

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 30th March, 2005

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### NOTICES OF MOTIONS

#### ESTABLISHMENT OF SELECT COMMITTEE TO REPORT ON PERFORMANCE OF ANTI-CORRUPTION INSTITUTIONS

**Mr. G.G. Kariuki:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, noting with concern the misappropriation of funds and the endemic corruption that has pervaded both the public and the private sector; and in view of the commitment of Kenyans to curb this vice; and considering that a number of agencies have been put in place to investigate and collect evidence on the rampant misuse of public resources; this House resolves to establish a Select Committee to report on the performance and limitations of the Anti-Corruption Institutions, so far established by law and make such recommendations as necessary to create an environment that will facilitate zero tolerance to corruption and related economic crimes; and that the following be appointed as Members of the Committee:-

The hon. Kembi-Gitura, MP;

The hon. Kenneth Marende, MP;

The hon. (Dr.) Sammy Rutto, MP;

The hon. Ekwee Ethuro, MP;

The hon. Wafula Wamunyinyi, MP;

The hon. (Prof.) Ruth Oniang'o, MP;

The hon. G.G. Kariuki, MP;

The hon. Kiema Kilonzo, MP;

The hon. Hassan Ali, MP;

The hon. Mganga Mwandawiro, MP; The hon. (Dr.) Adhu Awiti, MP.

**Mr. Wario:** Mr. Deputy Speaker, Sir, I beg to give notices of the following Motions:-

#### ESTABLISHMENT OF PASTORAL DEVELOPMENT AUTHORITY

THAT, while appreciating the Government's commitment to developing the North Eastern Province and other marginalized districts; aware of the high levels of poverty, illiteracy, unemployment and insecurity in the districts within the Arid and Semi-Arid

Lands (ASAL); concerned about lack of market for livestock, poor infrastructure and the effects of drought within these marginalized areas; this House urges the Government to establish a Pastoral Development Authority to address problems affecting pastoralists within the ASAL areas.

#### REVIVAL OF BURA IRRIGATION SCHEME

KWAMBA, ikieleweka wazi kuwa mradi wa kilimo wa Bura uliwafaidi watu wa tabaka mbalimbali kote nchini; ikifahamika kuwa kuwepo kwa mkataba wa AGOA kunatarajiwa kufufua viwanda vya nguo; ikieleweka wazi kuwa mradi wa Bura kwa sasa umesambaratika na kufilisika; Bunge hili linaomba Serikali kutenga pesa za kuufua mradi huu wa Bura chini ya National Irrigation Board.

#### DISBURSEMENT OF REP FUNDS TO CDF COMMITTEES

**Mr. Kipchumba:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, given the importance of energy in economic development of the country; aware that consumers of electricity always fund the Rural Electrification Programme, appreciating the fact that the funds from this programme should be shared equitably in all parts of Kenya; this House urges the Government to distribute the said funds equitably amongst the constituencies to be managed by the Constituency Development Fund (CDF) Committees.

**Dr. Ojiambo:** Mr. Deputy Speaker, Sir, I beg to give notices of the following Motions:-

#### INTRODUCTION OF NUTRITIONISTS AND DIETICIANS BILL

THAT, aware that nutritionists and dietitians professionals have no law to regulate their practice; this House do grant leave to introduce a Bill entitled the Nutritionists and Dieticians Bill to provide for the training, registration and licensing of the nutritionists and dietitians and for related purposes.

#### INTRODUCTION OF SUPPLIES MANAGEMENT PRACTITIONERS BILL

THAT, aware that supplies management practitioners have no law to regulate their practice; this House do grant leave to introduce a Bill entitled the Supplies Management Practitioners Bill in order to provide the training, registration and licensing of supplies management professionals and for related purposes.

#### RETENTION OF MEMBERSHIP OF SELECT COMMITTEE ON CONSTITUTION REVIEW PROCESS

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

THAT, in view of the fact that the Parliamentary Select Committee on Constitution Review process needs to comprehensively complete the work commenced during the Third

Session and in order to expedite the process which has taken over ten years to realize; this House resolves that the membership of the Committee be retained as per the last Session, that is:-

The hon. William S. Ruto, MP;  
The hon. Kiraitu Murungi, MP;  
The hon. (Dr.) Christopher Murungaru, MP;  
The hon. Raila Odinga, MP;  
The hon. Kalonzo Musyoka, MP;  
The hon. Kipruto Arap Kirwa, MP;  
The hon. Musikari Kombo, MP;  
The hon. Simeon Nyachae, MP;  
The hon. Najib Balala, MP;  
The hon. Moses Wetangula, MP;  
The hon. (Prof.) Kivutha Kibwana, MP;  
The hon. Kipkalya Kones, MP;  
The hon. John Munyes, MP;  
The hon. Uhuru Kenyatta, MP;  
The hon. Njoki Ndung'u, MP;  
The hon. Joe Khamisi, MP;  
The hon. J. J. Kamotho, MP;  
The hon. Oloo-Aringo, MP;  
The hon. Kenneth Marende, MP;  
The hon. Otieno Kajwang, MP;  
The hon. (Dr.) Bonaya Godana, MP;  
The hon. (Maj.) Marsden Madoka, MP;  
The hon. Henry Kosgey, MP;  
    The hon. Mohammed Yusuf Haji, MP;  
The hon. Moses Cheboi, MP;  
    The hon. Mutula Kilonzo, MP;  
    The hon. Gonzi Rai, MP.

INTRODUCTION OF MEASURES TO CURB  
IMPORTATION OF CHEAP  
AGRICULTURAL COMMODITIES

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

THAT, in view of the fact that agriculture is the economic backbone of this country and that the agricultural sector is threatened by cheap commodity imports from countries in which agriculture is heavily subsidized; this House urges the Government to urgently curb importation of maize, rice and sugar to facilitate the production of these commodities by putting in place production support funds for each of these commodities.

**Mr. Deputy Speaker:** Next Order!

## ORAL ANSWERS TO QUESTIONS

*Question No.002*REFUNDING OF ANGLO LEASING  
MONEY TO CBK

**Mr. Ndolo** asked the Minister for Finance:-

- (a) whether he could inform the House how much money was returned to the Central Bank of Kenya from transactions relating to Anglo Leasing;
- (b) whether he could further inform the House the account where the money was paid, and;
- (c) who the signatories to that account are.

**Mr. Deputy Speaker:** The Minister for Finance is not here? He is not here! Again, I have to ask His Excellency the Vice-President and Minister for Home Affairs, who is also the Leader of Government Business, to tell us what is happening because we do not have a Minister to answer this Question.

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Deputy Speaker, Sir, I really have no satisfactory answer. I will try and see if I can get hold of the Minister for Finance so that this Question can be answered, if it is put on the Order Paper tomorrow.

**Mr. Deputy Speaker:** Very well!

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

Mr. Angwenyi, could you hold on? The problem the Chair is finding himself in, as hon. Members appreciate, is that we have put in place very strict rules that we do not want to defer Questions and we have gone ahead and dropped many of them. However, now we have---

*(Mr. Obwocha was applauded as he walked into the Chamber)*

Order, hon. Members! Just as we are saying, that hon. Members must be here in time to ask Questions, the Chair must insist that Ministers must be in the House to answer hon. Members' Questions. Can I repeat Question No.002? Mr. Ndolo, can you ask your Question again?

*Question No.002*REFUNDING OF ANGLO LEASING  
MONEY TO CBK

**Mr. Ndolo** asked the Minister for Finance:-

- (a) whether he could inform the House how much money was returned to the Central Bank of Kenya from transactions relating to Anglo Leasing;
- (b) whether he could further inform the House the account where the money was paid, and;
- (c) who the signatories to that account are.

**The Assistant Minister for Finance** (Mr. Obwocha): Mr. Deputy Speaker, Sir, I apologise, first of all, that we were late to answer this Question. As you, and the House too, are aware, this issue of Anglo Leasing is very involving and difficult and we want to get all details on what the hon.

Member requested. My colleague, Mr. Katuku, was ready to answer this Question but he is getting additional information and I would request that the Chair defers this Question so that we can give the hon. Member, and this House, the information required.

**Mr. Deputy Speaker:** We cannot defer the Question to this afternoon because the Order Paper is already prepared. Therefore, the Question will be deferred to tomorrow and it must be so.

*(Question deferred)*

*Question No.009*

SUPPLY OF ELECTRICITY  
TO BUTERE DIVISION

**Mr. Deputy Speaker:** The next Question is by Mr. Oparanya but he is away on the PanAfrican Parliament business and, therefore, it is deferred. As a matter of fact, it should not have been put there because Mr. Oparanya and other hon. Members are all in South Africa on official business.

*(Question deferred)*

**QUESTION BY PRIVATE NOTICE**

CUTTING DOWN OF INDIGENOUS TREES  
ON NAIROBI STATE HOUSE GROUNDS

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Environment and Natural Resources the following Question by Private Notice.

(a) Is the Minister aware that 50 indigenous trees were recently cut down on State House grounds, Nairobi?

(b) Could the Minister inform the House why they were cut down?

(c) Could he also undertake to replace those trees that were cut down during the current long rains?

**Hon. Members:** Mr. Katuku has come!

**Mr. Deputy Speaker:** Where is the Minister for Environment and Natural Resources?  
Your Excellency, the Vice-President!

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Deputy Speaker, Sir, once again, I have to apologise to the House for the absence of my colleague from the Ministry of Environment and Natural Resources. I will have to try and contact him as soon as I leave so that we can get the Question answered by tomorrow.

**Mr. Deputy Speaker:** The Leader of Government Business has a very difficult task indeed. However, the Chair will not certainly take matters kindly, particularly on the Government side. Questions must be answered! Ministers must be in the House! Just as we are taking action against hon. Members who do not come, the Chair will be forced to take action against Ministers who do not respond to Questions. The Chair has said this before and it has not happened, but I urge that you take this very seriously this time round.

**Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. When Mr. Obwocha was requesting that Question No.002 be postponed to tomorrow, he attributed it partly to the absence of Mr. Katuku from the House. Now that Mr. Katuku has come, could we request that he answers the

Question?

**Mr. Deputy Speaker:** That Question cannot be answered because I have already ruled that it will come tomorrow. Even if he had an answer now, that matter is past and we cannot go back to it.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, you have said that you have warned Ministers before that they should be here to answer Questions. What action do you intend to levy against Ministers who do not attend Parliament and answer Questions on time?

*(Applause)*

**Mr. Deputy Speaker:** The best thing is to wait and see because I just said so. This time round, let them take that warning seriously. Therefore, wait and see!

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

Mr. Sambu, and that will be the last point of order on this matter!

**Mr. Sambu:** Mr. Deputy Speaker, Sir, the Chair presides over the House on behalf of hon. Members elected by Kenyans. Mr. Katuku has come and it had been alleged that he was looking for further information and it is the wish of the House that he answers the Question. Will the Chair be a dictator and dictate to the House?

*(Applause)*

**Mr. Deputy Speaker:** Mr. Sambu, I do not take those remarks kindly. You are definitely out of order! In fact, you are disorderly and I order you out of this Chamber! Mr. Sambu, you are ordered out of the Chamber!

*(Mr. Sambu withdrew from the Chamber)*

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

**Mr. Deputy Speaker:** What is it Dr. Galgallo?

**Dr. Galgallo:** Mr. Deputy Speaker, Sir, it is about my Question.

**Mr. Deputy Speaker:** You have asked it and we said that it was deferred to tomorrow afternoon like the other one. Could you, therefore, wait until tomorrow afternoon?

*(Question deferred)*

**Dr. Galgallo:** Mr. Deputy Speaker, Sir, I want to hear whether the Leader of Government Business has undertaken to do that.

**Mr. Deputy Speaker:** He does not have to undertake. The Chair has ruled!

**Dr. Galgallo:** But they do not follow orders!

**Mr. Deputy Speaker:** This House is presided over by the Chair and not the Leader of Government Business.

**Dr. Galgallo:** They do not listen to you!

*(Dr. Galgallo stood up in his place)*

**Mr. Deputy Speaker:** Order, Dr. Galgalo! Will you sit down or do you want to follow your friend?

Before we go to the Next Order, there is a Ministerial Statement to be made by the Minister of State, Office of the President.

### MINISTERIAL STATEMENT

#### STATE OF INSECURITY IN THE COUNTRY

**The Assistant Minister, Office of the President (Mr. M. Kariuki):** Mr. Deputy Speaker, Sir, on 23rd March, 2005, the hon. Member for Kajiado Central, Maj-Gen. Nkaisserry, rose on a point of order to demand a Ministerial Statement on the state of insecurity in some parts of the country. He specifically wished the Statement to address the root causes of insecurity in areas such as Mandera, Marsabit, Trans Nzoia, Trans Mara, Samburu, Mai Mahiu, Moyale and urban crime. He also wanted to know what the Government intends to do to cut down on insecurity in the country, the legal statutes used in the alleged shoot-to-kill directive and the alleged state of terrorism in killing citizens such as Superintendent Chemorei. Consequently, I wish to state as follows.

Mr. Deputy Speaker, Sir, the root causes of insecurity in Mandera, Marsabit, Samburu and Moyale are almost similar, although with slight variations. These include inter-clan or tribal differences, lack of sufficient pasture and enough water for their livestock; revenge due to failure to honour traditional norms on compensation agreements between the clans, cattle rustling and stock theft, illegal immigrants and easy access to illicit small arms and light weapons among others.

In the areas like Trans Mara and Mai Mahiu, insecurity is mainly a consequence of land disputes and scarcity of natural resources. The Minister wishes to clarify that he did not give the shoot-to-kill order. What he said is perfectly within the parameters of Section 71 of the Constitution of Kenya, on the derogation of the right to life and Section 28 of the Police Act, in regard to the use of firearms. I wish to assure this House that nothing will be done in contravention of the law of the land.

The late Superintendent Chemorei was shot dead after he started shooting at the police who had gone to do a lawful search in his rural home. If somebody has a different view, we will conduct an inquest and they will be at liberty to submit the alternative view they hold. But, we are giving the official view of the police as far as this incident is concerned. This was not an act of State terrorism, as alleged. I want to reiterate that the NARC Government has not engaged in any act of terrorism. The Government is aware of other competing rumours as to the cause of his death. I believe that some of the rumours are being expounded here. I have, accordingly, ordered for independent investigation into the case. Anybody with useful information is free to volunteer it to the police to help in the investigations, which could subsequently lead to holding an inquest depending on the advice of the Attorney-General.

**Maj-Gen. Nkaisserry:** On a point of clarification, Mr. Deputy Speaker, Sir. I think we need to tackle the issue of insecurity very seriously. It is time, we, as elected hon. Members, took a hard look at the security of our nation. The statement given by the Assistant Minister fell short of what was required. I understand very clearly---

**Mr. Deputy Speaker:** Maj-Gen. Nkaisserry, I invited you to seek clarification on the Assistant Minister's Statement. I did not invite you to make a speech!

**Maj-Gen. Nkaisserry:** I am coming to that, Mr. Deputy Speaker, Sir. It is important that we handle this issue. This is not an issue which we should take lightly. We are here to make sure that we speak for our people. We speak for the rights of our people. We will not beat about the bush when it comes to the security of the citizens of this Republic. When we gloss over an issue like that of security, that does not help the people of this Republic. We are here to ensure that tomorrow, and in

the future, this country will be secure. We are experiencing the problem of insecurity in this country because we have an incompetent Government, in terms of the way issues are addressed here. However, let me now seek a clarification. The insecurity situation in this country is alarming. The Assistant Minister just talked about scarcity of resources as one of the causes of insecurity among others. He did not actually come up with a solution to the problem. We are in a situation where hon. Members are being threatened with prosecution under the pretext of incitement. We are elected to speak on behalf of our people. I want to hear the causes of insecurity in this country. How can we curb urban crime and insecurity in the areas which the Assistant Minister has mentioned? The Assistant Minister talked about the causes of insecurity and left the issue at that. How do we address the issue? That is the crucial part of the subject.

**The Assistant Minister, Office of the President (Mr. M. Kariuki):** Mr. Deputy Speaker, Sir, I believe that the hon. Member is seeking clarification. I appear to have been receiving a lecture on how to handle insecurity. The Government is in the process of implementing national police reforms in order to address insecurity in many parts of the country. It is hoped that greater community involvement, through the community policing strategy, will greatly reduce the incidences of insecurity.

Mr. Deputy Speaker, Sir, in addition, the Government is in the process of developing a policy on conflict resolution and peace-building to strengthen conflict resolution and mitigation. In the short run, the Government has beefed up security in the insecurity-prone areas. There is formation of joint peace and reconciliation committees, enhancing crime intelligence collection and enhancing fight against illicit drugs. There is also a policy on special operations within slums, formation of special units, guarding of vital installations and intensifying police patrol among others. I wish to categorically say that the Government came into power on the platform of upholding the rule of law and it shall uphold the rule of law to ensure security of all Kenyans.

Let me add that leaders have a major contribution to make so as to ensure the security of Kenyans. Hon. Members of this House have held prayers in constituencies and within two days--- Nobody other than the one who asked for this Ministerial Statement, hon. Nkaiserry, went to hold a prayer meeting in Maai Mahiu two days before the chaos. Two days after the prayers, we experienced the violence that you saw. I am by no means saying that he is guilty of wrong-doing. But, when an hon. Member goes to a constituency which is not his, and two days later things happen, we are bound to suspect that something is amiss.

**Mr. Serut:** Thank you, Mr. Deputy Speaker, Sir. The insecurity in this country is being accelerated by the Government. Recently, just after the Government killed the late Superintendent Chemorei, it went ahead to deploy more than 1,000 police officers in Trans Nzoia District so as to carry out operations against one community, among 20, which live in the district. What is the essence of carrying out operations against one community in the area, which is called the Sabaot, among 20 communities living in Trans Nzoia District?

**The Assistant Minister, Office of the President (Mr. M. Kariuki):** Mr. Deputy Speaker, Sir, the case of the late Superintendent Chemorei was a specific case. It was not targeting the Sabaots. I have said that if any hon. Member has any contradicting information regarding his death, they should present it and we will hold an inquest. One is at liberty to move to the police and make a statement if they are of a contrary view. But, I have said that the police had information regarding this particular individual. The search in his house turned violent and that is how he met his death. If you have a contrary theory, you should write a statement, and the court will determine whether the cause of death was lawful or not.

**Mr. G.G. Kariuki:** Mr. Deputy Speaker, Sir, the hon. Member could have conducted some prayer meetings. But what has the National Security Intelligence Service (NSIS) been doing in this country? We spend over Kshs13.5 billion on that department. That is the department that gives



advance information for Government to take action. What has the Government done to make sure that the NSIS does its job according to the law?

**Mr. Deputy Speaker:** I will now ask the Minister to take notes. I will take quite a number of clarifications now. Let me start with Dr. Khalwale.

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, my focus is on insecurity in the Coast Province. The official Government position is that the youths who were arrested in Kwale were actually training to cause violence. Now that a Minister of Government has contradicted the official Government position, and if that Minister is not right, why has the Government not arrested him so that he can give the contrary story?

*(Applause)*

**Mr. Deputy Speaker:** I will give the next chance to Mr. Lesrima.

**The Assistant Minister for Planning and National Development** (Mr. Lesrima): Mr. Deputy Speaker, Sir, an allusion was made to Samburu District---

*(Laughter)*

**Mr. Deputy Speaker:** Order! Order, Mr. Lesrima!

**The Assistant Minister for Planning and National Development** (Mr. Lesrima): I will not talk about cattle rustling!

**Mr. Deputy Speaker:** Order, Mr. Lesrima! I beg your pardon. I should not have called you in the first place. I meant Mr. Ngoyoni. Hon. Members, this is a serious issue.

**Mr. Ngoyoni:** Mr. Deputy Speaker, Sir, I want to say that the Government is playing politics with the lives of our people. On the 18th of this month, I reported an incident that involved the loss of the lives of five Kenyans in my constituency. I was labelled an alarmist. On the 25th, I again lost five people and about 6,000 goats and sheep. I have just talked to the Provincial Commissioner (PC) and the District Commissioner (DC) and the information on the ground is that, in as far as they are concerned, nothing has actually happened.

Mr. Deputy Speaker, Sir, I would like to say that there is a clear conspiracy to doctor information that emanates from the ground to the headquarters. What other alternative sources of information does the Assistant Minister have to counter-check the information that emanates from the ground, since he is not briefed accordingly? There is a withdrawal attitude by the Government officers on the ground. How can a community lose five lives and the matter is down-played as if nothing has happened? I think we are not serious---

**Mr. Deputy Speaker:** Order, Mr. Ngoyoni! You have made your point! I will now ask the Assistant Minister to respond to the three Questions because I do not want to overload him. I will allocate another ten minutes to this matter.

**The Assistant Minister, Office of the President** (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, it is true that we are investing a lot of taxpayers' money in collecting intelligence and we get intelligence appropriately. The problem we have is where there are incidents of incitement because it takes a very short time for the flare-up to come. But let me say that the intelligence we have received so far has enabled us to pre-empt more potentially-explosive situations. It would have been worse if we had not reacted to the reports from the intelligence. So, the NSIS is actually doing a good job. We are responding to their reports when it becomes necessary and we take appropriate action.

On the violence in Kwale, there has been a lot of media coverage of it. I would like to recognise the contribution made by our media houses. We have received tremendous support from the media houses. Some of the video footage we have actually came from the media houses. I must say

that the situation is presently under control. The young people who were being trained to cause violence have been contained. In my view, I think they were simply misguided by some leaders. But it is not true to say that there was no threat to peace. The threat to peace was there and anybody who wants to see a video footage of what was on the ground, and particularly the Departmental Committee on Administration, National Security and Local Authorities, they would be most welcome and we can show it to them to see what was on the ground. I do not think we can exhaust every minor bit on security on the Floor of the House. But I would like to emphasise that the police force has moved with dispatch and they have done what it takes to ensure that peace has been restored. Mr. Deputy Speaker, Sir, when politicians express their personal views, they do not become personal views. If a Minister expresses a personal view about the so-called "my people"--- I would like to say that whether you call them your "people", it is the responsibility of the Government to protect all the people. All the people belong to the Government, not some small leadership.

Mr. Deputy Speaker, Sir, regarding what hon. Ngoyoni has raised, I would like to say that the strategy for community policing will ensure that intelligence on crime actually comes from the citizens. The citizens know much more about their environment. We are now trying to build confidence between the people and the police so that if they see any suspicious conduct of an individual within their surroundings, they are able to give the police that intelligence on crime and appropriate action can be taken. I must say that there are special problems within parts of Moyale because of the cross-border skirmishes which are now being contained. I cannot make a commitment on the incident that took place on the 25th of March. But I would be prepared to give an appropriate statement, if the Member so requires, on that particular incident, because I am not fully briefed on what could have happened on Good Friday.

**Mr. Munya:** Mr. Deputy Speaker, Sir, on Thursday last week, Mikinduri Market in my constituency was attacked by thugs and someone was burnt in a house. The police station is situated nearby but nothing happened. During the last Session of Parliament, the same market was attacked and the Minister promised on the Floor of this House that a Land Rover had been dispatched to that police station and even gave the registration number of that Land Rover. That Land Rover has never reached Mikinduri as I speak. Could the Assistant Minister tell us when that Land Rover will reach the police station?

**Mr. Deputy Speaker:** Order, Mr. Munya! You are out of order! You are supposed to seek clarification on the Ministerial Statement that has just been given now.

**Mr. Munya:** Mr. Deputy Speaker, Sir, I am trying to explain that the Ministerial Statement does not touch on many security lapses, like what happened on Thursday in my constituency.

**Mr. Moroto:** Mr. Deputy Speaker, Sir, you heard the Assistant Minister's answer on the death of Chemorei. Chemorei was killed by the Trans Nzoia District Security Team led by the District Commissioner (DC). Now that an inquest to look into the matter has been started, the whole district committee is sitting there. How free will it be, when the culprits are sitting in those meetings?

**Mr. Deputy Speaker:** Mr. Sasura and then, Mr. Wario!

**Capt. Nakitare:** On a point of order, Mr. Deputy Speaker, Sir. I am the Member of Parliament for Saboti Constituency, where those incidences occurred. Could I be given a hearing?

**Mr. Deputy Speaker:** I really sympathise with you, but that is not a point of order!

**Mr. Sasura:** Mr. Deputy Speaker, Sir, in 1981, when there was insecurity in North Eastern Province and Mr. G.G. Kariuki was the Minister in charge of internal security, such an order was given by the Government and the people of Garissa were rounded up, beaten and clubbed by the military. The impact of that action was negative. It is very sad for an Assistant Minister, who is known to be a human rights champion - Mr. M. Kariuki - to stand here and defend a Government that is sleeping when people are being killed! I just want to refer to the shoot-to-kill order. Could the Assistant Minister tell us---

**The Assistant Minister, Office of the President** (Dr. Machage): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to refer to this Government as a sleeping Government?

**Hon. Members:** Yes!

**Mr. Deputy Speaker:** Order, hon. Members! That is Mr. Sasura's opinion.

**Mr. Sasura:** Mr. Deputy Speaker, Sir, I just want to refer to the shoot-to-kill order. While the hon. Assistant Minister has justified the shoot-to-kill order by even quoting Sections of the Constitution and the law of this country, so far, two innocent people have been shot by stray bullets. It is common knowledge that part of the crime in this country is committed by the police. So, by the Minister giving them the shoot to kill order, he is giving the police space to commit more crime. Could he clarify whether he is really satisfied that the order is going to curb crime? There is nothing to smile about that! Could he clarify on that?

**Mr. Wario:** Bw. Naibu Spika, ningependa Waziri Msaidizi aweke wazi kwamba zaidi ya polisi 1,000 wako Trans Nzoia wakisaka wahalifu. Wameshika bunduki ngapi? Watu watano waliuawa huko Kwale. Bunduki ngapi zilishikwa kutoka kwao? Je, ni wangapi wamefikishwa kortini kuhusiana na mauaji huko Mandera?

**Mr. Deputy Speaker:** I think I am sympathetic to Capt. Nakitare. Then, I will close.

**Capt. Nakitare:** Mr. Deputy Speaker, Sir, thank you for giving me this [**Capt. Nakitare**] chance. Trans Nzoia is under siege from all sides. I would like the Assistant Minister to tell this House whether killing is a solution to settling or restoring law and order in my constituency. I am surrounded by---

**Mr. Deputy Speaker:** Seek clarification!

**Capt. Nakitare:** Mr. Deputy Speaker, Sir, I am seeking a clarification from the Assistant Minister. I would like him to inform this House how he is going to tackle the insecurity in Trans Nzoia. I speak as a Member of Parliament from Trans Nzoia District. I am the only one! The rest of the other hon. Members are not from TransNzoia District. They are speaking for their own communities. I speak for the Trans Nzoia community. I would like the Assistant Minister to tell us how he is going to stop the influx of people from other areas to Trans Nzoia District.

**Mr. Deputy Speaker:** The Chair is really sympathetic because this is a national problem. I will give a chance to Mr. Billow Kerrow and Mrs. Jane Kihara, then, we will finish.

**Mr. Billow:** Mr. Deputy Speaker, Sir, we have a culture where the Government, in the past and even today, blames politicians whenever there are clashes. Conflicts have been used to settle political scores. But in the areas where I am concerned, in the pastoral communities, there seems to be a failure by the Government to appreciate pastoralism as a way of life. It has failed to recognise traditional grazing areas and traditional peace mechanisms. I want the Assistant Minister to clarify whether it is possible for the Government to set up a commission, comprised of experts in pastoralism, to look at all those conflicts with a view to advising the Government on a long-term solution to those conflicts.

**Mrs. Kihara:** Mr. Deputy Speaker, Sir, I happen to be one of those who were really affected by the clashes in Mai Mahiu.

**Mr. Deputy Speaker:** Move closer to the microphone!

**Mrs. Kihara:** Mr. Deputy Speaker, Sir, some people call me a war--- What? Not warlord! I would like the Assistant Minister to tell us what he thinks about the meetings which are going on, including one that was held yesterday, because we are going to be attacked anytime. Apparently, prayer meetings have been taking place in Naivasha. There was one in Suswa, Kikope and Ndabibi. Those prayer meetings are taking place with a purpose. I would like the Assistant Minister to tell us what he thinks about that. Which God is in Naivasha that when there are prayers, there is war instead

of peace?

**Mr. Deputy Speaker:** Order, hon. Members! You realise that the Chair has given this matter sufficient time. But you appreciate that we cannot have everybody exhaust what he or she wants to say.

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

Order, hon. Members! Could you sit down? Now, could the Assistant Minister respond?

**The Assistant Minister, Office of the President** (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, Mr. Sasura thinks that I have been converted to a different person. I want to assure you that my beliefs and commitments on human rights remain the same. I would like to state very categorically that this Government came to power on a platform of upholding the rule of law. To that extent, we are committed. I said that no such directive as shoot-to-kill was issued. I do not know where you got that from because it was not from the Minister's mouth! I would like to caution hon. Members against believing whatever they read in the print media. If you want a video footage of what the Minister said, we are prepared to provide it. Then, you can discern by yourselves whether what he said means shoot-to-kill. What the Minister was trying to amplify is the need for those death merchants who thrive on killing and maiming citizens to know that their days are numbered. That was the warning.

*(Applause)*

Mr. Deputy Speaker, Sir, when you talk about the rule of law, first and foremost, you are talking about the Constitution of Kenya. Section 71 of the Constitution of Kenya guarantees Kenyans the sanctity of life. But it has five derogations. The right to life is not absolute as per the Constitution. If you take up a gun with a clear intention of taking away a life, whether it is that of a policeman or another innocent person, the Constitution requires that there has to be a reasonable and justifiable force to be used to stop the taking away of life of an innocent citizen. On that one, we are not going to bulge!

Mr. Deputy Speaker, Sir, we cannot sit back and watch. We are going to work within the confines of the law to ensure that we protect lives. Of course, in situations where there is war, somebody is trying to escape from lawful custody or to use force, the police are entitled, under Section 28 of the Police Act, to use the necessary force. The necessary force means that if somebody is using a gun, you use a gun to contain him. If he is using a *rungu*, you should use a *rungu* to contain him. That is what measures up. The force must be proportionate to the weapon that is being used. That is our understanding of the Constitution and we stand on the Constitution and the rule of law to uphold.

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

**Mr. Deputy Speaker:** Order, hon. Members! Let the Assistant Minister continue!

**The Assistant Minister, Office of the President** (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, we are not, by any chance, trying to say that the police can go out there and shoot any suspect. The Minister was very clear that the target should be an armed suspect who is using a gun to take away other people's lives. He did not say that the police should kill people out there merely because they are suspects. That is what the shoot-to-kill order means. That is a different confine from the one that is set up in the law. We are going to operate within the law and if anybody wants to put a legal challenge to

us, we are prepared to defend our position.

With regard to the incident in Tigania, we need to put the communities on board. Very soon, we are going to have community security committees, where wananchi can take charge of their security in a given area. They will be able to pick honest members of the community and ask for two or three firearms for their self-defence, and we will provide them. That is part of the larger framework of the community policing. We want people to take charge of their security and the Government will come in as a partner.

Mr. Deputy Speaker, Sir, regarding the Trans Nzoia District Security Committee, I have nothing to say except that there will be sweeping changes coming fairly soon to restructure District Security Committees. Perhaps, at some point, we shall have to involve political leadership in those committees. That is in the pipeline. It is part of our reform agenda to ensure that the District Security Committees are not merely manned by civil servants and leaders are left out.

I do not have the specific figures of the guns that have been recovered in Trans Nzoia and Mandera, but as of this morning, more than 40 guns and two grenades had been recovered in Mandera. This is in response to the appeal that the Minister made to wananchi to surrender their firearms and ammunition. So, within about ten days, people have come forward to surrender 40 guns. We commend them. The amnesty still stands up to 10th April, 2005, and we are hoping that they will surrender the rest of the guns.

Mr. Deputy Speaker, Sir, with regard to insecurity in Trans Nzoia District, we have taken measures. Particularly after the burial of Mr. Chemorei, there were incidents of violence and arson, but the appropriate measures have been taken. A number of arrests have already been effected and fairly soon, people will be arraigned in court and charged with their appropriate offences. We are taking every measure possible to ensure the safety of the people of Trans Nzoia District. That is not to say that the leaders will not have a responsibility to ensure that their people observe law and order.

The issue of pastoralists and whether we can set up a commission to look into their problems, will be part of the larger community policing, where we are going to set up committees. The security committees, whether they are going to be locational or divisional, can come up with recommendations on what measures the Government can put in place to ensure that their interests, as a community, with their unique culture of pastoralism, are taken care of.

With regard to the claim that there might be an imminent attack in Mai Mahiu, I want to assure hon. Members that we are on the top of things. We are acting on every intelligence information that we receive. I want to assure Kenyans of their lives. We are not going to have a replay of the theatre of ethnic cleansing in this country; maybe when we will have quit the responsibility we have assumed as of now. We want to ensure that every Kenyan is safe to contribute to the national development. We cannot have development unless we are guaranteed of peace in our homes, our places of work and in our farms.

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

**Mr. Deputy Speaker:** Order! By now, hon. Members would appreciate that the Chair has been very magnanimous. That matter is closed!

**Maj-Gen. Nkaiserry:** On a point of order, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Order, Maj-Gen. Nkaiserry! Please sit down. If you feel that you want to pursue this issue, you still have other avenues. You can make a Personal Statement to rebutt what the Assistant Minister has said. You can request to make a Personal Statement to clear that, but we cannot go on forever.

Next Order!

**PROCEDURAL MOTION**EXEMPTION OF BUSINESS FROM  
PROVISIONS OF S.O. NO.33

**The Assistant Minister for Education, Science and Technology** (Dr. Mwiria): Mr. Deputy Speaker, Sir, I beg to move the following Procedural Motion:-

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

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

*(Question proposed)*

*(Question put and agreed to)*

*(Mr. Lesrima crossed to the opposite side  
without bowing to the Bar)*

**Mr. Muturi:** On a point of order, Mr. Deputy Speaker, Sir. My point of order touches on the rules of the House. Mr. Lesrima is criss-crossing the House without bowing. If he wants to be in the Government, he must make up his mind. You should rein on some of these hon. Members to understand the rules of the House.

**Mr. Deputy Speaker:** You are right, Mr. Muturi.  
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 17.3.2005)*

*(Resumption of Debate  
interrupted on 29.3.2005)*

**Mr. Deputy Speaker:** Mr. M. Kilonzo, you were on the Floor. You have five minutes.

**Mr. M. Kilonzo:** Mr. Deputy Speaker, Sir, when we adjourned yesterday, I was giving a sequential list of the reasons why the Motion on the Floor should not be supported. The next reason I had is that the His Excellency the President, for reasons only best known to him, did not mention the word security at any time in his Speech. The last Government that I have checked on that confused prevention of crime with punishment for crime is that of the Holy Roman Empire of the 14th and 15th Centuries.

As you have seen from the mood of the House this morning, there is a serious lurking

problem---

*(Mr. Korir crossed to the opposite side  
without bowing to the Chair)*

**Mr. Kimeto:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. Korir to cross over to the opposite side without bowing to the Chair?

**Mr. Deputy Speaker:** Mr. Kimeto, you have drawn the attention of the Chair to that fact, so let me handle the matter. Mr. Korir, would you go back to where you came from and do the necessary?

*(Mr. Korir went to the Bar and  
bowed to the Chair)*

Very good. That is how it should be done!

Proceed, Mr. M. Kilonzo!

**Mr. M. Kilonzo:** Mr. Deputy Speaker, Sir, as I said, there is hunger in this country. This hunger calls for a policy from His Excellency the President on prevention of crime and punishment for crime. What we are seeing from his Ministers; giving the headsigns for pulling a trigger, really only deals with punishment for crime and not prevention. This country is crying loudly for a policy to come forward from the top office in the country as to how he intends to deal with crime. In fact, as I speak this morning, there are reports that some people have gone to the extent of stealing the cattle of His Excellency the President. This demonstrates that no single person in this country is safe from these marauders. The sooner the President himself comes forward with this policy the better.

Mr. Deputy Speaker, Sir, secondly, I would like to talk about the youth. You will notice that during his address to this country, the President did not mention the youth even by a single word. I dare say that they represent the greater part of our population. They are the future of this country. Therefore, the President should have taken time to tell this country what his policy is, regarding the welfare and promotion of the interests of our young people.

Mr. Deputy Speaker, Sir, my understanding is that the Constitution of Kenya Review Commission Act is a matter of public policy. Under that Act, Bomas was established and the Bomas Draft Constitution was formulated. Instead of the President telling us what he intends to do to observe that particular law, he simply says that he is giving his personal undertaking. Knowing the President, he is a politician like most of us inside here. Normally, our personal undertaking is just that. What we want is a clear policy statement as to when a new Constitution under the Constitution of Kenya Review Act comes into force. I say this very guardedly, the reason being that, recently, two of his very senior Ministers have been known to exchange in public; blaming each other over the delay and cause of the production of the new Constitution. Right now, this House itself is mired in division. The Leader of Government Business is calling Members of Parliament to go to caucuses in hotels in an effort to win over the Government over a simple thing like the Select Committee on the finalisation of the Constitution. I dare say these are the times that the President has failed miserably in his policy formulation regarding the realisation of a new Constitution.

Mr. Deputy Speaker, Sir, the other thing that amazed me is His Excellency the President not mentioning the Provincial Administration. When he was in the Opposition and whenever he was in this House, he used to say that the Provincial Administration would be the first thing that a NARC Government would abolish. My understanding is that, after coming to power, I think the President admires the Provincial Administration. By abolishing the Provincial Administration, the country would look forward to a level of devolution, such that a country can govern itself, so that we can apply the

principle of subsidiarity, to allow the very lowest of the low to decide what it is that is to be done with their country, and not to face the continuous problem that we are facing.

Mr. Deputy Speaker, Sir, personally, I welcome the President's commitment to bring Sessional Papers on things like cotton, dairy and sugar industries. This is because time has come for the country to address these particular areas. But, unfortunately, if you look at the bulk of the legislation that His Excellency the President proposed to bring to this Floor of the House, it is already catered for under the Bomas draft Constitution. Therefore, it suggests to me, and I dare say, that His Excellency the President is not as committed to a new constitution as he would otherwise make us believe.

Recently, the Chief Justice came up with an advert in the newspapers, saying that he will introduce a supreme court and the position of a deputy chief justice. By doing so, he can make a law on his own. What is required is a general policy which can only come out of those deliberations that the country had at Bomas. Therefore, we should bring that draft Constitution to this Chamber for debate.

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

**The Minister of State, Office of the President** (Mr. ole Ntimama): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity. First of all, I want to support the Presidential Speech which was delivered to this House just a few days ago. To me, I think this was one of the best speeches that have been delivered by His Excellency the President during his more than two-year reign. I think it was focused, it had a meaning and was properly constituted.

Mr. Deputy Speaker, Sir, because of the short time available, I want to say quite frankly that this is one country. Therefore, we must see to it that development is spread all over this country. We must ensure that the budgetary provision in this country gives equal opportunities; economically and socially, to all areas of this country. It is a sin to leave some areas undeveloped. This is because those undeveloped areas will not merge with the rest of Kenyans, and they could be said to be bringing many other problems, including insecurity.

The Assistant Minister, Mr. M. Kariuki, talked about the shortage of resources in some of these areas that there is war today. The Government must do something about getting development and economic equity in all these areas. We need water development, for example, in some of these areas. We have known that people in this world have gone to war over water, and this is the same thing that is happening in some of these areas where Mr. M. Kariuki, whom I have a lot of respect for as an Assistant Minister, friend, qualified lawyer and human rights activist, has mentioned. We must do something about equity and development of all the people in Kenya.

Any government that would like to be worth its salt would definitely develop all people equally; give the resources and so forth. For example, if you look at the pastoralists today, water is number one to them. But we have not seen resources being put in some of these pastoralist areas to develop water and dams, for example. In fact, some Members have been complaining on both sides of this House that certain areas in this country, which had water already, have got millions of shillings allocated to them for water development. That is the kind of unfairness that must be taken care of. Otherwise, people are going to complain and conflicts will arise in some of those areas because of scarce resources like water.

Mr. Deputy Speaker, Sir, I have observed the development of this country, both economically and politically. I think tribalism has come back in full circle. Tribalism is being practised in all our institutions, both in the private sector and the Government. The people who do not have bigger tribes or people to represent them have been oppressed and suppressed in a way. I think we must be very careful not to allow tribalism to come back to this country because it has been an impediment for development and unity. We might not agree because Kenyans are proud of themselves. We have got some arrogance but today, even regionally, Kenya is at the bottom of the ladder economically and socially. That is because of tribalism and many other vices that are going on in this country. We do not



seem to have cured tribalism. I will not mention the names of our regional partners, but tribalism is not much.

The second thing that has really taken root and does not seem to end in this country is corruption. It has spread to the roots. It is all over, from the top to the bottom. It is worse because if there was no corruption at the top ranks, then we can control it in the middle and bottom ranks. We cannot control it because it is way up there. Unless we do something about corruption, this country will never rise up economically or socially.

Mr. Deputy Speaker, Sir, the other thing that I want to talk about, and which Mr. M. Kariuki has just mentioned, is respect for the rule of law. We must respect the rule of law. The problem today is that, some of the things that are happening in this country are whims of individuals, especially when they are in power. We have abandoned the rule of law. We have put it aside in some of those areas. We must respect the rule of law in this country if we have to survive as a nation.

Mr. Deputy Speaker, Sir, even our security agencies must respect the rule of law. There are incidences where you see security personnel acting on their own. Some of them have been said to act as if they target certain communities or tribes. Those are the things that must be removed from the rules of this country. Otherwise, we will not be able to form one unified nation.

Mr. Deputy Speaker, Sir, the President also talked about improving the local authorities. If we do not do that, the problems that afflict local authorities will affect the Central Government. If the local authorities are corrupt, then, definitely, the Central Government is not going to survive. Right now, we have a problem in Maasai Mara where some officials of both the Ministry of Local Government and the Ministry of Tourism have given illegal orders to certain strangers to collect money at the gates. That is breaking the law. As a matter of fact, the only authority to collect council rates is the county council itself. The officials of both Ministries have sanctioned that kind of thing. The rule of law has not been followed and we demand that an area like that-- Already, there is a conflict between the ranchers and the county council. Tourists are not going there because they think that conflict has affected tourism. It is just because some people want to use their power and personal whims to do certain things.

Mr. Deputy Speaker, Sir, I have heard some people complaining about prayer meetings. This nation has allowed freedom of worship, including traditional worship. Today, I have a lot of respect for the late Mzee Jomo Kenyatta, former President Moi and the current President Kibaki because they have allowed traditional worship by some people of my community since Independence. They pray for us in this House. That is freedom of worship. You know, that might be a tradition. Moses went to Mt. Sinai with all the Israelites to pray for the nation which was afflicted by many ills. Maybe, the Maasai went near Mt. Longonot because they thought they were nearer to God. That is why they went there. But I do not think anybody should criticise any prayer worship at all. Why? We have got crusades being held in Narok. All preachers from Central Province come to Narok for crusades. We have not criticised them. We have not said anything. Let the prayers go on. It does not have to be your constituency or anybody's constituency. People are praying to God and I think they should be given opportunities near mountains like Longonot, where they think they are nearer God.

Thank you very much.

*(Applause)*

**Mr. Osundwa:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the President's Speech while opening the Fourth Session of the Ninth Parliament. Indeed, I have been coming to this House for the last five days, hoping to catch the Speaker's eye. Thank you very much.

Mr. Deputy Speaker, Sir, I will not waste any time because I know I have got only ten minutes

to make a few observations on the Speech. First of all, as other hon. Members have said before me, the Speech was so eloquent, but full of rhetoric and short on actions to improve the lives of Kenyans. I say that with a very heavy heart because I represent farming interests in this country. I did not hear the President mention anything to do with improving agriculture. All we heard was: "We will bring Sessional Papers!" People do not eat Sessional Papers! NARC has been in the Government for the last two-and-a half years and it is still talking about Sessional Papers. We have only one-and-a half years to go. Parliament only meets 120 days in a year. When shall we be through with Sessional Papers, Bills and the rest? I think the Government should take Kenyans seriously, particularly the farming communities.

Mr. Deputy Speaker, Sir, I have been talking about abolition of taxes on important agricultural crops like sugar. I have written to the Minister for Finance and told him that a commodity like sugar is subsidised out there. Here, we do not do that. The only way we can compete with imports is for the Minister for Finance to remove all the taxes on sugar. That is the only way he can help the farmers in this country. I hope, in his Budget this June, he will heed our cry as representatives of the sugar industry. We have already given him that petition and we expect him to remove all the levies and taxes, just the same way he treats other crops like tea, coffee and *miraa* from his own place. I say that because, for the last seven years, we have been talking the same subject; that is, remove taxes from agricultural produce, yet, he does not seem to hear.

Mr. Deputy Speaker, Sir, the Minister for Agriculture has always told us that the Government is importing fertilizers and they will be available to farmers at subsidised prices. I am sorry to mention that, that is the rhetoric that I have been talking about. Indeed, when the fertilizer comes, it arrives in this country off-crop season. In any case, it is always a fertilizer for top-dressing and not for planting. So, we wonder: Why would any sensible Government avail fertilizer to farmers when they are just about to harvest? We need the Minister for Agriculture to address the issue of fertilizers.

Mr. Deputy Speaker, Sir, to help industries like Mumias Sugar Company where I represent, I am asking the Government to zero-rate all the inputs starting with diesel. We want our farmers who own tractors to buy diesel cheaply. Mumias Sugar Company has a turnover of Kshs12 billion and it pays this Government Kshs5 billion a year. What goes back to the area annually? It is only Kshs29 million, which I received this year as CDF. The rest of the money is not equitably shared. For example, last week I read in the papers that hon. Dr. Murungaru was going to spend Kshs100 million to construct a dam in Kieni. Where did he get this money from?

*(Applause)*

Mr. Deputy Speaker, Sir, I am calling for equitable distribution of our national cake because Western Province pays a lot of money to the Treasury, but when it comes to apportionment of our national resources, you find that one district like Nyeri got about Kshs500 million for water. That is unfair. One district got almost Kshs50 million for electricity while my district got only Kshs18 million. This is unfair, and as a representative of the people, I will not allow this to happen.

**Mr. Wamwere:** You have no power!

**Mr. Osundwa:** Hon. Wamwere, I have powers.

Mr. Deputy Speaker, Sir, let me come to the question of land. I am happy that the Government accepted the Ndung'u Report on land allocation but, as you all know, we have witnessed violent disputes because of land and water. We know very well that during Moi's reign, the Kikuyu suffered most during the land clashes but that is no reason for the present Government to descend upon Maasais in Naivasha with bombs. That is unfair. We do not want acts of revenge. So, when it comes to the question of land, I am calling upon the Government to exercise restraint. Going back to the Ndung'u Report, to operationalise or to see the implementation of the recommendations, there is a

task force which is being gazetted any time this week, but it is sad to say that out of 15 members of that advisory board, we have 12 members from one community; only three are from other communities. Land does not belong to only one community.

**Mr. Mbau:** On a point of order, Mr. Deputy Speaker, Sir. Could the hon. Member substantiate his claims so that we know these members instead of keeping on telling us about one community every other time? We want the names of members of this community mentioned.

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, my hon. friend is a chairman of a certain tribal grouping in this Parliament, but that is besides the point.

(Applause)

Mr. Deputy Speaker, Sir, in fact, he goes ahead to challenge me to ask who they are.

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

**Mr. Deputy Speaker:** Order, Mr. Wamwere! We cannot have two points of order at the same time. Mr. Osundwa is addressing the point of order of Mr. Mbau.

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, the *Kenya Gazette Notice* on the advisory task force has the Permanent Secretary, Ministry of Lands and Housing, and you know who he is. Then there are the Permanent Secretaries in the following Ministries: Ministry of Roads and Public Works and Ministry of Environment and Natural Resources. On the committee, we have the Director of the Kenya Anti-Corruption Commission from the same side of the mountain.

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

**Mr. Deputy Speaker:** Order, Mr. Munya! Mr. Osundwa has been challenged and he is replying.

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, I will go on. The Director of Criminal Investigation Department, Permanent Secretary, Ministry of Lands and Housing---

**Mr. Deputy Speaker:** Mr. Osundwa, by the way, what is that you are reading?

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, I am saying that the *Kenya Gazette Notice* which is going to be issued this week or next week contains members from Mount Kenya only, which is wrong, apart from three.

(Applause)

**Mr. Deputy Speaker:** Mr. Osundwa, just a minute! You are not reading from the *Kenya Gazette Notice*. You are reading from a paper whose author we do not know. I must rule that out of order because it is not authentic. If you want to bring that matter, wait until there is a *Kenya Gazette Notice* and then you can come and say: "These are the facts". Anyone could have authored that document and, therefore, I rule you out of order on that.

Proceed on other issues and not on that!

**Mr. Osundwa:** Thank you, Mr. Deputy Speaker, Sir. I respect your ruling and will go to another topic.

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. I respect your ruling but it is incumbent upon the hon. Member to withdraw and apologise for misleading the entire House that he is reading from the *Kenya Gazette Notice*.

(Applause)

**Mr. Deputy Speaker:** Very well. Mr. Osundwa, I think you heard what the hon. Member has said, and I think it is appropriate. The Chair has ruled that document out of order and, therefore, whatever you have said as far as that document is concerned should be withdrawn.

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, thank you very much for your ruling, but I am reading from a context paper authored by the Minister for Lands and Housing and I wish to---

**Mr. Deputy Speaker:** Order, Mr. Osundwa! I have told you that, that document is not authenticated. It will be authentic once it becomes an official document, or if it is a document authenticated from the Ministry. Therefore, I am not saying that it may not happen, but from now that document is not authentic and, therefore, the reference to it should be withdrawn.

**Mr. Osundwa:** Thank you, Mr. Deputy Speaker, Sir. I respect your ruling but may I lay it on the Table of the House?

**Mr. Deputy Speaker:** Order, Mr. Osundwa! You either do what I am saying or I will declare you disorderly!

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, I withdraw it and I will challenge it when it is finally gazetted next week.

**Mr. Deputy Speaker:** It is your right but for now it is withdrawn. Have you withdrawn it?

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, I have withdrawn it and I apologise to the House and to hon. Munya because I was referring to members from his community.

*(Laughter)*

Mr. Deputy Speaker, Sir, I wish to finalise by thanking the Government for introducing the CDF. As I mentioned earlier, for the last seven years, my area has been contributing billions to the Treasury, and this year I got a paltry Kshs30 million. I am wondering about those Members who say that Members of Parliament should not chair those meetings. What are Ministers doing in the Executive arm of the Government? They are chairing meetings.

I beg to oppose.

**Mr. O.K. Mwangi:** Mr. Deputy Speaker, Sir, thank you very much for giving me this chance to support the Speech by His Excellency the President.

Let me take this chance to thank God for bringing us this far and for keeping the President in good health and in proper mental perspective that he could give such an eloquent and good Speech. I have listened to speeches in this House and sometimes I get surprised when some of the hon. Members contributing seem not to understand what is happening in the country. I am referring to the lots of work that the NARC Government has done so far and when I hear some hon. Members saying that nothing has been done, then I liken this to the biblical reference---

**Ms. Abdallah:** On a point of order, Mr Deputy Speaker, Sir. Would I be in order to ask the hon. Member what percentage of the country he has visited to make that statement that things are happening in the country?

*(Applause)*

**Mr. O.K. Mwangi:** Mr. Deputy Speaker, Sir, I do not have to visit the whole country to know what is happening. Therefore, may the hon. Member save my time and know that I am able to know what is happening in the country without necessarily going round.

Mr. Deputy Speaker, Sir, a lot has been done by this Government. It has introduced free primary education; revived the Kenya Co-operative Creameries (KCC); the transport industry has been reformed to the benefit of Kenyans; a lot of money is now getting to the grassroots level through the Constituency Development Fund (CDF); Kenya Railways Corporation has its trains moving; teachers

and the police officers have been paid their enhanced salaries, and so many other things. All these have been done by the Government and I do not need to go round the country to know that.

With regard to those who are saying that nothing has been done, I would liken them to the biblical reference of those who have eyes and cannot see, or have ears and cannot hear. A lot has really been transformed by this Government. In fact, the NARC Government took over a country that was almost bankrupt and it has done a lot to return the country on course.

The President referred to the growth of the economy in our country. In his Speech, it is mentioned that in the tea sub-sector the country has realised 17 per cent growth since the NARC Government took over two years ago. Other areas that have improved are: The horticultural exports where the country experienced an increase of 10 per cent; the sugar-cane sub-sector which experienced an increase of 15 per cent; and coffee deliveries which increased by 4.5 per cent. That is, indeed, true. The only question one can ask from this is that: While there has been growth in the various sub-sectors of our economy, why are the farmers still poor? The reason is that a lot of money received from this growth of the economy does not go back to the economy; instead, it is taken overseas to foreign countries or is embezzled by some Government officers.

Mr. Deputy Speaker, Sir, why is it that even after recording such growth in the sub-sectors of our economy, we do not have a reciprocal increase in employment? If you look around the country, most youth are roaming around without any jobs. If we can claim that the economy has grown by about 2.4 per cent, I would expect an equivalent increase in employment. However, that is not the case. Last year, we had students completing their primary school education and no sooner the results were announced, we were told that a large number of them would not be able to join secondary school. They will just have to float in the labour market. Nobody is doing anything about them and as a result, we are experiencing an increase in insecurity. I wish to call upon the Government to take urgent measures that will address the question of employment.

Mr. Deputy Speaker, Sir, the Government promised that it would construct and repair roads. There is no reason why the Government should not allocate 60 per cent of the money meant for the construction of roads to expenditure on labour. That way, we could employ our youth as manual labourers to help in the construction of our roads.

The Minister for Energy is not present, but we have a rural electrification programme in this country. I thank the Government for it. However, I wonder why the programme has a lot of restrictions. If only the programme could be hastened so that it covers most parts of the country, we would have most of our youth taking up self-employment in rural areas; for example, doing welding, bicycle repairs, salon work and so on. I am calling upon the Minister for Energy to look into the issue of hastening rural electrification.

With regard to education, I wish to thank the Government for providing us with free primary education. Unfortunately, after pupils have done the Kenya Certificate of Primary School Education (KCPE) they have nowhere to go to. I, therefore, call upon the Ministry of Education, Science and Technology to allow every primary school to have a separate stream of a secondary school class so that we can have an educated population. With an educated population, we shall have an improved economy being managed by skilful people. We could even export labour and that will be an asset to this country. When we allow our children to drop from school after primary school education, we are creating a mammoth problem for this country. I call upon the Minister to really address this issue.

Mr. Deputy Speaker, Sir, the President also talked about banking. He said that the banking assets had grown by about 14 per cent. This could be true, but whose assets are they? Most of the banks that we have in the country belong to foreigners. I believe that the increase in banking assets belongs to foreigners and it is not something we can be proud of. I am perturbed by the existing fiscal policy because the Minister for Finance has failed to realise that our people in the rural areas need to access credit easily. Indeed, the President referred to an increase by Kshs31 billion in private

borrowing. However, when you go out there, the borrowing is majorly done by foreigners and the few well-to-do people while the majority poor are still languishing in poverty in the rural areas. This is because they cannot access credit.

The backbone of our economy is agriculture and yet when you go to the Agricultural Finance Corporation (AFC) to ask for a loan, you will be required to meet all sorts of conditions before credit is accessed to you. That means that the poor man has no opportunity to rise up from his poverty.

Mr. Deputy Speaker, Sir, I would like to thank the Government for providing water to Kenyans. However, that is not enough. I would like to inform the Ministry of Water and Irrigation that we have a lot of water flowing into the ocean. We could use this water for irrigation and that way boost our food sufficiency. Unfortunately, a lot of our water is left to flow into the ocean when the Ministry could actually tap it.

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

**The Minister for Livestock and Fisheries Development** (Mr. Munyao): On a point of order, Mr. Deputy Speaker, Sir. I do not wish to take others' time and I am not challenging the Chair in any way. However, based on what you said, that after hon. O.K. Mwangi speaks you will allow the next speaker on the basis of gender, is the Chair really correct to rule against what the Chair reads every day: For the Welfare of Society and the Just Government of Men? We are all men!

*(Laughter)*

**Mr. Deputy Speaker:** That notwithstanding, proceed, Dr. Ojiambo!

**Dr. Ojiambo:** Thank you very much, Mr. Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion. I hope this is not affirmative action, because all the gracious ladies in the House are Members of this House and need to catch the Speaker's eye without having to be considered using affirmative action.

*(Applause)*

I would also like to support the President's Speech and say that it was very well presented. He eloquently presented that Speech and covered a lot of the programmes of his Government. There is a lot to be done, and if any good distance has to be covered, it should start with one small step. I think his Excellency the President has started with one small step on a very difficult environment, and his Government is making progress day by day. The NARC Government came to power on a platform of good governance, and we cannot stop emphasizing this to his Excellency the President, particularly at this time in the development of this country.

I was happy to note that the President referred to the low development level of Kenya in relation to other countries. This made me happy because it is very important for us to know that we are very much behind on the development programme for this country, and when we discover where we are, it is good that this be made reference to by a person of the calibre of his Excellency the President. A lot of things have caused this country to remain way down in development, and a lot has been referred to by Members who have spoken before me. We just want to continue to emphasize to his Excellency the President that, he has a lot more to do than his predecessors did, in that, by the time he took over the Government, this country was in a bad shape economically, in terms of development and even with regard to the social relations between Kenyans. Kenyans were divided along political and ethnic lines, and so on.

Mr. Deputy Speaker, Sir, it is good that, at this point in the administration of his Excellency hon. Kibaki, things like the like-minded fora at Milimani Hotel are stopped, because it continues to confuse Kenyans who have been trying to come together to form one nation. For as long as in this

House, we have a Leader of the Official Opposition, this House is a multiparty democracy. We should continue to encourage the development of multiparty democracy in this country, rather than go to the one-party system that we had before. In that respect, therefore, it is good that the Leader of Government Business calls a Parliamentary Group Meeting of the ruling coalition and sits them in such a forum which is appropriately allocated for such a meeting, in the Old Chamber or in this environment of Parliament.

The Government of National Unity refers to the Front Bench, and it will be very bad for this nation to divide the ruling coalition into Members of Government and non-Members of the Government. So, for the politics of good governance, the President owes Kenyans a duty to keep the ruling coalition in one shape, because it is the ruling coalition that has really given programmes that this Government is implementing to this nation. Priority must be given to infrastructure, as it is important for the development efforts of this country.

Mr. Deputy Speaker, Sir, I want to talk about roads. We have been told on and off that money is not flowing from the Treasury. The Treasury must understand that the Minister for Roads and Public Works cannot give service to Kenyans without having money. For example, take the stretch of road between Naivasha and Nakuru; it is not in Nyanza. If it is to punish the Minister for Roads and Public Works because he comes from Nyanza by not giving him the money for that matter, then let it be given to hon. J.N. Kihara or to my brother, hon. Wamwere, because that road passes through their constituencies and they can develop the road infrastructure there. There are also some of us who travel between here and Kisumu, and we feel very inconvenienced because of that punishment.

The same applies to the stretch between Kericho and Kisumu. It is unbelievable that it is on the highway between Nairobi and Uganda, and when we go to Uganda, we enjoy very good road infrastructure. But when we come to Kenya, and Ugandans also come to Kenya, they are punished because money is not given to repair that stretch of road going to Western Kenya for reasons we do not understand. So, I am appealing to the Treasury to give money so that the Minister for Roads and Public Works can improve that road.

Mr. Deputy Speaker, Sir, I also want to touch on the question of international protocols that our Government signs. We understand that even the African Union Protocol has not been signed and yet, as Kenyans, we are very active at the African Parliament. It is unbelievable, when this region looks upon Kenya as one country that has so much to offer in terms of understanding the international protocols and of what goes on as informed persons. It will be good if some of these things are taken care of because Members of this House go out to attend meetings where other Members of this region, and even just Members from East Africa alone also sit, and they look at us and wonder when we so eloquently present papers at these meetings, and yet our Government has not been able to sign protocols that take us there. Even for the East African Community alone, the example of Lake Victoria Management Protocol has not been signed, and for us around Lake Victoria, we feel inconvenienced because we would like to feel very confident that we can use Lake Victoria like other members of the region are doing, with confidence that our Government is taking interest in what is going on around there.

I also want to talk about security. It goes without emphasis that peace is part of good governance. This is, again, another area where the NARC Government came to power on a platform of ensuring that Kenyans are secure. If Kenyans cannot sleep safely in their houses, or if Kenyans cannot be assured that their properties are safe, Kenyans cannot, therefore, participate effectively in the development activities of our nation. Our people on the Kenya-Uganda border have taken it upon themselves even to run miles across the border to chase the attackers from the other side, catch them and bring them here. We want to thank the Ugandan Government on the other side because they are very co-operative. When they see our people running on the other side, they assist them to chase the invaders into the interior of Uganda and catch the attackers and bring them back. Now, this is an area

in which the Kenyan Government must be serious about. When people scream about their security and the Government is not rising to meet their demands, then something is definitely very wrong. Because even the outside world can come, attack us and take us away! It is like chicks in a house where the cock and the mother hen are not even aware that they have the chicks inside there. Anybody can damage this nation under this kind of situation.

Mr. Deputy Speaker, Sir, I just want to say that the politics that is going on in Kenya today is not very healthy. The politics within the Government is also not healthy, because the President cannot run this country without his lieutenants, who are the Cabinet Ministers. As Kenyans, we are expecting that the Cabinet Ministers will listen to the cries of Kenyans, because if you hear the churches turning around and pointing fingers at the existing Government; and you know that in Kenya, 80 per cent are Christians, then you know that 80 per cent of the country is turning on the Government, and it is not a very healthy situation. If things go wrong in this country, it is the children and women who suffer most.

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

**Mrs. Kihara:** Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to support the Presidential Address just as my colleagues have done. As I have said before, it was a terrible oversight for the President not to mention anything about insecurity in this country, and yet we know that it is rampant. However, I would like to congratulate His Excellency the President for appointing Mr. Michuki to his present docket.

*(Applause)*

We feel that he will overturn things in that Ministry. We should pray for him and support him. He did a lot to quell the Maai-Mahiu skirmishes which took place on 22nd January. I kept on saying that there was tension in the area and there were aggressors who were not our neighbours - We have no problems with our neighbours - and nobody listened to me. When the skirmishes started again on 22nd February, 2005, the Minister was very swift. He came and quelled the clashes. We pray that peace will be maintained in the area.

I would like to talk about the clashes which are taking place in most parts of our country. It is not anybody's wish to see people being killed even by security officers on the ground. I think there were set missions in the early 1990s tribal clashes. The clashes occurred recently in Maai-Mahiu because the perpetrators still have to accomplish those missions. This is actually what is happening in Maai-Mahiu. The problem in the area revolves around land. We should not be deceived that the clashes occurred because of the problem of water.

*[Mr. Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, there is no trust land in Nakuru District. What is happening is an administrative problem which was created in the early 1990s, and the organisers feel that they have to accomplish their mission. I hope that when we appoint a chief, we appoint a local person who knows the families and their behaviours. The chief should also know everybody and the set-up of that area. In 1994, we had a chief in Maai-Mahiu from a different community to lead another community. That administrator has not served those people all this time. On 12th May, 1998, the late Mr. Kihara wrote to the then Minister of State, Office of the President, Maj. Madoka, about theft of livestock and grazing on people's land. If we want to follow the rule of law, can we do that without discrimination? The rule of law is, I respect your property and you, as a neighbour. This has



not happened in Maai-Mahiu. We would like our neighbours to do business with us and work together. This has been happening. The aggressors are from very far. That is why I am saying that there must be a mission which has to be completed.

I love prayers, I pray and go to crusades. However, I wonder which prayers result in devilish actions. Why do people have to be killed? I urge the hon. Members who are here to lead their communities by example. We should encourage the children from pastoralist communities to go to school instead of being left on their own to graze animals. Sometimes they graze on people's farms and this causes tension. We should take advantage of the free primary school education and let the children go to school. If you have a million cows, you should have enough land. If you keep 300 cows and you have one acre of land, it means that they will step on each other because they cannot fit in that piece of land. This is what has been happening in Maai-Mahiu.

Mr. Temporary Deputy Speaker, Sir, on the "shoot-to-kill" order, I do not want to believe, just as Mr. M. Kariuki has said, that the Minister meant that. We believe that the police are trained and they cannot just shoot people irresponsibly. The public has complained that thugs in this country have got more sophisticated weapons than the police. So, it is who gets who first. I hope that the police will be responsible, do a good job and rid this country of the crime wave.

The President talked about revitalising the pyrethrum industry. This is of great interest to me because the pyrethrum which is grown in Nakuru District comes from Naivasha. However, we have not been paid for the pyrethrum we delivered to the Pyrethrum Board of Kenya (PBK) for the last two years. The farmers have become so poor and cannot pay school fees for their children who are in secondary schools. Before the Government thinks of coming up with a Sessional Paper, the first thing would be to pay the farmers for the pyrethrum they delivered to the PBK. This is of great concern to the farmers.

On the question of roads, Mr. Temporary Deputy Speaker, Sir, I believe that a contract was signed to repair the Maai-Mahiu/Lanet Road which is in a terrible condition. I consider myself lucky because most of the road is in Naivasha Constituency. I believe that the youth in that constituency will get manual jobs to do. The contract to do the road was awarded a long time ago but it has been delayed for some time. I hope work on that road will start soon. As Dr. Ojiambo has said, she uses that road and it is very bad. I have been to the Minister's office several times but finally, he told me that work on the road will begin soon.

There is another road which is very important to us. This is the Moi South Lake Road. This road is in a very bad shape and it affects the number of tourists who visit the area. The flower farmers have a problem. There is rampant insecurity because there is a section of that road which is very bad and vehicles have to slow down. It is in Naivasha Hotel where peace agreements are signed and we all know that it is a good place. We have good hotels in Naivasha Constituency, but the roads in that area are in a pathetic state. So, I would like to ask the Government to look at this road considering the foreign exchange that comes from the sale of flowers, particularly roses.

Mr. Temporary Deputy Speaker, Sir, the issue of corruption has been extensively talked about by hon. Members. In fact, corruption talk is at its highest level in this country. Corruption is deeply rooted in this country. When the NARC Government took over power, Kenyans expected to see change in the way we do our things. In fact, members of the public were the ones reporting even police officers involved in corrupt practices. However, this spirit has since waned away. I do not know what happened. We have gone back to square one. Everyone thinks of what is there for him or her without necessarily having to work for it. We have even seen it in CDF committees at the constituency level. People have no sense of service to the nation. They want to be appointed to serve in those committees so that they can benefit individually. This is the "me-first" syndrome.

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

**Maj. Madoka:** Mr. Temporary Deputy Speaker, Sir, I was not here when the President gave

his Address. So, I am not in a position to state whether it was delivered eloquently or not. But having read the Speech through, I think many people have made comments on various issues. But what really gave me food for thought is when he said, and I quote:-

"Parliament is expected to provide leadership in tackling the challenges which confront us."

That is really the challenge before this House. Are, we, as a House, institution or as individuals, providing the leadership which is required to ensure that this country moves forward? Having done my own audit, I feel that we have performed well below par.

Mr. Temporary Deputy Speaker, Sir, if we look at the top Government policy making body; that is the Cabinet, they have been a dismal failure. They have not led us by example. We are frequently seeing Ministers accusing each other in public. They are making false accusations against each other. What are they telling Kenyans? We have heard Government Ministers and Assistant Ministers accusing their own Government, saying that their Government is not serving Kenyans. We know there is democratic space, but it is clear that these people do not know what collective responsibility is all about. Unless they are able to understand what governance is all about, or how a Government is run, then I feel sorry for the President because he does not have a team. Ministers have stood and said they are divided. So, the President has two or three teams in his own Cabinet. I certainly feel sorry for him and he really needs our prayers.

Mr. Temporary Deputy Speaker, Sir, on the question of corruption, I have listened to some hon. Members saying that if a Permanent Secretary is sacked, then the Minister must also be sacked. To me, it is clear that those people do not understand how a Government runs. According to Government regulations, the Accounting Officer is the Permanent Secretary. I recall when I was ADC to the late President Kenyatta, one day he called his Permanent Secretaries and told them: "You are my Accounting Officers, I will hold you responsible for any misappropriation of Government funds." He went further to tell them: "Do not listen to Ministers if they try and get you to divert funds to support their individual projects." He went further to tell them: "Once they do so, report them to me. They are my political appointees and I can sack them anytime." I believe that is the position. The Permanent Secretaries should be able to guide their Ministries. They are the technical officers. The Ministers are basically policy makers and they are to be playing that oversight role in the Government. They should not be playing the role of chief executives in those Ministries. We have heard of Ministers wanting to sign petty cash vouchers and sometimes wanting to approve leave for an Under Secretary. Hon. Ministers must understand their role in Government.

Mr. Temporary Deputy Speaker, Sir, as an institution, we have definitely let this House down. We have rejected Bills for partisan reasons, sometimes because they have been introduced here in Parliament by Mr. "X," Mrs. "X" or Ms. "X". We have not looked at how these Bills affect Kenyans. Our responsibility as leaders of this country is to look at these Bills and see how they affect Kenyans and how we will be able to improve on their wellbeing.

Mr. Temporary Deputy Speaker, Sir, I would like to appeal to the media. I think they make their own interpretations of some of the things which have been said and we all jump into their bandwagon. We end up challenging what has been printed in the media. For example, I have looked at the footage of what Mr. Michuki said. At no time did he issue the "shoot-to-kill" order. It was the interpretation of the media. I am glad to say that the Commissioner of Police, in his statement recently, came out clearly to say they do not have such rules of "shoot-to-kill". So, let the policemen not obey any unlawful orders. This is because if they shoot-to-kill, they will be held fully responsible and they will be the losers. I know they have been properly trained and, therefore, let them use their training to perform their duties. They know when to shoot and when not to do so. So, I commend the Commissioner of Police for making it clear that they will not obey the "shoot-to-kill" order as has been reported in the media.

Mr. Temporary Deputy Speaker, Sir, on corruption, again I would like to appeal to Kenyans to be careful about these so-called international NGOs, for example, Transparency International (TI). They have big names and we tend to think that whatever they give us must be the gospel truth. When I was a Minister in charge of internal security, I used to get many letters from Amnesty International and many of the allegations they made about Kenya were all false. So, when TI comes out and says that somebody has stashed away Kshs750 million, if they do not have the courage to name that Minister, then they are failing in their responsibility. If they are to be as transparent as their organisation says, then, let them come forward and give that name. It is not good enough for this organisation to say that the Government knows and when the Government says that it does not know, it also keeps on insisting that the Government is trying to conceal. If it wants to be transparent, it should name the Minister. If not, it is also participating or supporting the Government in concealing that particular Minister. Therefore, these international organisations have to be honest and transparent and tell us the truth.

Mr. Temporary Deputy Speaker, Sir, I will touch on the Constitution. I am one of those individuals who believe that the Bomas Draft needs certain amendments to improve on it. I believe that what was discussed at Naivasha was aimed at improving on this Draft Constitution. I am, therefore, saddened to see some of the people who were at Naivasha come out and say that the Bomas Draft must go to *wananchi* the way it was from Bomas. We all need to understand the dangers of a referendum. In a referendum, people have to say "yes" or "no". That is all they have to say! They will not be able to make any amendments, and I know for sure that what came out of Bomas does not necessarily reflect what Kenyans wanted. For example, the majority of Kenyans wanted a recall clause. However, hon. Members of this very House were the very first ones to shoot it down, yet that is what *wananchi* wanted. All this cry that what came out of Bomas is what Kenyans wanted is not perfectly true. As leaders, therefore, we need to provide that leadership and say that: "Let us make a few amendments that are aimed at improving this Constitution for Kenyans." I would like to appeal to the President, that with this antagonism between his Ministers, he is the only one who can help us. We need to get him to come out and clearly give us a way forward and say: "Let us go *a,b,c,d*. This is the way forward!" I believe that we will find a way.

With those few remarks, I beg to support.

**The Assistant Minister for Education, Science and Technology** (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute in support of the Presidential Speech.

First, I would like to differ with those who are complaining that the Speech was nothing but repetition; there was nothing new and that there were certain things that were left out that were important to talk about. If there was a repetition of some of the issues, it is because we have not succeeded in dealing with the problems that lead to their recurrence. The failure reflects on all of us, not just the President. In fact, this is so, especially with Parliament, as it is the implementing organ of many of the decisions that we speak about and many of the pronouncements that are made on important public occasions. We should also reflect and ask ourselves: What is it that we have done as a Parliament to ensure that many of the things that we have said in the last years have been taken account of and have actually been implemented?

Secondly, I would like to talk on the institution of Parliament and leadership that Maj. Madoka and a few other hon. Members have spoken about, especially the issue of leadership. There is a danger that we may fail to provide the leadership that is expected of us by Kenyans. The extent to which we have become trivial and sectional in our discussions is very clear. There have been many references to the Mt. Kenya mafia, Luo community and a particular party belonging to a particular community, "my people" and so on. It is really dangerous! We are also seeing tribal alliances all over the place and it is like we are going back to those days of the 1960s, long before 1963 and 2002. We have tribal alliances

in the name of regional groupings for political parties that is taking us back many years. It is going to make it impossible for us to achieve many of the things that we would like to achieve that brought us together in 2003.

We are also seeing politicians in Parliament bringing up Motions, not for the common good, but because they want to settle political scores; either they did not make it or their party did not win, they do not want those who are in ruling positions or they do not like a specific Minister, and to escape prosecution. We now have people who are champions of the Constitution and Bills that are supposed to give Parliament more powers and lawyers who are defending people with criminal records using Parliament as an escape route from prosecution. We are falling into this trap and it is important, again, to ask questions as to why the people who fought against reform in yesteryears, all of a sudden have become reformers. It must be that there is something, and it is not anything that has to do with the good of this country but personal gain and other motives that are not quite clear.

Mr. Temporary Deputy Speaker, Sir, in this respect, therefore, I say that even as a Government we need to be careful about what kind of people we dine with and who gives us advice. This is because, again, it is unfortunate that we are going back to some of the people who have been associated with criminal records and those who are fighting reforms find their way into the Government in some way or the other. We also have people who are whipping tribal emotions, whether it be in the North Eastern Kenya, the Coast over the weekend, or the Rift Valley. They are all over the place. The moment we have leaders like those, either as hon. Members or Ministers, honestly, they have no business being representatives of the people of this country. I think the best place is probably to be local councillors or tribal chiefs. This is where there is the Kenya National Assembly and it is about the country and not ethnic groups. However, we have so many of them now as hon. Members and even some Ministers who have gone out of their way to show their true colours as not representing a country which they were elected to represent.

I would also like to speak on the issue of parliamentary parties. It is a good idea that we are coming up with a Motion in Parliament to support parliamentary political parties in terms of even funding them. Again, I would like us to be careful that we are not facilitating tribal chiefs because many of the political parties we have in this country have a tribal leaning and are based around specific ethnic groups. If we are thinking of our country, it is high time that we thought of a few political parties, two or three of them that have a representation across the country. Any support, therefore, should be based on the strength of the political party across this country. Parties that are only representing clans will have no choice but to die a natural death. I am trying to say that as much as that is important, we have to be very clear that we support political parties that have a national, as opposed to a tribal ethnic, constituency.

On the issue of the danger of going back to the pre-2002 days or the days after 1970, when ethnicity was the main thing, I would like us to be aware that the majority of Kenyans these days - I am not talking about politicians and the elite - are united by their poverty, unemployment, insecurity and issues of wanting a new Constitution. They are not united by a few elites who have their own agenda to propagate. That is not the issue! We must be aware about this as leaders, that, that is not their pre-occupation and, therefore, we should be much more concerned with the consequences of that unity even for our own continuation as hon. Members and as a Government. This is because that is where the real threat is. It is those impoverished and unemployed Kenyans who are suffering insecurity everyday and who cannot have a decent meal who are a real problem. The problem is not a conglomeration of elites in Parliament and the Government whose interests are nothing but selfish personal gain. I, therefore, really hope that we can go back to those days like the days of the Third Parliament when we had progressive hon. Members from across the country; people who did not care about personal gain and power. I am thinking of people like Chelagat from Kalenjin land, Wamwere from Kikuyu land, Abuya Abuya, Orengo and Sifuna from Western Kenya, and Chibule wa Tsuma

from Coast Province. In the past, we had hon. Members who thought like real Kenyans. But, owing to the ethnicity which is governing our political parties, even the progressive groups of the 1980s and 1990s have gone back to their tribal conglomeration. That is dangerous. For the sake of this country, we need to promote unity and not tribal organisations. We should not go back to those dangerous days of tribal organisations, which made it impossible for us to dislodge KANU from power because we were ethnically divided. I am afraid that we are going back to those days. I am afraid that when we go back to the habits of those days, it will be difficult to accomplish whatever we may want to. We can only accomplish issues if we deal with them as a country, and not as individual tribes and tribal kings in the name of a political party leader.

Mr. Temporary Deputy Speaker, Sir, the other point is on the Ndung'u Commission. The Commission inquiring into the Goldenberg affair completed its work recently. I want to say that it is okay to have the reports. However, it is much more important to act on the reports quickly. I want to suggest that for Kenyans to deliver, we need to put a stop to formation of such commissions and task forces, but instead act on those which have been concluded. If we act on the ones we have at hand, then we will have the legitimacy to form other commissions and task forces. Such task forces and commissions have become a way of rewarding our friends. If we cannot act on them, then we have no business forming others.

The issue of recruitment has been very emotive. I wonder why we cannot have a data bank on where the key people in this country come from. We can use that data bank for reference when we are filling new positions. This is not a big deal. Sometimes we complain about communities being over-represented and some under-represented, which may not be the case. It is very easy to have a data bank and use it as a way to decide which areas have been left out during employment. Not that I care about individual positions, in fact, some people who get these jobs do not care about any community. I think it is important for the sake of national unity, to have representatives of Government from all areas. We should give representatives from all communities responsibilities and positions to occupy these jobs.

I also would like to say that we have many commissions and many jobs with the same people serving in them. I would like to advocate for one woman one job and one man one job. Why is it that we have some people representing many commissions and being directors of boards at the same time, when we have other Kenyans who are unemployed and could be making a contribution as well?

I beg to support.

**Mr. Kombe:** Asante sana Bw. Spika wa Muda. Ningetaka kuchukua fursa hii kumpongeza Rais kwa Hotuba yake nzuri. Ningependa pia kusisitiza kwamba wakati umefika ambao Rais anafaa kuchukua kikamilifu hatamu ya uongozi wa nchi hii. Rais ameuachia uongozi wa nchi hii mikononi mwa Mawaziri wake ambao mpaka dakika hii, hawajashikana na kuwa kitu kimoja. Kila mmoja anasema lake. Wamewacha kufanya kazi kwa kuajibika bali wanazozana kwenye mabaraza.

Swala la ardhi ni lazima lishughulikiwe na umuhimu wake maana ndio chanzo cha kukosa usalama katika nchi hii. Ardhi nyingi imepimwa na kupewa wananchi, lakini hakuna hati ambazo zimetolewa. Watu ambao wameshapewa mashamba katika sehemu wanazoishi huwa wanapata watu wengine ambao wana vyeti vya umiliki wa shamba zao. Hapo ndipo mzozano huanza na hatimaye, watu humwaga damu na wengine kufa. Wakati Serikali inapoona kwamba imegandamiza sehemu fulani, huwa inatafuta vitenge fulani na kuzusha mambo mengine ili fikira za watu ziende sehemu nyingine. Ninazungumza hivi nikiwa na kisa cha juzi katika fikira yangu. Huko kwale, askari walienda kupiga risasi wanasarakasi ambao walikuwa wakifanya mazoezi yao ili wafanye sarakasi katika hoteli na kujipatia riziki. Hili ni jambo la kisikitisha. Badala ya kudumisha usalama katika sehemu ambazo watu wanapigana, tunawauwa watu ambao hawana hatia. Ninakilaani kitendo hicho.

Serikali ni lazima itafute watu waliohusika na kisa hicho na kuona kwamba wamefikishwa mahakamani. Kuna Wabunge wanne ambao walihusika na kisa hiki. Wabunge hawa wanafaa kushikwa

leo na kupelekwa mahakamani ili kujibu mashtaka. Ni hali ya kusikitisha tunaposimama na kusema kwamba tuna sheria za kulinda mtu na mali yake. Badala ya kulinda usalama, tunawauwa watu wasio na hatia. Kwa mfano, mzee aliyeuwawa katika shamba la Mlungunipa. Mzee huyo alishikwa na kuuliwa bila kujua lililokuwa likiendelea. Itakuwa ni ujinga wa kiasi gani kwa jamii kuchukua vijana wake na kuwapa mafundisho ya kupigana kisha waipige jamii yao? Ni wapi jambo kama hilo limewahi kusikika katika dunia hii, wacha Kenya hii? Jambo hili halijawahi kusikika mahali popote.

Sheria ya ardhi inasema kwamba iwapo mtu anaishi mahali kwa muda wa zaidi ya miaka kumi na miwili, yeye huwa na haki ya kumiliki ardhi hiyo. Ni nani ana haki ya kumuita mtu huyo "squatter"? Hapo ndipo vita huanza. Ni wajibu wa Bunge hili na Waziri anayehusika, Bw. Kimunya, kuchukua hatua za haraka kuona kwamba watu wanapewa vyeti vya sehemu za ardhi ambazo wanamiliki kwa miaka zaidi ya kumi na miwili. Akifanya hivyo, hakutakuwa na vita tena. Vita vitakoma.

Ni jambo la kusikitisha kwamba tunatunga sheria ambazo hatuzitii. Sheria ya shamba inastahili kuzingatiwa ipasavyo ili kukomesha mapigano ya kikabila. Ni jambo la kusikitisha kwamba katika sehemu zote za Kenya, ni Mkoa wa Pwani tu, ambao umekubali watu kutoka makabila yote kuingia na kuishi kwa amani. Ni kwa sababu unakuja na unanisukuma bila kujali kwamba mimi nina haki pia. Vitu kama hivyo ni lazima vikome.

Jambo lingine ambalo linaleta mapigano ni maji. Kama kungekuwa na mbinu katika Wizara za kuhakikisha kwamba mambo ya maji yanashughulikiwa vilivyo na maji yanasambazwa kwa Wakenya wote kwa viwango sawa, lingekuwa ni jambo bora na hakungekuwa na mapigano. Visa kama vile vya Mai Mahiu na kwingineko havingetokea. Mwaka jana nilikuwa kule Mai Mahiu, tukahutubia mkutano mzuri kabisa. Wananchi walikuwa na furaha, lakini punde si punde, kufika Januari, mapigano yameanza. Hii ni kwa sababu wengine walienda kutafuta maji na pahali maji yanapatikana ni katika shamba la mtu mwingine. Tukirudi Rabari, sehemu za Tana River, Wapokomo na Waoroma walikuwa na vita vile vile kwa sababu ya maji. Wale ni wafugaji na wale wengine ni wakulima. Wafugaji wanapeleka mifugo wao kwenye maji na mifugo wanakula mimea ya wale wakulima. Vita vinaanza tena kwa sababu hakuna utaratibu mzuri wa kusambaza maji kwa mwananchi pale alipo. Wizara inayohusika na maji ingetafuta njia ya kuhakikisha maji yanawafikia wakulima na wafugaji vile vile, ili waweze kuwapatia maji mifugo wao bila kuwasukuma kwa mashamba ya watu wengine.

Bw. Naibu Spika wa Muda, Serikali imetumia pesa nyingi kwa utoaji wa chakula cha msaada. Lakini kuna sehemu zingine kama Magarini ambazo ni tofauti. Iwapo kungekuwa na utaratibu wa kupatia wakulima vifaa vinavyofaa vya kunyunyizia maji mashamba yao, hakungekuwa na haja yoyote ya kupeleka chakula cha msaada katika sehemu hizo. Lakini kwa wakati huu, kuna shida kubwa ya njaa kwa maana mvua hainyeshi kwa kadri inavyohitajika.

Bw. Naibu Spika wa Muda, kuna haja pia ya kuangalia barabara. Nimetembea sehemu zote za nchi lakini hakuna tofauti. Hata ukiangalia barabara inayoenda kwa Rais yenyewe, pia nayo ina maporomoko kushinda zile barabara za kwangu, ijapokuwa ina viraka vya lami. Kuna haja ya kuona kwamba zile fedha zilizotengewa barabara ziweze kutumiwa kwa kazi hiyo badala ya kubanwa katika Hazina.

Bw. Naibu Spika wa Muda, nikimalizia, jambo litakalo suluhisha mizozo yote katika Kenya hii ni Katiba mpya. Katiba ya Bomas inastahili kupitishwa vile ilivyo maana ndivyo itakavyompatia mwanachi, hata yule wa chini, haki ya kumiliki uchumi wake. Hakuna kosa la mimi kuimarisha sehemu yangu kwa pato nililolipata katika sehemu hiyo. Vile watu wa miwa walipokuwa wanalalamika; wanapata mamiloni ya pesa halafu hatimaye, zinazorudi kule kwao ni senti kidogo. Tukichukua, kwa mfano, Mkoa wa Pwani unatoa asilimia 51 ya uchumi wa nchi hii, lakini pesa zinazorudi kule ni billioni mbili peke yake. Hizo zitaweza kufanya maendeleo gani? Hakuna! Kwa hivyo, ni lazima Katiba ipitishwe vile ilivyo. Sioni ubaya wowote wa kuwa na Waziri Mkuu mwenye mamlaka.

Kwa hayo machache, naomba kupinga Hoja hii.

**The Minister for Livestock and Fisheries Development** (Mr. Munyao): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the chance to contribute to this Motion.

I am proud to speak soon after a "statesman" in the name of hon. Madoka. The words of wisdom that he has spoken were those of a nationalist, not as a Member from this side or the other. In fact, he made me question myself whether I am fit to speak soon after him. But I am proud to speak soon after hon. Madoka.

Mr. Temporary Deputy Speaker, Sir, I will join my colleagues in congratulating His Excellency the President for the great speech. Some Members here earlier were asking on what account should the President be congratulated. I, as the Minister for Livestock and Fisheries Development, I control the ASAL areas which comprise 80 per cent of this country. Of the remaining 20 per cent, I control 50-50 and, therefore, I know Kenya and I can give an informed opinion.

Mr. Temporary Deputy Speaker, Sir, the President is in control of this country. I would like the Members of this House to appreciate the role the President is playing and let us all go out and help him.

The other day, we passed the Constituency Development Fund (CDF) Bill. I would like this House to appreciate the role of hon. Eng. Muriuki. He is a great thinker and a man with this country at heart. When he brought the Bill, he wanted this House to allocate 5 per cent of the Budget to CDF. We are now getting 2.5 per cent. I am sure now that after Members have seen what can be done with 2.5 per cent, when Eng. Muriuki brings an amendment to demand for the balance of 2.5 per cent so that we get 5 per cent, we shall support him. I think all other developments by the Government should now be channelled through constituencies so that people can feel it directly.

My appeal to Members is that please, let us go out and speak about the CDF. I have gone around this country and some Members do not speak about CDF. I was in Eldoret the other with hon. Salat during the ASK show. Later on, I was asked by the President to tour around. I found some areas where the area Member had guts to tell the people that the CDF money was his own salary contribution and that it had nothing to do with the Government. Surely, what kind of statement is that? I would appeal to Members that we go out and tell Kenyans what this Government has done. It does not matter even if you bring your own fashion in 2007. We are in this now and we will be in that one which will come in 2007. So, please, go out and tell Kenyans what the Government has done.

Mr. Temporary Deputy Speaker, Sir, there is a bank called Daima Bank where I have got a lot of interest. I am happy the Assistant Minister for Finance is here. This bank went under because of other motives about two years ago. It had a lot of deposits from very many Kenyans. I would like to ask the Minister for Finance to personally involve himself in the affairs of this bank so that the depositors in that bank can get their money back. I know that a lot can be done. I am requesting the Minister for Finance and the Central Bank of Kenya (CBK) to immediately revive that bank.

Mr. Temporary Deputy Speaker, Sir, as a nationalist, I am concerned with the number of Non-Governmental Organisations (NGOs) which are mushrooming in this country. We have got more NGOs than we need. Some of them have their own agenda completely different from what Kenyans would like. I am not condemning all of them. Some of them are doing a good job not only in Kenya, but elsewhere. The number of NGOs must be re-examined. I call upon the Minister in charge to make sure that the number of registered NGOs is controlled. Their agenda should be known and justified properly because some of them have a different agendum.

The other day, I was in Malindi and introduced reed-net fishing, which is the best in the world. It is the best system of fishing. It is not trawling. But some NGOs who were working with some fish processors for reasons known to themselves have hired *wananchi* and paid them little money so that, whenever we go there, we are heckled. The country cannot be developed through heckling. We must be able to listen to each other. We would like to get very little interference on projects elsewhere. I am told that the NGOs in this country are in excess of 1,000. This country is too small to have over 1,000

NGOs. In fact, whatever they are doing is interfering and we cannot entertain that. Therefore, I request the Minister in charge to control the mushrooming of NGOs.

Mr. Temporary Deputy Speaker, Sir, to echo what Maj. Madoka said, to build Kenya, we must eradicate tribalism. I agree with anybody who supports the eradication of tribalism in our country. Tribalism has never benefitted any country; not even Kenya. Wherever there has been tribalism, the results have been very bad. I have in mind the mushrooming of vernacular and tribal Frequency Modulation (FM) stations. Some of them contribute to the confusion in the country. When you go round the country, the *wananchi* are satisfied and they can see development. But, shockingly, when you come back to Nairobi, you get a *Coro* FM which gives messages to other areas that nothing is being done. The Minister for Information and Communications must control the mushrooming FM stations. Let them broadcast in Swahili! We must promote Swahili as a national language. We must also reduce political parties. The United States of America (USA) and Britain have about three political parties each. Why can we not promote two or three parties in Kenya, and put all our energies and resources there? Our country is too small to have about 50 political parties. What are they? Are they clans or tribes? I feel that we should limit the number of mushrooming vernacular FM stations.

Mr. Temporary Deputy Speaker, Sir, let me put in a word of counselling. At one time, I was a Secretary-General of a party. We all came here on a party called NARC. But when we got here, I heard some people say: "I belong to this party!" Even now, in NARC, we have some hon. Members who are in the Government and sitting in the Opposition. There is democracy and I like that. But those who feel that the official Opposition is KANU; those who feel that KANU can accept to sit with them because they let them down on 19th March, they are lying. KANU knows its people very well. In fact, with the new alliances, I might also change and be nearer Maj. Madoka than any other person. I am sure he knows that. So, you cannot keep on jumping from one party to another. People will not trust you because they know you will be there for a while. Let us build and promote NARC so that, we have one strong party.

With those few remarks, I support.

**Ms. Abdalla:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to comment on the President's Speech during the opening of Parliament. I was not fortunate to hear the eloquence of the President in delivering his Speech. But having read the Speech, I am surprised that the debate has lingered this long. I say so because the front-line of this House, which is the Executive that the President leads, was the first in breaching the directives provided for in the President's Speech. That means that any positive aspects of that Speech, which contained plans for what the Government wants to do, has no leaders to lead it. So, in my opinion, it is not cost-effective for us to be held captive by tradition of spending seven days praising and criticising a speech that would make no difference to the lives of Kenyans. It is my strong belief that, were this Motion not a procedural Motion, somebody would have stood up to ask that the Mover be called upon to respond. I say that because there are so many orders and businesses of this House that are not dealt with because there is no sufficient time. Yet, we spend seven days criticizing or praising the Speech. In fact, sometimes, I wonder whether some of the praises and criticisms refer to the same Speech that is read by the President.

Mr. Temporary Deputy Speaker, Sir, in addition to the fact that we have been held captive by tradition, I am also aware that the Committee of this House responsible for determining the programme and business is so top-heavy that, it cannot respond to shortened debate. Unless the President and party leaders in this House change the House Business Committee to reflect the entire food-chain represented in this House, we shall never have business that is inclusive. The Government might see it as a success for its business to appear on the Order Paper. But it is not a success because 40 per cent of that business is brought back to the House. Even that 40 per cent is assisted by "voting machines". When a whole Bill is only voted by one side of the House--- Although it is not in the



terms of reference for a Nominated Opposition Member of Parliament to advise the Government on solving its problems, it is high time the President and his Cabinet sat down and provided us with a practical and financially viable solutions to problems affecting Kenyans, instead of wasting our time in the House debating Bills that never see the light of day.

Mr. Temporary Deputy Speaker, Sir, the President alluded to partisan interests as some of the reasons why the business of the House is not implemented. But all the partisan problems are in his party, coalition and movement. So, I wonder why the President should spread those partisan interests to the rest of the House and yet, the bickering is on his side. Again, going out of my terms of reference, I wish to advise the President to deal with the over 60 per cent of hon. Members that came to this House on a NARC ticket. He should deal with their problems instead of coming up with short-term solutions of incorporating "voting machines" from the Opposition to solve his problems.

**The Assistant Minister for Finance** (Mr. Katuku): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has repeatedly referred to hon. Members, who are elected or nominated like her, as "voting machines". Is she in order to do that?

**Ms. Abdalla:** If the hon. Member had the opportunity, I would like him to answer this question: What major contribution or change of a policy nature has any of the hon. Members who have been co-opted in the NARC Government made to this House apart from voting?

Shortsightedness is something that I believe should be dealt with by all governments.

**The Assistant Minister for Finance** (Mr. Katuku): On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to seek your ruling on this issue. I was not asking the hon. Member to question me. The procedure is that if an hon. Member has used un-parliamentary language, he or she must withdraw the remarks. Is she in order to refer to hon. Members as "voting machines", whether they are in the Opposition or in the Government?

**The Temporary Deputy Speaker** (Mr. Khamasi): Ms. Abdalla, I think you have got a duty because whatever language you use here must be acceptable to the House.

**Ms. Abdalla:** Mr. Temporary Deputy Speaker, Sir, in the interest of time, I withdraw that statement, but the matter is obvious.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! You do not conditionally withdraw your remarks. You either withdraw or substantiate.

**Ms. Abdalla:** Mr. Temporary Deputy Speaker, Sir, I, therefore, withdraw.

The issue of shortsightedness is a problem that subsequent Governments have suffered from. However, the problem is more serious in relation to the Constitution. Shortsightedness is what is causing us the constitutional stalemate. It surprises me that even after seeing the problems that the current Opposition has for not having succeeded in providing Kenyans with a new Constitution, a faction of this Government is on an over-drive to retain the current Constitution while it is as clear as day and night that they will be languishing in the Opposition benches come the year 2008. If this is not shortsightedness, then what is it?

Mr. Temporary Deputy Speaker, Sir, it is my submission that this stalemate is led by the person leading the constitutional review process; the person the President has given that responsibility. It is necessary for the President to appreciate that the person leading the constitutional review process needs to be a strategic negotiator and communicator. In this case, the person doing this job is not. Even when our lips are sealed, we have them amputated. What is the big deal in changing this person? The President has both the Front and the Back benches, which are full of excessively qualified Kenyans who can do this job. It is my submission that although the President gave us a verbal commitment, unless he changes the person leading this process, it is clear that, that commitment will remain a verbal commitment.

Mr. Temporary Deputy Speaker, Sir, I was happy that the President said that there is nothing which cannot be solved using the law. It is clear that the President appreciated in his Speech the need

to uphold the rule of law. However, an executive order by the NARC Government after taking over power has resulted into a trickle down effect where Ministers are terminating the services of members of Boards of Directors, irrespective of the Acts of Parliament that govern those Boards. That is a trickle down effect of the executive order that took over the Kenyatta International Conference Centre (KICC). At that point, nobody took it as an issue of lack of respect for the rule of law. The trickle down effect of this lack of respect for the rule of law is resulting in anarchy. For those who have never been to conflict areas, the signs of anarchy are three; increased insecurity, increased number of vigilante groups, such as the ones we have been hearing about in the Coast Province or the Baghdad Brothers, and increased crime against defenceless people such as the defilement of children.

I will not belabour the point that the President did not raise the issue of insecurity in his Speech. I went to school in the neighbourhood where the President lives and I know that it is an excessively safe area. I hope he ignored that aspect in his Speech because he and the rest of Kenyans hope that Mr. Michuki will do a better job than his predecessor.

Mr. Temporary Deputy Speaker, Sir, maybe I have been too harsh on the Government. Let me highlight a few things that have taken place that I would like to congratulate the Government on. I would like to congratulate the Government on the Somali Peace Agreement and the Sudanese Peace Agreement.

**Mr. Salat:** It is Nyayo who did it!

**Ms. Abdalla:** Mr. Temporary Deputy Speaker, Sir, I agree with Mr. Salat who is saying that, that was done by Nyayo, but it was concluded during the Ninth Parliament. The only problem I had with the signing of those agreements was the poor protocol which was presented by our Ministry of Foreign Affairs. While working for an international organisation, we all agreed that the most effective Ministry in Kenya was the Ministry of Foreign Affairs. That is no longer the case. The leadership in that Ministry needs to pull up its socks, so that it can brush up on its protocol.

Mr. Temporary Deputy Speaker, Sir, the last one is on the Isiolo/Addis Ababa Road. I am happy, for once, that international business has finally highlighted the need for this road to be tarmacked, so that Kenyans can benefit from eight million businesses.

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

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, shukrani kwa kunipatia nafasi hii na mimi nitoa mchango wangu juu ya Hotuba ya Rais.

Ningetaka kugusia kidogo juu ya nia ya Serikali ya kuhuisha uchumi. Lakini kabla niongee kuhusu kuhuisha uchumi, ningetaka kuongea kuhusu haja ya kuhuisha Serikali kwa sababu, uchumi unaweza tu kuhuishwa na Serikali. Ukitazama Serikali vile ilivyo wakati huu, utaona kuwa inahitaji kuhuishwa. Unaelewa kwamba Wabunge tunaletewa matatizo chungu nzima wakati tuko nyumbani. Tunaletewa matatizo kuhusu maji, maswala ya afya na usalama. Kila aina ya tatizo linaletewa Mbunge. Jambo hili linafanyika kwa sababu Serikali na miundo yake haifanyi kazi tena. Serikali imekuwa ni pahali pa kuchumia kwa wafanyakazi. Pamekuwa ni pahali pa sisi kwenda kuomba huduma, na wakati mwingine kuzipata baada ya kutoa hongo. Serikali imekuwa bwana mkubwa badala ya kuwa mtumishi. Idara na huduma za Serikali zimekufa na zingine ni mahututi. Kwa hivyo, kuna haja ya kuhuisha Serikali kabla ya kuongea kuhusu kuhuisha uchumi.

Kabla ya kuhuisha Serikali, ni lazima tuhishe Urais katika nchi hii. Ni wazi kwamba hakuna mtu mwingine ambaye anaweza kuhuisha Serikali isipokuwa Rais. Ukichukua Serikali kama mwili, unaweza kulinganisha urais na kichwa cha binadamu. Katika mwili, tunajua kuna roho, tumbo, miguu, makucha na viungo vingine. Ukiangalia kiwiliwili hicho cha Serikali, utaona kuwa kichwa ndicho muhimu zaidi na ndicho kinafanya ile kazi muhimu zaidi.

**Mr. Onyancha:** Bw. Naibu Spika wa Muda, nimesikia mwenzangu akisema kwamba Urais katika nchi hii unapaswa kuhuishwa. Kuuishwa kitu ni kukifanya hai. Ni haki kwa mhe. Wamwere kusema kwamba Urais katika nchi hii hauko hai?

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, ninatumia lugha ya mafumbo. Nasema kwamba ni lazima Urais upewe nguvu. Ni wazi ya kwamba watu hawamchagui Rais awe mfalme wa mchwa. Anachaguliwa afanye kazi. Kazi hiyo ni kazi ya kuchagua Mawaziri weredi na kuhakikisha ya kwamba kodi inakusanywa na baada ya kukusanya kodi hiyo, wananchi wanapewa huduma. Ni kazi ya Rais pia kuhakikisha ya kwamba amewaunganisha Mawaziri wake katika Baraza la Mawaziri. Ni wazi kwamba watu wamechoka na vita ambavyo vinaonekana kila siku katika Baraza la Mawaziri. Ni lazima Rais awekee Mawaziri wake maadili na miiko ambayo wakiivunja watafutwa kazi. Sikubaliani na wale ambao wanasema Waziri akiruhusu ufisadi katika Wizara yake, hana uajibikaji. Waziri akiruhusu ufisadi kufanyika katika Wizara yake ni lazima asimamishwe kazi kama Katibu wa Kudumu katika Ofisi ya Rais alivyofanyiwa. Ni lazima watu wote wawe chini ya sheria moja.

Ni lazima Rais atuongoze katika kila jambo. Tumejionea wenyewe hali ya wasiwasi. Wakati kuna jambo linaongewa na Rais hajatoa msimamo wake, nchi nzima inakuwa katika hali ya wasiwasi. Wananchi wanataka kujua msimamo wa Rais katika jambo fulani. Hiyo ndio kazi ya Rais ambayo Waziri, Bw. Spika au mimi, hatuwezi kufanya. Kwa hivyo, Rais ana wajibu mkubwa. Hivi juzi nilimuona Mama wa Kwanza Nchini, Bi. Kibaki alipokuwa ameenda kutazama hali ya wachuuzi kule Ngara. Nilishukuru sana kumuona mama yule akienda kuwatazama wale wananchi masikini. Lakini hiyo haikuwa kazi yake. Hiyo, ilikuwa ni kazi ya Rais. Rais ndiye alitakikana kuzuru huko Ngara ili ajue ni mambo gani yanafanyika kule.

Wengine wetu tumechoka. Unamtafuta Waziri mchana kutwa lakini huwezi kumuona. Serikali imo katika semina ambazo haziishi. Si kazi ya Serikali kushinda katika semina. Ni kazi yake kuhakikisha ya kwamba imetoa huduma. Mara nyingi ninajuliza: Rais huyu anataka akumbukwe kwa jambo gani? Tunapomfikiria Hayati Mzee Kenyatta, tunajua ya kwamba aliwasaidia matajiri kutajirika zaidi. Tunapofikiria juu ya Rais Mstaafu Bw. Moi, tunajua alifanya vivyo hivyo. Ningependa kumuomba Rais wetu ajitengenezee kumbukumbu kama Rais ambaye aliwasaidia maskini.

Tunapongea juu ya kuinua uchumi tunaongea juu ya kuimarisha uchumi wa masikini kwa sababu huo ndio umesambaratika. Uchumi wa matajiri ni timamu. Hawa watu hawana cha kulalamikia. Ukiwa na Kshs20 billioni zako, utalalamikia nini? Wanaolalamika ni wale ambao hawana chochote. Ningetaka Rais ajue ya kwamba haitoshi kukuza uchumi peke yake. Ningetaka pia kumkumbusha methali isemayo: "Kuvua numbi si kazi, kazi ni magawioni." Kukuza uchumi ni jambo rahisi. Lakini kuhakikisha ya kwamba kila mtu anachuma kitu kutokana na huo uchumi ndio kazi kubwa. Hiyo ndiyo Rais anatakiwa ashughulikie kwa kuhakikisha ya kwamba mshahara wa chini umeinuliwa kutoa dola moja hadi mbili au tatu. Anafaa pia kuhakikisha ya kwamba wale ambao hawana mashamba wamepata. Ni jambo la kustaajibisha kwamba kutoka Naivasha hadi Nakuru ni shamba la mtu mmoja anayelitwa Delamare. Hivi majuzi tuliambiwa mtu hawezi kuwa na shamba ndogo kuliko ekari mbili unusu. Kwa nini hatuambiwi ya kwamba mtu hawezi kuwa na shamba zaidi ya ekari 10,000.

Yale mambo ambayo viongozi wetu wanaruhusu yawepo hapa yanafanya niamini ya kwamba wengi tukifa tutakwenda moja kwa moja hadi jehenamu. Hii ni kwa sababu tuna ulafi ambao umezidi. Mtu anataka ardhi kiasi cha wilaya mzima afanyie nini? Tunataka wale ambao hawana kazi wafanyiwe mpango wa kupata kazi. Ningetaka kulikumbusha Bunge hili ya kwamba kuna wakati Hayati Mzee Kenyatta alianzisha mpango wa Tripartite Agreement uliosema ya kwamba kila muajiri aajiri asilimia 10 au zaidi ya watu maskini.

Bw. Naibu Spika wa Muda, jambo lingine ni kwamba Wizara ya Leba imeanguka vibaya sana. Kuna watu katika nchi yetu ambao wamekaa miaka kumi bila kupewa mishahara yao. Miaka kumi! Mwaka mmoja, miwili, mitatu hadi miaka kumi na mtu hajapewa pesa zake. Kwa mfano, shamba moja kama Banita linadaiwa zaidi ya Kshs100 milioni. Mashamba katika eneo langu kama Kentmare, Ampiva na Ng'enda yamekataa kulipa watu mishahara yao. Unashindwa ni kwa nini! Ikiwa Serikali haiwezi kuhakikisha watu wake wamepata mishahara yao, kazi yake ni nini?

Bw. Naibu Spika wa Muda, hayati Mzee Jomo Kenyatta alikuwa anahakikisha kwamba bei za

bidhaa muhimu zinalindwa. Bei za unga, sukari, mafuta taa, mbolea na maji zilikuwa zinasimamiwa na Serikali. Maji siku hizi yako ghali kuliko petroli. Serikali inatakiwa kusimamia pia nauli ya *matatu* na ushuru wa nguo. Tunataka kodi inayotozwa *mitumba* ipunguzwe. Vipuri vya magari havinunuliki. Kwa hivyo, tunataka bei zisimamiwe.

Bw. Naibu Spika wa Muda, nikimalizia, nataka kuongea juu ya ufasidi. Ningetaka kumuuliza Mhe. Rais maswali machache. Kwanza, ningetaka aniambie: Kwa nini anafikiria atamshinda simba wa ufasidi kwa kumpiga na fimbo badala ya kumpiga risasi? Kwa nini Mhe. Rais anafikiria kwamba anaweza kumkamata mbuzi wa raia aliyeibiwa na Mawaziri wake, kama anamtafuta huyo mbuzi pamoja na wale walioiba huyo mbuzi? Mhe. Rais anafikiria anampataje simba wa ufasidi kama anamwinda na mbwa kibogoyo ambaye kazi yake ni kutabasamu na kutikisa mkia?

Kwa hayo machache, naunga mkono Hoja hii.

*(Laughter)*

**Mr. Biwott:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this debate. What we need most in this country today is what the President mentioned on page 14 of his Speech. On that page, he calls for unity of purpose of our leadership and creation of an enabling environment to unleash the energies of our people. Those energies should be released to work for us and enable our leadership, at any level, to focus their attention on Kenya. It should also help us look at this country and its people as one, and work for the good welfare of this country irrespective of other considerations. If there is anything that is not right, and that is growing and developing, is the tendency to move towards our own ethnic communities and private interests, and then mirror those interests to confuse national interests.

Mr. Temporary Deputy Speaker, Sir, Kenyans needs to rise above that and work for this country. They should not work for their individual interests. If we can achieve that, we will have a "meeting of minds" which will provide us with the unity that we need to enable us to move forward. Indeed, that unity of purpose used to exist. If you read contributions that were made by our leaders in the past, it becomes very clear that earlier leaders had a purpose. They valued our Independence and worked for this country. Because of that, we were able to achieve quite a lot.

Mr. Temporary Deputy Speaker, Sir, it is, therefore, important as we move to the final stages of concluding our Constitution, that we look at that Constitution in terms of what is good for Kenya and abstract ourselves from communal interests or our individual benefits in that Constitution. If we did so, we will provide Kenya with a Constitution which will last for two centuries if need be, instead of amending it for the purpose of amending it. We should also avoid the temptation to amend our Constitution piecemeal. I think we should resolve to deal with the constitutional dispensation that we are trying to make now so that we deal with all the issues at once and give Kenyans a Constitution that will cater for every aspect of our society which needs to be covered by the Constitution.

Mr. Temporary Deputy Speaker, Sir, sometimes I wonder whether the Parliamentary Select Committee (PSC) is still relevant today or whether the work which is done by the PSC should not revert to the Administration of Justice and Legal Affairs Committee of this House. I say so because when we created PSC we were looking for a "vehicle" which will provide a bridge between this House and the Constitution of Kenya Review Commission (CKRC) and Bomas because the creation of the PSC and the CKRC were meant to operate independently and there was no link between this House, the Government, CKRC and Bomas. In fact, it was hon. Raila who came up with that Motion which enabled us to bridge the gap between us and the CKRC and that is why he became the vice-chairman. Today, Bomas is not there. The CKRC is no longer effective. So, who are the PSC relating to? Has it not degenerated into a committee which is perpetuating a job which was meant to be done by a specialised organ in a bridging arrangement? This is because it is very important---

**The Minister for Roads and Public Works (Mr. Raila):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Of course, I am listening attentively to Saul becoming Paul on the way to Damascus. However, is hon. Biwott in order to mislead the House that the PSC has outlived its usefulness when the PSC itself is actually created by the CKRC Act and not just a mere committee of the House?

**Mr. Biwott:** Mr. Temporary Deputy Speaker, Sir, if there is a Saul who has turned Paul, I think it is hon. Raila himself and not Nicholas Biwott, and I think he needs to become Paul and not Saul.

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, I am saying this because I am conscious and I participated in all the debates including the recent one through which we gave a new mandate to CKRC but I sometimes wonder whether that mandate is going to help this country to get a Constitution which is devoid of communal and personal interests which are endangering the success of this process. I think we need a dedication which will enable us to get a Constitution. We need this constitutional dispensation so that we can implement the devolution provisions which we were agitating for. In that devolution we will be able to see an enhancement of direct funding of projects in the districts or in the devolved institutions because we have seen the benefits of devolution or funding projects directly to the districts. This has been evidenced from the CDF which is working very successfully and I would like to commend hon. Eng. Muriuki who actually thought about it.

Mr. Temporary Deputy Speaker, Sir, we have also seen the impact of Local Authorities Transfer Fund (LATF), the Constituency Development Fund (CDF), the Roads Maintenance Fund and the Constituency HIV/AIDS Control Fund. This is really the kind of funding that we need in order to build this country. There is urgent need to close the gap between the rich and the poor. If you go round the country, you will realise that there are so many Kenyans who can hardly afford to pay school fees for their children or pay for anything. So, there is an urgent need to plan well so that everybody involved in development efforts works efficiently through active participation. That way, we will enhance development and enable people to work harder in order to bridge the gap between the rich and the poor. We will not succeed in any form of planning if the standard of living of the people at the bottom is not raised up. We need to raise their living standards from the poverty line to the middle class. At this level, they will be able to invest and thereby create employment.

Mr. Temporary Deputy Speaker, Sir, the question of land is a burning issue which needs to be handled with care. It needs to be handled appropriately and within the set procedures anchored in law so as not to raise the emotions of people. I think it is incumbent upon every leader to encourage people to solve conflicts amicably. Our people need to understand one another and avoid any clash or tendencies that might create tension and disunity because we need peace and unity in this country.

Perhaps, the most glaring omission in the President's Address is the issue of security and yet security is a very important factor in ensuring that there is peace and stability in the country. We, therefore, need to talk loud on peace and security and to focus more on the welfare of the providers of that security; for example, the welfare of the policemen and the judicial staff who administer law and justice. We should not leave them in a disgruntled situation; otherwise they will not be able to administer the law properly. The recent strike by magistrates is a case in point. It is a symptom of something that needs to be addressed seriously.

Mr. Temporary Deputy Speaker, with regard to development, we need to put more emphasis on New Partnership for African Development (NEPAD) and, perhaps, take the British on, on the proposal that they have made. We should demand from NEPAD and the British what we ourselves feel ought to be the case. We should set the targets for ourselves and see if they can fulfil.

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

**Dr. Manduku:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute on the Presidential Address. In my view, it was a balanced Speech. However, I found a problem in his statement that this country must develop. This country needs a special environment to develop. It cannot develop in an environment full of insecurity. Therefore, much as the President put emphasis on development, he should address the question of insecurity. There is no need of farmers to struggle to improve their farms and earn good money when at the end of the day they are not able to use the money because they are attacked and killed by thugs. Security is, therefore, very important.

Mr. Temporary Deputy Speaker, Sir, businessmen are harassed a lot. I remember some 10 or 20 years ago, here in Nairobi, young men used to go to night clubs up to past midnight and still walk to their homes safely. Today, that cannot happen. During those days, gentlemen would go to bars and chat with friends while having a drink, but today you cannot see any of that in Nairobi or anywhere else in the country. This is simply because security is out of place and people are living in a lot of fear. For example, the good farmers who used to farm in the settlement areas of Sotik have abandoned their farms, simply because they know that, after they have earned their living at the end of the day, some people will come disguised as policemen in the night and beat them up, rape their wives and children in front of them and shoot them dead or leave them to die. The Government should put more effort in dealing with this insecurity.

Mr. Temporary Deputy Speaker, Sir, there are many ways you can deal with insecurity. We know that the Minister of State in charge of Provincial Administration and National Security has come up, whether rightly or wrongly, to say: "Shoot those fellows". Yes, after you have been affected, you can say: "Yes, shoot them". But there are many other measures the Government should institute to make sure that the security of this country has been maintained. For example, we had a notorious problem in Kisii, whereby young men and people used to be hired to break into houses and kill people and take their property, but some areas organized vigilante groups, which have worked very well. We would, maybe, ask the Government to institute such kind of groups in most parts of this country because these young fellows in the villages will always know and will identify the wrong person in the locality. In this way, they may either apprehend such people when they are involved in this kind of thuggery, or they may report to the police, who may come in time to assist before the thugs cause a lot of damage. So, there are many other ways in which the Government should come in to assist.

In the same way, there is community policing, which should also be instituted because we should not only rely on the policemen to come round. Sometimes, they scare our people. In some areas, you will find policemen patrolling in their Landrovers scaring people, because they think they are coming to look for *chang'aa*, and in this respect, they cannot even be able to tell them where the thugs are! So, the local people can help in curbing insecurity.

One thing I should say, Mr. Temporary Deputy Speaker, Sir, is that the Government has done very well with the assistance of this House to bring development to our people. The Constituency Development Fund (CDF) is something that is going to turn around the development of this country. We have used a bit of it now; only Kshs6 million, Kshs10 million or Kshs15 million, and when you go to the villages, you can see a lot of difference; something which never used to happen, and we are going to use only 2.5 per cent of the Gross Domestic Product (GDP). There are people in the localities who are writing in the newspapers and questioning the use of this money. They do not want to question where 97.5 per cent of the GDP is used, but they are just questioning the 2.5 per cent, which Parliament has fought to get to the people in the constituencies! Our people should be sober minded and they should also understand that when we are doing that development, it cannot be done all at the same time or at once in the whole constituency. We should start doing it gradually and it will reach every area. We have seen many people writing in the newspapers criticizing that the Members of

Parliament are partisan in the use of that money. Yes, they may be partisan, but at the end of the day, the whole constituency is going to have some development. I remember in my constituency, for example, I have up to now put up three health centres in various areas. This is something which has never happened for many, many years. We have not seen the Government putting up health centres! We have put up new classrooms for primary and secondary schools using those funds. This is the first time that students in my constituency are learning how to use computers. Those students will know how to use computers before they join public universities where they will meet students from Alliance and Mangu national schools which offer computer classes. This will enable them compete effectively with students from other areas. Therefore, the Constituency Development Fund (CDF) is doing many wonderful things. However, there is nothing good that will go without being criticised.

Mr. Temporary Deputy Speaker, Sir, we have many enemies in our constituencies. All my political competitors are there watching. The other day my good friend, who was a former Minister for Health, asked me how I have spent the HIV/AIDS money. This is the case and yet he knows very well, as a former Minister for Health, that this money is disbursed through community-based organisations (CBOs). Cheques are written to the CBOs and hon. Members of Parliament have nothing to do with that money.

*(Applause)*

So, he should ask the CBOs how they use that money. If the CBOs misuse the money, we will ask the National AIDS Control Council (NACC) to check why they are not auditing them. Therefore, anybody who reads these reports in the newspapers, and I have seen many which are against me this week, should understand that those are my political opponents who want to take the seat from me in the next general election, but they will not have it easy. Our opponents should give us easy time to develop our constituencies and use the CDF which we have fought for. I am sure these funds will change Kenya.

Mr. Temporary Deputy Speaker, Sir, let me digress a bit and talk about the health sector. This sector is in problems and this will destroy our economy. The Government should work day and night to make sure that health facilities in this country are improved. Recently, the Departmental Committee on Health, Housing, Labour and Social Welfare visited the whole country to assess what the Government is offering. We were surprised that some hospitals are in a pathetic situation.

We visited Wajir District Hospital. I do not know how the people in that district survive because there is no hospital there. They took us to some makeshift structures and told us that it is a hospital and yet the hospital has been in existence since the 1940s. The Government has not done anything to improve that hospital. Next year, we should be allocated 10 per cent of the CDF so that we can use it to put up hospitals in our constituencies. This is because we are the people who know the areas which should be given the first priority in our constituencies. Since the Ministries do not know the priorities of the people of Wajir District, the people of that district should be allowed to develop it. Mr. Temporary Deputy Speaker, Sir, we also visited Kakamega Provincial Hospital. Have you ever seen a fallacy of a hospital? This is the case and yet it is from that area that we have had Ministers for Health. The first Minister for Health, Mr. Otiende, was from that area. Another Minister for Health, the late Angatia, was from there. We have never seen a hospital in a pathetic state like Kakamega Provincial Hospital. That hospital should not be a provincial hospital because there is nothing there and the Chair is aware of this. Those are the pavilions which the *Mzungu* constructed in 1920 and are not painted. The footpaths between the wards are in a pathetic state and the nurses cannot wheel the patients to the wards. I worked in that hospital 30 years ago and the conditions were much better than they are now. I know of a radiologist who was posted to that hospital recently and she resigned from the Government. You cannot work under those conditions.

Mr. Temporary Deputy Speaker, Sir, I want to finish my contribution by urging the Government and the Ministry of Health to rehabilitate those facilities so that our people can secure good health care.

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

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

### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Mr. Salat, the Chair will consider giving you a chance when the House resumes this afternoon because I have noticed you.

Hon. Members, that concludes the business on the Order paper. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.