

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 23rd March, 2005

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

The Report on the Seventh Session of the African Caribbean Pacific and the European Union (ACPEU) joint Parliamentary Assembly held from 16th to 19th February, 2004 in Addis Ababa, Ethiopia.

(By hon. Kamotho)

NOTICE OF MOTION

ADOPTION OF REPORT ON SEVENTH SESSION
OF ACPEU JOINT PARLIAMENTARY ASSEMBLY

Mr. Kamotho: Mr. Speaker, Sir, I beg to give notice of the following Motion:-
THAT, this House adopts the Report on the Seventh Session of the African Caribbean Pacific and the European Union (ACPEU) joint Parliamentary Assembly held between 16th and 19th February in Addis Ababa, Ethiopia.

COMMUNICATION FROM THE CHAIR

LIMITATION OF QUESTION TIME

Mr. Speaker: Order, Members! I wish to reiterate what the Deputy Speaker said this morning with regard to Question Time. We need to restrict Question Time to one hour only so that the business of this House can proceed on schedule. Secondly, we will not repeat Questions. If an hon. Member is absent when his or her Question is called, the Question will be dropped. It will not be reinstated. So, everybody must take interest in the business of this House and do so with all seriousness.

Mr. Keter: On a point of order, Mr. Speaker, Sir. What happens when the Ministers are not there to answer Questions? Do you also drop the Questions?

Mr. Speaker: No! We will not drop the Questions. Indeed, I thank you for bringing that to my attention.

(Loud consultations)

Order, Ministers! I am addressing you Ministers and you are not taking heed. I give notice to Members who have Questions to take their work of Parliament seriously. In the same vein, I give the same warning to the Front Bench of Government. If they do not attend the business of the House to answer Questions put to them by the House, I will have no alternative, but to deal with them as the House shall demand.

(Applause)

Mr. Mwenje: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! This includes a lot of sanctions that this House may decide. I believe that during this Session, this House must be serious. I have heard Members, during recess, calling for the House to resume so that they can participate in the business of the House and yet within the first week, there is no quorum. It is very disheartening, and I hope that Members will take that very seriously.

What was it Mr. Mwenje?

Mr. Mwenje: Mr. Speaker, Sir, my request was only to the Chair that it reconsiders its decision of not giving a second chance to Questioners. When all the days' Questions are asked in less than the stipulated time, I request the Chair to allow a second chance within the one hour in case a Member is late.

Mr. Speaker: Order, Members! Absolutely not. We have a lot of business. In fact, some of the criticism levelled against this House by some Members of this House and by the public is that we transact very little business because we spend much of our time on matters other than business of the House or do not attend the House to form the necessary quorum. I am determined to have the business of the House to proceed.

Mr. Mwanicha: On a point of order, Mr. Speaker, Sir. I quite agree with your ruling, but we are informed that Questions belong to the House. Certain Questions are of national importance, for example, today's Question No.3 by Private Notice on food security. Assuming that the Member is not in to ask the Question and it is dropped and yet it is of national importance, we shall lose. Could the Chair consider that for certain Questions, even if the Questioner is not in, the Question still be answered?

Mr. Speaker: Order, Mr. Mwanicha! Order, Members! Again, if the matter is that serious, then, you must seriously come to the House.

(Laughter)

The alternative is, if you are sick, pick a phone, call the Speaker before the House sits. I intend this to be taken seriously.

Mr. Muiruri: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Sorry! Now again we are getting into unnecessary---

Mr. Muiruri: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Muiruri! I have made a ruling and it stands. It will stick.

Mr. Oparanya!

EFFORTS TO TRACE MISSING PERSONS IN BUTERE

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

(a) Is the Minister aware that a standard six pupil at Inaya Primary School in Marama North Location, Miss Mildred Aswani Kabibi, aged 15 years disappeared in June, 2004 and has not been traced despite the matter having been reported at Butere Police Station?

(b) Is he further aware that Mrs. Rosebella Nekesa Nyanje of Eshibembe Sub-Location, Marama South Location in Butere Division also disappeared on 28th October, 2004 in Mumias Town while visiting a relative?

(c) What action has the Minister taken to trace the two missing persons?

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

(a) Yes, I am aware that Miss. Midred Aswani Kabibi disappeared in June, 2004. The Report was made at Butere Police Station on 28th September, 2004.

(b) Yes, I am aware of the disappearance of Mrs. Rosebella Nekesa Nyanje which was reported at Mumias Police Station on 25th October, 2004 and not on 28th October, 2004 as indicated.

(c) The police circulated the particulars of the missing persons to all police stations in Kenya. Efforts to trace them still continues. The police had requested for photographs of the missing persons for circulation in both print and electronic media and other additional information which the relatives have not been able to provide to date.

Mr. Oparanya: Mr. Speaker, Sir, every Member who stood up to speak talked of insecurity in this country. I know that there are many, many people, even in my constituency, who get lost and they are not traced, and the matter is not brought here. These are people who have been lost for one year and up to now, they have not been traced. The Assistant Minister says that they circulated the information through all the police stations and in the print and electronic media. The relatives of these people came to me and were requesting me to circulate the same information in the print media. I would want to know when the Assistant Minister circulated this information, because this has not been done. The Assistant Minister is misleading this House.

Mr. M. Kariuki: Mr. Speaker, Sir, I wish to make it clear, as per the answer. I have said that we are waiting for photographs and relevant information from the relatives on these missing persons. That has not been provided to us. I have also said that we have circulated information to all police stations in Kenya that there are two missing persons. If the relatives want to trace these people, please, co-operate with the police. Let us have the photographs, so that we can put the matter in the newspapers and in the electronic media.

Mr. Muiruri: Could the Assistant Minister enlighten the House under what circumstances these two people disappeared? How did they just disappear? How do people disappear just like that? Can you tell us whether they disappeared under the same circumstances?

Mr. M. Kariuki: We have said that we are seeking further information from the relatives. We have been told that one of the children, I think she was a school girl, disappeared between school and her home. We need more information from these people to be able to find out whether there is a criminal act involved in their disappearance, whether they are still alive or whether we will be able to trace them. So, this is the information we are seeking from the relatives. Please, give us the information that will enable the police to carry out further investigations.

Mr. Mwenje: Mr. Speaker, Sir, I think the Assistant Minister is not serious. He is asking the relatives to give information; this information--- Did you look at the second case? This is a "Mrs", she is a grown up, somebody who has an identification card. All identification cards in Kenya bear photographs of the owners. Why are they not able to go to the Registration of Persons Bureau or even to the relevant department and collect that information? Assuming the other one is a child and she was in school, the information must be in the school. Why are they not able to go to the school and get that information, instead of giving excuses here that it is the relatives who have not given them the information. I do not think the Assistant Minister has done enough to go and follow up on that matter.

Can he now do more than that and get the right information, because it is more than eight months to date and they have not done their work.

(Applause)

Mr. M. Kariuki: Mr. Speaker, Sir, I am not sure that every school has a photograph of its pupils. If information is availed to us that, in fact, the school has photographs, we will be able to trace that photograph and put it in the newspapers.

Mr. Speaker, Sir, I appreciate the concern about missing persons. Many people have disappeared because of criminal acts, they have been killed and their bodies have not been traced, I can understand the anxiety of the relatives and we are telling them that if they have any photographs, please, provide them. About the identification card, it has not been brought to the police station, because that would have been of great assistance to the police; to be able to identify the registration number of the person so that they can go to the bureau and be able to trace other records.

Thank you.

Mr. Mwancha: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House that an occurrence--- This disappearance was last year and it was reported last year. Is he in order to tell us that they are sitting at the police station and are just waiting? Do we have a Government?

(Applause)

Mr. Ethuro: Why can the police not go and get him?

Mr. M. Kariuki: Mr. Speaker, Sir, it is not that the police are just sitting at the police station; it is that the relatives have not availed the relevant information! Yes, they should bring the information to the police. The police have been to them and they have not provided the information. I do not think the police have any choice until the information about the identity of these persons is availed. Because the issue is identity---

(Several Members stood up in their places)

Mr. Speaker: Can you all sit down, please? Order, Mr. Kimeto! You have been standing there all the time against the Standing Orders. You must sit down! At least, obey the laws of gravity. Proceed!

Mr. M. Kariuki: Mr. Speaker, Sir, I was saying that the identity of the missing person needs to be known by the police. The people who have the information are the relatives, and that information has not been forthcoming. You cannot blame the police for that.

Mr. Speaker: Yes, Mr. Kimeto, then I will finish with Mr. Oparanya!

Mr. Kimeto: Thank you, Mr. Speaker, Sir, for giving me this chance. Would I be in order to ask the Assistant Minister how many times the police have visited the relatives of the missing persons? If there is no time the police have visited those people, then let me inform the hon. Assistant Minister to get into training on how to administer the police.

(Laughter)

(Loud consultations)

Mr. Speaker: Order! Order! Order! Order, Assistant Minister! Order! Mr. M. Kariuki, did

you get the last word, because I did not get it?

Mr. M. Kariuki: I missed it.

Mr. Speaker: What was your last word, Mr. Kimeto?

Mr. Kimeto: I said that the Assistant Minister should have told us or told this House the number of times the police have visited the places of the people who got lost.

Mr. Sasura: What was your last word?

Mr. Kimeto: Then, if the police have not visited the people and he is telling us about the provision of whatever materials he needed from those people, then he had better go for training to enable him understand how to run police affairs!

(Applause)

Mr. Speaker: I have still not got him. Have you, Mr. M. Kariuki?

(Laughter)

Mr. M. Kariuki: Thank you, Mr. Speaker, Sir. I want to reassure hon. Kimeto that I am a trained lawyer. I am also a trained police officer; I did that in high school. So, there is nothing for me to learn, as of now. I want you to know that, over and above my being a lawyer, I do not have---

Mr. Bifwoli: On a point of order, Mr. Speaker, Sir. I want to know in which high school they train policemen?

(Laughter)

Mr. Speaker: Order! Order! Order, Mr. C. Kilonzo! Order!

Mr. C. Kilonzo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. C. Kilonzo! Order! Maybe, the Assistant Minister will say so, but for those who were old enough, they recall that in the 1960s and 1970s, students were not only trained in the police but also in the army, like yours truly in high school.

Proceed!

(Loud consultations)

Mr. M. Kariuki: Thank you, Mr. Speaker, Sir, for giving the House the wisdom of age. I do not have the number of times the police have visited the homes of those persons. But one question was asked by the police; where were the persons destined to? Because it is important to know the destination the missing person was headed for in terms of the investigation. That information, again, has not been provided. We will do whatever it takes if we can get the relevant information, to find out the fate of these two missing persons.

Mr. Speaker: Last question, Mr. Oparanya!

Mr. Oparanya: Mr. Speaker, Sir, as you know, it is the responsibility of the Government to provide security to its citizens but it has abdicated that responsibility. Since the Assistant Minister has said that he will investigate these cases, could I request the Chair to defer this Question until he brings a substantial answer?

Mr. Speaker: Well, I really cannot defer the Question. Do as the Assistant Minister has said!

Mr. Oparanya: Mr. Speaker, Sir, I would like the Assistant Minister to tell this House when

this information was circulated both in the print and the electronic media. He must give us the evidence. This has not been done.

Mr. M. Kariuki: Mr. Speaker, Sir, I think we are at cross-purpose with the hon. Member. We have not circulated the information to the media because we are waiting for the photographs of these people. However, we have circulated the information with regard to their disappearance to all the police stations. So, if the families can do their part, we will do ours.

Mr. Speaker: Very well. Next Question!

Mr. Oparanya: On a point of order, Mr. Speaker, Sir. Does the Assistant Minister need photographs to circulate information in the electronic media?

Mr. Speaker: Order! I do not think we can go to the minor details of this matter. Experience shows that there is a section in the Press where you get pictures of missing persons. It is important to have the picture so that any Kenyan who sees that person will connect it with the photograph appearing in the newspaper. I think you better do what the Assistant Minister has told you.

Next Question, Mr. Angwenyi!

ACUTE WATER SHORTAGE IN KISII MUNICIPALITY

Mr. Angwenyi: Mr. Speaker, Sir, I beg to ask the Minister for Water and Irrigation the following Question by Private Notice.

(a) Is the Minister aware that Kisii Municipality is experiencing acute water shortage due to unserviceable water pumps?

(b) Is she further aware that alternative sources of water in the municipality are too polluted for human use?

(c) What immediate measures has the Minister put in place to address this life threatening problem?

The Assistant Minister for Water and Irrigation (Mr. Munyes): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Kisii Municipality has been experiencing acute water shortage mainly due to high water demand currently estimated at 18,000 cubic metres per day against the current water production of 4,400 cubic metres per day. In addition, the Kenya Power and Lighting Company (KPLC) supply is not reliable. There are frequent power blackouts which affect the water supply operation. To ensure equitable distribution of the available water at the moment, my Ministry is operating with a strict rationing programme of water distribution.

(b) I am also aware that alternative sources of water in the municipality are polluted. The surface water from rivers, shallow wells and unprotected springs are highly polluted due to the high population density in Kisii Municipality and, therefore, my Ministry advises on boiling of drinking water from these sources.

(c) My Ministry has budgeted for the procurement of a new pumping set to replace the old pumping set during the 2005/2006 financial year. As a long-term measure, my Ministry in collaboration with the UN-HABITAT has started preparations for the augmentation of existing water supply which will include expanding the treatment works and the pipe network starting from 2005/2006 financial year.

My Ministry, through the Lake Victoria South Water Services Board, also intends to source funds for the implementation of Phase II of Kisii Water Supply which will involve constructing a gravity system from River Gucha.

Mr. Angwenyi: Thank you, Mr. Speaker, Sir. I thank the Assistant Minister for the answer he has given this House. However, as you can see, only 25 per cent of the residents of Kisii Town are

supplied with water. What does this Ministry expect 75 per cent of the people of Kisii Town to drink and use in their homes if it cannot pump enough water?

Mr. Munyes: Mr. Speaker, Sir, as I have said, the current water deficit stands at 13,600 cubic metres per day. The pumping set is old. In the meantime, we have decided, as a Ministry, to strictly ration water as we explore the possibility of procuring a new pumping set. We are also working with the UN-HABITAT to expand the treatment plant and the pipes. Through the Lake Victoria South Water Services Board, we will improve the gravity system from River Gucha in the next financial year. We hope that if we implement all these initiatives, we will have adequate water for the people of Kisii Town.

Mr. Midiwo: Thank you, Mr. Speaker, Sir. The Assistant Minister is aware that Kisii Town is over-congested. I think it is the responsibility of the Government to ensure that it provides adequate water to the residents of that town so that there is no outbreak of waterborne diseases. The Assistant Minister has spoken about the 2005/2006 Budget. Could he assure us that he will take only 5 percent of the Nyeri allocation and give it to Kisii Town?

(Applause)

Mr. Munyes: Mr. Speaker, Sir, that is a totally different issue. We will support the people of Kisii Town through the three initiatives I have outlined. The people of Nyeri have their budget and that is something else.

Mr. Manoti: Thank you, Mr. Speaker, Sir. Water is life. Kisii Town is very congested and River Gucha passes near. How much money has the Ministry set aside in the 2005/2006 financial year to purchase a new water pump to pump enough water to the people of that town?

Mr. Munyes: Mr. Speaker, Sir, I cannot say how much we will spend to purchase the water pump because the price ranges from Kshs350,000 to Kshs1.5 million. My Ministry is working on the estimates and if the hon. Member wants them, I will provide them later on.

Mr. Sasura: Mr. Speaker, Sir, this Ministry recently adopted a policy and established water boards to manage water in different parts of the country. Since the Ministry formed the Boards, life in the district water office has come to a stand still because the boards have not been registered formerly. The people of Northern Eastern Province have many problems now. Could the Assistant Minister tell us when the water boards will start operating in the zones they have been designated because the district water offices are not doing anything?

Mr. Munyes: Mr. Speaker, Sir, under the Water Act, 2002, which is now operational, the water boards are operational. We hope to transfer some funds to those boards this financial year. Currently, it is the regional water offices which receive the funds. So, it is not true that those offices are not operating. Both the Boards and the Ministry offices are operating. At the same time, we have initiated the process of transferring much of the work to the water boards this financial year.

Mr. C. Kilonzo: Thank you, Mr. Speaker, Sir. I am just wondering how serious the Ministry is. They say that commonsense is not common. You do not need to plan to buy a water pump which only costs Kshs1.5 million. It is commonsense that equipment breaks down.

Mr. Speaker: Order, Mr. Kilonzo! First, as a very young hon. Member, you are getting very bad influence by insulting others. I want you to grow into a very hon. Member of this House. You have a long way to go. Do not utter bad things. Be courteous and respectful. Probably, the Assistant Minister is three quarters your age!

Mr. C. Kilonzo: Mr. Speaker, Sir, it is only that I am surprised that the Ministry could not have planned to buy the equipment. In Matuu which is my home town, the water pump broke down a week ago. If this is the answer the Assistant Minister has given about the old water pump in Kisii Town, will I also get the same answer? Will we wait until the Ministry budgets for Kshs1.5 million to

buy the water pump? I am just wondering what is happening.

Mr. Munyes: Thank you, Mr. Speaker, Sir, for protecting me. In fact, the hon. Member is a good friend of mine. I do not warrant that kind of statement from him.

The maintenance costs all over the country have risen. We got very little allocation during the last financial year. So, there are very few resources that can be set aside for maintenance purposes. The little resources we have are sometimes put aside for other purposes, for example, running the Ministry. I hope in the next financial year, the Ministry of Water and Irrigation will be allocated more funds.

Mr. Angwenyi: Mr. Speaker, Sir, I am as shocked as my colleagues. It is quite unfortunate that only 40,000 people have access to clean water in Kisii town yet there is a population of 200,000 people. So, about 160,000 people have no access to clean water. This Government says they want to first plan. I do not know whether they have talked with God to keep those people alive so that they will supply them with clean water after they have planned. Is it a conspiracy by this Ministry to starve the people of Kisii Municipality to death for lack of water?

Mr. Munyes: Mr. Speaker, Sir, there is no conspiracy. As I said, we have a systematic approach of how we will supply water to the people of Kisii Town. We have three initiatives in place. I can only suggest to the hon. Member to see if they can use some of the Constituency Development Funds (CDF) to purchase the pumping unit.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Yes, what is it?

Mr. Angwenyi: Mr. Speaker, Sir, you can see the Ministry is not serious about this problem and that is why the Assistant Minister asked us whether we could spend money from the CDF to purchase the pumping unit. Mr. Munyes, could you be serious about this problem?

Mr. Speaker: Order, Mr. Angwenyi! Were you on a point of order?

Mr. Angwenyi: Mr. Speaker, Sir, is the Assistant Minister in order to ask us to spend funds from the CDF to purchase the pumping unit when he cannot use the Kshs3 billion which this House allocated to his Ministry?

Mr. Munyes: Mr. Speaker, Sir, I am not forcing the hon. Member to use CDF funds, I was just suggesting he uses these funds now that we are waiting until the Financial Year 2005/2006. I have also tried using CDF funds in my constituency. Some emergency works are funded through the CDF funds. I was just requesting him to use these funds in the meantime.

Mr. Speaker: Next Question, Mr. Cheboi!

MEASURES TO LOWER PRICE OF FERTILIZER

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

Considering that national food security is severely threatened, what measures is the Government taking to ensure that the price of fertilizer is lowered?

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

The Government is concerned that the price of fertilizer is high. All fertilizer used in the country is imported and the prices have remained high in the world market due to the turbulent crude oil prices. I also wish to inform the House that the fertilizer market in Kenya is liberalised and quite competitive. However, in order to stabilise domestic fertilizer prices, the National Cereals and Produce Board (NCPB) is availing 42,000 metric tonnes of fertilizer to the market using its countrywide warehousing and distribution network. Fertilizer costs shall be lowered marginally thus making it more affordable to our farmers.

Mr. Cheboi: Mr. Speaker, Sir, it is very clear that the Minister has answered a different question from the one I asked. I asked him when the prices of fertilizer will be lowered. He is talking about the prices of fertilizer being stabilised. Last year, the Ministry talked about importing a similar amount of fertilizer like he has just indicated today. Instead, they went ahead to import CAN fertilizer which is for top-dressing. That fertilizer cannot be used in many parts of the country. It only suits the area where the Minister comes from. He has also answered my Question from the assumption that the only fertilizer that is required in Kenya is that one used for planting maize. When will the price of fertilizer be lowered? The 42,000 metric tonnes which the Minister is talking about, is equivalent to 850 bags of fertilizer. We would not need to go to any other private business man.

Mr. Kirwa: Mr. Speaker, Sir, after those misguided assertions, I wish to give the true position of the fertilizer market. The 42,000---

Mr. Cheboi: On a point of order, Mr. Speaker, Sir. I am slightly older than the Minister for Agriculture and it would be terrible for him to impute that I am misguided! I am asking a question which actually affects most of his constituency.

(Applause)

Mr. Speaker: Order, hon. Members! We are just beginning a new session---

(Several hon. Members laughed)

What are you laughing at? Standing Order No.85 actually bars you from laughing when the Speaker is on his feet. Now, I want to be serious on this. Let us bring back honour and courtesy to the House. You do not score any valid point at all by being either rude, insulting or in any other way being discourteous to your colleagues whether from the Front-bench or the Back-bench. Courtesy pays. Respect will develop the honour and integrity of this House. Let us proceed on that basis.

Proceed, Mr. Minister!

Mr. Kirwa: Mr. Speaker, Sir, what the hon. Member has just stated before the House is not true. Last year, the fertilizer we imported was not for maize alone. It was for all types of crops. To answer the last question, the 42,000 metric tonnes of fertilizer is broken down in the following proportions: DAP, 15,000 metric tonnes; NPK, 6,000 metric tonnes; SSP, 5,000 metric tonnes; Urea, 12,500 metric tonnes and CAN, 3,000 metric tonnes. All the fertilizer has already arrived except for Urea which shall arrive in April for use in May and June.

Capt. Nakitare: Mr. Speaker, Sir, you have heard what the Minister has just said. I represent the interests of many farmers. In fact, I represent the granary of Kenya. Farmers in my constituency will not be in a position to grow food to feed 31 million Kenyans if this continues. We are asking the Ministry to tell us why there is an escalation of fertilizer prices. We do not care about the type of fertilizer that is coming into the country, but our concern is the high prices. Why can the Minister not ask his colleague from the Ministry of Energy to use part of the money from petroleum products to augment the cost of fertilizers so that farmers get relief from these high prices? What is the future of food security in our country, Mr. Minister?

Mr. Speaker: Capt. Nakitare, address your question to Mr. Speaker, not the Minister!

Mr. Kirwa: Mr. Speaker, Sir, the question by the hon. colleague is a matter that has not been under consideration. I said at the beginning that we appreciate that fertilizer prices have gone up by 30 per cent. However, the Government or the Ministry is totally incapable of controlling prices of fertilizer as we live in liberalised market economies.

Mr. Speaker: Who is the shadow Minister for Agriculture? Him not being present, I will give the chance to Mr. Serut.

Mr. Serut: Thank you, Mr. Speaker, Sir. The Kenya Farmers Association (KFA) was once the leading agricultural input provider in this country. My question to the Minister is this: Why can the Government not revive KFA as a service provider to farmers? One of the reasons why prices have gone up is because private farmers and entrepreneurs are the ones selling fertilizer.

Mr. Kirwa: Mr. Speaker, Sir, on 20th December, last year, we passed in the Cabinet a way forward for the restructuring of KFA. The document shall be availed to this House under a Sessional Paper provided by my colleague, the Minister for Co-operative Development and Marketing.

Mr. Speaker: Shall I get a lady now? Ms. Mwau!

Ms. Mwau: Thank you, Mr. Speaker, Sir. We have heard that prices of fertilizer have gone up and we are talking of farmers. Which farmers are we talking about? Subsistence farmers cannot even afford prices of fertilizer. What alternative ways is the Ministry putting in place to ensure that farmers grow food, like undertaking organic farming?

Mr. Kirwa: Mr. Speaker, Sir, the issue of organic farming is uppermost in the programme of the Ministry. Indeed, what Ms. Mwau has said is what we are doing.

Mr. Speaker: Last question, Mr. Cheboi, I am afraid!

Mr. Cheboi: Mr. Speaker, Sir, the planting season has began. I want to ask the Minister to give us the specific prices of fertilizer as it is at the moment in the market and as sold by the National Cereals and Produce Board (NCPB). To wind up, some of us come from local constituencies where we do not have NCPBs. What is the nearest depot we can take from?

Mr. Kirwa: Mr. Speaker, Sir, the NCPB has 110 depots distributed all over the country. Kuresoi has the nearest station within Nakuru District.

Mr. Speaker: Very well! Next Order!

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. I do not know whether the Minister is in order to say that the Government is not able to control the price of fertilizer yet you know that it has added tax on it and currently farmers want to plant. The current price is Kshs160 and that includes the tax that has been loaded on the fertilizer. Is the Minister in order to say that he is not able to control prices when the Government can reduce the taxation on the fertilizer to enable farmers to buy it?

(Applause)

Mr. Speaker: There was also a question by Mr. Cheboi of what the prevailing prices are.

Mr. Kirwa: Mr. Speaker, Sir, to answer the first question by Mr. Cheboi, prices of fertilizer range between Kshs1700 and Kshs1800 for DAP; Kshs1550 to Kshs1600 for NPK; Kshs1020 to Kshs1030 for SSP; Kshs1550 to Kshs1600 for UREA and Kshs1350 to Kshs1400 for CAN. As far as the issue of taxation is concerned, it is not true as there is no tax on fertilizer except on transport. However, as far as fertilizer is concerned, it is clear that the Treasury does not take any money.

Mr. Speaker: Very well! Order, hon. Members, that concludes our Question Time.

COMMUNICATION FROM THE CHAIR

INACCURATE PRESS REPORTS ON HOUSE PROCEEDINGS

I wish to say one thing as an observation and a direction as we begin this session because I want to get the correct footing as we begin the session. It has become traditional now, again unfortunately, for the Press not to report proceedings of the House accurately. It has now turned it into observation and its

own interpretation. There is a difference between reporting and commentating. It is at liberty to commentate the way it wishes but it has no right to inaccurately report proceedings of this House. It has a right to report and not to observe! That is not its privilege. Sometimes you get amazed when you are all sitting here and it says that the Speaker was taken to task or had a hectic time to explain an issue in this House. I do not recall any time that I had a hectic time or when hon. Members took me to task because they cannot stand my order.

(Laughter)

When I issue an order, they must all obey it! Therefore, I ask the Press, indeed, I command, to make reporting of the House proceedings as accurately as possible. It is, nevertheless, at liberty, in a separate piece, to make a commentary on what we have done or failed to do. That is within your limit but is then understood that those are your views and that is not what happened in Parliament. We must, therefore, distinguish between proceedings of the House and your views and commentaries as reporters.

Thank you.
Mr. Billow!

(Applause)

POINT OF ORDER

ERUPTION OF INTER-CLAN FIGHTING IN MANDERA

Mr. Billow: Thank you, Mr. Speaker, Sir. I rise to seek a Ministerial Statement. Kenyans are vividly aware of the recent massacre of 24 people, mainly women and children, in my constituency, and the clashes between warring communities that has left over 60 people dead in the last one year. I want a Ministerial Statement from the Minister in charge of Internal Security in the Office of the President on the following---

(Loud consultations)

Mr. Speaker: Order! Can we listen to Mr. Billow? This is a matter that has pre-occupied this nation; the wanton killing of Kenyans by Kenyans. Can we, therefore, hear Mr. Billow?

Mr. Billow: Mr. Speaker, Sir, I want a Statement on the following:-

(a) The Minister announced in a public *baraza*, in Mandera on Sunday, that he has given orders to the Military to use jet fighters and helicopters to bomb villages in which clashes are going on. He stated that he believes that women and children are evacuated before rival clans fight.

(b) Security forces acting on his orders yesterday morning surrounded boreholes and water points in a number of villages and denied residents and livestock water unless they surrendered guns, consequently victimising many people who do not have guns. The Minister's actions are reminiscent of the brutality that was waged by security forces during the *shifita* war. We are concerned that the collective punishment involving security forces will lead to atrocities such as the *Wagalla Massacre* and massacres that have happened elsewhere in the North Eastern Province. Both actions by the Minister are inhuman, barbaric and unlawful and they infringe on the rights of Kenyans.

Could the Minister give a statement on those two actions as soon as possible?

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

utterly surprised by the request from Mr. Billow. He was present in the meeting and there was no such directive issued. However, for whatever it is worth, we are going to issue an appropriate Ministerial Statement to explain the position as it obtains in Mandera. The Minister was there in my company on Sunday and I do not recall any such statement being made.

He can give us until Wednesday next week to provide an appropriate Ministerial Statement.

Mr. Speaker: Very well! I hope that in the interest of all Kenyans, peace will prevail in Mandera and everywhere in Kenya. As leaders, we must plead with Kenyans not to unnecessarily kill one another.

Next Order!

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on Wednesday 16th March, 2005.

*(The Vice-President and Minister for
Home Affairs (Mr. Awori) on 22.3.2005)*

*(Resumption of debate interrupted
on 23.3.2005)*

Mr. Speaker: Who was on the Floor the last time we debated this Motion?

An hon. Member: Mr. Ndolo was on the Floor.

Mr. Speaker: Is Mr. Ndolo here?

Mr. Ndolo: Mr. Speaker, Sir, I am here.

Mr. Speaker: You have seven minutes to contribute to the Motion.

Mr. Ndolo: Asante sana Bw. Spika kwa kunipa nafasi tena ili niweze kuichangia Hoja hii. Nilipokuwa hapa asubuhi, nilianza kuyasoma majina ya watu ambao wanafaa kutusaidia kupambana na ufasadi, ingawa wote wametoka sehemu moja, ambayo ni eneo la Mlima Kenya. Watu hawa ambao ninaozungumzia ni kama vile Jaji Mkuu, mkuu wa idara ya CID, Waziri wa Haki na Mambo ya Katiba, mkurugenzi wa shirika la kupambana na ufasadi, ambaye ni Bw. Aaron Ringera, mkuu wa bodi ya ushauri dhidi ya Ufasadi---

Mr. Munya: On a point of order, Mr. Speaker. Is it in order for this House to allow individuals to express hatred against citizens from a particular region? Every citizen has a right to a job, irrespective of where they come from. There is no province called Mount Kenya. This is just a conspiracy!

Mr. Speaker: Order, hon. Members! To the best of my knowledge, this is the National Assembly of Kenya. We represent all Kenyans. I believe it is wrong for us, as hon. Members of this National Assembly, to be biased against any section of our society. If you think it is wrong for others to be biased, then why should you be? We must approach issues on their own merit. Please proceed and forget about any issues which are likely to make Kenyans hate one another.

Mr. Sasura: On a point of clarification, Mr. Speaker, Sir. I would like to seek a clarification. As Members of the Opposition, we sometimes find it difficult to tackle certain issues when they arise. When the Government practises nepotism, what are we supposed to do as the opposition?

Mr. Speaker: Order! It is perfectly in order to point out instances of nepotism. However,

nepotism does not mean that one has to come from a certain geographical area. Nepotism has its own definition. Tribalism too works both ways. You may be accusing someone of practising tribalism, yet you have been motivated by tribalism. So, balance it well. Proceed!

Mr. Ndolo: Asante sana Bw. Spika kwa kunilinda.

(Laughter)

Nitaendelea kusoma orodha yangu. Wengine ni wakuu wa KRA, afisi za Solicitor-General, Controller and Auditor-General---

(Several hon. Members responded by saying, "Mount Kenya")

Mr. Speaker: Order! Order, quite frankly, this is not a nursery school. The hon. Member is not a choir master. So, could we stop these theatrics now?

Mr. Ndolo: Bw. Spika, nikimalizia, ningependa kuongeza jina la Waziri anayehusika na mambo ya usalama kwa orodha hii. Kuwaachisha kazi Mawaziri ambao wamehusika na ufiisadi ni kazi ngumu. Hapo kitambo kidogo, Mhe. Osundwa aliachishwa kazi. Mimi huuliza Mhe. Usundwa aliachishwa kazi kwa sababu gani? Bw. Osundwa alikula mbuzi kubwa kuliko Bw. Ndwiga? Hii ni kusema kwamba Mawaziri ambao wamefanya makubwa kuliko Bw. Osundwa hawajafutwa kazi. Bw. Osundwa alijaribu kutetea haki za wakulima wa miwa na akafutwa kazi.

Sisi sote tunaipenda nchi yetu. Tunamuomba Rais akiunganishe chama chetu cha NARC ambacho sasa si chama bali ni "movement" kama Mbunge mmoja alivyosema jana. Katika Bunge hili, Wabunge wako katika mstari wa mbele katika kutetea mambo ya wananchi. Wabunge wananyanyaswa na kuambiwa ni lazima waungane na Serikali ili wapate msamaha. Wale ambao hawataungana na Serikali watapelekwa mahakamani. Kuna Wabunge wengine ambao inasemekana wamehusika na ufiisadi wa kudai marupurupu ya usafiri, lakini hii si kweli. Tungependa mkuu wa tume ya kupambana na ufiisadi, Bw. Ringera, afanye kazi aliyopewa ili wananchi wafurahi.

Wananchi wanataka kujua kuhusu katiba mpya. Hivi leo, kuna karatasi ambayo inazungushwa hapa. Karatasi hiyo ina majina ambayo ni tofauti na yale ambayo tuliyaweka katika kamati ya kushughulikia mambo ya katiba mpya. Majina haya ni ya watu ambao wametoka sehemu moja. Majina haya yakiletwa hapa, ningependa Wabunge wayakatae.

Mr. Speaker: Order, we shall cross that bridge when we get to it. You are already anticipating debate. You know the rules! Proceed!

Mr. Ndolo: Bw. Spika, ninapomalizia, ningependa kusema kwamba majina hayo---

Mr. Speaker: Order, Mr. Ndolo. You know for a fact that you are not making a discovery. Every committee is approved by this House. you will not pretend to have the prerogative of constituting committees. Let us wait for it.

Mr. Ndolo: Bw. Spika, nikimalizia, ningependa kuiunga mkono Hoja hii.

Dr. Kibunguchy: Thank you, Mr. Speaker, Sir. I would like to start off with the statistics that the President gave us. If I may just quote a few, he said that the agricultural and livestock sectors were on the upward trend. He said that consumption of electricity has increased by 8 per cent. He said the tourism sector has improved by 24 per cent. He said cement production has gone up by 8 per cent. He said the GDP growth rate has improved to 24 per cent and is expected to reach 30 per cent by the end of this year.

(Loud consultations)

Mr. Owino: On a point of order, Mr. Speaker, Sir. Could Members consult fairly quietly so that we can follow what the hon. Member is talking about?

Mr. Speaker: Order! Order, hon. Members! I think there is something that is exciting Members more than the business of the House. I think what should excite us is what an honourable Member is saying. Let us give him attention.

I wish also to point out to you that it is a rule of this House that if you are not contributing, you are not allowed to stand anywhere else. You must be seated and listening to the Member contributing. Our final failure as a House is our inability to listen to one another and reason so that you reply to what Dr. Kibunguchy is saying. If you do not listen to him, you will stand up here and never mention what he said, whether it was right or wrong. You may also repeat it against the rules of the House because you never heard what he said. Let us give a hearing to one another. Let us reason together. That is the beginning of a good Parliament.

(Applause)

Dr. Kibunguchy: Thank you, Mr. Speaker, Sir. After going through some of the statistics that were given by the President, the question uppermost in my mind is, was His Excellency the President talking about Kenya or another country? What is the reality on the ground? Right now, at least in my constituency of Lugari, poverty is devastating people. As I speak, unemployment is rampant. We have just heard that fertiliser prices are going up every day. Our roads are impassable. Floods are devastating many parts of this country. There is insecurity in this country. We were just told recently that more than 10 million Kenyans face food insecurity. HIV/AIDS is devastating the able members of our society. I ask myself, was His Excellency the President talking about Kenya or another country?

Mr. Speaker, Sir, right now, the issue uppermost in many people's minds is insecurity. I am not even talking about insecurity in places like Mandera, Kwanza or Mai Mahiu. I am saying there is insecurity virtually everywhere in this country. Over the weekend in Lugari, we buried five people who were mercilessly slaughtered for reasons that we cannot understand because nothing was even stolen from their houses. Insecurity is the issue that occupies our minds. I was extremely disappointed by the President's speech because he did not touch the issue of insecurity in any meaningful and purposeful way. I would like us, as Parliament, to focus on security issues in this country. I would like us to look at security in terms of investment and development. There is no way we can develop or attract investments in this country when we have so much insecurity in virtually all the parts of this country.

Mr. Speaker, Sir, I would now like to turn to the issue of funds that are meant for the constituencies. I am one of the people who believe that the Constituency Development Fund (CDF) is probably, one of the best legacies that the NARC Government will leave for this country. It is probably even bigger than free primary education. I know we also get funds through Local Authorities Transfer Fund (LATF), road maintenance, bursaries, *et cetera*.

The issue of CDF has been raised in many places. When I look at the CDF, two things come to my mind. One of the things is that, for some reason, it looks like either we, as Members of Parliament, were not quite prepared for the challenges of the CDF. Somehow on the ground, we do not have the capacity to utilise these funds. I say this because I would like us to correct ourselves. To me, the best way to look at it is what we have discussed at length in Lugari, which is that, for CDF to have capacity, we must be bold enough and change the way this country is governed. I think time will come, and maybe, that is a story for another day, that we have to look at whether we can change the governance and the Civil Service of this country to be constituency-based and not district-based. That is the only way I can see us being able to utilise these funds that are meant for constituencies in a more transparent and accountable way. We have problems in Lugari and yet we are one constituency, one

district. Sometimes I wonder what happens in those districts that have four or five constituencies.

Mr. Speaker, Sir, I would now like to talk about the issue of corruption that everybody has talked about. Whoever said that "Kenyan Ministers were gluttons and vomiting on our shoes" used very mild language. Corruption kills and maims our people. Corruption steals from our people. It steals drugs from our hospitals. To me, the corrupt are murderers. We should look at them that way. Anybody who is corrupt is robbing directly from the people of Kenya. Anybody who is corrupt is, in one way or another, contributing to the death of our people in this country. Our young children die from malaria because we do not have drugs. I say the corrupt should not be shown mercy. They should be called murderers and they should be hanged. It is not enough to say "they are vomiting on our shoes". That is mild language. That is nursery school language.

(Applause)

We should deal with the issue squarely. In that connection, I would like to join those who have said that Transparency International is doing a disservice to this country. If there is a Minister in this Government who has stashed Kshs750 million out there somewhere, then he should be named. We should know who that Minister is and, if he is corrupt, then we should hang him. It is not enough to peddle rumours. That is heckling. I ask Transparency International to be bold enough and name that Minister, so that we can hang him.

Mr. Speaker, Sir, with regard to the new Constitution, a lot has been said about it. My view is that Kenyans spoke in a particular way. Kenyans spoke and if we did not like their language, the only thing we can do is to go back and listen to them again. Although we are the representatives of the people, I do not think Parliament has the capacity to alter what Kenyans said. If we do not like what they said--- Maybe, some of them spoke with anger during the other rule. It is time for us to go back to Kenyans and listen to them again. In that connection, I would like to stand together with people who have said that we, as Parliamentarians, do not have the capacity and mandate to change the views of Kenyans.

Mr. Speaker, Sir, may I finish by talking about the forest because it is very dear to us in Lugari. I would like to say that the Forest Bill is coming back to this House. I have been given the express mandate by the Lugari people to say that, if the *shamba* system is not introduced in this country---

With those few remarks, I beg to support.

Mr. Speaker: Let me look at my records because I would like to reach all sections of our society. Every corner of our country must be represented. Just give me a second. Clearly, I would like to give a chance to Dr. Ali.

Dr. Ali: Thank you, Mr. Speaker, Sir. Mr. Ruto is saying that because I am taller than him, you could not see him! So, possibly, you could consider him later.

Mr. Speaker: Order! My eyes can even see through bodies! So, can you continue, I was seeing everybody!

Dr. Ali: Mr. Speaker, Sir, I wish to support the Motion, but Kenyans are good in writing and giving us very good papers. The President gave us a very good Speech but, as it has been said, there might be problems later because none of those things will be implemented. I want to comment on what one Minister said this morning. He was talking about the exchange rates and how the Kenya Shilling has gained strength against other currencies. I do not think that is a plus for this country. We are a very poor country and we depend on our exports. If the shilling becomes strong, it means our exports will be less. In that vein, if the Assistant Minister for Finance thinks that because our shilling is stronger, the balance of payments will be better--- Even somebody like me who is not a finance man knows that, that is not the case. So, this Government should know what it is talking

about.

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

Is the hon. Member in order to misquote me when I was basically giving statistics that, in the Government now, we have a balance of payment? I said that a balance of payment is when you compare imports and exports. I went further and said that the shilling is stronger now. I never alluded to what he is talking about!

Dr. Ali: Mr. Speaker---

Mr. Speaker: Order, Dr. Ali. I am in charge.

Proceed, Mr. Obwocha. Have you finished your point of order?

The Assistant Minister for Finance (Mr. Obwocha): Yes, I have finished. But is he in order?

Dr. Ali: Mr. Speaker, Sir, I just said what he said! He has agreed that, that is what he said. So, thank you, Mr. Assistant Minister! I am not an economist or an accountant, but I just pointed out the problems that are there.

Mr. Speaker, Sir, I do not think the Government has done us a favour by allowing the Constituency Development Fund (CDF). When they were in the Opposition, we passed a Motion that 5 per cent of the Budget should go to the CDF. When this Government took over, they opposed it and because we threatened them with not passing the Budget, they accepted 2.5 per cent. If this Government is serious and would like to do better things for the people of Kenya, then I challenge it to accept a Bill that will be brought to increase the CDF to 20 per cent. That is what Uganda is doing. Uganda gives 34 per cent of its budget to CDF. If that happens, we will not support any Motion of no confidence against the President. He can stay there until the three years are over. I have changed many things in my constituency with the Kshs20 million that I get. If it becomes 20 per cent or 30 per cent, that will be 10 times more. It would amount to Kshs200 million. If I get that money, I will not care about the Government, the President or the Ministers. My constituency will do well like all the others in this country. That way, poverty will be eradicated from this country. That is how the Government can leave a good legacy. The only legacy that this Government is going to leave is quarrelling and fighting amongst itself; and even Ministers fighting in the Cabinet. That is a bad legacy for you. The only way you can clean that up is to increase the CDF.

Mr. Speaker, Sir, it looks like the Government was trying to get some public opinion at the beginning, when it took over power. It wanted to give bursaries to constituencies, so that we could have Constituency Bursary Fund (CBF), Constituency Development Fund (CDF), Constituency Roads Board (CRB) and so on. I do not know what happened to the bursaries! We agreed in your presence in 2003 that the first Kshs1 million of the bursary should go to all the constituencies and after that, it depends on the inflation and population. What has happened this time? Some people have been given Kshs300,000 and others Kshs500,000! If the Minister likes you, he gives you Kshs2 million! If he does not like you, he gives you Kshs500,000! What is happening? What criteria was used to disburse the CBF this time round? If that is not corruption, then what is corruption? What happened to the Professor in charge of education? Why was that money not distributed as before? What has gone wrong? That is the question I would like to ask.

Mr. Speaker, Sir, regarding the constitutional review process, the problem is not on this side of the House. We even do not know who is supposed to be on this side of the House anyway. It is a mixture of people. There are people from Ford-People, KANU, LDP and others. I thought the right side of the House is supposed to be for the Government and the left side for the Opposition. What is happening in this House? There is a problem in this House. We are having problems because we cannot even be seen, Mr. Speaker! Very many people have flooded this side and they stand up every time. Most of the people who are supposed to be on this side cannot be seen. They should go back to their side and those defectors who have gone that side should come back here! That way, we can have

the Government and the Opposition. The defectors should go back to their parties. Those who came to this side should go back to their places. The protestors should go back and the defectors should come back.

Mr. Speaker, Sir, the Keter Bill is a very good Bill, which should be supported. If those who are in power have some fears, we will request our brother, Mr. Keter, to remove the no confidence clause from the Bill and remain with the clause that seeks to give Parliament the freedom to control its calendar. Once we can control our calendar, then we will know how to manoeuvre for other things if need arises. The Keter Bill has given the Government sleepless nights. People who have been mentioned by Mr. Ndolo cannot sleep well. They should sleep well for some months. We hope that Mr. Keter will remove the no-confidence clause from the Bill, so that our friends on the other side can sleep well.

We have no alternative, but to change the Constitution piecemeal because people are changing goal posts every day. When Mr. Murungi arrived in the country from abroad recently, he said that their competitors in the Liberal Democratic Party (LDP) are fighting them. The LDP said that they do not know what is happening. They added that, that was not the Government's position, but the position of the Democratic Party (DP). What sort of Government is this? Who is the Government? Is it the DP, the LDP, the FORD-P, the FORD(K, or KANU for that matter? There is no Government because this is a mixture. Anybody else like Mr. Mungatana who sometimes disagrees with what the DP wants, should cross over to this side. Those who agree with what the DP wants should remain on that side.

Capt. Nakitare: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to tell this House that there is no sitting Government?

Mr. Sambu: Those are your words!

Capt. Nakitare: Mr. Speaker, Sir, he said it and I heard it with my ears.

Mr. Speaker: What did you say, Dr. Ali?

Dr. Ali: Mr. Speaker, Sir, I want to ask whether there is a party which is called the Government. There is no party called the Government. I was talking about the so-called Government, the parties which form it and the confusion that is there.

With those few remarks, I beg to support.

Mr. M'Mukindia: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I want to join my colleagues in appreciating the policies that were outlined by His Excellency the President in his Speech.

(Loud consultations)

Mr. Speaker: Order! We agreed to listen to one another. Listening leads to reason. Let us proceed on that basis.

Proceed, Mr. M'Mukindia!

Mr. M'Mukindia: Mr. Speaker, Sir, I want to join my colleagues in supporting His Excellency the President. He outlined a number of policies that he feels this House and the Government ought to implement during the coming year.

Unfortunately, certain areas, in my opinion, were left out. While in overall I support his outline, I think it is useful to point out the areas that I feel have not been adequately handled by the President. The first area is the long-term funding of infrastructure projects. We know that donors are very welcome to support us, it is also a fact that we are never sure when these funds are going to be released. For that reason, a lot of infrastructure projects are not done in time. Kenya is not the only country that has the problem of infrastructure development. Why is it that we all depend on foreign donors to finance our infrastructure? Is it not possible for us, as a country, to raise the necessary funds from within to build our roads, hospitals and water systems? For how long are we going to depend on

foreigners to build our roads? It is necessary that we take this to be our own responsibility.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, in the 19th Century, countries such as America and Europe did not have a World Bank from which to borrow funds. They had their own banking systems and they borrowed locally either through the New York Stock Exchange or the London Stock Exchange and they financed their infrastructure projects. Why is it that we, as a country, cannot do the same when we have a surplus of cash in our economy? This is a challenge to the Government and consistently, unfortunately, the Government has decided to side step this issue. I have raised this issue before and I will continue to raise it again and again. I do not see why we deliberately make ourselves weak and servants of other institutions and countries when we can raise money locally. Therefore, our roads, railway lines, water and dams will continue to suffer because we are depending on outsiders.

The other area that has not come out clearly in the President's Speech is the area of trade expansion and industrialisation. I have had occasion to travel around the region and most people in countries such as the Democratic Republic of Congo, Burundi and others, consistently ask what Kenya is doing to take advantage of the regional market. We have transmitted this to our various Ministers who are in charge of these areas and nothing is happening both in the regional capitals, but more importantly here as a policy. What is the vision of the Government in so far as industrialisation and trade expansion are concerned? Once that vision is defined, what are the actual steps that the Government is taking to achieve that vision? I did not see this in the President's Speech. I do not know whether this exists in the Government or not. Perhaps, it does exist, but it is not clear to me which way we are going in so far as industrialisation and trade are concerned. This is an area that needs to be looked into, so that our job seekers can be encouraged to look outside our borders. There must be a deliberate policy to create opportunities for them outside.

Mr. Deputy Speaker, Sir, the other area is financing. While we are told that there is money from the Agricultural Finance Corporation (AFC), we are all aware that the greatest problem in agriculture, as an hon. Member mentioned yesterday quite clearly, is that we lack technology and sufficient investments in agriculture. In other words, using the little technology that we have, we have used our land to the maximum. If we are going to increase production from the same piece of land, then we must invest more. We must increase our technology. How do we access this technology? If we have the technology, how do we finance it as farmers? It is not clear how the Government is going to achieve increased agricultural production through increased investments and increased use of technology.

What is the policy? What are the financing structures and organs? How much money is available to agriculture, not as a percentage of deposits in the banking system, but as something that the Government has set aside to invest in agriculture? There again, we are talking, but doing very little. I did not see much of this in the President's Speech. The other issue which I would like to touch on, very briefly, is the issue of land clashes. It is my contention that there are no land clashes in this country. What we have are clashes over scarce resources. Whether that clash is over a resource such as land or water because there has been a drought, or people want timber and so on, it is a clash over scarce resources. Again, unless the Government comes out with an all-inclusive policy that addresses the issue of water, land use, forests, mining, livestock and wildlife, I believe these issues will not come to an end. Today it is Mai Mahiu. Tomorrow it will be Meru and the day after it will be somewhere else. This is because we are fighting over scarce resources. When will the Government give us a whole policy; not a land or wildlife conservation policy, but a wholistic policy that looks at the scarce natural

resources that we are all competing for in this country. I think this is an urgent matter. While I appreciate that the President touched on land which is an emotive issue, he should not limit himself to land. It is water, forests, mining, livestock, wildlife and so on. I think we need a whole policy to encompass most of these issues.

Mr. Deputy Speaker, Sir, finally, I would like to mention something about the issue of corruption that all of us have talked about and hear about all the time. I want to appeal to the donor community that, while they are concerned about corruption; real or imagined, since I have no evidence myself, either for or against, to try to help Kenya because Kenyans are not Government. I do not think, for example, that the German Government by withdrawing aid, is harming President Kibaki, or a particular Ministry. In my constituency, for example, KFW was supposed to finance a road between Meru Town and Chogoria, passing through Githongo and Marimba. This road now, I am afraid, may be affected by this donor attitude. What will happen then? Who will be affected? Is it the Government, the President or me, as a person? It is actually the *wananchi* living in that area. They are the ones who cannot move their coffee and tea to the factories. So, this question must be answered by the governments of Germany and the United Kingdom (UK) together with the European Union. Are you trying to hurt the Government or the *wananchi* you are supposed to help? Why do you not create programmes to ensure that your money is used effectively? Why does the German contractor not come and do the job instead of cancelling all that money? Why do they not implement the water projects? Why should my friend from Marsabit suffer for years because the road cannot be done simply because somebody is suspected to be corrupt in the Government? Why should the people of Moyale and Isiolo districts suffer? I think time has come for us all to tell the donor community: "Please, punish the ones you want to punish, but do not punish *wananchi*."

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

Mr. Midiwo: Thank you, Mr. Deputy Speaker, Sir. I wish to support the President's Speech. However, there are a few things that we must say if we are really serious about developing this country.

Mr. Deputy Speaker, Sir, first of all, I want to talk a bit about corruption in this country. The President told us that the Government has set a growth rate of 7 per cent as its target. He went further to say that the thought was modest and the country could achieve it. I agree, but except there is so much corruption that we cannot attract any investment in this country. We can only grow if we have local or foreign investment. But the only investment we are seeing in this country is daily revelations of money being siphoned out of the country. We know, for example, that, right now, there are accusations of just one man stashing or holding an account of Kshs750 million. That means that Minister is stealing Kshs1 million a day from ordinary Kenyans. We cannot develop if we allow that to happen.

Mr. Deputy Speaker, Sir, there are issues in this country that the President has chosen to turn a blind ear to. When we say he must sack corrupt and arrogant Ministers--- The confidence that Kenyans had in the Government is gone and the only way to redeem it is by---

The Minister for Justice and Constitutional Affairs (Mr. Murungi): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to continue repeating these rumours and false allegations that have been peddled around without substantiation? Could he name who the arrogant and corrupt Ministers are that he would like to see them sacked?

An hon. Member: You!

Mr. Deputy Speaker: Order, hon. Members! Please, continue, Mr. Midiwo!

Mr. Midiwo: Thank you, Mr. Deputy Speaker, Sir. I very gladly want to take the challenge from the hon. Minister. The challenge is quite good, coming from---

Mr. Deputy Speaker: Order, Mr. Midiwo! I want you to bear in mind what the Chair said a few minutes ago. We do not want this business of Members hurling insults at one another. We will not

get anywhere. So, hon. Members, let us heed the advice given from the Chair from time to time. Please, refrain from engaging in the talk about arrogant people, unless, you want to name them and bring a Motion. I am not going to allow you to name anybody arrogant in this House. So, Mr. Midiwo, follow the Chair's direction and proceed!

Mr. Midiwo: Mr. Deputy Speaker, Sir, I am not going to name Mr. Murungi. But I am going to speak on the issues that concern Kenyans and members of our society. The Cabinet as constituted today is not serving this country. The Cabinet is obsessed--

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

Mr. Deputy Speaker: No, overruled, Mr. Wamunyinyi! Please, continue, Mr. Midiwo!

Mr. Midiwo: Thank you, Mr. Deputy Speaker, Sir, for protecting me from my dear friend. The Cabinet, as constituted today, is not serving the President and Kenyans because I think there is a very strong feeling from the Members of Cabinet that they do not want the President to make any headway. I think the blame and venom that we are seeing between Cabinet Ministers is meant just to divert attention from us talking about the grand corruption in Government. I share the views of my colleague, Dr. Kibunguchy who said that some of these corrupt people should actually be hanged. Kenyans need to know who authorized Anglo Leasing, stashed that money out, brought it back and where that money is. These are pertinent issues of good governance. When we talk about them we are not just talking for the sake of it. We are talking because we are part of this Government. I am a Member of the NARC. But criticism is not necessarily bad. When we criticize we mean to rectify things. Therefore, we expect action from the President.

Mr. Deputy Speaker, Sir, I want to talk about the constitutional review process, and I am glad the Minister for Justice and Constitutional Affairs is here. What we are seeing in the Cabinet is not what Kenyans would like to see. Kenyans do not want to see Ministers apportioning blame around. This Government promised Kenyans a new Constitution within 100 days! Then, it shifted the target. Now, almost 1,000 days later, we are still talking about some Naivasha Accord and some nonsensical things! Why did the same Government, which claimed to have a position on the review process, walk out of the Bomas of Kenya? They walked out! They did not want democracy to play a role. Now that they know they are behind schedule, they would like to make Kenyans feel that they are interested in a new Constitution by apportioning blame around. That is not what Kenyans expect from a Government that they overwhelmingly elected. The Government must stop behaving as though it is a military Government! It is not! This is a democratic country that conducted democratic elections and there were winners and losers. The Government promised a new Constitution and they owe it to Kenyans, the Bomas way.

Mr. Deputy Speaker, Sir, back-door corruption of that document will not help because, at the end of the day, it must be acceptable to all Kenyans. You may ran it down their throats but members of public will sooner or later force the Government to spend another Kshs6 billion, like it has already spent, to come up with a good document.

(Applause)

We shall not relent on that! That is what we promised Kenyans. That is what is expected of us, as the representatives of the people of this country.

Mr. Deputy Speaker, Sir, I want to talk about the way the Government has been insensitive to its people. Last week, the Government summarily dismissed magistrates for asking for better pay. Two years ago, we saw that kind of dismissal in the name of cleansing the Judiciary. I have court cases which are almost two years old and nothing is happening. So, what was cleansed? Kenyans want to see some action by the Ministry of Justice and Constitutional Affairs and the Attorney-General. There is no short cut about it. We can pretend only once, but our people need services in the court corridors.

You cannot achieve that by firing somebody who has asked for a better salary. They are over-worked.

Mr. Deputy Speaker, Sir, when the so-called "cleansing" was done in the Judiciary, we were told that there was evidence of corruption against Justice Oguk and Justice Chunga. But up to now, the Minister who faced Kenyans and said there was evidence of corruption against the judges, has not taken them to court. They were dismissed! They were not taken to court and yet, the Government alleged that they were corrupt.

Mr. Deputy Speaker, Sir, looking at their replacements, it borders on ethnic cleansing. You accuse people, take them away from their work because of the simple reason of creating employment for somebody who has been pinpointed or identified for that position. That is not the Kenya Kenyans want. Kenyans want a Kenya where Luos, Kikuyus, Boranas and Rendiles can work along-side each other. There must be equity in the distribution of jobs. The list Mr. Ndolo read here does not look like Kenya. Kenyans are resenting that. You cannot rule people who are angry! Our people are angered by the way this Government is conducting its business.

With those few remarks, I beg to support.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Prof. Kibwana): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support the President's Speech during the opening of the Fourth Session of the Ninth Parliament. Like most hon. Members who have spoken before me, I support the Speech and matters that were outlined there in. It is quite clear that there is a very heavy menu of things that the President expects to be done to secure this country. Therefore, I will not concentrate on the positive aspects because they speak for themselves.

Mr. Deputy Speaker, Sir, one matter that the President mentioned in the tail-bit of his Speech related to the youth of this country. I wish there would have been more elaboration on the measures to be taken to secure the youth. That part of our population, which tallies to about 65 per cent, is the most marginalised and hurt by our economy and what is happening in our political sphere.

Mr. Deputy Speaker, Sir, as a country, we need to provide for the youth in very clear terms. Many of them have completed their studies from Standard VIII, Form IV and even our universities, but they do not have jobs. We should start a Fund, so that the youth could involve themselves in businesses. That is done in other African countries. It is time it was done here, so that the youth could involved themselves in businesses. It can be a revolving fund for the youth.

I think it is also possible to get the youth involved in public works, so that many of them could have something to do. They could work on roads and many other things that can improve our country. In turn, they could get some money.

It is also possible to get an internship programme for youths who have finished Form IV, colleges and universities, so that they could begin to under-study the people in the public service. Through an internship programme of that magnitude, you could get many youths being involved in under-studying people in the public and private sectors. It is important to emphasize that, if we do not make the youth feel as part of Kenya, they will not be interested in the Government and politics. It is, therefore, a challenge to the Ministry of Gender, Sports, Culture and Social Services to come up with programmes to assist the youth.

Mr. Deputy Speaker, Sir, in the Presidential Speech, there was no mention whatsoever of the famine that is afflicting our country and the measures to address it. I went to Kitise in my constituency near a place called Kithuki. One primary school kid told me to greet the President and ask him to authorise that primary school children should be going to school on Sundays. I wondered why that kid wanted to go to school on Sunday. When I asked her, she told me that, from Monday to Friday, they get lunch in school. On Saturdays, the headmaster said they could go to school until lunch time, take lunch and go home. She said that it was only on Sunday that they did not have lunch. She said the headmaster had said that only the President could authorise kids to go to school on Sundays. So, from

that small kid's mind, you can see that they go to school to have lunch. In actual fact, in my constituency, the kids did not want the schools to be closed because they will not have food at home. We were told that 26 districts were afflicted by famine. But now, they are about 57. That is really a serious matter because, assuming the rains will be successful, we will not get food in most of those places until July or August!

Mr. Deputy Speaker, Sir, I want to also speak about the four districts where I come from, that is Machakos, Makueni, Kitui and Mwingi. Since Independence, all people who have come to ask for votes in this region have said that they will provide water once they are elected and the NARC Government promised the same. Up to now, we are allocated about Kshs5 million per district which translates to Kshs20 million for the whole region. This is really a drop in the ocean. When the politicians were going round during the last campaigns, we were told that Kshs15 billion was going to be allocated to the four districts so that they can actually become a grain basket of this country. That kind of money was like a marshall plan the way in which the promise to North Eastern Province has been fulfilled of really doing something to change the lives of people there but, sadly, nothing has been done about those four districts. When I went there recently, I was told that they will not welcome any politician who goes there promising that once elected, he or she will provide water. So, on their behalf, I am giving notice that we will not welcome any politician who goes there again promising provision of water once elected.

Mr. Deputy Speaker, Sir, I also want to talk about the Constitution. It is really pathetic that as a country we are now being treated to a circus of people arguing about who should be in what committee, who should lead what and so on and so forth. I do not know why hon. Raila has become some kind of punching bag where if somebody is not able to do the necessary things to assist in terms of providing a new constitution for this country, they turn around and find hon. Raila to be the person who is preventing the constitution from being enacted in this country. I think we should really address the real issues. When we were in the Opposition with hon. Murungi, we all knew and we said that neither Parliament nor the then President Moi would give the Constitution to this country. So, I do not know where things have changed so that Parliament or the President are supposed to give us a constitution. I think that we are actually stalemating ourselves as a country. We are almost creating a stalemate where we do not want to do the real things.

I am happy now that there is silence behind so that I can deliver this message. I think it is important that we stop blaming each other. We should really ask ourselves: "What level of consensus building is necessary so that we deliver this constitution instead of thinking that we can deliver a constitution through fighting each other?" No one group will be able to deliver the constitution if we do not talk together.

Mr. Deputy Speaker, Sir, I think one major problem which is really the cause of the impasse that we are involved in as a country is when we made deals in the beginning and these deals were made in the public realm about MOUs and so on, although in the past, I have been part of saying that some of them were unfair, they should not have been made and so on. However, I believe when you promise, you must deliver that particular promise. I think it is now time for us to sit down and re-negotiate by saying that: "These MOUs were not right but let us sit down and renegotiate". Even the reformers also did a lot of work to bring this Government into power but they were forgotten. There was an unwritten MOU but they were forgotten and so on and so forth, but that is neither here nor there. I think what is important is that when the MOUs were made, and I think when the Cabinet was being formed, it is possible that the President's role then because he was unwell was not as enhanced as we have been made to believe. So, I think it is time to really go back and face each other and say that Kenya is bigger than NAK, LDP, KANU and so on and we now very carefully ask ourselves: "What is necessary so that we can complete the constitution?". We can stabilise our country so that we deliver more to our people because that is really what matters. I think when that is

done, things like the work in education, Constituency Development Fund and so on will take place. All those things should---

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

Mr. Deputy Speaker: I heard nothing that is out of order.

Proceed, Professor!

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Prof. Kibwana): Mr. Deputy Speaker, Sir, all those things are going to be accelerated and our country is going to be helped.

Mr. Deputy Speaker, Sir, my parting shot really is: Let us go back and talk like a nation. It is important to have a forum for national reconciliation and consensus-building.

I support the Motion.

Mr. Oparanya: Thank you, Mr. Deputy Speaker, Sir.

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

Mr. Deputy Speaker: There is no point of order! The Chair has directed as to who speaks unless you have another point. Is that the point you wanted to raise?

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

Mr. Deputy Speaker: No, the Chair has directed that Mr. Oparanya speaks. The Chair has the discretion. Is that okay? Could I get my friend to understand me? What is your point of order?

Mr. Bahari: Mr. Deputy Speaker, Sir, I have been here since yesterday, this morning and the whole of this afternoon and I have been told that there is a list from where you read the names of the hon. Members you want to give an opportunity to speak. I wonder whether my name is on that list. Would I be in order to ask whether my name appears on that list or there is an omission?

Mr. Deputy Speaker: Mr. Bahari, it is so well to say that you have been here since yesterday. Everyone here has been here since yesterday or even last week, but I want to inform you that I have no list. What we are doing here, and we always do, is to ensure that chances are distributed in a fair manner and I think that is exactly what I am doing.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. You have just said that you are there to see that fairness is done. That hon. Member has been here since yesterday. He has provided a quorum. That conduct of yours is what reduces quorum in this House. The hon. Members who stay here all the time are not given time to contribute and yet those who come in for five minutes are given time to contribute!

Mr. Deputy Speaker: Order! Are you challenging the Chair? Mr. Oparanya, have you been here for five minutes?

Mr. Oparanya: No, Mr. Deputy Speaker, Sir. I was here even yesterday.

Mr. Deputy Speaker: Proceed!

The Assistant Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Mr. Deputy Speaker, Sir. I think once the Chair has exercised its discretion to pick on a Member to speak, it should not be a matter for debate and it is not quite right for the Chair to ask a Member how long he has been here because that is not the criteria. Everybody here has an equal right to speak at any time as long as the Chair gives him or her the opportunity to do so.

Mr. Deputy Speaker: Exactly! Mr. Wetangula, that is very well said. I just want to say that hon. Members are free to raise points of order but, surely, when you raise one that you have not been given a chance to speak and think that you have a complaint, please direct it to your Whip who will inform the Chair. However, do not interrupt speakers by complaining. You can even see the Chair in his office, if you have any complaint. I think we have wasted a lot of time.

Proceed, Mr. Oparanya!

Mr. Oparanya: Mr. Deputy Speaker, Sir, thank you for having given me this chance to

contribute to this important Motion. I also join my colleagues who spoke before me in thanking the President for his eloquent Speech and setting the agenda for this House and the nation. The President said that the Gross Domestic Product (GDP) of this country has improved to 2.4 per cent and that by the end of this year, it is expected to grow at 3 per cent. It is important that the Government puts in place measures to ensure that the GDP growth rate that is expected to sustain this country's economy is 7 per cent.

Mr. Deputy Speaker, Sir, within the Speech, the President said that mobile telephone services have increased to 58 per cent. This is impressive but the cost of making mobile phones in this country, I think, is the highest in the whole world. Technology improves the economy and it is for everybody whether poor or rich.

(Applause)

For this economy to grow, it is important that the Government looks at the charges by mobile phone service providers. We were told that the third mobile phone service provider would be licensed, but up to now that has not been done. I am told that Telkom Kenya, which is a monopoly and which levies excessive charges against the two mobile phone service providers--- We were told that there would be a second fixed-line phone service provider. Until today, that has not been done. It is important that those concerned, especially the Minister for Information and Communications, make sure that we have other players in this industry so that the charges on mobile and fixed-line phone services come down.

Mr. Deputy Speaker, Sir, we are told that revenue collection in this country has improved by 25 per cent and yet we are not told the reasons. Small traders are closing down and it is because they are being harassed by Value Added Tax (VAT) collectors. Everybody is ready to pay taxes, but there should be a correct and convenient way of collecting taxes. Small traders are often told that they have not made proper returns of VAT. Perhaps, that is because they do not fill the right forms and they do not know what to do. We must have an easier way of collecting taxes in this country so that the small traders who close down because of all manner of harassment and being overcharged are encouraged to continue with business. We need these small traders. We need them to expand their businesses so that we can collect taxes from them. I urge the Minister for Finance, in the next Budget, to come up with an easier way of collecting VAT from small traders.

Mr. Deputy Speaker, Sir, with regard to the constitution, it is common knowledge that this Government promised Kenyans that it shall provide a new constitution within 100 days of being in office. The issue of the new constitution has now been reduced to two people, that is, hon. Raila and hon. Murungi. People should know that it is Kenyans who need the new constitution and not hon. Raila or hon. Murungi. If I were the President of this country, I would have--- The President promised us here, while seated in your seat, that as a person, he is committed to providing a new constitution to this country. If I were the President, I would have fired these two people. They are the obstacles to the provision of the new constitution in this country.

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

Mr. Deputy Speaker: No point of order! I heard nothing out of order.

(Laughter)

Mr. Oparanya: Mr. Deputy Speaker, Sir, it is now important that the new constitution---

Mr. Deputy Speaker: Order, Mr. Oparanya! Prof. Olweny, you may not like what Mr. Oparanya has said, but that is his point of view. You are entitled to your own.

Mr. Oparanya: Mr. Deputy Speaker, Sir, the hon. Member who stood on a point of order will have his chance to reply. I will be here.

It is important that we have a new constitution because all the time we have been talking of corruption in this country and yet there are proper checks and balances provided in the new constitution. The experience we have, world over, is that it is very difficult for an incumbent to provide a fair constitution if it is also meant to govern him or her. His Excellency the President should have provided this country with a new constitution and then step aside in the next elections. That is what Mr. Mandela, a great man of this world, did. The President, as it is now, is an interested party within the provision of a new constitution and it will be very difficult to provide a fair constitution so long as he wants to run for the Presidency in the 2007 elections.

Mr. Deputy Speaker, Sir, the issue of security has been raised here. While security is very important, security systems in this country have deteriorated to a point where the Government cannot guarantee security to its citizens and their property. Clashes, carjackings and land disputes are still going on. All the Government is doing is to issue warnings, rather than take action.

We were told in the Economic Recovery Strategy Paper (ERSP) that there is a ratio of one policeman to 815 citizens. We were also told that the Government would ensure that the ratio is reduced to one policeman to 450 citizens. Up to this moment, nothing has happened. The few policemen we have in this country are wasting time providing services that are not important. They are wasting time arresting *chang'aa* drinkers and creating kangaroo courts to collect money instead of protecting *wananchi*. I have heard of *chang'aa* since I was born. Even today people are being arrested for brewing and drinking *chang'aa* and yet it is still being brewed. The Government must come up with a solution to this. We do not want the police to waste time arresting *chang'aa* drinkers the whole day when people are being raped and harassed by thugs. It is unfortunate that, after 40 years of Independence, when you go to report a carjacking or rape case, the police will still demand for money for petrol before they can help you, yet millions of shillings are being stolen.

Mr. Deputy Speaker, Sir, I welcome the issue of the Land Policy Sessional Paper because land is a very sensitive issue. We have had problems to do with land, especially land inheritance. For instance, in my community, women suffer a lot after their husbands die. They and their children are normally chased away by the in-laws who use the opportunity to take their land by force. There must be proper laws to protect widows.

Mr. Deputy Speaker, Sir, I am glad that there will be a Sessional Paper on sugar. In the whole of my constituency, we grow sugar cane. This industry has made us poor. In fact, we have a food deficit. When sugar-cane was introduced in 1976, it was quite profitable and everybody started growing it. What about now? When this Government took over, we had the benefit of farmers being paid on time. Today, majority of farmers owe the sugar companies. The figure owed is carried forward to the balance sheet of the following season and a 14 per cent interest charged on it. Why does this happen? It is because of the transportation cost which is very high. While farmers are being charged 2 per cent as cess, the money collected cannot be accounted for. The money is collected by the local authorities which do not use the money to improve the state of roads in the sugar zones. I was glad to hear from the Minister for Roads and Public Works that he would bring a Motion to this House that will provide for the transfer of that money to the constituencies.

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

Mr. Kajembe: Thank you Mr. Deputy Speaker, Sir. I would also like to contribute to the Speech made by the President. The Speech touched on the area of economic growth.

Mr. Deputy Speaker, Sir, the port of Mombasa is one of the best ports in the world, and being the gateway to Eastern Africa; being the only port which supplies goods to landlocked countries, it ought to be improved. I am saying this because we need to computerize the port of Mombasa. Today in Africa, many of the ports like Durban, Cape Town and even Cairo, have been computerized. But our port has not yet been computerized. I think the Government should do all it can to computerize the port of Mombasa.

Mr. Deputy Speaker, Sir, it is also important to have a free trading zone. Most of the people of Eastern Africa and from the Great Lakes region go to Dubai because they will get motor vehicles cheaply there. Time has come now for the Kenya Government to make the port of Mombasa a free trading zone; they call it a free port. I know that the Government will have to lower the import duty, but doing that will not bring down the revenue collection, since there will be a lot of activities and businesses, and it is important that the port of Mombasa is made a free trading zone.

It is also important that the Government considers putting up another container terminal; one terminal should be privatized and the other one should be owned by the Kenya Ports Authority, so that they can compete. The port of Mombasa is under-utilized, because it has that port. So, time has come now that our port should be run like other ports in the world. The port of Singapore and some other ports in the world were very backward compared to the port of Mombasa about ten years ago. But today, they are doing very well because they have been made free trading zones and have been computerized.

Mr. Deputy Speaker, Sir, I would also like to talk about local authorities in the country, which have been addressed in the President's Speech. It is true that all local authorities in this country are in a mess, to the extent that they do not carry out proper garbage collection or give proper service delivery to the people. But I would like to draw the attention of this House to this; when we want to improve services in the local authorities, we also ought to improve the standards of councillors. We must have councillors who are better and who can lead the local authorities. Again, the councillors should be given higher allowances than what they are earning today. If they continue getting the allowances they are getting now, there is no way you can stop them from engaging in corrupt malpractices. They are doing it because they are paid less.

Mr. Deputy Speaker, I would also like to talk about what is happening in Kwale regarding the rowdy youth. Of late, we have heard of the Mai Mahiu clashes, North Eastern Province clashes and now, it is happening in Kwale. Let us call a spade a spade because, already, what has happened in Kwale has dented the tourism industry. If that trend continues, it will paralyse the whole tourism industry. We need to get a Government statement on this issue; just to know what is happening. What are the problems? What happened all of a sudden that we are having these unrests in Mai Mahiu, North Eastern Province and Kwale? For us who come from the Coast Province, we remember what happened in Likoni at that time. It took over five years for tourists to come back to this country. Again, there are these incidents which are happening now and it appears there is somebody who is very unhappy with the people of the Coast and he wants to see to it that Coast Province does not have any economic activities, because this is going to injure the tourism industry. If that person is known, he should be condemned. I am quite certain that the Government will come out and say: "The person is So-and-so".

In the President's Speech, he talked about agriculture, improving coffee, tea and pyrethrum. But he did not mention anything on how to improve agriculture in the Coast Province. We have the well known *mnazi* from the Coast Province. When we talk of *mnazi*, we do not talk of the liquor which comes from the *mnazi*. There are over 12 products from the *mnazi*; you can make coconut oil and so many other commodities from it. I would like to ask the Government to also do a research on the products that can be produced from the *mnazi* in order to keep up that industry. We have been promised that a board to manage the *mnazi* industry is going to be constituted, but up to now, we have not seen that board. But we are sure that if research is done, the Government will come up with a *mnazi* industry which will benefit the local people there and all Kenyans. Even the other areas of agriculture, for example, the irrigation schemes which we have had in the past in Tana River could not continue because the former regime had put lazy people there; people who could not deliver in those irrigation schemes. All the schemes were swept away by rains and they were unable to continue with them. I am asking this Government to provide the following; we would like to see the irrigation

schemes, especially that of rice in Tana River being reinstated. That way, we are going to help this country develop equally. Mr. Deputy Speaker, Sir, on the issue of bursary funds, which were recently distributed to the provinces, it is amazing to note that Nyanza Province got Kshs84 million, Central Province - Kshs49 million and Eastern Province received Kshs60 million, while Coast Province got only Kshs22 million. What sin did we the people of Coast Province commit against whoever was distributing the bursary funds?

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

Mr. Rotino: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

In supporting this Motion, I want to thank the President for the eloquent Speech he gave and which I think had a vision. I am saying this because even the Bible says that people perish where there is no vision. The Speech the President gave in this House touched on many areas. However, there are some issues which the President did not give more emphasis. I want to join my colleagues who have talked about the constitutional review process. It is good the Minister for Justice and Constitutional Affairs is here and I want him to listen. He has done a lot of injustice to this country.

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Who?

Mr. Rotino: Mr. Deputy Speaker, Sir, it is better for the Minister to listen!

If you go to every household in this country, you will find people speaking about Mr. Murungi whom they do not know. Mr. Murungi has become the constitution and *vice-versa*. It is important that the Minister prays to God to forgive him because he has done a lot of injustice to this country by not providing a new constitution. He is the stumbling block towards this country getting a new constitution. Since he is the Minister for Justice and Constitutional Affairs, he should give us reasons why he cannot give us a new constitution.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Mr. Rotino to glorify and elevate Mr. Murungi to a level where he is called the provider of a new constitution when he is not?

Mr. Deputy Speaker: Mr. Rotino, continue!

Mr. Rotino: Mr. Deputy Speaker, Sir, I do not have to reply to that parochial point of order.

It is good that the Minister for Justice and Constitutional Affairs is here. He should know that he is doing a lot of injustice to this country because Kenyans, through their delegates, gave their views on the new constitution at the Bomas of Kenya. The Minister was supposed to endorse and bring the Bomas Draft to Parliament. He should not go round in circles. It is time he gave us a new constitution because God will not forgive him if he fails to do so!

The Minister for Justice and Constitutional Affairs (Mr. Murungi): On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order---?

Hon. Members: He is not a Minister!

(Laughter)

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Deputy Speaker, Sir, I am sorry I have elevated the hon. Member. Is he in order to say that I should bring a new constitution when he knows that this House passed a law which states that Kenyans have to come up with it?

Mr. Rotino: Mr. Deputy Speaker, Sir, it is this Minister who pushed the Bill down our throats and we passed it!

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to cast aspersions against the hon. Members of Parliament who passed the Constitution of Kenya (Amendment) Bill? He has said that they were forced to pass the Bill. I was not forced to vote for

the Bill but I did so voluntarily.

Mr. Deputy Speaker: That is all right! Mr. Rotino, you have said that the Bill was pushed down hon. Members' throats. Those remarks are completely out of order and I ask you to withdraw them!

Mr. Rotino: Mr. Deputy Speaker, Sir, I withdraw the remarks, but I have made the point.

I now want to talk about agriculture. The farmers in this country are really suffering and yet we say that agriculture is the backbone of our economy. I remember that during the Seventh Parliament, when the current President was the Leader of the Official Opposition, he used to speak a lot about agriculture. He used to tell this House how agriculture should be improved. I thought that he should give subsidies to our farmers since he is the President. Even the price of fertilizer has sky-rocketed. The Minister for Agriculture said that a bag of fertilizer is now selling at between Kshs1,700 and Kshs1,800. This is the case and yet the President has got powers to give subsidy to our farmers to increase production.

Mr. Deputy Speaker, Sir, I want to talk about insecurity in this country.

(Loud consultations)

Mr. Deputy Speaker: Order, there! May we have some order? The hon. Member is contributing to the Motion.

Mr. Rotino: Mr. Deputy Speaker, Sir, as many of my colleagues have said, insecurity is rampant in this country. Even the late Chemorei was killed by the police and that is state terrorism. Yesterday, Nation Television showed Kenyans how he was shot from the front, but the police said that he was shot from behind. That station was trying to explain the injustice and insecurity in this country. If a Senior Superintendent of Police, who was the third in rank in the General Service Unit (GSU), could be shot dead by the police instead of being arrested because it was easy to arrest him, how secure are we? That is how insecure this country has become.

I want to talk about the poor state of infrastructure in this country. As I speak now, you cannot drive along the Naivasha/Nakuru Road because it is in a pathetic state. Our cars break down now and then. The President should have told us how we can improve our roads. I tend to think that the priorities of the Ministry of Roads and Public Works are upside down. At the moment, they are repairing the Nakuru/Marigat Road and yet the traffic on that road is minimal. The Ministry has neglected the Naivasha/Nakuru Road which is in a pathetic state. The section between Nakuru and Makutano is bad. The Government, through the Ministry of Roads and Public Works, should set its priorities right.

In my constituency, and I have said this time and again, we generate electricity at the Turkwel Hydro-Electric Power Station. KenGen sells power to the tune of Kshs700 million every month and yet not even 1 per cent of that amount is ploughed back to our county council. Our councillors go without pay for seven to eight months and yet we generate electric power. I have always pleaded with this Government, through the Minister for Energy whom I have talked to, to, at least, give 1 per cent of the Kshs700 million to our county council. In addition, the entire constituency with a population of more than 150,000 residents does not have electricity. We have no access to even one kilowatt of electricity and yet we generate Kshs700 million per month to this Government. The Government has deprived our people of their grazing land. It has not compensated them for the land they lost to the dam. The Government should consider compensating our people.

Mr. Deputy Speaker, Sir, I want to talk about free primary school education. I want to thank the Government for implementing it. There are things which go hand in hand with free primary school education. If you visit the 165 primary schools in my constituency, you will find that every school has less than four or five teachers. You will find that a school with 800 pupils has four

teachers. I have said time and again that the Government should employ enough teachers. The Government is aware that we require enough teachers after the implementation of the free primary school education programme. The President never emphasised this matter and yet he knows that we require more teachers. Even the staff in the Ministry of Education, Science and Technology, who are supposed to be supporting education officers, such as inspectors of schools in the district, do not have the necessary facilities. For example, they do not have transport to access hardship areas. This is something that the President should have elaborated on in his Speech.

Mr. Deputy Speaker, Sir, on food security, the Minister of State spoke about food insecurity. He said children in Ukambani pleaded with the Government to allow them to attend schools on Sunday so that they can get food. This is the very sad state of affairs that our people are in yet when the President gave his Address, he never raised this issue. Where are we going?

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

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to also laud the President's Speech and policy exposition contained therein.

In my contribution, I want to start by touching on the issue of Kenya as a peacemaker. Kenya has spent billions of shillings pursuing peace in Southern Sudan and Somalia. This has culminated in the signing of the Comprehensive Peace Treaty for Sudan and the formation of the interim Government in Somalia. This is a great feat for the country. We should all be proud of it. We, as a country, have established ourselves in the region as a centre where peace can be discussed, agreed upon and executed. As we do that, it is my hope and wish that we, as a country, must rise up fully to reap the peace dividends from our efforts.

There is the on-going reform of the UN system, particularly the Security Council. I would like to say that Kenya must lay claim to one of the seats of the Security Council as a permanent member in the very near future. We hear everyday debate about whether it will be Nigeria or South Africa, Egypt or Nigeria. I would like to say that we, as a Parliament, should all rise and demand and have the Government push our agenda. We should get our country as a permanent member of the Security Council full with all the privileges that go with it, including the veto. That is what we deserve and that is why we are in this region.

Mr. Deputy Speaker, Sir, equally, having pushed the peace process in Somalia and Sudan, Kenyans must get ready to benefit economically from the peace that comes with these regions. There will be enormous reconstruction processes in both these countries. Our business people, construction companies, traders and everybody else must be ready to participate in the reconstruction of Sudan and Somalia. It will be an irony and an insult to Kenyans to learn that there are companies, individuals and organisations coming from far away from this region taking the centre stage in the reconstruction of these two countries and reaping the dividends where Kenya has painstakingly been in the driving seat. We need, in fact, a committee of this House formed to oversee the process of resettlement in Southern Sudan; carefully checking what is there for the benefit of our people and Somalia as well. A committee that will be able to engage the governments of Sudan and Somalia, so that we are able to benefit fully from this process.

Mr. Deputy Speaker, Sir, I also would like to say that for the interim Government of Somalia that has been staying in Kenya since the interim President was elected, their continued stay in Kenya does not augur well for them. Having elected a President, a Cabinet and a Parliament, it is desirable that the region, being IGAD and the AU, helps them go back to their country. If they continue staying here, the risk we run into is that new warlords will emerge in Somalia. With the emergence of new warlords, they may render the new Government nugatory.

Mr. Deputy Speaker, Sir, let me also touch on the issue of agriculture. This is the planting season. The rains are now here and farmers have prepared their fields. However, farmers cannot afford

the inputs which are too expensive. I do not want to fall into the trap of my colleague, Mr. Rotino by asking for the Government to subsidize agriculture because that will be contrary to World Trade Organisation (WTO) rules, which he knows. I do not know why he was saying that. However, what the Government can do is that we have the Agricultural Finance Corporation (AFC), which is a farmers bank. The Government should be able to put money in that bank, which can in turn underwrite the importation of fertilizer by organs like the Kenya Farmers Association (KFA) and sell to farmers at better prices with minimal profits other than leaving the farmers to the vagaries and greed of Indian traders who bring in fertilizer and charge farmers more than double the price. Until and unless we control the greed of the traders, particularly Indian traders, our farmers will still suffer under the weight of unaffordable farm inputs. Whenever such things happen, it is the country that suffers. The greedy trader is only interested in the shilling in his pocket and his account. The food deficit that we suffer after that, the Government has to turn round and look for food importations. We have to turn round and look for support from donors and so on. Mr. Deputy Speaker, Sir, the President also talked on the issue of revival of the sugar and pyrethrum industries. This is very important because cash crops are important as they put money in the pockets of farmers. However, on sugar, the Government has to relax taxation on the sugar industry. If you come to Western Kenya where farmers pre-dominantly grow sugar-cane, you will find that up to 64 per cent of the income of the farmer is claimed away through taxes. There is the Sugar Development Levy (SDL), Value Added Tax (VAT) and all manner of taxes. In fact, sugar cane is the only industrial crop that is charged VAT and the farmer has to pay. Other industrial crops do not have VAT on them. Coffee and tea farmers do not pay VAT. This should also apply to the sugar-cane farmers. There was recently a conference on sugar and a lot of good resolutions were passed. I hope that the Minister for Agriculture will in the course of this year implement what we agreed on. I also know that Prof. Oniang'o had a private members Bill on streamlining the Sugar Act. I believe she will re-introduce it to the House, so that we pass it and improve the industry.

Mr. Deputy Speaker, Sir, every single hon. Member has spoken about the need to have a constitution in this country. We must have a new constitution. Blaming each other, grandstanding and all manner of things that we are seeing around is unhelpful. As we go to the new Session, I want to see a situation where the Parliamentary Select Committee on the Constitution, which is an *ad hoc* Committee that we had in the last Session, is given an opportunity to mid-wive the constitution, so that we have institutional memory and continuity, so that we are able to deliver the constitution to this country. We are soon going to run out of deadlines as we have been doing that far too often and it is not good for the country.

Mr. Deputy Speaker, Sir, I also want to touch on insecurity. When we talk about insecurity, one quickly thinks of Mai Mahiu, Trans Nzoia, Mandera and Marsabit. However, if you come to Bungoma District, for the last two months alone, we have had more than 20 gun attacks on innocent people. Gangsters go to people's houses and the most bizarre attack was two weeks ago when a gang of marauding youths went into a shop of a disabled person who is on a wheelchair and pushed a knife through his eye to the back killing him instantly and taking away money from him. Where are we getting to? This happened 200 metres away from the residence of the Party Chairman of FORD(K), Mr. Kombo, in Webuye Town, where we have a police station and Administration Policemen. What is happening to security? We need to have a proactive approach to reinforcement of security. Last week, in my constituency, a gang again invaded a person whom they suspected had earned some little money from sugar-cane and slashed him to pieces. The previous week, they raided another family in my constituency and shot two members of the family. The members are now in hospital and this is happening all over. We need to address the issue of security seriously because if people cannot sleep in their houses in peace, I do not know where else they can go.

With those few remarks, I beg to support.

Mr. Deputy Speaker: That is very sad indeed. Mr. Murungi!

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Deputy Speaker, Sir, let me take this opportunity to congratulate His Excellency the President for his excellent Speech before this House.

The Speech by His Excellency the President articulated the vision of the NARC Government which is to create a free, democratic, prosperous and corruption-free Kenya. The Government is committed to high levels of economic growth, eradication of poverty, creation of wealth and jobs for our people. The purpose of all these is to improve the welfare of each and every Kenyan.

In the last two years that we have been in the Government, we have done a lot. We are sometimes surprised when hon. Members in this House who know what is happening in their own constituencies stand up and say that this Government is not doing anything. They say that at least give even the devil his dues. When we walk in the villages, villagers turn out in great numbers to come and congratulate and celebrate with us.

(Applause)

They do so because of the positive difference that they are seeing in their various aspects of life.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Tell them!

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Deputy Speaker, Sir, the universal free primary education is touching villages in every corner of Kenya and I have not heard any person saying that his children are not benefiting.

The greatest development revolution brought around by this Government is the Constituency Development Fund (CDF). For the first time in the history of this country, every constituency led by an hon. Member, irrespective of his or her political opinion, is receiving a minimum of Kshs20 million and there will be more. We are very happy to see the kind of projects that hon. Members are bringing to the Committee. There are water projects, classrooms, dispensaries, bridges and roads. Therefore, development that matters to people of this country is going on.

(Applause)

It is important for us to look; accountants talk about credit and debit. They say that unless you open your eyes, you never know whether the sun has risen or whether there is light around you and you will think that there is darkness. There are some hon. Members from this House who have chosen to permanently close their eyes to developments that are even taking place in their own villages for their own political reasons. However, whether they close or open their eyes, that child who is benefitting from the universal free primary education, will know that he is a beneficiary of policies of this Government. That person who goes to hospital and finds medicine will know that there is a difference between this and the previous Government.

We have done a lot in the last two years that the previous Government was not able to do in about 25 years. The Leader of the Official Opposition moved all around this country in helicopters saying that free primary education was not possible and that it was a big joke. Right now, children in Gatundu South are the main beneficiaries of this impossibility.

(Applause)

We have received a lot of beating about corruption. As the Minister in charge of anti-corruption polices, I would like to say that corruption is still rife in this country. It is there at all levels; it is at the top, middle and bottom. This is a fact that we cannot deny and it is an open secret

that Kenya has been one of the most corrupt countries in the world. This is not a situation that has been created by the NARC Government but it is a situation that has been inherited by it. What we are saying is that, unlike the past, we acknowledge the problem and we are doing something about it.

Prof. Oniang'o: What?

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Deputy Speaker, Sir, Prof. Oniang'o is asking what we are doing. She was in this House when we passed the Anti-Corruption and Economic Crimes Bill and that is one thing that we did.

Our strategy, because the problem was big and it was everywhere, was first to dig deep trenches to establish institutions and prepare ourselves for a long drawn-out fight against corruption. The last 18 months or so have been spent in creating those institutions. I am happy to report now that the Anti-Corruption Commission is up and running. It did not go on holiday during Christmas as it was recruiting staff who reported in January. It has had only one month or so of work and the report I have is that already, within that one month, it has concluded about 20 cases which will be brought to court. What I am asking hon. Members to do is to give these people time.

An hon. Member: How much time?

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Deputy Speaker, Sir, we expect a lot of arrests and prosecutions to take place this year. We have decided that 2005 is the year of action!

(Applause)

This is the year when almost all stolen property will be recovered. The Commission which was inquiring into the Goldenberg Scandal is about to complete its work. The Ndung'u Report is also out. You will see some action taken on these reports and also against those who have stashed Government money in foreign accounts. We require your support as action is being taken. Let us not hear people say what an hon. Member said, that corruption cases are only targeting a particular tribe in Kenya. The fight against corruption is targeting every person in Kenya. Every tribe will be affected. One of the problems we have been facing is that corruption is fighting back. We know that certain local newspapers are owned by the people we are investigating. Those are the people who have decided to paint this Government black. They are the ones who are saying that the NARC Government is more corrupt than the previous Government. The same people who were corrupt in the previous Government now talk the loudest.

We know that corruption has not increased in this country. We know that corruption under the NARC Government cannot be quantified to a quarter of what was there during the KANU regime. What we have now is an increased debate and politics about corruption. More people are talking about corruption than they could do before. Corruption in security contracts has not started today. British companies were involved and nobody was talking about it. It is being talked about now under the NARC Government, because we have increased the freedom of expression in this country. One of the ways of fighting corruption is by giving greater freedom to the media so as to expose corruption. That freedom, which is being enjoyed under the NARC Government, is also one of the tools for fighting corruption.

Mr. Deputy Speaker, Sir, regarding the constitutional review process, I have been called many names. I have been referred to as a chameleon and many other things. I want to assure you that we are determined to have a new constitution by the end of this year.

I beg to support.

Prof. Olweny: Mr. Deputy Speaker, Sir, I take this opportunity to support the President's Address, which was a good one. This Government, that has been around for the last two years and three months, has made great achievements. It is good to say that it has made some achievements. The

way bursary funds are given out today is better than the way they were disbursed previously. My constituency has benefited from millions of shillings. I know that every other constituency has benefited from millions of shillings. If you add up what students in my constituency have received from various schools, you will find that it is much more than the Kshs2,500,000 which my constituency was allocated last year. In that case, the Government has made an achievement.

Previously, we used to hear of *siasa mbaya, maisha mbaya*. That used to come from the mouth of the retired President. Today, even if you criticise the President, you will still be assured of getting the Constituency Development Fund (CDF) money. That is an achievement. We have projects which are being implemented using this money.

Schools in my constituency have not received any funds to support the free primary education since the programme was implemented. However, there are a number of schools across the country which have benefited from the initiative. These are achievements by this Government, which have to be appreciated. But, we have to remind the Government of its failures. It has its failures. A lot more could have been done in the last two years that the NARC Government has been in power were it not for the squabbles which are initiated by hon. Kiraitu Murungi. He keeps on attacking Mr. Raila every time he comes from abroad, while he is still at the airport. These squabbles are taking the Government back. It is high time our Ministers sat down and phased out the squabbles they have engaged in for the past one-and-a-half years. I hope that hon. Kiraitu Murungi is listening to us. This country, today, is against Mr. Kiraitu Murungi, who has blocked the constitutional review process. That is one thing which will give our President a bad name.

The late President Kenyatta created a name by enacting the Independence Constitution. Former President Daniel arap Moi made history by removing Section 2A from the Constitution so as to allow multipartyism, which brought President Kibaki into power. Were it not for his goodwill, we would not be having multipartyism. The former President also made history by initiating the constitutional review process. It is during his time that the Constitution of Kenya Review Commission went around the country collecting views from Kenyans about the new constitution. We thank President Kibaki for allowing Kenyans to sit at the Bomas of Kenya to discuss these views. It is unfortunate that he will not deliver a new constitution. We will have another President delivering it because President Kibaki has all kinds of stumbling blocks placed in the way of a people-driven constitution by people who want a Cabinet-driven constitution, which is unacceptable to the people of Kenya.

Mr. Deputy Speaker, Sir, I would like to say something about the agricultural sector. Kenya's economy depends on agriculture. If you look at our national Budget, you will see that very little money is allocated to this sector. So much money is budgeted for national security. However, if you assess the national security situation, you will find that people are being killed left, right and centre. Our police officers have big bellies. They are seen standing by the roadside. What can huge officers with big bellies do? Can they run? So little money is given to the agricultural sector. That is why so many sectors cannot be revived. We cannot revive the cotton sub-sector. We used to export wheat and sugar. The sugar industry is right now only striving to survive. We request the Minister for Finance to take a second look at the Budget, so that he can have something better for the agricultural sector. We should not let our country suffer from food insecurity problems. Why should we import maize instead of exporting it? We used to export maize. We have enough land and brains; people who have been trained as agriculturalists. We have enough water which could be used for irrigation. It beats logic why we cannot revive Kenya Meat Commission (KMC). Simply because of mismanagement, KMC went under. The sugar industry is struggling to survive. It is good that there is a little political goodwill for the sugar industry today. But a lot still needs to be done. We need to diversify that industry, because there is no way the sugar industry will survive unless it is diversified. Let us generate electricity to sell to the national grid. That is what is done in other countries that grow

sugar-cane for production of sugar.

In other countries, sugar is treated as food so that there is no Value Added Tax (VAT), unlike here. That is one of the aspects that are causing problems in the sugar industry. Unless we improve the capacities of our mills, the sugar industry will not be able to compete with the sugar industries from other countries because of economies of scale. A small factory milling about 500 or 1,000 tonnes of cane per day cannot survive because of the overhead costs involved in production. I wish to ask the Ministers for Agriculture and Finance to budget well for the sugar industry so that we improve the capacities of our mills. We should subsidise the production of sugar-cane by making it easier for farmers to get fertilizers and pesticides more cheaply and easily.

[Mr. Deputy Speaker left the Chair]

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

When it comes to the use of cess money in this country--- The other day we went to Mauritius and we found out that cess money that is contributed by the sugar-cane farmers is not given to the local authorities. There is a parastatal which is responsible for handling that money and they make sure that the roads are maintained. The Minister for Agriculture could do the same. They could come up with a system where cess money for all crops is given to a body which will be responsible for maintaining the roads, whether coffee, tea or sugar, instead of giving it to councillors to fight over. They always fight over cess money. That is one of the things that is causing us problems, trying to ask the local authorities to rectify the issues there.

Mr. Temporary Deputy Speaker, Sir, towards the end of last year, the Departmental Committee on Agriculture, Lands and Natural Resources went out to look at what is happening to our forests.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Prof. Olweny! Your time is up!

Prof. Olweny: Thank you, Mr. Temporary Deputy Speaker, Sir.

With those remarks, I beg to support the Motion.

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

Mr. Temporary Deputy Speaker, Sir, after listening to the President, I took a copy of his Speech which I looked at again in detail. I looked, particularly, at his legislative programme and it was very heavy. The President proposes to bring about 17 Bills and three Sessional Papers. So, altogether, we have to look at about 20 pieces of legislation in the current Session.

I am stressing this issue because going by what we did last year, we were only able to pass nine pieces of legislation in a whole year. We passed 12 but three of them were returned because, apparently, we did shoddy work. So, we ended, in effect, passing only nine pieces of legislation. We did that and it is on record that we sat for a total of 128 days. I think we need to do a bit more. Just like we want to exercise our oversight role by looking at what other arms of Government are doing, like the Judiciary, the Executive and criticising them, we should also look at ourselves and, how we are performing, because I do not believe that we are doing enough.

But is it necessarily our fault? Is it, perhaps, the Standing Orders that have not been enforced? Is it, perhaps, that our Standing Orders need to be reviewed? We spend quite a bit of time on Question Time. Some of these Questions are of a historical nature; things that happened ten to 20 years ago and they will not make a difference in the lives of our people. We probably need to look at the kind of Questions that we bring to the Floor of the House; whether they are current or historical or whether they make a difference or not.

Mr. Temporary Deputy Speaker, Sir, I can state categorically that certain provisions of our Standing Orders are not being observed. If, for example, we looked at Standing Order No.101A(1), which deals with the legislative process, it says:-

"A Bill having been read a First Time shall, upon a Motion by the designated Minister, stand committed to the relevant Departmental Committee without question put."

Then, in Standing Order No.101A(3) it says:-

"The Departmental Committee to which a Bill is committed shall present its report to the House within seven days of such committal and thereafter the Bill shall be ordered to be read a Second Time on such a day as the designated Minister shall appoint."

Mr. Temporary Deputy Speaker, Sir, from the time I joined this House, this Standing Order has never been observed. Bills are brought and tabled and the last time we hear about them is several months later and we have not, therefore, had the time to look at these Bills. No wonder every time we pass these Bills in a hurry, three of them have been referred back to us. We are not doing what we should be doing. It is my humble submission that as the Chair of the Standing Orders Committee, the Speaker should ask the Committee to assemble so that we look at the way we are running the business of this House. If we do not do that, our output will not be what Kenyans expect of us.

Turning to the contents of the President's Speech, I think it is a fair summary of the achievements of his Government and what he intends us to do in the future. But if the people of Kwhisero were listening, they could not believe when the President finished his Speech. This is because 95 per cent of my people depend on agriculture for their livelihoods. They would, therefore, have liked to hear the President addressing some of the issues that affect farmers in this country. We would have wished to know, for example, what the Government strategy is, towards addressing the high levels of poverty and unemployment.

The Government should come out clearly and say what it intends to do to help farmers. Farmers have been left to fend for themselves. They have no access to financial support services to buy inputs which they hardly afford. My farmers have no access to--- I am glad the Minister for Lands and Housing has just walked in. The President talked about land adjudication but, unfortunately, he only referred to areas in Kwale, Meru and Mwingi. I would like to inform the Minister that land adjudication in Kwhisero was done many years ago, but the people who occupy that land now are not the original owners. Perhaps, the Government should consider launching a new adjudication process to enable farmers to get title deeds. Hopefully, with those title deeds, they can access loans to develop their little plots.

In the area of agriculture, we have some technology. But the biggest problem is that, that technology does not reach the farmer. We have a very serious shortage of extension services. The Government should tell us what plans it has in the near future to tell our farmers that they will not harvest any maize by tilling or digging three inches of soil in their *shambas*. We need those extension services to reach the farmers to enable them to produce enough food for themselves.

Mr. Temporary Deputy Speaker, Sir, as you sit in various social places in Nairobi, there is talk about the shortage of money; that money which used to be there during the KANU days is no longer there. They have even said that they want KANU back. I would like to take this opportunity to inform those who are asking where that money went to. That money has been collected by the NARC Government from major towns and taken to the villages. The President told us that every constituency will get an average of Kshs60 million. That was the kind of money that was doing rounds in towns. But now it is in the rural areas. Some hon. Members who are beneficiaries of that money are even asking what the Government has done. Hon. Members can now move around and toss around cheques and say: "You can use this cheque for A, B, C and D." That is something which would never have happened in the previous regime. They have a minimum of Kshs20 million to spend and every child in any primary school is getting Kshs1,000 for free primary education. We are getting money

through the HIV/AIDS programmes and through the Constituency Bursary Fund and yet, some people have the audacity to ask what this Government has done.

(Applause)

Mr. Temporary Deputy Speaker, Sir, regarding the constitution, I want to be on record as saying the following:- "The credibility of this Government depends 100 per cent on whether it will deliver a new constitution or not. I state categorically that it will be very difficult for me to ask the people of Khwisero to continue supporting this Government, if it cannot deliver a new constitution that it promised the people of Kenya."

Mr. Temporary Deputy Speaker, Sir, I would like to talk about corruption. I find it very strange that there are people who are so magnanimous that they know who the thieves and corrupt people are, but all they do, including the media, is to make allegations and ask the Government to act. If those people mean well for this country, they have every right to come out and give those names. We have a Government which is not vindictive. If they do not want to give the specific details in the open, let them name those people to the investigating agencies under the cover of confidentiality. They are free to leak that information to the Press, so that the Government can start investigations. But when those pretty ladies of Transparency International make allegations and say that it is the Government's responsibility to investigate, I think, to be fair to the Government, it is not the right thing to do. They know who those people are! Let them volunteer that information to the institutions that could bring those people to justice.

Mr. Temporary Deputy Speaker, Sir, on infrastructure, I have a very funny scenario in Khwisero. Right now, the rains are on and many roads are impassable. When it is dry, we choke with dust. When it rains, we cannot plan any journey because we do not know whether we will get there. All you need is one lorry to get stuck in the middle of the road and there is no communication. The President came to Mumias and promised to tarmack the Ebuyangu-Ekero Road. As we speak now, I will go home tomorrow and I do not know whether I will reach home. From what I have been told, the road is impassable.

With those few remarks, I beg to support.

Mr. Kingi: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili niweze kuzungumza machache kuhusu Hotuba ya Rais siku ya ufunguzi wa Bunge.

Nataka kukubaliana na walionitangulia kwa kusema kwamba Hotuba ya Rais ilikuwa nzuri. Mbali na kueleza mengi ambayo Serikali imefanya hadi sasa, ilitoa pia mwelekeo na mwongozo wa yale mengine ambayo Serikali inataka kufanya katika kipindi kichache kilichosalia. Wakati Rais alipokuwa akiongea, ilitokea wazi kwamba yeye anajua ni kitu gani anafanya katika taifa hili. Anajua ni mipango gani anayofanya kwa taifa hili na ni wazi kwamba anafanya hayo kwa sababu anapenda nchi hii na wananchi wake. Kile kinachobakia ni wale wachache ambao amewachagua katika mipango ya taifa hili, ambao wengi ni Mawaziri na wasaidizi wao, wanahitaji kumuunga mkono na kumpa mwongozo Rais. Nina imani kwamba wakifanya hivyo, basi mengi ambayo wananchi wanalalamikia kwamba hayajafanyika, yataweza kufanyika.

Bw. Naibu Spika wa Muda, jambo moja ambalo liko katika midomo ya Wakenya wengi ni kuhusu ufisadi. Ni kweli nakubaliana na waliosema kwamba ufisadi upo na umekuwepo. Kazi ngumu tuliyo nayo ni kuhakikisha kwamba hautaendelea. Kazi hiyo ni ngumu kidogo kwa sababu ufisadi umekuwa na sisi kwa muda mrefu. Jambo linalotushangaza ni kwamba wengi waliofanya njama ya kupora mali ya taifa hili wanajulikana. Uchunguzi umefanywa huko nyuma na tunajua, kwa mfano, ni akina nani walifilisi viwanda vya korosho, viwanda vya maziwa kule Mariakani, kiwanda cha sukari cha Ramisi na vingine. Watu hao wanajulikana na wanatembea kila mahali katika taifa hili. Wananchi wanakosa kuelewa ni vipi tunasema tunapigana na ufisadi na hali waliofilisi mashirika kama ya Posta

na Reli wanajulikana na hawafanyiwi chochote! Iwapo tutaweza kuwachukulia hatua kama vile inavyotarajiwa na wananchi, basi nina hakika kwamba jambo la ufisadi litaondoka midomoni mwa Wakenya wengi.

Bw. Naibu Spika wa Muda, mambo ya ardhi yamezungumziwa kwa muda mrefu. Nataka kumshukuru Waziri wa Ardhi na Nyumba kwa sababu yeye amezunguka sehemu nyingi za taifa hili. Nina imani kwamba anajua ni nini kinaendelea katika taifa hili, hasa kuhusiana na mambo ya ardhi. Alipozuru huko kwetu hivi karibuni, tulimwambia kwamba jambo la ardhi ni gumu katika sehemu nyingine. Kuna sehemu nyingi ambazo zinangoja kugawanywa na zingine zimekamilika na wananchi wanagonja tu vyeti vya kumiliki ardhi. Linalohitajika ni maofisa wengi wapelekwe katika sehemu hizo ambazo hazina matatizo mengi, ili wananchi waweze kupata haki za kumiliki ardhi. Watatumia hati hizo kuchukua mikopo na kuimarisha maisha yao.

Bw. Naibu Spika wa Muda, Kenya ilipata Uhuru 1963 na huu ni muda mrefu kwa Mkenya ambaye mpaka leo, hajawahi pata hati ya kumiliki ardhi. Ukilingalinisha Mkenya huyu na mwingine ambaye alipata hati ya kumiliki ardhi 1963, utaona kwamba hawa ni watu wawili ambao wanaishi katika taifa moja, lakini mambo yao ni tofauti kabisa. Kwa hivyo, ningetaka kumuuliza Waziri aongeze bidii zaidi ili ahakikishe kwamba wananchi wanapata hati za kumiliki ardhi na waweze kuzitumia. Sehemu nyingi za Pwani, ardhi haijagawanywa na mara nyingi, fedha ambazo zinakuja kupitia kwa mashirika ya mikopo kama vile Agricultural Finance Corporation (AFC), hurudishwa kwa sababu wananchi hawawezi kukopa pesi hizo kwa vile hawana vyeti vinavyohitajika.

Ningetaka kuzungumzia pia kuhusu mpango wa maji nchini. Maji ni uhai. Tumeahidi wananchi kwamba tutawapelekea maji. Kwa hivyo, ningetaka kumuuliza Waziri anayehusika na mipango ya maji azuru taifa hili. Ningemuuliza azuru sehemu kame ambazo zina shida kwa sababu zinakosa mvua karibu muda wa mwaka mzima na aone ni mipango gani ambayo anaweza kufanya ili wananchi wanaoishi katika sehemu hizo pamoja na mifugo yao, wapate maji bila matatizo.

Tukiingilia upande wa elimu, ningetaka kuishukuru Serikali kwa kuanzisha elimu ya msingi bila malipo. Pia, ningetaka kuishukuru kwa vile ambavyo inapeana bursaries kwa wanafunzi. Hata hivyo, ningetaka kulalamika kwamba ugawaji wa bursary, hasa uliofanyika juzi, haukufanyika vizuri kwa sababu Waziri alitumia tarakimu za hesabu ambazo zinatuongoza vibaya. Kwa mfano, katika eneo langu la Ganze, vijana wengi ambao wanaalikwa kuingia katika shule za upili, wanakosa kwenda kwa sababu wazazi wao ni maskini. Iwapo wanafunzi 2,000 wameitwa katika shule za upili na labda 300 peke yake ndio wameenda, unapata kwamba wanafunzi 1,700 hawakuenda. Unapogawanya bursary kwa kutumia tarakimu za wale walioingia katika shule za upili, utatumia hesabu ya wanafunzi 300 na hali wanafunzi 1,700 wamebaki nyumbani. Kwa hivyo, hesabu nzuri ingekuwa ni ya hali ya umaskini ya maeneo yetu bila kuangalia idadi ya wanafunzi. Tukifanya hivyo, zile sehemu maskini ambapo watoto hawawezi kwenda shule kwa sababu wazazi hawawezi kuwalipia karo, zitapata pesa kidogo kama vile ilivyotokea juzi. Hii si jambo nzuri.

Bw. Naibu Spika wa Muda, pia ningetaka kuzungumza kuhusu usalama. Usalama ni muhimu kwa kila taifa na ni muhimu pia kwa taifa letu. Usalama unahitaji uimarishwe na Idara ya Polisi na idara nyingine zote za usalama. Kumekuwa na ulaghai kidogo katika Idara ya Polisi. Tunajua kwamba wahalifu wengi wanajulikana. Polisi wanapokea habari kutoka kwa wananchi na kuirudisha kwa wahalifu na hawa wahalifu wanarudi kwa hao wananchi wema na kuwapiga na mara nyingine hata kuwaua. Jambo hili limefanya wananchi wengi kuwa na uoga wa kupeleka habari kwa polisi wanapooona wahalifu. Kwa hivyo, tungetaka Idara ya Polisi ibadilishe sura yake na iwe rafiki wa wananchi ili wananchi wawe na uhakika na usalama wao na wapelekee polisi habari zinazohusiana na tisho la usalama.

Bw. Naibu Spika wa Muda, nikiongezea kuhusu usalama, kuna dawa nyingi za kulevya ambazo zimesambaa kote nchini. Dawa hizi zinaingizwa katika taifa hili kutoka nchi za nje. Tungetaka kuuliza wale ambao wanalinda mipaka yetu wafanye kazi yao vizuri ili wahakikishe kwamba dawa za

kulevya za aina zo yote haziingii katika taifa letu. Dawa hizo ni hatari kwa vijana wetu na nchi yetu kwa jumla. Hatungetaka vijana wetu wapoteze maisha yao kwa sababu ya kutumia dawa za kulevya.

Kwa upande wa Katiba, ninakubaliana na mwenzangu ambaye alisema kuwa Katiba ni swala la muhimu. Hata Serikali ikifanya mambo mengi, ikiwa haitawapatia wananchi Katiba mpya katika kipindi hiki, ahadi yetu itapata alama sifuri. Sisi zote tunajua umuhimu wa jambo hili na kwa hivyo, ningetaka kuwauliza wenzangu tusitumie umuhimu huu kutatizana ili tusipate Katiba mpya ndio tupate mwelekeo zaidi. Ni vizuri tushirikiane, tupitische vipengele vinavyohitajika ili tuhakikishe kwamba wananchi watapata Katiba mpya. Nina imani kwamba Katiba itawafikia wananchi. Mwenzangu ameseme kwamba Serikali ya Mzee Kenyatta ilichukua miaka kumi na ikafanya kazi ambayo iliyofanya; Serikali ya Rais Moi ilichukua miaka 20 na ikafanya yale iliyofanya, lakini ningetaka kumhahakishia kwamba Serikali ya Rais Kibaki itavunja rekodi hiyo kwa kuwapatia wananchi Katiba mpya kwa muda mfupi.

Kwa hayo machache, ninaunga mkono.

The Assistant Minister for Information and Communications (Mr. Gumo): Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nichangie Hoja hii.

Hotuba ya Rais ilikuwa nzuri sana. Kama mambo ambayo Rais anasema ndiyo yanafanywa, tungekuwa mbali sana, lakini mengi hayafanywi. Wenzangu wameongea kuhusu Katiba, lakini kwa maoni yangu, Katiba mpya haitakuweco. Inafaa tusahau maneno ya Katiba mpya na tuendeleo na ile ya zamani, na kama ni mabadiliko, turekebishe ile Katiba ya zamani. Hakuna mtu ambaye atakubali kuwapatia wananchi Katiba mpya. Watu ambao walianzisha mambo ya Katiba mpya wakati wa Rais Moi walikuwa wanataka kumuondoa Rais Moi mamlakani. Kwa vile Rais Moi hayuko mamlakani na Rais Kibaki amechukua uongozi, hawataki Katiba mpya tena. Hata mwingine akichukua uongozi, atafanya hivyo hivyo. Kwa hivyo, kitu cha maana ni kuangalia ni mambo gani mabaya katika ile Katiba ya zamani ili tuyatoe na yale mazuri tuyaache. Hata watu wamechoka. Pia hata watoto ambao walizaliwa miaka 15 iliyopita wameelimishwa. Tumeongea kuhusu Katiba mpya kwa muda wa miaka 15 na ni vizuri tusahau jambo hili na tuanze mambo mapya.

Bw. Naibu Spika wa Muda, ningetaka kuongea kuhusu usalama. Usalama katika nchi hii umezoroteka kwa sababu watu ambao wamepatiwa jukumu la kulinda wananchi hawafanyi chochote. Kwa mfano, Uganda kulikuwa na bunduki kila mahali na usalama wao ulikuwa umezoroteka sana, lakini sasa, hizo bunduki haziko. Watu wanatembea usiku na mchana. Kwa nini tumeshindwa kuimarisha usalama wetu hapa Kenya? Tumekuwa na sheria na hatujakuwa na Serikali ya Kijeshi. Tumefanya uchaguzi kila baada ya miaka mitano. Watu ambao wamepewa jukumu la kulinda wananchi wanatakikana kuimarisha usalama wetu na kuhakikisha kwamba hakuna bunduki mikononi ya wananchi. Serikali iko na uwezo wa kuchukua bunduki ambazo ziko mikononi mwa wananchi. Kama kuna bunduki ambazo ziko mikononi mwa raia, usalama hauwezi kupatikana.

Bw. Naibu Spika wa Muda, Wabunge peke yao wanalindwa na askari karibu 2,000. Wameogopa kutembea bila walinzi. Wameangalia wakaona kwamba ukitaka kupatiwa askari watano, unatangaza kuwa umetishwa. Nikisema leo kuwa nimetishwa, nitapewa askari kumi wa kunilinda na hii ni porojo tu. Kwa nini hawa Wabunge wanatishwa? Wamefanya nini? Ukiangalia watu ambao wanasema kuwa wametishwa, wengine hata wakitembea barabarani hakuna mtu ambaye anawajua! Unawezaje kutisha mtu ambaye humjui? Hiyo ni porojo! Kila Mbunge anafaa kulindwa na askari mmoja na akitaka wengine, aajiri askari wake. Tunafaa kuwaacha askari wafanye kazi ya kuwalinda raia.

Zamani, Mwaziri Wasaidizi hawakuwa na askari wa kuwalinda. Mawaziri peke yako ndio walikuwa wakipewa askari wa kuwalinda na wengine wa kulinda nyumba zao. Hakuna Waziri Msaidizi hata mmoja ambaye aliuawa. Kama mtu aliuawa, pengine aliuawa akifanya mambo yake huko nje. Ni watu wachache sana ambao wameuawa kwa sababu ya siasa. Hakuna kutishwa! Ikiwa wewe ndio unapitisha sheria hapa na unaogopa watu ambao wanakupigia kura na unataka kulindwa na askari

kumi, hiyo ni kuharibu mali ya raia. Mambo yamekuwa mabaya kwa sababu hali ya usalama imezoroteka sana. Raia wanaumizwa ilhali askari wote wameenda kufanya kazi kwingine. Waziri Michuki anafaa kuwaondoa hawa askari wote. Yule anayeogopa yafaa akae kwake na familia yake. Tulikuwa na Mawaziri wengi ambao walikuwa na askari chungu nzima, lakini wakati walifutwa kazi tuliwaona wakijiendeshea magari yao. Hakuna mtu aliyewashambulia. *Let us not create fear!*

Bw. Naibu Spika wa Muda, watu wengi wanaonelea kuwa ni vyema kila mtu atangaze mali yake hadharani. Kiafrika, hakuna mtu ambaye hutangaza mali yake. Kama mtu ni mwizi, Serikali inafaa kumtafuta. Wale walioiba juzi wanajulikana. Kwa hivyo, hakuna haja ya kutangaza mali hadharani. Ukiwa na mke na watoto kumi hutahitaji watoto wako kujua una mali kiasi fulani. Watakuu na kukunyang'anya hiyo mali. Mali yako ni siri yako. Hata Ulaya Wazungu hawatangazi mali yao hadharani. Aidha, kule Marekani watu hawatangazi mali yao hadharani. Hivyo basi, inashangaza kuona kwamba hapa Kenya tunatakiwa kutangaza mali yetu hadharani. Watu wengine wametajirika zaidi katika hii miaka miwili kushinda wale walioanza biashara hapo awali. Hii haitatusaidia. Itatuletea taabu tu. Tuwaache watu wanaofanya kazi zao wafanye kazi hizo bila kuingiliwa.

Mtu hupigana kisiasa na kuingia katika Serikali ili awasaidie watu wake. Mtu hupiga siasa ili watu wake pia wapate mali. *Your supporters must be enriched.* Lazima wafanye biashara. Asilimia 70 ya biashara ya nchi hii inapatikana katika Serikali. Sasa inasemekana kwamba wanasiasa hawawezi kufanya biashara na Serikali. Ukifanya biashara na Serikali inasemekana kwamba umeiba. Haya ni mambo gani? Kuna faida gani ya kupigania uongozi wa nchi hii usiku na mchana? Mimi, kwa mfano, nikimtembelea Rais Kibaki kisha nimwambie, "Sasa mzee, nimefika na niko na taabu fulani," naye anijibu, "Mheshimiwa, unajua siku hizi mikono yangu imefungwa, kwa hivyo siwezi kukusaidia," je, huyo ni Rais wa aina gani? Lazima mwanasiasa aweze kuwasaidia watu wake. Wabunge wote hutembelewa na watu kila asubuhi katika ofisi zao wakitaifuta kazi. Kama huwezi kuwasaidia wale watu, kwa madai kwamba huo ni ufisadi, nani atakupigia kura? Hiyo ni kujidanganya bure.

Hivi majuzi tulijaza fomu za kutangaza mali yetu yote. Watu wengine sasa wametajirika kuliko wale walikuwa matajiri wakati wa uongozi wa Rais Mstaafu Bw. Moi. Wengine wameandikisha mali zao kwa majina ya wajukuu na wachumba wao. Kwa hivyo, mali hiyo haiwezi kupatikana. Ukitaifuta mali ya Mwafrika huwezi kuipata. Hiyo ni kujidanganya bure. Kwa hivyo, hakuna uhakika kwamba watu wametangaza mali zao zote. Siungi mkono jambo hilo.

Bw. Naibu Spika wa Muda, watu walipewa mashamba katika misitu yetu. Hawa ni raia wa Kenya. Inashangaza kuona sasa wanatakiwa waondoke katika misitu hiyo. Kulikuwa na hazina ya makao ya kuwapa makao watu, yaani, Settlement Trustee Fund, ambayo ilikuwa katika Wizara ya Ardhi na Makao. Hazina hii inafaa itumiwe kununua mashamba ili watu wakiondolewa kutoka misitu yetu waweze kupewa makao mapya. Hakuna kabila ambalo halijepewa mashamba katika misitu humu nchini; labda Wasomali tu. Ukienda Mlima Kenya, Wakikuyu walipewa mashamba. Ukienda Bonde la Ufa, Wakikuyu na Wakalenjin walipewa mashamba. Vile vile Waluhya walipewa mashamba katika Msitu wa Lugari, aidha Wasamburu. Je, watu hawa wote wakifukuzwa kutoka katika misitu itakuwa vipi? Namuomba Waziri, Bw. Kimunya, anunue mashamba ili awape hawa watu.

Bw. Naibu Spika wa Muda, kwa hayo machache naunga mkono Hoja hii.

Mr. Ngozi: Ndugu Naibu Spika wa Muda, labda umenipa nafasi kwa sababu nimesimama peke yangu. Mimi pia ningependa kujumuika na wenzangu waliotoa maoni yao kuhusu Hotuba ya Rais.

Mr. Raila: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Umemsikia Bw. Ngozi akisema: "Ndugu Naibu Spika wa Muda?" Maneno haya hayatumiki hapa Bungeni. Je, ni sawa kusema "Ndugu Spika au Bw. Spika?"

The Temporary Deputy Speaker (Mr. Ethuro): Bw. Raila, nafikiri Bw. Ngozi anatoka sehemu ya Pwani na kule wanatumia neno "ndugu." Bw. Spika ni mtu ambaye ni rafiki yake. Kwa hivyo, unaweza kuendelea Bw. Ngozi.

Mr. Raila: Jambo la nidhamu tena, Bw. Naibu Spika wa Muda. "Ndugu Spika" ni "*comrade Speaker*" katika lugha ya Kiingereza na Bw. Spika ni *Mr. Speaker*. Sipingi jambo hili lakini ukiamuru kuwa kusema "Ndugu Spika" au "*Comrade Speaker*" ni halali itakuwa vizuri.

Mr. Ngozi: Bw. Naibu Spika wa Muda, kabla hujamjibu Bw. Waziri, nafikiri sisi tunajitawala na hatuna "mabwana" bali tuna ndugu. Kwa hivyo "ubwana" ulikwisha kitambo sana!

The Temporary Deputy Speaker (Mr. Ethuro): Ntingependa kumjulisha Bw. Raila ya kwamba kulingana na vile Bw. Naibu wa Spika wa Muda anavyoelewa Kiswahili, sioni neno ambalo linadhuru Bw. Ngozi akitumia maneno "Ndugu Spika." Kwa hivyo, Bw. Ngozi, endelea na usisumbuliwe na mtu yeyote.

(*Laughter*)

Mr. Ngozi: Asante, Ndugu Spika wa Muda, kwa kunihami. Hotuba ya Rais ilikuwa na maoni mbali mbali. Ilikuwa na maoni ambayo yalinuia kuwaunganisha Wakenya wawe kitu kimoja.

Hotuba hiyo iligusia mambo mengi ya mwelekeo wa nchi hii. Mambo hayo yote hayawezi kufanikishwa kama wale wasaidizi au washika dau walio na Rais hawawezi kuzungumza lugha moja. Mengi yalizungumzwa hasa kuhusu ufisadi nchini. Tunajua kwamba nchi hii ina ukungu mkubwa wa ufisadi na wengi wamefanya ufisadi tangu wakati wa utawala wa Hayati Mzee Kenyatta, Mzee Moi na sasa Rais Kibaki. Lakini ukweli ni kwamba kile Wakenya wanapata ni ahadi tu. Wanaambiwa kwamba ufisadi unachunguzwa na hatua zitachukuliwa.

Ikiwa nchi hii haitaki kuwa miongoni mwa nchi zilizoporwa zaidi, wakati huu ni wa Serikali kuchukua hatua. Sisi tumekuwa na tofauti moja. Mtu akifanya maovu akitawala na aondoke, tunasema tuache hayo tufuate yaliyoko sasa. Kila anayefanya makosa katika nchi hii anakosea Wakenya. Ni vizuri mtu huyo achukuliwe hatua bila kujali alitoka upande gani, chama kipi au Serikali gani. Kwa hivyo, ikiwa Serikali yetu inataka kupata jina zuri kutoka kwa wananchi wa Kenya, ni lazima tuhakikishe kwamba haki na hatua zinachukuliwa.

Kulizungumziwa swala la ardhi. Hili ni swala nyeti sana. Ni swala ambalo limewafanya Wakenya kuwa wanyonge katika nchi yao. Pia, limewafanya Wakenya kuwa wageni katika nchi yao. Nasema hivyo kwa sababu, ukiangalia katika Kenya hii, katika sehemu mbali mbali za Mkoa wa Pwani mpaka sasa hivi, Wakenya wanaishi kati ardhi za watu ambao hawajulikani walipo, watakuja lini na walienda wapi! Nafikiri ni wakati wa Serikali, kupitia kwa Waziri, Bw. Kimunya, kuhakikisha kwamba inawapatia mashamba watu wale. Wale watu ambao wanaitwa maskwota wamekaa katika ardhi hizo kwa karibu miaka 100. Sijui ni nani anakuwa skwota katika nchi yake kwa muda wa miaka 100.

Juzi katika Taarifa ya Rais, alisema watu wa Kwale wamepatiwa hati za kumiliki mashamba. Tunakubali tulipewa hati za kumiliki mashamba lakini ni haki yao. Ardhi zile zilikuwa zao. Zilikuwa zimefanyiwa usoroveya, lakini walikuwa hawajapata hati hizo. Kwa hivyo, Serikali inastahili kuchukua hatua na kuhakikisha kwamba mashamba yanayomilikiwa na watu wasiokuwepo yamegawiwa wananchi katika sehemu mbali mbali za taifa hili, ili wajisikie kwamba wako huru katika nchi yao.

Bw. Naibu Spika wa Muda, kilimo ndio uti wa mgongo wa nchi hii. Lakini, utashangaa kwamba kilimo ndicho kitu kinachopewa asilimia ndogo kabisa ya pesa hili kukifanikisha. Hiyo inafanywa makusudi kwa sababu wanapopewa asilimia ndogo ya pesa, kutakuwa na upungufu wa vyakula. Kukiwa na upungufu wa vyakula, kutakuwa na uagizaji wa vyakula. Na kukiwa na uangizaji wa vyakula, wale wale ndio wataagiza vyakula hivyo na huo pia ni ufisadi. Kwa hivyo, Serikali inastahili kuhakikisha kwamba Wizara ya Kilimo inapewa pesa za kutosha ili iweze kuhudumia sehemu kavu kama Kinango na Mkoa wa Mashariki, ili ziweze kutoa chakula. Juzi tu nilikuwa kule Israeli na nikaona vyakula vikitolewa kwenye mawe. Sijui ni kitu gani kinashinda Kenya kutoa vyakula kutoka sehemu kavu kama hizo.

Nikizungumzia bararabara, utakuta kwamba zote ni mbovu. Waziri mnampa Kshs200 milioni

na barabara ni 200,000. Atajenga barabara vipi? Kuna vitu ambavyo Serikali inatakikana kuvipa kipa umbele kama vile barabara, hospitali na kilimo, hili wananchi waone kwamba nchi yao inaangaliwa vilivyo.

Katika Hotuba ya Rais, kuna mahali aligusia juu ya mabaraza ya miji. Ni kweli mabaraza ya miji ni mengi. Hatujui mengine yanafanya kazi gani. Kuna yale hayawezi hata kulipa mishahara. Sasa, umefika wakati wa Serikali kuona kwamba mabaraza ya miji yanajihudumia yenyewe bila kutegemea Serikali kuu. Hakuna haja ya kuanzisha mabaraza ya miji ili kuungwa mkono kisiasa. Haina haja! Lazima uweke kitu ambacho kitaleta tija na mapato kwa Serikali.

Bw. Naibu Spika wa Muda, tukiangalia upande wa afya, kwa kweli, ni mambo ya kusikitisha sana wakati wanafunzi wanaitwa kufanya taaluma mbali mbali katika vyyo vya matibabu. Utakuta kwamba watu ambao wanatakikana waende kule, ni wale wa alama C-. Lakini katika mwongo huu tulionao, watu wa alama B-, B na C+ wanaachwa. Wanaachwa kwa sababu wanatoka sehemu fulani ya nchi hii. Nchi hii si ya mtu binafsi au kabila. Ni ya Wakenya wote. Wakenya wote wanastahili kupata haki sawa. Nasema hivyo kwa sababu mimi mwenyewe nimewahi kuleta vyeti vya B- karibu vinne, na hakuna hata mtu mmoja amechukuliwa kutoka sehemu yangu. Kuna watu ambao wamechukuliwa na vyeti vya D-. Kinachohitajika ni cheti cha C-. Sasa, labda tuambiwe ikiwa kuna Mkenya "A" au "B".

Kulizungumziwa mbinu za ukuzaji wa uchumi katika nchi hii. Tuliambiwa uchumi ulienda juu kwa asilima 2.4. Ni kweli. Lakini tungeiomba Serikali pia iangalie sehemu ambazo uchumi huo unatokea. Siyo mimi nilime nivune, lakini mlaji awe mtu mwingine mahali pengine. Hilo si jambo nzuri.

Tukienda kwa elimu, nataka kuipongeza Serikali kwa kuleta elimu ya bure. Kuna watu ambao walisema haiwezekani, lakini uzuri ni kwamba imeonekana sasa yawezekana. Lakini Serikali pia yafaa iajiri waalimu wa kutosha. Wanafunzi ni wengi kuliko idadi ya waalimu wanaosomesha. Pia, Serikali yafaa iangalie vile itakavyoweza kuongeza madarasa hili watoto wetu waweze kupata hiyo elimu ya bure.

Ningependa kuipongeza Serikali kwa kuanzisha Constituency Development Fund (CDF). Wananchi wameanza kuona kwamba kweli Serikali inaweza kuwasaidia katika sehemu zao. Hiyo imetokana na asilimia 2.5 ambayo Serikali imeitoa kwa kila Mbunge hili kufanya maendeleo katika sehemu zao. Kwa sababu tumeona hiyo inawezekana, tunaomba Serikali iongeze asilimia hiyo hadi 5, ili tuweze kuwahudumia watu wetu vizuri.

(Applause)

Sasa hivi, tunapata asilimia 2.5 na tunaweza kujenga hospitali na barabara. Tukipewa asili mia 5---

An hon. Member: Asilimia 10!

Mr. Ngozi: Tukipewa asilimia 10, tutafanya zaidi ya hayo. Tunapewa asilimia 2.5, lakini hatuulizi asilimia 97.5 ambayo inabaki kwa Serikali. Tukipewa zaidi, kazi yetu itaonekana, kuliko kuwaachia watu wapote tu.

Tuliambiwa viwanda vitafululiwa. Lakini inaonekana vinafululiwa kwa wale wanaofaa.

Kwa hayo machache, naunga mkono Hoja hii.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for finally giving me a chance to contribute on this important Motion. First, I want to congratulate the President for his very clear exposition.

QUORUM

Mr. Gonzi: On a point of order, Mr. Temporary Deputy Speaker, Sir. We do not have a

quorum.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! We now have the requisite quorum.

Proceed, Mr. Angwenyi!

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, this country is facing a lot of problems. It is facing problems of insecurity and poverty; where our people cannot access basic health care. I got surprised that the President did not assent to the National Social Health Insurance Fund (NSHIF) Bill that was going to provide basic health care to our people. The people who opposed that Bill are those who have medical schemes and can access health care from Nairobi and Aga Khan hospitals and other costly hospitals. Our people wanted the NSHIF Bill assented to.

Mr. Temporary Deputy Speaker, Sir, we have got a problem of unemployment where we have hordes upon hordes of young people who are qualified but do not have jobs. In my constituency, I do have young people with Ph.Ds who do not have jobs such that it is not of any benefit to go to school. We have got problems of appointments. People are appointed to positions from various sections of this country instead of spreading out the cake to the rest of Kenyans. I was going to propose that we borrow the mode of appointments from the Netherlands system where we have got two main communities who are the Flemings and the Walloons. If the Prime Minister is a Fleming then the Deputy Prime Minister is a Walloon. If the Minister for Finance is a Walloon then his Deputy Minister is a Fleming and they do not inter-change people. We can do that in Kenya. If the Minister is a Kisii, let his Assistant Minister be a Luo. Let the Permanent Secretary be a Turkana and the Deputy Permanent Secretary be a Pokot. We must do that in this country if we were to equally appoint people to positions. This is because you find that in some Ministries the staff there can transact business in their vernacular language. They can make decisions by transacting business in their vernacular languages. So, for Kenyans to be satisfied that this is their Government and that the people who are appointed are supposed to serve them and not their own areas, we must borrow that model from the Netherlands. I am sure that if we did that, you will see that Kenyans will automatically have confidence in their Government and public officials who are serving them.

Mr. Temporary Deputy Speaker, Sir, we have got the HIV/AIDS scourge. As you know, we constituted the Constituency Aids Control Committees (CACCs) which used to get Kshs45,000 per month for operations. However, since July CACCs have not been receiving this funding for operations. I do not understand how the Government can allow that kind of a situation to develop because the committee members will dip their hands into funds for programmes in support of HIV/AIDS victims and orphans.

The Government has tried to do something. Like one hon. Member said, the Constituency Development Fund (CDF) is a revolution in this country. I do recall how we fought to have that Bill passed in the Parliament of the previous Government and it was completely adamant to allow even a penny to go to the constituencies where we come from. This Government has allowed us to use those funds and from what I hear from all over the country, people are happy with the projects under CDF. The Government has not taken credit for this. Why? Because they are busy bickering, wrangling, abusing each other and disrespecting the President. The problems in this country will not be solved until and unless the President takes the leadership of his Cabinet and makes sure that we have got a democratic Cabinet where the principle of collective responsibility is respected. If you are sworn into a Cabinet and you are not happy with that Cabinet, you should resign before you oppose it publicly.

That is what happens in civilised democracies. What obtains in Kenya? In Kenya, every Minister is a President. In fact, in Kenya Ministers are senior to the President. You can find a Minister telling the President that he should do this or that; that what he has decided is wrong and yet he wants to sit in that Cabinet. This indiscipline---

Mr. Muturi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Angwenyi to claim that in Kenya Ministers are senior to the President? Secondly, if that is so, could he name which Ministers are specifically superior to the President?

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, do I have to explain the obvious?

(Laughter)

Mr. Temporary Deputy Speaker, Sir, you have seen it happen. You have seen Ministers opposing even the Presidential Speech during the State Opening of Parliament. You have seen the Vice-President and Minister for Home Affairs calling for a meeting and Ministers do not attend. The Vice-President and Minister for Home Affairs is a representative of the President! We have seen Ministers defying the Vice-President and Minister for Home Affairs.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Angwenyi! You have a balance of five minutes to continue tomorrow. Hon. Members, it is now time for the interruption of Business. The House is, therefore, adjourned until Thursday, 24th March, 2005, at 2.30 p.m.

The House rose at 6.30 p.m.