

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 7th December, 1995

The House met at 2.30 p.m.

[*Mr. Speaker in the Chair*]

PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No. 1144*

DISAPPEARANCE OF MR. NANGA

**Mrs. Asiyo** asked a Minister of State, Office of the President:-

- (a) if he is aware that Mr. Godfrey Alwar Nanga disappeared while stationed at Mwingi Police Station, where he was working as a Police Officer on 2nd April, 1980;
- (b) what efforts the Government has made to trace the whereabouts of the officer and under what circumstances he disappeared; and
- (c) if the officer cannot be found, if he will then compensate his family because he disappeared while in active service.

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

- (a) Yes, I am aware although the correct date of the disappearance is 4th February 1980, and not 2nd April 1980. This Godfrey Nanga disappeared while pursuing armed bandits in Kaningo area of Mwingi District.
- (b) All efforts have been made to trace him, but without success.
- (c) Pension claim forms, GP178 and GP213, in respect of Nanga, were prepared by our Ministry and delivered to the Director of Pensions in the Ministry of Finance, on the 25th of April, 1988.

**Mrs. Asiyo:** Mr. Speaker, Sir, when such a young officer dies in active duty, one would expect that the Ministry would react with speed and save the family from problems that usually follow after the bread winner dies. Why has it taken the Ministry so many years to give the family whatever Mr. Nanga's dues were?

**Mr. Awori:** Mr. Speaker, Sir, I concur entirely with the sentiments of the hon. Lady Questioner. We cannot presume someone to have died, if we cannot find a body, until after seven years. It is only after seven years that we file the claim forms that were sent to the Director of Pensions. I agree entirely that, from 1988 to date, is a very long time and I would like to assure the hon. Lady Questioner that, I am going to take up this matter personally. As far as our Ministry is concerned, once we have completed the forms, and sent them to the Director of Pensions, unless there is a query from the family, we normally assume that they have been processed.

**Mr. Anyona:** There is an increasing number of cases of Police Officers disappearing mysteriously. I have a case of Mr. Andrew Mangwa Nyang'au, Personal No. 48629, who has disappeared since April this year. Can the Minister tell us what procedures are in place to deal with cases of this kind? Do you just forget them and leave them to the family or what do you do, as a Government?

**Mr. Awori:** Mr. Speaker, Sir, depending on the area where the disappearance occurred, we signal all the Police Stations and Police Posts and ask them to make inquiries. In fact, we make inquiries right across the country. Sometimes if the officers disappear mainly in banditry areas, we assume that they have been killed by bandits and their bodies taken away.

**Mrs. Asiyo:** Mr. Speaker, Sir, while I appreciate the concern that the Minister has just shown, I would like to find out why the Ministry did not pay Mr. Nanga's dues to the family, like the salary that was due to him as well as any leave allowance that should have been paid?

**Mr. Awori:** Mr. Speaker, Sir, when a person disappears and we do not know where he is, we cannot release any payment due to him until all the inquiries have been exhausted. But, as I have assured the hon. Lady, I am going to follow up this matter, irrespective of the recess of this House or not.

**Mr. Speaker:** Next Question, Mr. Kinyua Mbui.

*Question No. 994*

## PAYMENT OF PENSION BENEFITS

**Mr. Speaker:** Mr. Kinyua Mbui is not around? Next Question, Mr. Ogeka.

*Question No. 1061*

## SALE OF COMPANY SHARES

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

- (a) whether he is aware that the sale of 51 per cent shares of Miwani Sugar (1989) Company to Somaia Group was not paid for and the agreement thereto not drawn up;
- (b) if the answer to (a) above is in the negative, if he could inform this House, the sum of money paid, and table the sale documents drawn thereto; and
- (c) if he could consider taking over the Company and appoint a firm of Management Consultants to manage its affairs until the ownership is sorted out.

**The Assistant Minister for Finance** (Mr. Koech): Mr. Speaker, Sir, I beg to reply.

(a) It is not correct to say that no money was paid or agreement made in the sale of Miwani Sugar (1989) Company. The sale of 51 per cent shares, equivalent to 1,071,000 shares of Kshs20 each to M/s Venuses Associates Incorporated, where Somaia has an interest, was paid for as per the agreement made between the Kenya Government and M/s Venuses Associates Incorporated dated 21st February, 1991.

(b) The amount paid for the 51 per cent of the shares was Kshs21,420,000, and the purchaser also issued in favour of the Government of Kenya a guarantee in the sum of Kshs354 million, relating to and in respect of the promissory notes. This was also included already in the Memorandum and Articles of Association.

(c) I cannot consider taking over the company, as it is still under a five-year technical management agreement with effect from 21st February, 1991, with M/s Venuses Associates Incorporated

**Mr. Ogeka:** Mr. Speaker, Sir, I thank the Assistant Minister for fumbling with efforts to answer my Question. Could the Assistant Minister lay on the Table documents so signed and the payment notes and the sales-cum agreement note confirming that the payment was made and the agreement was made? As far as I am concerned, none does exist both in the Ministry of Finance or anywhere in the archives of the Republic of Kenya. Could you lay the documents on the Table?

**Mr. Koech:** I have read the agreement but I do not have it here. I would like to assure the House that there is an agreement relating to what I have said.

**Dr. Lwali-Oyondi:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to tell the House that he read something yet he has been asked a specific question, to lay the documents on the Table? He could have read the wrong thing! Could he lay it on the Table?

**Mr. Koech:** I do not know whether the hon. Member followed what I said. I said that I do not have the agreement here with me. But I have read the agreement and there was an agreement which was made and that is exactly what I have said.

**Mr. Anyona:** I do not think the Assistant Minister should be allowed to get away with this one---

*(Loud consultations)*

**Mr. Speaker:** Order! Order hon. Members. We should hear what the hon. Member is saying. What is it, Mr. Anyona?

**Mr. Anyona:** Mr. Speaker, Sir, I do not think the Assistant Minister should be allowed to get away with this one. The question is specific. He is required to Table a document and he now comes and says he does not have it which means he was not prepared to come and answer this Question. Would you be satisfied that the Assistant Minister is really answering this Question fairly when he fails to Table the document which he is asked for in the Question?

**Mr. Speaker:** No! I am not. It says: "Will the Minister Table the sale agreement?"

**Mr. Koech:** That is a supplementary question raised by an hon. Member but not the original question!

**Mr. Speaker:** That is the original Question! The original Question reads in (b):

"If the answer to "a" above is in the negative, can the Minister inform this House, the sum of

money paid and Table the sale documents drawn thereof?"

**Mr. Koech:** Mr. Speaker, Sir, I must apologise, that was an oversight but I read the agreement---

**Mr. Speaker:** Very well, proceed.

**Mr. Koech:** There is an agreement, and if the Member is still interested, when we come back I will lay it on the Table.

**Mr. Ogeka:** Mr. Speaker, Sir, the situation in Miwani leaves a lot to be desired, including the debts that have not been paid to date. I am even doubting the share value which amounts to Kshs1,071,000, given the 4,000 acres of land and the factory itself. At the same, time, the rate at which the employees have been victimised, can we, with due respect to the Assistant Minister, through you, get the agreement drawn and the sales document laid on the Table of this House for the entire House to look at it for authenticity?

**Mr. Speaker:** For practical purposes, Mr. Ogeka, I would make a very futile order if I did, knowing as I do, and looking at the Order Paper, if the House is going to agree to the Motion of Adjournment, it would be futile for me to order the Assistant Minister to bring an agreement which he says he does not have now. Where will he take it when the House is not sitting? Maybe you can follow up the matter next time. Next Question!

*Question No. 1142*

FUNDS FOR IRRIGATION SCHEME

**Mr. Farah**, on behalf of **Mr. Arte**, asked the Minister for Agriculture, Livestock Development and Marketing the amount of money allocated to Masalani Irrigation Scheme for the year 1995/96.

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Mr. Maundu): Mr. Speaker, Sir, I beg to reply.

Masalani Irrigation Scheme stopped operating in 1970 and is therefore not funded in the 1995/96 financial year.

**Mr. Farah:** Mr. Speaker, Sir, it is unfortunate because this is an irrigation scheme that was initiated by the Government. When was the Irrigation Scheme initiated, how much money was spent on it and why was it stopped?

**Mr. Maundu:** This scheme was initiated in 1970 by FAO and UNDP but during the process of implementation, it was discovered that this was a difficult scheme to proceed with because the soils are very saline and the pumps that were installed at that time for purposes of assisting the farmers were difficult and expensive to maintain.

**Dr. Lwali-Oyondi:** Could the Assistant Minister tell us whether there were any feasibility studies before this scheme was initiated by the concerned bodies?

**Mr. Maundu:** Indeed, there was a feasibility study but the scheme as I have stated fell into problems in the process of implementation.

**Dr. Kituyi:** Arising from the latest reply from the Assistant Minister, the purposes of a feasibility study in an irrigation scheme is to establish the suitability of the water source and the soil. The salinity of that soil should have been known at the stage of the feasibility study. Why did the Government proceed with the project after the feasibility study? Or was it one of those traditional white elephants?

**Mr. Maundu:** Once a feasibility is carried out, you cannot forecast what problems might arise as a result thereof. Therefore, in the process of implementation, a problem arose and the most acute problem was that of the pumps which were found to be expensive. This was a project funded by FAO and UNDP as I have stated and therefore the problem of salinity became a secondary problem.

**Mr. Farah:** Mr. Speaker, Sir, it is very sad because we are getting very, very unprofessional answers on Questions that are supposed to be given professional answers. The salinity affects only a few hundred meters of the land after the River. People have set up their own small-scale personal irrigational schemes and they are doing very well. Can the Assistant Minister tell us exactly why they did not make any efforts to extend the irrigation a little bit more into the interior and see how they could help those people establish themselves in an integrated agricultural concept because it was designed to help those pastoral nomadic people to make use of the river and to give them an agricultural life. Why was it not done?

**Mr. Maundu:** Mr. Speaker, Sir, this is an area which was considered very suitable for irrigation purposes, and to operate as a pilot scheme for the farmers in that area. But when this scheme fell into problems like lack of pumps and other equipment, which became very expensive, it was abandoned. Nevertheless, this

scheme is still prioritised and the DDC within the area has ranked it Scheme No. 69 out of 75. But their current priority is a scheme called Kotire which is being established, and we will soon start working on your scheme.

**Mr. Farah:** On a point of order, Mr. Speaker, Sir. Did the Assistant Minister expect to get free pumps for irrigation in that place? You have to irrigate something by buying pumps. Why do you say now that the pumps were expensive? Pumps are expensive wherever you take them. Right across the River on Bura Scheme, there is a project which has been going on for many, many years. What is the cost of those pumps and why do you think it is prohibitive?

**Mr. Maundu:** Mr. Speaker, Sir, the pumps were put in place, but they were expensive to maintain.

*Question No. 1063*

WATER SHORTAGE IN LAMU

**Mr. A. Mohamed** asked the Minister for Land Reclamation, Regional and Water Development:-

- (a) how much money the Ministry has allocated for the construction of a dam (Japiya) at Ishakani Village in Kiunga Division, Lamu District;
- (b) whether he is aware that this water facility is not serving the people of Ishakani Village and that the residents continue to experience serious water shortage; and,
- (c) what steps the Ministry is taking to alleviate this water shortage.

**The Assistant Minister for Land Reclamation, Regional and Water Development** (Mr. Ligale): Mr. Speaker, Sir, I beg to reply.

(a) The Ministry, with the assistance of the International Fund for Agricultural Development (IFAD), has allocated Kshs.2.78 million for rehabilitation and construction of the non-operational gabeers in both Faza and Kiunga Divisions with effect from January, 1996.

(b) I am aware that the gabeer servicing the people of Ishakani Village is inadequate and the residents of Kiunga Division are experiencing water shortage.

(c) In order to alleviate the said water shortage, my Ministry intends to do the following:

- (i) To urgently rehabilitate the two non-operational gabeers.
- (ii) To look for more funds to rehabilitate the remaining two gabeers.
- (iii) To construct more gabeers and prioritise roof catchment and storage technologies in the area.

Mr. Speaker, Sir, I would like to further urge the hon. Member to subsidise these efforts, by mobilising his constituents, through the Harambee spirit to raise additional funds to enable construction of more gabeers as they are required.

**Mr. A. Mohamed:** Thank you, Mr. Speaker, Sir. While I appreciate the answer and concern given by the Assistant Minister to allocate Kshs.2.78 million for next year, my Question was: How much money did the Government allocate for this specific Ishakani gabeer?

**Mr. Speaker:** What is a gabeer?

**Mr. A. Mohamed:** It is a water catchment. I believe that the money which was allocated has been misappropriated by the contractor and the administration. Can the Assistant Minister answer part (a) of the Question, which he failed to answer?

**Mr. Ligale:** Mr. Speaker, Sir, I am not aware of money having been misappropriated. The money I am quoting here is for this Financial Year, 1995/96. It will become available in January, 1996, but within this Financial Year.

**The Assistant Minister for Labour and Manpower Development** (Mr. Ali): Mr. Speaker, Sir, I do not know why the Assistant Minister is misleading the House---

**Mr. Speaker:** Who are you? Are you, Mr. Amin Mohamed?

*(Laughter)*

**Mr. Speaker:** Order! Order! Are you not the Assistant Minister for Labour and Manpower Development?

*(Laughter)*

**Mr. Speaker:** Order! Order! Order! Let me get to the bottom of this matter. Are you not the

Assistant Minister for Labour and Manpower Development?

**An hon. Member:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Are you an Assistant Minister?

**Mr. Ali:** Yes.

**Mr. Speaker:** Have you resigned?

**Mr. Ali:** No.

**Mr. Speaker:** Very well.

*(Mr. Ali sat down)*

**Mr. A. Mohamed:** On a point of order, Mr. Speaker, Sir. The Question is:

(a) How much money has the Ministry allocated for the construction of a dam (Japiya) at Ishakani Village in Kiunga Division, Lamu District?

Can the Assistant Minister answer that Question? How much money did the Government invest on that gabeer last year?

**Mr. Ligale:** Mr. Speaker, Sir, I have said that we have allocated Kshs.2.78 million during this Financial Year.

**Mr. Falana:** On a point of order, Mr. Speaker, Sir. You missed something. What actually disturbed the Assistant Minister hon. Ali was to see another Assistant Minister in the same Government standing up to ask a question. How much money has been allocated? The Question was not on what they intend to allocate in 1996? The Questioner has facts that the money allocated was diverted elsewhere. However, the Assistant Minister is refusing to respond to that. That is what has

[**Mr. Falana**]

prompted hon. Ali to stand up. Could the Assistant Minister respond to that and tell this House how much money was allocated and how much has been "eaten"?

*(Laughter)*

**Mr. Ligale:** Mr. Speaker, Sir, I do not know what this excitement is all about. I have stated and I will state again here now.

**An hon. Member:** You do not understand the Question!

**Mr. Ligale:** No. The Questioner is asking: How much money has been allocated? I am saying that the amount of money which has been allocated, but which will be made available in January, 1996 is Kshs.2.78 million. That is the money which has been allocated and it will become available in terms of disbursement in January, 1996.

**Mr. Farah:** Mr. Speaker, Sir, the Assistant Minister seems to be withholding very important information here. The project is very clearly known to be an old project. The Assistant Minister did not say how much was allocated for 1995/96. He merely said how much was allocated to that. Which means he wants to know how much had been allocated last year, 1994/95 or 1993/94, and how much of that has gone into the project and how much has been "eaten" by your own Ministry and other corrupt contractors.

**Mr. Ligale:** Mr. Speaker, Sir, no money was allocated in 1994/95 Financial Year.

*Question No.1147*

#### CONSTRUCTION OF BRIDGE

**Mr. Manoti** asked the Minister for Public Works and Housing:-

(a) whether he is aware that the bridge on Road D206, Igembe-Nyamache Road, to Nyamache Tea Factory has broken down and tea from tea buying centres is not reaching the factory; and,

(b) if the answer to "a" above is in the affirmative, whether he can allocate some funds and send technical staff immediately to the site to construct this very important bridge.

**The Assistant Minister for Public Works and Housing** (Col. Kiluta): Mr. Speaker, Sir, I beg to reply.

The bridge which is situated about 300 meters from the junction of C17 at Igembe market, Nyamache on D206 broke down on 11th November, 1995. Funds are being sought for reconstruction of the bridge as soon as possible, and in the meantime, traffic is being diverted through Igembe, Ogembo and Igari to Nyamache.

**Mr. Manoti:** Mr Speaker, Sir, this is a very important bridge as far as this road is concerned. This

bridge was constructed before Independence and it was meant for vehicles which weigh less than five tonnes. Heavy commercial vehicles which weigh over 40 tonnes are using the road to carry tea from Nyamache to Mombasa warehouses. It is now more than a month since this bridge broke down. The farmers are forced to pay extra money to transport their tea from the buying centres to Nyamache Tea Factory, which is about 38 kilometres away. Can the Assistant Minister be specific on when the money is going to be available to re-construct this big bridge?

**Col. (Rtd) Kiluta:** Mr Speaker, Sir, I just said the bridge broke down on 11th of last month, and if my mathematics is correct, it is not yet a month. Assessment has already been done, and we reckon we need just about Kshs.800,000.00. Design work is in progress and this bridge should be constructed as soon as we get the money. Otherwise, it just broke down last month.

**Mr. Obure:** Mr Speaker, Sir, this is a sad affair when the Assistant Minister says as soon "as money is available." I was there last night and people are stranded because they cannot pass from one side to the other. Secondly, the President was scheduled to visit Basi and Machoge Constituencies, but because of that bridge, I have been made to understand that the journey of the President cannot take-off. The question is, what are the temporary measures that are being taken by the Government so that the people can be able to cross the bridge from Bobasi to Machoge Constituency?

**Col. (Rtd) Kiluta:** Mr Speaker, Sir, I am not aware that the President is supposed to visit the place and in any case, the President has a lot of other means of going there. For example, he can use a helicopter or he can use the alternative route already provided to the citizens. However,---

**Mr. Obure:** On a point of order, Mr Speaker, Sir. Is the Assistant Minister in order to mislead this House, while knowing very well that the country knows that money was spent from the tea cess to buy the Presidential Jet, which was supposed to arrive tomorrow, but it has not arrived? Even those people who are being trained to man the jet are not yet ready.

**Mr. Speaker:** I do not think you are really on a point of order, Mr. Obure.

**Mr. Anyona:** Mr Speaker, Sir, we who come from that part of the country go through a permanent nightmare of bad roads and broken down bridges. Now, this Assistant Minister is talking about when the money will be available. Can he tell this House, how much money was allocated to bridges generally in Kisii and Nyamira Districts during 1995/96 financial year, and where did that money go?

**Col. Kiluta:** Mr Speaker, Sir, that is a completely different question. But for this particular bridge, I said we estimate that we need Kshs.800,000.00 and that money is being looked for and within two weeks, if money is available, the bridge can be completed.

**Mr. Anyona:** On a point of order, Mr Speaker, Sir. In the Annual Estimates, there is money allocated to a programme called "Bridge Programme" throughout the country and there must be money invested somewhere for bridges in Kisii and Nyamira Districts and elsewhere in the country. The Assistant Minister seems to be in doubt as to whether there is money or not. Where did that money go? How much was it and where did it go? Then, he can take some of it from there and build this bridge.

**Col. Kiluta:** Mr Speaker, Sir, as I said, if that was a part of this Question, I would have come with that answer, I do not have that answer on bridges or the money. But regarding this particular bridge, as I said, we will look for money and do it.

**Mr. Manoti:** Thank you, Mr Speaker, Sir. While appreciating the answer given by the Assistant Minister that money will be available in the next two weeks, what is he going to do to reduce the distance of 38 kilometres in order to save the extra expenses which is being incurred by the farmers, especially this time when other farmers are going on strike and not picking tea? My people are interested in picking their tea and the Ministry is forcing them to incur extra expenditure on transporting tea from buying centres to the factory.

**Col. Kiluta:** Mr Speaker, Sir, as much as I sympathise with the hon. Member, the only alternative route he has at the moment is the one I gave him earlier on, and there is very little we can do about it.

**Mr. Speaker:** Mr Muoki's Question!

*Question No.1076*

REPAIRS TO ROAD B7

**Mr. Kavisi,** on behalf of **Mr. Muoki,** asked the Minister for Public Works and Housing:-

(a) whether is he aware that the Kibwezi-Mutomo-Kitui Road, B7, is currently impassable due

to the heavy rains in this area; and

(b) whether he could take urgent steps to ensure that this Road is passable now that the rains have started.

**The Assistant Minister for Public Works and Housing** (Mr. Mwamzandi): Mr Speaker, Sir, I beg to give the following reply.

(a) I am aware that some sections of the Kibwezi-Mutomo-Kitui Road, B7, are currently impassable due to the on-going heavy rains in that area.

(b) The Ministry intends to grade, reshape and gravel-spot-patch the bad section along the road in question during the second-half of 1995/96 financial year.

**Mr. Kavisi:** Mr Speaker, Sir, while I appreciate the reply given for part (a), the Assistant Minister has avoided to give the answer required in part (b). The question is: What urgent steps is the Ministry taking this time when the rains are going on? Can the Assistant Minister tell this House what steps he is taking this time when the rains are going on, not the question of 1995/96 financial year? We want the steps the Ministry is taking now, so that people from Kitui, who are working in Mombasa can go home. At the moment, they are passing through Machakos or Nairobi, which is a very long way.

**Mr. Mwamzandi:** Mr Speaker, Sir, the urgent step the Ministry is taking is the normal routine maintenance. In any case, we are soliciting for funds amounting to Kshs.185 million, working on the road. On this road, there is a dry river beds and six different crossings which become flooded during the rainy season, and we are looking for this money, so that we can overcome that problem permanently.

**Mr. Gitau:** Thank you, Mr Speaker, Sir. The Assistant Minister says that they are looking for money. This problem of bad and impassable roads is experienced all over the country. Looking at the estimates, in most of those areas like Gatundu, no money was allocated for roads. Would he tell this House where they are looking for the money, noting that the money which had been set aside for Mombasa Road has been withdrawn by the donors? Where else is he soliciting for this money? Can he tell the House?

**Mr. Mwamzandi:** Mr Speaker, Sir, we have so many sources of getting money to maintain our roads. We have the local petroleum levy, which we can use to maintain our roads. We might also look for annual budgetary estimates, so that we can be able to look after the roads properly.

**Mr. Manoti:** Thank you, Mr Speaker, Sir. Sometimes we fail to understand what the Assistant Minister is saying. He says that they are looking for money, while we know that the Government is collecting a lot of money from the petroleum levy every day. Where is that money? Can he tell us where the money is?

*(Applause)*

**Mr. Mwamzandi:** Mr Speaker, Sir, this money is normally collected all over the country, put in a pool and divided into several districts within the Republic. So, this money would not be only for one area, it is for all the districts in this Republic.

**Mr. Kavisi:** Mr Speaker, Sir, it appears the Ministry has no share for Kitui and Ukambani in general. What the Assistant Minister is saying is that he intends to gravel some sections, but the answer he is giving here, is as if he is borrowing money to gravel and do anything else for the whole road from Kitui to Kangundo. Can the Assistant Minister tell this House whether it is not possible to get some money for those small sections, at least, so that the road is passable?

**Mr. Mwamzandi:** Mr. Speaker, Sir, the money required for those sections is not little money, it is a lot of money. I told the House that the money so required would be Kshs185 million. It is not a small amount like Kshs200,000; it is a lot of money. Immediately this money is available, we are going to work on the road.

*Question No. 994*

#### PAYMENT OF PENSION BENEFITS

**Mr. Speaker:** Is Mr. Mbui still not here?

*(Question dropped)*

#### QUESTIONS BY PRIVATE NOTICE

## SALE OF FAMINE RELIEF MAIZE

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

(a) Can the Minister explain why maize meant for famine relief in Tana River District is being sold by the Provincial Administration?

(b) Could the Minister confirm or deny that on the following dates, the said maize was sold and privately transported from Bura Town and Hola Town to Changamwe Maize Millers and Kitui Millers in a lorry, Registration No. KWY 445, on the following dates: 31st October, 1995 - 500 bags in Bura Town; 6th November, 1995 - 160 bags in Bura Town; 15th November, 1995 - 200 bags in Hola Town; 16th November, 1995 - 200 bags in Hola Town; 20th November, 1995 - 400 bags in Hola Town?

(c) What action has the Minister taken to assist drought victims in Tana River District?

**The Assistant Minister of State, Office of the President** (Mr. Awori): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware of any famine relief food being sold by the Provincial Administration officials in Tana River District.

(b) I am also not aware of any maize that was sold and privately transported from Bura Town and Hola Town to any destination outside the District.

(c) My office has been providing relief food to the famine affected victims and will continue to do so until the situation improves.

**Mr. Kofa:** Mr. Speaker, Sir, in March, 1994, a District Officer (DO) was caught red-handed selling 11 bags of maize. In February, 1995, at Garsen, another DO was caught selling 200 bags of maize. In August, 1995, a DO was escorting a lorry full of maize at midnight in a bandit infested area. He was shot on the leg and was not admitted in any hospital for shame. Instead, he was admitted at his own house. Also in that convoy, an Administration Police Constable, Mr. Michael Wamba, was shot dead. These things are happening and it is the same office taking action; this DO was interdicted and later taken back on the job. What does the Assistant Minister mean when he says he is not aware?

**Mr. Awori:** Mr. Speaker, Sir, I would like to ask the hon. Member to give me all those details and as long as I get all those details, action will be taken.

**Mr. Kibaki:** Mr. Speaker, Sir, as a Parliament, you must take a stern action against this particular Assistant Minister. The hon. Member has given details regarding officers who are under this Assistant Minister. The Assistant Minister is still pretending he is not aware and he wants the Member to brief him. He should resign. You must protect the House against a blatant liar.

**Mr. Speaker:** The only thing I would like to point out is that part "b" of the Question gives the date, the amount of maize taken and where it was taken and the vehicle registration number.

**Hon. Members:** What more details do you want?

**Mr. Awori:** Mr. Speaker, Sir, I take great exception to the former Vice-President of this country calling me "ridiculous" because I am not "ridiculous". As soon as hon. Kofa gives me details, action will be taken.

**Mr. Falana:** Mr. Speaker, Sir, this is a very serious and sensitive issue. One wonders why the Assistant Minister says that he is not aware, while the Questioner has given him facts; the dates [Mr. Falana] this maize was stolen, the registration number of the vehicle and the number of bags. Now, telling us that he is not aware, is not enough. What action has he taken to follow up the allegation made by the Questioner to find out whether that is true? He is saying that he is not aware. Furthermore, I have more facts. This food stayed for 11 months after being delivered to Hola and Bura Towns before being distributed to the beneficiaries. What was the cause of the 11 months delay? What was the cause, if that was not theft?

**Mr. Awori:** Mr. Speaker, Sir, you will recall that this Question came yesterday. I begged to have sufficient time because of the seriousness of the Question. Twenty-four hours was not enough. So, I intend to go into the matter.

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

*(Laughter)*

**Mr. Speaker:** Order! Order! Mr. Falana, from now on, you must understand the Chair is not impaired in anyway as far as hearing is concerned. Nevertheless, what was the burning point of order?

**Mr. Falana:** Thank you, Mr. Speaker, Sir. I am sorry. It was not the Chair that annoyed me, but it is the reply from the Assistant Minister. It was not the Chair I wanted to alert, it was the Assistant Minister. The

Assistant Minister confesses that the Question came only yesterday and he did not have enough time to prepare a reply. I thought in all fairness that is what he should have said to begin with instead of saying he is not aware. He should have told the House, "the Question has just come and I ask the indulgence of the Chair and the House to answer later", and he would have given us a better reply!

**Mr. Speaker:** What is your reaction, Mr. Awori, to that?

**Mr. Awori:** The problem is that the Deputy Chief Whip misses a lot of Sessions and he missed yesterday's Session because if he was here, he would have heard that I said exactly that.

(Laughter)

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

**Mr. Speaker:** What is it, Mr. Falana?

**Mr. Falana:** I take that to be imputing improper motive on the Deputy Chief Whip. There is not one Session I have missed in this House. I have been following very attentively and this is why I am asking this question. From the way the Front Bench answers Questions, it is them who miss a lot from this House and not Falana as such.

**Mr. Speaker:** Order! Order! Order! I do not think it is right to personalise issues. I think hon. Members do attend this House and I do as a matter of fact keep a record of attendance of hon. Members for purposes of the Constitution. So, I think, Mr. Awori, you are off the mark when you allege the hon. Member fails to attend. As a matter of fact he does attend.

**Mr. Michuki:** Mr. Speaker, Sir, could the Assistant Minister clarify one thing? The hon. Questioner says that a DO has been shot. He actually had to avoid going to hospital and stayed in his house. The DO is the man in charge of security in the area infested with bandits. Who was in charge? Is the Assistant Minister not aware that that officer has been shot? He does not know because he lives in an Ivory Tower. Can he tell us about these people?

**Mr. Awori:** Mr. Speaker, Sir, I have given an undertaking right here that after I receive the information the hon. Member has got which I do not have, I intend to take the necessary action.

**Mrs. Ndeti:** Mr. Speaker, Sir, my constituency is heavily affected by famine relief problems and most Members of Parliament in this House including the KANU side have been having a lot of problems with DOs, Chiefs and Assistant Chiefs on famine food. These officers sell the food and do other misdemeanours, but when information comes to this House through a Member of Parliament, the Ministry does nothing else except covering up. The impression you get when you hear the ministers, particularly those in the Office of the President, answering Questions on problems that we are facing with the Provincial Administration staff in the field, is that the Ministers do not care. Because this question was given with all the details long time ago, and it is not being given now, could hon. Awori assure this House that he is going to do a thorough investigation and bring out the facts and details in the first week when this Parliament open?

**Mr. Awori:** Mr. Speaker, Sir, I can give that undertaking to the hon. lady.

#### AUCTIONING OF SUGAR FARMS

**Mr. Rai:** Mr. Speaker, Sir, I beg to ask the Minister for Agriculture, Livestock Development and Marketing the following question by Private Notice.

(a) Is the Minister aware that many sugar cane farmers in Ramisi are unable to repay the Agricultural Finance Corporation loans acquired for sugar production?

(b) Is he further aware that the said loanee's properties, which were lodged as security for the acquisition of these loans, are about to be auctioned?

[**Mr. Rai**]

(c) Since the loanees cannot pay due to the collapse of the Associated Sugar Company Limited, could the Minister direct the Agricultural Finance Corporation, Ukunda Branch, to stop auctioning the "shambas" until the AFC's Board's decision is received?

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Mr. Maundu): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that many sugar-cane farmers in Ramisi are not able to pay their loans but there are very encouraging results now that some farmers have taken it upon themselves to settle some of the outstanding loans. Allow me to point out that the problem in Ramisi is not isolated and loan borrowers across the country are facing

marketing problems in other agricultural commodities.

(b) The AFC's approach to loan recovery is on individual basis and each borrower's ability is assessed on its own merits. The AFC has, in demanding repayment of the outstanding loans, examined the ability of the defaulters to pay. Defaulters are therefore advised to contact the AFC and agree with the AFC on a modality of payment.

(c) Yes, as I have stated, some loanees have already repaid or are repaying their loans from other sources and it will not therefore be prudent to generalise this matter. However the AFC is willing to deal with this matter on individual basis.

**Mr. Rai:** Mr. Speaker, Sir, Ramisi Sugar Company Limited collapsed in 1988 with sugar worth Kshs272 million decaying in the plantations. As of now, most of these farmers who actually had given their properties as security are being threatened by the AFC that their farms will be auctioned. Could the Assistant Minister come out and just tell the House that he has at least directed the AFC, Ukunda Branch, to stop the sale until they receive a decision from AFC Board?

**Mr. Maundu:** Mr. Speaker, Sir, as I have stated in the answer to this particular question, the policy of the Ministry is to make sure that no farmer or loanee is made destitute. So each individual loanee is advised to meet the officers or the managers at Ukunda Branch and agree on a modality to pay, but we will make sure that nothing which adversely affects any loanee is done.

**Mr. Nthenge:** On a point of order. Mr. Speaker, Sir. He was asked to state whether he will advise and instruct the Branch to do what he is saying. Now he says: "Let the loanees go and see them" without his instruction. Can he undertake that he will instruct them to be lenient?

**Mr. Maundu:** Mr. Speaker, Sir, what I have stated here amounts almost to what the hon. Nthenge is asking. He is saying, as I have said, that each loanee who has a loan with the AFC should approach the Ukunda Branch and agree on a modality to repay the loan but we will make sure that no loanee will be made destitute as a result of non-repayment of his loan.

**Mrs. Ndeti:** Mr. Speaker, Sir, since 1988, it is common knowledge that the AFC has been known to give very big loans to some Members of Parliament who are in this House, not to mention a few. And we know the small-scale farmers are forced by the AFC to make sure that they pay. Can the hon. Minister go ahead and instruct that no small-scale farmer's shamba is going to be auctioned as a result of this, otherwise he produces a list of all the loans written off since 1988 to this House and we know who is really eating from the AFC. It is not the small farmer but the big "fish".

**Mr. Maundu:** Mr. Speaker, Sir, what we cannot do is to generally say that loans should be written off but each case, as I have stated, will be considered on its own merits not necessarily for writing off but for making proper rescheduling of a loan for easier repayment.

**Mr. Mbela:** Mr. Speaker, Sir, in view of the fact that Ramisi Sugar Factory is the only sugar factory in the entire Coast Province, could the Assistant Minister inform the House why the Ministry has found it impossible to rehabilitate the only sugar factory in the Coast to be able to assist those farmers at least give them some hope that something can happen in future? It is the only sugar factory in the Coast region.

**Mr. Maundu:** Mr. Speaker, Sir, I am sorry to tell my hon. colleague that it is a different question which requires a more detailed answer and I think it is advisable to bring a question then I can specifically answer.

**Dr. Lwali-Oyondi:** Mr. Speaker, Sir, this is a clear case whereby the farmers are not at fault. The factory was there and it somehow collapsed. They had planted the sugar and hoped to pay the loan from the sugar proceeds. Now the factory is not there and they cannot sell the sugar. Would it be in order therefore for the Assistant Minister to write off these loans because there is no way the farmer can be able to pay it unless the Ministry builds another factory?

**Mr. Maundu:** Mr. Speaker, Sir, I will not at this stage say it is possible to write off the loans but I may ask the hon. Member to give us a list of those outstanding loans from the farmers for the Ministry to have a look at it and see what appropriate action could be taken in the meantime.

#### PAYMENT OF COUNCIL WORKERS

**Mr. Mwangi** to ask the Minister for Local Government:-

(a) Is the Minister aware that employees of the Nairobi City Council are having serious financial difficulties due to the enormous salary arrears that have, to date, remained unpaid by the Council.

(b) In view of the fact that most of these employees have children who have been refused admission in the National Universities due to lack of fees and other pressing financial commitments, what urgent steps is the

Minister taking to ensure that the arrears amounting to almost Kshs600 million is paid by the 15th December, 1995?

**The Assistant Minister for Local Government:** (Mr. Walji): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that employees of Nairobi City Council are having difficulties due to the enormous arrears that have to date remained unpaid by the Council.

(b) In spite of constraints experience as a result of a heavy monthly salary bill and payment of arrears, the Council is continuing to pay the salary arrears at a monthly instalment of Kshs10 million. This instalment will be revised upwards when the financial position of the Council improves. I would to remind the hon. Member that the original salary bill before July 1994 was Kshs68 million a month and from July 1994 the bill for the salary has increased to Kshs133 million. That is a very heavy constraint on the Council. That is the problem with the City Council. In spite of that, we are trying to pay them arrears at the rate of Kshs10 million a month.

**Mr.S.F. Mwangi:** Mr. Speaker, Sir, as we debate this Motion today, the services in City Hall are paralysed, because the workers downed their tools two days ago. Can the Minister tell this House how he intends to improve the situation, in view of the fact that he knows that most of these people were employed by KANU activists in 1992 and before that for political purposes? We do not need 20,000 workers. Can he tell this House how he is going to improve this situation?

**Mr. Walji:** Mr. Speaker, Sir, I would like to remind the hon. Member that he was once a Mayor. He could not sort out this problem at that time, and now we have been paying monthly arrears at a rate of Kshs10 million a month, and I inform the hon. Member that he should appreciate that he could not solve this problem when he was a Mayor and, we are trying to rectify the situation now.

**Mr. S.F. Mwangi:** Mr. Speaker, the Minister is well aware of the efforts I tried to do in City Hall. The Assistant Minister knows very well that when I was at City Hall, I did everything I could and his boss there, Mr. Ntimama, did not allow me to work. I tried very hard. I want to know, and this House wants to know what efforts they are doing today to rectify this situation. They are in charge. When I was the mayor, they thought they did not have a Mayor. Now, they have their own Mayor! They want to have their cake and eat it. How will they improve this situation?

**Mr. Walji:** Mr. Speaker, Sir, I would like to remind the hon. Member that the Mayor, at the moment, is representing Ford Asili party and not KANU party. I have said very clearly that---

*(Loud consultations)*

**Mr. Speaker:** Order! Order, everybody. This is Question Time, I expect hon. Members to rise only on points of order when it is truly a point of order, and it is not a short cut to asking a supplementary question. I also advise the House, that it is in the interest of this House and this nation that, at least, an answer to a question is given a hearing, as much as we also give a hearing to the Questioner.

**Mr. Mathenge:** Mr. Speaker, Sir, is the Minister aware that this delayed payment of salaries to the employees of the Council is likely to intensify corruption and theft of Council property?

**Mr. Walji:** Mr. Speaker, Sir, I am not aware that this will create theft at City Hall, but we have very tight security to make sure that no theft will occur there.

**Mr. Icharia:** On a point of order, Mr. Speaker, Sir. Part of the problem in City Hall today, has been caused by the Government's failure to pay water bills. The amount due to City Hall from the Government amounts to billions of Shillings. The Council is not paid these dues by the Government. If the Government paid these bills, there would be no problem in City Hall. As we speak now, the workers in City Hall have not been paid last month's salary. They are in town, their children have to be fed, they have to pay the rent. What is the Minister going to do to ensure that, at least, some of the money due to City Hall is released by the Government to enable them pay their bills?

**Mr. Walji:** Mr. Speaker, Sir, when the money is available from all Government Ministries, it will be paid to the City Council, and the City Council in the mean time has to---

**Mr. Gatabaki:** On a point of order, Mr. Speaker, Sir. That is very serious indeed, for the Minister to answer that employees of the City Council are not going to be paid. The employees of this Capital City have not been paid for some months yet, only last month---

**Mr. Speaker:** Order! Order, Gatabaki! I have just warned the House that a point of order must be strictly a point of order, and for those who have never bothered to find out what a point of order is, I will refer you to the HANSARD, to the various rulings I have made, and further also, the attendant consequences of raising frivolous points of order, and also hijacking an opportunity to ask a supplementary question on the guise of a point

of order. I will not stand that, and any Member who will want to stand on a point of order, better know that it is a point of order.

**Mrs. Ndetei:** Mr. Speaker, Sir, the Government, through the Structural Adjustment Programmes, has retrenched the staff and yet the City Hall is complaining that the salaries for the workers has been increasing. Seriously, we should be talking of the salaries at the City hall decreasing because they should have gone the same way of retrenching their staff. Can the Minister tell this House what plans the City Council has to reduce the 20,000 employees who are totally ineffective in the City? In fact, the City is stinking everywhere, and yet we are told of an increased salary bill. Can he tell this House what plans the Ministry has to improve the situation, because the City cannot go on stinking?

**Mr. Walji:** Mr. Speaker, Sir, I agree with the hon. Member that in spite of the salary increases, this City is stinking. I accept, we are looking into every possibility to see that the employees will be trimmed down. We know there are a lot of extra employees at City Hall, but at the moment we are trying to pay them arrears. We are trying to finalise the arrears of the last ten months from October, 1993 to July, 1994.

**Mr. Speaker:** Mr. Anyon's question.

#### PROCUREMENT OF MEDICAL SUPPLIES

**Mr. Anyona:** Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

In view of the serious problems in the Ministry regarding procurement and supply of drugs, medical supplies and equipment, would the Minister tell the House:-

(a) Why the entire budget for the procurement of drugs and medical equipment for 1995/96 was given to the Crown Agents as procurement agent of the Ministry?

(b) Why the Ministry released over Kshs300 million to Crown Agents as part-payment before any tenders for International Competitive Bidding (ICB) were advertised and evaluated?

**The Minister for Labour and Manpower Development** (Mr. Masinde): Mr. Speaker, Sir, on behalf of the **Minister for Health**, I beg to reply.

(a) The Ministry did not give the entire budget for the procurement of drugs and medical equipments for the 1995/96 to Crown Agents, as procurement Agents for Kenya Government.

(b) The Ministry did not release Kshs300 million to Crown Agents, as part payment before any tenders for International Competitive Bidding were advertised and evaluated.

**Mr. Anyona:** Mr. Speaker, Sir, I have a written answer here from the Ministry. The Deputy Leader of Government Business has conveniently decided to leave out a part of the written answer because that part of the written answer contradicts what he is saying. I wonder why the Deputy Leader of Government Business would seek to mislead the House by leaving out an important part of the written answer. But, nevertheless, I don't know why he wants to stand. Let us hear what he wants to say.

*(Laughter)*

**Mr. Masinde:** Mr. Speaker, Sir, I did not and I don't have any intention to mislead the House at all. The part the hon. Member is talking about is, assuming that he already has the answer, I thought that by the very fact that he already had the answer, that he had found out what the problem was, but since he did not find out, I would do it for him.

The Ministry has deposited---

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

**Mr. Speaker:** What is it, Mr. Anyona?

**Mr. Anyona:** Mr. Speaker, Sir, is the Deputy Leader of Government Business in order to say what he is saying? The Question now is the property of this House and the House is entitled to know what the written answer is.

**Mr. Speaker:** Okay, let us hear him!

**Mr. Masinde:** Mr. Speaker, Sir, the Ministry has deposited KShs.300 million into the Kenya Government Account held by the Treasury with the Crown Agents Financial Services Limited to facilitate payments after International Competitive Bidding (ICB) tenders have been evaluated, awarded and goods delivered as per terms and conditions agreed on between the Kenya Government and the Crown Agents.

Mr. Speaker, Sir, there are two different organisations here. One is the Crown Agents. This one does

the bidding on behalf of the Government. The other one is Crown Agents Financial Services Limited. The Treasury releases money to Crown Agents Financial Services Limited to pay to the people who have already delivered the drugs. So, they are two different organisations. It is, therefore, not true that Kshs300 million was given to Crown Agents.

**Mr. Anyona:** Mr. Speaker, Sir, there is no way, the Deputy Leader of Government Business, having accepted to bear the cross of the Minister for Health, is going to escape with that kind of elusive answer. What I would like to know is this: Has Crown Agents as procurement agents or middle men of Ministry of Health, advertised the tenders? Have these tenders been evaluated and awarded? If they have not, as is the case, why would you deposit this money in an account? The truth of the matter is that already, drugs in form of kits have been delivered without advertisement, or evaluation. Can he explain that?

**Mr. Masinde:** Mr. Speaker, Sir, my information is that the drugs have not been delivered and they have not been paid for.

**Mr. Ndicho:** Thank you very much Mr. Speaker, Sir. Kenya is a sick country. Everybody and all the patients in hospitals are suffering because of lack of drugs. According to this Question, it is quite evident that corruption and stealing of Government drugs starts right from the top down to doctors and nurses in the hospitals.

The Minister has said that Crown Agents, which is the agent for procuring drugs for the Ministry, is not the same as Crown Agents Financial Services Limited, which he talked about. Is he aware that the Crown Agents is one hand of this organisation while Crown Agents Financial Services Limited is the other hand of the same body? One is doing the procurement while the other one is doing the financing. Is he aware that it is the same organisation of crooks and conmen, who are stealing drugs in this country and Kenyans are going without drugs?

**Mr. Masinde:** Mr. Speaker, Sir, the use of Crown Agents as middle men is one way of cutting down corruption. A circular was issued from the Treasury in 1994, stating that any ordering of drugs worth Kshs.20 million and over must go through an agent and the aim was to control corruption. For that reason, that is exactly why this is happening. The money is held by the Treasury and it is the Treasury which releases the money through Crown Agents Financial Services Limited to pay, after it has been confirmed by the Ministry that drugs have been received.

**Mr. Speaker:** Final Question, Mrs. Ndetei!

**Mrs. Ndetei:** Could the Minister tell this House, who are the directors of M/s Crown Agents Financial Services Limited?

**Mr. Masinde:** Mr. Speaker, Sir, I think that is a very simple question. I have given the name of the company and she can look for the directors from the Registrar of Company's Office.

**Mrs. Ndetei:** Mr. Speaker, Sir, the Question is the property of the House.

**Mr. Speaker:** Order! I know it is the property of the House, but you also know that anything that can be found in an official document cannot be a subject of query here. That is the law. Next Question by Private Notice, Mr. Mwangi Githiomi!

#### PAYMENT FOR MILK SUPPLIES

**Mr. Githiomi:** Mr. Speaker, Sir, I beg to ask the Minister for Co-operative Development the following Question by Private Notice:-

In view of the fact that most parents in Kipipiri are poor and unable to pay school fees, and in particular, for the newly admitted university students, could the Minister order payment for all the milk delivered to the Kenya Creameries Co-operative Society by dairy farmers in Kipipiri Constituency as at 30th November, 1995?

**The Assistant Minister for Co-operative Development (Mr. Titi):** Mr. Speaker, Sir, I beg to reply.

The Kenya Co-operative Creameries (KCC) owes farmers in the whole country Kshs.885 million for the months of August, September, October and November, 1995. All dairy farmers in the country have been paid their dues by KCC up to July, 1995. The payment for August, 1995 deliveries for all dairy farmers in the country will commence on 11th December, 1995. The last payments for Nyandarua Dairy Farmers, including farmers in Kipipiri Constituency, were made on 20th November, 1995.

It would be desirable that KCC pays to the dairy farmers in the whole country, all the amounts due. However, due to the financial problems KCC has faced in the recent past, this is not possible. In view of this, the KCC has organised a programme to pay farmers by instalments. In line with this programme the dairy farmers in Nyandarua District, which include Kipipiri Constituency, will be paid for August, 1995, milk deliveries by 31st December, 1995.

**Mr. Githiomi:** Mr. Speaker, Sir, no wonder I did not get a written answer for that Question. The last

payment that was paid to the farmers of Kipipiri was in July, 1995, as opposed to what the Assistant Minister said that they were paid in November. We are talking of a vulnerable community that has no other source of income. They have no other cash crops which they can offer for sale to generate income. The children of Kipipiri farmers have now been chased away from schools. The schools are set to open in January and still parents have no source of income. Could the Assistant Minister tell this House, whether it is possible to pay this vulnerable group, their dues for milk which had been delivered up to the end of November, 1995?

**Mr. Titi:** Mr. Speaker Sir, I sympathise with the hon. Member. If there was any possibility of doing that then we could direct the Ministry to pay. Arrangements have been made so that this payment will be effected by 31st December, 1995.

**Mr. Ndicho:** Mr. Speaker, Sir, can the Assistant Minister tell us why farmers are not paid promptly when we know very well that milk is paid for in cash by consumers? Even milk used here in this Parliament and milk bought from kiosks is paid for in cash. Can the Assistant Minister tell us where this money gets lost in between before reaching the farmers? Tell us where this money goes.

**Mr. Titi:** Mr. Speaker, Sir, I am not aware of that, but what I know is that we have---

**Mr. Ndicho:** Mr. Speaker, Sir, I did not ask him whether he is aware.

**Mr. Titi:** What I know is---

**Mr. Speaker:** Order! Order, Mr. Ndicho. Can he explain what he means? Proceed!

**Mr. Titi:** Mr. Speaker, Sir, hon. Members, including hon. Ndicho, should learn to be patient. What I know is that the Kenya Creameries Co-operatives (KCC) has accumulated a substantial over-stocking of about KShs.2.4 billion which have no market now.

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

**Mr. Speaker:** Order! Sorry, Mr. Ndicho, you have already had an input.

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

**Mr. Speaker:** What is it, Mr. Ndicho?

**Mr. Ndicho:** Mr. Speaker, Sir, the Assistant Minister has talked about something that is totally different from what I had asked. He says that KCC has stocked milk worth KShs.2.4 billion. That is not my question. My question is: What happens to the cash money paid by milk consumers after reaching the KCC? This is what makes farmers not to be paid their dues.

**Mr. Speaker:** Mr. Ndicho, it is the same thing. What is stocked cannot be cash. Anyway, that is not a point of order.

**Dr. Lwali-Oyondi:** Mr. Speaker, Sir, in view of what the Assistant Minister said, that the KCC has accumulated a substantial over-stocking of about KShs.2.4 billion, what steps is he taking to improve the marketing system of the KCC so that there is no over-stocking?

**Mr. Titi:** Mr. Speaker, Sir, I think the House is aware that recently, His Excellency the President appointed a Task Force which is working on that day and night, and I think eventually this problem will be solved.

#### DESTRUCTION OF GWASSI FOREST

**(Dr. Opere)** to ask the Minister for Environment and Natural Resources:-

(a) Is the Minister aware that the unique indigenous forest on Gwassi Hills is fast being destroyed, although it controls the rain system in the entire Suba District and large parts of Homa Bay and Migori districts?

(b) What steps is the Government taking to save this unique indigenous forest?

**Mr. Speaker:** Is Dr. Opere here?

*(Question dropped)*

Next order!

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

**Mr. Speaker:** What is it Mr. Ndicho? But be very brief.

#### POINT OF ORDER

MISREPORTING BY THE EAST AFRICAN STANDARD

**Mr. Ndicho:** Mr. Speaker, Sir, I am rising on a point of order arising from what was reported in today's issue of the *Standard* where they say: "Ndicho move on farmers riles Gitau".

I only have some problems with paragraph three where the *Standard* says "Ndicho had asked why the Government had directed that Gatukuyu Farmers Society should hold its general meeting and hold elections". My question was: Why had the District Commissioner, Thika, defied a Government directive to allow these farmers to hold their elections and general meeting? So, this is very bad reporting because it is implying that I was against the farmers holding their elections and their general meeting.

Through the Chair, I beg to ask my friends there from the *Standard* to correct this impression because hon. Gitau is very happy that I was misusing his farmers to hold the elections which is the opposite of what I said. Can they check in the HANSARD here?

**Mr. Speaker:** Order! Order! I think there is a very quiet rivalry between the hon. Members for Gatundu and Juja and I can advise that you, at one time, were all in one constituency. You must learn how to live with each other. So, can we now play down the rivalry and proceed? Let us go on.

Next order!

### MOTION FOR THE ADJOURNMENT

#### ADJOURNMENT OF THE HOUSE *SINE DIE*

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti):

Mr. Speaker, Sir, I beg to move that this House do now adjourn *sine die*.

Mr. Speaker, Sir, in moving this Motion of adjournment *sine die*, I would wish to take this opportunity to appeal to the hon. Members to reflect on the major issues which are facing our country. Like many African countries, we are no exception in facing major socio-economic problems. Some of the economic problems Africa is faced with include debts, decline in terms of trade, poverty *etcetera*.

Mr. Speaker, Sir, as Edmund Bark did say several years back, "a Parliament should be a deliberative assembly in which the hon. Members come together, subjugate personal ambitions and narrow interests for the purpose of the nation". It is in that spirit that I would like to urge this Parliament, both the Opposition and the KANU side, that we should focus on the problems of the day. These problems are not going to be solved unless all of us agree to subjugate our ambitions and narrow interests. In this respect, what I hope we are going to do as we go out to the constituencies is to ensure that a stable environment is created to enable our people to go about their own walks of life; to enable the business community to undertake their day to day business and allow the farmers to work together and only then, can we be able to solve our problems.

At the same time, I would like to remind this House that we are also going to have a major transition on the political arena. This transition has been brought about by the fact that we have already embarked on multi-partyism. Within the multi-partyism system, let us remind ourselves that in the past, the Kenyan people had made virtue out of our diversity of ethnic backgrounds, religion and race. The Kenyans hope that out of multi-partyism there will be more increased prosperity and more stability, they do not expect otherwise. Therefore it behoves us to ensure that we give the best to our people so that they can learn to live together, to work together and be able, to cultivate multi-party democracy on a fertile soil.

Mr. Speaker, Sir, I also want to take this opportunity to salute his Excellency the President who is currently in Germany for the purpose of attracting investment into this country. This is in recognition of the fact that, today in the world, official aid flows are declining and that the only way we are going to be able to get resources into this country is through investment. It is only through investment that we will be able to create jobs. Unemployment is a major problem in this country and I want to repeat it here that this is not the problem of the Government. It is a problem of all of us. We must create a conducive environment for us to be able to solve this problem and this can happen provided that there is tolerance from all us Members of Parliament and a will to learn from each other.

The second thing that I want to say here is that the Government is committed to multiparty democracy. The Government will not go back but it will remain committed to the protection of every individual in this country and will continue to protect, as provided in the Constitution, the property of everyone. Let me say that I wish to commend this Motion to this House.

**Mr. Speaker:** Very well. Just to advise the House, hon. Members are allowed five minutes to contribute to the Motion.

**The Minister for Labour and Manpower Development** (Mr. Masinde): Mr. Speaker, Sir, I rise to

second this important Motion. I also want to take this opportunity to thank all the hon. Members for the valuable contributions they have given in this House and to the wananchi in connection with the debates that have been carried out in this House.

The Government has pleaded and quite occasionally, we have vowed that the Government will work in cooperation with the Opposition and the Opposition Members have said the same thing. We are all representing the wananchi and I think it is important that we, as hon. Members in this House, have to expound the social economic issues to the members we represent regardless of the parties we belong to because our interest is to make sure that we build a stable and united Kenya. I know that the hon. Member for Butere has occasionally complained in this House every time an hon. Member from the Government side has stood up to move a closure to a debate. He has thought that probably there has been no cooperation. I am sure that if he was here he would confirm that any hon. Member can move a closure to a debate whether he is from the Opposition or from the Government side. By so doing it does not necessarily mean that it is being done in bad faith at all, neither does it indicate that there is no cooperation. I am quite satisfied that there has been ample cooperation between Members of Parliament from both sides of the House and I hope that this cooperation will continue when we come back, for those of us who will be able to come back when the new Session starts. I am saying "those who will be able to come back" because quite occasionally, we come back minus one or two Members. We hope that the wananchi who have elected us will continue to pray for all of us here so that we can render useful services to them.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. Kibaki:** Mr. Speaker, Sir, in supporting this Motion I want to wish everyone of my colleagues in this Parliament a merry Christmas and a happy New Year.

I want to speak about the identification cards (ID). We were assured in this House by the Government that ID cards will be issued fairly and honestly so that a person will be issued an ID from where he lives. The way this card has been designed shows that there is some other funny information whose necessity is not clear. One is required to indicate where he was born and so on. There are details that are repeated twice. I am required to state my sub-location, my area and such information. Details such as, the constituency one comes from are not necessary since these may change during the Electoral Commission Constituencies Boundary Review. I do not know what is required but what I am saying is that this card should be issued fairly and properly to all Kenyans without discrimination and let us not have any political motive in this exercise. Let us have a Government which behaves fairly and squarely.

Secondly, I want to talk on security. I agree with what the Vice-President has said here, that we need security but the Government must take action. There is nobody else whom they are telling to take action. We all can assist in small ways but security is a responsibility of the Government. In fact, it is the Government's first responsibility. So, they should take measures to ensure that people who live in Kenya live in peace. The rate at which people are getting shot is atrocious. Whatever we say is what goes abroad and that is the image we are creating. We want it changed.

Thirdly, we are trying to emphasize the importance of training manpower. Every nation which has developed has given priority to training of manpower. The admittance into universities has been scaled down. There is a risk now that even the scaled-down number may not be able to go to college for lack of money. May I appeal to the Government that that scaled-down number be facilitated to go to university by being given loans so that everybody who has been called to university goes there. It is a disgrace if we are going to lose qualified people who failed to train to become doctors or engineers that we need for the future. So, I am pleading that loans be given to all. There are very many students who right now would miss that chance and that is unfair.

Fourthly, we represent farmers. I represent farmers just like most of us do. When we go home for Christmas we cannot celebrated proper Christmas because we have not been promptly paid. We have not been paid for milk, tea, and any farm produce that we have supplied to the Government. Even those who sold their maize to the National Cereals and Produce Board many months ago have not been paid. The new crop which is now being harvested has not been bought. Unless we take care of the farmer, we are not taking care of the economy of this nation. So, I plead that priority number one be given to assisting the farmers. Let us be paid for our milk and the Kshs 3 billion that is due to us from the Kenya Tea Development Authority so that we can have a proper Christmas.

Finally, let me say that we need---

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Speaker, Sir, in support of the Motion, I would like to first of all assure hon. Kibaki, and this House, that the Government will continue to issue national identity cards in a fair manner. The mere fact that the Government requires certain information does not

mean that, that information is not required in good faith. That information is just required in order to identify a Kenyan more succinctly.

We shall continue to maintain the security of this country and we want to assure hon. Members that as they go on recess, they should feel that they have a Government that is looking after them. The only matter that I wish to state in connection with security is that hon. Members should contribute positively by ensuring that people do not unnecessarily create situations that are uncalled for, and which may lead to breach of the peace.

Mr. Speaker, Sir, the Government policy about meetings is that we shall continue to license as many meetings as possible, as long as they are applied for in due course and they continue to stick to the purposes for which they are applied. The Government cannot accept the situation that is sometimes created where a public meeting is baptized and called a seminar. The Government has become aware of the fact that many of these seminars are, of course, created as a way of receiving money from donors. The fact that many of these seminars are becoming unnecessary is because many Members of the Opposition have acquired the habit of holding seminars so that different donors from other countries can give them money. When they are denied licenses because they did not apply for such licenses in time, they do complain and say that these meetings were necessary. Most of these seminars are totally unnecessary.

The third point I would like to make is about general policies in Kenya. I personally want to say to my honourable colleagues who are talking about the Opposition Alliance that we wish them anything that can be wished to dreamers; persons who are trying to attain a purpose that is totally unnecessary. Politics cannot be limited to removing KANU. Politics cannot be limited to the aim of getting power. We must have a group of politicians who have an aim of improving the well-being of Kenyans. However, when people congregate at the Hilton Hotel and say that the only purpose that they want to unite is to get into power, the people of this country must be told that is a selfish aim which should not be entertained. It is surprising that this congregation, which includes some honourable colleagues, is, in fact, oblivious of the constitutional requirements of this country. I am very much aware that certain hon. Members do want the Constitution of this country to be amended, but as long as the Constitution of this country remains the way it is now, we must continue to respect it. As long as the laws of this country remain what they are now, and as long as hon. Members in this House have not changed the laws of this country, we must continue to respect the law as it is. I must say that as long as Kenya remains what it is, a country that aspires for itself the best and only the best, such tribal alliances can never survive because the Opposition parties, as they are composed now, are tribal clubs and they are trying to bring up tribal alliances. Tribal alliances can never do any good to this country and my hon. colleagues must learn to aspire for higher goals other than just getting themselves into power.

Mr. Speaker, Sir, I also want to say that the control of our population continues to be one of our policies and we will continue to preserve this. In fact, we cannot punish people for being a minority. Utterances have been made to this effect; that the Government must not develop areas just because those areas are minority areas. That is not the policy of this Government. The Government will develop all areas, whether the people there are few or many. Even if there are 20 people in Turkana, the Government has the responsibility of developing that area. We cannot punish people just because they have preserved their population at low levels. In fact, we must continue to encourage those Kenyans who have a good policy of maintaining their populations at low levels so that if a road is constructed in Narok district, we must not shout and say; "why has a road been constructed in Narok district and yet they are not as many as those people in Central Province?". If a road is constructed in Trans Mara or Turkana, for that matter, we must not laugh at the road just because the Turkanas may not be as many as the people of Central Province.

I beg to support.

**Mr. Orengo:** Thank you very much, Mr. Speaker, Sir. I wish to support this Motion that this Parliament do adjourn *sine die*. We are approaching Christmas, and this is a time when messages of good will are exchanged. We are not just approaching Christmas, we are approaching a new year. Also, during the approach of a new year, we exchange messages of good will. At the beginning of this year, and more particularly, on the 1st of January of this year, the President did send a message of goodwill to this country, promising that we shall have a constitutional review and that lawyers would be brought from overseas to assist the Government in trying to bring about changes in our Constitution. Although that message of goodwill was not kept, I hope that this year, or at the end of this year and the beginning of next year, a similar spirit of goodwill will come to Members of this Government to ensure that next year, we engage ourselves in the process of bringing about a new constitutional and democratic order in Kenya. The reason why this is important is because the Government of Kenya was party to the Harare Declaration which was agreed upon in 1991. We were signatories to the Harare Declaration. We have seen, from what transpired in Auckland, that this is not an empty document. The world community is very conscious of the processes of governance all over the world to ensure that human rights and

democratic change are safe-guarded and brought about.

Mr. Speaker, Sir, it is a shame! Although the Leader of Government business has said that we are committed to multi-partysm, this Government would not be committed to multi-partysm if, in its statutes, there is still detention without trial. This is still in our Constitution and in the Preservation of Public Security Act. It is still part of the law of this land. The various laws of sedition which exist in the Penal Code came into our statute books during the colonial days and history is quite clear. Those who think that those in the Opposition are dreaming about change should learn from history. The colonial government mistook Kenyatta when they said that he was a leader unto darkness or death. Today, when the leaders in the Government want to look good to this nation, they invoke the name of Kenyatta. When they sit down to conspire on what to do, they do not think of Kenyatta. We are telling you that the Opposition Alliances is not an alliance that wants to take any individual to State House. We are talking about constitutional change and we are prepared. If there are people within KANU who are prepared to engage in this process of ensuring that we have democratic change, then they are welcome to take part in that process.

Mr. Speaker, Sir, I know that many of the Members of this Government have suffered from the various statutes which are still in place. These include the Sedition Act, the Penal Code, the Chiefs Authority Act, the Books and Newspapers Act and various other statutes which have been spelt out. Today morning, I was reading a Nigerian Newspaper which was talking about the 10 ways of removing Gen. Abacha from Power. I am telling you that if it was this Government, that newspaper would not exist in Nigeria. So, even by Nigerian standards, which is a dictatorship, the freedom of speech and expression in Kenya is one of the most violated freedoms and rights in the continent. We must make sure that we guarantee the freedom of speech and the right of expression to every Kenyan and, one way of ensuring that, that takes place is by opening up the airwaves and also making sure that the Kenya Broadcasting Corporation (KBC) is, indeed, a Kenya broadcasting corporation and not KANU broadcasting corporation.

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

**The Assistant Minister for Commerce and Industry** (Mr. Galgalo): Thank you very much, Mr. Speaker, Sir. Like everybody else who has spoken I would like to extend my words of best wishes for the coming year to all the hon. Members of this House.

*[Mr. Speaker left the Chair]*

*[Mr. Deputy Speaker took the Chair]*

This afternoon hon. Kofa raised here a Question about famine relief and I would like to revisit this issue. Whereas the Government's intention has been that famine relief food will assist people in difficult, dry and less fortunate areas, this purpose has not been fulfilled by those who are executing this policy. It appears that food, which is intended for a particular area where people are hungrily waiting for it, is being stored in National Cereals and Produce Board stores and other stores elsewhere while people continue to suffer. I am therefore, calling upon the Office of the President to monitor movement of food which is intended for people in famine-stricken areas. The Minister concerned should ensure that food reaches stations for which it is intended. If this is not done, Government efforts in this direction will be rendered useless.

In most of the arid areas where the Government is supplying relief food, schools are also "dying" because parents are unable to pay school fees. In one school in my constituency children are owing the school fees balance of Kshs1.6 million, which amount was supposed to be used to develop the school this year. I am, therefore, calling upon the Minister for Education to consider this matter seriously and ensure that our schools do not "die" and also that our children will not miss education. We have been promised that students in places with such difficulties would be assisted through the Social Dimension to Development Programme to ensure that they go on with their education. However, of late students in my constituency have been sent away from school because headmasters have no funds to run schools. I am, therefore, appealing to the Minister for Education to ensure that schools in difficult areas are assisted with funds.

Mr. Deputy Speaker, Sir, I would like to revisit the issue of democracy which has been mentioned by some hon. Members. When we talk of democracy we should not be narrow minded. Democracy should be open and should not be about targeting one man. Such kind of democracy is not good for this country. If the Opposition wants democracy let it be the type of democracy which will not be about discriminating against KANU. If our democracy is open then we will join hands to work together for change which is good for this country. Democracy should not be democracy only when it is about targeting KANU. I would like to request our friends in the Opposition side to be open minded on this issue of democracy.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Shikuku:** Thank you, Mr. Deputy Speaker, Sir. May I join my colleagues in supporting this Motion? I do so believing that this Government will be different this time. It should realise that the whole world is calling upon it to be democratic. It must allow those in the Opposition side to express themselves. The Government has "killed" the Opposition by refusing to license our meetings, thereby denying the Opposition the opportunity to explain itself before the masses of this country. We are adjourning this House so that we can join those who elected us. But we cannot do so from house to house; we can do so by having public meetings. So, let us hear from the Leader of Government Business at the end of this debate telling us that we are going to be licensed to hold public rallies so that we can communicate and associate ourselves with those who elected us to this House.

Secondly, Mr. Deputy Speaker, Sir, I would like to support my colleague who has said that the political parties Alliance is not an enemy of anybody. It is an alliance, as was explained, meant to try and bring change in this country; it intends to bring freedom to this country. Let the people in this country be free to speak, associate and express themselves the way they want so long as they do nothing which is against the law of the land. But when we apply for licences they are refused and that is making the whole situation very difficult, indeed. The Alliance is a reality and not a dream.

As my hon. friend has said, we are committed to having the Kenya Constitution reviewed, to fight for the independence of the Electoral Commission of Kenya and to get injustices in this country eradicated. For example, I raised a Question here and also reported to the police about a case where a lady in my constituency was whipped by an Assistant Chief until she urinated and passed stool into her pants. I have her P3 Form here and anybody can read it. Is this the Government of the people? It is a Government whose officers whipped a 56-year old lady until she shit and urinated into her pants! All this is in black and white in this P3 Form! We detest the harassment of the common man by the police! We detest whipping and caning of wananchi by chiefs and yet no action is taken against them.

**Mr. Deputy Speaker:** Mr. Shikuku, do you intend to lay the P3 Form on the Table?

**Mr. Shikuku:** Yes, Mr. Deputy Speaker, Sir, I am laying on the Table the P3 Form so as to prove what I am saying.

*(Mr. Shikuku laid the document on the Table)*

The name of the lady in Butere Constituency, who was whipped until she shit and pissed into her pants, is Margaret Namiba of Bumbala Sub-location. She was caned by the Assistant Chief of Bumbala Sub-location and I have tabled her P3 Form. I reported this matter to the police but up to today the Assistant Chief has not been apprehended and he continues to work in this very Government.

I know that many of the policemen are good but some politicians use them to harass members of the Opposition, Members of Parliament, Councillors and grab microphones from hon. Members, even those on the Government side. This sort of behaviour must cease.

Mr. Deputy Speaker, Sir, the Alliance is here to stay. We have embarked upon a new tactic. We are on a mission; the train has left the station and shall have to arrive at its destination. There may be some problems with the Opposition Members, who are the passengers in the train. But when passengers fight the train does not stop but at an appropriate place when the train is watering policemen in the train normally off-load those who are fighting and the train continues with its journey.

*(laughter)*

Mr. Deputy Speaker, Sir, the policemen are so eager to harass poor women over chang'aa that they forget to follow up criminals. If you report to the police that chang'aa is being brewed in point C they will rush there with guns and everything but if you tell them that somebody has been killed somewhere they will be hesitant to go there.

Mr. Deputy Speaker, Sir, this is a very bad policy and this Government must change. We are going to make sure that it changes.

The Opposition Alliance is there and it is here to stay. Thank you, Mr. Deputy Speaker, Sir.

**The Assistant Minister for Planning and National Development** (Mr. Nooru): Thank you, Mr. Deputy Speaker, Sir. I would like to take this opportunity to join my colleagues, the hon. Members, in supporting this Motion.

Mr. Deputy Speaker, Sir, as we approach 1996, I am appealing to the leaders in this country, in particular, the hon. Members in this House, that we must address issues rather than personalities. We have been told about democracy by previous speakers, the latter one being hon. Shikuku. Democracy for all, not democracy for few.

When the Constitution of this country was drafted, it was a Constitution for all, but not a constitution to be changed to fit particular individuals and communities. The only thing that puts us together, as a nation, on equal footing and rights as a democratic society is the Constitution that everybody has to abide by. It must be changed systematically in a civilised manner in a civilised society. We should not just bring changes by force.

Mr. Deputy Speaker, Sir, so many agenda have been brought about. The whole nation is concentrating in politics; a farmer is concentrating on politics, an hon. Member of Parliament is a politician, civil servants are politicians and so on. Where will these politics take this nation? Let us talk about the issues of politics when it is politicking time and talk about issues of social problems when those problems are to be addressed and talk about the issues of economical problems when they are to be addressed. There must be a systematic change and a follow-up of laws. There must be the Executive, Parliament, the Judiciary and our own citizens. It seems that we are in a state of confusion because the Opposition has really put us in an awkward situation. The Alliance of the Opposition does not matter. But we know that coups will take place despite the fact that the train will continue to move. It is surprising when you see Opposition leaders hanging on and not showing that aspect of democracy as an example to KANU and yet they say that they are more democratic than KANU. How can we believe them when changes are being brought about by force? Coups are taking place like in a Military Government within the Opposition and they are saying that they are democratic and they want to lead us to democracy.

Apart from that, I would like to talk on the issue of civil servants. The civil servants have to be civil servants. There are too many of them taking their time in speaking and addressing public rallies while they should be implementing the policies that have been passed by this House. The civil servants must be able to implement what has been passed by the policy-makers. They should not make policies of their own at grassroots levels and implement them at their own time.

Mr. Deputy Speaker, Sir, the resources of this country have not been tapped to the maximum. We have got so many research stations. What percentage of arid lands in this country has so far been tapped for farming and so on? How many discoveries have been made by our civil servants and intellectuals? The other issue is on equal distributions of the little resources that we have. We have to have a full complement of workers who will implement every programme in all parts of this country. As we speak here now, the issue of the Ministry of Education in general; the training colleges, universities and so on should be looked into. The Bursary Fund that has been set up by this Government does not give enough funds. For example in the last disbursement we received Kshs.100,000 in our district while we have 3,000 students in the district. Out of this, 90 per cent of them come from families who are relying on famine relief food. We have 3,000 students in the universities and they have been given Kshs.15 million. Where is the fairness? Is that the democracy that the Opposition wants to fight for?

We have got students in the Medical Training College. We have got no medical training college in the North-Eastern Province. I hear this issue of admission is being taken on regional equality basis. Every district has got one student in clinical classes at the Medical Training College. Other districts have many such students. When we ask for two, three or more chances so that we can be equal to other districts in the country, they do not give us these chances.

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

**Mr. Mathenge:** Thank you, Mr. Deputy Speaker, Sir. This afternoon marks the end of our third year since we came to this Parliament. This evening when I go back to Nyeri, I will be feeling a very dissatisfied hon. Member of Parliament for Nyeri because looking back to what has happened in terms of development in Nyeri, very little can be seen on the ground in spite of the fact that Nyeri sent hon. Members here.

Now, during the three years we have been here we have passed several laws for good governance of this country and the development of the land. Recently, we passed the Repeal of the Exchange Act. We were told that the Repealing of this Act, would result in more money coming to Kenya, which would spread development evenly in the country. I will go home hoping that what we were told here by the hon. Members who supported that Bill will follow the matter up and see that, truly, Government funds will be spent throughout the country without favour. It is up to this Government to see that the national cake is evenly shared. This can only be done if the Government will draw up its own priorities and invest the funds available in areas where returns are likely to be higher so that more money can be generated from the land and made available for the development of this country.

Recently, I went on a tour of the Industrial Area here in Nairobi. It is pathetic to see roads that used to

be of very good tarmac standard have been worn out. They are very many tankers and lorries lying idle in the Industrial Area. One wonders whether any investor wishing to come to Kenya to invest will invest here after seeing the mess in the industrial area. We have the Ministry of Industry and Commerce and the Ministry for Public Works and Housing, and yet it appeared to me that nobody goes there to see that mess and rectify it.

Mr. Deputy Speaker, Sir, as regards the Kenya Power and Lighting Company, there have been frequent power failures in this country interrupting production in the factories. How can the Government expect to attract investors to this country if the factories are going to lie idle during the day because of the power failures? Workers go to their places of work without breakfast owing to lack of electricity.

The Government should educate the people on issues like liberalisation and Structural Adjustment Programmes (SAPs) and so on. If you ask the ordinary people: What is liberation? What are Structural Adjustment Programmes? What are demands being imposed on the Kenya Government by the donor countries? Many people do not know because the Ministry of Information and Broadcasting does not care about educating our people on crucial matters like Structural Adjustment Programmes, liberalisation and so on means. started". Very fair, there are so many people in that train. Hon. Shikuku said that, some will be awaiting on the road. I am very sure that by the time the train reaches Mombasa it will be empty. So, it will come back picking fresh people, but not the people it had taken from Nairobi here. So, we are not worried about that. You can fight in your train, you can start your train but, we know that train will come back, come 1997, it will come back empty.

Mr. Deputy Speaker, Members of the Opposition are calling for democracy. What other democracy do you need in this country? What have you not said that ought to be said about this Government, about the leader of this nation? You have said everything under the sun. I do not know what else you want to say. Hon. Gatabaki with his paper of law has written everything that is not even thinkable in some nations, but still KANU has persevered and let him say whatever he wants. Other people have also said all they want to say. You are free people, I do not know what other freedom you want. The only problem is that, in a mirror there are two sides, you are looking at the mirror from the back side, because you are not the Government. We are looking from this side, we are very comfortable, the day you will start to look at the mirror from this side, then you can laugh. But, now, you cannot laugh, because you are in the Opposition. You have agreed to be in a losing party.

**Mr. Shikuku:** Point of order, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Thou shall always address the Chair!

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, the security of this nation depends on all of us. It is not the responsibility of KANU to provide security. Who tells you that KANU people are the ones shooting? Who tells you that KANU is sending all the rocks in this town? If you know of anybody who is breaking the law, you should report to the authority and the authority will take the necessary action.

Mr. Deputy Speaker, Sir, we must respect the law, if we need to be respected. The law of this country was made so that, we can have a smooth running nation. It is clear and I am glad, that a number of Opposition Members visited Rwanda. If you are told to say what happened in Rwanda, you cannot, because, what you have seen there, you do not want to see anything like that to happen in this country. You are very happy that you are in Kenya, you are very unhappy that you are not in that country. Had you been happy there, you could be now talking a lot of good things but, fortunately, God sent you there to see the worst Government that you people want here. But, fortunately, God has said "No".

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

**Mr. Akumu:** Mr. Deputy Speaker, Sir, thank you for having "a sharp eye". I would like to tell the previous Speaker, that, there is somebody who is governing this country. There is a party that rules the country. Therefore, we have a group that we must blame, if NSSF funds are being used badly. When the money is being looted, you cannot blame the whole House. This we think is important and, therefore, the looting of NSSF is very sad. The workers are staying in slums, they are suffering, while the rich are getting richer by looting the NSSF funds.

I also want to say very clearly and emphatically that when we come back, the Government shall have looked into the Constitution. The Constitution that is coming will be a Constitution that will revise what was done 30 years ago. We cannot say, that what was done 30 years ago is still perfect up to now. I think it is important that we should look into the Constitution.

Mr. Deputy Speaker, Sir, I come from a district which is extremely neglected. The Provincial Headquarters has been standing neglected for nearly 15 to 20 years. Now because of Opposition they say "no". Opposition has only been there for three years and the Provincial Headquarters has been standing neglected for over 10 years. The right factories have not been constructed. Though the Central Bank has been collecting money, it has not opened officially the Nyayo Bus Station; it is going to be closed before it is even opened. In Kisumu District, the only crime we have committed is that we live in Kisumu. Can we ask the Government to, at

least, know that we are also contributing to the Exchequer and, therefore, we are entitled to some of the services?

Mr. Deputy Speaker, Sir, may I also appeal to the Minister for Labour not only on the question of social security, but also on workers generally. Let him, at least, protect the workers, because of what has been said here.

We have become a dumping country. Even our neighbours are checking what type of goods they are buying. We are allowing everything! As a result, people are losing jobs and let me warn those of you who are happy that Mombasa will be a free port. I know something small about port industry. I was associated with the port industry for 10 years. It will be dangerous for us to have a free port. We have a lack of discipline today, we will never collect revenue, it will be a mafia-base. I know that we will not have the Singapore type of discipline that I saw and I studied. It is dangerous to make Mombasa a free port because we will never benefit and we will never collect revenue. I think it is very sad to talk and organize something that will be riddled with corruption.

I want to complain about Nyakach water project. The project was supposed to cost Kshs100 million but it is hardly that amount. I am glad that the Minister for Energy has at least assured us that the Sondu Miriu Project will still continue.

Finally, I would like to make an appeal that Parliament staff be de-linked from the Civil Service and that the staff salaries be revised. The Clerk has appealed very strongly to Members of Parliament. During colonial days, those bad colonials used to have Christmas bonus for the boys here and even pioneers like Mzee Kenyatta and others used to do the same. Please sign those forms. Do not be unkind. Make sure that the staff have a small bonus this year. If possible, hon. Members should leave those forms with the Clerk at least for the sake of his fellow workers in this House.

Finally, I want to wish every Member a merry Christmas and a happy new year. I hope that next year we will all be intact and anybody who has bad plans will fail and that we will all come back intact.

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Mr. arap Saina): While wishing every hon. Member a merry Christmas and a happy new year, I would like to make a few comments pertaining to politics.

First of all, Members of the Opposition have tried very hard to put their case across on what they call the Opposition Alliance. I have no quarrel with it but what is this alliance with Europeans? Why bring Europeans here when we are independent! You have brought the British back again to colonise us? You want the Germans, the French, the Austrians - all the Nordic European countries - to come back and colonize us here? You are really panicking! I call upon all the KANU strongholds to unite and crush these people in 1997. They are really panicking. They are already finished anyway. I am not wishing you bad luck but a slow motion. Be slow and sure. You cannot win the 1997 election through alliances with Europeans and especially with Leakey who should actually be on convalescence leave. He is still sick and you are going to look for him again? Why? Have mercy on this man! I am surprised! I thought there were bright people here like the hon Prof. Anyang' Nyong'o! I thought in Independent Kenya, we should be mature and we should not be looking back to seek political assistance from other countries. We should be seeking financial and economic assistance.

**An hon. Member:** Where is your father?

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Mr. arap Saina): My father is soliciting for funds to help all of you. He is not soliciting funds for politics. Not at all! I stand on the Floor of Parliament as a solid, consistent politician. Hon. Shikuku knows me very well. I do not waver. I am a completely solid, consistent and principled politician.

There will be 22 additional Parliamentary seats against 60 districts in the country. I hope that the Electoral Commission will consider with complete fairness the distribution of the 22 Parliamentary seats. We might share so that 11 seats will go to the Opposition and 11 to KANU so that the Opposition can raise their numbers a little bit upwards but not too high while we are farther ahead. So I wish the Chesoni Commission will distribute these seats fairly. The districts are too many and the seats are few.

On Identity cards, I wish this was done the traditional way. The Nandi would like their Identification cards to be given to the Nandis and the Kikuyu to the Kikuyus and the Kipsigis to the Kipsigis.

With those few remarks I beg to support.

**Mr. Mwangi:** Mr. Deputy Speaker, Sir, as this House adjourns *sine die* today, I would like to make a few observations. For one year, I have been listening to debates in this House and I think for all the years I have been listening, to hon. Members discuss things for themselves by themselves and nothing else. The politics of this country remains the same. The politics of our people in this country is confined to bread and butter for those who can afford. The politics of this country remains the same for those people who eat ugali and *sukuma wiki*. We have buried our heads in the sand as if we live abroad. This House appears to be living abroad because all

that we have said here, there has been no implementation. I would like to beg hon. Members that as we come next year, we will start addressing ourselves to the real issues that affect our people. We are not talking for our people and I want to beg this House to start looking at these problems instead of just talking to ourselves here. Every thing that we talk about means nothing! Every institution is collapsing in this country and yet when we go out there to have a cup of tea we smile. The Nyayo Tea Zones, Nyayo Buses and many other institutions are all in a mess and we do not accept this reality ourselves. We should start looking seriously at what is affecting this nation instead of just talking.

Nairobi City, the capital of Kenya is dying. When I became the Mayor, I said that the problem of this City is not finance, but management. We spend our time politicking from Monday to Saturday and on Sunday, we go to church as a show off to God as if God is deaf. We are destroying this fabulous City, our gateway and back door. The hon. Vice-President and Minister for Planning and National Development said that His Excellency the President is in Germany soliciting funds for investments, and yet you cannot walk in this City without holding your nose like Michael Jackson. Roads in Industrial Area are impassable. The Minister for Local Government knows that I tried my very best, even going to the World Bank for this kind of things.

Mr. Deputy Speaker, Sir, the Minister for Local Government created Club 45. Now, they are trying to shoot the Chairman of Club 45. It is the KANU that is trying to destroy the Mayor of this City, for illegal allocation of plots he is trying to expose Minister and his Ministry. It is a fact, and I know it.

I wish hon. ole Ntimama a very, very merry Christmas. I want him to look at the kind of legacy that he is going to leave behind during this generation. It is all about destruction and selling of everything that is available in this City. That is the man who is ruining this City. He is the man who controls City Hall. At City Hall today, nobody is working because workers are on strike.

*(Mr. Deputy Speaker left the Chair)*

*(Mr. Temporary Deputy Speaker  
(Mr. Ndotto) took the Chair)*

They have said today that they are going to pay the salaries of these people when funds become available.

I wonder whether they are going to steal again from NSSF. Where are they going to get this money? Until we address ourselves to the issues and problems, we are only cheating ourselves.

The 21st century is an urban age. Over 50 per cent of the world population will be living in urban cities in the 21st century. Nairobi is not going to be different. How are we going to tackle the problems of our capital City? How are we going to continue cheating ourselves? Those people who run the show, keep on blaming the Opposition, as if the Opposition collect taxes. It is the Government that collects taxes, for buying vehicles, aeroplanes and other things. They should not keep on blaming the Opposition. We do not receive taxes. It is the Government which receives taxes. Please, render services to the people who pay you taxes or resign *en masse* and let a proper Government take charge. I want to reiterate that the Opposition is ready to take over, because I can see all the best brains are in the Opposition and not in the Government side. I want to tell you this: We have what it takes to run this show.

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

**The Minister for Local Government** (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity, and I support this Motion on Adjournment.

My hon. friend Member for Starehe should not panic at all because I have said nothing against him, although he was the Mayor of Nairobi, and probably played a part in creating the mess that is going on at City Hall right now.

Mr. Temporary Deputy Speaker, Sir, yesterday we had a very lively debate on land. It was accepted by the Government with a little bit of 'doctoring' and we all contributed from both sides of the House and it was a positive Motion by hon. Kituyi.

I said yesterday, and I want to repeat and reiterate today that I have been a victim of attacks in the newspapers and everywhere by being called a tribalist. I want to say very clearly that, as I said yesterday, it is only the Maasai community that has accepted to live with hundreds and thousands of other Kenyans in our land. We have hosted, accepted, lived together, worked together, done business together in the name of unity, brotherhood and nationhood. People should realise that, that is the truth.

There are some communities right now, who cannot tolerate a man or woman from another ethnic group running a tea kiosk in their own land and territory. Are those the kind of people who tell me that I am a tribalist?

We are nationalists. We have accepted our people to stay in our land to work. If you cannot allow a tea kiosk to be run by anybody, you cannot tolerate---

**An hon. Member:** Where?

**The Minister for Local Government** (Mr. ole Ntimama): In the whole of Central Province, for example. I want to say this very clearly. Yet they would like to say they have the right of doing this and that in other people's areas, including building castles. We have no quarrel with anybody but the most important point here is that some people must now understand that we have the right to live. They do not think that we have a right to life or existence. They do not think we have the right to representation. This message should go to people like "Whispers" and the reporters of Standard newspapers because of articles that they write. They should do proper research instead of writing biased and vindictive articles and promoting the idea that some of us are tribalists when we are really trying to keep this nation together.

Mr. Temporary Speaker, Sir, there is really one big thing. Some people have unlimited greed and they are so inhuman, insensitive and unconscious about other people's rights to exist. Somebody has to become a megaphone for the voiceless. We must accept the fact that we have been pushed to the periphery. We are now being pushed to total oblivion. We are not going to accept that. We are not going to accept a situation where we are blasted from all corners into history. But we have one consolation. God is not finished with us yet. Everybody should know that. I said very frankly that it must be very well understood that we are a people and we have to fight for our rights. We have brought up the awareness of our people, so that they can stand up and articulate their rights and if necessary, fight for their rights. If that is a sin, it is not a sin in Heaven. It might be a sin to other people here, but it is not in Heaven. We will continue to articulate our rights. We will continue to fight for our rights until we get a nice good opening in this world of Kenya and everywhere else.

With these few remarks, I beg to support.

**Mr. Farah:** Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity.

while now, there has been talk of refugees or illegal aliens being mopped up in the country. I have absolutely no quarrel with the Government mopping up refugees or illegal aliens who do not have proper documents, or who are not legally allowed to live in this place. But what has happened is that over the last two weeks, members of the Somali community who are Kenyans and are professionals and civil servants have been arrested although they have their own Identity Cards.

The police have misused that provision. Currently, we have a situation where they will arrest Kenyan Somalis and Somalis from Somalia who have got resident permits and those who are here on UN mandate, and who are being prepared for resettlement in the USA, Canada and Western Europe. What is happening is that the police in Pangani and Lang'ata are using this situation as an extortion game. They arrest Somalis, take them to the Station and demand money from them. They do not accept the legal documents and consequently, the thing has been turned into a sham. I am calling on the Minister in charge of Provincial Administration, to institute his own investigations through the CID now. He will find out that there are very many Kenyan Somalis who have been arrested and put into Embakasi when they have their legal documents.

Mr Temporary Deputy Speaker, Sir, the police is corrupt. In certain incidences and in dealing with the Somalis, I have said time and again, we do not have any quarrel with the laws being enforced, but we do not want the State machinery itself to be used as some kind of a syndicate or a mafia, and that is what is happening right now.

There has been a lot of talk about the Islamic College that the Ministry of Education is not prepared to register. We have less than the needed number of Islamic teachers to instruct Muslim students in the country. We have a condition in this country where religious education, is compulsory up to Form Two. Our children cannot get Islamic teachers, so, they are forced to be instructed in Christian Religious Education (CRE). Why should our children have to be taught Christian Religious Education in schools? When you say that CRE is compulsory and we do not have adequate Islamic Religious Education teachers in the country, and you do not allow an Islamic Religious College to be privately sponsored and run in the country, you are infringing on the constitutional rights of the Muslim children in this country because you are forcing them to be taught Christianity.

You are forcing them because you say, it is compulsory, you must have a religion. The 8-4-4, the syllabus is very involving, and a child is supposed to start being taught CRE from Standard One at the age of five or six. He is supposed to continue with that up to Form Two because it is compulsory. How can that child be brought up as a Muslim child? It is a shame, we cannot teach them at home because they leave very early in the morning since 8-4-4 is very involving. I wish the Government decides that CRE becomes an elective and not compulsory subject. Alternatively, they should train sufficient teachers to teach Muslim students in the country or allow this College to be registered. In 1988, the Minister for Education, through the Director of Education, wrote to these Muslims and told them:-

"When their returns are received, the brief shall be prepared to the Permanent Secretary. This shall be done as soon as possible to enable you to start in 1988."

Mr. Temporary Deputy Speaker, Sir, the Minister said that in 1988, when the College is ready, and after they have met all those demands, they will be registered. There is a lot of correspondence on that, I do not have time. The Minister for Education, Mr. Kamotho, now tells the same Muslims:-

"The Ministry would, however, like to bring to your attention and appropriately keep SUPKEM duly informed that it is the current policy of the Ministry of Education and, therefore, the Government of Kenya, that no new private teachers training college will be authorised. Consequently, the Minister for Education shall not cause any new college or private TTC to be registered. All previous correspondence is superseded by this."

Mr. Temporary Deputy Speaker, Sir, Mr. Kamotho, is trying to bring a religious problem here. We need to protect all the sectors and constituents of this country, the Government has got to know that.

With those few remarks, I support this Motion.

**The Minister for Culture and Social Services** (Mrs. Mwendwa): Thank you, very much, Mr Temporary Deputy Speaker, Sir. Before I forget, I would like to wish every colleague in this House a merry Christmas and a prosperous new year. It is a shame that after three years, we cannot get together today and celebrate and say "Goodbye!" to each other in the normal African generous tradition. It shows that we still have got a way long to go, but it is a belief of most of us that whether you are in the Opposition or Government side, you are a ] Kenyan and we have got a country to build because when we are not here, we have got to leave this country to our children.

Mr Temporary Deputy Speaker, Sir, the last two Speakers have been very tribalistic, and I am very sorry because I am going to follow suit. I am going to be tribal because I am going to talk about my tribe, the women of this country. I would like to start by mentioning a problem which has cropped up at the University. With the introduction of high fees, a lot of students cannot go to University, and most unfortunately, if you have to choose between two children - your daughter and son - who is to go to university, you would send your son and not your daughter. I would like to call upon the Government to intervene and, where possible, provide special funds for female students. As I am speaking today, the percentage of female students in our universities, is exactly 27 against the rest, being male students. It is not that I am against men, but you will agree with me, it is a waste of time to educate men without women because women have got the greatest role to play in nation building. They are the ones who instil the proper values in our children and there is no way we are going to ignore 52 per cent of our population. Therefore, I would like to ask the Government to look into funding female students who qualify to go to University.

I would like, as I said, to talk to my own sisters in this House that time has come for the women of Kenya to stand and to be counted. We should not be cheated that we belong to this tribe or party. A woman has no tribe. We belong to the tribe where we get married. We do not belong to any party, anyway because there is no particular party for women. But we have got a lot of problems and I am calling upon my sisters in this House and outside this House, we have got to stand together and fight the many ills against women. Just a few minutes ago, hon. Shikuku, was talking about a woman who was being whipped. I do not know where this happened. Women are whipped at home by their husbands, when they report to the police, they are told it is a domestic affair and that woman is beaten almost to death. This has got to stop, cruelty to women has got to be stopped by law. If the men cannot stop it, it is time they are stopped by law.

Mr Temporary Deputy Speaker, Sir, I would like also to call upon all the organisations to rally behind Members of Parliament in this House, so that all can work together. I can assure you our solidarity is going to be very real because we are mothers. It is very real. We would like to work together with all the NGOs and donors for the good of women especially at the grassroots level. I would like to appeal to men of good heart and fairness to support women because we are going to get nowhere without their support.

Mr Temporary Deputy Speaker, Sir, there is a subject I have got to touch on and that is famine relief food. If I do not talk about family relief food I would not be a mother. Whoever is exploiting this relief food, is playing with the women of this country and he should be stopped by law.

With those few remarks, I beg to support. Thank you.

**Mr. Muluya:** Mr. Temporary Deputy Speaker, Sir, I am a very sad man today because unlike ole Ntimama's case the community I come from is being denied their rights; this time not land but their social status and rights which they should be getting from this Government. Since Independence, the Wakamba were the ones who were leading in the Kenya Army and the Kenya Police. They also held senior posts in the Civil Service. When President Moi took over the Government, Wakambas were in very senior positions.

**The Temporary Deputy Speaker** (Mr. Ndotto): Hon. Muluya, do not waste time since you have only

five minutes. Do not draw the attention of other people to something on which you know you will be challenged. You know you cannot use the name of the President as an authority in this House.

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, from Independence, Wakamba have helped this Government and they have been doing so very honestly and with dedication but today we are being relegated to the backyard. We are not getting our share.

*(Several Members stood up in their places)*

**The Temporary Deputy Speaker** (Mr. Ndotto): You do not stand and force a point of order if I do not recognise you. Mr. Mulusya, carry on.

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, funds for our roads are being diverted to other areas. Why is it so? And an Hon. Minister stands to say "No, this is not happening". Water which should be in Ukambani is going to other districts. The Akamba Ministers are here and they are not doing anything for their community.

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! Order! Hon. Mulusya, I am trying to allow you to speak but do not provoke points of order because you are not going to finish your points. Can you try to stop provoking the other side? Otherwise they are going to waste your time. You are now wasting your time and I am not allowing points of order because we have got only five minutes for each Member.

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, what I am now trying to say is that the [Mr. Mulusya]

Police should respect politicians. The Provincial Administration should respect politicians. And I warn this Government that when they mistreat Opposition politicians, they stand to lose when the Alliance achieves its goals. And we do not want to threaten anybody but let them be sincere and work fairly for all Kenyans. The other issue is the distribution of the said 22 constituencies. There are areas which have benefited so much in the past. Now, these constituencies should be created in areas which have not benefitted. Rift Valley, please rest! These should be distributed to other areas. The distribution now should be based on population but not on the number of antelopes in a given area.

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! Order!

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, even the census which was doctored should be reviewed before these constituencies are distributed because there should be a new census. What we have now does not represent the actual population of this country. Some areas are known to have very high birth control yet they are nomads. These are the people who are geared to get these additional constituencies and these should not be the case. The criteria for awarding university loans should be re-examined because students from very rich families have benefitted from these loans while those from poor families are not getting the loans. This must be looked into.

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Dr. Misoi): Mr. Temporary Deputy Speaker, Sir, I want to contribute to this important Motion that these hon. Members of Parliament would now go back to the people and preach politics of development. We have been a multi-party nation for the last three years and it is so sad that we have not been able to evolve a dialogue between all the people of Kenya, all the communities and all the political parties. We have not even been able to evolve a compromise in discussing what type of a constitution we would like to have. All of us have not been preaching reconciliation yet we all ask for peace. We all say "We need peace and security". How can we get it when we are not preaching reconciliation? It is unfortunate. We even lack a national consciousness as to what this nation stands for because we even oppose obvious resolutions and obvious Bills which support this nation. We lack the goodwill to make this nation prosper because of cheap politics and we want to enhance and promote tribal interests against the interests of the nation.

Mr. Temporary Deputy Speaker, Sir, we have let down this nation. We are simply politicking. We are creating alliances just to bring tribes to rule others, to dominate others. We have failed to promote and sell the ideologies, manifestos, goals and policies of our parties and now we are selling policies against personalities simply because we want to remove so and so and place there so and so. That is not ideology but personalising national institutions and that is the wrong way to go.

Mr. Temporary Deputy Speaker, Sir, we have even failed to respect institutions of these country. We have failed to respect the Presidency yet we are fighting to go there. We have failed even to respect the President of the land as a person yet we are fighting to go there and we expect to be respected when we reach there. It will not be so unless we respect people who are there, we should not expect to be respected at the time we reach there. We

have talked about democracy. All of us have different views about democracy. Some of us are relying on foreigners to doctor what kind of democracy we want. We are relying on foreigners to organise us to be a unit to fight against others. Why did we fight for Independence and against the colonialists? We go back and ask them: "Please, can you assist us to organise ourselves", yet we have been free for the last thirty years. Have we not learnt how to run the affairs of this country? Have we not learnt to indigenise our thinking rather than copying from outside? It is so shameful for those who think that they are fighting for the interests of this country and yet they go out there to hire consultants to run their affairs while they believe that they are Kenyans. They cannot be true Kenyans.

Mr. Temporary Deputy Speaker, Sir, it is so bad that the leaders of this country have failed to be themselves.

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! Order! Dr. Misoi. I do not want to send anybody out but I think we should be tolerant. Whatever he says in this House are his views. I think we should listen to what every Member is saying. And we should not address the Member on the Floor.

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Dr. Misoi): Mr. Temporary Deputy Speaker, Sir, I am entitled to say my piece since they have already said theirs. Another thing I would like to highlight is the public statements by leaders. Instead of enhancing a sense of belonging, they preach hatred against this, against so-and-so and against this tribe. We are not going to succeed to build one nation if we continue with inciting statements; statements which incite people and create conflict among the Kenyans. There is no problem amongst Kenyans since Kenyans are united as a people. But the problem is with leaders; politicians who want to use their own people as ladders to go up until they reach the State House. Let us talk sense. Let us unite our people.

Mr. Temporary Deputy Speaker, Sir, the solution to our problem is to create unity in diversity among all Kenyans. Our priorities should be to create a wealthy nation, a strong nation, a united nation. Our solution to the problem is to fight together against road carnage for example, many people are dying, we are not talking about it. We also have to fight against HIV/AIDS. We are not teaching people how to protect themselves on how to fight against corruption, that is the only way forward. We have to fight against unemployment and create more jobs. But now, we are talking about power. What for?

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

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

*[Mr. Speaker resumed the Chair]*

**Ms. Wanjiru:** Thank you very much, Mr. speaker, Sir, for giving me a chance to contribute to the debate on the Motion for adjournment.

I have a duty, and I owe Kenyans an explanation as to the work of a prophet. Normally, when people go astray, God wants them to be corrected. He has to send the message and inform the prophet so that the prophet can pass the message to the people. One of the mistakes that has upset God is the refusal to register the Islamic College. Muslims should be given a chance to educate their youth and to integrate with the Christians and people of other denominations.

Mr. Speaker, Sir, the other issue I want to tackle is that we should not concentrate so much on emotional politics, we should sit here and work for the betterment of our nation. My job here, and I am dispensing it with the utmost integrity, is to hold on to God's powers so that the nation does not disintegrate. We have seen situations where issues of land and money tear men apart, and that is why I am here to support this Parliament and to inform you of what is going on, and I will keep on praying for this nation to the end.

Mr. Speaker, Sir, I also wish to point out a few things about my Constituency. Ever since the President visited my Constituency in April 4th, 1995, we have realised a lot of development. We have had roads being made, I am very grateful for his co-operation and I am asking my colleagues, on the same note, to emulate the spirit of co-operation in sincerity.

Mr. Speaker, Sir, the other issue I want to raise, is that we in Kinangop are working day and night to feed this Nairobi City. We produce vegetables, potatoes, all those consumer goods and we also supply Nairobi City Council with water. Now, to realise progress in my Constituency, I am asking the Ministries concerned, especially the Ministry of Local Government, to increase a little bit of funds so that the Nyandarua County Council can realise a little bit of money out of the proceeds that come out of the water that comes from Sasumuwa Dam.

Mr. Speaker, Sir, the other thing that I want to talk about is that we are basically farmers, and we do extensive farming and, therefore, we need tractors. Maybe, I should ask multi-national corporations such as

CMC and other companies which deal with tractors to extend their services to wananchi in Kinangop so that we can have maximum production from our land.

Mr. Speaker, Sir, the other issue I want to raise is that I am very happy that Kinangop has been elevated to a subdistrict, and I am sure hon. Ntimama will raise the other three towns into urban councils. Thank you.

I am very happy and I wish all the other MPs a Merry Christmas and a Happy New Year, and also remember National Days are for all of us. Thank you, Mr. Speaker.

**Mr. D. Mbela:** Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to contribute to this Motion for Adjournment. I will first join my colleagues in wishing each other a Merry Christmas and a Happy New Year and a happy Jamhuri Day, which is early next week.

This last Session of Parliament, has been an extraordinarily active one, with a lot of enthusiasm that almost threatened to tear us to pieces. We should go home, meet our Constituents, and extend our efforts there. We have passed a large number of Bills involving wananchi. When we go back to our Constituencies, we should endeavour to explain the implications of the large number of Bills that we have passed, particularly those affecting the economy and, in particular, Exchange Control, Banking, Value Added Tax, and other taxation measures.

However, Mr. Speaker, Sir, as I drive home this weekend, I will drive with a lot of worry. Mombasa road has ceased to be a road, and I would like to appeal immediately to the Minister concerned that an endeavour should be made to, at least, patch up the gapping holes that are on this road at this point in time. I wish, at the same time, to ask the Minister, if it is possible for him to do that, in consultation with colleagues, to find a way of slowing down the traffic between Nairobi and Mombasa during the Christmas period so that at least we can save some lives because of the rains that have battered Mombasa Road so heavily over the last few weeks. We prayed for the rains and they have come, but the consequences of the rains on Mombasa road are a total disaster to those who use that road. We shall be having a large number of Kenyans at least going for a break in Mombasa. Please, I request the Ministry concerned to arrange to keep the heavy vehicles or any motor vehicles other than motor cars off the road between 22nd of December and 10th of January. They should keep them off the road between 6.00 p.m and 6.00 a.m in the morning. Perhaps that might be able to save a few lives.

I have a similar problem in my own Constituency in that, as much as we prayed for the rains, all the roads for lack of maintenance have all been washed away, and I do not even know how I will be able to get home during this Christmas. I have to use the telephone. Thanks to the Minister for Transport and Communications for giving us efficient communications. I have to check whether the roads are working before I leave Nairobi. I have one particular road, Bongonyi road, which has been neglected for the last five years. Since I came to Parliament that road has not been touched, and I would like to appeal that while working on Mombasa road, the Ministry should also consider rehabilitating the main road which goes to my Constituency, at a place called Bongonyi. It is the granary of my Constituency. It is in a sub-location which is the granary of my Constituency. Like we have heard of Kinangop being the granary of Nairobi, we have the same problem in my Constituency. Unless we rehabilitate the roads from the granaries to the towns of Voi, Mwatate and other places, we are likely to have a problem.

The road that I would like to be given special attention and which we have preached about for the last 40 years, is the Taveta Road. We have very little access to Taveta and it is yet another granary for the whole of Taita Taveta District where we are now getting food aid from the Government. Surely, it is embarrassing.

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

**Mr. Ndubai:** Thank you Mr. Speaker, Sir, for giving me an opportunity to talk today. I think I am the only one who has not talked in this House for the last one year. That is quite a long period but nevertheless, I have this opportunity to support the Motion for the Adjournment of this House, but I will make a few remarks before I support it.

One, I believe we succeeded in having political Independence in 1963 which was achieved from the Colonial Government but after getting political Independence, for the last 32 years we have failed to get economical independence for our people. I believe, really, if this Parliament has to remain the supreme House of this country, we should look into ways and means of making this country economically independent. We can only become economically independent if we are really serious and if this House can debate on issues which are touching the country rather than attacking personalities, going round the Office of the President Ministers and civil servants. I think we must come back to our terms of reference. We must come back to realities and know that the country had a lot of expectations from us after the 1992 General Elections. We have totally failed in the expectations which this nation had for this House. We can only achieve it by getting economic independence for this nation. We can only achieve that, if the Government of the day is serious. There is no way an Opposition Party can implement a blue print of a Government. It is the Government of the day to realise that it is its paramount duty. The primary duty of any Government is to make sure that the citizens of that country have

economic independence. But in this country we have failed totally on economic independence. Approximately 87 percent of the economical resources of this country are being enjoyed by Asians. It is only 13 percent which is dominated by the citizens of this country. When I say citizens, I mean the Africans. It is our duty to make sure that those Asians are told that their time has come to a stop. They do not pay taxes. They have corrupted our Government from top to bottom and unless they stop this practice, there is no need for us to come to this House and argue every day because we are not heading anywhere. I am not trying to blame anybody but I believe in our country, politicians and civil servants have become corrupt so much that, time has come for them to stop this practice. I am not blaming anybody but I am saying that we are corrupt and time has come for us to clean our country and put things in the right order.

I believe, if we do that this country can depend on its economic strength and be a donor rather than a receiver. We have very many mineral resources in this country. I do believe that Africa controls 56 percent of the world minerals and Kenya alone controls 62 percent which has not been tapped. I believe if it is tapped, we have enough mineral resources more than the petroleum resources of Saudi Arabia. If I am given an opportunity by this Government, I will bring a blue print which can make this country one of the richest countries through the export of minerals and I challenge the Government to give me that opportunity---

**Hon. Members:** Bring it! Bring it! Bring it!

**Mr. Ndubai:** I can exploit one product in this country to enable Kenya become one of the most economically stable countries in this Continent. To do that, the Government of the day needs to realise that there is no point in appointing a Minister for Natural Resources, who he does not know what a natural resource is. There is no point in appointing a person Minister for Agriculture when he does not know what a coffee tree looks like.

*(Laughter)*

Let us come to the terms of reality of the day.

**An hon. Member:** Office of the President!

**Mr. Ndubai:** Since the Vice-President is here, he should inform the President when he returns home, that we have enough minerals here. Let him employ people who know how to use our resources and I believe that if this is done our country can be economically stable.

The second thing I would like to talk about Mr. Speaker, Sir---

**Mr. Speaker:** It is too late for the second point!

**Mr. Ndubai:** With those few remarks, I support the Motion of Adjournment. Thank you.

**Mr. Kamuren:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to also contribute on this Motion of Adjournment.

Mr. Speaker, Sir, Members of this House have spoken and each and every one will want to go and do some work in their respective Constituencies when we go on recess. The most important thing which I would like to point out here is the unity of all of us as Members of this House. This unity is paramount. Wherever we go as elected leaders since 1992, we must speak with one voice, whether you are in the Government side of the House or in the Opposition side of the House, because we must set a good example to our people in this country. Unity is one thing that nobody can buy. We might be having people with money but peace itself which emanates from the unity amongst us here will never be bought by anybody. We must speak in one voice as leaders of this country and in doing so the 30 million inhabitants of this country will also speak with one voice.

Mr. Speaker, Sir, I would like to touch on road transport. Today, matatus and buses have become killers in this country. We are losing our people through road accidents. When people travel by matatus and buses to whatever destination they are going, they are worried all through because we have been reading in the local newspapers that people are being killed as a result of road accidents. Something has to be done by our Government. The Government, through the Ministry of Transport and Communications, has to look into this issue. Either the people who license the drivers do license them when they are not ready and prepared to handle some of these vehicles when they are on the road.

Mr. Speaker, Sir, the owners of garages which service these vehicles must look into their servicing and make sure the maintenance of such vehicles is properly done because we are not going to continue getting our people killed on the roads from time to time. Our children, when they close schools, have to travel by road transport. That is the only public means the children can use to get home. We are getting worried.

Mr. Speaker, Sir, I would also like to talk about the Ministry of Education. The other week the Minister told the local newspapers that teacher training colleges are going to be reduced by 20. If they are reduced by 20,

where will our students go?

**An hon. Member:** Uliza mhe. Kamotho.

**Mr. Kamuren:** Mr. Speaker, Sir, the students must be trained and admitted into training colleges. We are worried because I thought the Ministry of Education was going to increase the colleges so that we can cater for the increasing population. We are not going to let our children remain at home without jobs as a result of teacher training colleges being closed down. This problem is worrying and should be looked into.

Mr. Speaker, Sir, I would also like to turn to Ministry of Public Works and Housing. We have a road within my own constituency which starts from Kipoino as you branch off from the Kabarnet-Iten Road and it goes from Kipoino, Kablup, Keturwa up to Kenyach. In the northern part of Baringo, the road is very bad and I would like the Minister for Public Works and Housing to send his experts to go to this particular road and get the road repaired before the next rains if development has to take place in that particular area. This is a cotton growing area and the ginneries are located in that area. The cotton farmers should take their products to the ginnyery at Salawa, but they cannot do so unless that particular road is repaired properly and made passable.

Mr. Speaker, Sir, I would now like to turn to Ministry of Agriculture, Livestock Development and Marketing which is one of the most important we have in Kenya. This Ministry has got two authorities, that is the Lake Basin Development Authority (LBDA) and the other one is the Kerio Valley Development Authority (KVDA). The two Authorities should be able to serve this country with enough food if we have to develop.

With these few remarks, I beg to support.

**Mr. Speaker:** Our last speaker will be Dr. Kituyi.

**Hon. Members:** Ah!

**Dr. Kituyi:** Thank you, Mr. Speaker, Sir, for giving me a chance to say a few words also.

This being my first time ever that I am making a contribution to the Motion of adjournment unlike some of my colleagues, I am not going to spend any time trying to argue who is supposed to have responsibility for security in this country and who is supposed to have responsibility for economic development in this country. As I would like to assume it is obvious because I would like to assume that when you go into Government you know what are supposed to be the primary duties of the Government. But just to mention one thing, it is a bit depressing that at the end of two hours of deliberation in this House about our national responsibility, not one single individual has commiserated with the fourteen victims of violence in Turkana. Not one single person has seen it as our collective responsibility to express outrage at the deaths and the unjustifiable brutal murder of innocent Turkanas by persons who are supposed to be citizens of this country. Not one person has promised to take action or requested that action be taken, that the vandals, that the brutal criminals, who are causing unjustifiable suffering in Southern Turkana be brought to book. If we are national leaders we should go beyond our ethnic and constituency boundaries and condemn the loss of lives among the Turkanas as unjustifiable and unacceptable. The Government should, on its own volition, have issued a statement about what they are going to do to deal with this unfortunate situation.

Mr. Speaker, Sir, as we go home, some of us are very apprehensive about facing a Christmas season when one bag of maize costs KShs.180. We have problems because we have been telling the peasants that they are poor because they are lazy. At a time when they have proved they are not lazy and they have produced, they cannot sell, they have no storage facilities and they have no hope for the future. Some of us are fearing how much we will be asked to pay school fees come next January. These are matters about which we cannot say we are celebrating the festive season because a lot of the producers, the peasants of this country, by mistake of a poverty of vision among those who formulate the agricultural policy, are going to have a very bleak Christmas.

In the course of this session, this side of the House has taken a lot of time emphasising the pain we suffer when we see public resources being abused and when we see the National Social Security Fund (NSSF) being plundered. We do not have the might to stop some of the plunders, but we would have liked to feel that the other side of the House will react when we show outrage about the plunders that have been going on. It saddens that when we are dealing with a crisis in the same period that it is being brought into Parliament, some individuals out there are continuing with the same crimes against our society. Of particular immediate concern to me is a matter where, while this House has been discussing the unjustifiable criminal abuse of pensioners' money, a transaction was going on less than two months ago which involved the purchase of useless land for a billion shillings by the NSSF.

At the start of September, 1995, a contract was entered into between a company called Nokin and the NSSF in which contract---

**Mr. Speaker:** We dealt with that just this week.

**Dr. Kituyi:** No, Mr. Speaker, Sir, this is different.

**Mr. Speaker:** Yes, it is the same thing that we dealt with.

**Dr. Kituyi:** Mr. Speaker, Sir, what I am saying is that there is no justification as to why the NSSF, in September, 1995, bought useless, disused quarries in Embakasi for KShs.975 million from a company belonging to Gideon Moi, Sam Nyamweya and Gohil. I am volunteering to table before the House the documents which I have here.

**Mr. Speaker:** Order! What is it hon. Masinde?

**The Minister for Labour and Manpower Development** (Mr. Masinde): On a point of order, Mr. Speaker, Sir. This issue was handled yesterday and I do not know why my dear friend has decided to name people who cannot defend themselves in this House. Is it in order?

**Dr. Kituyi:** Mr. Speaker, Sir, I am not naming persons adversely. I am tabling before this House, documents which show a transaction between Nokin and NSSF in which a useless, disused quarry is being bought for a billion shillings and by tabling those documents---

**Mr. Speaker:** Order! Fine, it is a world of difference between Nokin Limited and the individuals you just mentioned. Are they also called Nokin? Are they?

**Dr. Kituyi:** Mr. Speaker, Sir, it is my business to find out who Nokin is and I have established that these are the people and I am tabling the documents on the transactions between Nokin and the NSSF.

*(Dr. Kituyi laid the documents on the Table)*

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): I thought Mr. Speaker, Sir, we were informed the other day here that the file of Nokin is nowhere to be found and the directors are not there.

**An hon. Member:** The file has now been found!

**The Speaker:** Order!

*(Question put and agreed to)*

#### ADJOURNMENT

**Mr. Speaker:** Hon. Members, I take this opportunity to wish all hon. Members, their families and constituents a Merry Christmas and a very Happy New

Year.

On that note, the House is now adjourned *sine die*.

The House rose at 6.00 p.m.