We need unity of purpose." In this regard, I believe that all of us will be united when the teachers will call upon us. There should be unity of purpose when the teachers call upon us because it is a duty and right. The teachers should get what the Government promised them. Whether the Government will break banks, steal or do whatever it can, it should pay the teachers if it wants peace.

If the Permanent Secretary, Ministry of Health made a mistake, do not sacrifice the Director of Kenyatta National Hospital (KNH) so that you can cover the flaws and not pay the nurses and the doctors at that institution. I express my solidarity with the KNH employees. I am pleased that the Government gave them "honey" to enjoy and if it did, it should let them continue enjoying it. Withdrawing the "honey" from them will cause chaos and problems. I believe that the Assistant Minister who is here will pass the message to the Government. He should tell it that when it comes to unity of purpose, we shall unite behind the KNH employees and the teachers. We shall even help the Government to plead with the World Bank to release money to this country which will be used to pay teachers.

Mr. Temporary Deputy Speaker, Sir, as I wind up, it pains me to compare this Government to a father who has been left home with the children when *mama* is trying to sort out a few things in the garden or gone to fetch water. In a mischievous way, the same father gets into the kitchen, takes a baby's bottle of milk and drinks the milk when the kid is crying out there. The father drinks milk in the baby's bottle when the kid is watching. Shame on him! That is what we are saying. We have been entrusted with our resources by the Kenyan people, but we have misappropriated them. If I were the wife of that man, he would not get a meal that night. Could the Government not be honourable enough and live to its promises and safeguard our resources? Perhaps, we may consider and forgive them once they have done something.

With those few remarks, I beg to support.

**Mr. Mboko:** Thank you, Mr. Temporary Deputy Speaker, Sir, for recognising my presence. I would like to contribute to the Presidential Speech. The President's Address touched on poverty, ignorance, disease, corruption and the Bills which will be introduced in this House during this Session.

Going through what the President told the nation, it appears that he knows all our problems, but the Government does not want to address them. Poverty has been afflicting everybody in this country year in, year out. Today, we are talking about 72 per cent of Kenyans living below the poverty line. Who has been leading the nation? Which Government has been in power all these years? Is it not KANU? Is it the Opposition which has been in power? Who has mismanaged our economy? That is the gist of the matter. In all fairness, whoever has put us in this mess, whether it is an individual or the system, should not hold the leadership of this country. It is foolish for Kenyans not to see their problems. This year, Kenyans have got an opportunity to go to elections. The best way they can solve their problems is to vote out this Government which has put them in this mess. The KANU Government should not be allowed to lead us again. Whether they are "Young Turks" or old people, they should get out of power. We cannot accept people who have made even hon. Members of Parliament beggars. Where is the nation heading to? My mother and my neighbour at home cannot go to hospital. My mother has to stay at home when she falls sick because she cannot afford drugs. If you fall sick today, you cannot go to hospital immediately. You will have to wait and see whether you will recover without going to hospital. It is only when your condition becomes worse that you have to be taken to hospital. There is no country which can improve its economy when its people are sick. There is nothing which can move when people are poor. First of all, we should address the rampant poverty in our country and give people incentives to create wealth for our nation.

One sector which will reduce poverty in this country is the agricultural sector. Over 70 per cent of our people live in the rural areas, and agriculture is the backbone of the economy of this country. Those are the people who provide us with milk, bread, *unga*, sugar, meat and clothes, but the Government has ignored them completely.

I was surprised by my colleague here who was trying to defend somebody who is busy trying to destroy part of our economy by encouraging importation of powder milk. In my constituency, we do not produce milk. So, if some people want to destroy their economy, let them go ahead. I will buy the powder milk which has been imported because I have no cows. We will never prosper if this Government does not protect and give the farmer incentives by reducing taxes on farm inputs. A good example is the South African farmer who grows maize. We also grow maize in Kenya. In South

[**Mr. Mboko**]

Africa, maize is grown in the Orange Free State, which is far much inland. The maize farmer in that country



meets expenses relating to farm inputs and cereal preservatives. He pays farm workers and transports the cereal all the way to the Port of Durban, where it is shipped and insurance paid for it, for onward transmission to the Port of Mombasa. Despite all these expenses, maize from South Africa is sold more cheaply at Mombasa than that from Kwale District. Surely, what economics are we talking about? What competitive production strategies do we have in place as a nation? How are we protecting our farmer? Until our farmer is protected, this Government has no business leading us.

Mr. Temporary Deputy Speaker, Sir, we talk about combating diseases. Currently, we have the HIV/AIDS pandemic to deal with. Last year, the Government, hurriedly, passed the Industrial Property Bill, so as to enable pharmaceutical companies to import cheap drugs for the management of HIV/AIDS. I stand corrected if I am wrong but my understanding is that, to date, the Bill has not received Presidential assent, and yet we have declared HIV/AIDS a national disaster. We cannot run away from our own ill brothers and sisters; they cannot access HIV/AIDS management drugs because they are poor. The Government must uphold its citizens' rights to live and have access to drugs.

I would now like to address the issue of implementation of the remaining phases of the teachers' salaries. This is not a political issue. What the teachers are demanding is their right since the Government awarded them the salary increase following protracted negotiations between the two parties. The Government should either pay up or teachers countrywide should decline to vote for this Government in the next general election. The teachers' agreeing to give this Government power to rule us is making them poorer day in, day out. Since last week, police officers and teachers in London have been on strike because of non-payment of their salaries. Although we need teachers' services, they should go on strike, if they must, in order to compel the Government to implement the remaining phases of their salary award.

Today, this country's police officer has become everybody's scapegoat. When there is a breach of security, everybody asks where the police officer has been, but when a police officer is killed by criminals nobody cares. We should support our police force. We must give incentives to our police officers. We need to remunerate them better and provide them with better working facilities, so as to facilitate their work. How does the Government expect to combat crime when poverty levels have escalated so much? Everybody is hungry; he wants to eat. Even the police officer has to eat. So, this country's police officer and the teacher must be paid well.

Mr. Temporary Deputy Speaker, Sir, corruption in this country has been known to exist, but it has neither head nor tail. Whenever it is pointed out that there is corruption at the Registration of Motor Vehicles Department, it is the junior clerk who is arrested. If we must stamp out corruption in that Department, the Permanent Secretary in charge must be held responsible because he is not managing his Department properly. If there is corruption in the Ministry of Health, let the top officer in that Ministry take responsibility, because he has failed to deal with corruption. If a country is corrupt, its chief executive must be dealt with through the ballot. We must be serious if we have to serve our people well. Hon. Members have become the exchequer for their respective constituencies. They provide money for the construction of churches, schools, among other amenities.

Mr. Temporary Deputy Speaker, Sir, I oppose the Motion.

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Mutahi, proceed!

#### QUORUM

**The Assistant Minister for Tourism and Information** (Dr. Wamukoya): On a point of order, Mr. Temporary Deputy Speaker, Sir. Comments being made on this Motion are very important; hon. Members must be present. I would like to bring it to your notice that we do not have a quorum.

**The Temporary Deputy Speaker** (Mr. Musila): We, indeed, do not have a quorum. Could the Division Bell be rung?

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Musila): Order! There is now quorum. Mr. Mutahi was on the Floor.

**Mr. Mutahi:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I would like to start off with a problem in Central Province, which is in regard to illicit brew. It is a fact that illicit brew is not prepared in Central Province. It is prepared elsewhere in Rift Valley Province and brought into Central Province for people there to consume. It is pathetic to know what the illicit brew is doing to our people. It has penetrated into even secondary and primary schools. It has also made most of

our men in Central Province impotent. You will be surprised that, once a man or a woman consumes that brew, even if he or she goes to bed, he or she is not able to do anything.

*(Laughter)*

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

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Mutahi!

**The Assistant Minister for Agriculture and Rural Development** (Mr. J.D.M. Lotodo): On a point of order, Mr. Temporary Deputy Speaker, Sir. What Mr. Mutahi said is quite unparliamentary. First of all, he said that an illicit brew is being brought from Rift Valley to Central Province. Could he substantiate?

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. J.D.M. Lotodo! You stood on a point of order and, if I remember correctly, that statement was made a long time ago. Mr. Mutahi, you know very well that area that you are touching on is impolite. You can say what you want to say in a complete different manner, and you will still make your point. But, I think that it is completely out of order to talk about somebody going to bed and doing nothing.

**Mr. Mutahi:** Mr. Temporary Deputy Speaker, Sir, there is no specification. Somebody can go to bed and he or she does not sleep. You can go to bed, and instead of having nightmares, you just sleep until the following day. So, it depends on what I meant. It cannot be translated to mean what I anticipated to say. I am saying that it is a common fact, and it is on record that a PS in this country has been made the sole distributor of this illicit brew. I can give an example of the dates that I was supposed to hold an educational seminar; Mr. Kariuki, the Member of Parliament for Kiharu and myself. That was on 6th of this month. The administration and the regular police were sent to that meeting---

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Mutahi has said that a PS in this country is a distributor of illicit brews. Would I be in order to ask Mr. Mutahi to substantiate that?

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Mutahi, you have made an allegation. Can you substantiate?

**Mr. Mutahi:** Mr. Temporary Deputy Speaker, Sir, it is said that PS, Mr. Zakayo Cheruiyot, who is in the Office of the President is the distributor of this illicit brew.

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Mutahi! You know the rules of this House. You have been asked to substantiate. You said that "it has been said." That is not substantiation by itself and, in any case, you ought to have substantiated that the PS that you have mentioned is a distributor. But saying that "it has been said" is not a substantiation.

**Mr. Mutahi:** Mr. Temporary Deputy Speaker, Sir, I do not have those records, but it is on record---

**The Temporary Deputy Speaker** (Mr. Musila): Order! If you do not substantiate, then, it is unfair to mention a person who is not here to defend himself. Therefore, if you do not have any evidence, you do not make a statement like you made. Therefore, you will have to withdraw the remarks and apologise to the House.

**Mr. Mutahi:** Mr. Temporary Deputy Speaker, Sir, I withdraw and apologise. I was saying that, in Central Province, we have problems because we passed a Motion on illicit brews. The Motion was brought by Mr. Michuki, and it was passed; that, the brewing of illicit brews should be done away with. You will be surprised, like I have said, that these illicit brews are only sold mostly in Central and Eastern Provinces.

We also have another problem. The agricultural sector in this country has been destroyed. We used to have wheat in this country. We cannot produce enough wheat in this country; we have to import. We used to have pyrethrum in this country. The pyrethrum that we produce in this country now cannot sustain us, and we have to import. We have barley in this country, and what we produce today cannot sustain us. If it were not for a company called Mastermind and BAT, we would not have enough tobacco production in this country. We spend a lot of money in importation of agricultural produce, which we could be producing in this country, if only this Government gives the farmers subsidy.

The most current problem now is milk. By not wanting to brag myself, in my constituency, we rely solely on dairy production; that is milk. About two years ago, we used to rely on coffee, but it is no more. We are now solely relying on milk production. It is so sad that, today, having had a lot of milk production in this country, like we have had a bumper harvest of maize in Rift Valley, we are still importing powder milk. In my constituency, we produce about 15,000 litres of milk per day. Today, Brookside is able to take only 5,000 litres of Wakulima Self-Help Group Dairy milk in Mukurweini Constituency and the remaining 10,000 litres of milk go to waste.

Mr. Temporary Deputy Speaker, Sir, the Minister for Agriculture appears not to be aware that some milk is being imported into this country. I thought the consent to import agricultural products into this country comes

from the Ministry of Agriculture. In yesterday's newspapers, the Minister for Agriculture was quoted as wondering how milk products were being imported into the country. When we import goods from South Africa and other countries, we create jobs in those countries while killing employment opportunities in our country. We talk of poverty eradication in this country, while our activities do not point towards that direction. It is like preaching water and drinking milk! I do not know where this country is heading to. I happen to be the best dairy and coffee farmer in Mukurweini Constituency. I know what the ordinary farmer is going through. Those are the products that we use to educate our children. I would like to report to this House that about three-quarters of the those children who qualify for places in the universities are still at home. It is also a fact that about three-quarters of those pupils who qualify to join secondary schools are still at home. Even those who are supposed to join primary schools are still at home! Parents cannot afford to take their children to primary schools today!

Mr. Temporary Deputy Speaker, Sir, the Government destroyed the coffee industry by splitting viable co-operative societies. We thought the Government would sensitise farmers about splitting their societies. That is why we have now found ourselves in problems in this country.

Mr. Temporary Deputy Speaker, Sir, we have also talked about the tea industry--

With those remarks, I beg to support.

**Mr. Kariuki:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to the Presidential Speech.

Looking at the Presidential Speech, one can conclude that it is a chronicle of lamentations because it is talking about the ills of this country and the problems facing the country. It did not come up with tangible solutions. We hear about poverty, high inflation, economic slow-down, insecurity, displacement of people and all that. There is nothing positive. This worries me a great deal and all the other Members of this House.

While we are trying to address those problems the President talked about, the solutions we are coming up with are not pragmatic. For instance, when this Government pulls down kiosks, clobbers hawkers and commits all kinds of atrocities, one wonders whether that is a solution to our economic problems. After all, the hawkers survive on those activities that this Government is trying to curb. We should be assisting those hawkers to earn a living so that they do not end up becoming thugs who kill people at night.

As Mr. Mutahi said, last week we had planned to go and sensitise *wananchi* on the dangers of illicit brews in his constituency. But those illicit brewers hired policemen at a cost of Kshs100,000 to prevent us from reaching our venues. Instead of chasing the illicit brew sellers, they chased us! What type of a Government is this, that does not care about its own people? It is encouraging illicit brew sellers who are killing our people. I think the Government has been getting its priorities wrong all along. It is worrying that, instead of addressing our economic problems so that this country can turn around from recession to prosperity, we are doing things the wrong way.

Mr. Temporary Deputy Speaker, Sir, the killings in Kariobangi caused a lot of problems to all of us. Instead of toning down ethnicity and allowing our people to live in a cohesive manner, and appreciate that we are a multi-ethnic society, those killings are going to cause a lot of divisions. Leaders should provide a proper sense of direction to our people. We should encourage them to live together as brothers. Leaders should not whip up tribal feelings in order to get voted into positions of leadership. Such leaders should be condemned. We have a nation to take care of. Leaders should not be concerned about their coming back to this House at the expense of peace. I would like to condemn very strongly, any leader who may have been involved in the killing of people in the City of Nairobi. That is not acceptable and it should be discouraged.

Mr. Temporary Deputy Speaker, Sir, the President talked of this year being an election year. Unfortunately, he did not address the possible rigging of the same election. While KANU got 2.5 million votes, against the Opposition's 3.5 million votes and KANU had more seats in Parliament, I do not see that scenario changing! The Government has got the Electoral Commission of Kenya as one of its tools of rigging elections in this country. All along, the Government has not come up with an amendment, so that constituency boundaries can be aligned so that we can remove existing disparities among the constituencies. For instance, Ijara Constituency has got 7,500 voters while Embakasi Constituency has got about 140,000 voters and yet, the two Members of Parliament receive the same treatment. That is rigging of elections from the word go! The Electoral Commission of Kenya should come up with tangible solutions to the problem of constituency disparities in this country. In fact, I thought, among other Bills, the Attorney-General would come up with a Bill to align electoral boundaries to be in tandem with the recent population census. Unfortunately, he has not done so. Therefore, I consider the Attorney-General as a master rigger in the process of facilitating KANU Government to come back and that is improper!

Mr. Temporary Deputy Speaker, Sir, during the National Constitutional Conference later this year, representatives will be drawn from the various districts of this country. It is a fact that the newly-created districts will favour the ruling party. This will work against other districts, for instance, Nyeri District with almost one

million people. What fairness will be there to equate Nyeri District with other districts with about 80,000 people? There is also rigging in that area! The question of districts should be addressed very seriously. Instead of creating districts on a piecemeal basis, I think there should be a commission to look into the creation of districts in totality. Such a commission could come up with recommendations on how districts should be created, instead of the President doing so at will. That is not proper, equitable or justifiable!

Mr. Temporary Deputy Speaker, Sir, the HIV/AIDS scourge that was much talked about two years ago, happens to be history today. We created the Constituency Aids Control Committees (CACCS), which are non-functional and no funds have been availed to them. The whole exercise has been totally forgotten yet our people are dying. Seven hundred people are dying every day from HIV/AIDS related illnesses. We talked about a disaster that we should have addressed and we did not do so. This is serious. It is so serious that we do not seem to care about our people. It is serious but the Government that should have addressed this issue forgot about it and money that was supposed to be availed to these Committees is no longer available. Even if money was not there, I believe that we have officers who should rigorously be going round telling our people to change their lifestyles so that they can stop the spread of the virus in the country.

I am worried about deforestation. We have seen our forests being destroyed, excised and allocated to private developers. Parcels of land belonging to research stations have also been grabbed and quite a number of the Agricultural Development Corporation (ADC) farms have also been grabbed. We seem to be very short-sighted in our approach to resolving problems in this country. We have generations that will come in the years to come and we do not care about them. We care about ourselves. You cannot have a country without proper conservation of the sources of water and forests. Afforestation is an area that we should all be addressing as a nation. I am concerned that the new Minister for Environment - a person I see very often because he comes from my area - could easily excise a forest called Kangure Forest. I have heard rumours from the councillors whom he favours in my constituency. I would like to warn Mr. Kamotho, in particular, that if he has targeted to excise a forest in my constituency, I will mobilise my people against anybody who encroaches on that forest, just to show the high regard that our people have for forests. The Minister has caused a lot of discontent among my people because of assisting councillors, who are against the elected leaders, to demarcate and allocate plots. The other day, I had an occasion to distribute 370 plots against an allocation that was done earlier by councillors, whereby they allocated to themselves about 340 plots with the endorsement of the Minister when he was the Minister for Local Government.

Mr. Temporary Deputy Speaker, Sir, if Ministers will help perpetuate illegalities and irregularities, then I wonder why they are called Ministers in the first place. This is serious and unfair and should not be condoned.

**Mr. Mbitiru:** Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Musila): Do you normally sit there?

**Mr. Mbitiru:** Yes, Mr. Temporary Deputy Speaker, Sir. I want to thank you for giving me the opportunity to contribute to this very serious exposition of Government policy. It expresses the kind of vision the leaders of the current Government have for this year and beyond.

Every other speaker who spoke ahead of me, has complained about poverty, insecurity, teachers' poor remuneration and the whole mismanagement of the economy of this country. I believe that, 39 years after Independence, at least, this country should have been in a position to understand the needs and the aspirations of its people. Sometime last year, we passed a law popularly known as the "Donde Bill", which the banks in their wisdom have tried to fight left, right and centre, in order to discredit the very good intention of hon. Members of this House when they deliberated on a way to try to resuscitate our economy, help create investments and jobs. The banks, with the assistance of the Governor of the Central Bank of Kenya, certain mechanisms in the Government and the Judiciary, want to water down a very serious legislation which is meant to address the problems in the economy of this country.

Mr. Temporary Deputy Speaker, Sir, if you look at the operations of banks in this country, you will find that 75 per cent of all their deposits come from the rural sector. They come from the coffee, tea and sugar-cane growing areas. About 75 per cent of all the money that is deposited in our banks comes from the rural sector. But when it comes to advancement of the same money, 90 per cent of all the loans are advanced to people in the urban centres. The money is advanced to a person who wants to borrow Kshs100 million and he is not subjected to as much bureaucracy as somebody from the rural areas who wants only Kshs100,000 to buy herbicides and fertilizers. The banks will not lend money to the farmer so that he can increase his production and hence earn some income, which the banks are so eager to receive. The banks will then lend this money to briefcase business people in Nairobi, who are good sweet-talkers, and who will acquire Kshs100 million from a bank. Once the deal goes sour, these high-flying borrowers cannot pay back the money and banks find themselves in a very serious situation. This will then result in increased bank interest rates. Furthermore, the portfolio in the banks will be so high that they

will not manage it whatever happens. There are so many ways in which you can address this issue, but none of the banks has addressed it. The only thing that the banks are doing is to fight against the efforts of this House to salvage a very serious situation in this country.

If banks were serious today, they would have started negotiating for a secondary authority whereby they can shed off all their debts. This happens in the United States of America, Great Britain, France, Japan and everywhere else in the world. In these countries, banks go to the secondary institutions, negotiate and several investors within those institutions take over that debt and then renegotiate and restructure the payment of the same. Our banks today could have put a similar mechanism in place rather than fighting against the Donde Bill. Soon, I will come up with a Motion urging this House to recommend that, if it is not possible for the banks to consult with the Attorney-General and other relevant authorities to come up with a secondary institution to which they can shed off all their debts to, then somebody else must work with them to help them, as Mr. Donde did to help the investors and the depositors in this country. It is also good for us to come up with a Bill to create a secondary market where banks can go and negotiate over their debts with somebody else who would be ready to take them over. Then those people who take over the debts can renegotiate them with the defaulters.

This is a very practical situation with banks all over the world, but banks do not want to think about it.

Mr. Temporary Deputy Speaker, Sir, the security situation in this country is already known. I do not want to repeat what other hon. Members have said about the killings in Kariobangi, two weeks ago. There is a very serious situation here which is not being seen. We have about four million people in Nairobi against about 2,000 police officers to take care of them in this City. Four million people are being policed by only 2,000 police officers. That is to say, for every 2,000 people in this City, there is only one policeman. Which policeman can man that kind of situation? What are we doing about the security situation in this City as a country? It is not possible for one policeman to take care of 2,000 people. It is practically impossible!

Mr. Temporary Deputy Speaker, Sir, when you look at last year's estimates, you realise that we spent a lot of money. On security equipment and security portfolio, we are spending close to Kshs10 billion every year on this item! Where does this money go to? Does it go to the employment of more police officers? Does it go to buying them security equipment or what does that money do? It is not only a question of security! It is a question of us asking ourselves how we are managing it and how we are looking at it. What is our vision about the security situation in this country? What is our future on that Vote? Is it possible for us to police the whole of Nairobi so that we can reduce crime? Carjacking is now the order of the day!

Mr. Temporary Deputy Speaker, Sir, you cannot walk with your wrist watch neither can you communicate with your mobile phone here in the streets of Nairobi! Women cannot put on their ear rings, bangles and beads because there is no security. You would be mugged left, right and centre! All this is as a result of poverty! We discussed a good document in this House when we talked about the Social Adjustment Programmes and so many people had their services terminated. Those people started their businesses in Gikomba and Wakulima Market. However, their structures were burnt down by arsonists, because there was no security. All the money that these people had saved for so many years went down into ashes. These people have nobody to take care of them!

Mr. Temporary Deputy Speaker, Sir, we have a Sessional Paper for 1986, about macro, small and medium enterprises. This Paper addressed the *Jua Kali* sector and those small-scale traders. What is the Government doing about the *Jua Kali* sector? We are talking about people who have no collateral securities and those who cannot be able to secure a genuine loan from a bank! What is the Government position on assisting these people?

Mr. Temporary Deputy Speaker, Sir, Mr. Nassir, a Minister of State, Office of the President, is demolishing kiosks in Mombasa; the only means of livelihood the *Jua Kali* people have! Mr. Nassir is destroying all the savings of the *Jua Kali* people and we are talking about the Government looking into ways of developing this country! It is an abnormal situation that we are finding ourselves in. Poverty is so high and it is hitting everybody and it is threatening security in this country. A Minister is worsening the situation by demolishing kiosks which poor people depend on. Although the Government knows how these things affect our people, it is not doing anything about it! It is total madness! This is something that needs to be condemned with the strongest terms possible.

Mr. Temporary Deputy Speaker, Sir, look at what is happening to hawkers here in Nairobi. All the hawkers' livelihoods have been destroyed! Why? This is because of greed!

**The Assistant Minister for Tourism and Information** (Dr. Wamukoya): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving a chance to make some comments on the Presidential Address.

Mr. Temporary Deputy Speaker, Sir, I am only going to pick one of the most important points that His Excellency the President mentioned, and that is poverty. Recently, in a meeting at the Kenya School of Monetary

Studies, we were told that the poverty level in this country stands at 56 per cent. It was specifically mentioned that the poverty level in Nyanza is at 63 per cent; 62 per cent at Coast Province, while poverty level in Central Province is at 36 per cent. So, you can see that Central Province is not suffering due to high poverty levels as other places. I want to mention poverty because it must be as a result of something that has taken place over a long period of time. If you want to call it a mistake, it could be a mistake.

Mr. Temporary Deputy Speaker, Sir, we have several sectors in this country that we can depend on in various ways of improving the life of our people. We have the production sector like agriculture, industry, trade and commerce. Then we have the service sector. I think the biggest sector that I could mention is the Kenya Revenue Authority, the consumption sector and education. The culprit here is the production sector and that is agriculture, industry, trade and commerce. If these sectors were producing at maximum levels, then our economy should have been better than it is now. In fact, there has been a saying, which is not supported by action, that agriculture is the mainstay of the economy. Truly it is. If it was not just stated in words, but supported by action, I am sure several things would be done to show that the Government is ready to improve the economy by supporting the agricultural sector.

Mr. Temporary Deputy Speaker, Sir, I have mentioned inputs in the agricultural sector so many times in this House. The agricultural inputs in the budgetary provisions take only 3 per cent. Depending on the availability of the Exchequer issues, sometimes it goes down to 1.2 per cent or to 3 per cent. I have said before that, unless we deliberately look at agriculture and put in resources, we shall be speaking about improving the agriculture for so many years to come, without seeing any results.

As it has been mentioned here, a Motion to this effect was passed in this House. Whenever we are debating various Bills, we mention irrigation. I am very sure that those of us who have travelled to many other countries have seen very good agricultural production in very dry areas. An hon. Member mentioned about Dubai this morning. I have been to the Imperial Valley in the USA and I saw how much agriculture is taking place in what could have been a desert. Even in this country, the irrigation areas that were started some years ago, some of them before Independence, like Mwea Irrigation Scheme, were producing a lot of rice. But due to mismanagement and political arguments, Mwea Irrigation Scheme is very soon not going to be an entity that we can be proud of.

Mr. Temporary Deputy Speaker, Sir, we have other irrigation schemes in other parts of this country that were mistakenly structured and they are no longer useful to us. I am very sure that only 30 per cent of this country is arable and can be productive under rain-fed agriculture. I am sure if we can irrigate the other 70 per cent we can produce enough food to feed our people and export to neighbouring countries. The population in ASAL areas is not very dense. In fact, the problem with the arable parts of the country is the high population. Because of this, the pressure on land is so high that our people are living in very small units. The land gets exhausted because of being tilled year in, year out. Therefore, the inputs we apply in order to get adequate yields to feed a family are very high. They counter-balance the production.

Mr. Temporary Deputy Speaker, Sir, as far as poor agricultural production is concerned, there are solutions which I want to introduce at this juncture. Bio-technology is a very new technology in this country. It has been around for more than 20 years in the developed countries. Those countries are producing genetically-modified organisms and foods.

Mr. Temporary Deputy Speaker, Sir, believe it or not, when God created maize seeds, He knew that at one time there would be so much demand for food. Therefore, He put into the maize seed a gene. This gene stands on chromosomes. These chromosomes and their genes are so haphazardly arranged that some are specifically good for one thing or another. Scientists have already marked them and the areas where they can produce yields that are good in quality and quantity. Our scientists can use that knowledge to produce enough food. They also have developed seeds which are resistant to pests and other negative factors which hamper production of food in the developing countries.

Mr. Temporary Deputy Speaker, Sir, we have a problem in using this technology, not because we do not have competent scientists, but because there are so many restrictions in this country. If there are no laws and regulations governing the production of genetically-modified food in this country, we can allow scientists from outside to come and assist us produce these crops. We have BT cotton seed which is resistant to a lot of pests. It is being grown in South Africa. In Kenya, scientific groups resist the introduction of BT cotton. They want it subjected to tests before it can be used here because, according to the Greenpeace Movement, those crops may be dangerous to our people. The other day, somebody was giving an excuse that, in Egypt, people who are eating genetically-modified foods become bald-headed when they are only 20 years old. This sort of talk is nonsense. When you set up a scientific thing at any one time, you also come up with safety measures. There is nobody who will set up something that will produce bad results. The person who developed the nuclear bomb had safety measures. Although it was to be used to destroy Nagasaki and Hiroshima in Japan, it can be kept safely and used

for other beneficial purposes.

Mr. Temporary Deputy Speaker, Sir, in fact, very soon this House may be called upon to pass safety regulations requirements. We would like this House to make sure that when a scientist is setting up an experiment, he must set up safety measures to protect himself, the society, animals, crops and the rest of the environment.

Mr. Temporary Deputy Speaker, Sir, as a country, we are very good at talking. The other day when we were at the Kenya School of Monetary Studies, we were told that we are good at speaking and writing volumes of papers, but very poor when it comes to implementation and taking action.

Mr. Temporary Deputy Speaker, Sir, I would like to urge this House to come up with ways of reducing poverty because it is really destroying our country.

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

### QUORUM

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

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

*(The Division Bell was rung)*

### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Musila): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday 19th March, 2002, at 2.30 p.m.

The House rose at 6.30 p.m.