

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 29th March, 2005

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

DUTY WAIVER ON MEDICAL SUPPLIES DONATIONS FOR MOI REFERRAL AND TEACHING HOSPITAL

Dr. Galgalo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) Could the Minister waive duty on a donation of medical supplies to Moi Referral and Teaching Hospital currently being held by the Kenya Revenue Authority?

(b) Could he further consider increasing the annual budgetary allocation to the said hospital?

The Assistant Minister for Finance (Mr. Obwocha): Mr. Deputy Speaker, Sir, this is good news to the hon. Member.

I beg to reply.

(a) I granted a waiver of 10 per cent duty on drugs donated to Moi Referral and Teaching Hospital. This was done on 25th February, 2005.

(b) The Treasury gives funds to sectors and line Ministries which decide on their priorities and allocate funds to them accordingly. It is the sectoral ranking of Moi Referral and Teaching Hospital as a priority in the health sector which will make it receive the appropriate funding from that sector. The hospital should, therefore, approach the parent Ministry for a higher allocation.

Dr. Galgalo: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for the answer

he has given to part "a" of the Question. The issue of medical supplies to our hospitals is a major problem which has caused chaos within the health sector. It is disheartening when a donation is kept at the Port for several months because of duty. Mr. Deputy Speaker, Sir, could the Assistant Minister assure us that in future duty will always be waived on any donation of essential facilities like medical supplies?

Mr. Obwocha: Mr. Deputy Speaker, Sir, the hon. Member knows that we have set conditions for waivers of various items and one of them is drugs, if they are donations. We will consider the requests accordingly the moment we receive them. **Mr. Munya:** Mr. Deputy Speaker, Sir, could the Assistant Minister give us the other criteria used to give waiver to some goods so that the public is not confused with the waivers that the Ministry gives? Could he give us concise guidelines on how waivers are supposed to be given?

Mr. Obwocha: Mr. Deputy Speaker, Sir, as the hon. Member will appreciate, the list is long. However, the general waivers are to charity donations. The Minister also gives waivers to donations

for the welfare of the society.

In general, there are guidelines to consider when giving a waiver requested by anybody.

Mr. Mwenje: Mr. Deputy Speaker, Sir, recently, the Ministry gave a waiver to a land which was bought by a Cabinet Minister who promised to pay the Kshs6 million. Could the Assistant Minister confirm whether that tax has been paid?

Mr. Obwocha: Mr. Deputy Speaker, Sir, that is a very interesting Question. If Mr. Mwenje asks that Question, I will answer it.

Dr. Galgalo: Mr. Deputy Speaker, Sir, on funding to Moi Referral and Teaching Hospital, the facilities at the hospital belong to the former Uasin Gishu District Hospital. The Ministry of Health maintains that it is the Treasury which is not allocating it money to upgrade that hospital to the required standards. The Assistant Minister has asked me to tell the management of that hospital to request the Ministry of Health for money whereas he knows that he is the purse-string holder. Could he stop passing the buck and assure this House that such national facilities will get direct attention from his Ministry rather than tell them to make their requisition through the parent Ministries?

Mr. Obwocha: Mr. Deputy Speaker, Sir, I appreciate the concern of the hon. Member who is also the Chairman of the Departmental Committee on Health, Housing, Labour and Social Welfare. However, as he knows, all institutions are under various Ministries and we channel our funds through them. While we appreciate that Moi Referral and Teaching Hospital is an important institution, its funds go through the Ministry of Health. We have no other option. As of now, we have enough money and we have closed our budget deficit. Therefore, if we get the requests of that hospital, we will consider them accordingly.

Mr. Deputy Speaker: Very well. Next Question, Ms. Mwau!

HARASSMENT OF COMMUTERS AND PSV OPERATORS BY TOUTS

Ms. Mwau: Mr. Speaker, Sir, I beg to ask the Minister for Transport the following Question by Private Notice.

(a) Is the Minister aware that touts have gone back to *matatu* terminus country-wide and are harassing commuters and PSV operators?

(b) Is he further aware that the touts are collecting money from the PSV crews in addition to what operators pay daily to the councils?

(c) What steps is the Minister taking to abolish the illegal charges and stop harassment of commuters?

Hon. Members: Dr. Murungaru is not here!

Mr. Deputy Speaker: Anyone here from the Ministry of Transport? Could the Leader of Government Business tell us why the Minister for Transport is not here to answer this Question?

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I was with the Minister at Twelve O'clock when he went to see the doctor. I do not know whether he is still at the hospital.

(Laughter)

Mr. Deputy Speaker: Hon. Members, it was decided that we will not defer a Question either because an hon. Member has failed to ask it or because the Minister has failed to answer it. I am really in a dilemma because here is a Question which ought to be answered in public interest.

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

Mr. Deputy Speaker: Order! Mr. Muiruri, just hold on. I am still talking unless you want to cut me short. Therefore, I feel exceptionally that I will defer this Question. At the same time, I would like to ask the Leader of Government Business to ensure that Ministers are present to answer Questions. Mr. Awori, please, do so because we want to be very serious with Questions this time around. We do not want to defer Questions. Naturally, we also do not want to hurt the hon. Member by not allowing him to ask his Question. We want to be fair to all by refusing to defer either from the Minister's side or the hon. Member's side. Mr. Awori, could you undertake to help us on this?

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I undertake to ensure that this Question is answered either by the Minister himself, or by myself tomorrow afternoon.

Mr. Deputy Speaker: Very well!

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

Mr. Deputy Speaker: What is it? Is it on the same matter?

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

Mr. Deputy Speaker: Order! But I have closed that matter after the Vice-President and Minister for Home Affairs gave an undertaking to answer that Question tomorrow!

Mr. Kipchumba: Mr. Deputy Speaker, Sir, it is not on the same matter.

Mr. Deputy Speaker: Then, what is it?

Mr. Kipchumba: Mr. Deputy Speaker, Sir, last week Mr. Serut's Question was dropped under similar circumstances. I would like to request you to reinstate that Question, based on the same understanding.

Mr. Deputy Speaker: Mr. Kipchumba, it was not under the same circumstances. Mr. Serut is aware of this because I have discussed this matter with him in my office. As far as I am concerned, the matter is closed. So, please, do not revisit an issue which does not even concern you, in the first place. We have discussed this matter and he knows the position.

Hon. Members, this Question is, therefore, deferred. It will be answered tomorrow afternoon, either by the Minister or the Vice-President and Minister for Home Affairs. Let us move on to the next order.

(Question deferred)

MINISTERIAL STATEMENT

Mr. Deputy Speaker: The Minister of State, Office of the President in charge of security was to issue a Ministerial Statement on the state of insecurity in the country. What is the position, Mr. M. Kariuki?

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, I did undertake to release the Ministerial Statement this afternoon. A few corrections have to be made. I wish to undertake to release the Ministerial Statement after Question Time tomorrow morning.

Mr. Deputy Speaker: Very well! Is that okay with you, Maj-Gen. Nkaiserry?

Maj-Gen. Nkaiserry: Mr. Deputy Speaker, Sir, that is okay with me. But it is very important that this Government takes the security of its citizens seriously. We cannot wait one hour more for the Government to address the issues affecting citizens of this country. Similarly, I remember last year when---

Mr. Deputy Speaker: Maj-Gen. Nkaiserry, do not preempt the Ministerial Statement. Wait for it tomorrow, then you can say what you want to say then.

There is a Ministerial Statement from Dr. Machage.

FLOODS IN NYANDO DISTRICT

The Assistant Minister, Office of the President (Dr. Machage): Mr. Deputy Speaker, Sir, this Ministerial Statement is in response to a request by Eng. Nyamunga on the issue of floods in Nyando District.

It is true, for a period of nearly 40 years, this flooding has been perennial in the same districts. The leaders of the same districts have persistently requested the Government to find a lasting solution. As an initial measure for the current season, on 22nd March, 2005, the Government responded to the floods in the affected areas of Nyanza by releasing 8,000 bags of 90-kilogrammes of green maize, 1250 bags of 90-kilogrammes of green grams and 1,950 six by three litres cartons of vegetable oil; all valued at Kshs17,580 to the flood victims in Nyando, Rachuonyo, Homa Bay and Kisumu districts.

On 22nd, March, 2005, the Government also released a total of Kshs3,052,950 for primary and secondary transportation of emergency relief food to the flood victims in the area. The total grand value in terms of food intervention and logistics is Kshs20,632,950. Surveillance by the respective district disaster management committees and the National Disaster Operation Centre in the Lake Basin is in place to monitor the floods and co-ordinate the response by all axis. The flooding is expected to last between March to May this year during the long rains period. My Ministry, in liaison with other relevant Ministries and organisations, is to develop a contingency plan and an early warning system for the Lake Basin area. The contingency plan will be useful in warning the people of any impending flooding and measures to be taken to avoid destruction.

An inter-Ministerial Committee in Western Kenya; Flood Mitigation, was formed on 3rd March, 2005. The first session was held on the same date chaired by the Permanent Secretary in my office. It comprises the following Ministries: Office of the President, Ministry of Water and Irrigation, Ministry of Agriculture, Ministry of Livestock and Fisheries Development, Ministry of Roads and Public Works, Ministry of Lands and Housing, Ministry of Regional Development Authorities and Ministry of Finance. The Committee's task, together with other stakeholders, will be to address the problem of perennial flooding in the Lake Victoria Basin.

Mr. Deputy Speaker, Sir, my Ministry and the Ministry of Finance have approached the World Bank and other donors for the support of the same. In supporting and preparing the flood mitigation projects, the World Bank has already mobilised US\$20,000 which has been factored in the revised estimates of the Financial Year 2004/2005 to kick off the project. The project will have an early warning system and a community development component. The Ministry of Water and Irrigation has developed a strategy for flood management of Lake Victoria Basin that was inaugurated in September, 2004. The strategy recommended constructing dams upstream on rivers Nyando and Nzoia. This will reduce flooding by 60 per cent. The water from the dams shall be used for irrigation downstream. The design and survey work for dams and canals is on going.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Is there any hon. Member seeking clarification on this?

Mr. Ogur: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for a quick response on this issue. However, he never told us what they have done in Migori District, particularly Nyatike Constituency which is equally affected by this problem of flooding. May I hear from this bearded Assistant Minister?

(Laughter)

The Assistant Minister, Office of the President (Dr. Machage): Mr. Deputy Speaker, Sir, I might not have mentioned Migori District as the hon. Member so requests, but I mentioned the Lake

Victoria Region which actually covers his district.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, the problem of Nyando and Nyatike is a perennial one. With all due respect to the Assistant Minister, has he come to the House to tell us that US\$20,000 has been raised? This is equivalent to about Kshs1.6 million. Is that the amount of money the Government has been seeking for the last 40 years to address the problem in this region?

Dr. Machage: Mr. Deputy Speaker, Sir, I have just appreciated the donation that was given to us by the World Bank. It is worth mentioning that was a donation.

Mr. Sasura: Mr. Deputy Speaker, Sir, the issue of floods is not an accident, it is something that has been in this country for a very long time. However, every time there is a disaster; whether floods or clashes, the Government sends maize and beans to the affected victims. Spending Kshs23 million on maize and beans, I think is not a long term solution. In fact, sending maize to Luo Nyanza is like sending fish to North Eastern Province. Could the Assistant Minister tell us the long term plans he has to address this because they must have known before the rains that floods were to come instead of doing surveillance now? I hope he does not listen to Mr. Katuku because he will be misled!

The Assistant Minister, Office of the President (Dr. Machage): Mr. Deputy Speaker, Sir, that happened many years before my Ministry was created. If you remember, I appreciated the fact that this problem has occurred perennially and very little has been done. My Ministry has taken it up and since its creation, it is hardly one year. Give us time!

Rev. Nyagudi: Mr. Deputy Speaker, Sir, I would like to ask the Assistant Minister if there is anything they are going to do for the schools that were destroyed.

Secondly, it is not important to spend Kshs37 million on relief food and he can explain that.

The Assistant Minister, Office of the President (Dr. Machage): Mr. Deputy Speaker, Sir, in disaster management, you have immediate problems that must be solved and some of the problems are shelter and food. Thereafter, you have the long-term programmes. As regards the building of destroyed schools, I believe, the hon. Member is very much loaded with enough money to build them. However, the Ministry of Education, Science and Technology should be informed of the same because my Ministry has not been informed of those schools. However, if he informed my Ministry, we would liaise with the Ministry of Education, Science and Technology and see what we can do in terms of disaster management at that emergency level. In the Constituency Development Fund (CDF) kitty, there is an emergency fund of Kshs1.3 million. He should use it!

(Applause)

Mr. Deputy Speaker: Order! Is there another request for a Ministerial Statement? Mr. Angwenyi!

POINTS OF ORDER

NON-COLLECTION OF TEA
FROM KITUTU-CHACHE

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Agriculture regarding non-collection of tea leaves from Kitutu-Chache to Tombe Tea Factory.

Mr. Deputy Speaker: Can I first know whether we have the Minister for Agriculture?

(Mr. Kaindi stood up in his place)

The reason I asked that is because I want to be sure, since hon. Members have decided that before a Minister undertakes to give a Ministerial Statement, the Chair must be informed on that day, like I did in the case of the Office of the President by Maj-Gen. Nkaisserry. We, therefore, want to know if the Minister is there so that the Clerk will record it and we will announce it. Ministers must prepare to give these Statements when they are requested. Go ahead, Mr. Angwenyi!

Mr. Angwenyi: Mr. Deputy Speaker, Sir, my Ministerial Statement regards non-collection of tea leaves from Kitutu-Chache farmers for the last two weeks by Tombe Tea Factory. We, the people of Kitutu-Chache, met on 14th this month and resolved to begin building equity for our factory at Marani and to continue delivering our tea to Tombe Tea Factory. Later on the Ministry called a board meeting here in Nairobi where a resolution was made to collect this tea to Tombe Tea Factory and the Minister gave a directive to that effect. To date, two weeks later, no tea has been collected from Kitutu-Chache and we are suffering. We are losing Kshs2 million per week in lost tea leaves. I want to ask the Minister to give a Ministerial Statement as to whether we have a Government in this country that gives directives that are implemented by the people on the ground so that my people do not suffer. Imagine, a poor farmer with half an acre of tea on which she lives on and it is not collected for two weeks or a month.

Mr. Osundwa: Njoo upande huu!

Mr. Angwenyi: Mr. Deputy Speaker, Sir, we are asking whether we have a Government in this country that implements executive orders.

Dr. Ali: Come back here!

AWARD OF THIRD MOBILE TELEPHONE SERVICE LICENCE TO ECONET WIRELESS

Mr. Angwenyi: Mr. Deputy Speaker, Sir, that is one statement. The second Ministerial Statement I am seeking is from the Ministry of Information and Communications regarding a company---

Mr. Deputy Speaker: Order, Mr. Angwenyi! Do we have a Minister for Information and Communications?

(Mr. Mwenje stood up in his place)

An hon. Member: What is it Mr. Mwenje?

(Laughter)

Mr. Deputy Speaker: I will ask the Leader of Government Business to take notes.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I seek a Ministerial Statement from the Ministry of Information and Communications with regard to what steps it has taken to protect Kenyans from intrigues by Econet Wireless International, a bogus, faceless company like Anglo Leasing that wants to defraud Kenyans by purporting to be seeking to be licensed to operate a third mobile telephone service in this country.

Mr. Deputy Speaker: What Ministerial Statement are you seeking?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, what I want the Ministry to tell us is what steps the Ministry is taking to protect Kenyans from fraud from a faceless company that has been sent away from Nigeria, Zimbabwe and South Africa. It is a company that purports to have resources to operate a third mobile telephone service in this country yet it can neither show that it has the resources nor does it have a headquarters where we can trace it.

(Applause)

Mr. Deputy Speaker: Very well! Can I start with the Assistant Minister for Agriculture? When will you give the Ministerial Statement?

The Assistant Minister for Agriculture (Mr. Kaindi): Mr. Deputy Speaker, Sir, we have heard and we are going to consult. I will do that on Tuesday next week.

Mr. Deputy Speaker: Tuesday, next week, it shall be.

Mr. Angwenyi: Did he field what I said here? This is the economy of my farmers and they have given a directive. The only thing he is going to tell us is how to implement the directive.

Can you not direct today?

Mr. Deputy Speaker: Very well, Mr. Angwenyi. To be fair, both to the farmers and the Minister, let us have it on Thursday afternoon.

(Applause)

I do not know whether His Excellency, the Vice-President is able to indicate when he will do his.

However, I think that next week will be fair. What do you say, your Excellency?

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I will have to consult the Minister for Information and Communications, but to be on the safe side, shall we say at the end of next week?

Mr. Deputy Speaker: Thursday next week!

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 on 22.3.2005)*

*(Resumption of Debate
interrupted on 24.3.2005)*

Mr. Deputy Speaker: Who was on the Floor?

An hon. Member: Mr. Sudi for five minutes!

Mr. Deputy Speaker: Mr. Sudi, you have five minutes.

Mr. Sudi: Thank you, Mr. Deputy Speaker, Sir. As I was saying in my contribution last time, we are sitting on a time bomb that was created by this Government when it made promises before the General Elections. Many promises were made to the effect that the youth of this country would get employment. Right now, they are looking forward to it and some of them are getting desperate because---

(Loud consultations)

Mr. Deputy Speaker: Order, Hon. Members! Those hon. Members who wish to withdraw should do so quietly. Let us, please, hear the hon. Member on the Floor!

Mr. Sudi: Mr. Deputy Speaker, Sir, there is no employment that has been created so far. Instead we are creating insecurity in this Government and the youth of this nation have been taken for a ride. There are so many ways to employ or provide employment for the youth of this nation.

*(Mr. Ngoyoni stood up
in his place)*

Mr. Deputy Speaker: Order, Mr. Ngoyoni! The Standing Orders of the House prohibit hon. Members from standing unless they are making a contribution. Please, do not stand! Continue, Mr. Sudi!

Mr. Sudi: Thank you, Mr. Deputy Speaker, Sir, for saving me from my colleagues. The NARC Government promised Kenyans a new constitution, once it got into power. Kenyans are now becoming restless and wondering if the Government will deliver it.

I did a lot of consultation with my constituents during the period we were on recess. I found out that there are many unemployed teachers and nurses, who have been trained using a lot of money by this Government. However, they are now going through brain drain. There is no need for the Government to spend a lot of money training people when it does not plan to employ them.

I come from a constituency where there are no village polytechnics---

(Dr. Khalwale consulted loudly)

Mr. Deputy Speaker: Order, Dr. Khalwale! I just talked about the Standing Orders and what they say about what you are doing. When you stand and start conversing, that is completely out of order.

Mr. Sudi: Mr. Deputy Speaker, Sir, if Kenyan youths are not taken care of in terms of employment, this will result to insecurity. This Government is busy employing security personnel. If our unemployed youths were taken care of by engaging them in productive activities, then we would not be having such a big problem of insecurity.

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I rise to support the Presidential Address. My greatest area of concern is what this nation has been going through for the past two years. For the past six months, Ministers have been blaming each other on issues of corruption. I have been wondering why one should accuse their brother of corruption because they have acquired a loaf of bread fraudulently, when the accuser has also acquired half a loaf of bread corruptly. This applies to hon. Members. We are featured doing this by the Press everyday. Parliament has been taken by Kenyans to be the most corrupt institution in Kenya today. For example, Anglo Leasing and other scandals within the Government should be investigated. I believe that where there is smoke, there is fire.

I am not disputing the fact that there is corruption in this Government. The issue of concern here is who should throw stones at who. When hon. Members come here and only sit for 20 minutes, and claim Kshs5,000 as sitting allowance, are they not corrupt? When hon. Members come here and claim mileage allowance when they have not visited their constituencies, is that not corruption? We should not preach water and take wine. There is no need of pointing fingers at each other. The issue is very clear. Let people be charged in court accordingly. If we want other people to be charged in court accordingly, then we should also be ready to be charged.

For the first time, hon. Members should be honest so that we can investigate the grand corruption in the Government. We know about the background of most hon. Members. Let us not

point fingers at each other. If we asked hon. Members to give details of their economic status as per the year 2002, one would be shocked. We know what most hon. Members owned when they came here in the year 2002. Today, they cannot tell this nation how they have acquired their wealth.

If you look at the background of most hon. Members in this House, you will find that at one time or another, they held high positions in the Government. They are now throwing stones at each other and they do not want to be investigated. They also do not want to be investigated on how they acquired money to campaign, so as to make it to this House.

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

Mr. Deputy Speaker: I have not heard the Assistant Minister say anything that is out of order.

The Assistant Minister for Energy (Mr. Kiunjuri): Thank you, Mr. Deputy Speaker, Sir. All of us have a history. Fortunately, I have no history of coming from KANU. However, most of our big brothers, who are fighting, came from KANU. Some brothers who came from KANU the other day still have the traits of those in KANU. They are now fighting their brothers and sisters. The issue is that all of us have backgrounds which we do not want exposed.

Archbishop Ondiek: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister aware that President Kibaki was in KANU?

Mr. Deputy Speaker: Archbishop Ondiek, that is not a point of order. Hon. Members, unless you have a matter which is really a point of order, do not interrupt your colleague. For example, what Archbishop Ondiek has said is not a point of order. It is a point of information. Ordinarily, he should have asked Mr. Kiunjuri whether he wanted to be informed.

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I am aware that the President was the Executive Director of KANU in 1963 and also a Vice-President in the KANU Government. Let us agree that we open a can of worms. Let us dig the history of hon. Members who are preaching water when we know they used to take wine 10 or 15 years ago. They now have no opportunity to do that. Let us open a new chapter in this Government. For one to understand the New Testament, they must read the Old Testament. Consequently, for one to understand the Old Testament, they must also read the New Testament. Let us all allow ourselves to be crucified accordingly. We should all repent of our evil deeds.

Mr. Deputy Speaker, Sir, on the issue of the new constitution, we are all aware that if we table the Bomas draft in this House, it might pass. But, at the referendum stage, churches will be up in arms. I do not want to mention what clauses may not see the light of day. Crusaders of a new constitution are aware of that. Some people who depend on political intervention know that if we bring the Consensus Bill to this House, it might not see the light of day. We know for sure that the Bomas draft will not survive the referendum. We also know that the Consensus Bill will not survive this Parliament.

Mr. Deputy Speaker, Sir, in this country, we have "godfathers". We would have called them "warlords" if there was war in this country. These "godfathers" know that they will not get a solution to the constitutional crisis. At the referendum, the constitution will be killed. In Parliament, they will still kill the same Consensus Bill. What are we doing as the leaders of this country to ensure that we have a constitution that is agreeable to all of us? We are only throwing stones at each other, mudslinging and doing nothing else. It is time Members of Parliament sat down and thought as nationalists; as Kenyans. At our ages, we cannot just accept to see this country being run down. We shall not sit in this House just to protect a few Cabinet Ministers who think that by creating the post of a Prime Minister in the constitution, their powers will be curtailed! We shall not also just support those who want a Prime Minister who cannot be able to run this country. I will only support a Prime Minister who will have powers over other Ministers. The line of duty must very clear. Those Ministers who think that we shall come here to protect them because they do not want to be supervised for whatever they want to do, should know that we have the nation at heart. We, as the

young Members of Parliament, will now come up together and push for a constitution that will serve us tomorrow and for posterity.

Mr. Deputy Speaker, Sir, we do not need a Prime Minister whom we shall humiliate everywhere, just the way we are humiliating our Vice-President. So, we want a Prime Minister who will sit in this House and be respected. We should also have a Vice-President who will be respected by Kenyans. We cannot just pledge loyalty and dance to the tunes of our masters and at the end of the day this nation suffers. For the first time, we must sit down and agree on the constitution that we want. All parties must be guided by national interest.

Mr. Deputy Speaker, Sir, on the issue of insecurity, history repeats itself because--

Mr. Munya: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister, who is my friend, has made a very interesting statement, that we humiliate our Vice-President. Could he clarify? I thought we respected our Vice-President!

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, the Vice-President is here and he can speak for himself. But he has not done that.

Mr. Deputy Speaker, Sir, on the issue of insecurity, ten years ago we experienced tribal clashes in the country and we blamed former President Moi. Today we have President Kibaki. Could we now be told who is initiating these tribal clashes?

(Applause)

In December last year, three people were killed in Laikipia. People are still dying in this country, while people with blood on their hands are sitting in the Cabinet. I wonder how can we ever fight insecurity in this country when people are still dying in Mandera and we are told Members of Parliament are involved but nobody is being apprehended. Nobody up to today has been charged. However, for the first time, I have confidence the Minister will do something, not just issue statements in the media. The Police Commissioner should stop issuing statements but instead take criminals to court. People should go where they belong. If you are a murderer, you belong to jail. If you are an inciter, you also belong to jail. Otherwise, this Government should make a decision. We should not have prevailing insecurity in Ngoyoni, Marsabit and every where in the country.

Mr. Deputy Speaker, Sir, let me finally speak on the issue of balancing of resources. Today, the statistics of the Ministry of Planning and National Development and poverty index indicate that some people are suffering, including the people of Laikipia. We should have good plans. The poverty index should be reviewed once again so that we can have equal distribution of resources.

With those few remarks, I beg to support.

Mr. C. Kilonzo: Thank you, Mr. Deputy Speaker, Sir for giving me the opportunity to contribute to the debate.

The President, in his speech, said that he hoped we took the opportunity during our holidays to know the views of our people. I, indeed, spent a lot of time with my people.

Mr. Deputy Speaker, Sir, the President mentioned a lot of good things in his speech which I agree with. However, there are a few things which are very crucial and were omitted in the speech. In the speech the President said:-

"Government has taken specific measures to ensure micro-economic stability and revamp the economy---."

Those are very good words. The President said that the economy has improved. I have no objection to that. However, the President was wrong in claiming that farmers are now earning more. The Government knows that the farmer is a hard working person. The figures that were given about growth in the agricultural sector are not reflected back in the constituencies. The farmer today still suffers at the hands of middlemen. We would have wanted to hear more in the speech about what the

Government is doing to ensure there is more marketing of the farmers' produce.

Mr. Deputy Speaker, Sir, the President said that there is a growth of 8 percent in the consumption of electricity. I have no objection to that. But in the rural constituencies, we do not see that. I come from a constituency which neighbours Masinga Hydro-electric Dam and yet, the towns adjacent to this dam have no electricity. If we take the rural electrification programme seriously, we can create employment. The President said there is an increase in tax revenue. I would be glad if they could increase the Constituency Development Fund (CDF) amount from 2.5 percent, maybe to 10 percent so that our people can benefit directly.

In his speech, the President did not adequately address the issue of land. We are now experiencing tribal clashes in the country. The KANU regime was blamed for fuelling tribal clashes. Now, in Naivasha, under the NARC regime, we are experiencing tribal clashes. What is the Government doing to address this issue? The President did not also address the issue of title deeds. He dwelt a lot on land adjudication, yet this is an area that has already been addressed. We want to see title deeds issued.

Mr. Deputy Speaker, Sir, the issue of squatters being evicted from forests needs to be addressed. Granted, we need to conserve our forests, but where do we take these people? Before we act, we must make sure that whoever is being evicted from the forest is being given an alternative piece of land.

Mr. Deputy Speaker, Sir, since Independence, we have been having food insecurity. Drought and famine are common phenomena. But year in, year out, there is no proper budget allocation to address the issue of food insecurity. For instance, let us look at irrigation. For the last three years since NARC took over, the amount of money allocated in the Budget for irrigation shows that the NARC Government is not really committed to address itself on the issue of food insecurity. In the arid and semi-arid areas (ASAL) where we can do farming through irrigation, the Government needs to look into that and give more funds to those areas. It was very disappointing to see in the last Budget allocation, that areas which are traditionally known to be wetlands of this country being allocated over Kshs1 billion for water projects, while the dry areas in North Eastern and parts of Eastern, Ukambani in particular, getting a very little fraction to address the issue of water.

Mr. Deputy Speaker, Sir, free primary education is good news. But the Government needs to look at the issue of employing more teachers and also the issue of expanding secondary schools.

Mr. Deputy Speaker, Sir, insecurity has become a big problem. In the rural areas, it is a waste of money to put up a nice house, because you will not sleep there when you go there over the weekend. The issue of insecurity needs to be addressed. I am happy we have a Minister who looks like he can deliver. We only pray that the Government will look into the issue of revamping the Police Force. The Police Force is under-staffed. The morale in the Police Force is still very low, police officers are poorly housed, poorly equipped and yet, these are the same people we expect to guard us. The Government needs to allocate more funds to the Police Force. The order to shoot on sight is not good enough! You must address the issue of uplifting the morale and equipping the police.

Mr. Deputy Speaker, Sir, I would like to point out the failures of this Government. When we go out there, it is very embarrassing to say that we are in NARC Government. The first thing we are told is that we cheated on a new Constitution, the 500,000 jobs and the fight against corruption. There is a very high degree of tribalism and nepotism in this Government. Insecurity is at the highest rate than any other period since Independence. We are now a divided nation. When KANU handed over this Government to NARC, it was more intact. But now, it is more divided than ever before. Tribal clashes have come back and the issue of land has not been addressed. There is also the unfair distribution of resources in favour of a particular region; that is, obviously, the rich Mt. Kenya region. It is unfortunate that we allocate not less than Kshs1 billion to regions in Mt. Kenya where water comes from, and leave out areas in Ukambani which are allocated a paltry Kshs700,000! I am glad the

Minister for Finance is here. I am sure he is going to take note of that and allocate Kshs1 billion for water in Machakos. That way, we will know that we belong to this country.

With those few remarks, I wish to support.

The Assistant Minister for Trade and Industry (Mr. Miriti): Mr. Deputy Speaker, Sir, I rise to support the President's Speech during the opening of this House. The President talked about unity of purpose of our leadership and creation of an enabling environment. He also talked about focusing more of our energies on economic activities, rather than dwelling on divisive and non-productive politics. The question that we should ask ourselves is: Who was the President referring to when he talked about those things? It has become common in this country for politicians to forget about their patriotic responsibilities and focus on self interests. We have often heard key politicians in this country accusing the President himself of so many things. We have heard them hurling insults at each other and complaining about Government's performance. We have also witnessed situations where politicians, and even Cabinet Ministers, have involved themselves with foreigners. We have seen situations where key politicians in Government and other Government representatives disclosing very sensitive information, including Cabinet deliberations, to diplomats in this country. I think that is espionage. We have seen them doing all that with impunity, without being arrested and questioned!

Mr. Deputy Speaker, Sir, we talk about collective responsibility in the Government. That is what the President talked about. We have seen people talking as if they do not belong to this country. They talk as if they have been out of this country for a long time and they have just arrived! We have seen politicians sabotaging Government activities and their colleagues. When a colleague says something, they say the opposite. They do not want to see progress in this country.

Mr. Deputy Speaker, Sir, we have been doing a lot. My Ministry has been going round the world trying to promote Kenya's trade and secure new markets through exhibitions. We have tried so much to brand Kenya as a safe place where tourists can come and visit. But, as we go on doing that, we have heard other politicians and Government officials scaring away the same investors that we try to attract. They scare them through their utterances and trying to portray the country as very insecure. Others, through their utterances, have incited their communities to turn against each other! When such clashes occur, the same people turn around and ask the Government what it is doing. If you ask any Kenyan today who are the inciters among the politicians, they will tell you. If you ask the Government representatives who are the inciters among the politicians, they will tell you. But, surprisingly, it is the same inciters who accuse the Government of not taking any action when their communities turn against each other. We have seen people causing hatred against each other. They try to tarnish the images of other politicians deliberately. I call upon such people to stop uttering such statements. It is time the Office of the President, the Kenya Police and all security organs took action against those inciters, those who are involved in espionage, the saboteurs and those who sabotage the activities of the Government.

Mr. Deputy Speaker, Sir, I am happy the President talked about the new land policy. It is almost an emergency because Kenya is losing arable land every day and at a very high rate. If you go to places like Kisii, people have nowhere to farm. Many other places are also affected every day. If we do not formulate a policy to know how much land we have for agriculture and other activities, then very soon we shall be a country without land for agriculture.

Mr. Deputy Speaker, Sir, I am also happy that we are going to declare our wealth publicly. However, it will be useless to declare wealth publicly if we shall not be able to account for every cent that we received, how we spent it and the properties we bought. We know so many people who got property through illegal and dubious means. When they declare they have thousands and thousands of acres of land, fleets of vehicles and other properties, and it is not explained where the money came from, it makes no sense. So, we need to go backwards and know how they acquired that wealth. That should be explained in the declaration form.

Mr. Deputy Speaker, Sir, I support the President on the review of the Public Procurement Bill. As I speak now, we are in the month of March. We are going to April and yet, Ministries are still considering tenders. That is happening, particularly, in the Ministry of Roads and Public Works. They are still considering tenders and we do not know what is going to happen within the next two months. That is because by June/July, everything will be closed and most of the money which had been budgeted for such projects will be returned to the Treasury.

Mr. Deputy Speaker, Sir, with regard to local authorities, if you go around this country, you will find that most trading centres and markets are very dirty. When outsiders visit our markets, they are an eye-sore everywhere. I hope that when a new legislation is brought for local authorities, it will consider heavy penalties for people who are found with dirty premises. If you drive along our roads, you will realise that we do not have important facilities like toilets. When drivers are driving, for example, along the Nairobi/Mombasa Highway, they stop their vehicles and run to the bush to help themselves. Such facilities, including dustbins, need to be put along the road sides, so that we can make life easier and more enjoyable for our people.

Mr. Deputy Speaker, Sir, many roads have been constructed in this country, but there are no provisions for cyclists and pedestrians. In the future, as we construct our roads, we should leave footpaths and paths for cyclists because we are losing many lives through road accidents, especially cyclists at night.

I want to touch on agriculture and the cottage industry. If we have to industrialise Kenya by the year 2020, we should not only look upon the Government to do that. I would like to call upon all the hon. Members to participate in the industrialisation of this country.

With those few remarks, I beg to support.

Mr. Sasura: Mr. Deputy Speaker, Sir, I am surprised that at the beginning of his Speech, the President spoke about the growth of the economy and the targeted growth rate of 7 per cent. He dealt on the issue of the Constituency Development Fund (CDF). I was surprised that he said that we have about Kshs70 million going to every constituency in every financial year. Whoever wrote that Speech for the President, misled him in terms of the figures because so far, even under the CDF, we have only received Kshs16 million. I do not know where the Kshs70 million has come from. The money we get under the HIV/AIDS Programme goes to the community based organisations.

If you add the HIV/AIDS money, the CDF and the roads money, you will find that, so far, we have received about Kshs30 million. When Kenyans hear that every constituency has received about Kshs70 million, they tend to believe that hon. Members are misappropriating funds. That is a misleading statement and it needs to be corrected.

Mr. Deputy Speaker, Sir, we cannot talk about the growth of the economy in a country where life is becoming very difficult. If you go to every corner of this country, you will realise that Kenyans cannot afford the basic necessities. They cannot afford to buy sugar, paraffin or medicines. I do not know what this Government is proud about. They are saying that they have worked hard, the economy is growing and they have eradicated corruption. The bottom line is that life is very difficult for wananchi in this country.

One day before the President gave his exposition of public policy, 28 people were killed in Mandera. It is amazing that the President did not mention a single word pertaining to insecurity in this country. Insecurity was synonymous with elections. In 1992, there was insecurity in the Rift Valley Province. In 1997---

(Mr. Okemo consulted with Maj. Madoka)

Mr. Deputy Speaker, Sir, please protect me from the Vice-Chairman, of KANU. He is making a lot of noise.

Mr. Deputy Speaker: What is the Vice-Chairman of KANU doing?

Mr. Sasura: He is making a lot of noise.

Mr. Okemo: On a point of order, Mr. Deputy Speaker, Sir. Is hon. Sasura in order to say that I am making noise when I am consulting?

Mr. Deputy Speaker: Mr. Okemo, you are consulting loudly. So, please, consult silently.

Mr. Sasura: Mr. Deputy Speaker, Sir, one day before the President made His Speech, 28 people were killed in Mandera and he did not mention a single word on insecurity. Every time there are elections in this country, there is insecurity. In 1992, there was what was called ethnic cleansing in the Rift Valley Province. At that time, hon. Members of this Government were on this side of the House and they were always saying it was KANU which had created insecurity in the Rift Valley Province. Who has now created insecurity in Kwale and Mandera? Is it KANU?

Only last year, we budgeted a very large amount of money for the Office of the President to buy equipment to help them curb insecurity. They are not able to do that because there is insecurity in the Government and in the ruling coalition. Kenyans cannot depend on this Government when its own house is on fire. There is need for this Government to repair its own house because it is breaking apart.

Mr. Deputy Speaker, Sir, one of the major reasons why there is insecurity in northern Kenya is lack of resources. It is not enough for the Government to run there with helicopters and contingent of lorries of policemen. They can solve the problem of insecurity in northern Kenya by addressing the issue of resources. Most of these people fight over water resources. The Government cannot provide them with grass, but it can provide them with water. We need to invest in the provision of water.

About three weeks ago, there was a meeting in Garissa and the Government said that there is Kshs1 billion for northern Kenya. The blue prints are there day in day out, but when it comes to the actual money, we do not get it. This is a way to hoodwink the people of northern Kenya and give them the impression that the Government is addressing the problems in the Arid and Semi Arid Lands (ASALs). When the President first opened this Parliament, he really impressed us because he directly talked about the issue of ASAL areas. I think he has forgotten about that for whatever reasons. Maybe the third progressive force is putting too much pressure on the President.

It is very important that if the President utters something, it is followed by implementation the following year or the other year.

Mr. Deputy Speaker, Sir, in the next 10 years, this country will be in a situation of semi-illiteracy. The other day, the Minister for Education, Science and Technology conceded that there is failure in public schools and it is only the private schools that are performing. The reasons for the failure are very clear, that the free primary education policy is not working. That is why private schools are performing better than public schools. There are no facilities and teachers in public schools. It is not enough for the Government to just brag about the free primary education policy by telling us that 1.5 pupils have enrolled in public primary schools without telling us how many pupils are getting nothing in these schools.

Unless the Government is careful, in the next 10 years, we will have people who will have gone to school and will have learnt nothing. There will be many school drop outs and so many *chokoras* in the streets again. Pupils will not be able to join secondary schools and the Government will have achieved nothing by sending millions of shillings to the schools, which amounts to about Kshs185 per child in every school. There is need for the Government to review its education policy without dwelling on the free part of it.

Mr. Deputy Speaker, Sir, lastly, the Government plays a very major role in development. Politics aside, it is healthy for this Government to put its house in order. In 2004, two Ministers spoke about the A2 Road. One of them said that the road would be done by the end of October, 2004. Two months later, Mr. Raila said that it would be done in March. You can see he is not even listening to me. This shows that they are not serious. I do not know what to expect from a Government that

operates like this. We in the Opposition, need to check them, but we do not know who to check because there are already two centres of power in the Government.

An hon. Member: More!

Mr. Sasura: Mr. Deputy Speaker, Sir, I think there are more centres of power because of the third progressive force. The NAK is busy fighting the LDP. The LDP is very busy looking forward to the 2007 General Election, while the Third Progressive Force is very busy talking about Ministerial posts. So, who do we criticize as an Opposition? There is nobody to talk about in this Government. These people are in pieces.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Prof. Kibwana): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to say the Third Progressive Force is busy fighting for Ministerial posts, when it actually fights for reforms, land and substantive issues?

Mr. Sasura: Mr. Deputy Speaker, Sir, Prof. Kibwana knows very well that after the NCEC, he joined the NARC. Now he is in the Third Progressive Force and we expect him to come to KANU very soon. So, I really appreciate him, being a political nomad.

(Laughter)

Mr. Deputy Speaker, Sir, Kenyans have a lot of expectations from this Government. We give them credit. This is because one thing I appreciate about the NARC Government is the good democratic space in the country. But that space has become too much for them that we do not know who to talk to.

Mr. Deputy Speaker, Sir, in fact, Kenyans are waiting for a KANU Government. They are asking us what to do. The prices of sugar, paraffin *et cetera* are up. Life is at a standstill and yet, we are talking about the constitutional review process. As you can see, there is already a meeting going on in Parliament.

Mr. Deputy Speaker: Can you concentrate on what you are saying.

*(Several hon. Members stood up
in their places)*

Order, hon. Members! Mr. Sasura is still on the Floor!

Mr. Sasura: Mr. Deputy Speaker, Sir, I was just complaining about the LDP meeting going on in Parliament, but I did not finish.

Lastly, I want to talk about water. The Ministry of Water and Irrigation has divided this country into various sections. They call them boards. We have the Northern Water Board, Eastern Water Board, Coast Water Board, *et cetera*. The way they want to operate is to solicit funds from well wishers or donors to finance a certain boards. We do not know how this is going to be targeted. This is because, so far, there is nobody who has come out to fund the Northern Water Board. We are not getting anything from the Ministry of Water and Irrigation. It appears the Ministry is soliciting funds in terms of regions. So far, those boards are not operating. They are on temporary basis. The posts, in those boards, are supposed to be advertised. Some of them are technical posts and they need to be filled as soon as possible. As long as there is no water, light and education in this country there will be no development.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support the President's Speech.

Mr. Muite: Thank you, Mr. Deputy Speaker, Sir. The issue of insecurity has been discussed

by a number of hon. Members. But I would like to make one or two points about it. I would like to ask our security agencies; the police and intelligence service in particular, to investigate whether there is any connection between the insecurity and individuals within the security systems themselves. This is because a lot of these things always happen because one or two individuals, either, within the police force or one of the other agencies is in cahoots with the people who are committing these crimes. An example is Naivasha. Everyday you get some armed people going round houses and holding people hostage even for hours. What we hear from the ground is that the Naivasha Maximum Prison warders are involved. They are the ones who get into cahoots with the people who are killing, raping and robbing. We would like this investigated. We had the Commissioner of Police coming before the Committee on Administration of Justice and Legal Affairs because of the police officers who had been retired from the police force. What he told us, and it is in the report we filed with this Parliament, is that if we want him to secure security in this country, he has to ask, probably 75 per cent of the senior police officers to go home. This is because many of them are the ones who are colluding with the robbers. So, it is not just the Judiciary where we want radical surgery. If we are going to restore security in this country, we must have radical surgery within the security enforcement agencies themselves, because they are always involved.

So, we want every Kenyan to have security. We want every Kenyan not to worry that his or her children are out and they cannot go home by 9.30 p.m. But it will not be unless a very comprehensive approach is taken on the issue of security. The cleaning up of the police force, prison and the Government itself is a prerequisite. Yes, we want to allocate more money, so that they can have more equipment. The other day, the Committee on Administration of Justice and Legal Affairs visited a number of police stations in Coast Province. It is interesting that we did not find one working telephone in any of the police stations. There was only one car that was very battered; the one that goes to arrest people driving vehicles that are not road worthy. The police vehicle itself was not roadworthy. It is embarrassing. We were told by several police officers that for the units they used to have for radio communication, the battery used to last for even two years. For some reason, the units which they have now, the battery does not last for more than three months, yet, we expect them to be able to enforce security even when the batteries is wrong. Let us take a comprehensive approach to the issue of security.

We hear now the Minister in charge of security mentioning some Members of Parliament concerning the violence in Mandera, Kwale, Mai Mahiu and various other places. There is this issue of Members of Parliament being mentioned in cases of insecurity. We want the Minister to come out clean. If the Member of Parliament for Kabete Constituency is involved, let him be arrested. There should not be any sacred cows. Let him be arrested and taken to court. If there is a Member of Parliament; Back-bencher, an Assistant Minister or a Minister who is involved in inciting, funding or doing anything to do with insecurity, we want them in Court No.1. Let them be prosecuted and if there is enough evidence, let them go to prison. Let us not have this situation where the leaders fund violence and then it is the lives of the ordinary *wananchi* that are going to be used as fodder. That is something that we must refuse.

So, let the Government come up with a comprehensive plan of how it will tackle the issue of insecurity. In Uganda when President Museveni took over, he discovered very quickly that the only way he was going to restore security was by acting very quickly. He even set up special courts, so that those robbers once they were caught, they were tried very quickly and shot dead. People really got the message, because unusual situations call for unusual measures. As a human rights lawyer, I am not supporting the shoot-to-kill order. But I am sure that if an opinion poll was carried out today in Kenya, you will find *wananchi* supporting Mr. Michuki on that order. We, as Kenyans, should ask ourselves: How is it that in the reserves or urban, when a thief or alleged thief is arrested, the members of public do not have any say in the police or even in the court system? That is why they administer instant

justice. That is why lynching is there. So, Mr. Michuki is just doing what is in accord with the public mood.

(The Minister for Health (Mrs. Ngilu) was applauded as she walked into the Chamber)

Mr. Deputy Speaker, Sir, I thought they were thumping for me until I saw the Member of Parliament for Kitui Central Constituency!

(Laughter)

Mr. Deputy Speaker, Sir, I thought they were clapping for me.

(Laughter)

On the ground, I receive letters on a daily basis to stop the abolition of the death sentence. I respond but, at the back of my mind, I know that if there was one popular issue at Bomas of Kenya, which was rejected by about 99 per cent of the delegates, was the abolition of the death sentence. It was rejected. Why? It was because of the number of murders we have in this country. So, even as we support the ideals by human rights organisations; just because other organisations in the world are taking a particular line, let us also look at the reality on the ground here. The reality is that insecurity is completely out of hand! Until we restore security, we must give priority to very unusual measures that are going to restore security.

I am not saying that I support the shoot-to-kill order, but I am pleading for understanding. Sometimes, the police also get hammered very unnecessarily. They even get killed and we keep quiet! Let us appreciate that we, as Kenyans, have got a monumental problem of insecurity and plead with the Government to come up with a comprehensive roadmap of how they are going to secure the security of every Kenyan. If they do so, we are going to support them here in Parliament.

With those few remarks, I beg to support.

Mr. Billow: Thank you, Mr. Deputy Speaker, Sir. Earlier on, listening to one hon. Member from the other side of the House, I sensed quite a bit of frustration and anxiety about the Government's position. Often, the President's Speech is one of hopes, wishes and dreams! We will have a new constitution, fight corruption and all those things that we often hear from the Executive. It does not contain a self-appraisal and an audit of what we did last year to achieve the pledges that we made. It does not have performance indicators. It does not have targets to measure performances as we go along. Therefore, to me, those speeches have become expressions of hope which Kenyans are free to forget.

This Government has become a regime of intrigues, conspiracies, contradictions and paradoxes. A pledge to good governance by this Government has become a pledge to political dishonesty and double-speak. The coalition, instead of being that of political parties, is fast becoming a coalition of tribes and ethnic groups. Ethnicity has become a yardstick for measuring one's competence, loyalty and so many other things.

Mr. Deputy Speaker, Sir, when we talk about governance, this regime has, unfortunately, taken it to mean survival. You scratch my back and I scratch yours. Governance has become self-interest. It is all about making money. You eat while you can, see no evil and hear no evil. Kenyans can know and identify bad governance if they see it. They have gone through it for a very long time. Today, in the many opinion polls that we have seen, they are saying that, indeed, there is

bad governance.

Mr. Deputy Speaker, Sir, the circus about the constitutional review process, performed by a great artist in the Government, is an example of bad governance. They want to maintain the status quo. It is a rejection of the accountability that the Kenyans have demanded. It is a rejection of the reforms and change that they pledged when they came into power. It is a denial of efficient service delivery. By rejecting, delaying and dragging the constitutional review process, this Government is indirectly playing into the hands of its opponents. In my view, the circus will continue to be played until the power wielders have made enough money and established awesome political clout from the current system. That is why they do not want the system changed.

Mr. Deputy Speaker, Sir, do they care about Kenyans? I do not think so. For instance, a pledge to economic recovery lies in ruins. It is only on the foundation of good governance that you can have economic growth and provide an attractive environment for investment. Without good governance, you cannot talk about attracting investors or having economic growth. Without economic growth, we cannot talk about job creation. There will be no income, employment and poverty reduction.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, Kenyans have said loudly that life under this regime has become harsh and harder. Inflation has gone up from 2 per cent when the NARC Government took over to 20 per cent today. Interest rates on the Treasury Bills which were just 1 per cent last year, have, today, reached 9 per cent. The effect is: We will soon go back to the high interest rates regimes. It is interesting

because it is the same Government that insisted that low interest rates are not good for the economy because of the possibility of capital flight. Indeed, high interest rates will slow down the growth of this economy. In a depressed economy like ours, you need an expansionist economy. You need to provide resources to the private sector, so that people can expand their businesses, create jobs and employ people.

Our inflation levels have nothing to do with interest rates. This is a country that is largely dependent on subsistence and 80 per cent of the economy is informal. Therefore, the high inflation rate is not dependent on low interest rates. It is largely because of the oil prices that we have seen, drought that has increased the prices of food and so forth.

Mr. Temporary Deputy Speaker, Sir, the current economic policies pursued by this Government will only make the rich richer, and the poor poorer. We have heard of lofty policy statements that do not reverse the growing inequality and poverty levels. It is all about the skewed resource allocation that we have seen in this Government's Budget. It is about having the wrong priorities. Resources are being allocated to areas which are not a priority and which have not been identified in the economic recovery strategy. Today, we continue to pursue the policies that failed in the 1990s.

Mr. Temporary Deputy Speaker, Sir, naturally, when you have that kind of governance; that is, bad political and economic governance, you will expect that the by-product will be corruption. The inaction and denials that we have seen about corruption are not new. We have always heard them even in the past. No Government, this or any other in the world, would accept that there is corruption. The powerful, as usual, are still behind the biggest scams that we have seen.

The Anglo-Leasing scandal, the Kshs5 billion cocaine haul that we have heard of in Mombasa

and the multi-million dollar printing of fake dollar currencies--- Who are the people behind all those scandals? We have often read about them in the newspapers. There are big people behind them. You do not hear about any further information from the Government. They are always, as often, investigating.

Mr. Temporary Deputy Speaker, Sir, the ingenuity of this Government is amazing when it comes to fighting corruption. For the first time, we have heard of some very interesting statements from this regime. One, for example, is that a Minister cannot be held responsible for the actions of his staff. That is something that we have heard for the first time. Money stolen and returned is enough to clear a thief. That is also something that we heard for the first time. If you steal large amounts of money and wire it back, then you are clean.

Mr. Temporary Deputy Speaker, Sir, we are told that Ministers cannot be charged and prosecuted in courts because they do not hold executive positions. This is something interesting and, therefore, Permanent Secretaries and other junior officers will be the ones who will be tried in court. Of course, if you are a Kenyan and you criticise the Government about corruption, it is all politics. If you are a donor and you criticise the Government, you will be lucky if you are not called an imperialist.

Mr. Temporary Deputy Speaker, Sir, leaving aside this area of corruption, I want to mention that it is largely because of the squabbles, failure and the broken promises of this Government that Parliament and some Members of Parliament have become, in the eyes of Kenyans, people who are not trusted. This House has got the wrath of Kenyans. We have been called all kinds of names. Kenyans today do not trust even this Parliament or Members of Parliament and it is largely because of the squabbles, infighting and the problems we have had in this regime.

Many people are losing confidence not just in the Government but indeed even in this House and it is a pity that Kenyans would lose confidence in this House which has a very important role. I think it is embarrassing when you hear some Members of Parliament stand up in this House a short while ago and condemning Members of Parliament that they are corrupt and so on. In order to defend the Government, an hon. Member stands and rubbishes the House out of agony, frustration and anger about the Government.

Mr. Temporary Deputy Speaker, Sir, lastly--- I think my time is up!

Thank you very much.

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, thank you for having recognised me. I will start by saying that, in terms of security in this country, we are not safe. The Minister in charge of internal security must do something urgently in order to restore security.

Mr. Temporary Deputy Speaker, Sir, the other issue is about those officials who are involved in corrupt deals. Let me say that if I am mentioned or my Permanent Secretary is mentioned in any deal within my Ministry, the only respectable thing to do is to step aside and let thorough investigations be done. Once the findings of the investigations reveal that I am not involved in the corrupt deals, the President then can appoint me back to the Cabinet. It has happened in many countries. We are not saying that by naming Ojode or Murangaru, as examples, we are saying that the two are corrupt. No! Your name has been mentioned. Why do you not step aside and let investigations be done in order for us to know whether you are in the wrong or in the right? There is nothing wrong in that.

We have been told that the Anglo Leasing money was returned. Up to this very moment, and the Minister for Finance is here, we still do not know where that money was returned to. By who? In which bank? In which account? Maybe, some few people in the Government are doing this business of money laundering with that money. The other day we were told of a scandal that never was. Today, we are being told that the money was returned. I want to say that even if it takes ten years we will set

up a commission of inquiry and those who were involved in this scandal will pay for it.

Mr. Temporary Deputy Speaker, Sir, the other issue is about granting of waivers. I am glad my friend the Minister for Finance is here. This privilege is being abused. I am not happy with it because there are some people who really deserve being granted a tax waiver and they are not being granted one. It is being given to either the politically-correct or tribally-correct people.

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

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, let me continue!

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Ojode! I am the only one who is supposed to give permission on that.

Proceed, Mr. Mwiraria!

The Minister for Finance (Mr. Mwiraria): Mr. Temporary Deputy Speaker, Sir, you have heard the hon. Assistant Minister allege that deserving people are not getting waivers. Could he substantiate his statement?

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, there is no way I can substantiate the obvious. There are even Anglican Church fellows who had applied for a tax waiver. They were never given one and the Minister knows about it!

(Applause)

Mr. Temporary Deputy Speaker, Sir, the other issue is that we have been asked to give tangible evidence in order for a Minister to be fired or sacked. Then, if there is no tangible evidence why should we fire our Permanent Secretaries? Tell me why? You cannot have your cake and eat it at the same time! You know when you are firing Permanent Secretaries, it is just like treating the symptoms and not the disease. There is no Permanent Secretary who can corruptly sign for something which is corruptly gotten without the insistence of his boss who is the Minister.

(Applause)

Mr. Temporary Deputy Speaker, Sir, the other issue concerns the Vice-President and Minister for Home Affairs. I believe he should have been here. The Vice-President and Minister for Home Affairs is disappointing us as a country. He is a senior citizen of this country. He has to leave a legacy; that by the time he was the Vice-President and Minister for Home Affairs this is what he did. He is the one who arbitrates between the warring factions within NARC and the Cabinet but he has failed. It is quite bad. The other day we were called to a private hotel called Milimani to go and discuss Government business and we know the owner of that hotel. That is nonsense!

(Applause)

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Prof. Kibwana): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Assistant Minister to say that the Vice-President and Minister for Home Affairs has failed in terms of bringing warring parties together when those warring parties do not want to resolve their issues? Is the problem the Vice-President and Minister for Home Affairs or the warring parties and particularly some of the parties which might want to continue the warring so that they are successful in their schemes?

The Assistant Minister for Foreign Affairs (Mr. Ojode): That is a frivolous point of order.

Mr. Temporary Deputy Speaker, Sir, let me continue because "The Third Force" is wasting

my time. The other issue is that whenever you have people fighting within your home, an elderly person comes up---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Ojode! Please, do not refer to an hon. Member as a "Third Force".

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Prof. Kibwana): No, Mr. Temporary Deputy Speaker, Sir. I am a member of "The Third Force".

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, he is a member of the "The Third Force" but let me withdraw that.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, I am saying that it is important for the Vice-President and Minister for Home Affairs to come up and arbitrate between the warring factions and then later on sanity will prevail. The issue of conducting Government business in a private hotel known as Milimani is another scandal. The reason why I am saying it is another scandal is because we know the owner of the hotel.

Secondly, how much are we paying him in order for us to meet in that hotel? Is it the only hotel? Do we not have conference facilities like KCC, the Old Chamber and Continental House? Why should we conduct Government business in Milimani Hotel? That is a big question for you!

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

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, the other issue is that of roads.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Ojode! Let us hear this point of order from Mr. Wamwere!

Mr. Wamwere: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Waziri Msaidizi ametaja kwamba Bunge linajua ni nani anayemiliki hoteli ya Milimani. Ukweli ni kwamba Bunge halimjui. Je, anaweza kuliambia Bunge hili ni nani anayemiliki hoteli hiyo?

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, if he does not know, then he should go to the Registrar of Companies and he will find out.

With regard to roads, it is really pathetic that we do not have a good road network in our country. The delay comes as a result of the bureaucratic channels---

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

The Temporary Deputy Speaker (Mr. Khamasi): Order, Members! So far, I have not heard anything that is completely out of order from the Assistant Minister's address. Could you, please, give him time to finish his speech?

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, there is a lot of bureaucracy in the award of tenders in the Ministry of Roads and Public Works. This is the fourth time a road in my constituency has been re-advertised. The Ministry is waiting for the month of June so that it returns the money to the Treasury. I feel sorry for the Minister for Roads and Public Works.

If the Treasury does not want to give money to Mr. Raila, why can it not give the money to Mr. Koigi or the Member for Naivasha Constituency, Mrs. Kihara? The road from Naivasha to Nakuru is so bad and Mr. Koigi knows that. So, if the Treasury does not want to give Mr. Raila money - and the Minister for Finance is here - let it give the money to hon. Koigi so that we can have a good road network. Why should we wait until that money is returned to the Treasury?

The Minister for Roads and Public Works (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, is it in order for the hon. Member to insinuate that the Treasury does not want to give me money when he knows that I presented the Ministry's Vote here in Parliament and it was approved?

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, when money cannot be released to the Ministry of Roads and Public Works because of an individual and yet there are 30 million Kenyans suffering, that is naivety. There are people who are fighting us as a party because they want to be in those positions. An example is hon. Paul Muite. Why can they not be appointed to hold these ministerial positions? Mr. Muite is here!

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

(Loud consultations)

Mr. Omingo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to debate on the Presidential Speech.

There is no way we can pretend in this country that we intend to revive the economy of this country without security. This has been elaborated in great detail by hon. Muite who said that insecurity in the country will not attract any investment in this country. That is, in fact, the reason why some Ministers and people in key positions are investing elsewhere as opposed to this country. They want to bolt out quickly when things run haywire. We require security in our country. It is paramount and critical.

Let us not issue out wishful statements that speak of provision of security without necessarily stating how that can be achieved. In the President's Speech, he said:

"My Government intends to provide an environment that is secure."

That is just a general statement which cannot be held to account and that is why hon. Billow said that we require tangible issues. Indeed, let us set targets which we can achieve.

Mr. Temporary Deputy Speaker, Sir, we cannot have an economic recovery programme on course with soaring levels of public debt. The President of Kenya is an economist. Today, 70 per cent of our Gross Domestic Product (GDP) is mortgaged in debt. Not a single thing has been mentioned about public debt and yet year in, year out we pass a Budget which has a Budget support and illegal borrowing. When I brought a Motion to this House challenging the authenticity of the public debt portfolio, it was shot down because of obvious reasons. In the debt pot, there are maggots, chameleons, snakes and all manner of things that nobody wanted to touch. However, for our economy to grow, we must re-examine our debt portfolio. We need to look into our debt portfolio to be able to understand whether we are really investing for growth or just for consumption.

Mr. Temporary Deputy Speaker, Sir, when the Government reads its Budget--- I believe a mini-budget, today, is even larger than the major Budget. The other day the price of sugar was increased to Kshs68 a kilo. The Government then pretends to tell Kenyans that it is providing for free primary education when, in fact, Kenyans are paying twice or thrice what they used to pay for sugar two or three years ago. The pretentious business is long gone and our audit by the public is on course. It is about two or three years and Kenyans will show us the door. Unless we do something to recover our past image, we will lose it all. We gave Kenyans, on one hand, free primary education and on the other hand through taxation and increase of prices, we have actually mortgaged the lives of Kenyans.

Mr. Temporary Deputy Speaker, Sir, the construction industry is dead. How do we expect our economy to grow when there is nothing happening in the construction industry? The price of steel went up by 30 per cent a while ago. One or two weeks ago, the price of cement went up by 25 per cent and yet we are saying that we want our economy to grow. That cannot happen.

With regard to constitution-making, this Government, and all Parliamentarians are God-fearing people. They are either Muslims, Christians or believe in some imaginary gods in their rural settings. Over the Easter Holidays, the Muslims spoke about this Government giving Kenyans a new constitution. The Catholics, and the President attended the sermon, said that the Government should give us a new constitution or else it will be shown the door. The Anglicans too said the same thing. I

do not know! Are we being led by people who do not fear God or who do not even partake of the sacrament? We all go to church and take the sacrament or participate in the passover. If you are a protestant like me, you will actually participate in the passover. Is this Government being led by atheists; people who do not respect God and spiritual leadership in the church? I would have liked the President to answer this question: Which church and spiritual leader does he subscribe to? Archbishop Ndingi spoke about the constitution while the President was in church. Can we seek divine intervention and ask the Kiraitus and Railas of this world to actually steer clear the way so that we can provide Kenyans with a new constitution? There are names featuring out there that are really bottlenecks to the constitution-making process. When hon. Keter was presenting his Motion here, one Minister, over the radio, said, "The constitution-making process is just about to end and so is the Bomas process." Now, when we tell them to give us the new constitution, we are told, "Sorry, the Bomas Draft is destructive." These people keep on moving goalposts. They are completely dishonest people. I remember reading a cartoonist's work in one of the newspapers. A father asked his son, "What do you call a man who tells you "yes" when he means "no" and plus when he means minus?" The child answered back, "NARC Government."

(Laughter)

That is the only description of a person who says what he or she does not mean. It is a shame.

Mr. Temporary Deputy Speaker, Sir, goalposts have been shifted. We keep on crying and talking about dialogue. Whom are you talking with when people have taken firm positions?

Capt. Nakitare: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Omingo in order to tell this House that the NARC Government is made up of one person when we know it is made up of many political parties?

The Temporary Deputy Speaker (Mr. Khamasi): Order, Capt. Nakitare! Please, let us be serious. When you stand up on a point of order, let it be so.

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, the Chair has the rules and it only knows of the Government side and the Opposition side. I said that the only description the poor little child knew about a dishonest person is the description of the NARC Government. I am sorry to say so, but that is the position.

Mr. Temporary Deputy Speaker, Sir, the current Government has actually managed to stop land grabbing completely. This is a big achievement in that regard. Land grabbing has actually been stopped but there is one thing that the Government has succeeded in doing: Job grabbing by the grandfathers of this nation. They have grabbed all the jobs from the children who were supposed to have the jobs; the grandfathers have taken over all the jobs! They have actually succeeded in stopping land grabbing, but they have majored in job grabbing.

When we talk of corruption, that is abuse of office. Can we then have fair application of the law and not a selective application of the law? Corruption in this Government actually does commence when it is not affecting me. I know that somebody who is corrupt is not my kin, but when it comes to "us", that is not corruption. The perception is, when it is them, it is corruption, but when it is us, you can turn a blind eye to it. We have heard of institutions which are steered by the Attorney-General of this country; the Attorney-General who cannot prosecute! The cost of conducting corrupt business is very cheap in this nation! You can steal big things and go scot-free. The Attorney-General wants to prosecute but has not got any related evidence, and when there is evidence, there is no one to prosecute. That is the kind of quagmire we are in. We require a transformation in the application of the law, not selectively but properly and fairly. Let everybody carry his own cross; it does not matter where you come from; corruption is a vice that each one of us must address. Let us not find scapegoats and run away, because the NARC Government has now got a history of two years and

three months. What can they account for?

One thing that puzzles me, Mr. Temporary Deputy Speaker, Sir, is the inability of the Cabinet to advise His Excellency the President on the genuineness and legality of the Bills that bounce back to this House, reflecting that we are primitive and that we do not know what we are doing; whereas we have lawyers and accountants in the name of hon. Kimunya here. Where are they? Must they wait for us to pass the Bill then it boomerangs back on us?

The Minister for Lands and Housing (Mr. Kimunya): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that the Cabinet has failed to advise the President on Bills that have been passed by this House, when all the amendments that have been referred back to this House by the President emanated from this House and not as originally brought by the Government to this House?

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, that is actually fairly frivolous, because former President Moi bounced only one Bill. But in two years, the NARC Government has bounced four Bills. We expect more from them, and I think that reflects an ineptness in the speed to deliver to the Kenyans what we expect. Why do we even wait? Can we not do it in the backroom and save our faces? We have already been paid to pass those Bills and they are just coming back for a re-doing of the job. That is my thinking.

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

Mr. Ndile: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii. Katika Hotuba ya Rais, sikusikia akitaja jambo la maskwota, na kwa miaka miwili sasa, inajulikana kuwa watu walifukuzwa Molo, lakini bado wako pale. Vile vile, watu walifukuzwa kutoka Kibwezi na mashamba yao yakapewa ndovu, lakini bado wako pale pale; na Rais hajasema chochote kuhusu watu hao, ilhali walimchagua kwa bidii sana. Kwa hivyo, nashangaa jinsi mambo hayo yanavyoendelea hivyo kwa miaka miwili sasa.

Jambo la pili, Bw. Naibu Spika wa Muda, ni jambo la shule. Hivi sasa, elimu ya msingi imekuwa ya bure na wanafunzi wanapewa vitabu vya bure, lakini ukienda katika shule iliyoko katika eneo la uwakilishi Bungeni langu, utashangaa kwa sababu wanafunzi wanasomea chini ya mti, na wengine wanasomea katika madarasa ambayo yamezekwa na miti badala ya nyasi, kwa sababu huko Ukambani hakuna mvua ya kuotesha nyasi. Na bado mnasema eti elimu ni ya bure! Lakini ninaishukuru Serikali. Kitu ambacho Serikali imetusaidia nacho ni hizi pesa ambazo zimepelekwa katika sehemu za uwakilishi Bungeni.

Bw. Naibu Spika wa Muda, ili nisiuharibu wakati wangu, wacha nizungumzie jambo la uufisadi. Tumemsikia Bw. Omingo akijaribu kusema mambo kuhusu Mawaziri, lakini jambo la kujiuliza ni; je, tuna Mawaziri kweli? Kuna kitu ambacho kimeendelea pale kwa miaka miwili? Kule kwetu katika vijiji, na mimi ni mkamba na kuna ukoo nilitoka. Kwa mfano, kuna Mutangwa na koo zingine nyingi. Huko, kuna kamati ambazo hukaa katika ukoo, kwa mfano, kamati ya nidhamu, afya, na kadhalika. Katika kamati hizo ndogo, mzee anayesimamia kamati hiyo akisimama, huwa kuna mwelekeo. Lakini Serikali yetu imeshindwa na mwelekeo na hatujui tunaenda wapi. Waziri anaamka leo na anamwambia mwenzake kuwa ni mwizi; huyu mwingine ana--- Hapa Nairobi, nasikia kuwa mtu akiiba simu ya mkono halafu ujaribu kusema kuwa huyo ni mwizi, naye anasema kuwa wewe ni mwizi, na huyo mwingine pia anasema kuwa wewe ni mwizi. Hadi simu yako ya mkono inapotea bila ya kujulikana imeenda na nani. Hawa Mawaziri wetu wanafanya hivyo!

Ndio, tumeitwa katika mikutano huko katika hoteli ya Milimani; tumeongea na tukaambiwa: "Tuambieni ni watu gani hawatakikani", na tukawataja majina kuwa Fulani na Fulani wakae kando. Je, ni hatua gani wamechukuliwa? Tuliulizwa tusaidie hii Serikali; tunataka kuisaidia Serikali ya Kibaki ili imalize angalau hii miaka yake mitano, kwa sababu hata kuimaliza miaka hii ni shida. Sisi tulimuambia kuwa akimwondoa huyu--- Kwanza, mambo ya Katiba ni rahisi sana; ukiwaondoa Bw. Murungi na Bw. Raila, mambo yanakuwa mazuri. Hao ndio wanaleta shida!

(Laughter)

Kuhusu mambo ya ufisadi, ukimuondoa Bw. Mwiraria---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Ndile! Yes, Mr. Raila!

The Minister for Roads and Public Works (Mr. Raila): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Umemsikia Bw. Ndile akisema eti Bw. Murungi na Bw. Raila wakiondolewa, basi Katiba itaendelea mbele. Je, ni kweli au ni vizuri kwa Bw. Ndile kusema hivyo, na yeye mwenyewe anajua kwamba wanaokataa Katiba ya Bomas ni wale na sio Bw. Raila?

Mr. Ndile: Bw. Naibu Spika wa Muda, ni kweli kwa sababu tunajua kuwa kile kikundi ambacho Bw. Raila anaongoza kilitumwa na Bw. Moi kukataa hayo maneno, na walitoka kwa Bw. Moi hivi juzi. Kwa hivyo, ndio maana wanapinga Katiba zaidi, kwa sababu Bw. Raila na chama cha Liberal Democratic Party (LDP) wanataka kuitumia Katiba hii ili kusema kuwa Serikali ya NARC imeshindwa. Hicho ndicho kitu kimoja, naye Bw. Kiraitu anataka kukaa nayo tu---

Mr. Mwandawiro: Jambo la nidhamu, Bw. Naibu Spika wa Muda.

Mr. Ndile: Wewe nawe na hili jambo lako la nidhamu, unajua ni mambo gani yanaendelea?

Mr. Mwandawiro: Jambo la nidhamu, Bw. Naibu Spika wa Muda.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order! Order! Mr. Mwandawiro, you do not need to shout so loudly. The sound system here is very clear. You can speak softly and we will hear you. What is it that you wanted to say?

Mr. Mwandawiro: Je, Bw. Naibu Spika wa Muda, ni haki kweli kwa sisi Wabunge wenye heshima kuletewa propaganda ndani ya Bunge hili?

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order! Mr. Mwandawiro, that is a very frivolous point of order. Be on the alert!

Proceed, Mr. Ndile!

Mr. Ndile: Bw. Naibu Spika wa Muda, nimesema kuhusu mambo ya ufisadi. Kule kwetu, kuna mdudu ambaye anakula mahindi, na siku hizi, wazee, vijana na kina mama wanamuita mdudu huyu "Scania", kwa sababu anakula mahindi pamoja na gunia! Unaona kama gunia limejaa, likini ukilishika ndani baada ya miezi miwili, unakuta kuwa halina kitu. Kwa hivyo, katika hii serikali yetu, kuna Mawaziri ambao wamekula kama huyo mdudu anayeitwa "Scania"; hakuna tofauti kabisa! Na tukijaribu kusema, mwingine anaenda kusema eti; "watu wangu msibabaike, nimeambiwa kuwa sitafutwa kazi. Nimekula mbuzi ya nani?". Ulisikia wapi katika dunia hii mtu akisema hivyo huku anakaa katika Serikali? Tunaanza kushindwa kuwa katika dunia hii, hii ni ile Serikali iliyosema kuwa itaanza kazi kikweli? Haya ndio mambo tunayojiuliza! Na sisi tuko hapa tunapiga kelele, kwa sababu katika kazi yetu, hatuna njia nyingine. Hapo ndipo nilipokuwa nikimuuliza Bw. Naibu Spika wa Muda kuwa, labda, tutabadilisha Bunge hili kidogo, ili tuwe na vikao vingine huko Ukambani---

Ama sijui kama tutapata Rais atakayesema kuwa atachukua Jumba hili kama yule Rais mwingine anayeitea Mbingu wa Mutharika, aliyesema kuwa anataka kuchukua Bunge liwe jumba lake, na sisi tuende kukaa mahali pengine. Kwa sababu sijui ni kitu gani kinafanyika katika Bunge hili. Tunaongea mambo mazuri na hayafanyiki. Kwa mfano, unafikiri kuwa ile Hotuba ya Rais ndio ya kwanza kuwa nzuri?

Tangu Kenya ipate Uhuru, hotuba nzuri zimetolewa hapa lakini hazitiliwi maanani. Ni lazima sheria zifuatwe. Tunaambiwa kwamba Mawaziri ambao wametajwa katika visa vya ufisadi hawawezi kukamatwa. Pengine tungeunda kikosi cha Wabunge, kwa mfano mimi na Bw. Wanjala, cha

kuwakamata Mawaziri hao.

(Applause)

Ninasema hivi kwa sababu Mawaziri ambao wanahusika na wizi ndio wanasimamia Wizara kubwa, kwa mfano, Wizara ya Afisi ya Rais ambayo inasimamia idara ya polisi. Kuna Waziri ambaye anasimamia Kamishna wa Polisi. Unafikiri Kamishna wa Polisi atamkamata Waziri huyo? Huko Ukambani, kuna kamati ya Wazee ambayo inawakamata wazee ambao wamekosa. Labda ni vizuri kamati kama hii ibuniwe ili Kenya ifaidike.

Bw. Naibu Spika wa Muda, kuna Waziri anayeitwa "Simoni" Ndwiga. Katika shule tulisoma kuhusu Simoni Makonde ambaye alizaliwa Jumatatu, akakua siku ya Jumanne na akaoa Jumatano. Alianza kuugua na akafa siku ya Jumamosi na akazikwa Jumapili! Waziri huyu alijipatia kandarasi ya bima siku ya Jumatatu na akachukua mkopo Jumanne na kesho kutwa akanunua shamba na mwenzake akamwondolea ushuru. Mambo haya yanaendelea hali Rais alitembea katika Mkoa wa Kaskazini Mashariki na kuwahimiza watu wauze ngamia ili walipe kodi.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Ndile! You are now discussing the conduct of an hon. Member of this House without bringing a substantive Motion. Steer clear of that!

Mr. Ndile: Ahsante, Bw. Naibu Spika wa Muda. Nilikuwa nimeandika Hoja na sijui imechelewa wapi.

Rais anawahimiza watu walipe kodi na anaamka kila siku na kusema kwamba Kenya yetu itafaulu kama tutalipa kodi na tunalipa. Rais anamwambia mtu wa Mkoa wa Kaskazini Mashariki alipe kodi na Waziri wake anampinga kwa kumwondolea Waziri mwenzake kodi. Waziri huyu hambeshimu Rais. Kuna methali inayosema kwamba: "Hasikii la mwathini wala la mteka maji msikitini." Bw. Kimunya aliambiwa na Rais miaka miwili iliyopita tukiwa katika Wilaya ya Makueni awapatie watu wangu shamba na hajawapatia. Watu wameanza kuniuliza kama kuna Rais duniani ambaye anaamrisha kitu fulani kifanywe na hakifanywi. Kama ungekuwa wakati wa hayati Mzee Jomo Kenyatta ningepewa shamba hilo, na Bw. Kimunya angepigwa rungu na Rais! Kama ingekuwa wakati wa Rais mstaafu Moi ningeonaa---

The Minister for Lands and Housing (Mr. Kimunya): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that the Ministry of Lands and Housing has not taken action and yet as I speak here, officers are in his constituency? I have brought this to his attention and asked him to visit the constituency to confirm that what they are doing is in conformity with what he thinks should be done.

Mr. Ndile: Bw. Naibu Spika wa Muda, juzi nilikuwa katika eneo langu la uwakilishi Bungeni na hakuna kitu kinaendelea. Niliomba shamba katika Kiboko C Settlement Scheme. Sitaki shamba ambalo limenyakuliwa kwa sababu tutaendelea kupigana na watu wengine na hali watu wangu wanaumia. Ninataka shamba hili lipewe watu wangu.

Ninataka kuendelea kuchangia juu ya ufisadi. Nchi za nje zinasema kwamba hazitamruhusu mtu ambaye amehusika na ufisadi kuingia kwao. Ni nini kinaendelea hapa Kenya?

Bw. Naibu Spika wa Muda, ninaunga mkono Hoja hii, lakini ni vizuri Mawaziri wafisadi waondolewe kutoka kwa mamlaka.

Mr. Khamisi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I rise to support the Presidential Address. However, while I do that, I would like to express some disappointments.

Despite the importance of land and the emotive nature of land issues, I was rather disappointed that the President spared only six lines in his long Speech to articulate his policy on land. This is very unfair and I do not think that the Government is serious on land issues. The President also

talked about land adjudication. He went on to mention Kwale, Meru North and Mwingi districts. He never took the trouble to mention Kilifi District which has one of the biggest land problems in this country. He said that thousands of families in the three districts have been issued with title deeds. Again, he did not mention Kilifi District which is also affected in terms of the issuance of title deeds. That confirms my fears that this Government is not serious when it comes to sorting out the problem of squatters. It is also not serious on allocating land to the landless.

Mr. Temporary Deputy Speaker, Sir, Kilifi District, and precisely, Bahari Constituency, has one of the largest number of squatters. It is estimated that 80 per cent of the people who live in that constituency are squatters. In the other two constituencies, namely Ganze and Kaloleni, people have not been issued with title deeds despite the fact that they have been living on that ancestral land for generations. It is time the Government took this matter seriously and issued title deeds to the right people.

I am rather disappointed too that in this year's Budget, not a single penny was allocated for land adjudication purposes in Kilifi District. Unless land is adjudicated, there is no way title deeds can be issued. There will be insecurity if those documents are not issued to the people. The people will also not have title deeds which they can use to borrow money in order to improve their standards of living.

In Kilifi District, land adjudication is very important because we have serious border disputes between various tribes. For example, the Kauma and the Chonyi have a continuous historical border dispute which is caused by the fact that the area has not been adjudicated. If the Government wants to avoid problems in future, it should take surveyors to those areas to adjudicate the land.

Mr. Temporary Deputy Speaker, Sir, we have also not seen any action the Government has taken against absentee landlords and yet it is a lingering problem. We have talked about this issue in and outside this House and yet we do not understand why the Government cannot get some money to buy some land from the absentee landlords. We also do not understand why the Government cannot use its constitutional provisions to take this land by force. Once again, I urge the Government to look at the problem of absentee landlords, ensure that the land is bought and given to the local people.

There is also the question of land which was allocated to politically-correct people during the era of the late Kenyatta and former President Moi. In my constituency, not a single beach plot is owned by an indigenous Kenyan from that area. This is a very serious matter.

Mr. Temporary Deputy Speaker, Sir, I would like the Government to also look at the issue of land that it owns. This matter has been brought before this House. In fact, a Motion was brought here requesting the Government to provide land that it owns at the Coast Province to squatters who are already occupying it. We are very disappointed that, two years down the line, this Government has not seen it proper to provide that land to the local people. We had a lot of hope in the Ndung'u Report. Up to now, I have not seen a copy of that report because it has not been distributed to Members of Parliament. I ask the Minister, who I am glad is here, to urgently provide those copies, so that we read about their recommendations on land issues. Mr. Kimunya, why are you hiding it? We do not know the reason why the Minister is hiding this report. It is now almost four months since it was released, yet it has never been distributed to us. There must be something which is being hidden by this Government.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Khamisi, would you like to be informed by the Minister?

Mr. Khamisi: Yes, Mr. Temporary Deputy Speaker, Sir.

The Minister for Lands and Housing (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, as a matter of fact, we promised to give copies of the Ndung'u Report to the House. My Permanent Secretary liaised with the Clerk of the National Assembly for distribution of those copies to the House. So, if there is anything, it is a logistical issue, but those copies should have been with hon. Members of the House three months ago.

Mr. Khamisi: Mr. Temporary Deputy Speaker, Sir, but for the information of the Minister, that report has not been distributed. So, it is upon him to follow up. What we want to see is the report and what it contains; to see whether it actually articulates the needs and aspirations of the people of this country on the question of land.

Mr. Temporary Deputy Speaker, Sir, we are having a very serious problem along the beaches all the way from Mtwapa to Malindi. This is the problem of developers putting up walls to prevent people from accessing beaches. We feel this is a very serious problem because it deprives fishermen and the local people access to a natural resource of this country. We believe the sea is for the use of the masses. We do not see why *Wazungus* or Indians should be allowed to build walls or fences that will deprive local people access to the beaches. So, I would like to ask the Minister and the authorities concerned to make sure that this issue is dealt with, so that we have free access to the fishing areas and entertainment spots around the sea.

Mr. Temporary Deputy Speaker, Sir, let me now turn to the issue of agriculture. The President was very kind to mention that several Sessional Papers are on their way to this House. He did mention that Sessional Papers on the dairy industry, cotton and liberalisation of the sugar industry will be tabled before this House. He also talked about the Pyrethrum Bill. My disappointment is that I did not hear him talk about the cashew nut and coconut industries. A year and a half ago, the Minister for Agriculture visited Coast Province. He had a very good seminar for two days with hon. Members of Parliament and stakeholders. The intention of that meeting was to try to draft a Bill that will be able to provide a processing and marketing board for these two products. Up to now, we have not seen those Bills. I wonder why. Why are we forgetting such an important crop as the cashew nut which is internationally marketed? Why are we forgetting the coconut industry? This just goes on to confirm, once again, that this Government is not serious about the coastal region. This is a big disappointment because we had very high hopes on this Government. We were let down by the Kenyatta and Moi governments. It now appears we are being let down by this Government.

Mr. Temporary Deputy Speaker, I would like to now turn to the question of security. I will not repeat what other hon. Members have said on this issue. We have a serious security problem in our area, but more so, in Kwale District.

Mr. Temporary Deputy Speaker, Sir, it appears my time is up. With those few remarks, I wish to support.

Ms. Mwau: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the President's Address to the Fourth Session of the Ninth Parliament.

From the outset, I would like to say that as we criticise the NARC Government, let us, first of all, analyze what it has achieved. I agree that, for example, the free primary education programme has its own [Ms. Mwau]

teething problems, but it is worth noting that there is a high level of enrolment of children in schools than it was ever before. Children who would have otherwise missed opportunity to attend primary school are now doing so. This, therefore, translates to few illiterate people in this country. Therefore, I do not agree with some Opposition Members when they say with free primary education, we are producing illiterate people in our society. In fact, parents are saving about Kshs1,000 per child every year. I am sure that with the implementation of this programme, the Ministry of Education, Science and Technology is looking into these teething problems with a view to solving them. So, as we criticize, let us also be objective.

Mr. Temporary Deputy Speaker, Sir, on the Constituency Development Fund (CDF), at least projects that had stalled for years are actually being revived. Is that not development? Is that not progress? During the previous regime, Harambees were the order of the day. Money was collected from poor women who had to sell their chicken because chiefs, Doss and DCs had to contribute money in those Harambees. In fact, thousands of shillings would be collected from those Harambees, but,

eventually, money would be misappropriated. Let me take a case of bursary funds that were collected during the KANU regime. Up to now, in Kaiti Constituency, our people do not know the whereabouts of these bursary funds. In fact, Kshs20 was collected throughout the constituency from poor people, so that bursary funds would have been raised for their children, but up to now, there is nothing to show on the ground. Where is this money? Therefore, what used to happen in the previous regime was that money would be collected from poor people in the rural areas, but it ended up in the pockets of very few individuals. But we can now see money trickling down to the grassroots level through the CDF, bursaries and so on. Thanks to the Ministry of Education, Science and Technology because they are giving priority to orphans. The Government, through the Ministry, is paying for their school fees. So, what do we call this? This is development. We had not seen it for years.

Mr. Temporary Deputy Speaker, Sir, the NARC Government inherited an economy that was in tatters. In the last two years, Kenyans have been expecting much from an economy which was subjected to mismanagement for many years. I think Kenyans are forgetting too soon that the previous regime was not people-oriented.

Mr. Temporary Deputy Speaker, Sir, you will agree with me that now there is a wider democratic space in this country. We were in the Opposition for ten years, but we were not able to express ourselves freely. Now, Kenyans can freely air their views.

Mr. Temporary Deputy Speaker, Sir, the issue of insecurity in this country must be dealt with, especially when innocent Kenyans are being killed in Maai Mahiu, Laisamis and Mandera. It is important for us to ask ourselves: Why are we having this problem? Is it because of lack of land? I am glad the Ndung'u Report will be brought to this House soon. Is it not possible for us to settle landless people in this country?

Mr. Temporary Deputy Speaker, Sir, the NARC Government must make it a priority to provide the 500,000 jobs it promised the young people so that they can feel that they belong to this country.

The police force is one cause of insecurity in this country because women are not safe with it. Last year, we saw cases of insecurity where the police rescued a young girl of 17 years and later raped her in Kilome Police Station. They also patrol in the name of security but they cause insecurity by raping women in police cells. We saw Mr. Kingori on camera at the Central Police Station asking women whether they had been raped. Is that how the police officers have been trained to do investigations? We are saying to the Minister that the police force must be clean so that we can say we are secure with it. For every robbery, a woman is raped; for every car hijacked, a woman is raped; and, for every community fight, like in Mandera, women are the ones who die. Twenty eight women and children died! We are, therefore, saying that this is costing us a lot and the women in this country are suffering more due to the kind of insecurity that is in this country. The women in this country are saying that they need to be protected.

I want to touch a little bit on corruption. We are saying that those Ministers who are saying that other Ministers are corrupt, should resign and join us so that we can fight corruption. By so doing, they will show us that they are committed to fighting corruption. Let them leave this business of saying "So-and-so is corrupt!" and they are still in the Government. If someone feels that the Government is corrupt, please for goodness sake, let him resign and join those who are fighting corruption. Moreover, for Transparency International to talk of Kshs750 million in foreign banks, it would do us a favour by saying who this Minister is. If it does not want to tell Kenyans, let it go to Justice Ringera with that information.

I want to finally say that this Government has done so well but with a Cabinet that is divided, people are not able to tell who is saying what. You will hear one Minister saying that this is the Government policy and another one says that it is not so. We are, therefore, asking the President to put his Government in order. Let him put his house in order for it to sell Government policies as a

Cabinet. I have never known anywhere in the world where Cabinet Ministers do not speak with one voice. It is only in Kenya, in this Government, that one Minister says this and another one says something else. Let the President put this house in order if it is going to sell Government policies. If he will not do that, then I do not see how this Government is going to survive.

On corruption, I forgot to say that the police force is for the fourth year, being the most corrupt in this country. What is the Ministry doing? It has become the order of the day for the police force to demand money from *matatu* drivers and touts and they have no way but to give in because they say that if they do not do so, even if their *matatus* and buses are in good condition, they will find fault and take them to court. It is, therefore, important for the new Minister to ensure corruption is eradicated within the police force.

With those few remarks, I beg to support.

Mr. Serut: Thank you, Mr. Temporary Deputy Speaker, Sir. I will start my contribution by talking about insecurity. Many of my colleagues have talked about it but I want to start by thanking the Commissioner of Police for refusing to be dragged into the issue of the shoot-to-kill order. He knew that the Minister did not have anything to support him on the order to shoot and that is why the Commissioner of Police decided not to accept it. I say so because this order of shoot-to-kill would have meant that even innocent Kenyans would be shot in the streets. What would the judges, magistrates and other institutions in this country be doing if judgement would be passed on any suspected criminal? The issue of insecurity cannot be solved by shooting but we should look at the cause of insecurity in this country. When the NARC Government came into power, what it did is that it withdrew all the touts from bus stops. What were they given in turn? I suspect that this is one of the causes of insecurity. Were these boys sent home? The answer is "No!" They were left on the streets. To do what? They have to survive! Therefore, the Government has to do something about these young men who are moving down the streets and give them something to do.

There is also the issue of police reservists. These are people who have always assisted the police in identifying where crime is being committed and who is committing it. These are people who are well informed of whatever places that crime takes place or who is involved in it. When you take over and dismiss them, you are in essence telling them: "Go and commit crime!" It is high time that the Government recalled the police reservists, and maybe, retrained them if need be or gave them something to do.

I have also looked at insecurity in other places of this country. One of them being my own constituency which is Mt. Elgon and another one being the neighbouring constituency, Trans Nzoia. The causes of insecurity in this region is the issue of ownership of land and it means that the Government has to move very fast and sort out the issue of land in this country. Land is emotive and it is an emotional issue. Every African in this country believes that without land, he or she has no means of survival. Therefore, for us to cure this disease of insecurity, we should also address the issue of land ownership.

When I talk of land ownership, it has something also to do with land as in the building industry. We have had quite a number of land surveyors, contractors, quantity surveyors and valuers. Immediately the ban on undeveloped land was slammed on all title deeds, what are these Kenyans doing? The answer is that most of them have nothing to do. In essence, that means that they have to resort to other means of survival. I am not saying that these people should steal or kill. I am only saying that we should look at the causes rather than the end product. In this case, we should not condemn the criminal. However, we should ask ourselves why the criminal has committed an offence.

There is also the issue of the Chief's Act. This Act was repealed in this country. When you go to the rural areas, you will find that chiefs do not have much to do. If you ask them to assist in afforestation, they will tell you that is not their work. If you ask them to supervise the protection of water catchment areas, they will tell you that is not their work. One is left wondering what chiefs do,

yet they earn a salary at the end of each month. It is my thinking that chiefs should be engaged in the maintenance of law and order. Chiefs should be given back their powers to arrest and hand over criminals to the police. However, let us deny them power to collect chicken and goats for Harambees.

I want to say something about the constitution. The constitutional review process has occupied the minds of Kenyans for the past seven years; five years during the Moi regime and now for two years and three months during President Kibaki's regime. Nobody knows where this animal called the constitution came from. But, most people believe that a constitution is the freedom of expression. Most people say that a good constitution is that one which we have come up with. Others think that a constitution is having the right to do what one wants to do. Why do we have all these definitions? I want to say that this is because we have fear and mistrust among ourselves. There is a lot of fear and mistrust. There is lack of faith in others and lack of collective responsibility among ourselves. Collective responsibility is lacking in hon. Members and among the Cabinet. A Government of the day, in any country, is supposed to provide leadership. However, what we hear of in this country is a divided Government, which cannot lead. It is just like a divided house. It is high time Kenyans went back to the drawing board and asked themselves if they elected leaders who would constitute a Government or, if they elected hon. Members who are now dividing them.

I want to agree with one hon. Member who has said that we are now divided more than we have ever been. That assumption is correct. You can tell from the utterances of most leaders in this House; which side they belong. You can even close your eyes and listen to an hon. Member talking, and you will know which side he belongs to. Is that what we were elected to do in this House? Kenyans out there are yearning for jobs. We promised them 500,000 jobs. How many have we created so far? We have created none. Kenyans want provision of water. Is there any water we are delivering? We are always singing about the free primary education project. Kenyans are tired of it. Before a Government leader starts to speak, Kenyans know that after they talk about the Constituency Development Fund (CDF), they then have to talk about the free primary education programme. This will become a song. It has become monotonous.

Allow me to say something about the CDF. The media is now aware of the CDF. The good thing about the CDF is that it has enabled money to reach areas like Mount Elgon, which had not seen a single cent from the Government. I want to say halleluya to the Government of NARC. The common *mwananchi* on the ground is now able to see that there is money trickling down from the Government. There is now free primary education and money is reaching my constituents. However, I want to disagree with our opponents whom we beat in the 2002 general election. They want to get involved in this issue forcefully, by claiming that hon. Members are controlling the use of the CDF. Who told them that we are not in charge of the fund? Let them know that hon. Members were elected in the year 2002 to lead and not to be led. Let them wait for the year 2007. If they beat us, we will go home and wait for another term. But, the issue of trying to say that hon. Members are misappropriating money is neither here nor there.

I beg to support.

Mr. Wanjala: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to the Presidential Address. As it has been said earlier, the Address was good. We have heard such Addresses in the past. We now want to see action being taken. As we enumerate the percentage of economic recovery for various sectors, the public out there is not seeing any improvement. There is nothing that is going into the pockets of Kenyans. All hon. Members will bear me witness that when schools opened last term, it was a terrible situation for hon. Members because bursary funds had not been released. All hon. Members ran away from their constituencies because they could not withstand the pressure from their constituents.

Poverty levels have risen very much. The Government must stop its squabbles and go back to its drawing board. Several pledges have been made by Ministers. For instance, on the lower Nzoia

basin, Nyando and other areas of Nyanza Province which experience floods, we were told that in the Financial Year 2004/2005, the Government would start digging dams. It went a head and said that it would use the National Youth Service in damming the upper areas of the rivers which become flooded. We do not know if that will happen because the Financial Year 2004/2005 will end in June 2005, which is hardly two months away from today.

Let us make promises which we can fulfil. Before we came into power, we made many promises. Now that we are in the Government, we are still making many promises which we are not fulfilling. We are in the Government but that does not mean that we are not politicians. Ministers have a right to politicking. However, they should not be confused and run their Ministries when they are frustrated. The most confused Ministry is that of Roads and Public Works. This Ministry is being frustrated by the Treasury. Work on the Umada-Funyula Road was launched about one and a half months ago, by the Vice-President and Minister for Home Affairs, together with the Minister for Roads and Public Works. Members of Parliament from that district attended the occasion. As we speak today, there is no construction going on there. Could we be told why? Last week, I made an effort and went to the Ministry's headquarters. Do you know what I was told when I got there? I was told that the Ministry of Finance had not signed some documents. Why should the Finance Ministry delay in signing documents? Why complicate the procurement process? Why was the road project launched in the first place? That is not even the only stalled road project! The Kisiani-Bondo-Osieko Road project has now stalled for over one year. The contractor has not been given money by the Treasury. Today, the road from Bondo to Osieko is hardly one kilometre done. This is embarrassing. The people in Government may be thinking they are punishing the Minister, but they are punishing the voters instead. Let them release money for this road to be done.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Livestock and Fisheries Development has now alerted fishermen along Lake Victoria that from the 1st of April to 31st August this year, there should be no fishing of *omena*. But Lake Victoria is big. Fishermen may opt to go and fish in the Ugandan or Tanzanian waters. But when they bring their *omena* to Kenya, they may be frustrated. I want to ask the Ministry to liaise with the neighbouring countries so that it is not only the Kenyan side which is banning the fishing of *omena*. But if it only the Kenyan side, it must allow the fishermen and other business people who are bringing in *omena* to sell it. They should not be punished for no reason. Moreover, the whole of the Kenyan side of Lake Victoria is a breeding zone for all fish in the lake. Yet, if you go hardly two kilometres into the lake, you will be in Ugandan waters. They are arresting our people. In Uganda today, those patrolling the lake move with mobile courts in boats so that when they arrest our people, they are charged and sentenced to six or 12 months in jail, straightaway. It is not like Kenya where people have to be bribed to make decisions. So, many of our people are now languishing in Ugandan jails and I fear many more will be arrested if we close our side of the lake to fishing. So, the Minister should find ways of helping Kenyans.

Mr. Temporary Deputy Speaker, Sir, there is also the issue of security in the lake. The Government has bought very many vehicles for the police force, but they did not buy speed boats to protect fishermen. Our fishermen have invested millions of money in fishing nets, but they are stolen on a daily basis. What plans have the Ministers for Livestock and Fisheries Development and his colleague in charge of internal security put in place to protect our fishermen? Armed robbers have now gone to the lake and they rob people. There is no security on the lake, except on the Ugandan side where every boat is guarded by a homeguard with a gun. It is good that the Minister for Livestock and Fisheries Development is present in this House. He should address this issue urgently.

The Minister for Livestock and Fisheries Development (Mr. Munyao): On a point of order, Mr. Temporary Deputy Speaker, Sir. It is not my intention to take the hon. Member's time, but is hon. Wanjala in order to mislead the House about the non-provision of speed boats when he knows that speed boats will be inaugurated on the 8th of April; that is, next Friday? That is information he

already has. Furthermore, the decision to close fishing of *omena* on the Kenyan side of the lake is not the Minister's decision. It was taken by the fishermen themselves at a meeting in Tom Mboya Hall. I invited him to the meeting but he did not come.

Mr. Wanjala: Mr. Temporary Deputy Speaker, Sir, the Minister might have been having that information of having bought speed boats, but he never told me. I have not even got a letter. I would kindly ask him to make sure that the people of Budalangi get, at least, two speed boats to help them police the lake.

Mr. Temporary Deputy Speaker, Sir, let me now address myself on the issue of corruption. One hon. Member said that every thief is pointing at the next person in order to confuse Kenyans. There is a lady working with Transparency International. She told Kenyans that one Minister in the Kibaki Government had stashed out in a foreign bank Kshs750 million. Then, a Minister in the same Government comes from a foreign trip and tells Kenyans that they have already frozen Kshs78 billion of money stolen by people in the former regime. The Head of the Civil Service and Secretary to the Cabinet writes a letter to that lady of Transparency International asking her to explain where the Kshs750 million is, who has stolen it, where it was stolen, where it is kept and whether it is also bad to have a foreign account. Yet, he has not written to the Minister to ask him to explain to Kenyans who are the owners of the Kshs78 billion, who stole it, where was it stolen and whether it is wrong if those people have foreign accounts. Why the double speak? Why is the law not being applied equally to all Kenyans? Now, they are trying to call Ms. Gladwell Otieno names. But the Minister must also tell us who are the owners of the Kshs78 billion in the same way they want this lady to tell us who is the owner of this Kshs750 million!

(Applause)

With those remarks, I beg to support.

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

First, I want to touch on tax collection. I want to thank the Minister for Finance for his effort to collect revenue, so much so that even our Constituency Development Fund (CDF) account got more than what we expected. Although this was a job well done, I think the Minister messed up himself by waiving taxes that were supposed to have been paid by his colleague, hon. Njeru Ndwiga. It is his responsibility to ensure that taxes are collected from every Kenyan in this country, and he should not favour his colleagues, friends or tribesmen.

Mr. Temporary Deputy Speaker, Sir, still on the issue of tax collection, there is an item called Transport Licensing Board (TLB), which is another form of tax. Transporters pay road licences and they are also taxed on TLB. Now, this double taxation is what makes Kenyans jittery. Transporters are asking what this TLB is for. What purpose does it serve? If it is another form of taxation, why can the Minister not decentralise it to the districts so that Kenyans do not waste their time, energy and money coming to crowd in the Times Tower for months looking for TLB? I urge the Minister to ensure that TLB, if it has to be there, must be decentralised for the benefit of Kenyans.

(Applause)

Mr. Temporary Deputy Speaker, Sir, land matters in this country are very emotive and sensitive. I am happy the Minister is here and he is looking at me in the face. I respect the Minister for Lands and Housing because he is the only rational voice in the NARC Government. When the President was here, he implored hon. Members to behave and conduct themselves honourably when it

comes to land issues. There are certain matters on land that the Government is meddling with. For example, there were some land allocations that were made by the Kenyatta and Moi regimes. But the NARC Government, under this Minister, wants to undo all that. At the same time, there are some farms which were allocated about 10 years ago, like the Muchongoi Settlement Scheme, which the Minister is very much aware of. They increase rates after every three months. We believe that, that is political, so that our people cannot afford to pay them, so that they are evicted. Mr. Minister, what is the purpose of those increases every other month?

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Korir! You know the rules of this House! You should have known them by now. You are not supposed to address the Minister! You should address the Chair.

The Assistant Minister for Foreign Affairs (Mr. Ojode): Address the Chair!

Mr. Korir: We only have one Speaker in this House!

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Ojode! There is only one Chair.

Mr. Korir: Na unyamaze kabisa!

The Temporary Deputy Speaker (Mr. Khamasi): And you, Mr. Korir, have etiquette.

Mr. Korir: Mr. Temporary Deputy Speaker, Sir, it so painful for our people to be taxed heavily for reasons that they do not understand. I wish the Ministry could re-visit the issue of Muchongoi Settlement Scheme and explain to the residents why taxes are being increased after every three months, and for what purpose. Let us understand what is going on, so that we do not imagine that there is something sinister behind it.

Mr. Temporary Deputy Speaker, Sir, it is unfortunate that the President, who is the Chief Executive Officer (CEO) of this country, did not mention anything about security in his Speech.

Security is a prerequisite to development. Nothing can go on in the country if there is insecurity. In this country, no one is safe. Even State House is not safe. The other day, strangers climbed the fence and entered the compound! They were caught almost in the dining room of State House. That is very serious. If the tenant of State House cannot be safe, how about us? We have even seen policemen being killed. Hon. Members have been robbed. Judges have also been way-laid by gangsters. The other day, over 20 people were killed in Mandera. About one week ago, a number of young men were killed in Kwale for reasons known to the police and the Government. Even the local leaders appear not to know what is happening. I think the Government should come up with ways and means of ensuring that Kenyans are safe. The Government was elected purposely to ensure that there is security and peace not only for Kenyans, but also their property.

Mr. Temporary Deputy Speaker, Sir, finally, I want to touch on Harambees. You will recall that the Public Officer Ethics Act bars hon. Members from organising, planning or promoting Harambees. We accepted that. Unfortunately, our political opponents have taken advantage of that and are doing the same things. How do we go about that? Our hands are tied and we cannot kick or bite. Those guys are kicking us left, right and centre. The Act should be amended, so that we can also promote Harambees. If not, Mr. Kiraitu Murungi should come out and ban them completely.

With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Mr. Khamasi): There is a new Member. I had not seen him. Let us give him a chance. Is this your maiden speech. Let us all give him a chance to make his maiden speech?

(Applause)

The Assistant Minister for Immigration and Registration of Persons (Mr. Mwaboza): Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this chance to contribute to

the Presidential Address. Before I begin, I wish to thank the electorate in Kisauni for voting me to this House. Actually, they demonstrated that I am a true product of the mother of all battles.

(Applause)

More than that, I would also like to extend my thanks to the Head of State for appointing me to the position of an Assistant Minister in his Government.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! You all know that if he is making his maiden speech, he must make it in total silence! No interruptions. You can applaud, but no interruptions.

Proceed!

The Assistant Minister for Immigration and Registration of Persons (Mr. Mwaboza): Mr. Temporary Deputy Speaker, Sir, in contributing to the Presidential Address, I would, first of all, deal with the issues of workers in this country. Despite the Government's promise to create 500,000 jobs, hon. Members ought to consider the environment that they work in. How many factories and industries follow the Factories Act to the letter? In most of those industries, employees are being exploited under the Minimum Wages Act. You will find a clerical officer who is supposed to be paid Kshs5,200, is paid a paltry Kshs3,000 because the Act is not followed. Labour officers in this country are not concerned. The blame will eventually fall on the Government because it has given them the responsibility of implementing its policies.

Besides that, the safety of the workers in those factories, especially the metal industries, is not taken seriously. They are not provided with safety gadgets like helmets, gloves and boots. Even in established factories, they are not given those facilities. They are exposed to danger and often lose their lives and yet, they are a resource to this nation.

Mr. Temporary Deputy Speaker, Sir, under the Workman Compensation Act, the employers use Section 17 to summarily dismiss most of the workers without giving them their terminal benefits. If the affected employees decide to seek redress in the Ministry of Labour and Human Resource Development, they will find the same labour officers. Those officers do not know the laws to be followed. They are ignorant and negligent, and more often than not, lean on the side of the private employers. That is corruption. The Government should take stern measures to protect the workers in this country.

Mr. Temporary Deputy Speaker, Sir, on the fishing industry, we have the Exclusive Economic Zone in the Indian Ocean. We have, at least, 30 miles from the shore line. Those are Kenyan waters. But we have vessels from Japan and China that are fishing in our waters. There are no remedial measures that have been taken against such vessels. They should either be arrested and charged in the Kenyan courts for violating the Maritime Law. But instead of doing that, they constantly arrest our local fishermen for using nets which are not subscribed by the Ministry concerned. That is exploitation.

Mr. Temporary Deputy Speaker, Sir, small vessels from Maldives and Pemba Islands are coming to fish in our waters and no action is taken. The hon. Member from Budalangi has said that there are no speed boats to man the waters around his area. It is sad that we have only one police patrol boat which moves at 2 nautical miles per hour. How will they efficiently safeguard and supervise the Kenyan waters? It is apparent that the drug dealers in the coast line of Kenya are using the ocean as a loophole because there is no proper supervision to safeguard the waters. Something has to be done by that arm of the Government, to see that there is no perforation by such drug dealers or unwarranted fishermen.

On the issue of land, it is the 1908 registration of land that brought about the public land, the Government land and crown land. When title deeds were being recorded, the Government was recruiting people who could present their submissions to show how they owned that land, but the Africans who were living on that land were basically the Mijikenda, and did not know what was happening. Therefore, they ended up losing that land due to ignorance. Now that we have an independent Government, an office for recording title deeds ought to be re-established, so that the locals can present their submissions on how they own these respective parcels of land within their clan jurisdiction and areas which their clans border. We know very well that two million years ago, since this world was established, we have not had any conflicts, save on the entry of the Arab rule, the colonial rule and now the new regimes that have been in place. So, proper land registration ought to be done considering these issues.

Mr. Temporary Deputy Speaker, Sir, we appreciate the fact that the Government is making efforts to settle squatters. If we decide to settle squatters in settlement schemes, it means that anybody in this country who is landless can apply for a piece of land as a squatter in those schemes. This means that the locals on the ground are being disregarded. We saw this during the previous regime. The Provincial Commissioner (PC) is the Chairman of the Provincial Land Allocation Committee, so are the District Commissioners (DCs) and the District Officers (DOs). There are tendencies of the chairmen to use their influences and offices to allocate land to their relatives at the expense of the locals on the ground.

I take note of the presence of the Minister for Lands and Housing. Where a scheme is to be established, there is what we call picking in terms of squatter settlement programme. The people who are picked comprise the original list, but later on, the list is doctored when it reaches the high offices of land adjudication. Indeed, only 25 per cent of the genuine squatters are allocated land. Companies and senior civil servants have become squatters and nothing has been done so far. The development plans are always changed and this gives room to corruption in terms of land allocation in the settlement schemes.

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

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

Mr. Temporary Deputy Speaker, Sir, I want to talk about insecurity. The Akiwumi Commission was appointed to look into the problem of tribal clashes. This Commission came up with recommendations that were to be implemented. The perpetrators and collaborators of these clashes have not been brought to book and these people are still in the administration circles. They are still in the Government and some of them, maybe, are in this august House. If we are serious about the issue of security, such Commissions must be given the right teeth to bite and whoever is implicated ought to be taken to court and the law allowed to take its own course.

I want to talk about privatisation. The privatisation of the Kenya Ports Authority (KPA) is contrary to the more than 12 thoughts of economic development. Privatisation means the sale of public assets to private individuals. How can we sell public assets to private individuals? You will realise that the people who are awarded tenders are the ones who have political connections. Why can we not award the tender to somebody like Mr. Manu Chandaria, who has made submissions to say that he can run the port for the benefit of all the people in this country? We are opposed to this. However, other remedial measures to boost the port's operations should be put in place.

With those few remarks, I beg to support the Presidential Speech.

Mr. Mwandawiro: Asante sana, Bw. Naibu Spika wa Muda, kwa kunitambua hatimaye.

Kwanza, nilikuwa na masikitiko sana wakati Hotuba ya Rais ilikuwa inatolewa. Ilikuwa inatolewa wakati wananchi ambao walikuwa wanaandamana kwa amani walikuwa wakitupiwa gesi ya kutoa machozi. Walikuwa wakifanyiwa ule unyama ambao tuliwacha. Ninatarajia kwamba itakuwa ni mara ya mwisho kwa mtu yeyote kutumia polisi na silaha dhidi ya wananchi ambao wanaandamana kwa amani, kwa maana, hatutaki kurudi mahali ambapo tulikotoka. Wakenya hawataki kurudi huko tena. Tunataka kukuza demokrasia na utamaduni wa demokrasia. Kama tunatumia silaha kupigana na kunyanasana, tunajenga utamaduni wa vita. Wananchi wanafaa kusema bila hofu kwa sababu walipambania hiyo haki.

Pili, ni matumaini yangu kwamba katika siku za usoni, yule mtu ambaye atakuja kutoa Hotuba ya Rais hapa, atakuwa ni mtu ambaye kulingana na zile nyadhifa ambazo tumempatia na nafasi katika Katiba, atasilikiza yale tunayosema. Hatutaki mtu atoe Hotuba, aende na atuwache tukizungumza wakati ambapo hasikii. Tunataka kuanzisha mfumo ambao Mkuu wa Serikali atakuwa na sisi hapa na atakuwa tayari kujibu maswali na kutetea yale mambo ambayo ameyasema.

Bw. Naibu Spika wa Muda, jambo la tatu ni kwamba Serikali inafaa kulinda usalama wa watu wake wote na kulinda Uhuru wa Kitaifa. Nimasikitiko yangu kwamba vyombo vya usalama vya mabeberu vinakuja ndani ya mipaka ya nchi yetu, kwa mfano Mombasa, kwa jina la ugaidi na kuwakamata wananchi wa Kenya, kuwahoji na hata kuwateka bila jambo lo lote kufanyika. Hii ni aibu. Wananchi wa Kenya watalindwa na nani kama hawatalindwa na Serikali yao? Mtu anaweza kwenda Marekani na kumhoji mwananchi wa Marekani eti anadhani ni gaidi? Ni uhaini dhidi ya wananchi wa Kenya kukubalia vyombo vya usalama vya nchi za nje kuingia katika mipaka yetu na kufanya upelezi.

Jambo lingine ni kuhusu sera za kiuchumi ambazo tunafuata. Ninasikitika kwamba Serikali ya NARC inaendelea kufuata zile sera za KANU za zamani, ambazo zinalenga eti ubepari ndio suluhisho la matatizo ya nchi yetu. Sera za ubinafsishaji wa kiuchumi na utandawazi wa kibeberu katika nchi yetu haziwezi kuongeza ajira, kuondoa umaskini au kuleta haki katika nchi yetu ya Kenya. Ni lazima wananchi wa Kenya tufikirie sera ambazo zimekuzwa ndani ya nchi yetu. Kama tunatengenezewa vitu na watu wa nje kama vile mitumba na chakula, hizo sera haziwezi kuokoa uchumi wa nchi yetu, na hata ahadi zitolewe kiasi gani za kuongeza nafasi za kazi, nafasi za kazi haziwezi kuongezeka katika hii nchi yetu ya Kenya.

Kwa hivyo, nawaomba Wakenya wafikirie juu ya sera zetu wenyewe. Hatufai kufikiria kuwa ni nchi tu za magharibi ambazo zinaweza kutusaidia. Hatuwezi kufaulu kama tutaondoa Serikali katika usimamizi wa uchumi wetu na kuuweka chini ya mashirika ya kibinafsi. Tukitazama mataifa yaliyoendelea duniani, kama vile Uchina, Singapore, Japan na Marekani, yalianza kwa kuwa na serikali ambazo zilikuwa zinashiriki kikamilifu katika uchumi. Kwa hivyo, kabla ya kuleta Mswada juu ya ubinafsishaji, kama tunapenda nchi hii, ningetaka kuona miswada ya kurekebisha mashirika ya umma ikiletwa mbele ya Bunge hili.

Kuhusu Katiba, ningependa Wakenya wote tufikirie tulikotoka na twendako. Tunafaa tufikirie juu ya masilahi ya kitaifa ili tuweze kuunda Katiba ambayo wananchi watakuwa na imani nayo. Inafaa iwe ni Katiba ambayo itaongeza na wala si kupunguza demokrasia hapa nchini. Iwe ni Katiba ambayo itatupatia haki zaidi kama wananchi wa Kenya, wala si ile ya kupunguza haki zetu. Inafaa iwe ni Katiba ambayo itaongeza umoja wa kitaifa na wala si ya kututenganisha kikabila na kuleta chuki baina ya makabila yetu. Nadhani tufifikiria masilahi ya wananchi wa Kenya tunaweza kuwapa Katiba ambayo itafaa.

Bw. Naibu Spika wa Muda, ni lazima Serikali iwe tayari kuwasikiliza wananchi wa Kenya. Nasikitika kuwa mwezi wa Januari, Waziri fulani alizuru Wilaya ya Taita-Taveta na kuwaahidi wananchi wanaoishi karibu na mbuga za wanyama wa pori ya kwamba asilimia 10 ya mapato ya mbuga itawafaa wao. Hata hivyo, katika Mswada utakaoletwa hapa Bungeni kuhusu kurekebisha shughuli za mbuga za wanyama pori, kuna vita dhidi ya watu kumiliki asilimia fulani ya mbuga za

wanyama pori. Tusipowasiliza wananchi wa Kenya, hata wanyama wa pori hawataishi. Ndovu watauwawa na kuliwa. Hatutaweza kuwahifadhi wanyama wa pori vizuri. Kwa kuwa wananchi wanasumbuka sana, wanahitaji sheria ambayo itawawezesha kupata fidia ya kutosha wanaposhambuliwa na wanyama ili wahisi kwamba wao pia ni washiriki dau katika kuhifadhi wanyama wetu.

Serikali lazima itekeleze sheria. Nasikitika kwamba miji yetu ni mibaya ilhali tuna sheria. Je, hii ni Serikali gani ambayo haiwezi kutekeleza sheria ambazo zipo? Miji yetu ni michafu na imejengwa kiholela. Je, kuna haja gani ya Serikali kama haiwezi kutekeleza sheria?

Kuhusu siasa za nchi za nje, ningependa Serikali yetu iwe na uhusiano wa karibu sana na nchi za maziwa makuu kama vile Congo, Rwanda na Burundi. Tunafaa pia kuangalia kwa makini masilahi yetu katika nchi za Sudan na Somalia. Ni lazima sera za nchi yetu zilinde masilahi yetu katika mataifa hayo. Haifai tu kusaidia nchi jirani bila sisi wenyewe kufaidika.

Mwisho, ningependa kusema kwamba tunafaa kuwakumbuka mashujaa wetu kama Hayati Mzee Kaggia. Kuna majengo mengi ambayo yametajwa kwa jina la Hayati Mzee Jomo Kenyatta. Ningependa tuwe na chuo kikuu kimoja kwa jina la Mzee Kaggia. Sasa hivi tuna Kenyatta University, Jomo Kenyatta University of Agriculture and Technology, Kenyatta International Conference Centre (KICC) na kadhalika. Hatuwezi kuyataja mashirika haya yote kwa jina la mtu mmoja tu. Ni makosa kuyaita mashirika kwa majina ya watu walio hai. Ni lazima tuanze kuwakumbuka mashujaa wetu wakati wamekufa.

Bw. Naibu Spika wa Muda, kwa hayo machache ninaunga mkono Hoja hii juu ya Hotuba ya Rais.

Mr. Onyancha: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish also to make a few comments on the Presidential Speech. I would like to begin by saying that the Constituency Development Fund (CDF), bursary scheme and free primary education programme are the best things that have happened in this country under the NARC Government administration. It does not matter what politics one is playing, or what hate campaign is going on against the CDF, but we know it is good for our country. When people go out there and start talking about the way members have been nominated to those committees, we, as Members of Parliament, who have come up with rules on the constitution of those committees, should not worry. In any case, why did President Moi, for example, not appoint the late Wamalwa to his Cabinet? Was it because he was his political opponent? We appoint people who we can trust in those committees. So, the question of who is appointed in those CDF committees really should not arise.

Mr. Temporary Deputy Speaker, Sir, I think this hate campaign has gone on for a long time, especially where Members of Parliament are concerned. I wish to point out that there must be somebody speaking for this House and I think he is not doing his job. If somebody goes out there and says Members of Parliament earn a big salary that is not taxed, and yet, we all know our salary is taxed, it is surprising. Somebody must be doing some work for this Parliament. I am sure this Parliament has a person in the name of a Public Relations Officer (PRO) who should speak for us out there and put the facts correctly. However, I am not too sure whether he is doing his job to represent this House properly.

Mr. Temporary Deputy Speaker, Sir, many hon. Members have spoken about insecurity in this country. The pertinent question we should be asking now is: Is somebody deliberately set out to benefit out of insecurity, say, for example, in Northern Kenya? In a country where we are talking about corruption, is somebody getting money fraudulently by causing problems in those regions? How long does it take the family of a police officer to be compensated if he dies while executing his duty? This should be addressed even when the Minister in charge of internal security issues a shoot-to-kill order. The shoot-to-kill formula would have worked better in this country if we did not seem to have two sets of laws; a law that releases somebody who has stolen a lot of money on Presidential clemency,

and one that jails a person who steals chicken for many years. However, the Government should come up with a good formula on how to contain insecurity in this country, so that *wananchi* can sleep in peace in their homes.

Mr. Temporary Deputy Speaker, Sir, during the 2002 campaigns the Press insisted that any Government that would come into power is one that was going to address the economy of this country. In fact, if I remember, a certain editorial did indicate that the economy is stupid. This Government would do itself a lot of good if it had raised the economy of this country. It is an embarrassment to have the *jua kali* artisans doing their things under the *jua kali* set-up 20 years after the Kenya Industrial Estates were created. So, somebody is not doing his work in terms of helping the *jua kali* artisans to be able to realise their goals.

Mr. Temporary Deputy Speaker, Sir, on the constitutional review process, we have come so far. A constitution is not a means of creating positions for interested leaders. We should come up with a way of governing ourselves that is acceptable to all *wananchi*. The squabbling that is going on, especially within Government, is making it even difficult to reach at any consensus by all parties involved. I would wish to urge the Government not to take advantage of an electorate that does not question the manifesto of parties when they are looking for votes. I think it is high time Kenyans interrogated politicians on their manifestos which imply they can do everything when, in fact, they cannot. We need to address the issue of the Constitution as Kenyans. The Constitution is not just for us, but it is also for our future generations.

On corruption, the President needs to act decisively on proven cases. Let us not just talk about people who have stolen money and yet, we cannot prove who they are, so that they can be disciplined. When Transparency International (TI) comes up with a figure of Kshs750 million that is stashed out there, and it cannot prove that when challenged, there is something wrong. We should treat that as hearsay and have them arrested. Let them prove that! An amount of Kshs750 million stashed outside the country is a lot of money that Kenyans can use to develop their economy.

Mr. Temporary Deputy Speaker, Sir, Kenya has played its part as a peacemaker in this region. It is high time we began reaping the benefits of that peace-making endeavour, especially from the Sudan. However, I wish to point out that the Somalia Government in Kenya has overstayed here. We should agree that those people have a government. They should not be allowed to spend an extra day in this country doing what they are doing. They should go back to their country and create peace. They should seek assistance from the international community to survive well.

With those few remarks, I beg to support.

Mr. Kajwang: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to address what is referred to in the Order Paper as the Exposition of Public Policy. I want to choose a few things that the President talked about, look at them in depth and see what we can get from them. First, he talked about a road map to a new Constitution through the "Consensus Bill", which I have described invariably in some other quarters as "a road map to nowhere." But even more seriously, the other day - or was it yesterday - when hon. Members and some Ministers were saying that we should do something to rescue the Matiba schools and hotels, the reality of the matter is that Mr. Matiba may not be in debt to that tune. Most of it, as we have said in this House, is interest on penalty and interest on interest on another penalty which has accumulated to those astronomical levels. We passed a Bill in this House, took it to the President as the Banking Amendment Bill, (2005). The President has returned it to us. In his own Speech, the reason why he returned it to the House is that, after looking at it in depth, he has now realised that we should do something about the clauses, without saying what is it that is supposed to be rectified. I do not know of a Government that looks at its Bills "in depth", after they have been passed by Parliament. I thought they had a Cabinet. I thought they had financial advisors. I thought we had the Attorney-General to draft the Bills. I thought we debated that Bill and some clauses amended! We then took it there. The Minister for Finance was here as we debated the Bill. Now, the President has brought it back because after some "in depth" scrutiny,

he has found out that there are some parts which are bad.

Mr. Temporary Deputy Speaker, Sir, if we are going to make laws here, take them to the President and then they are brought back to us because he has now studied them again with some advisors who did not study them before they were brought to the House, we are in a sorry state. So is another Bill called the National Social Hospital Insurance Fund (NSHIF). The Minister was here. She came here with amendments *chungu nzima*. We refused some of them, allowed others and took the Bill to the President for a signature. The President has brought it back to the House. The reason given is that: "Looking at our financial position", as if that position was not considered before the Bill was published---That was a Government Bill brought to the House by the Cabinet of the Republic of Kenya! After we passed the Bill, now the President--- Of course, I do not know who those advisors are who are not in the Cabinet.

If you look at the Constitution, the advisors of the President are members of the Cabinet. There is no other advisor that we know. Of course, we hear that Mr. Githongo was advising on corruption. But he has fled and somebody else is advising on public policy in State House. Those are not provided for in the Constitution! The people who are provided for in the Constitution to advise the President are members of the Cabinet. The Bill was brought with the approval of the Cabinet and we passed it. Now, it has been brought back to us because the President says: "Looking at the financial position, we cannot do it at this time. We must phase it out!" The Bill, itself, provides for a phase out. So, what is the new thing that makes the President bring this Bill back to the House? I suspect that the President has believed that this House is made of rogues who have no interest of this country at their heart; that he is the only one who was elected by the people of Kenya to look at their interests. He also believes that when we pass Bills, he can bring them back to the House without any reason and tell us: "If you do not like it, I will not sign it!" We are faced with a situation in which we are going to have a big war between this House and the Executive.

Mr. Temporary Deputy Speaker, Sir, let me proceed quickly to what is called public procurement. We are now realising, two-and-half years later, that we cannot even build a road. There is a road in my constituency called C19. It runs from Kendu Bay-Homa Bay to Mbita. That road was in the financial Estimates of 1969. However, it was removed from the estimates immediately after Tom Mboya was shot dead in July. Since that time, 30 years later, that road has not been done. It has now been in the Estimates for two consecutive years. Even the design has not been done and yet, money is put on it and returned to the Treasury every year. That is because of something called procurement bottle necks.

What is the Cabinet doing? How can you tax us, we give you money, you allocate it and then take it back to the Treasury because you cannot do what you were elected to do? You can bring a Bill, which we can amend in just one afternoon. What are we going to do? We elected this Government to construct our infrastructure, so that our people can do business, make money, create wealth and jobs. Now, we cannot do that because of some rules which we can change one afternoon. Then we say: "*Kuna migogoro mingi katika Serikali! Migogoro ya nani?*" The President is the one who nominated that Cabinet! That Cabinet serves at his pleasure. If he cannot control it, how can he control Kenya?

(Applause)

Mr. Temporary Deputy Speaker, Sir, there is something called the Constituency Development Fund (CDF). I hear the Press is excited about it. I am not excited myself. The CDF is only 2.5 per cent of the revenue of this country. Where does the remaining 97.5 per cent go to?

(Applause)

I have never seen any Government money in my constituency since I was a boy. The only money I ever saw was the Harambee money collected by my mother and father and used to build Harambee secondary schools. This is the first time we are seeing a stipend called the CDF, and some people are excited about it. It is not exciting to get 2.5 per cent of the entire revenue of this country since God created earth! Then we become happy!

I was in Uganda the other day in a remote region called Rakai District. About 34 per cent of the entire revenue of that country goes to the districts. That 34 per cent translates to Kshs1.2 billion per district. Imagine if it came to my district; I would have Kshs1.2 billion in Suba District. I would then now sit down with my committee and start looking at my primary schools, secondary schools, roads, health centres and women groups.

(Laughter)

We are joking! It translates to 2.5 per cent. Where does the 97.5 per cent go? It is "eaten" in the Anglo Leasing scandal and everywhere else. I am going to change this Bill. I will be bringing a Motion to that effect.

The Minister for Lands and Housing (Mr. Kimunya): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Kajwang in order to mislead this [**The Minister for Lands and Housing**]

House that the 2.5 per cent was set by the Government when it is this very House that set the maximum percentage for CDF at 2.5 per cent, and he knows very well that it is this House that can increase it and apportion the money within the Estimates?

Mr. Kajwang: Thank you, Mr. Temporary Deputy Speaker, Sir. However, I have already said that I will bring an amendment here. We are going to raise it from 2.5 per cent to 30 per cent.

(Applause)

I am telling you, after that, nobody will be interested in being the President of the Republic of Kenya. Everybody will want to be a Member of Parliament because with 30 per cent of Kshs250 billion and then I sit down with Kshs1 billion in my constituency, I do not need to be the President of the Republic of Kenya. There will be the best schools in the world, power, water and roads. It can be done! Where does the 97 per cent go? If it is done in Uganda and Ethiopia, it can be done in Kenya.

Mr. Temporary Deputy Speaker, Sir, quickly, about the issue of security-- Of course, the primary role of the Government is security. People are now being robbed of--

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Kajwang, your time is up!

Mr. Kajwang: Thank you, Mr. Temporary Deputy Speaker, Sir. I oppose.

(Laughter)

Mr. Kagwima: Mr. Temporary Deputy Speaker, Sir, I want to join my colleagues in supporting that eloquent Speech given by the President when he opened the present Session. If I were to start from where hon. Kajwang has left, the only hope that people can have in the rural areas is the CDF money. I want to repeat that the DDCs are a long time dead. I want people to observe, because I am sure Members of Parliament attend their DDCs, that the DDCs are not there. Year in, year out, nothing happens. If you talk to the DDO in this programme, there is nothing he will tell you. When you ask him to assist you in utilising the little money called CDF, the man will take another one year. We are even lucky that this money is not being returned to the Treasury. I am sure most of the money in the name of CDF would have gone back to Treasury. Some people are still struggling with the first

Kshs6 million. It is not the fault of the MP; it is the fault of the people in the DDC; that is, the DDO and his group.

Mr. Temporary Deputy Speaker, Sir, if you want a bill of quantities prepared for a bridge or a dip, you will require to go to the provincial headquarters where the bridges unit sits. For example, in Eastern Province, you have to go to Embu. That one unit serves 13 districts. Thirteen districts comprise of very many constituencies. How long will it take for that one unit to ensure that the bills of quantities are prepared for those many constituencies in the 13 districts? Something requires to be done. This money is necessary so that the MPs can push the civil servants to ensure that they start working because they stopped working a long time ago. The MPs will realise this when they go about utilising the little money that we are given in the name of CDF.

Mr. Temporary Deputy Speaker, Sir, I want to talk about leadership and appeal to my colleagues, those MPs and those in other positions, including the Ministers, that Kenyans require to be given hope, guidance and told: "Yes, please, you can expect this from us as a Cabinet or the august House". However, if we dealt on the small issues like tribalism and individualism, we are dividing the country and tearing it into pieces. We have even abused the names of hon. Members into nothing because when you call a Minister or an hon. Member "nothing" and all the names and you are a Member of Parliament, what do you expect other people in the community to do? We have reduced ourselves. So, I want to appeal to my colleagues to issue statements that will give guidance, encouragement and hope to our Kenyans. I am sure we have a lot in common as people elected to represent Kenyans, and we can talk on that commonness, guide Kenyans and give them hope and direction. I am not anticipating debate, but, for example, the reason we are stuck with the Constitution is nothing but selfishness.

Dr. Godana: On your part!

Mr. Kagwima: Not on my part; on the people that are looking for positions!

Mr. Kosgey: In the NARC party!

The Temporary Deputy Speaker (Mr. Ethuro): Address the Chair! Order, Messrs Dr. Godana and Kosgey! You know better. Do not engage an hon. Member in debate!

Mr. Kagwima: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to repeat that we are stuck because everybody on both sides are looking for positions which they will occupy once the Constitution has been enacted. Due to that, people will continue slowing it down, campaigning and looking for position so that once the Constitution is enacted, it finds one in a suitable positions to occupy the seat that he or she was looking for. That is what is delaying the enactment of the new Constitution.

If we wanted a Constitution for Kenya, there is nothing difficult in doing so and establishing seats that will be occupied by Kenyans rather than worrying about what one will get. I do not know where this idea came from, and I am sure I am not mistaken. From day one, after elections and formation of everything, people started thinking about succession. This has caused us the confusion we have seen around.

I want to appeal to the people interested in these positions to first of all let us get a Constitution, and then they can look for those seats at that time.

Mr. Temporary Deputy Speaker, Sir, I want to move quickly from there and say that at the moment, the country is faced by insecurity. We need to look very carefully as to what is causing this problem. It should not be blamed on failure on the part of the Government. It has to do with worries of people in positions, especially in the Provincial Administration. During the campaigns of the year 2002, people campaigning on a NARC ticket said that the Provincial Administration will be done away with once NARC was elected. That caused a lot of worries to the people in that line of operation, right from assistant chiefs to the Provincial Commissioners, because they think that when the new Constitution is enacted, there will be no Provincial Administration. So, these people are either

demoralised or they are creating a situation whereby Kenyans know they can never do without the Provincial Administration. At times, they deliberately leave chaos to occur so that we know that we must have the Provincial Administration. I want to appeal to the august House and the leadership in place to assure the Provincial Administration that we need them and we shall retain them.

I think that organ is necessary for Kenyans. Time is not yet ripe for Kenya to do without Provincial Administration. It is not yet time for us to depend on elected leaders in ensuring that security in the country is maintained. If you are elected at the locational level and you are the person in charge of security, what would you do to the people who voted for you when they do wrong? Would you quickly forget about the support they gave you and order that they be arrested and put in cells, and yet after five years you would expect the same people to vote for you? I want to state very clearly that for quite some time to come, this country will still require the services of the current Provincial Administration. We need to come out clearly and openly to assure the provincial administrators that we really need them. We need to encourage them to maintain law and order in the country. Let us boost their morale because, as it is now, they are demoralised.

Mr. Temporary Deputy Speaker, Sir, when you attend a meeting being presided over by a chief, the first thing that you will note is that the chief is not the same chief that we had before 2002. They are different people today. Some of them have morally gone home and are just waiting to be told that they have been retired or sacked. So, we need to boost their morale to enable us contain insecurity. In an area where there is insecurity, all we need is the district commissioner to convene a meeting with his team and things would be put back in place. However, at times the situation calls for a whole Minister and even all the provincial administrators to be present. We need to encourage these people and assure them that their jobs are still secure.

Mr. Temporary Deputy Speaker, Sir, I know that in various fora, the Electoral Commission of Kenya (ECK) has said that if the MPs agree to increase the number of constituencies, it can look into the matter. I am one of those people who have all along supported the idea of having additional constituencies. Today, some of the constituencies are overcrowded. In some districts you have one hon. Member and one district commissioner. So, if they disagree the entire district is locked from within.

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

Mr. Chepkitony: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute towards the Presidential Speech. I have really been longing for this opportunity since we were elected to this House not, only to sit, but to contribute towards whatever can assist this country to progress.

The President, in his Speech, talked about education. Free primary education is appreciated so much. Nobody can deny that fact. However, if really we have decided to offer free primary education, then let us implement it fully so that we can have quality education. In order to get quality education, we must provide schools with sufficient teachers. The problem we have currently is that we do not have adequate teachers. We have been sending requests to the Government, but no action has been taken. I would rather the Government reduces the amount of money meant to cater for every child and allocate some of it to the Teachers Service Commission so that it can employ more teachers. There is no point of saying that there is free primary education when it is of low quality that will not benefit our children.

Mr. Temporary Deputy Speaker, Sir, there is a move by various public universities to increase fees. Already, they are doing it against a background of poverty that is facing many students admitted to the public universities. Increasing public universities fees should not be allowed. I would like to appeal to the Minister for Education, Science and Technology not to allow public universities to raise fees. They should maintain the fees at the existing levels. If they will be allowed to increase the fees, then the Higher Education Loans Board (HELB) should increase its level of funding by increasing the

amount of loans and grants awarded to poor students. That is the only way we can assist poor students to get education. I know people will start saying that the money to support education for poor students should come from the Constituency Development Fund (CDF). People are now suggesting that we leave everything to the CDF, but the CDF money is not enough to cater for all these needs.

On the question of bursaries to secondary schools, it is my view that the amount allocated to different constituencies is not sufficient, and particularly in my constituency, Keiyo North. That money is not enough to pay fees for all the poor students, be they orphans or children from single-parent homes. If you look at the Budget, the allocation has been the same over the last three or four years. If we really appreciate the usefulness of bursary, we should increase it every year.

With regard to education in the ASAL areas, the school feeding programme is not progressing the way it should be. In my constituency, the failing feeding programme is affecting attendance in schools. When the programme was going on, attendance in schools was very high, but when it stopped--- Many schools do not have food. We would like the feeding programme to continue.

Mr. Temporary Deputy Speaker, Sir, without a good economy, I do not think we can even have a country. Everything revolves around the performance of our economy. I think nothing will happen unless we make tangible and concerted efforts towards creating good policies and which must be implemented. We need to improve agriculture, the manufacturing industry and other sectors of the economy. All we have been doing is giving lip service. Concrete efforts have never been made towards creating a conducive atmosphere for trade. In agriculture, for example, the Government should ensure that the prices for farm inputs are brought down.

The NARC Government, during their campaigns, promised *wananchi* that the price for fertilisers would be reduced to Kshs800 per bag. But what is the current price of a bag of fertiliser? It is more than double what they promised us. It is about Kshs1,700. The prices for other inputs such as petroleum, chemicals and seeds have since gone up. Although it is said that the price of a bag of maize has gone up, if you compare it with the increase in prices of other farm inputs, you will realise that there really is no gain on the price of the farm produce, especially maize and wheat. We need to mention all these crops when talking about our economy. Let us not overemphasise about other crops and ignore others. For example, with regard to wheat, we have farmers who are unable to sell wheat because there is no market. The duty on imported wheat has been reduced drastically such that it is cheaper to import wheat than to buy the locally grown wheat.

Regarding agriculture, we still need to allow the wheat industry to thrive.

Still on industry, the right climate for investment is another issue. We have investors who are leaving this country for other countries because they find that the climate for investment here is not right. There is insecurity, poor infrastructure like roads and unreliable electricity. The NARC Government promised to review electricity tariffs downwards, but instead, there was an increase last year. We used to say that we have to reduce the electricity tariffs so that investments can become viable and for our industry costs to come down. But nothing has happened. So, we really need to be serious in whatever we are doing. The NARC Government needs to be serious, just like other hon. Members have said earlier. We cannot create jobs if we cannot improve the industries or encourage new investments. People cannot get employment if you cannot encourage the existing investors to expand, flourish and continue with their businesses.

Another thing which is killing our industries is the importation of substandard products like car batteries and so many other things, even tyres! Firestone is not doing very well because there are a lot of imported tyres and many other goods. Some of the goods are substandard and you wonder what the Kenya Bureau of Standards (KEBS) and the people at the entry points are doing. The traders and importers should not be allowed to bring in substandard goods. The goods should be subjected to inspection by the KEBS so that when goods come here, we get goods which are acceptable to our standards. I think it is because of corruption that all these substandard items are imported into our

country.

We also have inflation going on although interest rates are said to be down. But we are having a very high inflation rate. Now, I want to touch on unemployment; it is still an issue because we have not created those 500,000 jobs. When it comes to filling up the few available jobs, they are advertised by the various Ministries; for instance, we recently had the Prisons Department and the police advertising for jobs, but there is still a lot of unfairness in that process. These employment opportunities are allocated to districts, but there is still back-door employment for more additional places from certain areas. We need to be fair to all areas of the country so that we can give everybody the opportunity to be employed.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Chepkitony; your time is up!

Mr. Chepkitony: With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support.

Thank you.

Mr. M. Kilonzo: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to touch on a few matters in my contribution to this Motion. The first one that I would like to address is the question of collective responsibility. It is my reckoning that the basic tenets of constitutionality and multiparty democracy warrant that any Government respects the principles of collective responsibility. Before I came to make this contribution, I took the trouble to check the Constitution of this country, and it is clear to me. I urge the House to note that Section 16 of the Constitution requires that the Cabinet be the principle advisor to his Excellency the President.

It pains me a great deal that the President has now addressed this nation three times, and during those addresses, he has never at any time taken the opportunity to explain whether, according to him, the principle of collective responsibility is not a public issue in this country; and I dare say that he is wrong and misadvised. The single-most important thing in this country is the Cabinet speaking with one voice, because that is what collective responsibility is all about. I believe that those who are not observing this principle, including the President himself, are deliberately violating the provisions of the current Constitution, and it is my view that, in so far as the President in his third address to this nation failed to address this particular issue and confirm to the country how he intends to ensure that this principle is observed, he has failed in his responsibility and the Motion cannot be supported by me.

The second issue that I wish to address is the principle of multiparty democracy. I would like to remind his Excellency the President; if reminding him is necessary, that the fight for the amendment of Section 2(A) of the current Constitution was a matter of public policy, and that it is a public policy issue that must be respected for the remaining period that God will leave this country on the map of the earth; such that, in order to have an effective multiparty democracy, then no Government in power should raid opposition political parties in the guise of creating the so-called Government of National Unity, which, in fact and in reality, is purely a Government for self-preservation.

(Applause)

What does multiparty democracy mean, Mr. Temporary Deputy Speaker, Sir? It means that, speaking to this hon. Chamber this afternoon, I ought to be able to say with certainty whether, in fact, my party is in Government or in the Opposition. As you know, I have been nominated to this Chamber, and a large number of those people who participated in my nomination are now sitting in the Cabinet flying flags. When they did so, I was actually not consulted, and the issue arises as to where exactly do I stand? Am I supposed to speak in favour of the Government as they do? Or am I supposed to speak in criticism of the Government, as is understood by the principles of Section 2(A) that guarantees that this country will be a multiparty democracy?

Mr. Temporary Deputy Speaker, Sir, I dare say this; that, again, for the third time, his

Excellency the President has addressed this wonderful country from your Chair, and he has failed, and failed miserably, to realize that, his practice of multiparty democracy is very wanting, and that it is about time he brought back the principles that the people of this country fought for in seeking the amendments of Section 2(A); otherwise, we might as well reinstate it.

The other thing that I want to address, with your permission, Mr. Temporary Deputy Speaker, Sir, is the principle of the right to know how the country is managed. When the President was in the Opposition, the then Opposition said that they were going to promote the idea of a Freedom of Information Act. That story has now died and, instead, what do we see? When foreign officers or ambassadors give information to nationals of this country on the abuse of local and national resources, they are accused of collecting the information illegally. In fact, one very famous hon. Member of this House suggested that the man ought to be sent back to his country, arrested or something to that effect. This again, is a complete misunderstanding of the revolution that has taken place in this country; that the people of this country now want to know how they are governed.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. M. Kilonzo! You have five minutes to proceed tomorrow.

Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday, 30th March, 2005, at 9.00 a.m.

The House rose at 6.30 p.m.