

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 23rd March, 2005

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

SHOOTING OF SSP
ERASTUS KIRUI CHEMOREI

(Mr. Serut) to ask the Minister of State, Office of the President, the following Question by Private Notice.

(a) Is the Minister aware that SSP Erastus Kirui Chemorei of General Service Unit Training College, Embakasi, was shot dead at his Kitalale home by officers from the Trans Nzoia district security team on 19th February, 2005?

(b) Under what circumstances was the officer killed and why was he not accorded the traditional police ceremonial burial?

(c) When will the Government pay gratuity and compensation to the beneficiaries of the estate of the deceased?

Maj-Gen. Nkaisserry: Mr. Deputy Speaker, Sir, hon. Serut will be a bit late and he requested me that his Question be deferred.

Mr. Deputy Speaker: That is okay, Maj-Gen. Nkaisserry. You have delivered a message. However, hon. Members, we are going to be more serious this time round. If an hon. Member has a Question and he or she says they will be late, the House cannot be controlled by that hon. Member. This Question is, therefore, dropped.

Mr. Ojaamong: On a point of order, Mr. Deputy Speaker, Sir. Since we are beginning our business and the House Business Committee has not put its act together, and yesterday we were trying to look for this Order Paper and we were unable to get it, and---

Mr. Deputy Speaker: Order, Mr. Ojaamong! Could you sit down please? The hon. Member knew that he had a Question to ask and that is why he sent Maj-Gen. Nkaisserry with his message. So, you cannot argue that the House Business Committee did not know there was a Question because he sent a message that he was going to be late. So, he knew there was a Question.

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

Mr. Deputy Speaker: Order, hon. Members! We are going to be very serious with Questions this time. For your information, we are not even going to have the second round calling out Questions. We will be going through Questions for the first time only.

If an hon. Member is late, there will be no going back to his or her Question because that will be the practice and we are going to be strict. Therefore, this hon. Member has lost his opportunity to ask his Question because it was on the Order Paper. He knew and he said he would be late. The Question is dropped.

(Question dropped)

Mr. Deputy Speaker: Next Question by Private Notice by hon. Osundwa!

LOOMING SHORTAGE OF
SUGAR IN THE COUNTRY

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

(a) Is the Minister aware that there is a looming shortage of sugar in the country due to delay in the importation of the commodity to bridge the annual shortfall of 200,000 tonnes?

(b) What steps is the Minister taking to ensure that the country has strategic reserves of this commodity in the event of such eventuality?

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

(a) I am aware that there is a looming shortage of sugar in the country. However, the shortage is not due to the delay in importation to bridge the annual shortfall of 200,000 metric tonnes, as the importation started on 1st March 2005. The delay has been occasioned by a court order which has stalled the clearance of 12,336 metric tonnes of sugar at the port of Mombasa. While the court process is ongoing, the Kenya Sugar Board, in consultation with the Kenya Revenue Authority, has initiated discussions with the parties involved with a view to an early determination of the matter, preferably out of court.

(b) In our efforts to revitalise the sugar industry, my Ministry has developed a sugar sub-sectoral strategic plan and a Sessional Paper for Government consideration, that will, among other objectives ultimately provide for the setting up of a national strategic reserve of sugar.

Mr. Osundwa: Mr. Deputy Speaker, Sir, I am happy that the Minister is admitting that there is going to be a looming shortage of sugar in this country. Indeed, it has started. As I am talking now, the price of sugar has gone up by 30 per cent. This was occasioned by corruption at Kenya Sugar Board where they awarded a tender to only one person to import sugar last year, hence the company was taken to court and that is why we have this looming shortage of sugar. Could the Minister allocate funds to import sugar annually as a strategic reserve so that Kenyans do not suffer this unnecessary increase of sugar prices?

Mr. Kirwa: Mr. Deputy Speaker, Sir, may I strongly deny the presence of corruption in Kenya Sugar Board that occasioned awarding of a tender to import sugar to one individual last year. What happened last year is that we wanted to go through the allocation route. We allocated to 18 companies and that allocation was contested by parties which took us to court, and in the process all the sugar was imported by the said importers. Two, I said earlier on in my answer that we are preparing a Sessional Paper and a strategic plan which shall be discussed by the Cabinet and also be brought to this House for purposes of discussion, and the Members will give their views on the way forward.

Dr. Khalwale: Mr. Deputy Speaker, Sir, importation of sugar does not improve the economy of this country. What plans does the Minister have to license Busia Sugar Company so that more cane can be crushed?

Mr. Kirwa: Mr. Deputy Speaker, Sir, our strategy goes beyond licensing of a single sugar company. We are looking at the entire industry for purposes of increasing productivity and production of sugar.

Prof. Olweny: Mr. Deputy Speaker, Sir, could the Minister inform the House whether the millers have been given any permission to import sugar?

Mr. Kirwa: Mr. Deputy Speaker, Sir, arising from the discussions at the sugar conference

last year, it was recommended that all the importation of sugar should be done by the millers but the practical reality we realised does not obtain in fair trade. So, we discussed with the millers to import 30 per cent and 70 per cent be imported by other traders.

Mr. Manoti: Mr. Deputy Speaker, Sir, there is a lot of sugar-cane that goes to waste due to lack of means of transport from the farms. If these sugar-cane is transported to the factories in good time, the importation of sugar will be a forgotten case. I single out Sony Sugar Company which has got its outgrowers even in South Mugirango, which neighbours my constituency in Gucha District. The sugar-cane in South Mugirango is rarely transported to Sony Sugar Company because of lack of transport. What will the Ministry do to help the farmers to transport their sugar-cane to the factories?

Mr. Kirwa: Mr. Deputy Speaker, Sir, the case of Sony Sugar Company is slightly different. While transport is the major problem, the main issue is the crushing capacity of the company. Last week, I had a meeting with the board of directors and other stakeholders on ways of restructuring Sony Sugar Company and also expanding its capacity to crush 6,000 tonnes per day. That is in the process.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, while we appreciate what the Minister is doing to streamline the sugar industry - in fact, the sugar companies are now beginning to make profits - we are not aware of how much of these profits reach the farmers. Could the Minister tell us what process is in place to make sure that the profits actually reach the farmers as an incentive so that the sugar industry is streamlined properly?

Mr. Kirwa: Mr. Deputy Speaker, Sir, in the short-term, we have had discussions with various millers to see what they can do about sugar-cane pricing so that farmers can benefit. However, in the long-run, my request to Members of this House and other leaders is that we should allow people to own the mills as the Government divests. That way, they will reap the profits they declare in the sugar companies.

Mr. Mwandawiro: Bw. Naibu Spika, ikiwa nchi yetu haijitoshelezi kwa upande wa sukari, ni nini kinachosababisha wakulima wa miwa katika nchi yetu kutolipwa kwa wakati unaofaa? Kwa nini wanalipwa malipo duni? Kwa nini hali ya ufukara ya wakulima hao inaendelezwa siku nenda, siku rudi? Je, Waziri atafanya nini kurekebisha hali hii?

Mr. Kirwa: Mr. Deputy Speaker, Sir, the problems are more.

An hon. Member: Kiswahili!

Mr. Kirwa: Well, I cannot change in the middle of my consultation. I can adequately provide an answer in Kiswahili, but not today.

Mr. Deputy Speaker, Sir, the problems facing the sugar industry are more, and one major issue of concern is mismanagement. We have tried to address that problem and I can declare today that all sugar companies are making profits. We are looking for ways of even improving that so that farmers are paid better in due course.

Mr. Osundwa: Mr. Deputy Speaker, Sir, the Minister is promising this House that he would table a Sessional Paper. Given that this House is not in control of its own calendar, where we meet only for about four months in a year, could he be specific as to when he will bring the Sessional Paper? We obtained the leave of the House to amend the Sugar Act and yet the Minister has not brought anything here and now he is promising to bring a Sessional Paper. Could the Minister, please, give us a time frame?

Mr. Kirwa: Mr. Deputy Speaker, Sir, I can only give the time frame in terms of my state of preparedness, but with regard to the calendar of the House, I am totally incapable of determining that.

Mr. Deputy Speaker: I will now have requests for Ministerial Statements!

POINTS OF ORDER

PLIGHT OF WORKERS SACKED BY TSS

Mr. Khamisi: On a point of order, Mr. Deputy Speaker, Sir. Just before the House went into recess, the Minister for Labour and Human Resource Development promised to bring to this House a Statement in relation to the workers who were sacked by the Coast Province tycoon, TSS. He did not bring the Statement at the time of adjournment. Could he be asked now to bring the Statement within the next few days?

Mr. Deputy Speaker: Dr. Kulundu, do you have it now?

The Minister for Labour and Human Resource Development (Dr. Kulundu): No, Mr. Deputy Speaker, Sir. I am sorry about that and I promise to bring a Statement next week on Wednesday.

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, I would like to seek the guidance of the Chair with regard to what hon. Khamisi has raised. Is it in order for hon. Members to ask for Ministerial Statements which were sought for in the previous Session? Are the Ministerial Statements still valid? Is the hon. Member not supposed to renew the request?

Mr. Deputy Speaker: Order, Mr. Katuku! Mr. Khamisi just did that. He just renewed his request and the Minister obliged.

(Laughter)

STATE OF INSECURITY
IN THE COUNTRY

Maj-Gen. Nkaisserry: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister in charge of Internal Security with regard to the state of insecurity in the country. This is a very urgent matter.

In his Statement, I would like the Minister to address the following: First, the root causes of insecurity in areas such as Mandera, Marsabit, Trans Nzoia, Trans Mara, Samburu, Mai Mahiu, Moyale and urban crime. Secondly, I would like to hear what he intends to do to cut down insecurity in this country. Thirdly, I would like to know the legal statutes the Minister is using when issuing the shoot-to-kill directive. Fourthly, what does he have to say about State terrorism being used in the killing of citizens such as Senior Superintendent Chemorei.?

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, the question of Senior Superintendent Chemorei is a subject of a Question by Private Notice here. I was ready to answer it, but there was nobody to---

(Loud consultations)

The matter is a subject to a Question by Private Notice before the House by hon. Serut.

Hon. Members: The Question was dropped!

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, we will make an appropriate---

Mr. Deputy Speaker: Well, if you are referring to Question by Private Notice No.1 on the Order Paper, I dropped it.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, in that event, we will issue a Ministerial Statement on Tuesday, next week.

DESTRUCTION OF PROPERTY BY

FLOODS IN NYANZA

Eng. Nyamunga: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister in charge of Special Programmes. I wonder whether anybody---

(Loud consultations)

Mr. Deputy Speaker, Sir, this is in connection with the perennial floods that occur in some districts in Nyanza Province, especially, Nyando and Rachuonyo. Over the last 40 years or so, we have had serious floods which caused destruction to human life and property. This year alone, in the last two weeks, there has been destruction where about 23 primary schools, five secondary schools, ten churches and several homes have been destroyed.

What major steps has the Government taken so far in the constituencies of Nyakach, Nyando and Rachuonyo in line with the destruction that has taken place this year? What measures is the Government putting in place so that this menace is eliminated once and for all?

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, I will communicate appropriately to the relevant Minister.

I also want to direct that the Clerk keeps a register of these requests for Ministerial Statements, because in the last Session, they ran away and we could not even know who had what. So that we are able to follow up to ensure that those statements are issued as requested, we will be keeping that register from now on, so that we can keep up with the questions. So, we are asking the Ministers to take these questions or requests seriously so that we do not have so many requests piling up.

I thank you.

Next Order!

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to seek that you direct the Ministers to respond to Ministerial Statements within 24 hours? That is when they will make sense, in the sense that instead of giving a response a week or two later, in which case it becomes a normal question and the urgency is lost. So, could you give that direction to the Ministers?

(Applause)

Mr. Deputy Speaker: No, Mr. Angwenyi. I think I have said this before and you will have the communication from the Chair later on as we go along, regarding Questions and also requests for Ministerial Statements. We would like to have a more serious look at these issues, and that is why I have said that we should have a register to enable us to know which Minister is bringing what statement. By the way, it will not be fair for me to give the Ministers 24 hours, because some statements need more than 24 hours to prepare.

Mr. Deputy Speaker, Sir, so, I think as long as Ministers are able to give their statements in a fairly short time, the House will be happy.

Next Order!

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

Mr. Deputy Speaker: Is your point or order about this procedural Motion?

Mr. Bifwoli: Yes. I was the one who was on the Floor yesterday.

Mr. Deputy Speaker: No, no, no! Mr. Bifwoli, we are on Order No.7; we have not reached Order No.8!

Proceed, Mr. Obwocha!

(Laughter)

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM PROVISIONS OF SO NO. 33

The Assistant Minister for Finance (Mr. Obwocha): Thank you, Mr. Deputy Speaker, Sir. I beg to move the following Procedural Motion:

THAT, this House orders that the Business appearing in today's Order Paper be exempted from the provisions of Standing Order No.33, being a Wednesday morning, a day allocated for Private Members' Motions.

This is obvious, Mr. Deputy Speaker, Sir. Today is Wednesday and it is supposed to be a day allocated for Private Members' Motions. The House Business Committee has not balloted for the Motions, therefore, we do not have any Private Member's Motion in place.

Hon. Members: Why?

The Assistant Minister for Finance (Mr. Obwocha): You have not submitted them and they have not been approved by the Speaker.

Therefore, Mr. Deputy Speaker, Sir, we would like the Business on today's Order Paper be exempted from the provisions of Standing Order No.33.

I beg to move.

Mr. Deputy Speaker: Any Seconder?

The Assistant Minister, Office of the President (Mr. M. Kariuki) seconded.

(Question proposed)

Mr. Sambu: Mr. Deputy Speaker, Sir, I beg to strongly oppose this Motion. Wednesday mornings are set aside for Private Members' Motions, some of which are seeking leave of the House to amend Bills. The Government has the whole of the week, going by the fact that we lose Mondays and Fridays because we do not control our own timetable and calendar.

From the last Session, many Motions could not be reached because the Government took all the time; now, we are starting with this. Somebody said that the debate on the Presidential Speech cannot be interrupted; that is a lot of hogwash, because the President is not above Parliament!

(Applause)

This is the supreme organ of the nation, and we cannot say that somebody is above it. Nobody is above Parliament and, therefore, I beg to oppose this Motion!

Then, if the House Business Committee has not met, that is their business. I have a Motion right now, and I can start debating it now!

(Applause)

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, I rise to support this Motion which has been tabled because of only one reason; that, as at now, no Member of Parliament has given any notice of any Motion on the Floor of the House. So, we cannot allow the day to go to waste and that is why we are proposing that we continue with Government Business.

Mr. Deputy Speaker, Sir, I have checked with the Clerk's office and there is no Member who

has given any notice of any Motion.

Mr. Deputy Speaker: Well, I think we should not take a lot of time on this matter. Therefore, I am going to put the Question.

I also want to say that there are no Private Members' Motions which have been brought. So, if you negate this, it will mean that you go home, and I am sure you will not want to do that.

(Question put and agreed to)

Next Order!

Mr. Bifwoli, you have eight minutes.

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 Wednesday 16th March, 2005.

*(The Vice-President and Minister
for Home Affairs on 16.03.2005)*

*(Resumption of Debate
interrupted on 22.3.2005)*

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I had just started contributing and I thought I had more than nine-and-a-half minutes.

I would like to say that the President gave a very good Speech while opening Parliament. It is normally said that you will know what is in somebody's mind by hearing what he says. We have known what is in the President's mind by reading his speech and, therefore, it now remains to those implementors to implement the good words that the President has put before us.

When you look at what the Government is doing, you will realize that they are trying in some areas. But there are plenty of challenges like, for example, the free primary education. It is a very noble idea, but you cannot give a standard one pupil textbooks, chalks and everything else when he or she does not know how to read and write, and you cannot give him the teachers. If the free primary education initiative is to make sense in this country, then the Government must employ teachers. The Government should not just employ them, but also give them good terms and conditions of service. When a teacher goes to school, he should know whether there is a promotion and he should also know how much he is going to earn. It is useless to promise a teacher--- It is unfair! Teachers were promised some money and, up to today, they have never been given. We hear that they signed a scheme of service for non-graduate teachers 10 years ago, but they have not implemented it. These are demoralized people; they are few, then you are giving them many children and you say that you have provided free primary education. It will not work!

If this country has to move forward, the Government should pay the teachers and all civil servants well. For instance, the police are poorly paid and yet they are supposed to patrol the streets with guns at night. This is somebody who has slept hungry and his family is crying because it has no food. If he robs you at night, what crime will he commit? It is better for the Government to pay the

police well.

Mr. Deputy Speaker, Sir, let me turn to the Judiciary. The judges earn millions of shillings while the magistrates, who read law just like them, because they have no godfathers, earn about Kshs15,000 per month. Is there fairness? When the magistrates ask the Government to increase their salary, they are sacked. In this country, when you ask for what belongs to you, you are put off. Where are we headed to? We feel that civil servants, including the police and the judicial officers, should be well paid. We should improve their terms and conditions of service, and that would be the simplest way to fight corruption. We cannot talk about fighting corruption when somebody is hungry. A hungry man has no brain. The only thing he will do is to look for food.

I am glad the Minister for Agriculture is here. He comes from the maize growing zone. I urge the Government to subsidize fertilizer and maize seeds for farmers to buy. The Government should also help farmers to market their produce. It is unfair that after harvesting maize, we sell it at a throwaway price. It costs a farmer Kshs2,000 to produce a bag of maize, which is then sold at Kshs800, thus making a loss of Kshs1,200. If the Government wants the economy of this country to grow, then it must subsidize farm inputs and market farmers' produce.

On the textile industry, instead of importing clothes, we can grow cotton, if we want to revive it. This will create jobs for our people and our farmers will get some income. The Government does not think about this. It is only talking about creating 500,000 jobs per year. How will it create these job opportunities per year when cotton farmers are not paid for their produce? Farmers grow cotton but they do not have market for their produce. The textile industry has collapsed. Where are the 500,000 jobs? Are they in the Ministries? The other day, we heard a Minister say that more than 400,000 jobs have been created. We cannot talk about informal jobs where you employ somebody to look after your livestock. Are these the jobs that the Government is bragging about that it has created in this country?

Let us face corruption within its real sense. If you look at the reports of the Public Accounts Committee (PAC) from 1990 to 2004, you will find the names of people who have embezzled public funds. Instead of being sent to prisons, some of them are here. This is the case and yet Justice Ringera is censuring hon. Members for false mileage claims. Some of them do not know the distance between their constituencies and Nairobi. It is the DCs or the Ministry of Roads and Public Works which gives the distance every hon. Member covers from his constituency to Parliament. We are only told that, today, from Bumula Constituency to Nairobi is so many kilometres. The following day, the same hon. Member is given a different figure. What role do I play when I am told this? Instead of Justice Ringera going after the big thieves - because we are fighting corruption - Kenyans are being diverted from real corruption. The Kenya Anti-Corruption Commission (KACC) is saying that hon. Members are corrupt just because they are hated species. The Commission has diverted the public attention from the most corrupt people in this country.

(Applause)

We challenge Justice Ringera to pursue corrupt people because we gave him powers. We will not withdraw his powers, but why does he fear certain human beings in this country? Are there sacred cows which cannot be touched? I urge Justice Ringera to look at the reports of the PAC and take action against those who have embezzled public funds. If he fails, we should remove him from office. I wish a Motion is brought before this House to remove him from office because he has failed to perform his duties which are spelt out in the Act. We cannot fight corruption selectively just because we want to play politics of propaganda. I hate corruption.

When Transparency International (TI) says that a Minister has stashed Kshs750 million abroad, it should name him or her. Which Minister is this who has no name? That Minister has a

name and the TI knows the country and his or her account number. Let us move away from propaganda and say the truth. If it is Mr. Bifwoli who has stashed money in Uganda or Tanzania, the TI should name him, indicate the country where the money is held and how much.

Mr. Deputy Speaker, Sir, the security situation in this country has deteriorated. Instead of the Minister issuing ultimatums to the police to shoot armed thieves, which will lead to shooting of innocent people---

Mr. Deputy Speaker: Mr. Bifwoli, your time is up!

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

Mr. L. Maitha: Bw. Naibu Spika, ninakushukuru kwa kunipatia fursa hii ili nichangie Hoja hii ya Hotuba ya Rais ya kufungua awamu ya Nne ya Bunge. Ningependa kusema kwamba Hotuba ya Rais ilikuwa nzuri, na kila wakati yeye hutoa Hotuba nzuri hapa, lakini hatuoni tofauti muda unapopita.

Hotuba ya Rais iliweka mikakati ambayo Serikali italeta ili kusaidia sekta mbalimbali za kiuchumi, ikiwemo kilimo. Tunashukuru Serikali kwa kusema kwamba italeta Mswada wa kuinua pareto na sukari. Lakini ningependa kumwambia Rais kwamba nchi hii haikuizi miwa au pareto pekee.

Nchi hii inakuza mimea mingi, na baadhi ya mimea ambayo tunafikiri itatiliwa maanani ni mnazi na korosho, ambazo huiletea nchi hii pesa nyingi na zimesahauliwa. Inajulikana wazi kwamba kiwanda cha korosho kiliangushwa. Ripoti iliandikwa, wezi wakajulikana na Serikali ikaahidi kukifufua kiwanda hicho. Lakini Rais hajatuambia Serikali yake inachukua hatua gani kufufua kiwanda hicho. Tulimpatia Rais mwaka wa kwanza kwa sababu alikuwa mgeni ili atue na Serikali yake, na bado hajafanya hivyo. Rais alipofungua Bunge aliomba apewe muda ili Serikali itue na tukampatia, lakini bado Serikali yake haijatua. Badala ya Serikali kutua, inapoa kwa sababu hakuna lolote katika Hotuba ya Rais linalohusu Mkoa wa Pwani.

Bw. Naibu Spika, wakati huu tuna tatizo kubwa la ukosefu wa usalama katika nchi hii. Ni jambo la kusikitisha kwamba hakuna anayeshughulika na chanzo chake. Hata juzi Waziri katika Ofisi ya Rais, Bw. Michuki, alisema mhalifu akipatikana na bunduki apigwe risasi. Ni kwa nini wananchi katika Wilaya ya Mandera na Mai Mahiu wapigane na wauane? Ni kwa nini vijana 100 wa Mkoa wa Pwani waingie msituni? Tutawapiga risasi wangapi? Ni lazima Serikali itafute chanzo cha kuzoroteka kwa usalama hapa nchini. Mojawapo ya sababu ni Serikali ya NARC imeendeleza ufisadi na kutogawanya sawa mali kwa raia. Bado kuna watu wachache ambao wanazidi kutajirika na kuendelea mbele, na wengi wetu wanazidi kugandamizwa na hao wachache. Hili ndilo tatizo kubwa la usalama katika nchi hii. Serikali haitatoa mbinu nyingine ya kustawisha usalama isipokuwa kuangalia vile mali ya kitaifa itagawanywa sawa kwa kila mwananchi.

Wakenya wanaudhika sana kuona wafanyakazi wa Serikali wa vyeo vya chini wakichukuliwa hatua kwa madai ya ufisadi. Hata hivyo, wafanyakazi wa vyeo vya juu, hasa Mawaziri, wanapotajwa kuhusika na visa ya ufisadi, wanabaki kuendelea na kazi zao, huku ikisingiziwa hakuna ushahidi wa kutosha. Kwa nini Serikali haiwezi kuwauliza Mawaziri waliotajwa kuhusika na visa vya ufisadi wajiuzulu ili wachunguzwe? Ni vipi tutawachunguza Mawaziri wakiwa Serikalini? Wao wana bendera. Itawezekanaje wachunguzwe wakiwa na bendera zao? Hutuwezi kupata ukweli.

Kwa hivyo, hakuna tofauti yoyote kati ya Serikali hii na ya hapo awali ya KANU. Wakati huu Wakenya wanasema: "Afadhali wakati wa KANU." Wakati wa KANU, ufisadi uliwasaidia watu wote; watoto waliweza kula vizuri. Lakini, ufisadi wa sasa unawafaa wakubwa peke yao. Wakati wa KANU, hata karani aliyekuwa akifuata faili pale ofisi, kwa mfano, aliweza kupata Kshs200. Huo ulikuwa ni ufisadi, lakini karani huyo aliweza kula na kutunza familia yake. Wakati huu, karani akidai hongo ya Kshs200, anafutwa kazi na mkubwa akiiba Kshs700 milioni, huo si ufisadi na tunaambiwa hakuna ushahidi wa kutosha.

Kwa hivyo, mikakati hii ya Serikali ya NARC ni ya midomo mitupu tu. Ni mizuri kwa sura, lakini hakuna mtu yeyote ambaye yu makini kuendeleza nchi hii.

Bw. Naibu Spika, wakati huu kuna matatizo katika Idara ya Mahakama. Mahakimu kule Mombasa waligoma na wakafutwa kazi kwa kudai haki zao. Serikali ya NARC ilituliwa kwa ulingo wa haki. Kuna ubaya gani mtu kuuliza haki yake? Juzi ilikuwa ni aibu Bunge hili lilipofunguliwa rasmi na Rais kwa sababu wananchi walipigwa na gesi ya kutoa machozi. Wananchi hao walikuwa wakitaka kutoa maoni yao juu ya mambo fulani muhimu ya kitaifa. Wakati Serikali ya KANU ilikuwa ikifanya hivyo, Waheshimiwa Wabunge, ambao kwa wakati huu ni Mawaziri, walikuwa wakitetea haki za binadamu. Kwa mfano, Kasisi Njoya alipopigwa siku moja nje ya majengo ya Bunge, nakumbuka vizuri Waheshimiwa Mawaziri hawa wakiwa Upinzani walitoka nje kwa hasira. Leo Serikali hii inawapiga maskini ambao wanauliza, "Kwa nini hamjatekeleza ahadi zenu?" Ni jambo la kusikitisha kuona kwamba mnawapiga bakora na kuwarushia gesi ya kutoa machozi wananchi wanyonge. Je, mtaendeleza utawala wenu kwa kupiga watu?

Ningependa kuiambia Serikali hii kwamba wengine waliokuwa katika uongozi wa nchi, walifanya vivyo hivyo, na baadaye wakaondoka. Kwa hivyo, mkiendelea kuwapiga wananchi maskini, basi wakati wenu utafika na mtapigwa mkipigania haki. Ni lazima Serikali hii iheshimu haki za wananchi. Ni lazima wananchi wapewe nafasi za kutoa maoni yao. Wananchi wakisema maoni yao si kwamba hao ni waasi. Tuliondoa utawala wa KANU ili kuleta demokrasia katika nchi hii. Leo demokrasia ni ya upande mmoja; ukikosoa Serikali, haufai. Ukiunga mkono, basi wewe ni mzalendo hata kama mambo yanaharibika.

Bw. Naibu Spika, Hotuba hii ya Mheshimiwa Rais haina chochote kipya na ninamwomba ayarekebishe mambo. Bado yuko na wakati wa kujirekebisha, lakini akiwa ataendelea kuchukulia mambo muhimu kijuujuu, kwa mfano, jambo la Katiba, si vizuri. Huu ni mwaka wa tatu bila Katiba. Kila siku tunaletewa miongozo tofauti katika Bunge hili kuhusu Katiba. Wakati huu, Waziri wa Sheria amekuja na mwongozo mpya unaosema ya kwamba kufikia Oktoba tutakuwa na Katiba mpya. Hakika ikifikia mwezi wa nane, tutakuwa na mwongozo mwingine, na pia mwaka wa 2006 tutakuwa na mwongozo mwingine. Mnawadanganya nani? Mnajidanganya wenyewe!

Utetezi juu ya Katiba ni kuhusu Katiba kielelezo ya Bomas. Ikiwa Katiba kielelezo ya Bomas ina tetesi, basi wachaneni nayo na mwaandike yenu! Andikeni nyingine na tupeleke zote mbili mbele ya wananchi, wachague ni ipi bora zaidi kupitia kura ya maoni. Kusema Katiba kielelezo ya Bomas ni mbaya na tuje hapa tuitengeneze hapa si haki. Tengenezeni yenu nzuri halafu tutawauliza wananchi ni ipi inafaa zaidi.

Wakenya wanataka Katiba kielelezo ya Bomas iidhinishwe mara moja. Hata kama KANU ilikuwa mbaya, ilitolewa mamlakani kwa sababu ya kuwanyima Wakenya Katiba mpya. Hivi sasa, naiona Serikali ya NARC pia ikitupwa nje kwa sababu ya Katiba. Ikiwa hatutapata Katiba mpya, basi Serikali ya NARC itatimuliwa. Hatujui ni nani atakayechukua utawala wa nchi hii.

Hon. Members: Wacha waende! KANU itarudi!

Mr. L. Maitha: KANU haiwezi rudi tena!

Bw. Naibu Spika, kwa hayo machache, ningependa kukomea hapo. Ninaunga mkono Hoja hii.

Mr. ole Metito: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute. I would like to start by joining my colleagues in thanking His Excellency the President for having given an eloquent Speech. However, there are some things which need to be tightened in order to achieve the set goals.

First of all, I would like to talk about the agricultural and livestock sector. Although the President said they were on the upward trend, we need to have a policy on food security. For the last one year, some parts of this country are experiencing very severe drought. For example, Kajiado District is the most hard hit by drought. This country needs to be self-reliant on food production. The issue of famine has actually escalated the unfortunate tribal clashes in some regions. These tribal clashes have brought a lot of insecurity. I would like to concur with my colleague, Mr. L. Maitha, who has just said that before we give the orders of "shoot-to-kill", we need to know the root cause of

insecurity. One of them is the limited resources. One limited resource is water. If we have to curb insecurity in certain areas, for example, Mai Mahiu, we really need to supply and provide the residents of that area with water.

As a result of the persistent drought in this country, we need to come up with some measures to counter-attack its effects. For instance, we need to give livestock farmers micro-credit facilities to re-stock their livestock at this particular time.

Mr. Deputy Speaker, Sir, I also would like to talk about communication, especially in the mobile phone industry. His Excellency the President, in his Speech, said it has grown by 68 per cent. I think that is the sector that experienced the highest growth rate. However, we need to facilitate the expansion of the network, especially in the rural areas. We need to license more operators without subjecting them to unnecessary conditions for both the electronic and mobile sector.

Mr. Deputy Speaker, Sir, let me say something on democracy. I would agree with His Excellency the President that the current hon. Members are the most empowered in the Kenyan history. However, Parliament feels that there is need to strengthen the link between constituents and the institution of Parliament. Constituents' participation in the parliamentary process is very critical for the sustenance of democracy and good governance. Therefore, there is need to establish constituency offices at the constituency level. These offices will provide the mechanism and resources necessary to help Parliament make good laws for peace, order and good governance of this country. We have been talking about constituency offices and our constituents have even been thinking that we already have equipped constituency offices at the constituency level. This Parliament, in this Session, needs to realise that goal.

On corruption, I agree with His Excellency the President and I commend the Government for having eliminated land grabbing. That was one sort of corruption that had actually dented the image of this country. However, there are so many forms of corruption; it is not just land grabbing. A lot has been said by hon. Members in this House and by the public on corruption and it is now time that the Government acted on it.

[Mr. Deputy Speaker left the Chair]

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

Finally, Mr. Temporary Deputy Speaker, Sir, I will talk about education. This Government has done a lot on primary education and it has assisted a lot on secondary education through constituency bursaries. However, if you look at the recent statistics on our institutions of higher learning; for example, students who completed Form IV in 2003 and who qualified to join public universities are about 50,000, but our institutions of higher learning can only accommodate 10,000 of them. Where will the other over 40,000 go to? I would like to urge this Government to think a lot about institutions of higher learning. It needs to expand them because if those 40,000 who qualified to join universities are not going to be accommodated, it will increase the rate of unemployment and they could easily resort to activities that would cause insecurity in this country.

With those few remarks, I beg to support.

Mr. Maore: Thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity to say a few words about the Presidential Speech during the opening of the Session.

The issue of insecurity, having missed in the President's Speech, leaves us wondering whether he actually gets security briefs from Mr. M. Kariuki and others. There have been major problems during the recess, like in Trans Nzoia District and Mai Maahiu where even international media was present, the Mandera killings and the killings that happen every hour in the City of Nairobi. We would

have expected the President to take a stand about restoration of law and order and security so that investors that he was talking about in the Speech can help turn around the economy. That was lacking and it was a bad oversight on the side of those who present issues and events in the country to the President.

While on security, I believe that there is some tendency of developing bad manners by those who manage even Government buildings. If you can remember the day we were at Sheria House, we noticed a private firm guarding it, yet there is a unit that is supposed to guard Government buildings. Sheria House has all the most sensitive and strategic documents in this country, including all the treaties that we know of. Under what arrangement or madness would somebody think of privatising security services of a building that has sensitive Government and public documents like Sheria House, a stone's throwaway from Parliament? My idea of it is that somebody wanted to create a job or a project for a friend so that he can do business.

Another issue that has happened with this Government, as quarrelsome as it is, is that Kenyans are aware that it never quarrels about their own problems but about positions and opportunities that they are denying each other. They get louder everyday and the best example was yesterday where one Minister was saying that he has a right to speak on the issue of the Constitution and the Head of Public Service responded by saying: "No, it is so-and-so." With those kind of quarrels, even the President should not come and pretend that he can deliver any of those promises and pledges he is trying to deliver if he cannot bring order to his own house, where they are supposed to deliver on the promises they made to Kenyans. It is no wonder that most of the issues and pledges they are delivering are those ones they never made. For example, they never told us that they were going to be the "high priests" of tribalism where every Minister is competing for jobs in his parastatals and departments so that he can staff them with his kinsmen and relatives. In that process, if he does not get his kinsman in his departments, nobody else will because that is what everybody is doing. This is why we are having incompetence, corruption, ineptitude and mediocrity because meritocracy has taken a back seat as there is no order.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I heard the Head of Public Service shamelessly saying that some of the issues that he was addressing are spill-overs from the previous regime. When he was standing there, he was a real example of a spill-over of the previous regime.

(Applause)

He became an ambassador and a Permanent Secretary under the Moi administration. In January 2003, he was transferred to Harambee House and then on 31st January, he was made the Head of Public Service, yet he says that: "The bad manners I see here are from the previous regime."

An hon. Member: Which regime? Shame!

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, the NARC mirage has turned out to be a fuss because they have borrowed generals from the defeated enemy and they are teaching them how to lose their track, and I wish them luck. Enjoy the ride!

(Laughter)

Another issue that we need to address is the story of urbanisation. We heard the Minister for Transport and Communications decreeing that Kenyans need to do 50 kilometres per hour within certain radii of city centres. The thing we need most urgently is for the Minister to harmonise traffic

laws so that he can define what he wants to do with non-motorised objects on our roads. There is no other place in the world where you will compete with goats, *mkokoteni*, donkeys and *bodaboda* bicycles on a highway of the main streets of any city. We need them to be organised. Bicycles and handcarts should be banned from using highways, which have no designated paths for them. Allow motorists to use roads appropriately. The Minister for Local Government seems not to have noticed how *kiosks* are mushrooming on roadsides and how much they compromise our security. There are people who grow bananas on road reserves, yet the Minister wants to host the African Cities Symposium in Nairobi. We will be ashamed when visitors come here. We will be telling them how a city should be operated, yet we have not set any minimum standards whatsoever for an organised city.

When we do not set minimum standards, we end up cheering the wrong things. This can be compared to standing on rooftops and cheering what we have achieved like the free primary education programme. Free primary school education is now being implemented. However, the Government has not bothered to employ more teachers. If you walk into one of the classrooms, you will find in it more than 100 pupils, sometimes without a teacher. You will find a school with many pupils, but without enough teachers just because the Government wanted to fulfil a promise about offering free primary education by the year 2003. We were happy about the achievement. However, what is the Government doing to improve the quality of education in Government primary schools?

Recently, I saw the Minister for Education, Science and Technology rushing to Olympic Primary School to assure Kenyans that the Government had not compromised the standard of education in Kenya. If you looked at him speaking, he was not the confident professor he has always been, meaning that he was not telling the truth. The truth of the matter is that we do not have enough teachers in our Government primary schools. Those who are there are overworked and demoralised.

My mother has witnessed how her primary school-going grandchildren behave. When they come from school in the evening, they do not do any homework, but instead want to play. She wonders what kind of education is offered today where children are not given homework. The fact is that children in public primary schools cannot be given homework because with 80 pupils per class, there is no teacher who can handle such workload. There is no teacher who can give quizzes because the time allocated to lessons is not enough to check work for 10 per cent of the pupils in a classroom. That is another example of a NARC Government mirage. We want the Government to be serious about providing facilities and staff members in our schools, so that we do not ruin our future generations. Provision of education should not be part of our political bickering and quarrelling.

With those few words, I beg to support.

The Assistant Minister for Livestock and Fisheries (Dr. Wekesa): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to join my colleagues in commending His Excellency the President for setting a stage through which this House and the Government will tackle issues affecting this nation. The President addressed the issue of pending Bills, which should have been passed in the last Session. Indeed, it is time we addressed these issues, because they impact negatively on the social and economic welfare of our people, and are worrying Kenyans today. I want to join my colleagues in addressing insecurity in this country. Hon. Members on both sides of the House are very concerned about the insecurity which has engulfed this country. We who live in areas where there have been tribal clashes still carry wounds of the atrocities of the 1991 to 1998 clashes. We had hoped that by now we would have forgotten about all those atrocities. In Trans Nzoia District, tribes which had problems 10 years ago resolved them and have been living as brothers and sisters. However, now we are seeing a re-emergence of the same and we, as leaders, have to address these issues seriously.

I want to congratulate the Minister in charge of internal security for what he has commenced to do in his Ministry. President Kibaki has been accused of allowing his Ministers to act on issues. This is his style and I like it. The President has given authority to Ministers to do their work. Some of them, however, end up squandering the opportunity to do their job.

I want to congratulate the Minister in Charge of internal security, who was previously in charge of Transport and Communications, for taking his job seriously. I think we should support him. We should support Mr. John Michuki in what he is doing. I realise that sometimes Kenyans do not like the heavy hand of the Government. I want to inform my colleagues that the lives of Kenyans are paramount. While doing his job, the Minister for internal security should take into consideration the lives and property of the majority. The minority are the criminals. They are the people who carry guns. They are the people who ignore the rule of law and the long arm of the law must catch up with them. I want to support the Minister in what he is trying to do.

If we do not arrest this insecurity situation, it will engulf the nation. I do not know about you, Mr. Temporary Deputy Speaker, Sir, but, definitely, unless the insecurity is curbed in Kwanza, I will not be a Member of this House. I will be thrown out as a Member of Parliament. I am not sure about the NARC Government. I suspect if I am thrown out, the NARC Government also will be thrown out. This is because in Kwanza and Trans Nzoia in general, the people there voted for this Government "man to man"; as Prof. Oniang'o would like me to say, they voted to "woman to woman". Therefore, we voted for this Government 100 per cent. One of the reasons is that we had experienced a lot of insecurity and, therefore, people were saying let us vote in NARC and they hoped it would do better than the KANU Government. This has not been realised. If we had an election today, NARC, as a coalition would lose in Kwanza. The people would probably be voting for another coalition.

While on the issue of coalitions, I want to say that this is a coalition Government. It is a coalition of 14 parties. But I noticed from yesterday that, indeed, we are a coalition of 16 parties because KANU and FORD(P) has actually joined the NARC coalition. We have Cabinet Ministers from the other side who have joined us. I would not like to look at it as a Government of national unity, but instead as a coalition Government.

Dr. Galgalo: On a point of order, Mr. Temporary Deputy Speaker, Sir. With due respect to my elder brother here, is he in order to insinuate that KANU is part of the NARC coalition, when what actually happened was the "poaching" of a few of our Members by NARC?

The Assistant Minister for Livestock and Fisheries Development (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, first of all, I want to tell the hon. Member that I am not his elder brother but actually his "father".

The Members who have joined the Government are very eminent politicians in this country. They came from KANU and I think they knew what they were doing. So, definitely, this is a coalition Government. I want to urge Members to accept the culture of coalitions.

Mr. Temporary Deputy Speaker, Sir, I have enough funds from donors. I would like to organise a seminar for all Members of Parliament and political leaders so that we can go and teach them the principles of coalition. Coalition has come to Kenya and it will stay, and we may never go back to the culture of one ruling party.

However, let me go back to the issue of insecurity. I am pleading with my colleagues here and with the Government that in Kwanza, I have a big problem. I would like you Members of Parliament to assist me. In the last five months, I have lost 30 people through gun shots. This Government must come to my aid because the lives of people in Kwanza and Kenya in general are being threatened by the insecurity.

Mr. Temporary Deputy Speaker, Sir, I know that you come from my part of the country. I am asking you to convene a meeting between yourself, Mr. Serut, Mr. Moroto, Capt. Nakitare and myself. Let us meet together as leaders from that area. If the Government is unable to solve the problem of insecurity, let us join hands and solve the problem that is afflicting my people and your people.

The Temporary Deputy Speaker (Mr. Poghio): Order, Dr. Wekesa! You address the Chair as the Chair. Do not drag the Chair into your Kwanza problems!

The Assistant Minister for Livestock and Fisheries Development (Dr. Wekesa): Thank you, Mr. Temporary Deputy Speaker, Sir, for that information. It is very crucial that the Government assists our people.

With those remarks, I beg to support.

Mr. Ngoyoni: Thank you, Mr. Temporary Deputy Speaker, Sir for giving me the opportunity to join my colleagues in supporting the Motion. The President touched on so many issues including the economy of the country and the constitutional review process. But, shockingly, the President did not say a word about the widespread insecurity in our country today.

Mr. Temporary Deputy Speaker, Sir, like my colleagues have said, I think the President may not be getting the necessary briefs to update him on what is exactly happening in several parts of this country. In my constituency, since December to date, there has been consistent and persistent killings of people by militia from a neighbouring community. But in as far as the Government is concerned, it is like nothing is happening on the ground. The Government is not aware. The Government arm that is supposed to be implementing the rule of law is abdicating that responsibility to the citizens. It is like we have been left on our own to defend ourselves from banditry.

The other day, three fishermen were killed and one bandit was injured. As usual, the Government brushed aside that incident and said that "only" one person was killed. Human life, whether one or hundreds, is valuable. I think it is extremely wrong for the Government to just brush it aside and say it is "only" one person who died. Kenyans are paying a lot of money to finance Parliamentary Committees to investigate deaths of our former colleagues, Dr. Ouko and Mr. Ndilinge, and even British tourist Julie Ward. I cannot comprehend what importance the life of Dr. Ouko has over that of three fishermen. I think we are missing the point. Yesterday, there was contradicting information between me and some other source. The bashing we are getting is that figures are conflicting. We should not be talking about figures but instead, the rampant insecurity in the country.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I know you come from a remote countryside as I do. What is happening is that those people who are supposed to be enforcing the law do not pass information to the headquarters because when anyone tries to expose such things, they feel that he has committed a crime. The days of instilling fear and silence in us is long gone and we shall fight and voice the problems that afflict our people. It is a little bit serious because four locations in my area have been deserted and yet, the Kenya Government is not aware. Those are some of the things that need to come out. The other day, we got worried when we watched the Mai Mahiu incident on television. It was like the Government had gone into war with its citizens. I have never seen a situation where a helicopter mounted with guns has been used against harmless citizens. This Government should be worried about its own image.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about the declaration of wealth. I support the President on that. It was an oversight. We should have declared our wealth publicly. That is very important. I agree with the President that we must know who owns what. The war against corruption, if we have to do it through the declaration of wealth, must be extended to all Kenyans. It is now being assumed that those who are corrupt are politicians, civil servants and a few selected Kenyans. We should spread the net wider such that, even the private sector, businessmen and all Kenyans declare their wealth. That is the only way we can fight corruption in this country. We should not assume that others are angels and others are devils. That should not be used as a benchmark to measure corruption in this country. I believe that every Kenyan, be it a politician, a public servant or a private employee, should declare his or her wealth.

The other saddening thing is that this Parliament has passed several Bills, but they are all

coming back to be amended. I think that manifests the Attorney-General's ability to handle Government business. I think it is time this Government, which inherited a number of incompetent officers from the previous regime, goes back to the drawing board and assesses itself. If we have to bring every Bill back to this House for amendment, then there is something missing.

Mr. Temporary Deputy Speaker, Sir, regarding the Constitution, the President talked about having a personal interest in it. If you remember, during the Bomas of Kenya Conference, the President used the same words. He said that he was going to take personal interest. According to my understanding, he meant that he would be leading from the front. I think that rhetoric should end. We are used to that rhetoric and we are not going to accept it!

I want to urge the "Kitchen Cabinet"--- It has actually imprisoned the President in State House. He has become a prisoner in State House and he may not be aware of what exactly is happening. Let the President come out and start leading from the front.

The Assistant Minister for Trade and Industry (Mr. Syongo): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghiso): Order! There is a point of order. What is your point of order?

The Assistant Minister for Trade and Industry (Mr. Syongo): Mr. Temporary Deputy Speaker, Sir, did you hear the hon. Member make a very serious statement, that His Excellency the President is a prisoner in State House? Is he in order?

An hon. Member: Yes!

Mr. Ngoyoni: Mr. Temporary Deputy Speaker, Sir, I should continue because that is not an issue. It is quite irrelevant. The most contentious issue, according to the people on that side of the House, is the Executive. I normally wonder that, if we are propagating for an executive President---

Mr. Temporary Deputy Speaker, Sir, we have one very clear example in the name of our President now. Since we already have a ceremonial President, why should we want an executive one? I do not know what we are fighting for because, in any case, the President said that we should be looking beyond today. That means we should not be talking about President Kibaki. We should talk about posterity and the future. So, it is time that the "Kitchen Cabinet" and the "mafia" understand that Kenya is not the present Executive. It is beyond the current Executive. Those are some of the things that we need to understand.

I also want to urge that side of the House to refrain from the culture of blaming each and everything on the previous regime. They are missing the point. Corruption is thriving in the current regime. But every time they open their mouths, they talk about the previous regime. What we are talking about is new corruption that has emerged and permeated the current regime.

Mr. Temporary Deputy Speaker, Sir, to conclude, let me talk about the Arid and Semi-Arid Lands (ASALs). The President talked about a marshal plan to revive the ASALs. Those areas have suffered from poor Government policies. The other day, they brought four 4WD vehicles.

With those few remarks, thank you, Mr. Temporary Deputy Speaker, Sir.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I would like to join other hon. Members in complimenting the President for giving a very forward-looking Speech. I would like to give special praise for his focus on the economy, the constitutional review process and regional co-operation. However, the Speech left a very serious issue begging; that is the issue of insecurity. That is something that surprised us. We were wondering, since the President lives in State House, is he living outside Kenya? We always think State House is in Kenya. If it is in Kenya, he should hear and see what is going on. We cannot just lament about insecurity. Time has come for us to make suggestions on what should be done, so that our country could be secure. I believe the first people to get in contact with the gangs that are raiding our homes at night are assistant chiefs and chiefs. I, therefore, suggest that the Government should urgently consider arming them, so that they could be equipped to counter them. It

is also important that members of the provincial administration, who have since become deadwood, be removed and replaced with people who are more prepared to give security to *wananchi*.

Mr. Temporary Deputy Speaker, Sir, the issue of corruption in the Police Force is also contributing to the insecurity in the country. Many police posts in the country have become *kangaroo* courts where arrested suspects are released after giving inducements. That must be stopped. Until we stop that, our country will not be secure. We have an idle group of police officers called the General Service Unit (GSU). Time has come for those officers to be deployed in every division in this country, so that we can have people with heavy fire-power to counter the criminals.

Mr. Temporary Deputy Speaker, Sir, it is important that we thank the President for having the wisdom of returning to this House the Public Officer Ethics Act for purposes of improving on it. I think the President should also find time to look at other defective Acts and bring them back to this House for amendments. I have in mind the Anti-Corruption and Economic Crimes Act. When that Act came into operation, the Kenya Anti-Corruption Authority (KACA) thought that it had been given a licence to promote witch-hunt and launch a smear campaign against certain officers in this country. We are seeing a situation whereby Justice Ringera is not capable of prosecuting Ministers who have been mentioned in scandals that go into billions of shillings. However, he has time to say that he wants to prosecute Members of Parliament for mileage claims. This is a very dangerous thing because that office was not created to whip Members of Parliament. It was created for purposes of addressing corruption from wherever it manifests itself.

It looks like some people want to convert the Law Society of Kenya into a dog that they are going to use, either to scare or bite people they suspect are involved in corruption. This is shameful. The Law Society of Kenya should be conscious of the fact that it has the most corrupt lawyers in this country and, therefore, before they consider prosecuting politicians or anybody else, they should first of all clean their house. I am saying this because there was a pathetic footage on television of a group of lawyers saying that they want to take the Attorney-General to court.

While we do not want to defend any public officer who might be corrupt, the Law Society of Kenya should come out clean. I suspect that all they want is to remove the Attorney-General from office, so that one of their own can become the Attorney-General. The law is very clear. Section 109 of the Constitution states how an Attorney-General should be removed from office. So, if some people in this country are interested in the position of the Attorney-General, then they should use that section to remove him from office and should not hide behind some "dog-eared" charges that they cannot prove.

Mr. Temporary Deputy Speaker, Sir, it is important that all of us should stand and speak against this, because the Law Society of Kenya is also targeting the Vice-President. I do not wish to defend the Vice-President if he is corrupt, which I do not know. If the Vice-President is going to be prosecuted, then all the Ministers who have also been mentioned should also be prosecuted, without prosecuting them selectively. This is very important, otherwise, some of us will retreat to cocoons to defend people on reasons other than authenticity.

I would like to mention something about the economy of this country. The President said that the Gross Domestic Product (GDP) had gone up by 2.4 per cent. This is commendable as is the increase in the revenue realised from tax collections. However, to the ordinary Kenyan, this counts for nothing unless the increment is translated into services that are rendered to the people. As you know, the Constituency Development Fund (CDF) seems to have started having an impact in this country and to me, this is the best thing that ever happened in this country. I, therefore, suggest that since the President has said that the tax revenue has increased, the allotment to the CDF should not be 2.5 per cent, but should be moved upwards to 10 per cent. This is the only way money reaches the people. If the CDF is successful, have we bothered to ask what happens to the Local Authorities Transfer Fund (LATF)? If the LATF funds during the current financial year will not be accounted for, then all the

money that was being channelled through it, should instead be channelled through the CDF. We are yet to see what LATF is doing.

Mr. Temporary Deputy Speaker, Sir, my last point is on the issue of conservation. I want to support the Government that we should preserve our forests. However, it is disheartening that when the Government is moving in this direction to make sure that illegal settlements are removed from our forests, some of our politicians are frustrating those efforts. It was very annoying to see an hon. Member who wishes to head this country some day, telling squatters in Timau Forest that they should not move out. He was speaking in a language that was half-way between Kiswahili and another ethnic language, I am not too sure what he was saying. I want to inform him that squatters do not exist only in Central Province. Also, the people of Western Province do not have land, but we do not storm forests. We respect forests. If the rule is that we must speak in vernacular for the Government to allow our people to settle in forests, we know our vernacular and we are also going to do the same, but we will not settle people in Kakamega Forest because it is very important to us. We will also go to Timau Forest where they are forcing their people to settle.

With those few remarks, I beg to support.

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, let me first of all compliment the President for giving an insightful Speech and giving us the way forward in terms of pending bills, the constitutional review process and the economy of this country.

Mr. Temporary Deputy Speaker, Sir, we are heading towards half-way the life of the Ninth Parliament and already, we are seeing the impact of failure to honour the Memorandum of Understanding (MOU) by the NARC Coalition. One would like to believe that even before the third year is over, the coalition parties will sit down, go back to the drawing board and discuss how the coalition is run and the rest of the Kenyans can learn from them. We are aware that the Kenyan form of coalition and the reason why we are having so much bickering amongst the hon. Members is not a coalition as it is perceived and practised elsewhere, in such countries like Italy and India. One would like to hope that this can be done.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about investments. The President touched on the economy of this country. The fact that the GDP is growing at 2 per cent, this is nothing compared to Uganda and Tanzania. These are our neighbouring countries who cannot match Kenya in terms of industrialisation. Their GDPs are growing at 6 and 7 per cent. This is not anything to write home about.

I believe our economy is not growing fast because of insecurity, which every hon. Member has touched on. When you have insecurity and Kenyans are being gunned down and raided in their houses, both in urban and rural areas, investments cannot come in whether locally or from outside. The issue of security needs to be taken on very seriously. Since Mr. Michuki is now the Minister for Internal Security, who was able to bring some order in the *Matatu* sector, we are hoping that he will reasonably do something about insecurity in this country, otherwise, the economy will not grow.

Mr. Temporary Deputy Speaker, Sir, I also want to touch on the hope the President had that we can now begin to act. We are aware of the President's style of leadership, where he entrusts everything to his Ministers. I would like to believe that he gauges the performance of his Ministers. We know that there are Ministers who are performing well. All Kenyans know them. We also know that there are some Ministers who are doing Kenyans a disservice. They have been mentioned in corrupt practices and must step aside for investigations to be carried out, if they truly care about this country and, the President who appointed them, and if they are patriotic enough.

It is not true that corruption exists only in Kenya. We know about the United States of America (USA) and corporate corruption. It is rampant and is into billions of dollars. But the difference is that they take action and there is what we call public shame. I have not seen any Minister step aside and say: "Look, I am innocent though I have been mentioned. You investigate me. When I

come back and I have been proven innocent, I can actually be compensated." That happened with our Judge, Justice Waki, who had been adversely removed from office by none other than Justice Ringera who is now heading the Kenya Anti Corruption Commission (KACC). Justice Ringera appears on television talking about these monies they keep on following from bank to bank. How can any Kenyan know that, truly, they have identified any money stashed somewhere? They are following it and it will come back. Truly, if that money exists overseas and they prove to us that they have brought it back, it will be able to turn around this economy. But as of now, that is just a game and taking Kenyans for a ride.

So, I would like to urge the President, since he trusts his Ministers, to make sure that each of them actually performs and that we have a performance indicator, which can ensure that Kenyans get the services they actually deserve rather than branding the whole Cabinet as corrupt and leaving all this to guesswork. Really, the buck lies at the President's feet and the responsibility of taking action right now also lies at his doorstep. So, I want to urge him, as a President of all of us Kenyans, to take action.

*[The Temporary Deputy Speaker
(Mr. Poghisio) left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, we would like to see major reforms in the financial sector. We would like to see the Budget come before this House for us to make amendments and major changes. As of now, that is not the case. We would also like to see Kenyans who have a lot of wealth and resources being given tax rebates, so that they contribute more to charity. As we all know, there are some Kenyans here who have acquired a lot of wealth. So, we would like to see major reforms. It cannot be things are usual. So, I would like the President actually to provide leadership in this area.

Mr. Temporary Deputy Speaker, Sir, I cannot sit down before I talk about unemployment. The NARC Government promised Kenyans 500,000 jobs per year. However, it has stopped talking about it. We are aware it is a pledge the Government cannot meet. We want to see what the Government is doing about its pledges. In every quarter, they should come up and tell us: "This is what we have achieved on this pledge." The only pledge they are addressing now is the free primary education programme, which we know is not successful. It is being lauded everywhere, but it is causing a lot of ripples and leading to inequality and bad quality education in this country. So, we want to see the NARC Government take responsibility and be accountable to the people of Kenya who voted it in overwhelmingly. They should say what they are doing about the youth and unemployment. They should also say what they are doing about women and the promises they made.

I have just come back from a Commission on the Status of Women Meeting in New York. We, as Kenyans, were so embarrassed and ashamed, especially that the 1985 Women's Conference took place in this country, and to see our neighbours namely; Uganda, Tanzania and Rwanda, being praised globally for their achievements in giving space to women. We, in Kenya, have encouraged our daughters to go to school; telling them that the sky is their limit. However, they get the education and then they are relegated to the bottom and not given space. Again, I would like the President to take leadership in this area.

Mr. Temporary Deputy Speaker, Sir, more than 60 per cent of Kenyans live below the poverty line and that is continuing to be a problem. The prices of consumer goods are going up. Kenyans are complaining that, we, as leaders, are thinking only about ourselves and never even talking about the

increase in consumer prices. Most Kenyans cannot even afford secondary school fees for their children. We have allowed them free primary education. As a result many children; approximately seven million, are in primary schools. When we come to secondary school level, we still have about three million who are unable to join secondary schools and, yet we call ourselves a developing and reforming nation. No! It cannot be things as usual. We would like to see to it that, even as we do things differently here as Parliament, even the President himself will lead us differently.

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

The Assistant Minister for Finance (Mr. Obwocha): Thank you, Mr. Temporary Deputy Speaker, Sir. I would also like to join my colleagues in expressing our gratitude to His Excellency the President's Speech.

Mr. Temporary Deputy Speaker, Sir, I get surprised sometimes when I hear what some of our colleagues say. What is happening in Kenya is that there is a part that is supposed to be addressed. The economy is not being addressed. All we are hearing is the noise. Through our Ministry, the recent statistics that were released in December by the Central Bank of Kenya tally very well with what the President highlighted in his Speech. The Growth rate is at 2.4 per cent and it is projected to be 3 per cent this year. Now, one Member says that Kenya is not matching Tanzania or Uganda, but when this Government took over, it was negative. This is a plus for Kenyans that we are on the road to recovery. The inflation rate is currently at 9 per cent. In fact, according to the statistics, in December 2004, it was 10.98 per cent. This is very well in terms of the road to recovery. The money supply had increased by 8.3 per cent. Our balance of payments; that is the balance between exports and imports, was in surplus by about US\$13 million. The exchange rate, as we all know, has strengthened from month to month. The exchange rate was at Kshs78 to the US dollar at the beginning of the year. Right now, we are at Kshs73.5 against the US dollar. Therefore, we should now address ourselves to this question: Where are we going? This is the most important factor.

Mr. Temporary Deputy Speaker, Sir, we are talking about corruption. Do you ever watch television? Some of the fellows who have grabbed land, and the Procession Road from State House to the Serena Hotel are the same people lecturing Kenyans on who is corrupt and who is not. Whether it is new or old corruption, corruption is just corruption. Justice Ringera should get these fellows to court. I really get surprised because whether they are old or new thieves, they are all thieves.

Mr. Temporary Deputy Speaker, Sir, before I talk about the constitutional review process, I want to remind Kenyans, including the FM stations, I hope all the years they have come over to establishing even the FM stations, they know what happened in Rwanda. The FM stations in Rwanda used to do exactly what those in Kenya have started doing with the democracy. They were asking: "Look, how can we have very few Tutsis ruling us?" This thing climbed up until the Hutus who were extreme got hold of the few Tutsis and moderate Hutus and slaughtered them. The FM stations should be very careful of what they are doing now. I hope they know what they are doing.

I want to talk about the constitutional review process. I do not know whether you heard one of the Members who was talking from the Opposition side. He said: "You know, this is the Bomas Draft. You put yours here and we see which is better." As a leader, is that what one is supposed to do? Leaders looked at the document and said: "Look, this thing, at this moment of time in Kenya, cannot work." Members of the public are complaining about our salaries and allowances. Can this country, for example, afford the current Parliament, plus another 90 Members of Parliament, the women, disabled, plus a senate; approximately 500 Members of Parliament? That is what we should be debating. Is that particular clause viable for Kenya now? Then, somebody lectures us that we and him should put our documents here and see which one is better. I do not think that is leadership.

Leadership is to take the challenge, get the document and say: "Look! These are the provisions of what the people have said! Are these practicable? Can they work in this country? Will they help this nation?"

Mr. Temporary Deputy Speaker, Sir, I believe many Members of this Parliament are very bright people. They will look at this document and see what is good for this country at this time of the hour.

(Applause)

Mr. Temporary Deputy Speaker, Sir, in the tea industry, we changed the Kenya Tea Development Act. I want to say that it was very unfortunate that we removed the checks and balances from the Act. I do not know or imagine of a factory that is owned by farmers. There are certain farmers who are ganging up to expel other farmers. We should have certain checks and balances by the Government. We must say: "This is the economy of this nation! This must not happen! This must happen."

Mr. Temporary Deputy Speaker, Sir, I want to finish by saying that one of the greatest things that has happened in this country is the creation of the Constituency Development Fund (CDF). Why am I saying that? Over the years, there has been a Development Vote in this country. It has been approximately Kshs50 billion per year. How many hon. Members of Parliament can tell me categorically what that Kshs50 billion has done in their constituencies? How many can say it has done A, B, C or D?

Mr. Temporary Deputy Speaker, Sir, this is the time that some development will be seen in every constituency all over the country. All I have to say is: "Strengthen our audit systems and mechanisms of accountability for that money, then double the allocations of the CDF to the constituencies!"

(Applause)

Mr. Temporary Deputy Speaker, Sir, that is the direction in which this country should be moving. That is the only way the money can be utilised on the ground. That way, hon. Members will not be accused of taking part of that money. It will be used to reduce poverty among our people. I believe that is the route we should take as a country. There is no hon. Member in this House who can tell me categorically what development projects have been realised from the money allocated through the Development Vote. Good governance is a prerequisite to moving ahead.

Mr. Temporary Deputy Speaker, Sir, what the President presented here, particularly the Bills that we are going to debate--- On the Privatisation and Procurement Bills, I hope hon. Members will be focused on what Kenya wants. For example, we are being told about procurement opening up because of Singapore issues. You know those issues are trade facilitation and the rest. They want us to open up. But how would this country move ahead economically if you want firms in the United States of America (USA) and the United Kingdom (UK) to compete with small micro-enterprises firms here? It behoves this country to protect small industries, so that they can grow. That is where our strength lies. So, I hope when the Bills come here, we will address those issues. For example, in the Procurement Bill, we would like to develop our *Jua Kali* sector. That sector cannot compete effectively with multinationals.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to talk about corruption. It cannot be handled by an individual. It should be handled by everybody. I do not think what is in the Press currently, that such and such a Minister has so much money in accounts abroad, can help the fight against corruption. What can help this country is to say precisely: "So-and-so has this money in this place", then the Kenya Anti-Corruption Commission (KACC) will get that individual. That way, we can fight corruption. We cannot have Transparency International (TI) just saying: "Oh! So-and-so---" We cannot fight corruption through rumours! Currently, as you know, corruption is fighting back. So,

it is a difficult thing.

With those few remarks, I beg to support the President's Speech.

Dr. Rutto: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the chance to contribute to this Motion. First of all, I would like to say that the President's Speech covered quite a number of things and issues. As the Leader of the Official Opposition said, it was an eloquent speech. I would like to support the Leader of the Official Opposition and say that, we have heard and listened to such speeches before, but we have witnessed less action.

Mr. Temporary Deputy Speaker, Sir, I would like to begin my contribution by talking about the constitutional review process. I note that, in the President's Speech, he tried to shift or transfer the responsibility of constitutional review to Parliament. I would like to make a few observations with regard to that. First, the shifting of responsibility is intended to shift the blame of failure to Parliament. That is the intention.

My observation is that if the President intended to do that, then he has failed because he does not recognise the fact that he also is a Member of Parliament for Othaya Constituency. So, if, in the long run, the constitutional review process does not take place, he will still be blamed as a Member of Parliament.

Mr. Temporary Deputy Speaker, Sir, I would also like to make an observation that shifting responsibility does not help us in the constitutional review process. It is a way of delaying it. In fact, it is a symptom of delay.

Secondly, we seem to be seeing a shift in emphasis. When the other side of the House was in the Opposition, they were singing about a people-driven Constitution on a daily basis. Now, there is a change of heart. That confirms my observations that those are the symptoms of delaying the constitutional review process. They are pushing it to Parliament. They have changed it from a people-driven Constitution to a Parliament-driven Constitution. It is a tactic to delay the constitutional review process. When the President shifts that responsibility, that is a delaying tactic.

Thirdly, the Government side is not serious about the constitutional review process. Now, the Government side has tried to punch holes into it. In fact, one of the hon. Members spoke about, or tried to introduce a debate here about the structure of the Executive punching holes on the existence of Parliament. Now, what the Government side has done continuously ever since we debated that document in Bomas is to punch holes on that document and create the need for consensus. This is a trick and a ploy to delay the constitutional review process. Therefore, when the President keeps on singing at every State Opening of Parliament that the constitutional review process continues, I want to observe that it is not true. The hon. Members on the Government side are not serious. They had better tell us something else.

Mr. Temporary Deputy Speaker, Sir, fourthly, there has been unwillingness on the part of the Attorney-General to advise the Government accordingly. In fact, if my memory serves me right, the Attorney-General did not receive the Bomas document as the Attorney-General when we were in Bomas. He received it as a delegate. He was economical with the truth. He lied to the delegates at Bomas. He pretended to have received it as the Attorney-General when, in actual fact, he received it as a delegate. In my own judgement, the Government side, the Attorney-General in particular, has never received that document. So, when we talk about the constitutional review process being brought to Parliament it is not true; it is not the case. The Government side is delaying.

Mr. Temporary Deputy Speaker, Sir, fifthly, the Government, and the President in particular, failed to give us a clear time frame and timetable regarding the constitutional review process. If the President was serious, he should have given us as a House a clear time frame regarding the constitutional review process. Therefore, the President should not pretend and keep singing to the nation that the constitutional review process is going on. It is not going on and, in my judgement, it is not going to go on unless he himself takes the lead rather than passing the buck. In the long run, the

people of this nation will not still look at Parliament alone. They will also look at the role of the President of the Republic of Kenya in stimulating the constitutional review process. I am sorry to say that so far, the President has not done anything in that respect.

Mr. Temporary Deputy Speaker, Sir, my friend and hon. Member, the Minister for Finance, spoke about an improved economy. It is true we might accept that improvement of 2.4 per cent, but Kenyans expect much more from the NARC Government. This was a promise that they gave to Kenyans. Now, the improvement of 2.4 per cent has not registered positive and clear effects in the way Kenyans live in terms of the economy. Salaries in both the private and public sectors are still very low. That means that the purchasing power of Kenyans is still very low. We are now going to the third year of the rule of the NARC party. Now, we need to see something registered in those terms. Poverty is still escalating. You go to the rural areas and people are not able to meet basic needs, even getting food. Getting food has become a problem because of the poor economy.

The third issue which reflects badly on the economy is insecurity. Insecurity has gone up and many hon. Members have alluded to the fact that insecurity is becoming a problem. This is a reflection of an economy that is still poor. So, let us not cheat ourselves that the economy has improved. It has not because it has not registered its effects on those circumstances. The problem of unemployment is still very high. That is a reflection of an economy that is not able to support employment.

Now, why this slow pace? My observation is as follows: Those who are running the NARC Government have not settled to direct their energies into the improvement of the economy. They still fight among themselves. They should settle down and direct their energies to the improvement of the economy rather than fighting. The wrangling in Government still continues. Now, the President made an observation that agriculture has improved. My observation is that it has not improved. There should be proper incentives for farmers put in place. For instance, the inputs are still very high compared to the outputs, such that farmers still spend a lot of money on inputs. For instance, the cost of fertiliser has gone up. Now, we cannot be told that the agricultural sector has improved when the cost of inputs is still very high.

Thank you, Mr. Temporary Deputy Speaker, Sir. I support the Motion.

Mr. Muriungi: Thank you, Mr. Temporary Deputy Speaker, Sir. May I take this opportunity to join my colleagues in congratulating His Excellency the President for a comprehensive, focused and eloquent Speech. It was a very inspiring Speech from a leader who does not boast or blow his own trumpet.

I think it is our responsibility as a House that has been completely empowered to join hands to help highlight the achievements that this Government has made in the last two years. I know many have actually teamed up to paint a picture of failure, which is not the case. I know previously the national resources were used as a weapon against some areas which did not support the system, but here is a President who is leading a country without discrimination, and for that reason, I commend his Speech highly.

Mr. Temporary Deputy Speaker, Sir, on corruption, although the vice is still rampant in the country, we should note that corruption has reduced quite a great deal. All that one has to do is to go to the corridors of those offices of Ministries like the Ministry of Lands and Housing offices, Ministry of Roads and Public Works where people are chasing claims for others, and many other Ministry offices where there were brokers and see for himself. These days you will not find them in those corridors. That is a fact that we should acknowledge and commend the Government for it. Of course, the corrupt people are still there.

Those from the previous system are very anxious to get companions so that when they are brought to the courts, they are not alone. So, they would want to show that the country is only dealing with corruption and nothing else. We should actually be honest and speak the truth that corruption has been reduced considerably.

Mr. Temporary Deputy Speaker, Sir, I would like to urge the Head of State and all the institutions that are dealing with corruption to act very fast, even on the perceived corruption that I have talked of.

As we wait for Mr. Ringera and his team to take action by taking the corrupt people to court, the President could as well go ahead and use his political power to remove those in Government who have been mentioned in corrupt practices so that as we wait for the courts to take their action, the political action will already have been taken. I still maintain that corruption is more of a perceived aspect in this country than it is real, but we should still continue fighting it.

With regard to the state of our economy, there has been a marked improvement and those who are complaining most bitterly are the urban elite who benefit a lot from their briefcase deals. They no longer can benefit from the same deals and, therefore, they cry very loudly because money has gone back to the rural areas. The largest portion out of the Kshs40 million to Kshs70 million given to every constituency is used up in the rural areas and the beneficiaries are the rural community. Therefore, as we use the Constituency Development Fund (CDF) and other monies that have been transferred from the cities to the countryside, we should view that as a positive sign from the Government.

Mr. Temporary Deputy Speaker, Sir, with regard to agriculture, I think, a lot more needs to be done. The uncertain weather conditions of this country do not guarantee food security. For that reason, if the Government does not do something about provision of food by way of enhancing extension services in agriculture and the livestock sector, famine will continue haunting this country for many years to come. It is actually a challenge the President ought to have addressed. Fertilisers and other agricultural inputs are not a luxury and, therefore, their prices should be addressed. The rural farmer cannot produce enough food to feed his family, and yet that is the most important requirement for our citizens.

With regard to land adjudication, I would like to commend the President for pointing out that Meru North District is one of the districts that has suffered greatly through the system of land adjudication. For 40 years, work has been done, but has not yet been concluded and as a result, farmers have been reduced to squatters in their own pieces of land. Poor farmers have continued to lose fertile land to richer people. They have been pushed to the marginal areas. This system should be expedited so that everybody has a title deed. Without a title deed one cannot claim a piece of land to be his.

Mr. Temporary Deputy Speaker, Sir, there is also the issue of land policy which the President talked about. As the Government addresses the new land policy, it should also fix a ceiling on the amount of land that a person can own in the country. There is too much land in the hands of a few people and yet we have a lot of squatters in this country. I hope that issue will be addressed because land should be distributed equitably among all Kenyans.

*[The Temporary Deputy Speaker
(Mr. Muturi) left the Chair]*

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

On health issues, there is a lot of work to be done in the health sector. Although the Government has tried to reduce the cost of drugs, we still find a lot of uncertified herbalists and quacks, especially in the countryside. People need medical services, but they cannot access them. The Government should address the issue of health very fast because many Kenyans continue to die due to lack of access to proper health services.

It is true that the Government has set aside a lot of money, especially for the free primary

school education and bursary for secondary schools. However, there is still a major problem. There are no sufficient teachers, and school inspectors and education officers who are supposed to ensure that better quality of education is attained are not there because of the poor scheme of service. The Government should improve the terms and conditions of employment for school inspectors and education officers so that money set aside for free primary education is used properly. Right now, the standards are very poor and there are very few education officers to monitor the standards in our primary schools. This has also been reflected in the scandals that were seen last year. There was a lot of cheating in the Kenya Certificate of Secondary School Education (KCSE). That is a reflection of lack of adequate manpower and mismanagement in the education sector.

Mr. Temporary Deputy Speaker, Sir, lastly, with regard to environmental conservation, there is increased soil erosion in this country and we are losing all the good soil to the ocean. Roads have been washed away because there is no active conservation policy. The Ministries concerned should ensure that our soil is protected. During the colonial days, I think, we were better off with regard to the conservation of our soil.

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

Dr. Galgalo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. Like many of my colleagues have pointed out, the President failed to address several very important issues. You will realise that arid land and the general welfare of the people living in marginalised areas of this country are matters that never featured anywhere in the President's Speech.

Mr. Temporary Deputy Speaker, Sir, recently, the President travelled to Northern Kenya where he said that he was going to launch a KShs10 billion recovery programme for Northern Kenya. That was a hoax. There was nothing like that. All that the Ministry of Planning and National Development did was to extract information from the forwarded budgets of all the Ministries and combined them to reflect a three-year budget. It then said that there was a special development programme for Northern Kenya. That was a hoax. It was not right for the Government to cheat our people.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Dr. Galgalo!

Dr. Galgalo: Mr. Temporary Deputy Speaker, Sir, I withdraw the word "cheat".

It is not proper for the Government to mislead its people in believing that it is doing something for them when, actually, there is nothing it is doing. The testimony to that hoax is the lack of reference to Northern Kenya by the President in his Speech.

The President also failed to talk about the famine that is ravaging poor people in this country. There are several people who are going without food. Thousands of people in my constituency do not have food and that does not seem to bother His Excellency the President.

Mr. Temporary Deputy Speaker, Sir, it does not bother the President to talk about insecurity as many of my colleagues have said. Northern Kenya is one of the most insecure places in this country. Sometimes, bandits and even Government security forces are killing people; neighbouring countries attacking villages and killing security officers and local people. It does not bother the President. I do not know, who advises him on some of these issues? Why do they not tell him the right things? Why do they not prepare a speech for him which will focus on the major issues that affect the various groups of our country?

The President talked about an economic growth of 2.5 per cent. All right; maybe, they have it on paper, but where is the benefit to the local people? We do not see it! So, 2.5 per cent, then 3 per cent, then 5 per cent, and nothing is translated into benefits for the communities. Then you wonder; where is this money going?

The Minister for Water and Irrigation (Ms. Karua): (Inaudible)

Dr. Galgalo: Mr. Temporary Deputy Speaker, Sir, please, protect me from the hon. Minister across.

The President, in his own words, also talked about: "Leaders dwelling on divisive and non-productive politics". I think he is the author of that, because he failed to honour an MOU with his colleagues, so they started shouting. All the bickering that you hear is in his Cabinet! I think these are some of the issues that he should discuss in his Cabinet, but not address it to us here in the National Assembly, because that is clearly and squarely his responsibility.

The President has promised to bring back several Bills to this House; the Public Procurement and Disposal Bill, 2005, the Banking (Amendment) Bill, 2004, the Privatization Bill, the Wildlife Conservation and Management (Amendment) Bill, the Forest Bill--- Now, if all these Bills are going to come back and many of them are already law, it means that, initially, they were not prepared very well. That is why they are coming back! We want to urge the Government to bring here, Bills which have been well prepared, and where people have had the opportunity to chip in, so that what comes here is ripe and when it passes into law, then we do not waste our time to keep on revising Bills which we have already passed. This is a failure on the part of the Government.

More importantly, the President failed to mention the fate of some of the Bills which were published last year, and they were critical Bills! For example, the HIV/AIDs Control Bill. What is going to be its fate? That Bill was published twice but it had never been tabled here. There was no mention of the Tobacco Control Bill, which was published last year, and now, it appears as if it is going to the dustbin. These are the Bills that we need, and if they do not bring them, we shall take the initiative and some of us will bring those Bills because they are critical.

Mr. Temporary Deputy Speaker, Sir, regarding the so-called "Keter Bill" also, I want to urge fellow hon. Members not to politicize some of these things. I think the idea behind that Bill is to give Parliament independence from the Executive. That is the main thrust of what we had wanted. If some of us, and maybe that is the spirit of the Mover, want to bring in a vote of no confidence, which is the cause of the problems that we are hearing of, then I think Parliament should also be prepared. If we want to send the Executive home, we should also be prepared to go home and pay the price all of us. It is not right for us to say that we shall send the President home and then we continue being here. If the situation is so bad that the President has to go, then we should all go and seek a fresh mandate. I think if we agree on that, then there will not be a big problem.

Mr. Temporary Deputy Speaker, Sir, political parties---

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to declare that if the President makes a mistake, we should all be punished for his mistakes?

Dr. Galgalo: Mr. Temporary Deputy Speaker, Sir, this President does not make mistakes, so I will not dwell on it.

The President has promised to send the National Social Health Insurance Fund Bill back to us; why? Because he wants it to be implemented in phases. That is already in the Bill. Clause 1 says: "Various sections of this Bill will become operational at dates to be determined by the Minister". So, they already have it. So, why is he talking about phases? Action on phasing the Bill is on the part of the Minister, who is appointed by the President. So, it is not honest for the President to say that he is bringing it back to us because he wants it to be implemented in phases. That is an issue of implementation and it is already there. It is dishonest and he should not bring it back to us; they should just start implementing that Bill. I think the whole thing is because they do not want to contribute for the poor people of this country, as the Bill calls on the Government to do so. It is the responsibility of the Government to provide quality, affordable and accessible health care to all its citizens. The Government cannot run away from it. We want to assure the Government that if they are not going to implement that Bill, then when we take over in 2007, Kenyans will have free medical health care according to that programme.

The President also addressed the issue of land. He talked about forest conservation and the

Ndung'u Report; I am sure you have seen the report, some names have been removed from it. Some names which Mr. Ndung'u had put there as the people who had grabbed land have been purged from the report. Who are these people? When the Minister for Lands and Housing comes here, he should tell Kenyans why he removed some people's names from that report, and who are those people?

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order!

The Assistant Minister for Finance (Mr. Katuku): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Katuku. What is your point or order?

The Assistant Minister for Finance (Mr. Katuku): Mr. Temporary Deputy Speaker, Sir, is the hon. Member in order to impute improper motive on hon. Kimunya, by saying that he removed some names from the report? If he has any facts, would it not be in order for him to table the names which were removed, so that we can see the substance of what he is claiming?

The Temporary Deputy Speaker (Mr. Khamasi): Order, Dr. Galgallo! Order! Yes, you have got a duty to do that. You have said it and it is up to you to substantiate your claims.

Dr. Galgallo: Mr. Temporary Deputy Speaker, Sir, I will come here with a copy of that report and table it, and hon. Katuku will be ashamed because he will see that some names have been blacked out one after another. So, I will table the report and there is no big deal about that. I will come with a copy of the report.

Mr. Temporary Deputy Speaker, Sir, the President talked about---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Dr. Galgallo! You know that we do not do business like that here. Once you stand up and make a statement here, it is up to you to substantiate it on this Floor. You cannot say that you will bring it later. The alternative is for you to withdraw!

Dr. Galgallo: Mr. Temporary Deputy Speaker, Sir, I know that, that is a public document and that there are some names which have been erased from it. Now, what do I withdraw? If the Chair wants me to table the report, then you will give me an opportunity to come and table it and you---

The Temporary Deputy Speaker (Mr. Khamasi): Order! I think we will not leave that matter at that. Dr. Galgallo, you know the rules. You are saying that the report is there and it is not complete as some names have been expunged. You have been challenged to say which names have been removed.

Dr. Galgallo: How do I say which names have been removed and I have not seen the names which were there originally? All I know is that the---

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order! Order, all of you!

Dr. Galgallo, you cannot get away from it and you cannot get away with it! You have got two alternatives; you either tell this House the names which were expunged, and if you do not have those details, you withdraw!

Dr. Galgallo: For the time being, so that I do not face the wrath of the Chair, I withdraw my remarks, but I will come with that report and table it here.

The Temporary Deputy Speaker (Mr. Khamasi): Proceed, Mr. Soita Shitanda!

The Assistant Minister, Office of the President (Mr. Shitanda): Thank you, Mr. Temporary Deputy Speaker, Sir. May I also join my colleagues in hailing the Address by His Excellency the President which touched on more or less the concerns of our country.

I would like to start my contribution by talking about security in this country. Security in this

country has gone out of hand. We have several attributes to the situation but foremost of them all, I believe that the Government should address the issue of indiscipline in our forces. Most members of our forces are very undisciplined and the disciplinary measures deployed to correct wayward officers contribute immensely to the security situation in this country. For instance, an average of 2,000 and 3,000 officers are trained annually in the police force, while between 500 and 1,000 policemen are dismissed annually. Some of those officers are dismissed on very flimsy grounds, while others are being framed up and dismissed. It beats logic why the Government should spend a lot of money to train police officers only to release them into the world of crime.

In most cases, 90 to 98 per cent of the policemen who are dismissed from the force commit criminal acts in this country. What do you expect when you train somebody on how to handle a gun and then release him to the world of crime? How do you expect to control crime when most of the criminals are police officers who were trained at Kiganjo Police Training College?

A system must be devised to deal with discipline in the forces. Dismissing the errant officers is not enough. What is happening now is that when the Government dismisses those officers, they become criminals. The Government should look for a way of mopping up the officers who are dismissed from the forces. Maybe, some of those officers should be sent on United Nations (UN) missions to carry out peacekeeping activities instead of letting them harass innocent Kenyans.

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

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

Another aspect which has contributed to insecurity in this country is the role of the Provincial Administration. Maybe, the Government should re-look into ways and means of bringing back the Chief's Act to this House so that the clauses which were removed when we repealed the Act can be reinstated to make the Chiefs powerful and deal with the security situation on the ground. I am saying this because all that the chiefs and their assistants do on a daily basis is to arbitrate on domestic matters. However, the colonial chiefs and those of our early years of Independence were powerful, maintained security and dealt with land cases.

Mr. Temporary Deputy Speaker, Sir, another worrying problem is the release of prisoners before they complete their sentences. This has contributed immensely to the security situation in this country. Last week, there was an incident in my constituency, where a marauding gang of about 30 people went round the whole night cutting people. The police arrested three suspects and found that they were among the people who were released from prison recently before they completed their terms. Instead of releasing these people back to the society, the Government should expand the prisons. We should build more prisons so that criminals live there and leave law abiding citizens to go about their business without any problem.

(Applause)

I would like to talk about promotion in the forces. If you look at the manner in which Senior Superintendent of Police, the late Chemorei, was executed last February, it tells you a lot about promotions in the police force. If, indeed, the late officer was a criminal and trained criminals, how did he manage to rise through the ranks to the level of a Senior Superintendent of Police? It leaves many questions unanswered. Why, for heaven's sake, would a senior police officer be executed that way? Unless those who executed him did so for other reasons. They could have been his accomplices

in crime. The circumstances under which that officer was killed are suspect and I agree with the people who are calling for an inquest into that incident. Mr. Temporary Deputy Speaker, Sir, His Excellency the President talked about agriculture. Instead of agriculture improving in this country, the way we claim all over, I believe that it is collapsing. Look at the sugar industry. We have been trying to revive the industry. At the moment, all the sugar factories in this country are talking about making money but the income to the farmers is dwindling and the cost of production is rising. How can we talk about an improving industry whose production costs are going up? We need to seriously re-look at the agricultural sector. We also need to look at ways and means of subsidizing the farmers against high cost of inputs.

We have heard a lot of talk about corruption in this country. For the last one year, we have been talking about the vice. A way has to be found on how to deal with this particular problem. We have heard Ministers being mentioned in corruption. We have also heard allegations being made against Ministers and senior Government officials without addressing the problem. Maybe, His Excellency the President needs to borrow a leaf from the late President Kenyatta who used to summon Ministers mentioned in corrupt deals to State House and cane them!

(Applause)

I urge the President to borrow a leaf from the late President as one way of dealing with the Ministers who attack each other in public. Even today, one of the dailies has a headline where Ministers are exchanging words in public. I believe that this is impacting negatively on the performance of this Government. If you go to the ground, you will find work going on and a lot of change. However, when we continue to attack each other in public, we negate the benefit of what is going on, on the ground and make the Government look very irrelevant to Kenyans.

Mr. Temporary Deputy Speaker, Sir, on the economy, the President talked of the Gross Domestic Product (GDP) having grown by 2.4 per cent. However, once you go to the ground, it would appear there is a leakage somewhere. That trickle-down effect is not being felt on the ground. On average, Kenyans have become poorer than they were two years ago. The number of Kenyans who cannot afford to put food on their tables is growing, while we talk of a growing economy. Ways and means have to be found to identify that leakage, so that whatever benefits are accruing out of the growth on the economy, trickle down to the common man.

Mr. Temporary Deputy Speaker, Sir, the issue of the Constituency Development Funds (CDF) and the Local Authorities Transfer Funds (LATF) should also be addressed. The LATF must be accounted for the way the CDF funds are being accounted for. We also have the Constituency AIDS Control Committees (CACCs) that focus on issues relating to the HIV/AIDS scourge. Unfortunately, hon. Members of Parliament do not handle funds allocated for these committees. Those funds are normally handled by NGOs in our respective constituencies. So, it would be wrong for somebody to claim that hon. Members of Parliament are in charge of those funds.

Mr. Temporary Deputy Speaker, Sir, on the donor influenced Bills, the President said that two or three Bills will be brought here. We would also like the Sugar Act to be brought back for review.

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

Mr. Muturi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the debate on the President's Speech.

As we all know, this House acts as a watchdog on the Executive. Through its Departmental Committees, and more so the watchdog Committees of Public Accounts and Public Investments, this House has adopted reports which it has forwarded to the Government. It is expected that the Government looks at those reports and reports back to Parliament on the actions that it has taken. Therefore, when we read in the President's Speech about his commitment to the fight against

corruption, we wonder what he would tell us about the reports by the various committees. Why have those reports not been given to the Kenya Anti-Corruption Commission (KACC) of Justice Ringera if, indeed, the fight against corruption is to occupy such an important place in the mind of the President?

*(Messrs. Leshore and M. Kariuki
consulted loudly)*

The Temporary Deputy Speaker (Mr. Poghiso): Order, Mr. Leshore and Mr. M. Kariuki! Let us listen to Mr. Muturi.

Proceed, Mr. Muturi!

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, we are tempted to think that this statement about the commitment by the Government is one of the many that we have now become accustomed to, coming from the NARC coalition or confusion, because as you well know, the gentlemen and ladies on that side promised Kenyans in wooing tours around the country that they would want to have a lean Government. The examples we have include, but not limited to, poaching from our side, as they continue to enlarge their Government against the promise of having a lean one. So, these promises about the commitment to the fight against corruption, and towards giving Kenyans a new Constitution, are just answers to the many promises they gave.

I, therefore, feel sympathetic when I read through this Speech because we are told that there is improvement in the economy and that Kenyans are beginning to reap the benefits of this improvement. Somebody writing this must, in my view, be living in some distant land from Kenya. One just needs to move round the countryside and go down the streets of this city and other major cities of this country to see the shocking levels of poverty. I cannot actually understand when somebody says that Kenyans are beginning to reap the benefits of an improved economy. Where is this? How are they reaping? We need to be given examples. We do not want sweet statements which really mean nothing.

Mr. Temporary Deputy Speaker, Sir, a lot has been said, indeed, even including in this House about the Ndung'u Report. The Ndung'u Commission gave its report. Several months have gone since this report was given. In order to address some of the wrongs that they came across in that report they proposed, among other things, setting up a tribunal. It is well over six months and we have not seen any action in that direction. Is there somebody trained in law who advises Government on what it is supposed to do?

Mr. Shitanda has talked about the issue of petty offenders and their being released from jail. One just needs to remember that among those petty offenders is the famous Dr. Gachara who, after being convicted for stealing a whopping Kshs27 million and trying on several occasions on appeal to be released on bond, and being unsuccessful, some how found her name among the so-called petty offenders that the President, in his wisdom, found that he must extend his mercies to. I must blame the confusion in the Government. The Government has the office of the Attorney-General and the Ministry of Justice and Constitutional Affairs. Is it possible that these offices cannot advise the President on what to do? For several years now, we have been told that the office of the Attorney-General is undergoing reforms. However, you just need to go there to witness for yourself the confusion that is still there. You can never locate files. Indeed, the NARC Government has been having problems with that office. They cannot locate their file. Is this a Government that is likely to lead this country anywhere?

Mr. Temporary Deputy Speaker, Sir, let me give an example to show why I am doubting whether the Government really gets proper legal advice. It is a well known fact that you cannot create a State Corporation or a parastatal merely by purporting to issue a gazette notice because you are a Minister. However, it is only last year when the Minister for Co-operative Development and Marketing purported to gazette the creation of something he calls New KCC. This is not the function

of any Minister. They ought to be advised. That is the function of the President. If an Act of Parliament does not create a parastatal, it is only the President who can do so. This is very clear under the State Corporations Act. Indeed, it is surprising that Government resources are being put at the disposal of private persons even when the law has not been followed.

I would like to urge the Government to begin acting. I know they have very little time. I also know that they are in the habit of making high profile tours around the countryside. They have actually made one in my constituency. They have promised us all manner of things, ranging from construction of roads to development of water projects. They have promised heaven!

On arid and semi-arid areas (ASAL), it is one area that the Government really worries several of us in this House. Ministers have gone to the extent of promising that they will do this and that, they will tarmac this and that road, and they will give water to a certain area. Is it not time now that we started seeing tangible action being taken on the ground?

Mr. Temporary Deputy Speaker, Sir, the President spoke about Bills that are going to be tabled here, and among them, though not the only one, is a Bill to do with procurement of security equipment. Is the President admitting that he has found what we have been told, that there has been a lot of corruption in the procurement of security equipment? Or why would it occupy space in the President's Speech, if indeed, he has not found something weak? Is it a confirmation that what we have been told is actually correct, and possibly that is what the President would want to address?

As I end, I want to urge this Government to now move away from, conferences and seminars. We have had roads, investments and donors conferences. However, we now want to urge this Government to act because the only thing it is talking about is free primary education. I want to commend the Minister for Education, Science and Technology for being committed in the implementation of that project. However, the rest of the Government must emulate what he is doing.

With those many remarks, I beg to support.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Thank you, Mr. Temporary Deputy Speaker, Sir, for this opportunity. I would also like to express my support for the President's statement on public policy at the opening of this Session. For the first time, it has become clear that in the last two years, all is not wasted as we have been able to make tremendous progress on the economic front. Two years ago, the Gross Domestic Product (GDP) was 0.08, but today we are at 2.4. If you look at the performance in the last ten years, the trend has been downwards and we have been on a slide. At least we have had to do a great exercise to put the economy on its feet, and the Government needs to be commended for that.

Figures can be very deceptive. I was looking at the GDP of Brazil for the last ten years, where the President said that it had been on an upward trend but amazingly enough, the gap between the rich and the poor continued to widen. What we need to look at in this country is this gap that continues to widen. Therefore, much as we talk about 2.4 GDP, poverty continues to increase and we must put measures in place to ensure that we bridge this gap. That is the only way the benefits of the GDP will percolate down to the grassroots where our people are.

Mr. Temporary Deputy Speaker, Sir, I appreciate that we are going to have for the first time a Micro-Finance Bill. For us to put our economy on its feet, we must target our poor people. Today, the majority of our people are in the *Jua Kali* industries, small trade and hawking. Talking about hawkers, I hope that in the fullness of time, we are going to have a Bill targeting the informal sector.

Hawking is a very important part of our economic development and we need to have a legal framework because the way we are dealing with hawkers today leaves a lot to be desired. We need to appreciate that each one of us must have a place in this country to look for a means of livelihood and to continue with economic development. There should be more civilised ways of handling hawkers. We need to secure their rights by ensuring that there is a legal framework.

Talking about micro-finance, it will be important to appreciate that if micro-finance institutions

are going to extend credit to the disadvantaged class of our society, the hawking community, for example; they need to be assured that the people they give credit have a fixed place of abode and where they do business. The question, therefore, of resettling hawkers and ensuring that they have a place that they can do business without interruption is going to be very critical in terms of making sure that the Micro-Finance Bill addresses the plight of these poor people.

Mr. Temporary Deputy Speaker, Sir, I will now talk about millennium development goals, and in order to eradicate poverty, we have to target those areas that have pulled our people down.

I would like to say something about constitutional review. It is truly amazing the kind of public statements that we continue to hear from hon. Members outside this House. On 4th August last year, the Consensus Bill was passed here unanimously. There was not a single dissenting voice! Today, you hear voices out there saying that we are against the Consensus Bill. Where were you when Parliament debated the Bill and passed it unanimously? We owe some measure of respect to the truth in terms of telling our people what our role is in this House. If we pass the Bill, let us own it up and tell the public that it is this House, without a single exception, that actually endorsed that particular Bill.

Mr. Muturi: It was one side of the House!

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Temporary Deputy Speaker, Sir, we were not one side of the House! On 4th August, the entire House was here and the Secunder of the Motion was none other than Mr. Ruto who comes from the other side. The differences came much later when we began to discuss the question of simple majority or two-thirds. However, at the critical time of passing the Consensus Bill, there was unanimity in this House, but what we say today---

The Temporary Deputy Speaker (Mr. Poghisio): Order! I hope you are addressing the Chair. You are now beginning to address your colleagues on the other side.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Thank you, Mr. Temporary Deputy Speaker, Sir. I am only facing my colleagues. I am not really addressing them. I am addressing the Chair.

We owe it to Kenyans as a House to ensure that we live up to our word and that we ensure that they get a Constitution this year. The Consensus Bill provides for a time frame within which Kenyans can get a Constitution. We need, therefore, to have a sense of patriotism and leadership in ensuring that all of us provide Kenyans with the necessary Constitution.

Coming to the issue of corruption, it is true that there is no corruption-free society. All societies have challenges on corruption. You read in newspapers that in the USA, Greece and the UK, there are major scandals on corruption. However, the concern in this country is the pace at which the courts are moving to dispose of corruption cases. We need to invest a lot in terms of training prosecutors and special magistrates to ensure that the court processes are expedited. When you have a corruption case pending for two years, the public begins to get anxious that perhaps the necessary action is not being taken. We need specialised personnel and magistrates on corruption. Moreover, we need to borrow a lot from a country like Hong Kong, where they started from scratch, trained special prosecutors---

*(Messrs. Mwenje and Leshore
consulted loudly)*

The Temporary Deputy Speaker (Mr. Poghisio): Order at the back! Order, Mr. Mwenje! By the way, when you greet people on this side of the House, you have already crossed the Floor.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I was only greeting Mr. Leshore from this end.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Mwenje! Proceed!

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Temporary Deputy Speaker, Sir, I am saying that we could invest more resources in ensuring the training of prosecutors and magistrates to expedite the trials of suspects who appear before the Anti-Corruption Court. The battle against corruption must begin from here, and I welcome the Presidential Address to the effect that we need to amend the Public Officers and Ethics Act to make our declarations of wealth public. I am, however, concerned by sentiments expressed by some hon. Members of this House about their reluctance to subject themselves to scrutiny by the Anti-Corruption Authority. All of us are subject to the law! That law was passed in this House and I know that in many jurisdictions, many politicians have been sent to prison because of mileage claims. My recommendation on mileage is that we should take the cheapest mode of transport home. If, for example, it takes Kshs30,000 to fly to Mombasa and back, and about Kshs100,000 to go by road, in most parliamentary systems, they pay the cheapest rates. They encourage you to take the cheapest mode of travel to that particular place. That way, we will be able to conserve public resources instead of taking the most expensive and perhaps most lucrative mode of transport.

A lot has been said about insecurity. I am sure that the Minister will be issuing an appropriate statement on the state of the nation as far as security is concerned. However, I would like to say one or two things concerning the issue. One is about the mistake being propagated by some sections of the non-governmental organisations (NGOs). Section 71 of the Constitution of Kenya is about the right to life. The right to life is not absolute. There is a derogation section in Section 71 of the Constitution. It talks about a situation when someone has been found guilty of a capital offence. In this case, one can lose their life. The other instance is when one resists in a manner which entitles the police to use force. In this case, one's life is also at risk. The Constitution says as much. We are very careful because we understand the sanctity of life.

We have to protect the lives and property of Kenyans. The Constitution enjoins us to use reasonable force until we get that leeway. We are not saying that every policeman can kill at their own pleasure. We are saying that where we have situations of armed robbers who are fighting back with their guns, the Constitution allows the police to use necessary force. Similarly, Section 28 of the Police Act empowers the police to use arms when necessary. We are not talking of a situation where a person who is not armed will be gunned down. We are saying we have to draw the balance according to the constitutional provisions and the Police Act. Policemen are also human beings, and are entitled to have protection of their lives; their bodies are not made of asbestos. They are made of human flesh and blood. They are also entitled to protection. This is the balance we have to draw.

Mr. Temporary Deputy Speaker, Sir, we cannot condemn every step we take when we want to restore security in this country. Some of our people are advocating lawlessness. We will continue to cherish human rights and the sanctity of human life. At the same time, we have to ensure that the lives of all Kenyans are protected. In that regard, the police will use necessary force reasonably to secure the lives and properties of Kenyans.

I beg to support.

Mr. H.M. Mohamed: Mr. Temporary Deputy Speaker, Sir, I would like to join my colleagues in thanking the President for his Address. I think he cited a number of important matters. Let me begin by joining my colleagues in talking about insecurity in this country and the problems we are facing owing to it. We have been reading about insecurity in our country everyday, and getting to know where people have been killed in large numbers, shot, robbed and raped. These stories have become very common in our local newspapers.

I would like to commend the Minister in charge of internal security for the initiative he has taken against insecurity. He has taken a step towards the right direction, because this is the first time we are seeing a Minister in charge of internal security who is concerned about the security of this nation.

We have been reading in our local dailies about the massacres which have taken place in El Wak, Mai Mahiu and Trans Nzoia. In fact, the hon. Member for Kwanza was almost crying because of this. I think it is important that this country finds a solution to this problem. When people fight and kill one another, there is always a reason behind it. I think we need to try and find out why people are killing one another. In the case of Mai Mahiu, we heard that people were fighting over drinking water. People who keep livestock have been stopped from taking their animals to drink water at specific areas. The story is the same in Mandera. It is time the Government addressed this issue properly.

Mr. Temporary Deputy Speaker, Sir, what we have been reading about our city is not good. Yesterday, I read about a doctor who was asked for money by robbers and threatened with rape of his wife by someone who was HIV-positive, if he did not oblige. That is a sad story which is very shocking. Something has to be done. I propose that the police be given more resources. Let us not waste money on the so-called development projects. Let us allocate more money to the Police Department and employ more policemen who can be deployed to more areas.

Most of our areas, like where I come from, do not have vehicles for the police and district officers. We need to give more resources to the police, even if it means giving them the money which has been allocated to the Constituency Development Fund (CDF), so that they can buy Land Rovers and more guns. This will ensure our protection.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about development of the arid and semi-arid lands (ASALs). The previous State Opening Addresses by the President for the years 2003 and 2004, dwelt on improving the arid and semi-arid lands. It was a good gesture which depicted the President as someone who cares about those who live in these areas.

Mr. Temporary Deputy Speaker, Sir, recently, a document was prepared and launched in the North Eastern Province. The document stated that the Government would carry out a lot of development projects in ASALs. As has been said by another hon. Member here, the document was a hoax. This is the term he used, but I do not like using it. When we read the document, we realised it was an extraction of development projects from all sectors for the next three years, and we are told that we shall be given Kshs8 billion. What we need in the ASALs of this country is a Marshall Plan, not just an extract from the books that something will be done. That will not help us. We need plans for water, roads and proper health services. Mr. Temporary Deputy Speaker, Sir, I think this document did not mention a number of sectors which have shown improvement. These include tea, coffee and mobile telephones. It does not talk about the livestock sector at all. It just mentions that there has been improvement in the agriculture and livestock sector. There is no mention of how these livestock will be improved. What about the marketing, health and water of the livestock?

*[The Temporary Deputy Speaker
(Mr. Poghio) left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, I would like to talk about corruption, which is a big disease in this country. I think we are doing very well. Those of us who have been there for many years know that when one talked about corruption, he endangered his life. This time, I think people are talking fairly openly about corruption. The Government is admitting there is corruption in the country. The President said he is concerned about corruption and that his Government is committed to eradicating this vice. The good thing is that the debate on corruption is going on freely. But is there any improvement? That is the question we ask ourselves. I do not think we have made any significant improvement about corruption in this country. Land grabbing has slightly slowed down. It has not

stopped in some places. In my constituency, the land which was grabbed some six or seven years ago, which the grabbers could not take at that time, now they have found the guts to take it. A case in point is the Garissa Bus Park.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. H. M. Mohammed! Your time is up!

Mr. H. M. Mohammed: With those remarks, I beg to support the Motion.

The Assistant Minister for Education (Mrs. Mugo): Thank you, Mr. Temporary Deputy Speaker, Sir. I also want to join my colleagues in congratulating the President for a very good speech. It was a speech backed by policy and action.

Mr. Temporary Deputy Speaker, Sir, there are many development areas that have been tackled.

I want to start with the free primary education that the President mentioned. It is a tangible development action. There is a lot of money for bursaries going down to the constituencies. It is not lost in the district treasuries. That money is making a very big impact. Not so long ago, the salaries for dons and teachers were increased. They had been crying for a long time for those salary increments. That is only one sector.

If you look at the agricultural sector, whereas everything cannot be done overnight, we know the improvements and policies that have been put in place in the sugar and coffee sectors. Some debts have been waived. The prices of milk have gone up. We have given the Kenya Co-operative Creameries (KCC) back to the farmers. We are giving loans to small-scale farmers. There are many areas which we can talk about. It is very disappointing to see some hon. Members closing their eyes and faking ignorance of the development that has taken place. I think it is very good to criticize maturely as part of our development matters. Nobody has ever claimed that problems would end in one day. They cannot end even in four years. It is just like they take long to bring the country down! It will take shorter to bring it up, but people must be patient.

Mr. Temporary Deputy Speaker, Sir, I would like to talk briefly about insecurity. It is there! It is very sad and disappointing. I would like to commend the Minister in charge of internal security for the efforts he has taken to curb insecurity. It is very sad to see hon. Members crying about insecurity and when action is taken, they again cry out. I want to say that the Minister made it very clear that only when armed thieves confront the policemen will they be shot. Otherwise, we will let our policemen be killed by those thugs. We hear they have very big guns.

Mr. Temporary Deputy Speaker, Sir, I think most of the insecurity is fanned by leaders themselves. What they utter to their so-called perceived tribesmen is animosity. That animosity is causing those people to fight. It has nothing to do with water only. Those people have been living there with the same water for many years. The Government has a responsibility to provide those resources. I know the Minister for Water and Irrigation is working very hard to do just that. But it cannot, all of a sudden, become a very big problem that people must kill each other. Most of the violence is due to political leaders who talk carelessly. That should be checked. They should be taken to task and even to court and charged with incitement. We cannot encourage our people to kill each other. We are one nation and one people.

Mr. Temporary Deputy Speaker, Sir, regarding education, the President spoke about the Bills and Sessional Papers that will be brought to Parliament. In the Ministry of Education, Science and Technology, as part of our reforms process, as part of the President's Speech, there is a very forward-looking Sessional Paper which is ready for discussion in this House. It has already been tabled. I hope hon. Members will see the far-reaching reforms which will ensure that every child in this country will access education. We have considered the pre-primary, primary, secondary and even tertiary education. According to the Millennium Development Goals (MDG), we have recognised education as a right to every citizen. Those are words that the President uttered, and which are also

backed by action.

Mr. Temporary Deputy Speaker, Sir, there is also the issue of the micro-finance institutions. When a legal framework is put in place with regard to the micro-finance institutions, this will bring a lot of development in the informal sector, where the majority of the poor people and women live. If these poor can put food on their table, that will be a great step in development. It shocks me to hear some hon. Members claim that the President's Speech is full of empty words which are not backed with actions. I do not know what action is if putting food on the table through agriculture, providing education as a means of reducing poverty and enhancing the micro-finance institutions is not. I cannot understand what they are questioning in the President's Speech. The President's Speech is full of action. Every Ministry has prepared back-up policies to make sure that the President's Speech is well covered.

Mr. Temporary Deputy Speaker, Sir, I want to touch on corruption. We all know that corruption is prevalent in our country. Nobody has denied that. Measures have been put up even by this Parliament and by the Executive to eradicate and reduce poverty. This cannot happen overnight. If we fight against corruption in a tribal manner, it shows there is more than meets the eye. What people are talking about is not really corruption. Most of them just want to stab the Government. Most of the corruption that is there has been carried forward for many years. These people have so much money and they are using it to fight back and to make the Government look bad.

Mr. Temporary Deputy Speaker, Sir, Transparency International stated that a certain Minister has stashed Kshs750 million somewhere. They are scared to even mention that Minister. That is witch-hunting. It shows that they are afraid of libel because they have no facts. These people are not nationalistic and patriotic. They want to put this country in jeopardy. I would urge Transparency International, if it is worth its salt, to mention the said Minister. The Government has vowed to investigate whoever it is and put him where he should be. If there is anyone with any details, he should come forward with them.

Parliament has put systems in place and we should use them. That includes the hon. Members too. It is very sad to see that they are ready to say that Ministers should be crucified because they are corrupt without touching the hon. Members. What a tragedy? We are supposed to be like any other citizen of this country and anyone who gets into corruptible deals, whether it is an hon. Member or not, should also be exposed. So, I hope the Kenya Anti-Corruption Commission will move very fast and start by investigating this Parliament, because we are supposed to lead by example.

Mr. Temporary Deputy Speaker, Sir, I would like to mention something on the Constitution. We keep on hearing that the people of Kenya have failed in Bomas. Who are these people of Kenya? We all know that other than the hon. Members who only formed a third of the delegates, the other two-thirds were not elected by any single Kenyan. That is why we could not agree at the Bomas of Kenya because two-thirds of the delegates represented no one. We have the Ufungamano Initiative which represents a lot of people in this country. If they are saying that they are not satisfied, they are speaking on behalf of very many Kenyans. Parliament should look at both the Ufungamano Draft and the Bomas Draft and see what Kenyans are saying.

With those few remarks, I support the President's Speech.

Mr. Ndolo: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa fursa hii. Ningependa kuunga mkono---

Mr. Kajembe: On a point of order, Mr. Temporary Deputy Speaker, Sir. Some of us have been here for a long time. However, some Members have just popped in and they are given a chance to speak.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Kajembe! Proceed, Mr. Ndolo!

Mr. Ndolo: Asante sana, Bw. Naibu Spika wa Muda. Ningependa kuunga mkono Hoja hii juu ya Hotuba ya Rais, ambayo ina mambo mengi sana kuhusu uchumi na maendeleo ya nchi yetu.

Ningependa kuzungumza juu ya mambo mawili kuhusu Hotuba hii ya Rais wetu.

Kwanza ningependa kusema mambo machache kuhusu uchumi wa nchi yetu. Ni kweli uchumi wa nchi yetu umezorota kidogo kwa sababu ya kutoelewana katika hiki chama chetu cha NARC.

Ningependa pia kuzungumza juu ya mambo ya usalama, ambao umezorota, hasa hapa Nairobi. Waziri anayehusika na mambo ya usalama wa ndani aliyeteuliwa hivi majuzi anafanya kazi nzuri. Hata hivyo, Waziri huyu anazuru maeneo Bunge ya waheshimiwa Wabunge wa mlengo wa NAK. Hajawahi kuzuru sehemu zingine zinazowakilishwa na Wabunge wengine.

Bw. Naibu Spika wa Muda, kwa hivyo, ningemuhimiza azitembelee sehemu hizo zingine kwa sababu waheshimiwa Wabunge huko pia wamo Serikalini. Hatuwezi kuongea mambo ya usalama bila kuwataja wanaosimamia usalama katika nchi hii. Inasikitisha kwamba wale wanaosimamia usalama wanatoka katika sehemu moja ya nchi. Kwa mfano, Jaji Mkuu, Msimamizi wa Idara ya Kupambana na Jinai, Waziri wa Haki na Mambo ya Katiba, Mkurugenzi wa Shirika la Kupambana na Ufisadi, yaani KACC, Bw. Ringera, na Mwenyekiti wa Bodi ya Ushauri dhidi ya Ufisadi, Bw. Musyimi, wote wanatoka katika sehemu ya Mlima Kenya. Pia Katibu Mkuu wa Utumishi wa Umma na Kamishna wa Shirika la Kusimamia Ushuru nchini, yaani, KRA, pia wanatoka sehemu ya Mlima Kenya.

The Assistant Minister, Office of the President (Mr. M. Kariuki): On a point of order, Mr. Temporary Deputy Speaker, Sir. Who are these people who live on Mt. Kenya? Are there people who live on Mt. Kenya because the hon. Member is referring to people from Mt. Kenya?

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. M. Kariuki! Surely, that is not a point of order.

Mr. Ndolo, you have seven minutes to proceed in the afternoon.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.